

SWITZERLAND 2017 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. Federal elections in 2015 were generally considered free and fair. Parliament elects the executive leadership (the seven-member Federal Council) every four years, and did so in 2015. A four-party coalition made up the Federal Council.

Civilian authorities maintained effective control over the security forces.

There were no reports of egregious human rights abuses.

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 Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

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

In March the district court of Buelach in the canton of Zurich sentenced two police officers to suspended fines for abuse of authority after they used excessive force

against a motorist during a road patrol check. The officers reportedly handcuffed the driver and forced him to the ground, injuring his head, spine, ribcage, and larynx, after the driver insisted on retrieving his license from the officers. The driver allegedly repeatedly called the officers' attention to a pre-existing spinal injury during the altercation. Authorities referred the case for further review to the High Court of Zurich, where it remained pending as of November.

In 2016 the National Commission for the Prevention of Torture (NCPT), an independent governmental organization, noted frequent instances of authorities partially or fully shackling individuals during deportation. Authorities also occasionally chained unruly and uncooperative individuals to wheelchairs during the deportation process.

Prison and Detention Center Conditions

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

Physical Conditions: Prison overcrowding remained a problem. Based on the most recent available information, Geneva's Champ-Dollon Prison was the most crowded facility, with a population greater than 170 percent of design capacity. The canton of Vaud's La Croisee Prison had an occupancy rate of 152 percent. In the 2016 report on its 2015 visit to the country, the Council of Europe's Committee for the Prevention of Torture (CPT) found the cells in Geneva's police station and Geneva's Paquis police station so small that they should be used only for short periods.

In its 2016 report, the CPT noted inadequate health care in the prisons at La Farera, La Stampa, and in Schwyz. In July the NCPT's seventh annual report focused on detention centers' psychiatric facilities, citing the absence of treatment plans and concerns over patients not being adequately informed of their therapy. The NGO Humanrights.ch criticized the shortage of treatment places in psychiatric facilities, which resulted in mentally ill detainees spending up to 23 hours daily in their cells with little access to external contacts. According to cantonal statistics, 269 prisoners in ordinary detention centers were awaiting assignment to a psychiatric institution. Humanrights.ch also noted that the lack of available treatment options increased the incarceration time of mentally ill inmates beyond their actual sentences. Authorities often did not grant detainees in psychiatric custody the right to free legal counsel.

In 2016 the NCPT visited detention centers in five cantons, and conducted follow-up visits in four cantons. While the commission deemed overall conditions at the institutions to be adequate, it found some prisons to be under-resourced and overcrowded. The committee criticized the La Tuiliere Prison in Vaud for recording phone conversations between prisoners and their lawyers. The committee also criticized the provisional asylum reception center in Rancate for detaining unaccompanied minor asylum seekers and reprimanded the asylum reception and processing center in Kreuzlingen for breaching international guidelines that prohibit unaccompanied minor asylum seekers from being held with adults.

Administration: There was no ombudsman or comparable authority available at the national level to respond to complaints, but a number of cantons maintained cantonal ombudsmen and mediation boards that acted on behalf of prisoners and detainees to address complaints related to their detention. Such resources were more readily available in the larger, more populous cantons than in smaller, less populated ones.

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 carried out its latest periodic visit to the country in 2015. Local groups enjoyed a high degree of independence.

Improvements: Zurich's airport prison increased its range of sports activities and granted inmates greater flexibility in keeping their cell doors open. The asylum reception and processing center in Kreuzlingen offered more recreational and sports activities and set up a playroom to accommodate children of migrants.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government generally observed these requirements.

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. Police report to the Federal Department of Justice and Police, while the army reports to the Federal

Department of Defense, Civil Protection, and Sport. The State Secretariat for Migration is responsible for granting immigrant visas and residence/work permits, evaluating asylum and refugee applications, and managing deportations; it reports to the Federal Department of Justice and Police. The Swiss Border Guard is responsible for registering asylum seekers and fighting illegal migration and transborder crime; it reports to the Federal Department of Finance.

