

Switzerland

Country Reports on Human Rights Practices - [2005](#)

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Switzerland, with a population of 7.3 million, is a constitutional democracy with a federal structure. The parliament was elected in free and fair elections in October 2003, allowing the government to remain a coalition of the four major parties. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. The following human rights problems were reported:

- occasional excessive police force, used particularly against minorities and asylum seekers
- lengthy pretrial detention
- anti-Muslim and anti-Semitic incidents
- violence against women
- trafficking in women
- discrimination against minorities

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

There were no new developments in the 2004 killing by police of a 38-year-old Sri Lankan citizen in Lausanne.

During the year the district attorney's investigation into the 2004 death of a 40-year-old Italian national concluded that the injuries incurred during the arrest were not sufficient to cause death.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, there were reports of occasional use of excessive force by police authorities.

In October the cantonal government in Tessin suspended two policemen accused of robbing and verbally abusing several asylum-seekers. The cantonal prosecutor charged the two police officers of misusing their functions, theft, and breaching the antiracism law. A 2004 Amnesty International (AI) report highlighted several instances of police mistreatment of detainees, particularly foreigners, citizens of foreign origin, and asylum seekers.

In April the Federal Tribunal rejected a complaint lodged by a woman whose leg was severely burned by a police stun grenade during protests in Lausanne in June 2003. The court maintained that it was impossible to identify the police officer involved, since there were approximately 190 officers in the area.

Prison and Detention Center Conditions

Prison conditions generally met international standards; however, prison overcrowding was a problem, particularly in the Cantons of Geneva, Zurich, and Bern. In some cantonal prisons, the size of the cells fell below the 130 square feet standard set by the European Convention on Human Rights.

The government permitted access by independent local and international human rights groups to prisons. In June the Council of Europe's Commissioner for Human Rights, in a report on a fact-finding mission of the end of 2004, expressed concern about overcrowding and other shortcomings at inspected detention facilities and called on local authorities to take appropriate action to resolve the problems.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The cantons are responsible for handling most criminal matters, and procedures vary. The federal police office has a coordinating role but relies on the cantons for actual law enforcement. The federal attorney general in Bern oversees intercantonal and international crimes. Corruption and impunity were not problems. Judges and prosecutors are independent but generally are under administrative command of the cantonal security department and the Federal Department of Justice and Police. Police were generally effective. Both internal affairs bureaus and courts generally functioned effectively to investigate possible police abuses. Police training is cantonal responsibility but some police training took place nationally in connection with nongovernmental organizations (NGOs).

Arrest and Detention

Persons were generally apprehended openly with warrants issued by a duly authorized official unless there is a specific and immediate danger to which the police must respond without waiting for a warrant. In general a suspect may not be held longer than 24 hours before being presented to a prosecutor (or investigating magistrate) who must bring formal charges or order release; however, asylum seekers and foreigners without valid documents may be held up to 96 hours without an arrest warrant.

There is a functioning bail system, and release on personal recognizance or bail is granted unless the magistrate believes the person is dangerous or will not appear for trial. A suspect may be denied legal counsel at the time of detention but has the right to choose and contact an attorney before charges are made. In 2004 the federal penal court in Bellinzona affirmed that suspects detained under federal law were not entitled to legal representation during the first preliminary hearing with the federal police. Legal counseling is allowed at a later stage when the suspects meet the investigative magistrate. The state provides free legal assistance for indigents who may be detained pending trial. Access to family members could be restricted to prevent tampering with evidence, but law enforcement authorities are obligated to inform close relatives of the detention promptly.

AI and refugee NGOs complained that detained asylum seekers were often effectively denied proper legal representation because they lacked the financial means to obtain an attorney and, unless they are held for serious criminal offenses, the law does not provide for free legal assistance (see section 2.d.). The decision to deport an asylum seeker is an administrative procedure, as opposed to a criminal procedure where free legal assistance is provided. Rejected asylum seekers generally were not removed from the country but instructed to leave voluntarily, except in cases where the rejected asylum seeker was incarcerated for a petty crime.

There were no reports of political detainees.

Lengthy pretrial detention occurred. Although investigations generally were prompt, investigative pretrial detention could exceed the length of sentence. Any lengthy pretrial detention is subject to review by higher judicial authorities. During the year approximately one-third of all prisoners were in pretrial detention, and the average length of such detention was 50 days.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice.

