

SWITZERLAND 2021 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 Assembly elections were last held in 2019 and were considered free and fair. Parliament elects the executive leadership (the seven-member Federal Council) every four years and did so in 2019. Four political parties are represented on the Federal Council.

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. Civilian authorities maintained effective control over the security forces. There were no reports that the Federal Department of Justice and Police, the Federal Department of Defense, Civil Protection, and Sport, or civilian authorities committed abuses.

There were no reports of significant human rights abuses.

The government had mechanisms in place to identify, investigate, prosecute, and punish officials who may commit human rights abuses, engage in corruption, or both.

Section 1. Respect for the Integrity of the Person

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. The Office of the Attorney General investigates whether security force killings were justifiable and pursues prosecutions.

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 and law prohibit such practices. There were isolated reports that individual police officers used excessive force while making arrests and that prison staff engaged in degrading treatment of detainees. Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

Notwithstanding some inadequate and overcrowded facilities, prison and detention center conditions generally met international standards. There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: Prison overcrowding in the western part of the country remained a problem. Overcrowding at the 400-inmate capacity Geneva Champ-Dollon Prison was eliminated during the year with the population reported to be 398 inmates. In its *Activity Report 2020*, the National Commission for the Prevention of Torture (NCPT) noted an inadequate number of telephone booths and inmates held in their cells for 23 hours a day were continuing deficiencies.

The incidence of suicide remained an area of concern in detention centers. During the COVID-19 pandemic, suicide attempts in prisons increased by 57 percent. A 2020 study by the Swiss Competence Center for Human Rights (SCHR) cited lengthy pretrial detention, solitary confinement, and physical and mental health care as major concerns. According to the nongovernmental organization (NGO) Humanrights.ch, three-quarters of convicted persons with mental health conditions were sent to detention facilities rather than psychiatric clinics due to a lack of treatment options.

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.

Independent Monitoring: The government permitted independent monitoring of conditions in prisons and asylum reception centers by local and international human rights groups, media, and the International Committee of the Red Cross. In 2020 the NCPT visited 19 facilities, including detention centers and asylum detention centers. In March the Council of Europe’s Committee for the Prevention of Torture carried out a periodic visit to the country.

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 or her arrest or detention in court. The government generally observed these requirements.

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 his or her release. The law allows police to detain minors between ages 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). Authorities respected these rights.

Immigration authorities may detain asylum seekers and other inadequately documented foreigners up to 96 hours without an arrest warrant.

There is a functioning bail system, and courts grant release on personal recognizance or bail unless the magistrate believes 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 punishable by imprisonment. The law allows police to detain minors between ages 10 and 18 for a “minimal period” but does not explicitly state the length of detention permissible.

Pretrial Detention: According to the SCHR, lengthy pretrial detention continued. Approximately 46 percent of all prisoners were in pretrial detention due to COVID-19 pandemic-induced court closures. By law pretrial detention may not exceed the length of the expected sentence for conviction of the crime for which a suspect is charged.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence 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. They 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 of their choice 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. Prison sentences for convicted youths up to age 15 may not exceed one year. For convicted offenders between ages 16 and 18, sentences may be up to four years. Authorities generally respected these rights and extended them to all defendants.

Military courts may try civilians charged with revealing military secrets, such as divulging 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 file 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 Seizure and Restitution

The government reported that Holocaust-era restitution is no longer a significant problem 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. Jewish communities in the country confirmed there were no pending real or immovable property claims. There remained much art in the country with unresearched provenance as many museums and art collections were under the purview of cantons rather than the federal government or were maintained by private organizations and private individuals.

The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act* report to Congress can be found on the Department's website at:

<https://www.state.gov/reports/just-act-report-to-congress/>.

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

a. Freedom of Expression, Including for Members of the Press and

Other Media

The constitution provides for freedom of expression, including for members of the press and other media, and 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 members of the press.

