

SWITZERLAND 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

The most significant problems included the occasional use of excessive force by security forces in connection with the arrests and deportations of asylum seekers. Asylum seekers were sometimes subject to lengthy detention and mistreatment. Societal discrimination against travelers, Roma, and other minorities and immigrants also occurred.

Other human rights problems included some overcrowded prisons, instances of violence against women, hostility towards Muslims, anti-Semitic incidents, and trafficking in persons.

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

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed any politically motivated killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits such practices. However, there were reports of individual police officers using excessive force and engaging in degrading treatment while making arrests.

In 2010 the UN Committee against Torture identified several cases of police misconduct involving the use of excessive force against foreigners, especially in asylum detention centers and during forced repatriations. The committee noted that only a minority of complaints of violence or mistreatment by the police resulted in prosecutions. In 2011 ombudsman offices located throughout the country registered at least 138 complaints related to malpractice or abuse of authority by the police.

During the year Amnesty International and the nongovernmental organization (NGO) humanrights.ch voiced concerns about racial profiling by police and the lack of independent bodies in all cantons to investigate allegations of police violence.

On July 20, a district court in Vaud canton gave two police officers suspended sentences and fines for violating the rights of a young Eritrean during a December 2006 incident. The officers alleged that during a routine identification check the then 16-year-old youth verbally assaulted them, forcing them to subdue him with pepper spray. The officers reportedly took the teenager to a wooded area and abandoned him, leaving him stranded for several hours in wintry conditions.

On October 11, the National Commission for the Prevention of Torture (NCPT), a body established by the government in 2010, issued its second annual report. The commission reported incidents of lengthy pretrial detention pending deportation proceedings. The commission also noted that foreigners awaiting deportation and individuals in administrative detention often faced harsher treatment than others in pretrial custody.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers.

Physical Conditions: In 2011 there were 6,065 persons in prison or detention centers (authorities remanded 28 percent for custody, 62 percent for convicted crimes, 6.2 percent under measures in accordance with the federal law on foreigners, and 2 percent for other reasons). Of the total, 324 were women

(5.3 percent) and 86 were juveniles (1.4 percent). In 2011 there were 1,894 persons in pretrial detention and 379 awaiting deportation, 5.3 percent of whom were women.

According to statistics released by the Federal Department of Justice and Police in 2011, of the minors in custody, 22 individuals under the age of 18 were in preventive detention; 89 percent of those in custody were boys and 11 percent were girls. There were 459 prisoners between the ages of 18 and 24.

The occupancy rate of detention facilities was 91.1 percent during the year; prison overcrowding continued to be a problem in the French-speaking part of the country. Geneva's Champ-Dollon Prison remained the country's most crowded prison. Designed for a maximum of 370 occupants, it held up to 668 inmates at a time during the year. According to independent observers, both guards and inmates remained critical of the poor detention conditions.

All prisoners had access to potable water. However, the prisons La Stampa and La Farera in Ticino canton lacked sports and work facilities for inmates. While conditions for female prisoners generally were comparable to those for males, there were exceptions. In November 2011 the NCPT visited the central prison in Fribourg and complained that female and juvenile inmates were too isolated. Additional problems included a lack of sufficient space for prisoners in some of the older blocks.

According to the Federal Office for Statistics, there were 10 deaths in confinement in 2011; six deaths were ruled suicides, and four individuals reportedly died of natural or unintended causes. During the year press sources and NGOs reported at least two suicides, one of which remained under investigation at year-end.

Administration: Prisoners and detainees had reasonable access to visitors and could observe and practice their respective religions. They could submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhumane conditions. Authorities investigated such allegations. There was no ombudsman at the national level, but a number of cantons instituted cantonal ombudsmen and mediation bodies, which acted on behalf of prisoners and detainees to address complaints about the conditions and circumstances of their detention. Entities able to address prisoner complaints were more readily available in the larger, more populous cantons than in smaller, less populated ones. During the year several NGOs criticized the absence of an independent national authority for prisoners' complaints.

The penal code states police may detain young offenders only for a minimal period but does not explicitly state the length. In actuality, without an arraignment or arrest warrant, police could detain young offenders for a maximum of 24 hours (48 hours during weekends). The law also requires authorities house juvenile offenders in reform schools or in separate wings of prisons where they could receive educational support. During the year 459 of the 753 juveniles in custody were placed in reform schools.