Courts of first instance generally are local or cantonal courts. The federal penal court in Bellinzona is the court of first

instance for criminal offenses that are under the jurisdiction of federal authorities to investigate and prosecute. Citizens have the right to appeal, ultimately to the Federal Tribunal (supreme court). Lower and appellate courts are local or cantonal and therefore both their administrative structures and procedures vary from canton to canton.

Trial Procedures

Trials are generally expeditious and public. Trials involving minor offenses are generally heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases (including murder) by a jury. Defendants have the right to be present and to consult with an attorney in a timely manner, and an attorney is provided at public expense if defendants face serious criminal charges. Defendants have the right to confront or question witnesses and to present witnesses or evidence. Defendants enjoy a presumption of innocence and have the right to appeal, ultimately to the Federal Tribunal. These rights were generally respected in practice.

The military penal code (MPC) requires that war crimes or violations of the Geneva Convention be prosecuted only if the defendant has close ties with the country. Normal civilian rules of evidence and procedure apply in military trials. The MPC allows the appeal of any case, ultimately to the military supreme court. In most cases the accused used defense attorneys assigned by the courts. Any licensed attorney may serve as a military defense counselor. Under military law the government pays for defense costs. Civilians can be tried in military courts if they reveal military secrets, such as classified military documents, or classified military locations and installations.

Political Prisoners

There were no reports of political prisoners.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom or the Internet. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The penal code criminalizes racist or anti-Semitic expression, whether in public speech or in printed material.

b. Freedom of Peaceful Assembly and Association

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

As in previous years, police in cities deployed large forces to control demonstrators protesting against the World Economic Forum (WEF) in Davos. Violent confrontations were for the most part avoided. During demonstrations in Bern and Basel on January 22 and 29, respectively, antiriot police made hundreds of identity checks and took scores of demonstrators into preventive custody. In June the Bern city assembly unanimously endorsed a report condemning police tactics and the large-scale police deployment as out of proportion to the security threat posed by demonstrators.

There were no developments in the lawsuit against police officers for allegedly using violence and mistreating anti-WEF demonstrators in January 2004.

In January a Vaud cantonal court declared that two policemen must stand trial for negligent bodily harm to a protester during a demonstration against the G-8 in June 2003. In order to block traffic, two protesters had tightened a rope across a highway bridge near Lausanne and tied themselves to either end of the rope dangling over the abyss. After a police officer cut the rope, a protester fell 60 feet and was seriously injured. The Vaud cantonal prosecutor had previously closed an investigation of the incident without filing charges on the grounds that protesters had put themselves in a situation of danger. A trial was not scheduled at year's end.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

There is no official state church; however, most cantons financially support at least one of three traditional denominations--Roman Catholic, Old Catholic, or Protestant--with funds collected through taxation. Each of the 26 cantons has regulations regarding the relationship between church and state. Foreign missionaries must obtain a religious worker visa to work in the country. Such permits were generally granted routinely.

In 2004 the Federal Office of Migration (FOM) rejected the work permit applications for two Islamic clerics that the Islamic Center in Geneva had filed with local authorities, due to the leader's extremist views. On October 5, the justice ministry's appeals body upheld the FOM decision, thus setting a precedent of rejecting a work permit application for a Muslim imam on ideological grounds.

Resident Muslim organizations complained that it was nearly impossible to acquire zoning approval to build mosques or Muslim cemeteries, since this authority rested with individual counties and municipalities.

Some employers had restrictions on wearing headscarves in the workplace. For example, the second biggest retailer announced that its dress code did not provide for any headgear and that it would not allow the wearing of the Islamic headscarf.

Religious education was taught in most public cantonal schools, except in Geneva and Neuchatel. Classes in Roman Catholic and Protestant doctrine were normally offered, but some schools covered other religious groups living in the country. A number of cantons now complement or entirely supplant traditional classes in Christian doctrine with nonconfessional teachings about religion and culture.

Societal Abuses and Discrimination

The Federal Commission against Racism observed that the climate against members of religious minorities and their institutions has deteriorated. Although physical violence was rare, most anti-Semitic and anti-Muslim remarks were largely fueled by extensive media reports over the Israeli-Palestinian conflict, the Holocaust Assets issue, and terrorist acts by Muslim extremists in foreign countries.