Freedom of Expression: While the law does not specifically mention libel and slander, it prohibits willful defamation as well as denigration and discrimination against another or a group of persons on the grounds of their race, ethnic origin, religion, or sexual orientation in a manner that violates human dignity, whether verbally, in writing or pictorially, by using gestures. The law provides for punishment if convicted of up to three years' imprisonment and a fine. There were 124 convictions in 2020.

In October 2020 the European Court of Human Rights ruled that the Federal Supreme Court violated the right to freedom of expression of the European Convention on Human Rights when it required a journalist to disclose her source. In 2012 the journalist published an article in *Basler Zeitung* in which she wrote regarding a cannabis dealer whose apartment she had visited. After the article was published, Basel's public prosecutor asked the journalist to identify the dealer, but she refused claiming a right not to testify. The public prosecutor maintained that she was unable to assert such a right. The Cantonal Court of Basel ruled in favor of the journalist, but the Federal Supreme Court overturned the ruling, finding that the journalist must testify.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: 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 media. According to federal law, it is a crime to publish information based on leaked "secret official discussions."

Libel/Slander Laws: The law prohibits willful defamation and denigration with punishment if convicted ranging from fines to prison sentences of up to three

years. The law does not distinguish between libel and slander. In 2020, 406 individuals were convicted of “defamation” and 124 were convicted of “willful defamation.” No information was available on whether any persons were imprisoned under these provisions.

During the year a complaint was filed in court against *Gotham City*, an online publication specializing in reporting white-collar crime, for seeking to report the conviction of a Geneva wealth-fund manager who had hidden the funds of a foreign client. The court deemed the information in the public interest and allowed publication.

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. The law provides for punishment of hate speech, including public incitement to racial hatred or discrimination, spreading racist ideology, and denying crimes against humanity, with monetary fines and up to three years’ imprisonment if convicted.

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 <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Recruiting, training, and travel for terrorism is a criminal offense. Individuals that authorities deem may pose a threat but are not subject to criminal proceedings may be obliged to report to a police station at certain times, banned from traveling abroad, and confined to specific areas in the country. These measures may be applied to residents as young as 12. By law the Federal Office of Police may place persons it deems dangerous under house arrest for up to six months, renewable once.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, as well as other persons of concern.

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.

Safe Country of Origin/Transit: The State Secretariat for Migration relied on a list of “safe countries” in granting asylum. Asylum seekers who originated from or transited these countries generally were ineligible for asylum and returned to the safe country from which they originated or through which they transited. The country adheres to the EU’s Dublin III Regulation.

Abuse of Migrants and Refugees: 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 prevent them from going into hiding prior to forced deportation, or up to 18 months if repatriation posed special obstacles. The government may detain minors between ages 15 and 18 for up to 12 months pending repatriation. Authorities generally instructed asylum seekers whose applications were denied to leave the country voluntarily but the country could forcibly repatriate those who refused.

In June 2020 the NGO Global Immigration Detention Observatory released its annual report on immigration and deportation. According to the report, the country forcibly deported 119 persons, including seven families and 19 children, to their countries of origin between April 2020 and March. The NCPT regarded the treatment of deportees as generally professional and respectful, and the report noted a reduction in the use of physical restraints in prior years. According to the Global Immigration Detention Observatory report, however, in approximately 43 percent of the cases returnees were handcuffed during transport. The NCPT considered the use of handcuffs on the ankles inappropriate. It found there was overall improvement in the reduction of coercive measures and noted police escorts' efforts to loosen or even remove completely the restraints during transport in most cases.

The law provides for asylum seekers and detained migrants to be held in dedicated and specialized facilities; however, some continued to be held in prisons with convicts. COVID-19 pandemic mitigation measures further limited the rights and freedoms of detainees, and social distancing requirements worsened overcrowding. During the year criminal complaints were filed alleging excessive use of force at several federal asylum centers. The Secretariat for Migration stated security staff had not followed appropriate procedures and suspended 14 private-sector contracted security officers for infractions, including the use of excessive force when dealing with “problematic” asylum seekers.