Civilian authorities maintained effective control over police, the army, and the Swiss Border Guard, and the government has effective mechanisms to investigate and punish abuse. There were no reports of impunity involving the security forces during the year. Cantonal state prosecutors and police generally investigated security force violence, although in some cantons 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 the suspect before a prosecutor or investigating magistrate, who must either formally charge a detainee or order 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. Alternatives to bail include having suspects report to probation officers and imposing restraining orders on suspects. 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 carrying a possible prison sentence. According to the CPT's 2016 report, detainees often did not have access to a lawyer for several hours after arrest. 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 CPT also reported that the right to inform the families of arrests "was not always recognized" and that "it was not uncommon" for the delay to last several hours. It

condemned the denial of contacts, including visits and telephone calls, for up to several months for prisoners awaiting judgment.

The law allows police to detain minors between the ages of 10 and 18 for a “minimal period” but does not explicitly state the length. Without an arraignment or arrest warrant, police may detain young offenders for a maximum of 24 hours (48 hours during weekends).

Arbitrary Arrest: There were occasional reports of arbitrary arrest. In July the federal court overturned a 2015 ruling by Zurich’s high court that suspended proceedings against three police officers accused of beating, kicking, and temporarily chaining up a gay man at a police station in 2011 after the man complained about not being able to bring harassment charges against two youths. The police officers allegedly also prevented the man from contacting his partner about bringing him his HIV medication while in custody. The federal court resubmitted the case to Zurich’s public prosecutor, where it was pending as of November.

Pretrial Detention: The NGO Humanrights.ch noted that lengthy pretrial detention was a problem, as it was in the previous year. In 2016 approximately 24 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. Humanrights.ch commented that authorities often used pretrial detention to pressure suspects into admitting guilt.

e. Denial of Fair Public Trial

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

Trial Procedures

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

Defendants enjoy a presumption of innocence. Defendants have the right to be informed promptly and in detail of the charges, with free interpretation as necessary from the moment charged through all appeals. Trials are public and held without undue delay. Defendants are entitled to be present at their trial. They have the right to 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 adequate time and facilities to prepare a defense. They have the right to confront and question witnesses, and to present witnesses and evidence. Defendants may not be compelled to testify or confess guilt. They have the right to appeal, ultimately to the Federal Tribunal, the country's highest court. Sentences for youths up to age 15 may be for no longer than one year. For offenders between the ages of 16 and 18, sentences may be up to four years. 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. Individuals and organizations may appeal adverse domestic decisions to the European Court of Human Rights.

Property Restitution

The government reported that Holocaust-era restitution is no longer a significant issue and that no litigation or restitution claims regarding real or immovable property covered by the Terezin Declaration, to which the government is signatory, were pending before authorities. The Jewish communities in Switzerland confirmed that no litigation or restitution claims regarding real or immovable property covered by the Terezin Declaration were pending before authorities.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the 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 expression, including for the press.

Freedom of Expression: The law prohibits hate speech, such as public incitement to racial hatred or discrimination, spreading racist ideology, and denying crimes against humanity, including via electronic means. It provides for punishment of violators by monetary fines and imprisonment of up to three years. There were several convictions under this law during the year (see section 6, Anti-Semitism, and National/Racial/Ethnic Minorities).

Press and Media Freedom: Independent media were active and expressed a wide variety of views without restriction. The law's restriction on hate speech and denial of crimes against humanity also applies to print, broadcast, and online newspapers/journals. According to federal law, it is a crime to publish information based on leaked "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 that the government monitored private online communications without appropriate legal authority.

According to the International Telecommunication Union, 87 percent of the population used the internet in 2016.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful 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/religiousfreedomreport/.

d. Freedom of Movement

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, or other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Authorities may detain asylum seekers who inhibit authorities' processing of their asylum requests, 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 assure they do not go into hiding prior to forced deportation, 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 whose applications were denied to leave voluntarily but could forcibly repatriate those who refused.

A study by the University of Zurich published in February concluded that federal, cantonal, and communal governments restricted asylum seekers' freedom of movement by imposing unreasonable rules for entering and exiting asylum centers.

In April the Federal Tribunal approved an asylum-seeking Afghan family's complaint against the canton of Zug for breaching their right to family life after authorities separated the family for 20 days ahead of their return to Norway, where they first applied for asylum under the EU's Dublin Regulation. Cantonal migration authorities placed the parents in separate detention centers while child protection services accommodated three of their children in a children's home before returning the family to Norway.