The Jewish population amounts to 0.24 percent of the country's population, or 17,900 persons. There were numerous anti-Semitic incidents during the year.

During the night of March 13, there were two arson attacks in the city of Lugano in the southern canton of Ticino against the synagogue and a clothing store owned by a Jewish family. No one was hurt in either incident. In November a Ticino court sentenced a 58-year-old resident Italian national with a mental condition, who confessed to the attacks, to 2 years in prison. The sentence is expected to be suspended for psychiatric treatment. On the night of April 16, vandals spray-painted anti-Semitic graffiti on the walls and on a Holocaust memorial near the Grand Synagogue in Geneva. In May unknown vandals desecrated a dozen tombs of the cemetery of the Jewish community of Vevey-Montreux.

In April 2004 the Zurich lawyer and honorary chairman of the Jewish religious community, Sigi Feigel, sued the political party Europa Partei Schweiz and claimed that it sponsored newspaper advertisements comparing Israel with Nazi Germany. The case remained pending before the cantonal prosecutor at year's end.

On January 27, schools across the country held a day of remembrance for victims of the Holocaust. Education authorities said the aim was to remember the Holocaust and other forms of genocide committed in the past century and raise awareness of inhumane ideologies.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the

Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum to 4,856 persons during the year.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 24,453 persons during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The FOM used a list of approximately 40 "safe countries" from which it will not accept refugee requests. NGOs criticized the list as arbitrary because the government did not publicly justify the listings and because they believe human rights records and the political situation in some of these countries was not sufficiently stable.

The FOM may refuse to process the application of an asylum seeker who is unable to justify a lack of identity papers. In such cases, the rejected applicant must submit an appeal within five working days to stay deportation proceedings. NGOs contended that such a short time period did not constitute an effective remedy and therefore violated the European Convention on Human Rights.

The UN Committee against Torture (UNCAT), the Council of Europe (COE), and NGOs criticized recent asylum policy developments. In May reviewing the country's compliance with the UN Convention on Torture, UNCAT expressed concern over standing and planned legal provisions on the use of force during deportations. In June the COE's commissioner for human rights criticized the more stringent measures effective since April 2004, allowing for the immediate rejection of asylum applicants lacking proper identity papers and shortening the appeals period against such a decision. The commissioner also expressed concern about expedited repatriation procedures at airports leading to the rejection of people before they can submit an asylum request as well as new measures proposed under the ongoing revision of the asylum law. In August the Swiss Refugee Council (SRC) expressed disappointment that many asylum seekers had been unfairly excluded from the screening process and reiterated some of the COE's findings on an alleged lack of access to legal representation for rejected asylum applicants. The SRC also criticized some cantons and communities for being reluctant to disburse minimum assistance, claiming that asylum seekers were not always informed of their entitlement to public aid. The SRC urged the government to soften the current asylum law revision and reverse its decision to shorten the appeal period from 30 to 5 working days.

According to media reports, on February 23, police forcibly deported a 19-year-old Kurd to his native Syria, where he was immediately detained for 2 months and subsequently found hanged in his hometown shortly after his release from prison. Kurdish online news sources alleged that he was tortured in detention and that the physical and psychological injuries led him to commit suicide.

NGOs reported that police used excessive force against asylum seekers (see section 1.c.).

On June 10, the Federal Tribunal criticized the detention conditions of a rejected asylum applicant in Trogen in the canton of Appenzell Ausserrhoden. The court deemed the low standards of the Trogen prison facility unacceptable and reminded local authorities that detained asylum seekers were entitled to social contacts with other foreigners awaiting repatriation. The court ordered local authorities to correct the situation within one week's time or release the rejected asylum applicant.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

In October 2003, in a fair and free election, citizens chose a new federal parliament.

There were 65 women in the 246-seat federal parliament and 1 woman in the 7-seat federal cabinet. In recent years at the cantonal level, the proportion of female representatives in legislatures has remained steady at approximately 24 percent. Women held approximately one-fifth of the seats in cantonal executive bodies.

There were 57 French-speaking and 10 Italian-speaking members in the federal parliament. There were 3 French-speaking

members in the federal cabinet. There were no known ethnic minorities in the government.

Government Corruption and Transparency

There were isolated reports of government corruption during the year.

