

# Federal Constitution of the Swiss Confederation

of April 18, 1999 (as amended until October 15, 2002)

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## Preamble

In the name of God Almighty!

*We, the Swiss People and Cantons,*

whereas, we are mindful of our responsibility towards creation;

resolve to renew our alliance to strengthen liberty and democracy, independence and peace in solidarity and openness towards the world;

are determined to live our diversity in unity respecting one another;

are conscious of our common achievements and our responsibility towards future generations;

and know that only those remain free who use their freedom, and that the strength of a people is measured by the welfare of the weakest of its members;

*now, therefore, we adopt the following Constitution<sup>1</sup>:*

## Title 1: General Provisions

### Art. 1 Swiss Confederation

The Swiss People and the Cantons of Zurich, Berne, Lucerne, Uri, Schwyz, Obwald and Nidwald, Glarus, Zug, Fribourg, Solothurn, Basel City and Basel Land, Schaffhausen, Appenzell Outer Rhodes and Appenzell Inner Rhodes, St. Gall, Grisons, Aargau, Thurgau, Ticino, Vaud, Valais, Neuchâtel, Geneva, and Jura, form the Swiss Confederation.

### Art. 2 Purpose

<sup>1</sup> The Swiss Confederation shall protect the liberty and the rights of the people, and shall ensure the independence and security of the country.

<sup>2</sup> It shall promote the common welfare, the sustainable development, the inner cohesion, and the cultural diversity of the country.

<sup>3</sup> It shall ensure equal opportunities for all citizens to the extent possible.

<sup>4</sup> It shall strive to secure the long-term preservation of natural resources, and to promote a just and peaceful international order.

<sup>1</sup> Adopted in the votation of April 18, 1999, certified as accurate by decision of the Federal Government of August 11, 1999 and based on the Federal Decree of December 18, 1998.

**Art. 3**            Cantons

The Cantons are sovereign insofar as their sovereignty is not limited by the Federal Constitution; they shall exercise all rights which are not transferred to the Confederation.

**Art. 4**            National Languages

The national languages are German, French, Italian, and Romansh.

**Art. 5**            Rule of Law

<sup>1</sup> The state's activities shall be based on and limited by the Rule of Law.

<sup>2</sup> State activity must be in the public interest and proportional to the goals pursued.

<sup>3</sup> State organs and private persons must act in good faith.

<sup>4</sup> The Confederation and the Cantons shall respect international law.

**Art. 6**            Individual and Social Responsibility

All persons are responsible for themselves, and shall make use of their abilities to contribute to achieving the goals of state and society.

**Title 2: Fundamental Rights, Civil Rights and Social Goals****Chapter 1: Fundamental Rights****Art. 7**            Human Dignity

Human dignity shall be respected and protected.

**Art. 8**            Equality before the Law

<sup>1</sup> All human beings are equal before the law.

<sup>2</sup> Nobody shall suffer discrimination, particularly on grounds of origin, race, sex, age, language, social position, lifestyle, religious, philosophical or political convictions, or because of a corporal or mental disability.

<sup>3</sup> Men and women have equal rights. Legislation shall ensure equality in law and in fact, particularly in family, education, and work. Men and women shall have the right to equal pay for work of equal value.

<sup>4</sup> Legislation shall provide for measures to eliminate disadvantages affecting disabled people.

**Art. 9**            Protection against Arbitrariness and Principle of Good Faith

Every person has the right to be treated by the state organs without arbitrariness and in good faith.

**Art. 10** Right to Live and Personal Freedom

<sup>1</sup> Every person has the right to live. The death penalty is prohibited.

<sup>2</sup> Every person has the right to personal liberty, particularly to corporal and mental integrity, and to freedom of movement.

<sup>3</sup> Torture and any other cruel, inhuman or degrading treatment or punishment are prohibited.

**Art. 11** Protection of Children and Young People

<sup>1</sup> Children and young people have the right to special protection of their integrity and to encouragement of their development.

<sup>2</sup> They may exercise their rights themselves to the extent of their capacity to discern.

**Art. 12** Right to Aid in Distress

Persons in distress and incapable of looking after themselves have the right to be helped and assisted, and to receive the means that are indispensable for leading a life in human dignity.

**Art. 13** Right to Privacy

<sup>1</sup> All persons have the right to receive respect for their private and family life, home, and secrecy of the mails and telecommunications.

<sup>2</sup> All persons have the right to be protected against the abuse of personal data.

**Art. 14** Right to Marriage and Family

The right to marry and to have a family is guaranteed.

**Art. 15** Freedom of Religion and Philosophy

<sup>1</sup> The freedom of religion and philosophy is guaranteed.

<sup>2</sup> All persons have the right to choose their religion or philosophical convictions freely, and to profess them alone or in community with others.

<sup>3</sup> All persons have the right to join or to belong to a religious community, and to follow religious teachings.

<sup>4</sup> No person shall be forced to join or belong to a religious community, to participate in a religious act, or to follow religious teachings.

**Art. 16** Freedom of Opinion and Information

<sup>1</sup> The freedom of opinion and information is guaranteed.

<sup>2</sup> All persons have the right to form, express, and disseminate their opinions freely.

<sup>3</sup> All persons have the right to receive information freely, to gather it from generally accessible sources, and to disseminate it.

**Art. 17** Freedom of the Media

<sup>1</sup> The freedom of the press, radio and television, and of other forms of public tele-casting of productions and information is guaranteed.

<sup>2</sup> Censorship is prohibited.