In March the Zurich cantonal government reported that construction of the juvenile wing at Uitikon Prison would not be completed during the year as planned. Cantonal officials said the construction fell short of the required standards, thereby postponing the opening of the new wing.

Monitoring: The government permitted independent monitoring of prison conditions by local and international human rights groups, the media, and the International Committee of the Red Cross. In addition, the Council of Europe's Committee for the Prevention of Torture carried out one of its periodic visits to the country in October 2011. The NCPT visited 12 prisons between 2011 and 2012, including two during the first quarter of the year. While the committee found overall conditions in the inspected institutions satisfactory, it reported that some prisons were under resourced, overcrowded, and lacked properly trained medical personnel. The committee criticized the Bern prison for overcrowding--housing as many as six inmates in one cell. It also found that asylum seekers suffered under excessively restrictive conditions while awaiting repatriation and that prison personnel lacked sufficient medical training. The committee reported that the cantonal prison of Appenzell-Innerrhoden did not provide adequate care for its juvenile detainees.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over security forces, which the cantons primarily organized and administered with federal coordination. In addition to performing coordination and analytical functions, the Federal Office of Police could pursue its own investigations under the supervision of the attorney

general in cases of organized crime, money laundering, and corruption. The government has effective mechanisms to investigate and punish abuse.

Arrest Procedures and Treatment While in Detention

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 cases, authorities may not hold a suspect longer than 24 hours before bringing him before a prosecutor or investigating magistrate, who must either formally charge or order the detainee's release. Immigration authorities may detain asylum seekers and other foreigners without valid documents up to 96 hours without an arrest warrant. There is a functioning bail system, and courts granted release on personal recognizance or bail unless the magistrate believed the person charged to be dangerous or a flight risk. A suspect may be denied legal counsel at the time of detention or initial questioning but has the right to choose and contact an attorney before charges are brought. The state provides free legal assistance for indigents charged with crimes for which imprisonment would be a possible punishment. Access to family members may be restricted to prevent tampering with evidence, but law enforcement authorities are required to inform close relatives promptly of the detention.

Pretrial Detention: In some instances lengthy pretrial detention was a problem. In 2011 approximately 28 percent of all prisoners were in pretrial detention. The country's highest court ruled that pretrial detention must not exceed the length of the expected sentence for the crime for which a suspect is charged.

Detention of Rejected Asylum Seekers or Stateless Persons: According to the NCPT, measures against asylum seekers awaiting repatriation were too restrictive. The NCPT specifically noted that the transit center at the Geneva Airport resembled a prison more than an asylum facility. The NCPT reported that other detention facilities lacked sufficient space and did not have the capacity to provide specific care requirements, particularly for pregnant women or parents of young children.

e. Denial of Fair Public Trial

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

Trial Procedures

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

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

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Citizens have access to a court to bring lawsuits seeking damages for or cessation of a human rights violation. Persons who exhaust their right of appeal in domestic courts may apply to the European Court of Human Rights for redress.

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

The constitution prohibits such actions, and the government generally respected these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective

judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Freedom of Speech: The law penalizes public incitement to racial hatred or discrimination, spreading racist ideology, and denying crimes against humanity. There were no convictions or arrests during the year under this law.

Freedom of Press: According to federal law, it is a crime to publish information based on leaked “secret official discussions.” A number of cases involving violations of secrecy by the press were under investigation during the year. However, authorities handed down no sentences for such offenses.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without appropriate legal authority. According to International Telecommunication Union statistics, approximately 85 percent of the population used the Internet in 2011.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

The constitution provides for freedom of movement within the country, 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 and other humanitarian organizations in providing protection and

assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. Immigration authorities approved 3,711 of the 22,551 asylum applications submitted in 2011. Immigration authorities processed 24,941 of the 28,631 applications received during the year and approved 2,507 applications.

In August 2011 press reports revealed that the Federal Office of Migration had wittingly ignored processing up to 10,000 asylum requests from Iraqi citizens submitted to Swiss embassies in Egypt and Syria between 2006 and 2008. An independent investigation by the Ministry of Justice led to the dismissal of the director. In March the Federal Department of Justice found that the failure to process the requests was unlawful and ordered the Federal Office of Migration to process the remaining 3,000 requests by January 2013.

On September 29, the government implemented a series of asylum policies to expedite processing of asylum requests and institute new regulations on guaranteed refugee status. The measures stipulated that conscientious objectors and army deserters would no longer automatically qualify for refugee status, and that Swiss embassies abroad would no longer accept asylum requests.