Government information was available freely to all persons living in the country, including foreign media. There is no specific transparency law, but the constitution requires that the government inform the public on its activities. In December 2004 parliament adopted a new transparency law providing for public access to government documents, but the law had not been implemented by year's end.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide 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.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, disability, language, or social status, and the government generally enforced these prohibitions effectively, although some laws discriminate against women. Violence against women and children, trafficking in persons, and discrimination against minorities were problems.

Women

Violence against women was a problem. The law prohibits domestic violence but does not differentiate between acts committed against men and women. A study released in 2004 claimed that polls showed 10 percent of women suffered from physical violence in the previous 12 months, and a 2003 survey showed that 1 in 4 women age 20 to 60 suffered some form of domestic violence at least once in their lifetime. In its 2004 annual report, AI estimated that approximately 40 women died every year in the country as a result of violence suffered at home. According to a 2003 survey, only 30 percent of instances of physical violence and 6 percent of sexual abuse cases are being reported to the police. Authorities prosecuted approximately 38 percent of reported cases of domestic violence, and 70.8 percent of those were convicted and fined on average \$4,282 (5,372 Swiss francs). Police made 496 arrests and fined 955 persons for domestic violence during the year. Data from Zurich canton indicated that reported instances of domestic violence increased from 858 in 2003 to 1,248 in 2004, of which 453 were committed by repeat offenders. Penalties varied with the gravity of crime.

Victims of domestic violence could obtain help, counseling, and legal assistance from specialized government and NGO agencies, or from nearly a dozen hot lines sponsored privately or by local, cantonal, and national authorities. There were 820 women and 838 children spending a total of 46,523 nights in 17 women's shelters across the country during 2004, but the shelter's operators estimated that nearly as many were denied access due to a lack of space and limited funding. There is a special unit dealing with domestic violence in the interior ministry's Federal Office for the Equality between Women and Men. The Crime Prevention Center, a planning unit of the umbrella organization of cantonal police forces, has established a checklist for police interventions and most cantonal police forces had specially trained domestic violence units. A majority of cantons also had special administrative units coordinating between law enforcement, prosecutorial, and victim assistance bodies.

Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted those accused of such crimes. In 2003 there were 547 recorded instances of rape, 405 prosecutions, and 77 convictions. Prosecuting spousal abuse is a cantonal responsibility, and statistical evidence was inconsistent.

Although female genital mutilation (FGM) is illegal, there were reports that the practice occurred. According to the UN Children's Fund (UNICEF) and the Bern University, there were approximately six thousand women and young girls believed to be at risk from FGM.

The Lausanne-based NGO Terre des Hommes estimated that about 50 percent of Muslim women in the country did not freely choose their husband. This trend was particularly evident among immigrants.

Prostitution is legal; however, street prostitution is illegal, except in certain areas in every major city specifically designated

by local authorities. Police figures indicated that approximately 14 thousand prostitutes worked in the country.

Trafficking in women was a problem (see section 5, Trafficking).

Sexual harassment is illegal. The law includes provisions aimed at eliminating sexual harassment and facilitating access to legal remedies for those who claim discrimination or harassment in the workplace. Sexual harassment in the workplace occurred infrequently. Sexual harassers face a fine or a prison sentence up to 10 years. Employers failing to implement the law face a maximum fine of \$32 thousand (40 thousand Swiss francs) or a 6-month prison sentence. Sexual harassment victims are protected against retaliatory dismissals.

Under the law women generally enjoy the same rights as men; however, some laws continued to discriminate against women. The Federal Tribunal ruled that the primary wage earner in a divorce must be left with sufficient income to remain above the poverty level. Since the man generally was the primary wage earner in most marriages and the income was too low to support both parties, usually the wife (and children) was forced to survive on public assistance.

In December 2004 the FOM at first rejected an appeal from a Brazilian woman and her son who faced deportation by Geneva authorities. Their annual residency permits could not be renewed because the Swiss husband had died of a stroke in 2003, four years after their marriage. The FOM ultimately reversed its decision following intense lobbying from the woman's employer.

Women frequently did not occupy jobs with significant responsibilities, and women's professional stature overall was lower than men's. Women also were promoted less frequently than men, and employers were less likely to pay women for training. According to a 2004 government study, women's gross salaries were on average 21 percent lower than men's.

