

# SWITZERLAND 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Swiss Confederation is a constitutional republic with a federal structure. Legislative authority resides in a bicameral parliament (Federal Assembly) consisting of the 46-member Council of States and the 200-member National Council. Free and fair elections occurred at both the cantonal and federal levels in 2011. Parliament elects the executive leadership (the seven-member Federal Council) every four years. A five-party coalition made up the Federal Council. There were 12 political parties represented in the federal government. Authorities maintained effective control over the security forces.

The most significant problems included the use of excessive force by security forces, particularly in connection with the arrests and deportations of asylum seekers and in detention facilities for the canton of Geneva. Authorities sometimes subjected asylum seekers to lengthy detention and mistreatment. Societal discrimination against Roma, members of other minorities, and immigrants also occurred.

Other human rights problems included overcrowded prisons, violence against women, forced marriages and female genital mutilation/cutting in some immigrant groups, disparities in pay and unemployment rates for women and minorities, hostility toward Muslims, anti-Semitic incidents, and trafficking in persons.

The government took steps to prosecute and punish officials who committed violations, whether in the security services or elsewhere in the government.

### **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, abductions, or kidnappings.

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

The constitution prohibits such practices. There were, however, reports that individual police officers used excessive force and engaged in degrading treatment while making arrests.

On June 24, the National Commission for the Prevention of Torture (NCPT) issued its fourth annual report. The commission focused on conditions in high-security prisons and the inadequate provision of “in-house” therapy for persons suffering from psychological distress. As in previous years, the commission cited incidents of prison overcrowding, old infrastructure, and a lack of social programming that created isolated conditions for women, lengthy solitary and pretrial confinement, inadequate psychological treatments, and an insufficient number of prison guards. The commission also noted that foreigners awaiting deportation and individuals in administrative detention often faced harsher treatment than did others in pretrial custody.

In April the state prosecutor’s office of Lucerne sentenced a police officer charged in 2013 with kicking a Romanian burglar in the head to a suspended fine of 12,000 Swiss francs (\$12,625), an additional fine of 1,000 Swiss francs (\$1052), plus 800 Swiss francs (\$842) in court costs.

In a 2012 report on its 2011 visit to the country, the Council of Europe’s Committee for the Prevention of Torture (CPT) identified a number of prisoners in the canton of Geneva, including juveniles, who complained of physical mistreatment by police during and after apprehension. The committee also noted several cases in which authorities detained persons suffering from psychiatric disorders in normal prison wards instead of in special facilities suitable for such care or treatment.

In January the Federal Court sentenced a prison warden to a fine of 50 Swiss francs (\$51.65) per day for 60 days plus an additional 10,000 Swiss francs (\$10,520) for negligent homicide, exposure, and failure to render assistance in connection with the March 2010 death of a Bochuz Prison inmate. The inmate died of smoke inhalation after setting his prison cell on fire.

### **Prison and Detention Center Conditions**

Notwithstanding some inadequate facilities, prison and detention center conditions generally met international standards.

Physical Conditions: In 2013 there were 7,072 persons in prison or detention centers (authorities remanded approximately 30 percent of these for temporary custody, 52 percent for convicted crimes, and the remainder for various other reasons). Of the total 370 were women, 30 juveniles, and 5,258 foreigners. In 2013 there were 2,104 persons in pretrial detention and 375 awaiting deportation.

According to Federal Department of Justice and Police statistics, 13 individuals younger than age 18 were in preventive detention in 2013; twelve of those were boys. Amnesty International (AI) noted a lack of adequate detention facilities for female minors and the mentally ill.

The occupancy rate of detention facilities was 100.3 percent in 2013; prison overcrowding remained a problem, especially in the French-speaking part of the country. Geneva's Champ-Dollon Prison continued to be the most crowded facility, with the NCPT citing a deterioration of prison conditions. Designed for a maximum of 376 occupants, it contained 849 inmates during a 2013 NCPT inspection, compared with 671 detainees in 2012. According to independent observers, both guards and inmates criticized the poor detention conditions. On April 10, guards at Champ-Dollon prison protested for two hours over the center's severe overcrowding and understaffing. The guards claimed the prison needed an additional 85 wardens to fulfill the Swiss Union of Police and Prison Guards' standards and regulations. Several previous attempts to negotiate with the local government had failed to improve conditions significantly.

In a separate incident, when the occupancy rate at Champ-Dollon exceeded 800 inmates in April 2013, 170 prison guards went on strike to protest poor detention conditions. The strike resulted in the assignment of an additional 85 prison guards. After a series of complaints about insufficient space, several prisoners filed for compensation at a Geneva district court. The judge denied the compensation claims, asserting that the space available complied with standards outlined in the European Convention of Human Rights. In Lausanne authorities forced prisoners to spend parts of their sentences in small cells at police stations and in makeshift wards because of insufficient space.

While conditions for female prisoners generally were comparable to those for men, there were exceptions. In April 2013 the NCPT visited the central prison in Schaffhausen and found female inmates to be overly isolated due to old

infrastructure and a lack of social programming. In addition, the NCPT cited such problems as a lack of sufficient space for prisoners in some older blocks and harsher treatment for foreigners and individuals held in administrative detention than for others in pretrial custody.

Prisoners had access to potable water and adequate food. Some facilities, however, lacked work and recreational facilities as well as outdoor areas.

As of November the Federal Office for Statistics had not released the number of deaths in confinement for either 2012 or 2013; press sources, however, reported several suicides during the year. On March 29, a Nigerian national hanged himself in his cell at Champ-Dollon prison in Geneva. Five suicides occurred in detention facilities in Zurich as of October. One individual committed suicide in pretrial detention, another in standard detention, and three in police cells. On September 30, the Zurich state prosecutor's office opened an investigation into police handling of a hanging in a cell that occurred earlier that day. The case was pending as of October.

