



2008 Human Rights Report: Switzerland

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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The Swiss Confederation, population 7.5 million, is a constitutional republic with a federal structure. Legislative authority is vested in the bicameral parliament (Federal Assembly), whose members were chosen in free and fair elections in October 2007. The government, elected by the Federal Assembly in December 2007, is a coalition composed mainly 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. However, there were reports that police at times used excessive force, and a few allegations of impunity. Other human rights problems were lengthy pretrial detention, anti Semitic and anti Muslim incidents, violence against women, trafficking in persons, and discrimination against minorities.

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.

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.

A delegation of the Council of Europe's Committee for the Prevention of Torture (CPT) conducted a two week visit in September and October 2007. In its report, published in November 2008, the CPT gave generally good marks to police for their treatment of individuals in their care in most of the cantons they visited, but reported numerous allegations of mistreatment against the Geneva cantonal police, ranging from occasional slaps to more serious abuse such as kicks, punches, blows with a truncheon, the abusive use of tear gas, strangulation, and, in one case, accusations of "submarining" (near submersion). In response to these criticisms, Geneva authorities stated that they had circulated messages to the Geneva police forces concerning mistreatment of detainees and that current practice permitted external experts to assist with investigations of abusive police behavior. With regard to submarining, the Geneva authorities indicated that their investigation turned up no evidence of such abuse and that there were no witnesses or complaints filed in connection with the allegation. At the same time, authorities

acknowledged that cases of police abuse, while negligible compared with the number of arrests, were growing and indicated that in recent years some cantons had introduced mediation services or independent police complaint bodies in an effort to address the issue.

In November the Ministry of Justice and Police announced that a new law regulating the use of force by federal police and by cantonal police performing duties on behalf of the federal government would come into force on January 1, 2009. The government announced that the new law was intended to ensure the appropriate use of force and the greatest possible protection of the integrity of the affected persons.

In its annual report, published in May, Amnesty International (AI) indicated that it continued to receive allegations of human rights violations by law enforcement officers and of their subsequent impunity. In June 2007 AI released a special report accusing the police forces of repeated human rights abuses that were rarely punished. The report documented some 30 instances of alleged police abuse in 14 cantons between 2001 and 2006, some of which led to deaths. Police authorities responded that the AI report was biased against the police.

Prison and Detention Center Conditions

Prison conditions generally met international standards. According to 2007 statistics, the occupation rate of detention facilities was 86 percent, 10 percent lower than in 2005; however prison overcrowding was a problem in some major urban areas such as Zurich, Bern, and Geneva. The CPT criticized detention facilities for immigrants awaiting deportation as inadequate for detaining individuals for up to two years as envisaged in the law.

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

A new penal code for young offenders that entered into effect in January 2007 states that juvenile detention prior to conviction should be minimized. It also requires that juvenile offenders be held in reform schools or separate wings of prisons where they can be given educational support; however, a study by the Justice Ministry published in May 2007 found that, during investigative detention, juveniles were often held together with adults and kept in prisons rather than reform schools.

According to the law, young offenders up to age 15 may be given a maximum prison sentence up to one year, while 16 to 18 year old offenders may be jailed for up to four years.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

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

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 police must respond immediately. In most cases a suspect may

not be held longer than 24 hours before being presented to a prosecutor or investigating magistrate, who must either 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. The CPT, in its report released in November, criticized the fact that detained suspects may waive the right to appear personally before a judge, that access to a lawyer was at times not available in the period between apprehension and formal arrest, and that next of kin were not always promptly notified. The Swiss government rejected these criticisms, indicating that the provisions advocated by the CPT were not necessary.

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 a flight risk. 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. The state provides free legal assistance for indigents who are charged with crimes for which imprisonment would be a possible punishment. Access to family members may be restricted to prevent tampering with evidence, but law enforcement authorities are required to inform close relatives promptly of the detention.

In some cases lengthy pretrial detention was a problem. During the year approximately one third of all prisoners were in pretrial detention, and the average length of such detention was approximately 50 days. In April 2007 an expert group commissioned by Geneva's cantonal parliament reported that a shortage of investigative magistrates reviewing new cases resulted in lengthy pretrial detention periods at the Champ Dollon prison.

All cases of prolonged pretrial detention are subject to review by higher judicial authorities. The country's highest court has ruled that pretrial detention must not exceed the length of the expected sentence for the crime with which a suspect is charged.

e. Denial of Fair Public Trial

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

Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials were generally expeditious and public. Those 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 and evidence. Defendants enjoy a presumption of innocence and have the right to appeal, ultimately to the highest court, the Federal Tribunal. These rights were generally respected in practice.

The military penal code requires that war crimes and violations of the Geneva Conventions be prosecuted only if the defendant has close ties with Switzerland. Normal civilian rules of evidence and procedure apply in military trials. The military penal code allows the appeal of any case, ultimately to the Military Supreme Court. In most cases defendants used 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. Citizens have access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations.

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 constitution 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 name anti-Semitism, Holocaust denial, or other specific offenses; however, there have been convictions under this legislation for anti-Semitism and denying the Holocaust as well as other offenses. In October the Bern cantonal prosecutor began an investigation under the antiracism law against a board member of the extreme right wing Party of Nationally Oriented Swiss (PNOS) after the board member posted a message on the PNOS Web site asserting that some recent Miss Switzerland candidates were not sufficiently "Swiss," because of the immigration or ethnic backgrounds of their families.

It is a crime to publish information based on leaked "secret official discussions."

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-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 constitution provides for freedom of religion, and the government generally respected this right in practice.

There is no official state church; however, most cantons provided 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 religious worker visas to work in the country. Such visas were generally granted.