Safe Country of Origin/Transit: The Federal Office for Migration relied on a list of "safe countries," and would-be refugees who originated from or transited these countries generally were ineligible for asylum. NGOs criticized the inclusion of some Eastern European and African countries in the "safe countries" list, deeming them insufficiently stable to justify automatic rejection of an asylum application.

Refoulement: In practice the government provided protection against expulsion or return of refugees to countries where their lives or freedom were threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. In 2011 a federal court ordered immigration authorities to stop repatriations to or via Greece. The NGO Swiss Refugee Agency voiced concerns about repatriations to Italy and Hungary. The government repatriated 37 individuals to Hungary during the year.

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

An amendment to the Foreign National Act, which included the establishment of a forced-return monitoring system (intended to bring the country into compliance with EU law), entered into force in January 2011. Independent observers began their in-flight monitoring duties on repatriation flights in August 2011.

On March 22, the NCPT issued an interim assessment on the effectiveness of the forced-return monitoring system, which called for streamlined coordination between police units and the minimal use of force by police to control returnees. Between January and October, the government authorized 22 flights departing 335 persons under restrictive measures.

Amnesty International and other NGOs working with refugees continued to complain that officials often effectively denied detained asylum seekers proper legal representation in deportation cases due to lack of financial means to hire an attorney. Authorities provided free legal assistance only in cases of serious criminal offenses; deportation of asylum seekers was deemed an administrative, rather than a judicial, process.

Access to Basic Services: Several NGOs and left-wing political parties complained about insufficient and inappropriate housing for refugees. The government's asylum policies implemented on September 29 included a new program to address housing shortages for asylum applicants.

Temporary Protection: The government also offered temporary protection to individuals who may not qualify as refugees, which it did for approximately 3,100 individuals during the year, of whom 2,516 had not yet qualified as refugees.

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

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

Elections and Political Participation

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

Participation of Women and Minorities: There were 51 women in the 200-person National Council (House) and eight women in the 46-member Council of States (Senate). In December 2011 three female federal councilors and one female federal chancellor were reelected to the Federal Council.

Section 4. Corruption and Lack of Transparency in Government

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

Prior to the October 2011 parliamentary elections, media and international observers widely discussed the lack of federal campaign financing regulations. The NGO Transparency International concluded in 2011 that political party funding practices remained opaque. In July 2011 the Group of States against Corruption of the Council of Europe (GRECO) voiced concerns about the limited transparency of political party funding. The country has no legal framework governing the funding of political parties, which leaves space for government corruption or favoritism. While observers from the Organization for Security and Cooperation in Europe criticized the lack of controls on party funding during the parliamentary elections, they cited no specific cases. On March 23, GRECO stated in its *Addendum to the Compliance Report on Switzerland* that corruption in the country was more prevalent in the private than in the public sector.

Members of the Federal Assembly must each year disclose their financial interests, professional activities, supervisory board or executive body memberships, and expert or consulting activities. Investigating and prosecuting government corruption is a federal responsibility. A majority of cantons also required members

of cantonal parliaments to disclose their financial interests. A joint working group consisting of representatives of various federal government agencies operated under the leadership of the Federal Department of Foreign Affairs to combat corruption. In January 2011 the Swiss Federal Audit Office reopened a previously existing ombudsman office to provide government employees a safe and confidential avenue for reporting government corruption. Private individuals, as well as government employees, could submit personal or anonymous information about official malfeasance they witnessed. The ombudsman office handled 699 complaints in 2011. According to the ombudsman office's annual report, the majority of complaints concerned educational facilities, the financial secretariat, the migration office, and state-owned hospitals.

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

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

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

Government Human Rights Bodies: In May 2011 the Federal Department of Foreign Affairs and the Federal Department of Justice and Police created a Swiss Competence Center for Human Rights (SCHR) consisting of a network of universities and human rights experts responsible for strengthening and supporting human rights capacities and bridging gaps between federal and cantonal authorities on human rights issues. The SCHR conducted training programs and offered continuing education on human rights best practices during the year.

As of October there were nine independent ombudsman offices located in the cantons of Basel-Land, Basel-Stadt, Zug, Zurich and in the cities of Bern, St.Gallen, Rapperswil-Jona, Winterthur, and Zurich, which also assessed cases of police misconduct.

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

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

Women

Rape and Domestic Violence: Rape, including spousal rape, is a statutory offense. The government effectively prosecuted those accused of such crimes. In 2011 police recorded 552 rapes, compared with 543 in 2010.