In 2013 the NCPT visited 14 prisons in 11 cantons and four asylum reception centers in the cantons of Fribourg, Aargau, Graubunden, and Obwalden. While the commission deemed overall conditions at the inspected institutions to be adequate, it found some prisons to be under-resourced, overcrowded, and lacking in properly trained medical personnel, particularly for psychological care and therapies. It reported that asylum seekers suffered under excessively restrictive conditions while awaiting repatriation. The committee further criticized the lack of appropriate facilities for families and small children, such as an infant care room and play area at the Bremgarten asylum center in Aargau Canton. The committee found the overall detention conditions at Champ-Dollon Prison in Geneva "unsatisfactory." The NCPT considered the incarceration of inmates in their cells for 23 hours a day in the La Farera prison in Ticino Canton as excessive and criticized the lengthy periods of isolation for female inmates of the prison in Schaffhausen.

Administration: Recordkeeping on prisoners was adequate. Prisons created a "detention schedule" for each detainee and defined aims and interim goals for their time in prison. Authorities updated these detention schedules at regular intervals. Prisons kept medical records of detainees. Judicial authorities used alternatives to incarceration for nonviolent offenders, such as fines and charitable work. Prisoners could submit complaints to judicial authorities without censorship and request an investigation of credible allegations of inhuman conditions. Authorities

investigated such allegations. There was no ombudsman or comparable authority available at the national level to respond to complaints, but a number of cantons instituted cantonal ombudsmen and mediation boards that acted on behalf of prisoners and detainees to address complaints related to their detention. Such entities were more readily available in the larger, more populous cantons than in smaller, less populated ones. Prisoners and detainees had reasonable access to visitors and religious observance.

The law requires authorities to house juvenile offenders in reform schools or in separate wings of prisons where they may receive educational support. In 2013 authorities assigned 491 youths to correctional facilities, while they kept 21 youths in juvenile prisons.

During the year the canton of Vaud opened its first juvenile prison in Palezieux, with a capacity of 36 places for girls and boys aged 10 and older. The Zurich cantonal government completed the construction of a new juvenile wing at Uitikon Prison in 2013. The NCPT, however, expressed concern about the facility's overly prison-like character and structure.

Independent Monitoring: The government permitted independent monitoring of conditions in prisons and asylum reception centers by local and international human rights groups, the media, and the International Committee of the Red Cross. The CPT last visited the country in 2011. Local groups enjoyed a high degree of independence.

#### **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 federal police maintain internal security. The army is responsible for external security but also has some domestic security responsibilities. The police report to the Federal Department of Justice and Police, while the army reports to the Federal Department of Defense. Civilian authorities maintained effective control over the police and the army, and the government had effective mechanisms to investigate and punish abuse and corruption. Cantonal state prosecutors and police generally investigated security force violence; in some cantons, however, the ombudsman's office investigated such cases. In addition to its coordination and analytical

responsibilities, the Federal Office of Police may pursue its own investigations under the supervision of the attorney general in cases of organized crime, money laundering, and corruption.

### **Arrest Procedures and Treatment of Detainees**

By law police must apprehend criminal suspects based on warrants issued by a duly authorized official unless responding to a specific and immediate danger. In most instances, authorities may not hold a suspect more than 24 hours before bringing him or her before a prosecutor or investigating magistrate, who must either formally charge or order a detainee's release. Immigration authorities may detain asylum seekers and other foreigners without valid documents up to 96 hours without an arrest warrant. There is a functioning bail system, and courts granted release on personal recognizance or bail unless the magistrate believed the person charged to be dangerous or a flight risk. Authorities may deny a suspect legal counsel at the time of detention or initial questioning, but the suspect has the right to choose and contact an attorney before being charged. The state provides free legal assistance for indigents charged with crimes with a possible sentence of imprisonment. Authorities may restrict family members' access to prevent evidence tampering, but authorities require law enforcement officials to inform close relatives promptly of the detention.

The law allows police to detain young offenders for a "minimal period" but does not explicitly state the length. In actuality without an arraignment or arrest warrant, police may detain young offenders for a maximum of 24 hours (48 hours during weekends). Sentences for youths up to age 15 may be no longer than one year. For offenders 16 or older, sentences could be up to four years.

Arbitrary Arrest: There were occasional reports of arbitrary arrest. In June a Kurdish man initiated criminal proceedings against police officers who arrested him in 2013 for feeding his three-year-old son an apple slice in a no-food zone on a ship in Zurich. Following a verbal altercation between the individual and ship personnel, the latter called police, who handcuffed the man and chained him to a fence once ashore. The case was pending as of October.

Pretrial Detention: In some instances lengthy pretrial detention was a problem. In 2013 approximately 30 percent of all prisoners were in pretrial detention. The country's highest court ruled pretrial detention must not exceed the length of the expected sentence for the crime for which a suspect is charged.

Detention of Rejected Asylum Seekers or Stateless Persons: According to the NCPT, measures against asylum seekers awaiting repatriation were too restrictive. The NCPT specifically described the transit center at the Geneva airport as resembling a prison more than an asylum facility. The NCPT reported that one detention center lacked adequate facilities for families and young children, such as an infant care room and a play area.

### **e. Denial of Fair Public Trial**

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

### **Trial Procedures**

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Defendants enjoy a presumption of innocence. Trials are public. The courts use juries only in the most serious cases, such as murder. Defendants have the right to be present and consult with an attorney in a timely manner, and the courts may provide an attorney at public expense if a defendant faces serious criminal charges. Defendants have the right to confront or question witnesses and present witnesses and evidence. They have the right to appeal, ultimately to the Federal Tribunal, the country's highest court. Authorities generally respected these rights and extended them to all citizens.

Military courts may try civilians charged with revealing military secrets, such as classified military documents or classified military locations and installations. There were no reports that military courts tried any civilians during the year.

### **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 a human rights violation. Persons who exhaust their right of appeal in domestic courts may

apply to the European Court of Human Rights (ECHR) for redress of alleged violations by the state of the European Convention on Human Rights.

### **Regional Human Rights Court Decisions**

On November 4, the ECHR barred the country from deporting an Afghan family to Italy, arguing that its poor reception facilities could put the family's well-being at risk. On November 26, the government reached an agreement with Italy to allow the continued deportation of migrant families there as long as Italy could provide guarantees for the adequate care of minors and the non-separation of families during the deportation and asylum process.

On June 3, the ECHR approved the country's motion to have a racial discrimination case involving Turkish nationalist Dogu Perincek reviewed by the ECHR's Grand Chamber, after the ECHR had initially sentenced the country in December 2013 for violating Perincek's right to freedom of expression. The case originated in 2005 when the country fined Perincek for repeatedly calling the Armenian genocide an "international lie" during a public lecture tour.