Islamic organizations have complained that authorities in many cantons and municipalities discriminated against Muslims by refusing zoning approval to build mosques, minarets, or Islamic cemeteries. The efforts of Muslims in the Langenthal Community, Bern Canton, to construct a minaret continued to be delayed by such issues. The original building permit issued by the municipal authorities was cancelled by cantonal authorities in April 2007. Construction of a minaret in Solothurn, which had been delayed by zoning issues, was completed during the year. Efforts of Muslims to construct facilities in St. Gallen reportedly were abandoned.

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 included discussion of other religious groups present in the country. A number of cantons complemented or replaced traditional classes in Christian doctrine with nonconfessional teachings about religion and culture.

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 other forms of discrimination.

Societal Abuses and Discrimination

There were reports of societal abuses and discrimination based on religious beliefs or practices. Some observers remained concerned about the climate for members of religious minorities, particularly Muslims and Jews.

According to the 2000 census, the most recent official data available, there were 17,914 members of the Jewish community, constituting 0.24 percent of the population. The Geneva based Intercommunity Center for Coordination against anti-Semitism and Defamation recorded 38 anti-Semitic incidents in the western, French speaking part of the country in 2007; they ranged from verbal and written assaults to offensive graffiti and acts of vandalism against Jewish property. The organization, Children of the Holocaust, which opposes anti-Semitism, racism, and political extremism, recorded 37 anti-Semitic incidents in the German speaking part of the country in its annual report covering 2007.

On February 12, an unknown assailant attacked a 60 year old Jewish man walking on a street in Zurich around noon. The victim was injured slightly but was able to fend off the attacker, who punched him and uttered anti-Semitic slurs.

An investigation was continuing into the May 2007 fire at the Hekhal Hanes synagogue in Geneva, which caused considerable material damage. Alfred Donath, the head of the Federation of Jewish Communities, told Radio RSR that the anti-Semitic nature of the attack was undeniable; local authorities also attributed the fire to arson but did not specify a motive.

The law penalizes public incitement to racial hatred or discrimination, spreading racist ideology, and denying crimes against humanity. The law does not name anti-Semitism, Holocaust denial, or other specific offenses; however, convictions under this legislation have included anti-Semitism and Holocaust denial.

Schools across the country honored Holocaust Remembrance Day, January 27. The country is a member of the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research.

Some employers prohibited the wearing of headscarves in the workplace. For example, the second largest retailer

announced that its dress code did not cover headgear and that it would not allow the wearing of the Islamic headscarf.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations to provide protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

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

Protection of Refugees

The laws provide 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 expulsion or return of refugees to countries where their lives of freedom would be threatened. The Federal Office for Migration relied on a list of "safe countries," and would be refugees who originated in, or transited, these countries were generally ineligible to apply for asylum. Nongovernmental organizations (NGOs) criticized the inclusion of some countries in Eastern Europe and Africa that they considered not sufficiently stable to justify automatic rejection. Starting on January 1, the Federal Office of Migration increased the scope of the "safe countries" list to include all European Union and European Free Trade Association countries that are commonly used as transit routes by asylum seekers. On April 25, the Federal Office of Migration concluded that repatriation to Syria could reasonably be envisaged, although each case should be closely examined. Some NGOs asserted that in 2007 the number of asylum requests that have been automatically turned down increased by 44 percent over 2006. According to Swiss government statistics, the number of such refusals decreased 6 percent in the first nine months of the year compared to the same period in 2007.

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 1,069 persons during the year; there were 23,153 individuals with temporary protection status in the country as of November 30.

Asylum applicants were required to present documentation verifying their identity within 48 hours, and authorities refused to process the applications of asylum seekers who were unable to provide a credible justification for their lack of acceptable documents or to show evidence of persecution. Authorities could detain uncooperative asylum seekers, subject to judicial review, for up to six months while adjudicating their applications. Rejected applicants could be detained for up to three months to ensure their departure or up to 18 months if repatriation posed special obstacles. Minors between 15 and 18 years of age could be detained up to 12 months pending repatriation. However, rejected asylum seekers were not generally detained, nor were they removed from the country. They were instructed to leave voluntarily. If they refused to return voluntarily, they could be forcibly repatriated.

AI and other 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 deportation of asylum seekers is an administrative, rather than judicial, process.

Changes in the laws governing aliens and asylum seekers in 2006 and 2008 imposed considerably stricter provisions than prior legislation. International organizations and NGOs raised concerns about the increasingly restrictive nature of the asylum process, which was also criticized by international organizations. In its report to the UN Human Rights Council, the government reported that, while the number of asylum seekers declined steadily in recent years, the proportion of asylum approvals increased. The Federal Commission against Racism (FCR), a government organization, advised that the stricter verification system and limitations on support for the basic needs of persons who entered the country illegally should be scrutinized for "potential racially discriminatory effects." Legislators defended the changes as necessary to combat immigration and welfare fraud.

The revisions in the legislation that governs refugees gave asylum applicants with temporary protection status easier access to the labor market and permitted them to bring their families into the country after a waiting period of three years.

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

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

Elections and Political Participation

In October 2007 citizens chose a new Federal Assembly in free and fair elections. Political parties could operate without restriction or outside interference.

There were 67 women in the 246 seat Federal Assembly and three women in the seven seat Federal Council (cabinet). The proportion of female representatives in cantonal legislatures remained 24 percent. Women held approximately one fifth of the seats in cantonal executive bodies.

There was one member of an ethnic minority in the 200 seat National Council, the lower house of the Federal Assembly.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively.

The head of the housing division at the national accident insurance was prosecuted on charges of selling buildings at prices below market levels in exchange for financial kickbacks. A court sentenced him to 3.5 years in prison but an appeal to the federal court was pending.

