

Switzerland

Country:

Switzerland

Year:

2016

Freedom Status:

Free

Political Rights:

1

Civil Liberties:

1

Aggregate Score:

96

Freedom Rating:

1.0

Overview:

In 2015, Swiss voters elected a new parliament, choosing deputies for the National Council and the Council of States. The right-wing Swiss People's Party (SVP) made the most significant gains, largely at the expense of centrist and left-wing parties. The election campaign as well as general national dialogue were dominated by discussions of the refugee crisis that gripped Europe during the year. The wearing of veils in public spaces was also a focus of discussion, and local governments in multiple cantons confronted the question of banning veils that cover the head or face. In December, the Federal Constitutional Court ruled the banning of the hijab (headscarf) to be unconstitutional.

Political Rights and Civil Liberties:

Political Rights: 39 / 40 [Key]

A. Electoral Process: 12 / 12

The constitution provides for a Federal Assembly with two directly elected chambers: the 46-member Council of States (in which each canton has two members and each half-canton has one) and the 200-member National Council. All lawmakers serve four-year terms. The Federal Council (cabinet) is a seven-person executive council, with each member elected by the Federal Assembly. The presidency is largely ceremonial and rotates annually among the Federal Council's members.

Federal elections were held in 2015. Voting for the National Assembly took place in October, while the two rounds of voting for the Council of States took place in October and November. In the National Council, the right-wing SVP made strong gains and won 65 seats, up from the 54 it previously held. The Social Democratic Party (SP) won 43 seats, the FDP—a group formed through

the merger of the Free Democratic Party and the Liberal Party—took 33 seats, the Christian Democratic People's Party (CVP) captured 27 seats, and the Green Party won 7 seats. Six smaller parties also gained representation. In the Council of States, the FDP and the CVP won 13 seats each, the SP took 12, and three other parties split the remainder.

B. Political Pluralism and Participation: 15 / 16

Political parties are free to form and operate, and a wide range of parties are active at the federal and regional levels. The political system is extremely stable, but remains open to new groups. By common agreement, the Federal Council is comprised of two members each from the SVP, the SP, and the FDP, and one member from the CVP.

Restrictive citizenship laws and procedures tend to exclude many immigrants as well as their children from political participation.

C. Functioning of Government: 12 / 12

Swiss governance is characterized by decentralization. The 26 cantons have significant control over economic and social policy, with the federal government's powers largely limited to foreign affairs and some economic matters. Referendums, which are used extensively, are mandatory for any amendments to the federal constitution, the joining of international organizations, or major changes to federal laws.

The government is free from pervasive corruption. Switzerland was ranked 7 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index. In 2013, Switzerland signed an Organisation for Economic Co-operation and Development (OECD) convention against tax evasion, in which states pledge to share information for tax enforcement. As the world's largest offshore financial center, however, Switzerland has been criticized for failing to comply with recommended international norms on preventing tax evasion, money laundering, and the financing of terrorism. In a June 2015 report, the Council of Europe's Group of States against Corruption (GRECO) criticized Switzerland for failure to combat lack of transparency in party financing.

Some improvements were made during the year. In September, legislators adopted amendments to the penal code that toughened penalties for bribery involving private-sector entities. Also in September, federal police and prosecutors launched an anonymous hotline for members of the public to use for reporting corruption and related malfeasance.

Civil Liberties: 57 / 60

D. Freedom of Expression and Belief: 15 / 16

Freedom of speech is guaranteed by the constitution. Switzerland has a free media environment, although the state-owned Swiss Broadcasting Corporation dominates the broadcast market. Consolidation of newspaper ownership in large media conglomerates has forced the closure of some small and local newspapers. The law penalizes public incitement to racial hatred or discrimination as well as denial of crimes against humanity. The government does not restrict access to the internet.

Freedom of religion is guaranteed by the constitution, and most cantons support one or more churches. The country is roughly split between Roman Catholics and Protestants, although some 400,000 Muslims form the largest non-Christian minority, at about 5 percent of the population. In a 2009 referendum, voters approved a ban on the future construction of minarets on mosques.