In 2013 the ECHR overturned nine of 13 Swiss court decisions. According to the ECHR, the country violated the right to privacy and family life in four cases and the right to a fair trial in three others. In 2013 the ECHR sentenced the country for the first time for violating the prohibition of torture and inhuman or degrading treatment.

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

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

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution provides for freedom of speech and press, although the law restricts speech involving racial hatred and denial of crimes against humanity. The government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press.

Freedom of Speech: The law prohibits public incitement to racial hatred or discrimination, spreading racist ideology, and denying crimes against humanity and provides for the punishment of violators by monetary fines and imprisonment of up to three years. There were no reports of convictions or arrests under this law during the year.

Press Freedoms: The independent media were active and expressed a wide variety of views without restriction. The law's restrictions on "hate speech" and denial of crimes against humanity apply to the print media. According to federal law, it is a crime to publish information based on leaked "secret official discussions."

On July 1, the ECHR found the country guilty of violating the principle of freedom of expression in connection with the Federal Court's 2008 sentencing of a journalist for publishing an article that included information from secret official discussions.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to the Federal Office of Statistics, 87 percent of the population over 14 years of age used the internet during the year.

### **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 the freedoms of assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

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

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

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. As of October immigration authorities approved approximately 4,000 asylum applications, representing a 24 percent acceptance rate. In 2013 immigration authorities received 21,465 new applications, processed 23,966 applications from 2013 and previous years, and approved 3,167 applications. Asylum seekers from Eritrea and Syria were the most numerous.

On September 11, parliament extended by an additional four years asylum policies scheduled to expire in September 2015. The measures stipulated that conscientious objectors and army deserters did not automatically qualify for refugee status and Swiss embassies abroad were not to accept asylum requests.

Safe Country of Origin/Transit: The Federal Office for Migration (FOM) relied on a list of “safe countries.” Would-be refugees who originated from or transited these countries generally were ineligible for asylum. NGOs criticized this practice with regard to deportations to Italy, in view of the overcrowding and poor conditions of asylum reception centers and facilities there.

Refoulement: While the government generally did not force asylum seekers to return to countries where their lives or freedom may be threatened, there were reportedly exceptions. For example, in July 2013 the FOM authorized the repatriation to Sri Lanka of a 34-year-old Tamil man, whom Sri Lankan authorities subsequently arrested in Colombo and imprisoned.

In May the Swiss Center for Human Rights (SCHR) and the UNHCR released reports evaluating the Sri Lankan deportation cases that concluded several shortcomings, such as involvement by a large number of processing officers, the structural reorganization of the FOM, and the complex political situation in Sri Lanka, were responsible for the FOM’s failure to assess correctly the deportation

risk for the asylum seekers. The FOM subsequently adjusted its risk profiles by expanding the criteria necessary for evaluating the potential endangerment of deported asylum seekers. At the same time, following a reassessment of the situation in Sri Lanka, the FOM decided to evaluate asylum applications from Sri Lanka on a case-by-case basis and to lift the deportation ban for Sri Lanka it imposed in August 2013.

In October the federal administrative court decided to lift the deportation ban for Angola following reassessment of the situation in that country. The court determined authorities would examine deportations on a case-by-case basis.

Refugee Abuse: The government required asylum applicants to provide documentation verifying their identity within 48 hours of completing their applications; authorities refused to process applications of asylum seekers unable to provide a credible justification for their lack of acceptable documents or to show evidence of persecution. Authorities may detain uncooperative asylum seekers, subject to judicial review, for up to six months while adjudicating their applications. The government may detain rejected applicants for up to three months to ensure their departure or up to 18 months if repatriation posed special obstacles. The government may detain minors between the ages of 15 and 18 for up to 12 months pending repatriation. Authorities generally instructed asylum seekers to leave voluntarily but could forcibly repatriate those who refused to depart voluntarily.

To accommodate an increasing numbers of asylum seekers, the FOM continued to house hundreds of asylum seekers in remote rural areas or in decommissioned military establishments retrofitted to serve as short-term housing, several of which were underground. Underground bunkers were a temporary solution, however, and authorities closed a number of them during the year.

The Federal Court also approved the opening of a new asylum center in Laax, despite protests from local residents. In addition, the migration authorities of the canton of Vaud began housing asylum seekers in private homes, while other cantons placed migrants in former hotels and civil defense installations.

On July 8, the NCPT released its annual report on deportation flights. Between May 2013 and April, the country deported 286 persons, 20 families, and 39 children to their countries of origin on 52 forced repatriation flights. Each flight had an NCPT observer aboard. While observers continued to criticize the limited disclosure of and access to medical records, there were no reports authorities used

tranquilizers against the will of asylum seekers to calm agitated deportees during flights as had previously been the case. There was isolated use of preventative body shackles and wheelchairs to immobilize asylum seekers who threatened resistance, but NCPT observers noted authorities generally applied these measures less frequently than before. Nevertheless, the NCPT criticized the practice of keeping deportees on leashes during the flights, even while in the lavatories.

In July a female Syrian asylum seeker suffered a stillbirth while being deported to Italy due to the alleged refusal of Swiss officials to provide medical assistance. The woman, who was seven months pregnant, was part of a migrant group picked up by Swiss authorities on a train transiting the country from Milan to Paris. En route, the woman suffered heavy bleeding; Swiss officials reportedly did not react to her repeated calls for help, but instead locked her in a cell in the town of Brig for four hours. After arriving in Italy, she delivered a stillborn child. In October a postmortem report confirmed the child died 12 hours before the stillbirth, which according to media reports, supported claims of misconduct and neglect by Swiss border patrol officers. Authorities turned the case over to a military tribunal, where it was pending as of October.

In March a Tunisian asylum seeker protested against detention conditions at the Oftringen asylum center in Aargau Canton by injuring himself with a knife and threatening to jump out of the window. Asylum center staff took the man to a hospital, which later transferred him to a psychiatric clinic.

AI and other NGOs working with refugees continued to complain that officials often effectively denied detained asylum seekers proper legal representation in deportation cases due to their financial inability to hire an attorney. Authorities provided free legal assistance only during the initial phase of the asylum application and in cases of serious criminal offenses, deeming deportation of asylum seekers an administrative, rather than a judicial, process.