Members of the Federal Assembly must disclose their interests, professional activities, supervisory board or executive body memberships, and expert or consulting activities every year. Investigating and prosecuting government corruption is a federal responsibility. A majority of cantons also require members of cantonal parliament to disclose their interests. A joint working group comprising representatives of various federal government agencies works under the leadership of the federal Department of Foreign Affairs to combat corruption.

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

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 prohibits discrimination on the basis of race, gender, disability, language, or social status. The government generally enforced these prohibitions effectively.

Violence against women and children, trafficking in persons, and discrimination against minorities were problems.

Women

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 2007 police recorded 648 instances of rape (compared with 639 in 2005) and there were 571 prosecutions (compared with 486 in 2005) and 117 convictions.

Domestic violence is a statutory offense. A court may order an abusive spouse to leave the family home as a temporary measure. Stalking is a punishable offense. Victims of domestic violence could obtain help, counseling, and legal assistance from specialized government agencies and NGOs or from nearly a dozen hot lines sponsored privately or by local, cantonal, and national authorities. In 2007, 1,132 women and 993 children spent a total of 60,115 nights in 17 women's shelters across the country. Although nationwide shelter capacity is encumbered on average up to 70 percent, in the cantons of Basel, Bern, and Zurich, half of the applicants for shelter reportedly had to be turned away, mostly due to a lack of space or adequate staff for dealing with severely traumatized individuals. The Interior Ministry's Federal Office for Equality between Women and Men has a special unit that focuses 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 agencies, prosecutors, and victim assistance groups.

Violence against women was a problem. The Federal Office of Public Health published a survey showing that 80 percent of victims of domestic violence already had suffered previous assaults.

Forced marriage is illegal. NGOs asserted the practice occurred, predominantly in underprivileged immigrant families, but its extent remained unknown. In 2006 the Asylum Appeals Commission ruled that forced marriage may be a reason to grant asylum.

Female genital mutilation (FGM) is illegal, but there were 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 continued its efforts to raise awareness of FGM and, in cooperation with local gynecologists, has drafted guidelines for the medical care of circumcised women.

In November 2007 a Zurich cantonal prosecutor opened criminal proceedings charging the parents of a 13 year old girl with grievous bodily harm in a case of FGM. The parents, of Somali origin, reportedly had their daughter circumcised at the age of two. It was the first time that judicial authorities undertook criminal proceedings in a case of FGM performed inside the country. In June a Zurich court sentenced the two parents to two year suspended

prison sentences.

Prostitution is legal; however, street prostitution is illegal except in specially designated areas in the major cities. Police estimates from 1999, the latest nationwide data available, indicated that approximately 14,000 persons were engaged in prostitution. Information from individual cantons suggested that the number has increased since then.

The law prohibits sexual harassment and facilitates access to legal remedies for those who claim discrimination or harassment in the workplace; however, special legal protection against the dismissal of a claimant is only temporary. Employers failing to take reasonable measures to prevent sexual harassment are liable for damages equal to as much as six months' salary. In a government contracted survey of 2,020 persons conducted in late 2006 and early 2007, 6.5 percent of respondents reported having suffered sexual harassment during the previous 12 months, and 18.1 percent had been subjected to sexual harassment at least once during their professional career. According to the study, women were three times more likely to be victims of sexual harassment than men.

Women enjoy the same rights as men under the constitution, 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. In June 2007 the Federal Commission for Women's Issues concluded that twice as many women as men fell below the poverty line following a divorce.

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.

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

Under the constitution, women and men are entitled to equal pay for equal work; however, women's gross salaries were on average more than 20 percent lower than men's. A government report issued in 2006 estimated that 40 percent of the wage differential was due to gender discrimination.

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.

Child abuse was a problem. In 2007 there were 4,243 reported cases of sexual assault against children. Most of the victims were girls below the age of 18. Most abuse took place in the family or the immediate social environment.

During 2007 the national cybercrime monitoring body referred 278 instances of illegal Internet child pornography to local prosecuting authorities, compared to 259 in 2006. In most cases the cantonal prosecuting office opened a criminal investigation; such investigations usually led to the confiscation of illegal material. The production, possession, distribution, or downloading from the Internet of pornography involving children is illegal and carries heavy fines or a maximum sentence of a year in prison. During the year the government concluded a three year information campaign against child pornography on the Internet. To help combat child sex tourism, in October the Swiss federal police established a Web site with an online form to allow travel agencies and individuals to report

suspicious travel.

Trafficking in Persons

The penal code prohibits all forms of trafficking in persons and provides for extraterritorial jurisdiction; however, there were reports that persons were trafficked to, from, and within the country and forced into prostitution or domestic servitude.

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 resided in the country during the year. According to authorities, most victims came from Central Europe, the former Soviet Union, Latin America, Southeast Asia, and, to a lesser extent, Africa. The country was primarily a destination and secondarily a country of transit for trafficked persons.

The great majority of trafficking victims were women 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 and, occasionally, organized criminals.

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 2007 authorities conducted at least 28 investigations and reported preliminary data on at least nine prosecutions. Of nine persons convicted, one trafficker was sentenced to 10 months, and one to two years and six months, in prison; the remaining seven received suspended sentences or fines and served no time in prison. The Coordination Unit against Trafficking in Persons and Smuggling of Migrants, which is linked to the Federal Office of Police, hired additional staff and coordinated and monitored all antitrafficking efforts, including those of a federal interagency task force. Authorities were active in international law enforcement activities and took the lead in coordinating several international trafficking investigations.

A new law that entered into force early in the year included measures to reinforce the existing framework for granting potential trafficking victims a stay of deportation 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 to their home countries. It also allows the federal government to assist victims logistically and financially in their voluntary return and reintegration into the societies of their home countries.