Durable Solutions: As of August authorities reported 4,218 refugees were accepted for resettlement, 34,062 offered naturalization, and 1,051 assisted in returning voluntarily to their home countries.

Temporary Protection: The government also provided temporary protection to 5,094 individuals who did not qualify as refugees.

g. Stateless Persons

The law dictates that the State Secretariat for Migration is responsible for conducting procedures to recognize statelessness. Foreign nationals who believe that they are stateless under the UN 1954 Convention relating to the Status of Stateless Persons may apply to the State Secretariat for Migration to have their

status as stateless recognized. When a person is recognized as being stateless, he or she has the right to remain resident in the country with a residency permit. If a recognized stateless person has committed a criminal offense, residence rights may be limited to temporary admission. Recognized stateless persons are regarded as equivalent to refugees recognized under the Refugee Convention of 1951 who have been granted asylum. Recognized stateless persons are issued travel documents on request.

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 2019 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. Parliament elected the executive leadership (the seven-member Federal Council). Observers considered the elections free and fair.

Participation of Women and Members of Minority Groups: No laws limit participation of women and members of minority groups in the political process, and they did participate. Nearly 1,900 women, or 40 percent of all candidates, ran for election to the National Council in 2019, 565 more than in the prior federal elections in 2015. Following federal parliamentary elections and runoffs in 2019, women made up 43 percent of representatives in parliament's lower house and 26 percent in parliament's upper house.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption by officials, and the government generally implemented the law effectively. No cases of official corruption were reported during the year.

Section 5. Governmental Posture Towards 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: 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 concerns. During the year the center published reports on human rights themes, such as on the rights of prisoners, asylum seekers, women in the judicial system, persons with disabilities, children, and members of the Roma and Sinti ethnic groups.

Thirteen cantons had ombudsman offices or municipal ombudsmen that assessed cases of misconduct by government agencies. Some of the bigger cities (Basel, Bern, Luzern, Rapperswil-Jona, St. Gallen, Winterthur, and Zurich) had an ombudsman. There was no federal ombudsman.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of women, including spousal rape, and domestic violence, are statutory offenses for which penalties for conviction range from one to 10 years in prison. The rape of a man is considered “sexual assault.” As with the rape of women, the courts may hand down maximum prison sentences of up to 10 years against those convicted of sexual abuse of men, but a minimum sentence of 12 months is only applicable in cases of conviction of rape against women. The law penalizes domestic violence and stalking. A court may order an abusive spouse to leave the family home temporarily for up to 20 days. The government effectively enforced the law and prosecuted individuals accused of

such crimes.

In 2020 police registered 20,123 domestic violence offenses. Sixty-one of the reported offenses involved attempted homicide, a 22 percent increase from 2019, and 38 offenses were killings. Women's shelters for survivors of gender-based violence and other abuse reported being at maximum capacity in the second half of 2020.

Specialized government agencies, numerous NGOs, including 17 women's shelters, and nearly a dozen private or government-sponsored hotlines provided help, counseling, and legal assistance to survivors of domestic violence. During the year a countrywide 24/7 emergency telephone service was established for survivors of rape and domestic violence to contact for assistance. Most cantonal police forces included specially trained domestic violence units.

Sexual Harassment: The law prohibits sexual harassment of women and men 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.

In October 2020 media outlets reported allegations of sexual harassment of female and male employees at the French language public television and radio network by several managers. The allegations were reportedly ignored.

Zurich city police maintained a counseling center on offenses against sexual integrity. Lausanne city officials operated an online platform for survivors to record instances of sexual harassment and provided extra training to police officers and teachers on the matter. The Federal Office for Gender Equality and the State Secretariat for Economic Affairs distributed flyers and maintained websites for survivors with information on their rights and options to address abuses.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided access to sexual and reproductive health services for survivors of sexual violence including emergency contraception.