<sup>3</sup> Editorial secrecy is guaranteed.

**Art. 18** Freedom of Language

The freedom of language is guaranteed.

**Art. 19** Right to Primary Education

The right to sufficient and free primary education is guaranteed.

**Art. 20** Freedom of Science

The freedom of scientific research and teaching is guaranteed.

**Art. 21** Freedom of Art

The freedom of art is guaranteed.

**Art. 22** Freedom of Assembly

<sup>1</sup> The freedom of assembly is guaranteed.

<sup>2</sup> Every person has the right to organize assemblies, to participate in them or to stay away from them.

**Art. 23** Freedom of Association

<sup>1</sup> The freedom of association is guaranteed.

<sup>2</sup> Every person has the right to form associations, to join or to belong to them, and to participate in their activities.

<sup>3</sup> No person shall be forced to join or to belong to an association.

**Art. 24** Freedom of Domicile

<sup>1</sup> Swiss citizens have the right to establish their domicile anywhere within the country.

<sup>2</sup> They have the right to leave or to return to Switzerland.

**Art. 25** Protection against expulsion, extradition, and removal by force

<sup>1</sup> Swiss citizens may not be expelled from the country; they may be extradited to a foreign authority only with their consent.

<sup>2</sup> Refugees may not be removed by force or extradited to a state in which they are persecuted.

<sup>3</sup> No person shall be removed by force to a state where he or she is threatened by torture, or another means of cruel and inhuman treatment or punishment.

**Art. 26** Right to property

<sup>1</sup> The right to property is guaranteed.

<sup>2</sup> Expropriation and restrictions of ownership equivalent to expropriation shall be fully compensated.

**Art. 27** Economic Freedom

<sup>1</sup> Economic freedom is guaranteed.

<sup>2</sup> It contains particularly the freedom to choose one's profession, and to enjoy free access to and free exercise of private economic activity.

**Art. 28** Freedom to Unionize

<sup>1</sup> Workers, employers, and their organizations have the right to unionize for the defense of their interests, to form unions and to join them or to keep out of them.

<sup>2</sup> Conflicts shall be resolved to the extent possible through negotiation and mediation.

<sup>3</sup> Strike and lockout are permitted when they relate to labor relations, and when they are not contrary to obligations to keep labor peace or to resort to conciliation.

<sup>4</sup> Legislation may prohibit certain categories of persons from striking.

**Art. 29** General Procedural Guarantees

<sup>1</sup> Every person has the right in legal or administrative proceedings to have the case treated equally and fairly, and judged within a reasonable time.

<sup>2</sup> The parties have the right to be heard.

<sup>3</sup> Every person lacking the necessary means has the right to free legal assistance, unless the case appears to be without any chance of success. The person has moreover the right to free legal representation, to the extent that this is necessary to protect the person's rights.

**Art. 29<sup>a2</sup>** Guarantee of Legal Proceedings

Every person has the right to have legal disputes judged by a judicial authority. The Confederation and the Cantons may in exceptional cases exclude judicial proceedings.

<sup>2</sup> Adopted in the votation of March 12, 2000, certified as accurate by decision of the Federal Government of May 17, 2000 and based on the Federal Decree of October 8, 1999.

**Art. 30**            Judicial Proceedings

<sup>1</sup> Every person whose case must be judged in judicial proceedings has the right to have this done by a court that is established by law, has jurisdiction, and is independent and impartial. Exceptional tribunals are prohibited.

<sup>2</sup> A person against whom a civil action is brought has the right to have the case heard before the court at the person's domicile. Legislation may provide for another jurisdiction.

<sup>3</sup> The court hearing shall be public, and the judgment shall be publicly proclaimed. Legislation may provide for exceptions.

**Art. 31**            Habeas Corpus

<sup>1</sup> No person may be deprived of liberty except in the cases and in the forms provided by statute.

<sup>2</sup> All persons deprived of their liberty have the right to be informed immediately, and in a language that they understand, of the reasons for their detention, and of their rights. They must have the opportunity to assert their rights. In particular, they have the right to have their close relatives informed.

<sup>3</sup> Every person taken into preventive detention has the right to be brought before a judge without delay; the judge shall decide whether the person shall remain in detention or shall be released. Every person in preventive detention has the right to be judged within a reasonable time.

<sup>4</sup> All persons who are deprived of their liberty without a trial have the right to seize a court at any time. The court shall decide as soon as possible whether the detention is legal.

**Art. 32**            Criminal procedure

<sup>1</sup> Every person shall be presumed innocent until the person is subject to a condemnation having force of law.

<sup>2</sup> Every accused person has the right to be informed as soon as possible and in full detail of the accusations. The person must have the opportunity to exercise its means of defense.

<sup>3</sup> Every condemned person has the right to have the judgment reviewed by a higher court. The cases where the Federal Supreme Court sits as a court of sole instance are reserved.

**Art. 33**            Right of Petition

<sup>1</sup> Every person has the right to address petitions to authorities without suffering prejudice.

<sup>2</sup> The authorities must take cognizance of petitions.

**Art. 34** Political Rights

<sup>1</sup> The political rights are guaranteed.

<sup>2</sup> The guarantee of political rights protects the free formation of opinion by the citizens and the unaltered expression of their will.

**Art. 35** Realization of Fundamental Rights

<sup>1</sup> The fundamental rights shall be realized in the entire legal system.

<sup>2</sup> Whoever exercises a function of the state must respect the fundamental rights and contribute to their realization.