According to statistics published by the State Secretariat for Migration (SEM), 310 unaccompanied minor asylum seekers disappeared from official asylum reception centers between January and September. In 2016 some 539 unaccompanied

asylum-seeking minors went missing, compared to 94 in 2015. The SEM stated that many unaccompanied minors fled the country's official reception centers after applying for asylum, and authorities were unable to verify their whereabouts. The NGO Terre des Hommes expressed concern over missing underage asylum seekers becoming victims of trafficking, and criticized the divergent cantonal practices for failing to report missing young migrants. Terre des Hommes further stated that some cantons did not consistently report disappearances of underage asylum seekers.

During the year cantonal police and the state prosecutor of Basel-Landschaft commenced investigations into allegations of sexual assault by a caretaker against an underage asylum seeker as well as reports of violence and drug abuse perpetrated by staff in an asylum seeker housing facility in Reinach. A local newspaper accused the housing facility of covering up the offenses by blackmailing, firing, and silencing staff members with hush money. In May the facility dismissed the staff member who reported the allegations to the media and authorities, citing a "massively impaired relationship of trust" and breach of work agreements.

In its 2016 annual report published in February, Amnesty International again alleged that the country prevented numerous unaccompanied minor migrants seeking asylum and protection from crossing the southern border from Italy. The report also criticized the government for allegedly disregarding international agreements by refusing irregular or undocumented migrants preliminary asylum proceedings and preventing the reunification of separated families. In 2016 the NGO Swiss Refugee Aid criticized the cantons for not providing adequate care and support for unaccompanied minor asylum seekers.

On July 11, the NCPT released its annual report on deportation flights. Between April 2016 and April 2017, the country forcibly deported 317 persons, including 26 families and 64 children, to their countries of origin on 40 repatriation flights. The NCPT regarded the treatment of deportees as generally professional. The committee, however, criticized officials' access to firearms and Tasers and the separation of family members prior to deportation. The committee also criticized officials in the cantons of Grisons, Neuchatel, and Valais for wearing balaclavas when summoning individuals for deportation and for not providing deportees with adequate information about the deportation process. The committee further observed inconsistent deportation practices among the cantons.

On December 7, a military tribunal sentenced a border guard to a suspended prison term of seven months and a suspended fine of 9,000 Swiss francs (\$9,000) for attempted pregnancy termination, afflicting bodily harm, and repeatedly disregarding official regulations. The case concerned a Syrian asylum seeker who suffered a stillbirth in 2014 while being deported to Italy.

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 process and in cases of serious criminal offenses, deeming deportation of asylum seekers an administrative, rather than a judicial, process.

Protection of Refugees

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. The UN special rapporteur on the human rights of migrants criticized the Federal Administrative Court's decision in February to no longer grant protection to Eritrean asylum seekers who illegally departed their home country. The court based its decision on the findings of a 2016 SEM report, which concluded that asylum seekers who departed Eritrea illegally no longer faced government retribution upon their return. The UN special rapporteur, however, stated there was no evidence to suggest that returned asylum seekers remained safe from government reprisals.

In 2016 the SEM announced it would allow deportations to all parts of Sri Lanka, contingent on case-by-case evaluations. Swiss Refugee Aid criticized the new practice, calling the revisions premature in light of the organization's assessment that northern Sri Lanka was still unsafe for dissidents.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. 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.

In June 2016 voters approved the revision of the country's asylum law to expedite the asylum process by reducing processing times to a maximum of 140 days as

well as to increase financial aid and to provide free legal help to asylum seekers, but the new law was not yet in effect as of November. The country's embassies abroad do not accept asylum requests, and conscientious objectors and army deserters do not automatically qualify for refugee status.

Safe Country of Origin/Transit: The SEM relied on a list of "safe countries." Asylum seekers who originated from or transited these countries generally were ineligible for asylum. The country is a signatory to the EU's Dublin III Regulation.

Employment: The law prohibits asylum seekers from working during the first three months following their arrival in the country, and authorities can extend that prohibition for an additional three months if the SEM rejects the asylum application within the first three months. After three months asylum seekers may seek employment in industries with labor shortages, such as in the hospitality, construction, healthcare, or agricultural sectors.

Access to Basic Services: The cantons assumed the main responsibility for providing housing, general assistance, and care to asylum applicants during the processing phase. Shortages of appropriate housing for asylum seekers remained a problem. Asylum seekers have the right to basic medical care, and the children of asylum seekers are entitled to attend school until ninth grade (the last year for which school is mandatory).