Discrimination: The constitution and law require equality for women and men, including providing for the same legal status and rights for women as for men under laws concerning family, religion, marital status, nationality, employment and equal pay, credit, and owning or managing a business or property. Authorities generally enforced the law effectively but did not sufficiently address employment discrimination and pay disparities affecting women. There was no legislation prohibition gender-based discrimination in access to credit.

Wage discrimination was the most common basis for complaints filed with courts. The majority of discrimination cases were in the health and education professions. The World Economic Forum's *2021 Global Gender Gap Report* noted stagnation in women's economic participation of women, with only 33.5 percent of executive positions in the labor market occupied by women (see section 7.d.).

In April the Federal Council adopted the *2030 Gender Equality Strategy*, the government's first national strategy specifically aimed at promoting gender equality. The strategy is focused on promoting equality in the workplace, improving work-life balance, preventing gender-based violence, and ending gender discrimination.

Systemic Racial or Ethnic Violence and Discrimination

The prohibition of discrimination enshrined in the criminal law prohibits public racially discriminatory incitement, defamation, and statements contrary to human dignity based on race, ethnicity, sexual orientation, or religion. Refusing to provide a publicly offered service to a person because of his or her race, ethnicity, religion, or sexual orientation is a criminal offense. Authorities generally enforced the law effectively. According to the Federal Statistical Office, 32 percent of the population reported having experienced discrimination; 12 percent reported experiencing official discrimination; and 10 percent reported police discrimination.

Children

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

Child Abuse: The law prohibits parents from using corporal punishment to

discipline their children, and the constitution states that all children have the right to special protection of their integrity. The law provides penalties for conviction of child abuse of up to three years' imprisonment.

Child, Early, and Forced Marriage: The legal minimum age of marriage is 18. The law prohibits forced marriage and provides penalties of up to five years' imprisonment for conviction of violations.

The federal government supported the NGO Center for Competence against Forced Marriage's prevention activities, including a website where at-risk individuals could declare their unwillingness to be married while on foreign travel. The website enabled authorities either to stop vulnerable individuals from leaving the country or to pronounce the marriages as invalid upon their return. The NGO reported it advised 361 young persons in 2020 who were married as children. Approximately 81 percent of those seeking counsel were women.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, including child sex trafficking, child pornography, and the sale, grooming, offering, or use of children for commercial sexual exploitation. Conviction of the production, possession, distribution, or downloading of pornography that involves children is punishable by fines or a maximum sentence of one year in prison. Conviction of child sex trafficking is punishable by up to 10 years' imprisonment. Authorities enforced the law.

With few exceptions, the law designates 16 as the minimum age for consensual sex. The maximum penalty for conviction of statutory rape is 10 years' imprisonment.

Media outlets reported that police in larger cantons were overwhelmed with the flood of notifications of alleged online child exploitation coming in from abroad and their inability to launch investigations of chat rooms and internet forums. The latest internal analysis of the Federal Police from 2019 found that in 18 of the 26 cantons, only 15 percent of full-time staff were directed towards the fight against child pornography. In the five smallest cantons having less than 50,000 inhabitants, police units reportedly did not have specialists to address internet crimes.

The NGO Child Protection Switzerland criticized the absence of a hotline to report child pornography. The NGO considered the federal police registration procedure to be inadequate. Both the NGO and police noted a significant increase of sexual abuse of children on the internet during the COVID-19 pandemic.

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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

According to the World Jewish Congress, approximately 17,500 Jewish individuals resided in the country.