<sup>3</sup> The authorities shall ensure that the fundamental rights also be respected in relations among private parties whenever the analogy is applicable.

**Art. 36** Limitations of Fundamental Rights

<sup>1</sup> Any limitation of a fundamental right requires a legal basis. Grave limitations must be expressly foreseen by statute. Cases of clear and present danger are reserved.

<sup>2</sup> Any limitation of a fundamental right must be justified by public interest, or serve for the protection of fundamental rights of other persons.

<sup>3</sup> Limitations of fundamental rights must be proportionate to the goals pursued.

<sup>4</sup> The essence of fundamental rights is inviolable.

**Chapter 2: Citizenship and Political Rights****Art. 37** Citizenships

<sup>1</sup> Every person who has the citizenship of a Municipality and of the Canton to which it belongs, has Swiss citizenship.

<sup>2</sup> No person shall enjoy a privilege or suffer prejudice because of his or her citizenship. Exceptions are possible to regulate political rights in bourgeoisies and corporations, and provide for participation in their assets, unless cantonal legislation excludes this.

**Art. 38** Acquisition and Loss of Citizenship

<sup>1</sup> The Confederation shall regulate the acquisition and the loss of citizenship through descent, marriage and adoption. Moreover, it shall regulate the loss of Swiss citizenship on other grounds, and the reinstatement of citizenship.

<sup>2</sup> It shall set minimum requirements for the naturalization of foreigners by the Cantons, and grant naturalization permits.

<sup>3</sup> It shall facilitate the naturalization of stateless children.

**Art. 39** Exercise of Political Rights

<sup>1</sup> The Confederation shall regulate the exercise of political rights in federal matters; the Cantons shall regulate the exercise of these rights in cantonal and municipal matters.

<sup>2</sup> The political rights shall be exercised at the domicile. The Confederation and the Cantons may foresee exceptions.

<sup>3</sup> No person shall exercise political rights in more than one Canton.

<sup>4</sup> The Cantons may provide that new domiciliaries may exercise political rights in cantonal and municipal matters only once a waiting period of no more than three months has been observed.

**Art. 40** Swiss citizens domiciled abroad

<sup>1</sup> The Confederation shall encourage links amongst Swiss citizens domiciled abroad, and their links with Switzerland. It may support organizations which pursue this goal.

<sup>2</sup> It shall legislate on the rights and obligations of Swiss citizens domiciled abroad, in particular on the exercise of the political rights on the federal level, the duty to render military or alternative service, assistance to needy persons, and social security.

**Chapter 3: Social Goals****Art. 41**

<sup>1</sup> The Confederation and the Cantons shall strive to ensure that, in addition to personal responsibility and private initiative,

- a. every person shall benefit from social security;
- b. every person shall benefit from necessary health care;
- c. the family as a community of adults and children shall be protected and encouraged;
- d. every person capable of working shall sustain himself or herself through working under fair and adequate conditions;
- e. every person looking for housing shall find, for himself or herself and his or her family, appropriate housing at reasonable conditions;
- f. children and young people and people of working age shall benefit from initial and continuing education according to their abilities;
- g. children and young people shall be encouraged in their development to become independent and socially responsible persons, and they shall be supported in their social, cultural, and political integration.



<sup>2</sup> The Confederation and the Cantons shall strive to ensure that every person shall be insured against the economic consequences of old age, disability, illness, accidents, unemployment, maternity, orphanhood, and widowhood.

<sup>3</sup> They shall strive to realize the social goals within the framework of their constitutional powers and with the means available to them.

<sup>4</sup> No direct subjective right to prestations by the state may be derived from the social goals.

### **Title 3: Confederation, Cantons, and Municipalities**

#### **Chapter 1: Relationship between the Confederation and the Cantons**

##### **Section 1: Tasks of the Confederation and the Cantons**

###### **Art. 42** Tasks of the Confederation

<sup>1</sup> The Confederation shall accomplish the tasks which are attributed to it by the Constitution.

<sup>2</sup> It shall assume the tasks which require uniform regulation.

###### **Art. 43** Tasks of the Cantons

The Cantons shall define the tasks which they shall accomplish within the framework of their powers.

##### **Section 2: Cooperation between the Confederation and the Cantons**

###### **Art. 44** Principles

<sup>1</sup> The Confederation and the Cantons shall collaborate, and shall support each other in the fulfillment of their tasks.

<sup>2</sup> They owe each other mutual consideration and support. They shall grant each other administrative and judicial assistance.

<sup>3</sup> Disputes between Cantons, or between Cantons, and the Confederation shall, to the extent possible, be resolved through negotiation or mediation.

###### **Art. 45** Participation in Federal Decision Making

<sup>1</sup> In the cases foreseen by the Federal Constitution, the Cantons shall participate in the decision-making process on the federal level, in particular in federal legislation.

<sup>2</sup> The Confederation shall inform the Cantons timely and fully of its plans; it shall consult them if their interests are affected.

**Art. 46** Implementation of Federal Law

<sup>1</sup> The Cantons shall implement federal law in conformity with the Constitution and the statute.

<sup>2</sup> The Confederation shall leave the Cantons as large a space of action as possible, and shall take their particularities into account.

<sup>3</sup> The Confederation shall take into account the financial burden that is associated with implementing federal law by leaving sufficient sources of financing to the Cantons, and by ensuring an equitable financial equalization.

**Art. 47** Autonomy of the Cantons

The Confederation shall respect the autonomy of the Cantons.