A study published in August by Bern's University of Applied Sciences reported shortages in asylum centers' health-care services for pregnant women. According to the report, a lack of translation services prevented patients from receiving adequate psychological support, while access to female-specific contraception was limited due to the unsubsidized costs of the prescription.

In September voters in the canton of Zurich accepted a proposal to discontinue paying temporarily accepted asylum seekers a monthly welfare benefit of 900 Swiss francs (\$900), opting to provide them monthly emergency aid of 360 Swiss francs (\$360) instead.

To accommodate increasing numbers of asylum seekers, the SEM continued to house hundreds of asylum seekers in remote rural areas or in decommissioned military establishments--several of them underground--retrofitted to serve as short-term housing. A UNHCR report published in August called on the government to establish gender-segregated and lockable living spaces and family rooms in federal

asylum centers to protect asylum seekers' family and private lives better. In May the SEM commenced a pilot project to end the ban on asylum seekers having mobile telephones and took additional steps to provide suitable care for minor asylum seekers in federal centers.

Durable Solutions: In December 2016 the government announced it would accept an additional 2,000 Syrian refugees over the next two years as part of a UNHCR resettlement program. In 2015 the government had agreed to accept 3,000 Syrian refugees between 2015-18 under the UNHCR resettlement program. Of these, 1,345 had arrived in the country as of October.

Temporary Protection: In 2016 the government granted temporary admission to 7,369 individuals, 1,735 of whom the government designated as refugees.

In April the NGO Caritas criticized the federal government's assistance to Syrian refugees as "insufficient." Syrian asylum seekers who were not accepted as refugees were admitted as "temporarily admitted refugees." Those awarded temporary refugee status faced more restrictions on family reunification than admitted refugees.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2015 voters elected parliamentary representatives for the National Council and the Council of States. Runoff elections for the Council of States in 12 of the 26 cantons were completed the following month. Observers considered the elections free and fair.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate. A UN report on gender equality published in November 2016 found that "structural barriers and gender bias" resulted in fewer female parliamentarians in both houses.

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: Investigating and prosecuting government corruption is a federal responsibility. In its fourth interim report, published on August 25, the Council of Europe's Group of States against Corruption rated the government's progress on fighting corruption as "globally unsatisfactory." The report criticized the government's continued lack of statutory regulations on political party financing.

In June a new whistleblower platform of the Federal Audit Office became operational. It permits anonymous reports of corruption or other inappropriate or illegal conduct. In 2016 federal police and public prosecutors also adopted an anonymous whistleblower hotline for members of the public to report suspicious activities to state authorities.

In February authorities arrested an employee of the Ticino migration office on the suspicion of human trafficking, theft, blackmail, and violating the foreigners' law, for allegedly collaborating with a former owner of a local construction firm illegally to issue cantonal residence permits to ineligible foreign workers. Authorities also temporarily detained a second staff member of the Ticino migration office and an additional cantonal official accused of breaching professional confidentiality in connection with the case. Investigations were ongoing as of November.

Financial Disclosure: Each year members of the Federal Assembly must disclose their financial interests, professional activities, supervisory board or executive body memberships, and activities as consultants or paid experts. A majority of cantons also required members of cantonal parliaments to disclose their financial interests. While parliamentary salaries were publicly disclosed, the salaries for parliamentarians' separate, professional activities may not be disclosed, as outlined in the Federal Act.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 generally cooperative and responsive to their views.

Government Human Rights Bodies: In June the government announced plans to make the Swiss Center for Human Rights (SCHR) a permanent human rights institution. The SCHR consists 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 the deprivation of liberty, women's access to justice, the rights of vulnerable groups in society, and religious freedom.

Fourteen cantonal ombudsman offices assessed cases of police misconduct.

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

Women

Rape and Domestic Violence: Rape, including spousal rape, and domestic violence, are statutory offenses for which penalties range from one to 10 years in prison. The government effectively prosecuted individuals accused of such crimes.

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 against migrant women was four times higher than against nonmigrant women. The law penalizes domestic violence and 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 survivors of domestic violence. Official women's shelters had average occupancy rates between 70 and 90 percent. Most cantonal police forces included specially trained domestic violence units.