Discussions about banning veils in public continued in 2015. In the absence of federal consensus, local governments have been able to make varying decisions on the matter in recent years. In 2013, voters in the Italian-speaking canton of Ticino supported banning face-covering veils in public spaces through a referendum. In March 2015, the Council of States issued a decision that the prohibition did not violate federal laws, and in November, the legislature of Ticino approved the ban, prescribing fines of up to 10,000 Swiss francs (\$10,000). In a case brought by a student in St. Gallen whose school barred her from wearing a hijab (headscarf), the Federal Supreme Court ruled in December that prohibiting headscarves is unconstitutional. In August, while the case was ongoing, some SVP lawmakers called for the deportation of the student's family, claiming that they were a threat to "social peace." Following the incident, the Federal Commission against Racism denounced discriminatory and offensive language by politicians, urging them to set an example for responsible public debate. In September, several SVP representatives announced plans to progress an initiative for a federal ban on face-covering veils.

Most public schools provide religious education, depending on the predominant creed in the canton. Religion classes are mandatory in some schools, although waivers are regularly granted upon request. The government respects academic freedom, and private discussion remains open and vibrant.

E. Associational and Organizational Rights: 12 / 12

Freedoms of assembly and association are protected by the constitution. The right to collective bargaining is respected, and approximately 16 percent of the workforce is unionized.

In 2014, local authorities in Fribourg banned the Islamic Central Council of Switzerland (IZRS) from holding its annual meeting, citing security risks related to the potential for rioting and concerns regarding Muslim radicalism; the Fribourg cantonal court upheld the ban. In October 2015, the Federal Supreme Court overturned the lower court decision, ruling that Fribourg authorities had restricted the group's right to assemble using inappropriate legal grounds and insufficient evidence.

F. Rule of Law: 15 / 16

The judiciary is independent, and the rule of law prevails in civil and criminal matters. Most judicial decisions are made at the cantonal level. The federal Supreme Court is empowered to review cantonal court decisions when they pertain to federal law. Some incidents of police discrimination and excessive use of force have been documented. Conditions in prisons and detention centers generally meet international standards, and the Swiss government permits visits by independent observers.

In 2014, the Federal Council announced a ban on membership in the Islamic State (IS) militant group, and barred activities including propaganda, fundraising, and recruitment for IS. Violators of the ban can face up to three years in prison. Swiss citizens who travel abroad to fight with the group may be subject to prosecution upon return. These provisions were applied for the first time in April 2015 when a Swiss citizen was stopped from boarding a plane from Zurich to Istanbul due to suspicions that he intended to fight with IS.

Immigration and asylum policies have been at the forefront of national dialogue in recent years. In a June 2013 referendum, about 80 percent of voters approved a proposal to tighten asylum laws, and in a February 2014 referendum, just over 50 percent of voters supported a proposal to further increase restrictions on immigration. The February vote obliged the government to act within three years to impose new quotas on foreign workers and renegotiate labor market agreements with the European Union (EU). It also required employers to give preference to Swiss citizens in hiring, and restricted immigrants' rights to welfare benefits.

Switzerland received approximately 38,000 first-time asylum applications in 2015, an increase of more than 70 percent from the previous year. In September, legislators approved amendments to asylum laws aimed at expediting the application process; among other things, the amendments shortened the processing time from 700 to 140 days, and mandated that applicants have access to free legal counsel. SVP legislators denounced the amendments, and by year's end, the party had gathered enough signatures to call for a referendum against the measures.

The rights of cultural, religious, and linguistic minorities are legally protected, but minority groups—especially those of African and Central European descent, as well as Roma—face increasing societal discrimination. There are some right-wing extremist groups whose platforms include hostility toward minorities and immigrants, and some incidents of hate speech and aggression were reported in 2015.

G. Personal Autonomy and Individual Rights: 15 / 16

Freedom of movement is respected, and there are no undue limitations on the ability to choose one's place of residence, employment, or education. The rights to hold property and to open a business remain unrestricted.

Women were only granted universal suffrage at the federal level in 1971, and the half-canton of Appenzell Innerrhoden denied women the right to vote until 1990. In the 2015 elections, 64 women were elected to the National Council. The constitution guarantees men and women equal pay for equal work, but pay differentials remain. Switzerland was ranked 8 out of 145 countries surveyed in the World Economic Forum's 2015 Gender Gap Index, which analyzes equality in the division of resources and opportunities between men and women.

In a 2005 referendum, voters approved same-sex civil unions. Recognized since 2007, these unions grant many of the legal benefits of marriage, with the exception of full adoption rights.

According to the U.S. State Department's 2016 *Trafficking in Persons Report*, Switzerland is primarily a destination for victims of human trafficking; the government complies with international standards for combating trafficking, and devotes adequate resources to protecting victims.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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