**Art. 48** Intercantonal Treaties

<sup>1</sup> The Cantons may enter into intercantonal treaties, and may create common organizations and institutions. They may, in particular, join forces to fulfill tasks of regional interest.

<sup>2</sup> The Confederation may participate in such organizations or institutions within the limits of its powers.

<sup>3</sup> Intercantonal treaties may not be contrary to the law or the interests of the Confederation, nor to the rights of other Cantons. The Confederation must be notified of such treaties.

**Art. 49** Supremacy of and Respect for Federal Law

<sup>1</sup> Federal law takes precedence over contrary cantonal law.

<sup>2</sup> The Confederation shall ensure that the Cantons respect federal law.

**Section 3: Municipalities****Art. 50**

<sup>1</sup> The autonomy of the Municipalities is guaranteed within the limits fixed by cantonal law.

<sup>2</sup> In its activity, the Confederation shall take into account the possible consequences for the Municipalities.

<sup>3</sup> In particular, it shall take into account the special situation of cities, agglomerations, and mountainous regions.

## Section 4: Federal Guarantees

### Art. 51 Cantonal Constitutions

<sup>1</sup> Every Canton shall adopt a democratic constitution. The cantonal constitution must be approved by the people, and must be subject to revision if a majority of the people so requires.

<sup>2</sup> The cantonal constitutions must be guaranteed by the Confederation. The Confederation shall grant this guarantee, if the constitutions are not contrary to federal law.

### Art. 52 Constitutional Order

<sup>1</sup> The Confederation shall protect the constitutional order of the Cantons.

<sup>2</sup> It shall intervene if the inner order of a Canton is disturbed or threatened and cannot be protected by the Canton alone or with the help of other Cantons.

### Art. 53 Existence and Territory of the Cantons

<sup>1</sup> The Confederation shall protect the existence and the territory of the Cantons.

<sup>2</sup> Modifications of the number of the Cantons or their status are subject to the assent of the population concerned, of the Cantons concerned, and of the People and the Cantons.

<sup>3</sup> Modifications of the territory of a Canton are subject to the assent of the population concerned, of the Cantons concerned, and the assent of the Federal Parliament in the form of a federal decree.

<sup>4</sup> Intercantonal boundary settlements may be made by treaty between the Cantons concerned.

## Chapter 2: Powers

### Section 1: Relations with foreign countries

#### Art. 54 Foreign Relations

<sup>1</sup> Foreign Relations are a federal matter.

<sup>2</sup> The Confederation shall strive to preserve the independence of Switzerland and its welfare; it shall, in particular, contribute to alleviate need and poverty in the world, and to promote respect for human rights, democracy, the peaceful coexistence of nations, and the preservation of natural resources.

<sup>3</sup> It shall take into consideration the powers of the Cantons, and shall protect their interests.

**Art. 55** Participation of the Cantons in Decisions of Foreign Policy

<sup>1</sup> The Cantons shall participate in the preparation of decisions of foreign policy which concern their powers or their essential interests.

<sup>2</sup> The Confederation shall inform the Cantons timely and fully, and consult them.

<sup>3</sup> The position of the Cantons shall have particular weight when their powers are concerned. In these cases, the Cantons shall participate in international negotiations as appropriate.

**Art. 56** Relations between the Cantons and Foreign Countries

<sup>1</sup> The Cantons may conclude treaties with foreign countries within the scope of their powers.

<sup>2</sup> These treaties may not be contrary to the law nor to the interests of the Confederation nor to the laws of other Cantons. Before concluding a treaty, the Cantons must inform the Confederation.

<sup>3</sup> The Cantons may deal directly with lower ranking foreign authorities; in other cases, the relations of the Cantons with foreign countries shall be conducted by the Confederation acting on their behalf.

**Section 2: Security, National and Civil Defense****Art. 57** Security

<sup>1</sup> The Confederation and the Cantons shall ensure, within the framework of their powers, the security of the country and the protection of the population.

<sup>2</sup> They shall coordinate their efforts in the field of inner security.

**Art. 58** Army

<sup>1</sup> Switzerland shall have an army. The army shall be organized, in principle, as a militia.

<sup>2</sup> The army shall contribute to prevent war and to maintain peace; it shall defend the country and protect its population. It shall lend support to the civil authorities when they must repel serious threats to internal security or master other exceptional circumstances. The statute may provide for further tasks.

<sup>3</sup> The use of the army is a federal matter. The Cantons may engage their troops to maintain public order on their territory, if the means of the civil authorities no longer suffice to repel serious threats to inner security.

**Art. 59** Military and Alternative Service

<sup>1</sup> Every Swiss man must render military service. The statute shall provide for an alternative service.

<sup>2</sup> For Swiss women, military service is voluntary.

<sup>3</sup> Swiss men who render neither military nor alternative service owe a tax. The tax is levied by the Confederation and is assessed and collected by the Cantons.

<sup>4</sup> The Confederation shall legislate on fair compensation for loss of income.

<sup>5</sup> Those who render military or alternative service and thereby suffer health impairment or lose their lives, have the right for themselves or their relatives to adequate support by the Confederation.

#### **Art. 60**            Organisation, Instruction, and Equipment of the Army

<sup>1</sup> Legislation on the military and on the organization, the instruction, and the equipment of the army, is a federal matter.

<sup>2</sup> Within the limits of federal law, the Cantons shall have the power to form cantonal troops, to appoint and to promote officers of such troops, and to furnish a part of their clothing and equipment.