Violence against women remained a serious problem. During the year, 35 individuals died in domestic violence incidents. In 2011 police investigated 4,471 cases of domestic violence. The law criminalizes domestic violence as well as stalking. A court may order an abusive spouse to leave the family home as a temporary measure.

Victims of domestic violence could obtain help, counseling, and legal assistance from specialized government agencies and NGOs or from nearly a dozen private or government-sponsored hotlines. There were 17 official women's shelters in 2011. Women's shelters experienced an average of 85 percent occupancy during the year. The Interior Ministry's Federal Office for Equality between Women and Men employed a special unit that focused on domestic violence. Most cantonal police forces included specially trained domestic violence units. A majority of cantons also had administrative units that coordinated the activities of law enforcement agencies, prosecutors, and victim assistance groups.

Harmful Traditional Practices: Forced marriage is illegal but reportedly occurred, mainly in less integrated immigrant families, which made detection and prosecution difficult. Its extent was unknown.

Sexual Harassment: The law prohibits sexual harassment and facilitates access to legal remedies for those claiming discrimination or harassment in the workplace. However, special legal protection against the dismissal of a claimant is only temporary. Employers failing to take reasonable measures to prevent sexual harassment are liable for damages equal to as much as six months' salary.

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Health clinics and local health NGOs operated freely in disseminating information on family planning. There were no

restrictions on access to contraceptives, which were widely used. Compulsory basic health insurance covered the cost of routine examination during pregnancy and the costs related to childbirth.

Discrimination: Women enjoy the same rights as men under the constitution, including in family and property law and in the judicial system. However, independent observers claimed that some laws, as interpreted by the courts, were discriminatory. For example, the Federal Tribunal ruled that the primary wage earner in a divorce must retain sufficient income to remain above the poverty level. Since men were the primary wage earners in most marriages, a household income too low to sustain both parties could force the wife and children to resort to public assistance.

The Federal Office for Gender Equality and the Federal Commission on Women worked to eliminate both direct and indirect gender discrimination. Many cantons and some large cities had equality offices to handle gender issues.

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

Under the constitution, women and men are entitled to equal pay for equal work. In 2010 the median monthly income for women was 5,040 francs (approximately \$5,662), while men earned 6,248 francs (\$7,011). During the year the difference in pay between men and women was approximately 16 percent for low-income jobs. The pay for female university graduates was as much as 23 percent less than that of their male peers.

The equality law of 1996 obliges companies to provide equal pay for equal work. However, the majority of employers successfully disregarded this law.

Children

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

Child Abuse: Child abuse was a significant problem. In 2011 there were 1,403 reported cases of sexual assault against children, 1,110 of which were solved and

293 remaining open. The majority of victims were girls under the age of 18, with most of the abuse occurring in the family home or the immediate social environment. During the year the children's hospital in Zurich registered 444 cases of child abuse, 36 percent of which were cases of physical and sexual abuse.

Child Marriage: The legal minimum age of marriage is 18.

Harmful Traditional Practices: Female genital mutilation (FGM) is illegal, but according to NGOs the practice reportedly occurred in limited numbers. Under the penal code, FGM is punishable by up to 10 years' imprisonment.

Sexual Exploitation of Children: The production, possession, distribution, or downloading of pornography involving children from the Internet is illegal and carries fines or a maximum sentence of one year in prison. With limited exceptions, the law designates 16 as the minimum age for consensual sex. Consensual sex under the age of 16 is permitted in cases where one of the partners is not more than three years older than the other. The maximum penalty for statutory rape is imprisonment for 10 years.

The law does not expressly prohibit prostitution by 16- and 17-year-old minors under all circumstances, leaving these children potentially vulnerable to trafficking for commercial sexual exploitation. In August 2011 the government revised the penal code to establish a legal basis for punishing men who engaged in sexual acts with underage prostitutes. The upper house of the parliament passed a draft law to this effect (scheduled to enter into force in May 2013).