Employment: The law prohibits asylum seekers from working during the first three to six months following their arrival in the country. Afterward, asylum seekers could seek employment in industries with labor shortages, such as in the hospitality, construction, care, or agriculture sectors.

Access to Basic Services: The cantons assumed the main responsibility for providing housing, general assistance, and care to asylum seekers during the processing phase. Several NGOs and left-wing political parties complained about insufficient and inappropriate housing for refugees. Housing shortages for asylum

seekers remained a problem (see section 2.d.). Asylum seekers had the right to access basic medical care, and the children of asylum seekers were entitled to attend school until ninth grade. NGOs and volunteers generally conducted language classes for asylum seekers.

Temporary Protection: The law allows for the provision of temporary protection to a specific group of persons affected by civil war and general violence. The government has not granted any group temporary protection since the law's enactment in 1998, but it granted temporary admission to 3,432 individuals, 790 of whom the government designated as refugees.

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

The constitution provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: In 2011 voters elected a Federal Assembly in free and fair elections.

Participation of Women and Minorities: There were 62 women in the 200-person National Council (House) and nine women in the 46-member Council of States (Senate). There were no ethnic minorities represented in either house of parliament.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year.

Corruption: On November 12, the government decided not to adopt statutory regulations on political party financing. The government made the decision in response to 2011 recommendations by the Group of States against Corruption (GRECO), which called for greater transparency in the funding of the country's political parties. While the Organization for Security and Cooperation in Europe

observers criticized the lack of controls on party funding during the parliamentary elections in 2011, they cited no specific cases.

A joint working group consisting of representatives of various federal government agencies operated under the leadership of the Federal Department of Foreign Affairs to combat corruption. Separately the Federal Audit Office oversaw an ombudsman office to provide government employees a safe and confidential avenue for reporting government corruption. As of November the office received approximately 75 submissions regarding alleged government corruption.

In March authorities dismissed without notice an employee of the State Secretariat for Economic Affairs (SECO) for accepting money and gifts worth thousands of Swiss francs in exchange for granting inflated and favorable business contracts to select information technology companies over the course of several years. The case received considerable media attention. The employee reportedly granted one company a six million Swiss francs (\$6.3 million) contract in 2013. In February police arrested a SECO executive in connection with the case but released him shortly thereafter without charge. The Office of the Attorney General ordered the pretrial detention of one business manager connected to the case and continued investigations against two other individuals; these investigations were pending as of November.

In July police arrested a female attendant at the Affoltern prison in Zurich for smuggling drugs and needles into the detention center in exchange for other drugs obtained from inmates, which the attendant used for personal consumption. In September authorities suspended the Affoltern prison's director in connection with the case. Authorities dismissed another employee accused of embezzling more than 47,000 Swiss francs (\$48,770). Both employees confessed to the crimes. As of November the courts had not yet ruled on the two cases.

In November 2013 authorities arrested five members of the Zurich police vice squad for allegedly accepting bribes from a nightclub owner. The national press devoted considerable attention to the case. Authorities released two of the police officers shortly thereafter; three remained in custody. They allegedly accepted sexual favors and other bribes in return for informing nightclub owners of planned raids. Subsequently authorities levied lesser charges against six other police officers for accepting festival tickets as bribes from restaurant owners with ties to prostitution rings. In December 2013 Zurich's city police announced the dismissal of two of these police officers and the transfer of two others to another unit. Investigations continued against other police officers as of December.

Financial Disclosure: Members of the Federal Assembly must disclose annually their financial interests, professional activities, supervisory board or executive body memberships, and activities as consultants or paid experts. Investigating and prosecuting government corruption was a federal responsibility. A majority of cantons required members of cantonal parliaments to disclose their financial interests.

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

Illicit Trade in Natural Resources: In November 2013 the federal prosecutor's office initiated a criminal investigation against gold refiner Argor-Heraeus SA after reviewing a complaint submitted by the Swiss NGO Track Impunity Always (TRIAL). TRIAL alleged that in 2004-2005 Argor-Heraeus refined almost three tons of gold from the Democratic Republic of the Congo that the illegal armed group Front des Nationalistes et Integrationnistes had pillaged and sold to finance its operations. The case was pending as of October.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

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

Government Human Rights Bodies: In 2011 the Federal Department of Foreign Affairs and the Federal Department of Justice and Police created a Swiss Center for Human Rights (SCHR) consisting of a network of universities and human rights experts responsible for strengthening and supporting human rights capacities and bridging gaps between federal and cantonal authorities on human rights problems. The SCHR hosted presentations and published reports on human rights themes, such as on gender equality, LGBT rights, prevention of female genital mutilation (FGM), and the rights of children and youths, and conducted outreach on human rights best practices.

There were 14 ombudsman offices located in the cantons of Basel-Land, Basel-Stadt, Zug, Zurich, and in the cities of Bern, St. Gallen, Rapperswil-Jona, Winterthur, and Zurich that also assessed cases of police misconduct.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution prohibits discrimination based on race, gender, disability, language, or social status. The government generally enforced these prohibitions.

### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is a statutory offense. The government effectively prosecuted individuals accused of such crimes. In 2013 police recorded 571 rapes, compared with 569 in 2012.

NGOs such as Terre des Femmes, Vivre Sans Violence, and the umbrella organization for women's shelters noted that violence against women remained a serious problem. Domestic violence resulted in the deaths of 24 individuals in 2013. In 2013 police registered 16,496 cases linked to domestic violence or domestic abuse and investigated 4,798 serious cases of domestic violence. The law penalizes domestic violence as well as stalking. A court may order an abusive spouse to leave the family home temporarily.

Specialized government agencies, numerous NGOs, and nearly a dozen private or government-sponsored hotlines provided help, counseling, and legal assistance to victims of domestic violence. In 2013 there were 19 official women's shelters housing more than 2,000 women and children. Demands for shelter space regularly exceeded capacity, with up to 50 percent of victims turned away and, depending on their psychological and physical state, accommodated instead in hotels or specialized institutions. The Ministry of Interior's Federal Office for Gender Equality had a special unit that focused on domestic violence. Most cantonal police forces included specially trained domestic violence units. A majority of cantons had administrative units to coordinate the activities of law enforcement agencies, prosecutors, and victims assistance groups.