<sup>3</sup> The Confederation may take over military installations of the Cantons against fair compensation.

#### **Art. 61**            Civil protection

<sup>1</sup> Legislation on civil protection is a federal matter; civil protection has the purpose of protecting persons and property against the consequences of armed conflicts.

<sup>2</sup> The Confederation shall legislate on the intervention of civil protection in catastrophes and emergencies.

<sup>3</sup> The Confederation may make the civil protection service compulsory for men. For women, it shall be voluntary.

<sup>4</sup> The Confederation shall legislate on fair compensation for loss of income.

<sup>5</sup> Those who render civil protection service and thereby suffer health impairment or lose their lives, have the right for themselves or their relatives to adequate support by the Confederation.

### **Section 3: Education, Research, and Culture**

#### **Art. 62**            Education

<sup>1</sup> Education is a cantonal matter.

<sup>2</sup> The Cantons shall ensure a sufficient primary education open to all children. This education shall be compulsory, and shall be placed under state direction or supervision. It shall be free in public schools. The school year shall begin between mid-August and mid-September.

#### **Art. 63**            Professional Education and Universities

<sup>1</sup> The Confederation shall legislate on professional education.

<sup>2</sup> It shall operate technical universities. It may create, operate, or support other universities and institutions of higher learning. It may make its support conditional upon taking coordination measures.

**Art. 64**            Research

<sup>1</sup> The Confederation shall encourage scientific research.

<sup>2</sup> It may make its support conditional, in particular, upon taking coordination measures.

<sup>3</sup> It may create, take over, or operate research institutions.

**Art. 65**            Statistics

<sup>1</sup> The Confederation shall collect the necessary statistical data on the status and evolution of the population, the economy, the society, the territory, and the environment in Switzerland.

<sup>2</sup> To facilitate the collection of data, it may legislate on harmonizing and keeping official registers.

**Art. 66**            Support of Education

<sup>1</sup> The Confederation may grant subsidies to the Cantons for the expenses that they may incur for scholarships and for other assistance towards education.

<sup>2</sup> It may, moreover, complement cantonal measures while respecting cantonal autonomy in school matters, and take its own measures to encourage education.

**Art. 67**            Education of Young People and Adults

<sup>1</sup> The Confederation and the Cantons shall, when fulfilling their tasks, take into account children's and young people's special needs for development and protection.

<sup>2</sup> The Confederation may complement cantonal measures and support the extra-curricular work with children and young people and the education of adults.

**Art. 68**            Sport

<sup>1</sup> The Confederation shall promote sport, particularly sport education.

<sup>2</sup> It shall operate a sport school.

<sup>3</sup> It may legislate on youth sport, and may make sport education in schools compulsory.

**Art. 69**            Culture

<sup>1</sup> The field of culture is a cantonal matter.

<sup>2</sup> The Confederation may support cultural activities of national interest, and encourage art and music, in particular in the field of education.

<sup>3</sup> In accomplishing its tasks, it shall take into account the cultural and linguistic diversity of the country.

**Art. 70** Languages

<sup>1</sup> The official languages of the Confederation are German, French, and Italian. Romansh shall be an official language for communicating with persons of Romansh language.

<sup>2</sup> The Cantons shall designate their official languages. In order to preserve harmony between linguistic communities, they shall respect the traditional territorial distribution of languages, and take into account the indigenous linguistic minorities.

<sup>3</sup> The Confederation and the Cantons shall encourage understanding and exchange between the linguistic communities.

<sup>4</sup> The Confederation shall support the plurilingual Cantons in the fulfillment of their particular tasks.

<sup>5</sup> The Confederation shall support the measures taken by the Cantons of Grisons and Ticino to maintain and to promote Romansh and Italian.

**Art. 71** Film

<sup>1</sup> The Confederation may encourage Swiss film production and film culture generally.

<sup>2</sup> It may legislate to encourage the variety and quality of cinematographic works offered.

**Art. 72** Church and State

<sup>1</sup> The regulation of the relationship between church and state is a cantonal matter.

<sup>2</sup> The Confederation and the Cantons may, within the framework of their powers, take measures to maintain public peace between the members of the various religious communities.

<sup>3</sup> ...<sup>3</sup>

## **Section 4: Environment and Zoning**

**Art. 73** Sustainable Development

The Confederation and the Cantons shall strive to establish a durable equilibrium between nature, in particular its capacity to renew itself, and its use by man.

<sup>3</sup> Abrogated in the votation of June 10, 2001, certified as accurate by decision of the Federal Government of August 22, 2001 and based on the Federal Decree of December 15, 2000.

**Art. 74**          Protection of the Environment

<sup>1</sup> The Confederation shall legislate on the protection of man and the natural environment against harm and nuisance.

<sup>2</sup> It shall ensure that such influences are avoided. The polluters shall pay for the costs of avoidance and removal.

<sup>3</sup> The federal regulations shall be implemented by the Cantons, insofar as the statute does not reserve this for the Confederation.

**Art. 75**          Zoning

<sup>1</sup> The Confederation shall establish principles on zoning. Zoning falls to the Cantons, and shall serve to achieve an appropriate and moderate use of the land and its ordered inhabitation.

<sup>2</sup> The Confederation shall encourage and coordinate the efforts of the Cantons, and shall collaborate with them.

<sup>3</sup> In fulfilling their tasks, the Confederation and the Cantons shall take the needs of zoning into account.