According to a study published during the year, women held only 15 percent of management positions in 2000. Women were more likely to be unemployed than men, especially working mothers with children under the age of 15. The unemployment rate for mothers with children under the age of 6 is approximately 9 percent--four times higher than the rate for men.

The Federal Office for Equality between Women and Men (EBG) and the Federal Commission on Women worked to eliminate all forms of direct and indirect gender discrimination. Many cantons and some large cities have equality services mandated to handle gender issues. More than half of the cantons have an office in charge of promoting equality.

Children

The government has no special programs for children, and there is no special governmental office for children's matters; however, the government was strongly committed to children's rights and welfare. It amply funded a system of public education and need-based subsidies of health insurance.

Education was free and compulsory for 9 years, from age 6 or 7 through age 16 or 17, depending on the canton. Some cantons offered a 10th school year. Almost all children attended school. Almost 60 percent completed professional vocational or technical training with another 30 percent continuing to earn higher-level specialized or university degrees.

The government provided need-based subsidies for mandatory but private health insurance.

Child abuse was common. A study published in January by the Fribourg University estimated 13 thousand children under the age of 30 months had been slapped by their parents, 18 thousand had their hair pulled by their parents, and about 17,000 had been struck with objects by their parents. According to a study by UNICEF, one-fifth of girls and one-tenth of boys in the country were subjected to sexual abuse.

On February 10, police announced they were investigating 109 citizens as part of a worldwide operation targeting Internet child pornography. Nineteen cantons, as well as the cities of Bern and Zurich, took part in the operation. Under the law the production, possession, distribution, or downloading from the Internet of hardcore pornography involving children carries heavy fines or a maximum sentence of a year in prison.

FGM was performed in some cases on girls (see section 5, Women).

Trafficking in Persons

The law prohibits sexual exploitation and trafficking in persons; however, some women were trafficked into the country and forced into prostitution or domestic servitude.

Trafficking in persons can carry a prison sentence of up to 20 years and coercing a person into prostitution is punishable with up to 10 years in prison. In 2003 authorities convicted 12 persons for human trafficking and forced prostitution. The Coordination Unit against Trafficking in Persons and Smuggling of Migrants, which is tied to the Federal Office of Police, coordinates and monitors all antitrafficking efforts, including a federal interagency task force. Authorities were active in international law enforcement activities and took the lead in coordinating several international trafficking investigations.

Switzerland is primarily a country of destination, and secondarily transit, for women trafficked for the purposes of sexual exploitation and domestic servitude. Federal police estimated that between 1,500 and 3 thousand victims of human trafficking were in the country. According to authorities, most persons trafficked come from Central Europe (Hungary, Slovakia, and Romania), the former Soviet Union (Ukraine and Moldova), Lithuania, Latin America (Brazil and the Dominican Republic), Southeast Asia (Thailand and Cambodia), and, to a lesser extent, Africa.

Trafficking into the country is primarily performed by individuals and small groups related through ethnic, clan, or family ties, as well as, occasionally, organized criminals. Traffickers often forced victims into prostitution and in many cases subjected them to physical and sexual violence, threatened them or their families, encouraged drug addiction, withheld their documents, and incarcerated them. Many victims were forced to work in salons or clubs to pay for travel expenses and forged documents and found themselves dependent on the traffickers. Generally the victims were unable to read, write, or speak the country's languages and were afraid to seek help from the authorities.

Under federal guidelines cantonal authorities must grant trafficking victims a 30-day minimum stay of deportation. They may provide victims willing to cooperate with judicial authorities stays of deportation up to three months, or short-term residency permits. The law entitles trafficking victims to secure shelter as well as medical, psychological, social, and legal assistance, regardless of their residency status. During 2003 64 trafficking victims received assistance from publicly funded victim assistance centers. The government continued to partially fund Zurich's leading antitrafficking NGO. Zurich formalized its victim referral mechanism in a letter of intent between the NGO and local law enforcement officials.

The government funded several antitrafficking information and education campaigns around the world. The Ministry of Foreign Affairs provided specialized training to its consular staff and distributed trafficking awareness information to visa applicants in local languages.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and it was generally enforced. The law mandates access to public buildings and government services for persons with disabilities, and the government generally enforced these provisions in practice. According to the NGO Equality Handicap, most complaints of discrimination concerned labor issues, education, and access to public buildings.