The *2020 Anti-Semitism Report*, produced jointly by the Swiss Federation of Jewish Communities (SIG) and the Foundation against Racism and Anti-Semitism, cited 47 anti-Semitic incidents in 2020. Eleven were cases of verbal abuse, 15 involved offensive graffiti, and one involved property damage. SIG also registered 485 online incidents, primarily concerning social media and newspaper commentaries. The majority of the online incidents cited anti-Semitic conspiracy theories (249), while others centered on general anti-Semitism (196 incidents), Holocaust denial or trivialization (25), or anti-Semitism related to Israel (62). Forty-five percent of all anti-Semitic conspiracy theories concerned the COVID-19 pandemic. Media outlets reported that anonymously posted videos of Hitler speeches surfaced after a Jewish studies course at the University of Basel shifted to online classes. Media outlets also reported that a similar anti-Semitic “Zoom-bombing” targeted Zurich’s liberal Jewish community.

SIG’s anti-Semitism report described a shift from online incidents on Twitter or Facebook (90 percent in 2019 to 65 percent in 2020) to group chats on the Telegram online messaging system. So-called Corona rebels disseminated anti-Semitic theories, statements, and images 143 times on seven such channels.

In the German-speaking region, a Jewish soldier withdrew from recruit school because of anti-Semitic jokes and Nazi memes being shared among soldiers.

According to a media report, an expert determined the cause not to be actual anti-Semitism but rather a desire to “overstep boundaries.” The army issued a formal apology, and military justice authorities opened an investigation because of potential racial discrimination.

In 2020 the Geneva-based Intercommunity Center for Coordination against Anti-Semitism and Defamation (CICAD) reported 147 anti-Semitic incidents in the French-speaking region, of which half were cases of online anti-Semitic hate speech, including insults and Holocaust denials on social media sites such as YouTube. Approximately 36 percent were related to anti-Semitic conspiracy theories. CIDAD stated three cases were serious and three were considered grave, including a person shouting “Heil Hitler” in front of a synagogue, a child being called a “fat Jewish cow” in school and several occasions of pig slaughter waste being thrown into the garden of a Jewish family. The report found continued positive progress due to increased monitoring of comment sections on media platforms social networks.

SIG and CICAD did not report any cases of physical assaults against Jews or damage to Jewish property in 2020.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities, including access to education, employment, health services, information, communications, buildings, transportation, the judicial system, or other state services.

The law provides for persons with disabilities to have access to public buildings and transport facilities and education and training in order to be independent of third-party assistance. The law also provides for the elimination of disadvantages in services, including the right to use state and online services. Persons with disabilities did not, however, always have access to education, health services,

public buildings, and transportation on an equal basis with others. The umbrella organization for disability NGOs, Inclusion Handicap, stated the Federal Supreme Court maintained a “very narrow interpretation” of discrimination, which required plaintiffs to prove malicious intent in discrimination complaints, resulting in insufficient legal protection for persons with 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. On January 1, a law came into force to further develop social insurance for persons with disabilities, including increases in compensation for intensive care for the payment of care givers.

The canton of Geneva abolished all restrictions on voting and electoral rights for persons with mental disabilities or psychological illnesses. In September the Assembly of Delegates of NGO Inclusion Handicap called for legal changes, noting that contrary to the constitutional prohibition of discrimination due to disability, persons with court-appointed custodians by law may not vote. The NGO also noted that only the cantons of Geneva, Valais, and Basel-City grant persons with disabilities full rights to sue for denial of accessibility needs, such as sign language interpreters, documents in simple language, or verbal explanations.

HIV and AIDS Social Stigma

According to AIDS Relief Switzerland, the federal reporting office for discrimination and HIV or AIDS violations, there were 93 reports of discrimination against persons with HIV or AIDS. To combat harassment and unfair behavior, the Swiss Federation against AIDS conducted multiple campaigns to sensitize the public. Most discrimination cases involved private data violations, insurance discrimination, and discrimination in the public health sector. In most cases the legal aid section of the Swiss Federation against AIDS was able to successfully intervene. The law does not contain an antidiscrimination provision that covers HIV and AIDS, however.

Acts of Violence, Criminalization, and Other Abuses Based on

Sexual Orientation and Gender Identity

The criminal code lists sexual orientation as one of the protected areas covered by the antidiscrimination law. Police are obligated to report and pursue offenses and offenders. Police and government agents did not incite, perpetrate, condone, or tolerate violence against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) individuals or those reporting on such abuse.