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

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, and 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. In June 2007 voters approved a government proposed reform of the federal disability insurance scheme, which was facing financial difficulties. The reform restricts access to disability benefits but also offers better and timelier assistance to enable persons with disabilities to remain (partially) employed and strengthens incentives for employers to hire them.

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. The government continued a three year pilot project to empower persons with severe disabilities to live on their own. In September the government decided to introduce the associated incremental costs of such assistance into federal disability insurance, stating that the pilot project, which began in 2006 in the cantons of Basel, St Gallen, and Valais already had demonstrated its utility.

During the year, NGOs acting on behalf of disabled persons appealed to a federal court against local decisions in the cantons of Zug and Zurich to reject some citizenship applications because of the applicants' mental disabilities. These local decisions reportedly were based on the assumption that the applicants did not have the required mental capabilities to understand the importance and consequences of naturalization or that the applicants would be dependent on social welfare. Appeals to the federal court were pending in three cases.

On December 3, on the occasion of the International Day of Disabled Persons, the Federal Statistics Office released the results of a study indicating that 64 percent of persons with disabilities participated in the labor market.

National/Racial/Ethnic Minorities

Right wing extremists, including skinheads, continued to be publicly active; police estimated that their numbers remained steady at approximately 1,200. Statistics gathered by the Foundation against Racism and Anti-Semitism indicated that the total number of reported incidents against foreigners or minorities was 118 in 2007, up from the 93 incidents recorded in 2006. These figures included instances of verbal and written attacks, which were much more frequent than physical assaults.

The objects of right wing hostility included foreigners, ethnic and religious minorities, and immigrants. Many of the violent incidents were clashes between right and left wing extremist groups.

Authorities were continuing their investigation of a May 2007 attack against a 43 year old immigrant from Angola at his place of work in a suburb of Zurich. Using chainsaws as weapons, the perpetrators inflicted severe injuries on the victim requiring extensive medical care. The victim reported that the attackers shouted statements against Africans during the attack.

In March the Aargau cantonal police arrested five persons suspected of conspiring to throw a Molotov cocktail at an asylum center housing 40 asylum seekers in the city of Stein im Fricktal. Four of the perpetrators were minors aged 17, and one was aged 20 at the time of the attack. All of the persons, described in the press as "right extremists," reportedly admitted their involvement in the attack and said it was racially motivated and spontaneous. At year's end the police investigation phase had ended, and the case was under review by the cantonal prosecutor.

The number of naturalizations of resident foreigners rose from 26,860 in 2001 to 45,072 in 2007. In September 2007 the FCR released an official report on the country's naturalization procedures for foreign residents. The FCR concluded that the system, in which cantonal and local authorities are responsible for naturalization procedures, either by public assembly or by a special panel, sometimes resulted in discriminatory rejections, particularly of nationals of the former Yugoslavia, and of Muslims. The commission recommended that the power to grant citizenship be delegated to an elected executive body.

The Jenisch are recognized by the government as a minority group under the Convention for the Protection of National Minorities of the Council of Europe. While the large majority of the 30,000 35,000 Jenisch in the country are settled, the Roma European Rights Center reported that representatives of the several thousand who continued to pursue an itinerant lifestyle urged the government to carry out its promises to create new campsites and parking

areas for them. A lack of proper camping facilities and transit areas reportedly forced many to occupy land illegally. The federal government allocated 750,000 francs (approximately \$700,000) for measures and projects between 2007 and 2011 to improve the Jenisch living conditions.

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

Other Societal Abuses and Discrimination

There were no reports of societal violence or discrimination based on sexual orientation.

There were occasional reports of discrimination against persons with HIV/AIDS. On World Aids Day, the Swiss Aids Federation launched a new awareness campaign to combat prejudices and workplace discrimination against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The law permits all workers, including foreigners, to form and join independent 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.

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right to strike, and workers exercised this right by conducting legal strikes. However, collective bargaining agreements commit the social partners to maintaining labor peace, limiting the right to strike for the duration of the agreement. Such agreements generally last several years, with wages being negotiated annually. 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.

b. The Right to Organize and Bargain Collectively

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.

Trade union leaders criticized the absence of a legal requirement obliging employees to offer reinstatement to an employee who is found to be unjustly dismissed. The law provides that a worker found to have been illegally dismissed is entitled to maximum compensation of up to six months' wages. Trade union leaders complained that this penalty was insufficient to deter abusive dismissals of union activists.

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. Women were trafficked for sexual exploitation and domestic labor; there were isolated reports of trafficking in children. Trafficked women were often forced into prostitution and in many cases subjected physical and sexual violence, encouraged toward drug addiction, and incarcerated. Many victims were forced to work in

salons or clubs.

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; however, there were isolated reports of trafficking in children.

The minimum age for fulltime 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 from 15 through 18 is also restricted and cantonal inspectorates strictly regulated these provisions. Children are not permitted to work at night, on Sundays, or in hazardous conditions.

The Economics Ministry monitored the implementation of child labor laws and policies, but actual enforcement was 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 average wages for workers and employees in the clothing, hospitality, and retail industries. A majority of the voluntary collective bargaining agreements, reached on a sector by sector basis, contained clauses on minimum compensation, ranging from 2,200 to 4,200 francs (approximately \$2,000 to \$4,000) per month for unskilled workers and 2,800 to 5,300 francs (approximately \$2,600 to \$5,000) per month for skilled employees. These wages generally provided a decent standard of living for a worker and family; however, parties did not always adhere to these agreements. In September 2007 the government released the results of a study involving the inspection of more than 31,000 companies between January 2006 and June 2007. The study found that 24 percent of inspected companies paid less than the minimum compensation provisions set in their collective bargaining agreements. This practice, known as "wage dumping," was most prevalent in the construction and hospitality sectors.