International Parental Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at www.travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

According to the 2000 census, the most recent official data available, the Jewish community consisted of 17,914 individuals, which represented 0.24 percent of the country's population. Based on 2010 polling, the largest Jewish communities were located in Zurich, Bern, and Geneva. In 2011 there were 112 anti-Semitic incidents in the German-speaking part of the country, 76 of which involved Internet-based articles and specific anti-Semitic sites. Authorities considered five

incidents serious. In 2011 the Geneva-based Intercommunity Center for Coordination against Anti-Semitism and Defamation and the Swiss Federation of Jewish Communities recorded 130 anti-Semitic incidents in the French- and Italian-speaking parts of the country, 11 of which were deemed serious. The federation noted in its annual report that serious incidents, such as violent attacks against Jews and denials of the Holocaust, were rare. During the year the Foundation against Racism and Anti-Semitism (GRA) registered nine incidents regarded as primarily motivated by anti-Semitism.

On April 23, unknown perpetrators defaced a synagogue, a Jewish bookstore, and another Jewish shop in Geneva with swastikas.

On November 24, a well-known German holocaust denier spoke at a rally in the city of Chur to an audience of approximately 2,000. The speaker encouraged the audience to learn from the Nazis, and stated the Holocaust could not be scientifically verified. Local authorities were considering legal action at year's end.

On June 13, the organization European Action distributed pamphlets at the main train station in Zurich and the city center stating that there was a modern "witch hunt" going on in which "the Jewish lobby" played a major role. It also stated the government only established anti-racism laws to protect Jewish interests and promote mass immigration.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

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

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

In October 2011 the Disabled Persons Federation criticized plans for new double-decker trains (scheduled to start operations on interurban rail lines in 2013) for lack of handicap accessibility. The federation complained that entering the trains in a wheelchair was difficult, and the special cars for handicapped persons alienated them. According to the federation, the trains did not meet the standards as defined by the disabilities act. The federation appealed to the federal administrative court, where the case was pending at year's end.

Children with disabilities can attend schools. In most cantons handicapped children were well integrated into the school system. Special need schools were available for severely disabled children.

National/Racial/Ethnic Minorities

Right-wing extremists, including skinheads, who expressed hostility toward foreigners, ethnic and religious minorities, and immigrants continued to be publicly active. Police estimated that the number of extremists remained steady at approximately 1,200. Statistics gathered by GRA indicated that there were 156 incidents against foreigners or minorities reported in 2011. During the year GRA recorded 65 such incidents. These figures included instances of verbal and written attacks, which were much more frequent than physical assaults.

In June 2011 three men verbally and physically assaulted a man of African descent in a wheelchair in Basel. The victim suffered severe facial injuries. Police initiated an investigation but reported no arrests at year's end.

During the year the four main groups responsible for actively spreading racist ideology and engaging in anti-Semitic rhetoric were Geneve Non Conforme, Europaeische Aktion, the Lega dei Ticinesi, and the Party of Nationally Oriented Swiss (PNOS).

On August 5, more than 200 right-wing extremists gathered in the Canton of Uri for a rally organized by PNOS and 10 other right-wing organizations.

On August 15, a Swiss Peoples Party (SVP) politician in Basel proposed preventing property owners in the canton of Basel from renting apartments to foreigners. The same month another SVP politician described Muslims on his Facebook page as “vermin that needed to be crushed.”

On several occasions in July and August, unknown perpetrators disseminated hundreds of small leaflets with explicit racist statements in buses and trams throughout Zurich.

The government recognized the Jenisch as a minority group with approximately 35,000 residents in the country. A lack of proper camping facilities and transit areas reportedly forced many Jenisch to occupy land illegally.

The Roma Foundation Zurich estimated that approximately 50,000 Roma resided in the country. In 2011 the Federal Commission against Racism and the NGO humanrights.ch expressed concern about increasingly hostile attitudes against Roma and itinerant minorities. During the year the Roma Foundation maintained that negative stereotypes of Roma were increasingly discernible in public discourse and criticized certain newspapers for racist reporting and perpetuating negative stereotypes.

On August 3, an unknown individual fired five gunshots at a mobile home occupied by Roma. There were no injuries; however, the attack damaged the vehicle. Police were unable to identify the attacker.

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

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

There were occasional reports of societal violence or discrimination based on opposition to LGBT orientation. The organization Pink Cops (gay and lesbian police officers) estimated there were approximately 20 physical assaults against LGBT individuals in the eastern part of Switzerland during the year. The LGBT umbrella organization Pink Cross estimated one to two assaults per month.

The law permits same-sex couples to have registered partnerships but does not allow them to adopt children.

LGBT children from immigrant families, particularly from the Balkans, Turkey, and the Middle East, suffered serious reprisals, such as exclusion from their families. During the year NGOs registered complaints that gay couples were not able to find housing due to their sexual orientation. This was especially common in rural areas. At mid-year there were 67 registered complaints.