Based on a September 26 referendum in which two-thirds of the country's voters favored legalizing same-sex civil marriage and the right to adopt children or the use of donor sperm by same-sex couples, Minister of Justice Keller-Sutter stated that these provisions are scheduled to enter into force on July 1, 2022.

The *Hate Crime Report* published in May by the NGO Pink Cross reported 61 cases of hate crimes against LGBTQI+ persons, 18 percent of which involved physical violence and 85 percent involved insults. Of the reported cases, only 20 percent were reported to police. Pink Cross noted that police responses were usually appropriate and relevant.

According to the NGO QueerAmnesty, since the government does not compile hate-crime statistics, it is difficult to estimate how widespread hate crimes committed against LGBTQI+ individuals are in the country. Only six cantons and the city of Zurich compiled data on hate crimes.

A study by the University of Zurich revealed 81 percent of LGBTQI+ individuals surveyed in 2020 had experienced inappropriate jokes, 50.8 percent believed they were not being taken seriously, 33.4 percent experienced social exclusion, 30.1 percent had been bullied, 37.2 percent faced sexual harassment by men, 8.2 percent experienced physical violence and 9.3 percent reported sexual harassment by women.

According to Pink Cross, unemployment, especially for transgender persons, remained much higher than for the general society. The NGO has called for a national action plan with measures to prevent violence and sensitize the public.

Other Societal Violence or Discrimination

Extremists, including skinheads, continued to be active according to media and police reports. More violence against police and public property was committed by left-wing groups, however. In 2020 the national intelligence service reported 208 acts of left-wing extremism, of which 107 were violent, and 21 of right-wing extremism, none of which were violent. Racially or ethnically motivated violent extremism continued to decline.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The freedom of association for employers and employees, explicitly including the right to strike and the right to hold lockouts, is provided under Article 28 of the federal constitution. This provides for the right of 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 constitution also foresees collective agreements between workers and employers and provides for the right to conduct legal strikes, and the government protected these rights. Strikes must be linked to industrial relations, however, and the government may curtail the right of federal public servants to strike for reasons of national security or to safeguard foreign policy interests. Local laws prohibit public servants in some cantons and municipalities from striking. The law protects employees from termination because they are trade union members or carrying out trade union activities in a lawful manner.

Collective agreements commit the social partners to maintain labor peace, thereby limiting the right to strike for the duration of an agreement, which generally lasts several years. The State Secretariat for Economic Affairs maintained a list of collective agreements that have been declared binding in various regions and sectors of the economy.

No law defines minimum or maximum penalties for violations of the freedoms of association or collective bargaining. The trade union United We Are Strong confirmed the practice followed the guidance of the International Labor Organization (ILO), which states that unjustified dismissals for workers involved

in trade union activity may result in compensation of up to six months' wages.

The government respected the freedoms of association and collective bargaining, but there have been cases when employers dismissed trade unionists or have used the legal system to limit legitimate trade union activities. 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. Penalties for conviction of forced labor violations were up to 20 years' imprisonment or a fine. The law criminalizes sex trafficking and labor trafficking, and conviction provides for penalties of up to life imprisonment or a fine; the penalties included prison sentences of no less than one year for conviction of offenses involving a child survivor and those where the trafficker acted for commercial gain. NGOs commented that fines for labor trafficking were often very low because authorities treated indications of forced labor as relatively minor labor violations; in addition, they reported that inspectors often regarded foreign victims of labor trafficking as criminals working illegally in the country. The government conducted several training programs for relevant authorities on labor trafficking aimed at raising awareness and reducing such exploitation, but the training was significantly reduced due to COVID-19 pandemic mitigation measures. The annual roundtable for officials working against trafficking was canceled to comply with COVID-19 pandemic mitigation restrictions.