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 Swiss Confederation, population 7.5 million, is a constitutional republic with a federal structure. Legislative authority is vested in the bicameral parliament (Federal Assembly), whose members were chosen in free and fair elections in October 2007. The government, elected by the Federal Assembly in December 2007, is a coalition composed mainly 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. However, there were reports that police at times used excessive force, and a few allegations of impunity. Other human rights problems were lengthy pretrial detention, anti Semitic and anti Muslim incidents, violence against women, trafficking in persons, and discrimination against minorities.

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.

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.

A delegation of the Council of Europe's Committee for the Prevention of Torture (CPT) conducted a two week visit in September and October 2007. In its report, published in November 2008, the CPT gave generally good marks to police for their treatment of individuals in their care in most of the cantons they visited, but reported numerous allegations of mistreatment against the Geneva cantonal police, ranging from occasional slaps to more serious abuse such as kicks, punches, blows with a truncheon, the abusive use of tear gas, strangulation, and, in one case, accusations of "submarining" (near submersion). In response to these criticisms, Geneva authorities stated that they had circulated messages to the Geneva police forces concerning mistreatment of detainees and that current practice permitted external experts to assist with investigations of abusive police behavior. With regard to submarining, the Geneva authorities indicated that their investigation turned up no evidence of such abuse and that there were no witnesses or complaints filed in connection with the allegation. At the same time, authorities acknowledged that cases of police abuse, while negligible compared with the number of arrests, were growing and indicated that in recent years some cantons had introduced mediation services or independent police complaint bodies in an effort to address the issue.

In November the Ministry of Justice and Police announced that a new law regulating the use of force by federal police and by cantonal police performing duties on behalf of the federal government would come into force on January 1, 2009. The government announced that the new law was intended to ensure the appropriate use of force and the greatest possible protection of the integrity of the affected persons.

In its annual report, published in May, Amnesty International (AI) indicated that it continued to receive allegations of human rights violations by law enforcement officers and of their subsequent impunity. In June 2007 AI released a special report accusing the police forces of repeated human rights abuses that were rarely punished. The report documented some 30 instances of alleged police abuse in 14 cantons between 2001 and 2006, some of which led to deaths. Police authorities responded that the AI report was biased against the police.

Prison and Detention Center Conditions

Prison conditions generally met international standards. According to 2007 statistics, the occupation rate of detention facilities was 86 percent, 10 percent lower than in 2005; however prison overcrowding was a problem in some major urban areas such as Zurich, Bern, and Geneva. The CPT criticized detention facilities for immigrants awaiting deportation as inadequate for detaining individuals for up to two years as envisaged in the law.

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

A new penal code for young offenders that entered into effect in January 2007 states that juvenile detention prior

to conviction should be minimized. It also requires that juvenile offenders be held in reform schools or separate wings of prisons where they can be given educational support; however, a study by the Justice Ministry published in May 2007 found that, during investigative detention, juveniles were often held together with adults and kept in prisons rather than reform schools.

According to the law, young offenders up to age 15 may be given a maximum prison sentence up to one year, while 16 to 18 year old offenders may be jailed for up to four years.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

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

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 police must respond immediately. In most cases a suspect may not be held longer than 24 hours before being presented to a prosecutor or investigating magistrate, who must either 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. The CPT, in its report released in November, criticized the fact that detained suspects may waive the right to appear personally before a judge, that access to a lawyer was at times not available in the period between apprehension and formal arrest, and that next of kin were not always promptly notified. The Swiss government rejected these criticisms, indicating that the provisions advocated by the CPT were not necessary.

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 a flight risk. 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. The state provides free legal assistance for indigents who are charged with crimes for which imprisonment would be a possible punishment. Access to family members may be restricted to prevent tampering with evidence, but law enforcement authorities are required to inform close relatives promptly of the detention.

In some cases lengthy pretrial detention was a problem. During the year approximately one third of all prisoners were in pretrial detention, and the average length of such detention was approximately 50 days. In April 2007 an expert group commissioned by Geneva's cantonal parliament reported that a shortage of investigative magistrates reviewing new cases resulted in lengthy pretrial detention periods at the Champ Dollon prison.

All cases of prolonged pretrial detention are subject to review by higher judicial authorities. The country's highest court has ruled that pretrial detention must not exceed the length of the expected sentence for the crime with which a suspect is charged.

e. Denial of Fair Public Trial

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

Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials were generally expeditious and public. Those 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 and evidence. Defendants enjoy a presumption of innocence and have the right to appeal, ultimately to the highest court, the Federal Tribunal. These rights were generally respected in practice.

The military penal code requires that war crimes and violations of the Geneva Conventions be prosecuted only if the defendant has close ties with Switzerland. Normal civilian rules of evidence and procedure apply in military trials. The military penal code allows the appeal of any case, ultimately to the Military Supreme Court. In most cases defendants used 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. Citizens have access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations.

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 constitution 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 name anti-Semitism, Holocaust denial, or other specific offenses; however, there have been convictions under this legislation for anti-Semitism and denying the Holocaust as well as other offenses. In October the Bern cantonal prosecutor began an investigation under the antiracism law against a board member of the extreme right wing Party of Nationally Oriented Swiss (PNOS) after the board member posted a message on the PNOS Web site asserting that some recent Miss Switzerland candidates were not sufficiently "Swiss," because of the immigration or ethnic backgrounds of their families.

It is a crime to publish information based on leaked "secret official discussions."

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e 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 constitution provides for freedom of religion, and the government generally respected this right in practice.

There is no official state church; however, most cantons provided 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 religious worker visas to work in the country. Such visas were generally granted.