**Art. 76**          Water

<sup>1</sup> Within the limits of its powers, the Confederation shall ensure the moderate use and the protection of water resources, and fight harm caused by water.

<sup>2</sup> It shall establish principles on the preservation and use of water reserves, on the use of water for the production of energy and for cooling purposes, and on other interventions into the water cycle.

<sup>3</sup> It shall legislate on water protection, on securing sufficient residual water, on hydraulic engineering, on the safety of dams and on interventions to influence precipitation.

<sup>4</sup> The Cantons shall dispose of their water resources. Within the limits of federal law, they may levy dues for water use. The Confederation shall have the right to use water for its traffic enterprises; it shall pay dues and compensation for this.

<sup>5</sup> On rights concerning international water resources and dues connected with them, the Confederation shall decide in consultation with the Cantons concerned. If the Cantons concerned cannot agree on rights to intercantonal water reserves, the Confederation shall decide.

<sup>6</sup> In fulfilling its tasks, the Confederation shall take into account the interests of the Cantons from which the water originates.

**Art. 77**          Forests

<sup>1</sup> The Confederation shall ensure that forests may fulfill their protective, economic and social functions.

<sup>2</sup> It shall establish principles for the protection of forests.



<sup>3</sup> It shall encourage measures for the conservation of forests.

**Art. 78** Nature and Cultural Heritage

<sup>1</sup> The protection of nature and cultural heritage is a cantonal matter.

<sup>2</sup> In fulfilling its tasks, the Confederation shall take into account the objectives of the protection of nature and cultural heritage. It shall protect scenery, localities, historical sites, and natural and cultural monuments; it shall preserve them untouched if public interest so requires.

<sup>3</sup> It may support efforts towards the protection of nature and cultural heritage, and may, by contract or by expropriation, acquire or secure objects of national importance .

<sup>4</sup> It shall legislate on the protection of animal and plant life, and on the preservation of their natural environment and multiplicity. It shall protect endangered species from extinction.

<sup>5</sup> Moors and marshland of special beauty and national importance shall be protected. No installations may be built on them, and no alterations of any kind may be made to the land. An exception is made for installations serving to ensure their protection or continuation of existing agricultural use.

**Art. 79** Fishery and Hunting

The Confederation shall establish principles on the exercise of fishery and hunting, in particular to preserve multiplicity of fish, game, and birds.

**Art. 80** Protection of Animals

<sup>1</sup> The Confederation shall legislate on the protection of animals.

<sup>2</sup> It shall regulate in particular:

- a. the keeping and care of animals;
- b. experiments and intervention on live animals;
- c. the use of animals;
- d. the importation of animals and animal products;
- e. trade in animals and transportation of animals;
- f. the slaughter of animals.

<sup>3</sup> The federal regulations shall be implemented by the Cantons, insofar as the statute does not reserve this for the Confederation.

## Section 5: Public Works and Transportation

### Art. 81 Public Works

In the interest of Switzerland or a large part of the country, the Confederation may build and operate public works, or promote the realization of such works.

### Art. 82 Road Traffic

<sup>1</sup> The Confederation shall legislate on road traffic.

<sup>2</sup> It exercises high supervision over roads of national importance; it may determine which transit roads must remain open to traffic.

<sup>3</sup> The use of public roads shall be free. The Federal Parliament may authorize exceptions.

### Art. 83 National Highways

<sup>1</sup> The Confederation shall ensure the construction of a network of national highways and the utilization of these highways.

<sup>2</sup> The Cantons shall build and maintain their national highways according to the rules established by the Confederation and under its high supervision.

<sup>3</sup> The Confederation and the Cantons shall bear the costs of the national highways jointly. The costs to be borne by each Canton shall be allocated by taking into account the burden falling on them due to the national highways, their interest in these highways, and their financial resources.

### Art. 84 Alpine Transit\*

<sup>1</sup> The Confederation shall protect the alpine regions from the negative effects of transit traffic. It shall limit the nuisance caused by such traffic to a level which is not harmful to persons, animals, or plants, or their environment.

<sup>2</sup> Transalpine freight in border-to-border transit shall be transported by rail. The Federal Government shall take the necessary measures. Exceptions shall be permitted only if they are inevitable. They shall be specified by statute.

<sup>3</sup> The capacity of transit roads in the alpine regions may not be increased, except for bypass roads to relieve the pressure of through-traffic in towns and villages.

### Art. 85 Charge on Heavy Goods Traffic\*

<sup>1</sup> The Confederation may levy a charge on heavy goods traffic related to motor power or consumption. The charge may only be levied to the extent to which heavy goods traffic creates public costs which are not already covered by other contributions or charges.

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\* with transitory provision

<sup>2</sup>The net revenue from the charge shall be used to cover costs in connection with road traffic.

<sup>3</sup>The Cantons shall receive portions of the net revenue from the charge. These portions shall be calculated by taking into account the specific repercussions of the charge in mountainous and remote regions.

**Art. 86** Motor Fuels Consumption Tax and other Traffic Charges

<sup>1</sup>The Confederation may raise a consumption tax on motor fuels.

<sup>2</sup>It shall raise a tax on the use of national highways by motor vehicles and trailers which are not subject to the heavy goods traffic charge.