On November 25, the organization Christian Peace Service initiated its government-supported campaign "16 Days against Violence toward Women," as part of the broader international "16 Days of Activism against Gender-Based Violence" movement. The campaign focused on the problems of jealousy and

control in relationships and included approximately 60 public awareness events across the country.

On November 20, the Federal Office for Gender Equality held a national conference on the health consequences of domestic violence. Government officials, NGO representatives, and expert personnel in the prevention of domestic violence attended the event.

Female Genital Mutilation/Cutting (FGM/C): FGM is illegal and punishable by up to 10 years' imprisonment. In 2012 the federal government worked with several NGOs to establish the National Action Group against Female Genital Mutilation to develop a framework of best practices to protect and care for women and girls affected by FGM. There were no cases brought to court during the year.

In February the women's human rights organization Terre des Femmes, in conjunction with the Federal Office of Public Health, published an assessment of FGM in the country. The report stated that FGM affected approximately 13,000 migrant women and girls in 2013. Several federal offices, in collaboration with NGOs and academic institutions, implemented educational and preventative measures aimed at vulnerable communities and relevant authorities, including a mediation service. The cantons of Geneva, Neuchatel, Vaud, and Fribourg carried out cantonal awareness strategies and campaigns, while other cantons engaged in similar awareness raising activities.

Other Harmful Traditional Practices: In July 2013 a law prohibiting forced marriage went into effect. The law provides for courts to sentence violators for up to five years in prison and denies permission to enter the country to visa applicants suspected of involvement in a forced marriage. Victims of forced marriage already residing in the country may remain and may change their marital status from "married" to "single" without a requirement to record a divorce. A 2012 University of Neuchatel study estimated some 1,400 women were victims of forced marriages or unwanted relationships between 2010 and 2012. The Federal Coordination Unit against Forced Marriages implemented a nationwide program aimed at combating forced marriages for the period 2013-2017. One NGO working with victims of forced marriage handled nine cases during the year.

Sexual Harassment: The law prohibits sexual harassment and facilitates legal remedies for those claiming discrimination or harassment in the workplace. Special legal protection against the dismissal of a claimant, however, was only temporary. Employers failing to take reasonable measures to prevent sexual

harassment were liable for damages up to the equivalent of six months' salary. There were 1,075 sexual harassment cases reported in 2013.

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so and the right to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. Health clinics and local health NGOs operated freely in disseminating information on family planning. There were no restrictions on access to contraceptives. Compulsory basic health insurance covered the cost of routine examination during pregnancy and the costs related to childbirth.

Discrimination: Women enjoy the same rights as men under the constitution, including in family and property law and in the judicial system. Independent observers claimed that some laws, as interpreted by the courts, were discriminatory. The country's marriage and family law often failed to provide women an equitable division of pension funds during a divorce, disadvantaging those who spent their married lives assuming family caretaker roles.

In an October 17 report, the Federal Office for Gender Equality and the Federal Commission on Women outlined progress in women's education levels and earning potential in the last 15 years. Despite advances, the report concluded educated women were twice as likely to be poor than educated men, mostly because women remained the primary family caregivers and were not monetarily compensated for the time spent caring for their children or relatives. The report highlighted that 19 percent of women (compared to 7 percent of men) were low wage earners in 2010, which, coupled with their primary caregiver responsibilities, exposed them to a high poverty risk and negative consequences in the labor market and social security system. Many cantons and some large cities had equality offices to handle gender problems.

Discrimination against women in the workplace is illegal, but a disproportionate share of women held jobs with lower levels of responsibility. Employers promoted women less frequently than they did men, and women were less likely to own or manage businesses (see section 7. d.)

The law entitles women and men to equal pay for equal work. In 2012 the median monthly income for women in the private sector was 5,317 Swiss francs (\$5,594), while men earned 6,553 Swiss francs (\$6,894). The difference in pay between men and women was 15.2 percent for nonexecutive positions, while the difference

for executive positions was 26.5 percent. Women received salaries that were on average 18.9 percent less than those of men. The pay for female university graduates was as much as 25 percent less than that of male peers.

While the equality law obliges companies to provide equal pay for equal work, most employers successfully disregarded it.

## **Children**

Birth registration: Citizenship derives from one's parents; a single parent may convey citizenship. Authorities register births immediately, but there are no negative repercussions for delayed registration in cases of home delivery.

Child Abuse: Child abuse was a significant problem. In 2013, according to a study by the Swiss Society for Pediatrics, there were a record 1,292 cases of abuse against children registered in clinics and three children died due to abuse. Most of the children were less than age six, and clinics reported approximately 25 percent of these cases to the Child and Adult Protection Authority. Authorities initiated criminal proceedings in approximately 6 percent of cases.

A University of Zurich study released in August 2013 indicated the actual number of abuse cases was higher than shown on police records. According to the study, more than 4,000 cases of sexual assault against children occurred in 2012. Most victims were girls less than age 18, with most of the abuse occurring in the family home or the immediate social environment. In 2013 the children's hospital in Zurich registered 450 cases of child abuse, 34 percent involved sexual abuse and 29 percent physical abuse. Approximately 20 percent of cases involved psychological abuse, with cases of neglect making up nearly 13 percent. Of the child abuse cases the children's hospital in Zurich reported, 12 percent involved repeat offenders.

Early and Forced Marriage: The legal minimum age of marriage is 18 years. Forcing a person to marry is punishable by up to five years' imprisonment.

Female Genital Mutilation/Cutting (FGM/C): FGM is illegal and punishable by up to 10 years' imprisonment. (See section 6: Women, FGM/C.)

Sexual Exploitation of Children: The production, possession, distribution, or downloading of internet pornography that involves children is illegal, punishable by fines or a maximum sentence of one year in prison. With few exceptions, the

law designates 16 as the minimum age for consensual sex. The law permits consensual sex below age 16 in cases where one partner is not more than three years older than the other. The maximum penalty for statutory rape is imprisonment for 10 years. In 2013 authorities reported 1,300 criminal cases of sexual acts involving children, 300 of which resulted in convictions. The National Coordination Unit to Fight Internet Crime focused its investigations on preventing and prosecuting crimes involving the sexual exploitation of children online.