Islamic organizations have complained that authorities in many cantons and municipalities discriminated against Muslims by refusing zoning approval to build mosques, minarets, or Islamic cemeteries. The efforts of Muslims in the Langenthal Community, Bern Canton, to construct a minaret continued to be delayed by such issues. The original building permit issued by the municipal authorities was cancelled by cantonal authorities in April 2007. Construction of a minaret in Solothurn, which had been delayed by zoning issues, was completed during the year. Efforts of Muslims to construct facilities in St. Gallen reportedly were abandoned.

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 included discussion of other religious groups present in the country. A number of cantons complemented or replaced traditional classes in Christian doctrine with nonconfessional teachings about religion and culture.

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 other forms of discrimination.

Societal Abuses and Discrimination

There were reports of societal abuses and discrimination based on religious beliefs or practices. Some observers remained concerned about the climate for members of religious minorities, particularly Muslims and Jews.

According to the 2000 census, the most recent official data available, there were 17,914 members of the Jewish community, constituting 0.24 percent of the population. The Geneva based Intercommunity Center for Coordination against anti-Semitism and Defamation recorded 38 anti-Semitic incidents in the western, French speaking part of

the country in 2007; they ranged from verbal and written assaults to offensive graffiti and acts of vandalism against Jewish property. The organization, Children of the Holocaust, which opposes anti-Semitism, racism, and political extremism, recorded 37 anti-Semitic incidents in the German speaking part of the country in its annual report covering 2007.

On February 12, an unknown assailant attacked a 60 year old Jewish man walking on a street in Zurich around noon. The victim was injured slightly but was able to fend off the attacker, who punched him and uttered anti-Semitic slurs.

An investigation was continuing into the May 2007 fire at the Hekhal Hanes synagogue in Geneva, which caused considerable material damage. Alfred Donath, the head of the Federation of Jewish Communities, told Radio RSR that the anti-Semitic nature of the attack was undeniable; local authorities also attributed the fire to arson but did not specify a motive.

The law penalizes public incitement to racial hatred or discrimination, spreading racist ideology, and denying crimes against humanity. The law does not name anti-Semitism, Holocaust denial, or other specific offenses; however, convictions under this legislation have included anti-Semitism and Holocaust denial.

Schools across the country honored Holocaust Remembrance Day, January 27. The country is a member of the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research.

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

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations to provide protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

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

Protection of Refugees

The laws provide 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 expulsion or return of refugees to countries where their lives of freedom would be threatened. The Federal Office for Migration relied on a list of "safe countries," and would be refugees who originated in, or transited, these countries were generally ineligible to apply for asylum. Nongovernmental organizations (NGOs) criticized the inclusion of some countries in Eastern Europe and Africa that they considered not sufficiently stable to justify automatic rejection. Starting on January 1, the Federal Office of Migration increased the scope of the "safe countries" list to include all European Union and European Free Trade Association countries that are commonly used as transit routes by asylum seekers. On April 25, the Federal Office

of Migration concluded that repatriation to Syria could reasonably be envisaged, although each case should be closely examined. Some NGOs asserted that in 2007 the number of asylum requests that have been automatically turned down increased by 44 percent over 2006. According to Swiss government statistics, the number of such refusals decreased 6 percent in the first nine months of the year compared to the same period in 2007.

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 1,069 persons during the year; there were 23,153 individuals with temporary protection status in the country as of November 30.

Asylum applicants were required to present documentation verifying their identity within 48 hours, and authorities refused to process the applications of asylum seekers who were unable to provide a credible justification for their lack of acceptable documents or to show evidence of persecution. Authorities could detain uncooperative asylum seekers, subject to judicial review, for up to six months while adjudicating their applications. Rejected applicants could be detained for up to three months to ensure their departure or up to 18 months if repatriation posed special obstacles. Minors between 15 and 18 years of age could be detained up to 12 months pending repatriation. However, rejected asylum seekers were not generally detained, nor were they removed from the country. They were instructed to leave voluntarily. If they refused to return voluntarily, they could be forcibly repatriated.

AI and other 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 deportation of asylum seekers is an administrative, rather than judicial, process.

Changes in the laws governing aliens and asylum seekers in 2006 and 2008 imposed considerably stricter provisions than prior legislation. International organizations and NGOs raised concerns about the increasingly restrictive nature of the asylum process, which was also criticized by international organizations. In its report to the UN Human Rights Council, the government reported that, while the number of asylum seekers declined steadily in recent years, the proportion of asylum approvals increased. The Federal Commission against Racism (FCR), a government organization, advised that the stricter verification system and limitations on support for the basic needs of persons who entered the country illegally should be scrutinized for "potential racially discriminatory effects." Legislators defended the changes as necessary to combat immigration and welfare fraud.

The revisions in the legislation that governs refugees gave asylum applicants with temporary protection status easier access to the labor market and permitted them to bring their families into the country after a waiting period of three years.

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

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

Elections and Political Participation

In October 2007 citizens chose a new Federal Assembly in free and fair elections. Political parties could operate without restriction or outside interference.

There were 67 women in the 246 seat Federal Assembly and three women in the seven seat Federal Council (cabinet). The proportion of female representatives in cantonal legislatures remained 24 percent. Women held approximately one fifth of the seats in cantonal executive bodies.

There was one member of an ethnic minority in the 200 seat National Council, the lower house of the Federal Assembly.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively.

The head of the housing division at the national accident insurance was prosecuted on charges of selling buildings at prices below market levels in exchange for financial kickbacks. A court sentenced him to 3.5 years in prison but an appeal to the federal court was pending.

Members of the Federal Assembly must disclose their interests, professional activities, supervisory board or executive body memberships, and expert or consulting activities every year. Investigating and prosecuting government corruption is a federal responsibility. A majority of cantons also require members of cantonal parliament to disclose their interests. A joint working group comprising representatives of various federal government agencies works under the leadership of the federal Department of Foreign Affairs to combat corruption.