On November 25, the NGO Feminist Peace Organization organized a campaign supported by several cantonal governments on the influence of gender stereotypes on violence against women that included approximately 50 participating organizations and 70 public awareness events across the country.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is illegal and punishable by up to 10 years' imprisonment. No cases of FGM/C were brought to court in 2016,

and there was no concrete evidence that FGM/C occurred in the country. According to government and NGO estimates, approximately 15,000 women and girls, primarily from Somalia, Eritrea, Ethiopia, Sudan, and Egypt, were affected by, or at risk of, FGM/C.

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 expires after six months. Employers failing to take reasonable measures to prevent sexual harassment are liable for damages up to the equivalent of six months' salary.

A national survey published in April by local newspaper *20 Minuten* found that 44 percent of 2,700 surveyed women had experienced sexual assault at least once in their lives, while 41 percent had experienced sexual harassment, and 3 percent were victims of rape.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The constitution and the law generally provide for the same legal status and rights for women as for men. A study commissioned by the Federal Office for Gender Equality and published in June by the University of Geneva found that judges dismissed 63 percent of all workplace discrimination cases brought to court by women. According to the study, lawsuits regarding salary discrimination were the most numerous. Judges reportedly dismissed 83 percent of sexual harassment cases and 90 percent of retaliatory termination cases.

Children

Birth Registration: Citizenship derives from one's parents; either parent may convey citizenship. Authorities registered births immediately.

Child Abuse: Child abuse was a significant problem.

Early and Forced Marriage: The legal minimum age of marriage is 18 years. The law prohibits forced marriage and provides penalties of up to five years in prison for violations. To combat the problem, the Organization against Forced Marriage,

together with the Bern city police, established a website where at-risk individuals could declare their unwillingness to be married while on foreign travel, which in turn allowed authorities either to stop vulnerable individuals from leaving the country or to pronounce the marriages as invalid upon their return.

The NGO observed a significant increase in forced marriages of minors, documenting in 2016 a total of 21 forced marriages of girls between the ages of 14 and 17 in the cantons of Bern, Zurich, and Solothurn. According to the NGO, Muslim clerics forcibly married 18 girls from Syria, Afghanistan, Iraq, Eritrea, Somalia, Kosovo, and Macedonia, while Christian priests officiated at three weddings of Romani girls against their will.

Sexual Exploitation of Children: The production, possession, distribution, or downloading of internet pornography that involves children is illegal and 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 maximum penalty for statutory rape is imprisonment for 10 years. The mandate of the federal police Cybercrime Coordination Unit included preventing and prosecuting crimes involving the sexual exploitation of children online.

The law prohibits prostitution of persons under the age of 18 and punishes pimps of children subjected to trafficking in commercial sex with prison sentences of up to 10 years. It provides for sentences of up to three years in prison for persons engaging in commercial sex with children.

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 *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

According to the Swiss Federation of Jewish Communities (SIG/FSCI), approximately 18,000 Jewish individuals resided in the country.

The *2016 Anti-Semitism Report*, produced jointly by the SIG/FSCI and the Foundation against Racism and Anti-Semitism, cited 25 anti-Semitic incidents (excluding anti-Semitic online hate speech) in the German-speaking part of the country in 2016. The SIG/FSCI attributed the increase in recorded anti-Semitic

statements and acts to a potential improvement in the reporting behavior of the public. The report documented two physical assaults against Jews.

In 2016 the Geneva-based Intercommunity Center for Coordination against Anti-Semitism and Defamation reported 153 anti-Semitic incidents in the French-speaking region. The report noted an increase in anti-Semitic incidents motivated by the myth of a global Jewish conspiracy controlling the world. The report also observed a steep rise in anti-Semitic incidents on social media, primarily by right-wing extremist groups.

In November 2016 the Ministry of Interior's Service for the Fight against Racism issued a report, *Measures Taken by the Federal State to Combat Anti-Semitism in Switzerland*. The report stated that while the government was required to protect Jews if they were at risk of attacks, "there is no constitutional or legal basis permitting the participation of the federal state in the security costs to protect Jewish institutions." The report suggested Jewish organizations could create a foundation to finance the costs of providing security to Jewish institutions. The Swiss Federation of Jewish Communities took issue with the recommendation in a public statement. In a report released by the Ministry of Interior in October, the government described the protection of Jewish institutions as an "issue of national importance." According to the report, the government established an interdepartmental working group to assess potential security gaps in the protection of religious groups, including Jewish and Muslim communities. The Federal Office for Justice also founded a coordination office for religious issues during the year to improve the government's handling of religious matters.