Other Societal Violence or Discrimination

There were occasional reports of discrimination against persons with HIV/AIDS. According to the Swiss AIDS Federation, 84 individuals submitted complaints in 2011. Between November 2011 and June, the Swiss AIDS Federation registered 46 cases of discrimination against persons suffering from HIV. Most concerned employment discrimination or other discrimination in the workplace. To combat harassment and unfair behavior, the Swiss AIDS Federation conducted multiple campaigns during the year to sensitize the public against such types of discrimination.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

Authorities effectively enforced laws protecting freedom of association and collective bargaining. However, collective bargaining agreements committed the social partners to maintain labor peace, thereby limiting the right to strike for the duration of the agreement, which generally lasts several years.

Employers at times unfairly dismissed trade unionists and used the legal system to limit legitimate trade union activities. Public servants in some cantons and many municipalities were prohibited from striking. Trade unions continued to report an

increase in discriminatory behavior against their members. In November the Swiss Federation of Trade Unions (SGB) filed a case with the ILO to urge an ILO-led investigation of unfair dismissals of trade unionists. The SGB reported that in the wake of the financial crisis they observed the dismissal of a larger number of unionists from their positions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced and compulsory labor and the government enforced such laws. In June 2011 the government adopted the Private Household Employees Ordinance, which governs working conditions for private household employees and defines minimum salary requirements. The intent of the ordinance was to curb forced labor and the exploitation of foreign workers. However, there were reports that such practices occurred. Women were trafficked for domestic labor; many victims were forced to work in salons or clubs. During the year cases of labor exploitation were especially prevalent in the construction and tourism sectors.

In January the country's inter-professional trade union UNIA reported several cases of unjust wage arrangements and exploitation of foreign workers, noting that in Zurich Polish construction site workers were not properly remunerated.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for full-time employment is 15. Children 13 and 14 years of age may engage in light duties for not more than nine hours per week during the school year and 15 hours at other times. Youth employment between the ages of 15 and 18 is also restricted; cantonal inspectors strictly regulated these provisions. The minimum age for work under hazardous conditions is 16. Children are not permitted to work on Sundays, under hazardous conditions, or at night.

The government effectively enforced laws and policies to protect children from exploitation in the workplace. The Economics Ministry monitored the implementation of child labor laws and policies, and cantonal labor inspectors were responsible for enforcement. Cantonal labor inspectors effectively inspected companies to determine whether there were violations of the child labor laws.

However, there were isolated reports of trafficking of children to beg and commit theft.

d. Acceptable Conditions of Work

There is no national minimum wage. Work contracts covering approximately 40 percent of (citizen) wage earners included minimum wage provisions, resulting in relatively low average wages for all workers and employees in the clothing, hospitality, and retail industries. A majority of the voluntary collective bargaining agreements, reached on a sector-by-sector basis, contained minimum compensation clauses, which provided for compensation ranging from 2,200 to 4,200 francs (\$2,363 to \$4,511) per month for unskilled workers and 2,800 to 5,300 francs (\$3,010 to \$5,693) per month for skilled employees. The poverty income level was officially estimated at 2,200 francs (\$2,363) for a single person, 3,800 francs (\$4,082) for a single parent with two children, and 4,800 francs (\$5,158) for a family (with two children). Numbers varied slightly from canton to canton, since costs of living varied.

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 or 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 is to 170 hours for those working 45 hours a week and 140 hours for those working 50 hours a week. The law contains extensive provisions to protect worker health and safety.

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

The Ministry of Economics and cantonal labor inspectorates effectively enforced laws related to hours of work and occupational safety and health. The economics ministry also had oversight over collective bargaining agreements. Each of the 26 cantons maintained a labor inspectorate office with approximately six to eight

employees. Approximately 100 labor inspectors worked in the country. However, penalties were not deemed sufficient to deter violations.

During the year several local NGOs and international organizations, including the International Organization for Migration, voiced concern about the absence of just repercussions for labor exploitation predominantly prevalent in the construction sector.

On September 2, the president of the labor inspectorates announced that authorities would more rigorously enforce labor laws, especially in the area of maximum hours worked and working conditions.

Migrant workers in low-wage jobs were more prone to exploitative labor practices than other workers. This was especially true in the construction, restaurant and hospitality, tourism, and agricultural sectors. In 2011 there were 208,596 work-related injuries to men and 63,349 injuries to women reported.