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

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 prohibits discrimination on the basis of race, gender, disability, language, or social status. The government generally enforced these prohibitions effectively.

Violence against women and children, trafficking in persons, and discrimination against minorities were problems.

Women

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 2007 police recorded 648 instances of rape (compared with 639 in 2005) and there were 571 prosecutions (compared with 486 in 2005) and 117 convictions.

Domestic violence is a statutory offense. A court may order an abusive spouse to leave the family home as a temporary measure. Stalking is a punishable offense. Victims of domestic violence could obtain help, counseling, and legal assistance from specialized government agencies and NGOs or from nearly a dozen hot lines sponsored privately or by local, cantonal, and national authorities. In 2007, 1,132 women and 993 children spent a total of 60,115 nights in 17 women's shelters across the country. Although nationwide shelter capacity is encumbered on average up to 70 percent, in the cantons of Basel, Bern, and Zurich, half of the applicants for shelter reportedly had

to be turned away, mostly due to a lack of space or adequate staff for dealing with severely traumatized individuals. The Interior Ministry's Federal Office for Equality between Women and Men has a special unit that focuses 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 agencies, prosecutors, and victim assistance groups.

Violence against women was a problem. The Federal Office of Public Health published a survey showing that 80 percent of victims of domestic violence already had suffered previous assaults.

Forced marriage is illegal. NGOs asserted the practice occurred, predominantly in underprivileged immigrant families, but its extent remained unknown. In 2006 the Asylum Appeals Commission ruled that forced marriage may be a reason to grant asylum.

Female genital mutilation (FGM) is illegal, but there were 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 continued its efforts to raise awareness of FGM and, in cooperation with local gynecologists, has drafted guidelines for the medical care of circumcised women.

In November 2007 a Zurich cantonal prosecutor opened criminal proceedings charging the parents of a 13 year old girl with grievous bodily harm in a case of FGM. The parents, of Somali origin, reportedly had their daughter circumcised at the age of two. It was the first time that judicial authorities undertook criminal proceedings in a case of FGM performed inside the country. In June a Zurich court sentenced the two parents to two year suspended prison sentences.

Prostitution is legal; however, street prostitution is illegal except in specially designated areas in the major cities. Police estimates from 1999, the latest nationwide data available, indicated that approximately 14,000 persons were engaged in prostitution. Information from individual cantons suggested that the number has increased since then.

The law prohibits sexual harassment and facilitates access to legal remedies for those who claim discrimination or harassment in the workplace; however, special legal protection against the dismissal of a claimant is only temporary. Employers failing to take reasonable measures to prevent sexual harassment are liable for damages equal to as much as six months' salary. In a government contracted survey of 2,020 persons conducted in late 2006 and early 2007, 6.5 percent of respondents reported having suffered sexual harassment during the previous 12 months, and 18.1 percent had been subjected to sexual harassment at least once during their professional career. According to the study, women were three times more likely to be victims of sexual harassment than men.

Women enjoy the same rights as men under the constitution, 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. In June 2007 the Federal Commission for Women's Issues concluded that twice as many women as men fell below the poverty line following a divorce.

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.

Discrimination against women in the workplace is illegal, but women disproportionately held jobs with lower levels

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

Under the constitution, women and men are entitled to equal pay for equal work; however, women's gross salaries were on average more than 20 percent lower than men's. A government report issued in 2006 estimated that 40 percent of the wage differential was due to gender discrimination.

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.

Child abuse was a problem. In 2007 there were 4,243 reported cases of sexual assault against children. Most of the victims were girls below the age of 18. Most abuse took place in the family or the immediate social environment.

During 2007 the national cybercrime monitoring body referred 278 instances of illegal Internet child pornography to local prosecuting authorities, compared to 259 in 2006. In most cases the cantonal prosecuting office opened a criminal investigation; such investigations usually led to the confiscation of illegal material. The production, possession, distribution, or downloading from the Internet of pornography involving children is illegal and carries heavy fines or a maximum sentence of a year in prison. During the year the government concluded a three year information campaign against child pornography on the Internet. To help combat child sex tourism, in October the Swiss federal police established a Web site with an online form to allow travel agencies and individuals to report suspicious travel.

Trafficking in Persons

The penal code prohibits all forms of trafficking in persons and provides for extraterritorial jurisdiction; however, there were reports that persons were trafficked to, from, and within the country and forced into prostitution or domestic servitude.

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 resided in the country during the year. According to authorities, most victims came from Central Europe, the former Soviet Union, Latin America, Southeast Asia, and, to a lesser extent, Africa. The country was primarily a destination and secondarily a country of transit for trafficked persons.

The great majority of trafficking victims were women 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 and, occasionally, organized criminals.

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 2007 authorities conducted at least 28 investigations and reported preliminary data on at least nine prosecutions. Of nine persons convicted, one trafficker was sentenced to 10 months, and one to two years and six months, in prison; the remaining seven received suspended sentences or fines and served no time in prison. The Coordination Unit against Trafficking in Persons and Smuggling of Migrants, which is linked to the Federal Office of Police, hired additional staff and coordinated and monitored all antitrafficking efforts, including those of a federal interagency task force. Authorities were active in international law enforcement activities and took the lead in coordinating several international trafficking investigations.

A new law that entered into force early in the year included measures to reinforce the existing framework for granting potential trafficking victims a stay of deportation 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 to their home countries. It also allows the federal government to assist victims logistically and financially in their voluntary return and reintegration into the societies of their home countries.