During the year authorities prosecuted several cases involving the display of Nazi symbols under the law that prohibits hate speech and spreading racist ideology. For example, in August the Federal Tribunal backed the cantonal court of Geneva's sentencing of three men for violating the antidiscrimination law after they performed a gesture resembling the Hitler salute in front of Geneva's Beth-Yaacov Synagogue in 2013. The court sentenced the men to suspended fines.

In August Israel's ambassador reported to the Swiss foreign ministry that the Paradies Hotel in the resort village of Arosa posted signs, "To our Jewish guests, women, men, and children, please take a shower before you go swimming," adding, "If you break the rules, I'm forced to close the swimming pool for you." A second notice in the kitchen instructed "our Jewish guests" that they could only access the facility's freezer between 10:00 a.m. and 11:00 a.m. and between 4:30

p.m. and 5:30 p.m. A spokesperson for the foreign ministry said the government condemns all forms of racism, anti-Semitism, and discrimination.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at 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, and the government generally enforced the prohibition. The law mandates access to public buildings and government services, including information and communications, for persons with disabilities, and the government generally enforced these provisions.

The NGO Humanrights.ch noted the incarceration of patients in regular detention centers for up to 23 hours a day and the denial to detainees with mental disabilities of their right to free legal counsel (see also section 1.c.). In its 2016 report, the CPT noted that some persons were hospitalized in conditions that were inappropriate to their mental disabilities.

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.

In April the cantonal court of Appenzell Ausserrhoden sentenced a health spa to pay 34,000 Swiss francs (\$34,000) in compensation to the disability organizations Procap, Pro Infirmis, and Insieme, which filed discrimination charges against the spa's management for refusing five children with Down's syndrome entry during a school visit in 2012. The spa reportedly told the children's guardians that their "presence disturbed other guests." The ruling was the first in the country's history to approve a legal claim based on discrimination against persons with 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.

In August the district court of Sion in the canton of Valais sentenced a lower house parliamentarian from the right-wing Swiss People's Party to a suspended fine of 18,000 Swiss francs (\$18,000) and an additional unsuspended fine of 3,000 Swiss francs (\$3,000) for breaching the antiracism law after the man publicly condoned the 2015 killing of a Muslim in a St. Gallen mosque with the tweet, "We want more!" In April the Consulting Network for Racism Victims, a partnership between the NGO Humanrights.ch and the Federal Commission against Racism, released its report for 2016, documenting an increase in racism against dark-skinned individuals and persons of Arab background. Anti-Muslim incidents were the third most-recorded cases of racism, after general xenophobia and racism against persons with dark skins. The report noted that most incidents of racial discrimination were verbal and occurred primarily in the workplace, although 15 incidents involved physical attacks against members of minorities.

The Romani association Romano Dialogue reported discrimination against Roma in the housing and labor markets and that many Roma routinely concealed their identity to prevent professional and private backlash. Romani representatives told local media that perceptions of uncleanness, criminality, street begging, and lack of education continued to dominate the public's view of Roma. According to the Society for Threatened Peoples, itinerant Roma, Sinti, and Yenish regularly faced arbitrary stops by police.

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

The law does not specifically ban discrimination based on sexual orientation or specifically address LGBTI problems. There were occasional reports of societal violence or discrimination based on opposition to LGBTI orientation.

As of September, a central office for collecting data and publishing statistics on verbal and/or physical attacks against LGBTI individuals recorded six cases. The umbrella organization for gay men, Pink Cross, reported that bullying in the work place remained a problem for LGBTI persons and noted that there were instances of discrimination against LGBTI individuals in the housing market. The organization also noted that authorities did not specifically prosecute hate crimes.

HIV and AIDS Social Stigma

There were occasional reports of discrimination against persons with HIV/AIDS. 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, public sector officials, domestic workers, and agricultural workers, to form and join independent unions of their choice without previous authorization or excessive requirements. The law also provides for the right to bargain collectively and conduct legal strikes. 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. Laws prohibited public servants in some cantons and many municipalities from striking. No specific laws prohibit antiunion discrimination or employer interference in trade union activities. The law does not require employers to reinstate an employee whom employers unjustly dismissed for union activity.