As part of its *National Action Plan for Business and Human Rights in Switzerland for 2020-23*, the government committed itself to taking measures to support the fight against child and forced labor in the supply chains.

According to antitrafficking NGOs that provided services to victims, incidents of forced labor occurred primarily in the domestic-service, catering, agriculture, tourism, hospitality, construction, and nursing industries. Labor trafficking in the forms of forced begging, stealing, and financial scams occurred in several cantons.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The minimum age for full-time employment is 15. Children who are ages 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 younger than 15 may, under special circumstances, work at sports or cultural events with the approval of cantonal authorities. Children younger than 16 are not allowed to serve guests. Employment of youths between ages 15 and 18 is also restricted. Children who have not completed compulsory education may not work on Sundays, while children younger than 18 are prohibited from working under hazardous conditions or at night. Minors need parental oral or written approval to work. 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. Penalties were commensurate with those for other analogous serious crimes.

d. Discrimination with Respect to Employment and Occupation

The constitution prohibits discrimination based on national origin, race, gender, age, language, social position, lifestyle, religion, beliefs, or political convictions, or based on physical, mental, or psychological disability. The constitution specifically states that men and women have equal rights, including at work, and that women have the right to equal pay for work of equal value. The criminal code prohibits discrimination based on race, ethnic origin, religion, or sexual orientation, but it does not contain provisions specifically on personnel operations such as hiring or firing.

In April the government adopted its first national strategy specifically aimed at promoting gender equality. The strategy focuses on four central objectives: promoting equality in the workplace; improving work-life balance; preventing violence; and fighting discrimination.

The law prohibits discrimination with respect to employment based on gender

(including pregnancy). Violations of the law may result in the award of compensation equal to a maximum of three months' salary for a prospective employee and a maximum of six months' salary for a dismissed or sexually harassed employee. The government did not consistently enforce this provision, reportedly because the provisions are still not well known nor properly implemented.

In contrast to women, men are obligated to complete one year of military or one and a half years of civil service. If they fail to do so, they must pay 3 percent of their yearly taxable income until age 37. If a husband or divorced husband of a retired woman dies, she receives a widow's pension until her death. If the same happens to a retired man, he receives a widower's pension but only until the youngest child turns 18. The retirement age for men is 65 and 64 for women.

Although discrimination against women in the workplace is illegal, the government acknowledges that full gender equality was not yet a reality. A disproportionate share of women held jobs with lower levels of responsibility. Employers promoted women less frequently than men, and women were less likely to own or manage businesses. According to a 2021 study by the University of St. Gallen, men and women are equally represented in nonmanagement positions, but the proportion of women decreases at each successive level of management from 31 percent in lower management, to 23 percent in middle management, and to only 17 percent of top managers. Beginning in January larger publicly listed companies headquartered in the country were slated to fill at least 30 percent of corporate board positions, and 20 percent of corporate management positions in enterprises with women. The nonbinding policy requires businesses that fail to reach the targets within five years to submit a written justification to the government and an outline of planned remediation measures.

Although the constitution entitles women and men to equal pay for equal work, this was not enforced effectively. According to the Federal Statistical Office, there was an 11.5 percent gender wage gap across both the public and private sectors in 2018, the most recent year for which data were available. The Statistics Office also noted that the wage gap increased with higher levels of responsibility. In upper management women earned 18.6 percent less than men in 2018.

According to Inclusion Handicap, problems remained in integrating individuals with disabilities, especially young persons with mental and cognitive handicaps, into the labor market. The NGO noted discrimination against persons with disabilities was particularly problematic in the private sector (also see section 6, Persons with Disabilities).

The NGOs Pink Cross and Transgender Network noted LGBTQI+ persons experienced workplace discrimination. According to Transgender Network Switzerland, 20 percent of transgender persons in the country were unemployed – nearly five times the rate of the general population.