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

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, and 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. In June 2007 voters approved a government proposed reform of the federal disability insurance scheme, which was facing financial difficulties. The reform restricts access to disability benefits but also offers better and timelier assistance to enable persons with disabilities to remain (partially) employed and strengthens incentives for employers to hire them.

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. The government continued a three year pilot project to empower persons with severe disabilities to live on their own. In September the government decided to introduce the associated incremental costs of such assistance into federal disability insurance, stating that the pilot project, which began in 2006 in the cantons of Basel, St Gallen, and Valais already had demonstrated its utility.

During the year, NGOs acting on behalf of disabled persons appealed to a federal court against local decisions in the cantons of Zug and Zurich to reject some citizenship applications because of the applicants' mental disabilities. These local decisions reportedly were based on the assumption that the applicants did not have the required mental capabilities to understand the importance and consequences of naturalization or that the applicants would be dependent on social welfare. Appeals to the federal court were pending in three cases.

On December 3, on the occasion of the International Day of Disabled Persons, the Federal Statistics Office released the results of a study indicating that 64 percent of persons with disabilities participated in the labor market.

National/Racial/Ethnic Minorities

Right wing extremists, including skinheads, continued to be publicly active; police estimated that their numbers remained steady at approximately 1,200. Statistics gathered by the Foundation against Racism and Anti-Semitism indicated that the total number of reported incidents against foreigners or minorities was 118 in 2007, up from the 93 incidents recorded in 2006. These figures included instances of verbal and written attacks, which were much more frequent than physical assaults.

The objects of right wing hostility included foreigners, ethnic and religious minorities, and immigrants. Many of the violent incidents were clashes between right and left wing extremist groups.

Authorities were continuing their investigation of a May 2007 attack against a 43 year old immigrant from Angola at his place of work in a suburb of Zurich. Using chainsaws as weapons, the perpetrators inflicted severe injuries on the victim requiring extensive medical care. The victim reported that the attackers shouted statements against Africans during the attack.

In March the Aargau cantonal police arrested five persons suspected of conspiring to throw a Molotov cocktail at an asylum center housing 40 asylum seekers in the city of Stein im Fricktal. Four of the perpetrators were minors aged 17, and one was aged 20 at the time of the attack. All of the persons, described in the press as "right extremists," reportedly admitted their involvement in the attack and said it was racially motivated and spontaneous. At year's end the police investigation phase had ended, and the case was under review by the cantonal prosecutor.

The number of naturalizations of resident foreigners rose from 26,860 in 2001 to 45,072 in 2007. In September 2007 the FCR released an official report on the country's naturalization procedures for foreign residents. The FCR concluded that the system, in which cantonal and local authorities are responsible for naturalization procedures, either by public assembly or by a special panel, sometimes resulted in discriminatory rejections, particularly of nationals of the former Yugoslavia, and of Muslims. The commission recommended that the power to grant citizenship be delegated to an elected executive body.

The Jenisch are recognized by the government as a minority group under the Convention for the Protection of National Minorities of the Council of Europe. While the large majority of the 30,000-35,000 Jenisch in the country are settled, the Roma European Rights Center reported that representatives of the several thousand who continued to pursue an itinerant lifestyle urged the government to carry out its promises to create new campsites and parking areas for them. A lack of proper camping facilities and transit areas reportedly forced many to occupy land illegally. The federal government allocated 750,000 francs (approximately \$700,000) for measures and projects between 2007 and 2011 to improve the Jenisch living conditions.

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

Other Societal Abuses and Discrimination

There were no reports of societal violence or discrimination based on sexual orientation.

There were occasional reports of discrimination against persons with HIV/AIDS. On World Aids Day, the Swiss Aids Federation launched a new awareness campaign to combat prejudices and workplace discrimination against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The law permits all workers, including foreigners, to form and join independent 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.

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right to strike, and workers exercised this right by conducting legal strikes. However, collective bargaining agreements commit the social partners to maintaining labor peace, limiting the right to strike for the duration of the agreement. Such agreements generally last several years, with wages being

negotiated annually. 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.

b. The Right to Organize and Bargain Collectively

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.

Trade union leaders criticized the absence of a legal requirement obliging employees to offer reinstatement to an employee who is found to be unjustly dismissed. The law provides that a worker found to have been illegally dismissed is entitled to maximum compensation of up to six months' wages. Trade union leaders complained that this penalty was insufficient to deter abusive dismissals of union activists.

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. Women were trafficked for sexual exploitation and domestic labor; there were isolated reports of trafficking in children. Trafficked women were often forced into prostitution and in many cases subjected physical and sexual violence, encouraged toward drug addiction, and incarcerated. Many victims were forced to work in salons or clubs.

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; however, there were isolated reports of trafficking in children.

The minimum age for fulltime 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 from 15 through 18 is also restricted and cantonal inspectorates strictly regulated these provisions. Children are not permitted to work at night, on Sundays, or in hazardous conditions.

The Economics Ministry monitored the implementation of child labor laws and policies, but actual enforcement was 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 average wages for workers and employees in the clothing, hospitality, and retail industries. A majority of the voluntary collective bargaining agreements, reached on a sector by sector basis, contained clauses on minimum compensation, ranging from 2,200 to 4,200 francs (approximately \$2,000 to \$4,000) per month for unskilled workers and 2,800 to 5,300 francs (approximately \$2,600 to \$5,000) per month for skilled employees. These wages generally provided a decent standard of living for a worker and family; however, parties did not always adhere to these agreements. In September 2007 the government released the results of a study involving the inspection of more than 31,000 companies between January 2006 and June 2007. The study found that 24 percent of inspected companies paid less than the minimum compensation provisions set in their collective bargaining agreements. This practice, known as "wage dumping,"

was most prevalent in the construction and hospitality sectors.

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. The Economics Ministry 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.

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