No law defines penalties for violations of the freedoms of association or collective bargaining. Penalties took the form of fines, which were sufficient to deter violations. 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.

The government respected the freedoms of association and collective bargaining, but employers at times dismissed trade unionists and used the legal system to limit legitimate trade union activities. Trade unions continued to report discriminatory behavior against their members. In June 2016 the University of Neuchatel published the second part of a study commissioned by the Federal Council on the protection of workers' representatives, which found that the legal protections of workers participating in lawful strikes were "full of gaps and arbitrary." The study also concluded that the country's code of obligations breached the fundamental rights and freedoms provided by the International Labor Organization (ILO) and European Convention on Human Rights. The first part of the study, published in 2015, found that the labor law governing the rights to terminate work contracts does not conform to international agreements.

In 2015 the International Trade Union Confederation criticized the government for the country's repressive laws on striking, which include dismissal and fines for strikes that are declared illegal.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced and compulsory labor. Penalties for forced labor violations were up to 20 years' imprisonment, and were sufficient to deter violations. The NGO Trafficking.ch commented that fines for labor trafficking were often very low because authorities treated indications of forced labor as relatively minor labor violations. The government conducted several training programs for relevant authorities on labor trafficking aimed at raising awareness and reducing such exploitation. In April the federal police published an updated national action plan on countering human trafficking for the period 2017-20 that included increased measures for combating forced labor and labor exploitation.

There were reports that forced labor occurred. In April 2016 the University of Neuchatel released a study commissioned by the federal police that concluded forced labor occurred in domestic work and in the tourism, hospitality, construction, and agriculture industries. Women were predominantly exploited for domestic labor, while men were mostly forced to work in construction. The majority of female victims came from Africa and South America, while male victims predominantly came from Eastern Europe and the Balkans.

There were isolated reports of trafficking of children for forced begging and forced criminal activity (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at 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. Children who are 13 or 14 may engage in light work for no more than nine hours per week during the school year and 15 hours at other times. Children under the age of 13 may, under special circumstances, work at sports or cultural events with the approval of cantonal authorities. Employment of youths between the ages of 15 and 18 is also restricted. Children who have not completed compulsory education may not work on Sundays, while all children under the age of 18 are prohibited from working under hazardous conditions or at night. The 2014 report of the ILO's Committee

of Experts on the Application of Conventions and Recommendations noted that the penal code prohibits the production of pornography involving children but that the relevant provisions only cover persons who are less than 16 years of age.

The government effectively enforced laws and policies to protect children from exploitation in the workplace. The Federal Department of Economic Affairs, Education, and Research monitored the implementation of child labor laws and policies, and cantonal labor inspectors effectively inspected companies to determine whether there were violations of child labor laws. Cantonal inspectors strictly enforced these provisions.

In 2016 authorities sentenced a Romani man and a Romani woman to partially suspended prison sentences of three years for forcing a Romani child with disabilities into street begging.

Also see Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

d. Discrimination with Respect to Employment and Occupation

The equality law prohibits discrimination with respect to employment on the basis of sex (including pregnancy). There is no labor law that explicitly prohibits discrimination with respect to employment on the grounds of sex, race, color, religion, sexual orientation, language, political opinion, HIV-positive status or other communicable diseases, gender identity, age, or national and social origin.

Violations of the law may result in the award of compensation to a prospective or dismissed employee equal to a maximum of three months' salary in the public sector and six months' salary in private industry. The government did not effectively enforce this provision. Penalties were not sufficient to deter violations. The ILO observed that the country lacked easily accessible mechanisms for workers to seek remedy or compensation for discrimination in employment and vocational training.

Discrimination in employment and occupation occurred with respect to national, racial, and ethnic minorities as well as based on sex, sexual orientation, gender identity, disability, HIV-positive status, and age.

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. Women were severely underrepresented in top-level management positions, particularly in private industry. The law entitles women and men to equal pay for equal work, but this was not enforced effectively. In 2014 the median monthly income for women in the public sector was 7,202 Swiss francs (\$7,210), while men earned 8,208 Swiss francs (\$8,210). The median monthly income for women in the private sector was 5,548 Swiss francs (\$5,550), while men earned 6,536 Swiss francs (\$6,540).