On January 1, a new law prohibiting prostitution of children less than age 18 entered into force. The law punishes pimps of underage prostitutes with prison sentences of up to 10 years and provides for sentences of up to three years in prison for engaging in commercial sex with an underage prostitute.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's report on country-specific information at [travel.state.gov/content/childabduction/english/country/switzerland.html](http://travel.state.gov/content/childabduction/english/country/switzerland.html).

### **Anti-Semitism**

According to the Swiss Israelite Association (SIG), there were approximately 18,000 Jewish individuals residing in the country as of November. The largest Jewish communities were in Zurich, Geneva, Lausanne, Basel, and Bern.

SIG noted a steep increase in anti-Semitic statements and acts, particularly during July and August, which consisted primarily of verbal attacks. By comparison, the *2013 Anti-Semitism Report*, produced jointly by SIG and the Foundation against Racism and Anti-Semitism (GRA), cited 22 anti-Semitic incidents in the German-speaking part of the country in 2013. SIG linked the escalation of anti-Semitic incidents during the year to the conflict in Gaza.

In July violent anti-Semitic statements circulated on several Swiss Facebook pages in the days before a pro-Palestine demonstration in Zurich. Social media postings included comments such as "We must annihilate the Jews" or "The only good Jew is a dead Jew." According to SIG, anti-Semitic comments such as these received more than 1,000 'likes' on Facebook. The state prosecutor's office in Zurich initiated proceedings against at least one of the perpetrators, while continuing to investigate others. SIG pressed charges against 15 individuals. As of November these cases were pending.

On August 11, an elderly man yelling “Out with the Jews” physically assaulted an orthodox Jew vacationing in Davos. The victim sustained minor injuries. Police questioned the perpetrator, who later admitted to his actions and statements. The victim pressed charges, and police treated the incident as a potential case of racial discrimination, which was pending as of December.

In October the Swiss retailer Migros apologized for an “unforgivable blunder” after the company’s dairy creamer packets appeared bearing portraits of Adolf Hitler and Benito Mussolini. The company promptly withdrew approximately 2,000 packets from approximately 100 cafes in the German-speaking part of the country and severed ties with Karo-Versand, its supplier. A Karo executive reportedly issued a statement to the local media indicating the images were “unproblematic.”

In its summary of anti-Semitic incidents in the German-speaking part of the country for the year 2013, the GRA and SIG listed 22 cases of anti-Semitism, while the Geneva-based Intercommunity Center for Coordination against Anti-Semitism and Defamation reported 151 anti-Semitic incidents in the French- and Italian-speaking regions, 11 of which it deemed serious. SIG and GRA noted that serious incidents, such as violent attacks against Jews and Holocaust denials, were rare in 2013 and authorities did not register any violent attacks on Jewish institutions or synagogues.

In November 2012 a German lawyer who had served a three-year prison sentence in Germany for Holocaust denial spoke at a rally in the city of Chur to an audience of approximately 2,000. She reportedly called Holocaust denial laws an assault on freedom of speech and a hindrance to attorneys charged with defending clients in such cases. She allegedly encouraged the audience to learn from the Nazis and stated the Holocaust had not been legally defined. An attorney from Bern filed a criminal complaint against the speaker and the event’s moderator, alleging both had violated the country’s laws against racism. The case was pending as of November.

### **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The constitution and federal law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services, and the government generally enforced the prohibition. The law mandates access to public buildings and government services for persons with disabilities, and the government generally enforced these provisions.

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

According to Procap, one of the country's largest organizations for persons with disabilities, there remained significant problems in integrating individuals with psychological ailments into the labor market, since most employers did not consider psychological illnesses a disability (see section 7.d.).

In June 2013 a revised planning and building act entered into force in the canton of Zurich. According to the new law, residential buildings with more than five units had to be barrier-free. During the year authorities ensured construction of new buildings with more than five units was in accordance with the law, and developers renovated older buildings to meet necessary standards.

In August 2013 Zurich's social insurance/security court approved two Procap complaints regarding the canton's intention to reduce public funding for apprenticeships for persons with disabilities to one year as well as to limit additional financial support to those who could effectively enter the labor market without claiming their entire disability insurance.

Children with disabilities could attend schools, and most cantons integrated them well into the school system. Special need schools were available for children with serious disabilities.

### **National/Racial/Ethnic Minorities**

Right-wing extremists, including skinheads, who expressed hostility toward foreigners, ethnic and religious minorities, and immigrants, continued to be active. The Federal Intelligence Service (FIS) estimated approximately 900 to 1,000 persons belonged to right-wing extremist groups willing to use violence. According to GRA statistics, from January to September, there were 47 incidents

of predominantly verbal racism against foreigners and minorities, and three physical assaults. In 2013 the FIS reported 35 acts of violent right-wing extremism, while the GRA documented 70 cases of verbal and written attacks and one assault. Although right-wing extremists predominantly resided in the country's German-speaking regions, particularly the cantons of Bern, Zurich, St. Gallen, Lucerne, and Aargau, the FIS noted an increase in right-wing extremist activity in the country's French-speaking area.

On February 6, the Federal Court acquitted a police officer of a prior racial discrimination conviction in the cantonal court of Basel for using the term "dirty asylum seeker" while arresting an Algerian national in 2007. The case received considerable media attention. The Federal Court ruled the police officer had insulted the asylum seeker without attacking his race or ethnicity but determined the officer's use of the term represented a xenophobic attack on the individual's integrity and sentenced him to a suspended monetary fine.

In July the canton of Uri high court acquitted a man of racial discrimination and compensated him with 3,800 Swiss francs (\$3,998) after the Federal Court had earlier ruled that the man's performance of the Hitler salute during a right-wing extremist gathering in 2010 was merely an expression of his opinion and not the promotion of national socialist ideology. The case received considerable media attention.