<sup>3</sup>It shall use half of the net revenue from the motor fuels consumption tax and the net revenue from the national highway tax for the following purposes and costs in connection with road traffic:

- a. Construction, maintenance, and operation of national highways;
- b. Measures to promote combined traffic and traffic of accompanied road vehicles, or to separate railway traffic from road traffic;
- c. Contributions towards the construction of main roads;
- d. Contributions towards the construction of works of protection against natural elements, and towards measures of protection of the environment and scenery made necessary by road traffic;
- e. General participation in the financing by the Cantons of highways open to motor vehicles and to equalization of financial charges in the field of roads;
- f. Contributions to the Cantons without national highways, and to Cantons with alpine roads serving international traffic.

<sup>4</sup>If these means are insufficient, the Confederation shall raise a surtax on the motor fuels consumption tax.

**Art. 87** Rail Traffic and further Means of Traffic\*

Legislation on rail traffic, cable cars, navigation, aviation, and space travel is a federal matter.

**Art. 88** Footpaths and Hiking Trails

<sup>1</sup>The Confederation shall establish principles on networks of footpaths and hiking trails.

<sup>2</sup>It may support measures of the Cantons to establish and keep such networks, and to coordinate them.

<sup>3</sup>In fulfilling its tasks, it shall take into account networks of footpaths and hiking trails, and shall replace paths and trails that it must close.

\* with transitory provision

## Section 6: Energy and Communication

### Art. 89 Energy Policy

<sup>1</sup> Within their powers, the Confederation and the Cantons shall strive to ensure a sufficient, diversified, reliable, and economical energy supply compatible with the protection of the environment, and the economical and efficient use of energy.

<sup>2</sup> The Confederation shall establish principles on the use of domestic and renewable energy, and the economical and efficient use of energy.

<sup>3</sup> The Confederation shall legislate on the use of energy for installations, vehicles, and appliances. It shall promote the development of energy techniques, particularly in the fields of energy saving and renewable energy.

<sup>4</sup> Measures concerning the use of energy in buildings are primarily a cantonal matter.

<sup>5</sup> In its energy policy, the Confederation shall take into account the efforts of the Cantons, of the Municipalities, and of economic circles; it shall take into account the conditions in the various regions, and the limitations of what is economically feasible.

### Art. 90 Nuclear Energy\*

Legislation in the field of nuclear energy is a federal matter.

### Art. 91 Transportation of Energy

<sup>1</sup> The Confederation shall legislate on the transportation and the supply of electricity.

<sup>2</sup> Legislation on pipelines for the transport of liquid or gaseous fuels is a federal matter.

### Art. 92 Postal and Telecommunication Services

<sup>1</sup> Postal and telecommunication services are a federal matter.

<sup>2</sup> The Confederation shall ensure sufficient and reasonable basic postal and telecommunication services in all regions. The rates shall be fixed according to uniform principles.

### Art. 93 Radio and Television

<sup>1</sup> Legislation on radio and television and other forms of public telecasting of features and information is a federal matter.

<sup>2</sup> Radio and Television shall contribute to education and cultural development, to the free formation of opinion, and to the entertainment of the listeners and viewers. They shall take into account the particularities of the country and the needs of the

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Cantons. They shall present events factually, and reflect diverse opinions fairly and adequately.

<sup>3</sup> The independence of radio and television and the autonomy of their programming are guaranteed.

<sup>4</sup> The situation and the role of other media, in particular the press, shall be taken into account.

<sup>5</sup> It shall be possible to submit complaints about programs to an independent authority.

## **Section 7: Economy**

### **Art. 94** Principles of Economic Order

<sup>1</sup> The Confederation and the Cantons shall respect the principle of economic freedom.

<sup>2</sup> They shall safeguard the interests of the national economy and, together with the private sector of the economy, contribute to the welfare and economic security of the population.

<sup>3</sup> Within the limits of their powers, they shall strive to create favorable conditions for the private sector of the economy.

<sup>4</sup> Derogations from the principle of economic freedom, in particular measures against competition, shall be allowed only if foreseen by the Federal Constitution or based on cantonal monopolies.

### **Art. 95** Private Economic Activity\*

<sup>1</sup> The Confederation may legislate on the exercise of private economic activity.

<sup>2</sup> It shall strive to create a unified Swiss economic area. It shall guarantee that persons having a university education or a federal or cantonal education certificate or an education certificate recognized by a Canton may exercise their profession throughout Switzerland.

### **Art. 96** Competition Policy

<sup>1</sup> The Confederation shall legislate to fight against economically or socially damaging effects of cartels and other restrictions of competition.

<sup>2</sup> It shall take measures

- a. to prevent abuses in price fixing by enterprises and organizations of private and public law enjoying a dominant position on the market;
- b. against unfair competition.

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**Art. 97** Consumer Protection

<sup>1</sup> The Confederation shall take measures for consumer protection.

<sup>2</sup> It shall legislate on the remedies available to consumer organizations. In the field of federal legislation against unfair competition, these organizations shall have the same rights as professional and economic associations.

<sup>3</sup> The Cantons shall provide a conciliation procedure or a simple and speedy judicial procedure for cases below a certain value in dispute. The Federal Government shall establish this value.

**Art. 98** Banking and Insurance

<sup>1</sup> The Confederation shall legislate on banking and stock exchanges; it shall take into account the specific task and position of the cantonal banks.

<sup>2</sup> It may legislate on financial services in other fields.

<sup>3</sup> It shall legislate on private insurance.

**Art. 99** Monetary Policy

<sup>1</sup> Money and currency are a federal matter. The Confederation shall have the exclusive right to coin money and to issue bank notes.

<sup>2</sup> As an independent central bank, the Swiss National Bank shall follow a monetary policy which serves the general interest of the country; it shall be administered with the cooperation and under the supervision of the Confederation.