The Federal Office for Gender Equality financed projects that promoted equal pay and equal career opportunities in the amount of 4.4 million Swiss francs (\$4.4 million). The projects were geared towards assisting businesses and counseling offices in eliminating sex-based discrimination.

According to Procap, one of the country's largest organizations for persons with disabilities, problems remained in integrating individuals with disabilities into the labor market, and many persons with disabilities lacked adequate support from social insurance after taking a job, which made sustained employment difficult.

In May 2016 a SCHR study on discrimination protection found that LGBTI persons experienced workplace discrimination, predominantly in the private sector.

In 2014 a report by the Organization for Economic Cooperation and Development (OECD) found the country's long-term unemployment rate for persons over the age of 55 was 58.6 percent in 2012. The OECD cited the exclusion of age from the country's antidiscrimination law as a potential reason behind the high long-term unemployment rate of senior citizens.

The Romani association Romano Dialogue reported that Roma were subjected to discrimination in the labor market and that many Roma concealed their identity to prevent professional backlash. In 2014 ECRI expressed concern that ethnic minorities, such as Muslims, persons of color, refugees, and the Yenish and other Romani groups, experienced considerable discrimination in the labor market. According to ECRI, the unemployment rate among noncitizens was 6.6 percent, compared with 2.3 percent among citizens. The report emphasized that young migrants from countries outside the EU suffered substantial discrimination, even after they had successfully completed their education in the country.

There were occasional reports of labor discrimination against persons with HIV/AIDS. In 2016 the Swiss AIDS Federation registered 83 cases of

discrimination against individuals with HIV. An estimated nine of those complaints concerned employment discrimination or other discrimination in the workplace. Examples of workplace discrimination included refusals to arrange job interviews and placements and breaches of confidentiality about an employee's HIV-positive status.

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, domestic work, health care, and agricultural sectors.

e. Acceptable Conditions of Work

There was no national minimum wage. Work contracts covering approximately 40 percent of citizen wage earners included minimum wage provisions, although average wages for workers and employees covered by these contracts, particularly in the clothing, hospitality, and retail industries, remained relatively low. A majority of voluntary collective bargaining agreements, reached on a sector-by-sector basis, contained minimum compensation clauses. According to the most recent available statistics (2015), the poverty income level for a single person was 2,239 Swiss francs (\$2,240) per month and 3,984 Swiss francs (\$3,980) per month for a household of two adults and two children. Minimum wage agreements exceeded the poverty income level for a single person.

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 under the age of 20, with certain exceptions. Workers are also entitled to one day off per week. In exceptional circumstances an employer may grant a worker two half-days free instead of a full day, if required by specific work conditions and the worker consents to it.

To protect worker health and safety, the law contains extensive provisions that are current and appropriate for the main industries. Workers can remove themselves from situations that endanger health or safety without jeopardy to their employment.

The Federal Department of Economic Affairs, Education, and Research and cantonal labor inspectorates effectively enforced laws relating to hours of work and occupational safety and health across all sectors including the informal economy. In 2016 the cantons inspected 12,075 businesses and 35,400 individuals. The ministry also oversees collective bargaining agreements. The number of labor inspectors was sufficient to enforce compliance.

The courts determined fines according to the personal and economic situation of the perpetrator at the time of sentencing. In September 2016 parliament approved stricter penalties for violating minimum wage and working conditions by raising maximum monetary fines.

Migrant workers in low-wage jobs, especially in the construction, hospitality, tourism, domestic, agricultural, and healthcare sectors, were more likely to experience exploitative labor practices. During the year several local NGOs and international organizations, including the International Organization for Migration, expressed concern authorities were not adequately addressing labor exploitation prevalent in the construction, hospitality, healthcare, and domestic-labor sectors. In March 2016 the Federal Council established a national action plan for better performance in combating labor law breaches and labor exploitation.

Immigrants may work and have the same rights as other workers. There are no special provisions or requirements for noncitizen workers apart from having 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 usually were not allowed to work during the first three to six months after they had applied for asylum but in exceptional cases could work as self-employed.

In March the Federal Office for Health facilitated the establishment of a fund for assisting asbestos victims who had been diagnosed with cancer dating to 2006. The fund was financed by voluntary industry contributions, including starting capital of six million Swiss francs (six million dollars) and financial pledges of 24 million Swiss francs (\$24 million).