In September the European Commission against Racism and Intolerance (ECRI) published its fifth report on racism and discrimination in the country. The report expressed concern that ethnic minorities, such as Muslims, blacks, refugees, the Jenisch, and other Roma groups, experienced considerable discrimination in the labor market. According to ECRI, the unemployment rate among migrants was 6.6 percent, compared to 2.3 percent among nationals. The report emphasized that young migrants from countries outside the EU suffered substantial discrimination, even when they had successfully completed their education in the country (see Section 7.d.). ECRI further observed that the xenophobic and racist political discourse continued to target the same minority groups, thereby exacerbating their negative image and poor living conditions. Racial profiling subjected the black community in particular to police controls, such as public arrests and body searches for drugs.

The Federal Commission against Racism also addressed the continuing problem of racial profiling and the continued trivialization of anti-black racism in its periodical *TANGRAM*. AI noted, however, several roundtables held in Zurich and Bern

during the year were successful in promoting understanding and reducing tensions between authorities and communities affected by racism.

On October 8, the far-right Swiss Nationalist Party (PNS) announced the establishment of a new branch office in the canton of Glarus dedicated to combating both uncontrolled immigration into the country and discrimination against the country's native population.

While the government recognized the Jenisch as a minority group with approximately 35,000 residents in the country, ECRI noted a persistent lack of proper camping facilities and transit areas. On April 22, a gathering of 120 Jenisch on the outskirts of Bern sought to pressure the government to provide the community more transit areas/rest stops. Cantonal police eventually evicted the demonstrators after talks with government officials were unsuccessful.

The Swiss Roma Foundation estimated that approximately 80,000 Roma resided in the country. On November 18, the foundation published the results of a five-year study on the treatment of Roma by eight of the country's German-speaking newspapers. The study concluded that all the 297 articles analyzed were highly prejudiced and perpetuated negative stereotypes that portrayed Roma as poor, uneducated, criminal, and badly integrated into Swiss society. The study found the country's German-speaking newspapers predominantly branded local Roma as perpetrators of crime, while portraying Roma in other countries mainly as victims.

During the year the Federal Commission against Racism (FCR) and the nongovernmental website [humanrights.ch](http://humanrights.ch) voiced concern about increasingly hostile attitudes toward Roma and itinerant minorities. In its 2013 report released in July, the FCR mentioned the continuing plight of the Roma. In December 2013 the University of Zurich published a study commissioned by the FCR on the quality of media coverage of Roma, which found reporting often marked by negative stereotypes and generalizations.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The country's antidiscrimination law does not apply to sexual orientation or specifically address lesbian, gay, bisexual, and transgender (LGBT) problems, which was a source of major concern to the country's LGBT community.

There were occasional reports of societal violence or discrimination based on opposition to LGBT orientation. According to the organization Pink Cop (gay and lesbian police officers), however, the extent of physical violence was difficult to gauge, in view of the absence of official statistics on LGBT-oriented violence or discrimination. Pink Cop noted that authorities did not specifically prosecute hate crime. While the LGBT umbrella organization Pink Cross did not record any physical assaults in 2013, it documented 10 to 15 harassment cases, particularly in connection with workplace discrimination (see section 7.d.).

During the year NGOs criticized the government's restrictive asylum policy, which requires LGBT refugees to provide substantiated evidence of oppression in their countries of origin in order to receive asylum.

In March 2013 the city of Zurich's Office for Equality extended its mandate to include LGBT problems. During the year the office held several public discussion forums on the struggles of transgender individuals, the legal and social rights of rainbow families, and the evolution of homophobia. The office initiated a poster campaign in seven languages to encourage family members to accept their children's sexual and gender identity.

A 2012 study on homophobic and transphobic violence, with a cohort of more than 260 LGBT persons between the ages of 16 and 60, indicated that 73 percent of respondents had experienced insults, 81 percent received threats, and 7 percent were spat on because of their sexual orientation. Although only 1.5 percent of respondents experienced violence resulting in serious injuries, 5 percent suffered minor injuries and 12 percent experienced minor physical violence, involving no injuries. According to the study, young men carried out the attacks, mostly at night. When asked if they feared attacks, approximately 35 percent of gay and lesbian respondents and 70 percent of transgender respondents answered "to a high degree" or "very high degree." The study, the first of its kind in the country, asserted the reason for this difference was that the gay and lesbian movement was older and more accepted than the transgender movement.

A study released by the Transgender Network in 2012 found that 20 percent of transgender persons were unemployed, a rate six times higher than among the general population (see section 7.d.). With the support of the Federal Office for Gender Equality, the Transgender Network continued a project to document transgender persons in the labor market.

During the year, LGBT activists sought to establish a central office tasked with collecting data and publishing statistics on verbal or physical attacks on LGBT individuals.

### **HIV and AIDS Social Stigma**

There were occasional reports of discrimination against persons with HIV/AIDS. In 2013 the Swiss AIDS Federation registered 70 cases of discrimination against individuals suffering from HIV. Sixteen complaints concerned employment discrimination or other discrimination in the workplace (see section 7.d.). Examples of workplace discrimination included isolated reports of unfair dismissals or the exclusion of HIV positive persons from internships and apprenticeships. To combat harassment and unfair behavior, the Swiss AIDS Federation conducted multiple campaigns to sensitize the public to the problem.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right for all workers, including foreigners, to form and join independent unions of their choice without previous authorization or excessive requirements. The law also provides for the right of unions to conduct activities, including the right to strike, without interference, although strikes must be linked to industrial relations. The government may curtail the right of federal public servants to strike for reasons of national security or to safeguard foreign policy interests. No specific laws prohibit antiunion discrimination or employer interference in trade union activities. The law does not require employers to offer reinstatement to an employee whom employers unjustly dismissed.

Although the government generally protected these rights, no law defines penalties for violations of freedom of association or collective bargaining under the constitution. According to union representatives, the length of administrative and judicial procedures varied from case to case. Collective bargaining agreements committed the social partners to maintain labor peace, thereby limiting the right to strike for the duration of an agreement, which generally lasted several years.

Employers at times unfairly dismissed trade unionists and used the legal system to limit legitimate trade union activities. Laws prohibited public servants in some cantons and many municipalities from striking. Trade unions continued to report discriminatory behavior against their members.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced and compulsory labor, and the government effectively enforced such laws. Penalties for forced labor violations were up to 20 years' imprisonment and were sufficiently stringent. The government conducted several trainings for relevant authorities on labor trafficking aimed at awareness raising and reducing such exploitation. In June 2013 the government extended until the end of 2016 the Private Household Employees Ordinance, which governs working conditions for private household employees and defines minimum salary requirements. The government intended the ordinance to curb forced labor and the exploitation of foreign workers.