Older persons also faced discrimination at the workplace. According to the NGO Avenir50Plus, unemployed persons older than age 50 took much longer to find a stable job, and often at a lower wage, after becoming unemployed. Nearly 30 percent of the workforce above age 50 was unemployed in 2019, up from 24 percent in 2010, according to the Job Market Monitor for Eastern Switzerland, Aargau, Zug, and Zurich. Older persons in the information and communications services, manufacturing, and the finance and insurance sectors were disproportionately affected by age discrimination.

There were reports of labor discrimination against persons with HIV or AIDS. In 2020 AIDS Relief Switzerland registered 93 cases of discrimination and information privacy breaches regarding individuals with HIV, down from 105 in 2019. Of the complaints, eight concerned employment discrimination or other discrimination in the workplace. Examples of workplace discrimination included a restaurant owner who fired a cook due to fear of losing customers if they knew of the cook's HIV status.

According to the labor union Syna, migrant workers in low-wage jobs were more likely than other workers to face exploitative labor practices and poor working conditions. The NGO Advocacy and Support Organization for Migrant Women and Victims of Trafficking stated that women were particularly vulnerable.

e. Acceptable Conditions of Work

Wage and Hour Laws: The country has no national minimum wage, but five of the 26 cantons (Basel-City, Geneva, Jura, Neuenberg, and Ticino) have minimum

wage laws. Collective agreements on working conditions, including sectoral minimum wages, cover approximately 50 percent of the country's workforce. Average wages for workers and employees covered by these contracts, particularly in the hospitality, crafts, machinery, production, and retail industries, however, remain relatively low. Minimum wages in the agreements exceeded the poverty income level for a single person but often did not exceed the poverty level for families with two adults and two children. For example, in July workers of Marvinpac, a cosmetics and food packaging subcontractor for companies such as Valmont, Nespresso, and Starbucks, protested for higher salaries than their existing hourly wage of 14.45 Swiss francs (\$15.60).

The labor unions and employers' associations concluding the collective agreement must jointly enforce its provisions, including applying sanctions in case of violations. In industries without a collective bargaining agreement, tripartite commissions at federal and cantonal level are responsible for inspections and sanctions. Authorities effectively enforced these collective agreements, and penalties were sufficient to deter violations.

Labor 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 effective implementation and control of the maximum hour workweek is subject to loopholes. Cantonal labor inspectorates are not always independent since they are directly reporting to the cantonal Department of Economy. As a result, public institutions were not always controlled. Penalties were commensurate with similar violations such as forgery of documents.

Occupational Safety and Health: To protect worker health and safety, the law contains extensive provisions that are appropriate for the main industries. By law workers may 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. The department also oversees collective bargaining agreements. In general labor inspectorates do not have enough personnel to conduct extensive and randomized

inspections as suggested by the ILO. In 2020, due to the COVID-19 pandemic, the Federal Labor Inspectorate was unable to conduct the usual system audits and practice monitoring of the cantonal labor inspectorates. The main task of the cantonal labor inspectorates in 2020 was to check the implementation of the COVID-19 mitigation measures to protect against infection in the workplace. Only a fraction of the regular inspections took place. Where applicable courts determined fines according to the personal and economic situation of the perpetrator. Penalties were commensurate with those for conviction of similar crimes, such as fraud.

According to the labor inspectorate, approximately 100 persons died each year in the country from occupational accidents, which equates to 2.3 fatalities per 100,000 fulltime employees.

Migrant workers in low-wage jobs were more likely to experience exploitative labor practices, although the criminal code forbids human trafficking for the purpose of labor exploitation. In addition several local NGOs expressed concerns that during the COVID-19 pandemic, migrant workers lost their source of income because they could not shift to home office.

Immigrant workers 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 are usually not allowed to work until they are assigned to a canton and receive a work permit from cantonal authorities.

Informal Sector: Workers in the informal sector are covered by wage, hour, and occupational safety and health laws and inspections. The government provided social protections for workers in the informal economy.