National/Racial/Ethnic Minorities

According to the federal police, the number of public incidents involving right-wing skinheads, such as arson attacks, assaults, and hate concerts, varied from 117 incidents in 2002, 101 in 2003, and 111 in 2004. Police noted that acts of violence were mostly committed by youths and were more frequently directed against persons rather than property. Police estimated that after a significant increase at the end of the 1990s, the number of right-wing extremists leveled off at approximately 1,000.

There were a few reported cases during the year of violent confrontations between skinheads and young foreigners. According to statistics gathered by the Foundation against Racism and Anti-Semitism, there were 89 reported incidents directed against ethnic minorities during the year. These figures included verbal and written attacks, which were much more common than physical assaults. Investigations of such attacks generally were conducted effectively and led, in most cases, to the arrest of those responsible.

In mid-July four leading members, including the president of the extreme rightwing Party of Nationally Orientated Swiss (PNOS), were found guilty of racial discrimination by a district court in canton Aarau and had to pay fines between \$240 and \$400 (300 to 500 Swiss francs). The court found that the defendants had publicly disseminated an ideology aimed at belittling or slandering people of certain races, religions, or ethnic origins. PNOS had earlier been the subject of public

controversy after two of its members were elected to serve in county-level political office in Bern and Solothurn canton respectively.

The Department of the Interior's Federal Service for the Combating of Racism (FSCR) sponsored a variety of educational and awareness-building projects to combat racism, xenophobia, and anti-Semitism. In addition FSCR has helped finance the establishment of new local consultation centers to assist victims of racial or religious discrimination; approximately 130 such consultation centers or contact points existed in the country.

In June the government brought up for public consultation a draft report on the situation of traveling Jenish in the country. The government rejected ratification of the International Labor Organization's (ILO) Convention 169 on Indigenous and Tribal Peoples but acknowledged that the number of permanent and transit stopping places for travelers was insufficient. The final report on the situation of traveling Jenish was expected in 2006.

Section 6 Worker Rights

a. The Right of Association

The law allows all workers, including foreigners, to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Approximately 25 percent of the work force was unionized.

In 2003 the Swiss Trade Union Council (STUC) filed a complaint with the ILO arguing that legal provisions for abusive dismissals did not sufficiently protect activists from antiunion discrimination and were thus not in keeping with the relevant ILO convention that the country ratified. The law provides for a maximum compensation of six months' worth of wages but not for reinstatement. In March 2004 the government asked the ILO to dismiss the STUC complaint since its legislation was fully compliant. However, in November 2004 the ILO concluded that the government did not clearly reject the STUC allegation and called on the government, together with the employers' and workers' organizations, to examine the present situation in law and in practice regarding protection against antiunion dismissals.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the freedom to bargain collectively, and workers exercised this right freely. Approximately 50 percent of the work force was covered by such agreements. The law provides for the right to strike, and workers exercised this right by conducting legal strikes. The government is allowed to curtail the right to strike of federal public servants only for reasons of national security or safeguarding foreign policy interests, but public servants were denied the right to strike in some cantons and many communes. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

The government effectively enforced laws and policies to protect children from exploitation in the workplace.

The minimum age for the full-time employment is 15 years. Children over 13 years of age may be employed in light duties for not more than 9 hours per week during the school year and 15 hours otherwise. The employment of youths between the ages of 15 and 20 was regulated strictly; they were not allowed to work at night, on Sundays, or in hazardous or dangerous conditions.

The economic ministry (SECO) monitors the implementation of child labor laws and policies but actual enforcement is the responsibility of the cantonal labor inspectorates; government officials inspected companies that violated the law.

e. Acceptable Conditions of Work

There was no national minimum wage, which resulted in low wage structures for unskilled and service industry workers; however, a majority of the voluntary collective labor agreements contained clauses on minimum compensation, which

provided a decent standard of living for a worker and family.

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 law prescribes a rest period of 35 consecutive hours plus an additional half-day per week. Pay for overtime was required to be at least 25 percent higher and overtime generally was restricted to 2 hours per day. Annual overtime is limited by law to 170 hours for those working 45 hours per week and to 140 hours for those working 50 hours per week. The government effectively enforced these regulations.

The law contains extensive regulations to protect worker health and safety. SECO and cantonal labor inspectorates effectively enforced the law. Workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment, and the authorities effectively enforced this right.