There were reports that forced labor occurred. Women were trafficked for domestic labor; traffickers forced many victims to work in salons or clubs. The International Organization for Migration noted that cases of labor exploitation were also prevalent in the construction and hospitality sectors. There were also reports of forced labor in the agriculture and restaurant sectors.

Also see Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for full-time employment is 15 years. Children who are 13 and 14 may engage in light duties for no more than nine hours per week during the school year and 15 hours at other times. Employment of youths between the ages of 15 and 18 is also restricted. Cantonal inspectors strictly regulated these provisions. The minimum age for work under hazardous conditions is 16. Children may not work on Sundays, under hazardous conditions, or at night.

The government effectively enforced laws and policies to protect children from exploitation in the workplace. The economics ministry monitored the implementation of child labor laws and policies, and cantonal labor inspectors were responsible for enforcement. Cantonal labor inspectors effectively inspected companies to determine whether there were violations of child labor laws. Violation of the country's child labor laws was punishable by six months' imprisonment.

There were isolated reports of trafficking of children to beg and commit theft.

#### **d. Discrimination with Respect to Employment or Occupation**

Labor laws prohibit discrimination with respect to employment on the grounds of gender and disability. The government did not effectively enforce these provisions. There was no labor law that explicitly prohibits discrimination with respect to employment on the grounds of race, sexual orientation, language, HIV positive status, gender identity, age, or national and social origin.

A significant difference existed between men and women in pay and professional promotions, and women were heavily underrepresented in top-level management positions, particularly in private industry. Discrimination against persons with disabilities, particularly those with mental illnesses, occurred as well (see section 6). Discrimination in employment and occupation occurred with respect to national, racial, and ethnic minorities, as well as sexual orientation and gender identity (see section 6) and age.

In October the Organization for Economic Cooperation and Development (OECD) published a report on the employment of senior citizens in the country. The report found the country's long-term unemployment rate for persons over the age of 55 was 58.6 percent in 2012, 11.4 percent above the OECD average. The OECD suggested the exclusion of age from the country's anti-discrimination law could be a potential reason behind the high long-term unemployment rate of senior citizens.

Young migrants from countries outside the EU suffered substantial discrimination, even where they had successfully completed their education in the country (see Section 6). Migrant workers in low-wage jobs were more likely than other workers to face exploitative labor practices and poor working conditions. This was especially true in the construction, hospitality, tourism, and agricultural sectors.

#### **e. Acceptable Conditions of Work**

There was no national minimum wage. In May, voters rejected a national initiative to introduce a minimum wage of 22 Swiss francs (\$23) per hour. Work contracts covering approximately 40 percent of (citizen) wage earners included minimum wage provisions, resulting in relatively low average wages for all workers and employees in the clothing, hospitality, and retail industries. A majority of voluntary collective bargaining agreements, reached on a sector-by-sector basis, contained minimum compensation clauses. In 2012, the latest year for which such data were available, such agreements provided for compensation ranging from

2,200 to 4,200 Swiss francs (\$2,314 to \$4,418) per month for unskilled workers and 2,800 to 5,300 Swiss francs (\$2,946 to \$5,576) per month for skilled employees. Authorities estimated the poverty income level as 2,200 Swiss francs (\$2,314) per month for a single person, 3,750 Swiss francs (\$3,945) per month for a single parent with two children, and 4,050 Swiss francs (\$4,261) per month for a family of two parents with two children. Numbers varied slightly from canton to canton to reflect differences in the cost of living but remained the same overall during the year.

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 rules exclude certain professions, such as taxi drivers and medical doctors. 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. The law limits annual overtime to 170 hours for those working 45 hours a week and 140 hours for those working 50 hours a week.

Employers must grant workers at least four weeks of paid vacation per year and at least five weeks to workers up to the age of 20 years unless the worker performs work for a third party to the detriment of the employer's legitimate interests. Each worker was also entitled to one day off per week. In exceptional circumstances, an employer could grant a worker two half-days free instead of a full day, if necessitated by specific work conditions and the worker consented to it.

The law contains extensive provisions to protect worker health and safety. Workers can remove themselves from situations that endangered health or safety without jeopardy to their employment.

The Ministry of Economics and cantonal labor inspectorates effectively enforced laws related to hours of work and occupational safety and health. The ministry also had oversight over collective bargaining agreements. Approximately 100 labor inspectors worked in the country. Each of the 26 cantons maintained a labor inspectorate office with approximately six to eight employees. Observers did not consider penalties for labor infractions sufficient to deter violations. The penalties for labor infractions consisted of per diem fines of up to 3,000 Swiss francs (\$3,107) for a maximum of 180 days and/or lump-sum penalties of no more than 10,000 Swiss francs (\$10,350). The courts determined the per diem rate according to the personal and economic situation of the perpetrator at the time of sentencing.

In August the trade union Unia submitted a complaint against the cantonal authorities of Graubunden following the authorities' decision to disregard a Federal Court ruling that called on Graubunden to respect federal labor laws that prohibit working on a Sunday. The case was pending as of November.

Migrant workers in low-wage jobs were more likely to experience exploitative labor practices. This was especially true in the construction, hospitality, tourism, and agricultural sectors (see section 7.d.). During the year several local NGOs and international organizations, including the International Organization for Migration, expressed concern authorities were not addressing labor exploitation that was prevalent in the construction, hospitality, and domestic labor sectors.

Immigrants may work and have the same rights as other workers. There were no special provisions or requirements for noncitizen workers, apart from their having to have legal immigration status and a valid work permit. The government did not allow individuals without legal status or work permits to work. Individuals who obtained legal status could request a work permit. Asylum seekers were usually not allowed to work during the first three months after they had applied for asylum but in exceptional cases could work as self-employed as needed.

There were 204,292 work-related injuries to men and 64,630 injuries to women reported in 2013. On October 7, the Swiss Trade Union Association expressed dissatisfaction with the National Council's decision to limit compensation for asbestos victims to a period of 20 years instead of 30 years, as proposed by the Federal Council. The association called on the government to organize a roundtable to negotiate adequate limitation rights and compensation for asbestos victims.