<sup>3</sup> The Swiss National Bank shall create sufficient monetary reserves from its profits; a part of these reserves shall be held in gold.

<sup>4</sup> At least two thirds of the net profits of the Swiss National Bank shall be credited to the Cantons.

**Art. 100** Policy on Economic Development

<sup>1</sup> The Confederation shall take measures to ensure a balanced economic development and, in particular, to prevent and fight unemployment and inflation.

<sup>2</sup> It shall take into account the economic development of the various regions. It shall cooperate with the Cantons and the economic circles.

<sup>3</sup> In the fields of credit and currency, in foreign trade and in public finance, it may, if necessary, depart from the principle of economic freedom.

<sup>4</sup> In their budgetary policy, the Confederation, Cantons and Municipalities shall take into account the economic development.

<sup>5</sup> In order to stabilize the economy, the Confederation may temporarily levy surcharges, or grant rebates on federal taxes and dues. The accumulated funds shall be frozen; after their release, direct surcharges shall be individually reimbursed, and indirect surcharges shall be used to grant rebates or to create employment.

<sup>6</sup>The Confederation may oblige businesses to accumulate reserves for the creation of employment; for this purpose, it shall grant tax privileges, and may also oblige Cantons to grant such privileges. After the release of the reserves, the businesses shall be free to decide how to use them within the purposes prescribed by statute.

**Art. 101** Foreign Trade

<sup>1</sup>The Confederation shall safeguard abroad the interests of the Swiss economy.

<sup>2</sup>In special cases, it may take measures to protect the domestic economy. It may, if necessary, depart from the principle of economic freedom.

**Art. 102** Supply of Essential Goods and Services\*

<sup>1</sup>The Confederation shall ensure the country's supply of essential goods and services in case of threats of military or economic war, or of severe shortages which the economy cannot counteract by itself. It shall take provisional measures.

<sup>2</sup>It may, if necessary, depart from the principle of economic freedom.

**Art. 103** Structural Policy\*

The Confederation may support economically threatened regions and promote branches of the economy and professions, if the measures of self-help that can reasonably be expected are insufficient to ensure their existence. It may, if necessary, depart from the principle of economic freedom.

**Art. 104** Agriculture

<sup>1</sup>The Confederation shall ensure that agriculture contributes substantially by way of a sustainable and market-oriented production.

- a. to the secure provisioning of the population;
- b. to the conservation of national resources and the upkeep of rural scenery;
- c. to a decentralized inhabitation of the country.

<sup>2</sup>In addition to the measures of self-help that may reasonably be expected from agriculture and, if necessary, in derogation of the principle of economic freedom, the Confederation shall promote farms cultivating the land.

<sup>3</sup>It shall conceive the measures in such a way that agriculture may fulfill its multiple functions. Its powers and tasks shall particularly be the following:

- a. It shall complement agricultural revenues by direct payments, to secure a fair and adequate remuneration for the services rendered, provided that compliance with ecological requirements is proven;

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- b. It shall promote, by way of economic incentives, forms of production which are particularly close to nature and friendly to the environment and the animals;
- c. It shall legislate on the declaration of origin, quality, production and processing methods for foodstuffs;
- d. It shall protect the environment against pollution due to excessive use of fertilizers, chemicals and other auxiliary substances;
- e. It may encourage agricultural research, counseling, and education, and subsidize investments;
- f. It may legislate on the consolidation of rural property.

<sup>4</sup> To these ends it shall invest dedicated funds from the agricultural field and general federal funds.

#### **Art. 105**      Alcohol

The legislation on the production, the importation, the refining, and the sale of distilled spirits is a federal matter. The Confederation shall, in particular, take into account the harmful effects of the consumption of alcohol.

#### **Art. 106**      Gambling\*

<sup>1</sup> Legislation on gambling and lotteries is a federal matter.

<sup>2</sup> A federal license is required to establish and run a gambling casino. When issuing a federal license, the Confederation shall take into account regional circumstances and the dangers of gambling.

<sup>3</sup> The Confederation shall levy from casinos a tax on their revenues; this tax shall not exceed 80 percent of the gross revenues from gambling. It shall be used to cover the federal subsidy to old age, survivors', and disability insurance.

<sup>4</sup> The licensing of gambling machines involving an element of skill and where money can be won is a cantonal matter.

#### **Art. 107**      Weapons and Military Material

<sup>1</sup> The Confederation shall legislate on the misuse of weapons, associated equipment, and ammunition.

<sup>2</sup> It shall legislate on the production, acquisition, distribution, importation, exportation, and transit of military material.

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## Section 8: Housing, Work, Social Security and Health

### Art. 108 Promotion of Construction and Ownership of Housing

<sup>1</sup> The Confederation shall encourage the construction and the ownership of housing for private persons' own use, and the activity of developers and organisations for social housing.

<sup>2</sup> It shall promote, in particular, the acquisition and development of land, the efficiency of construction, and the reduction of construction and housing costs.

<sup>3</sup> It may legislate on the development of land for the construction of housing, and on efficiency in construction.

<sup>4</sup> In fulfilling this task, it shall, in particular, take into account the interests of families and elderly, needy, and disabled persons.

### Art. 109 Landlord and Tenant

<sup>1</sup> The Confederation shall issue regulations against abuses in the field of landlord and tenant, particularly against abusive rent, on avoiding abusive notices of termination, and on the limited extension of tenancies.

<sup>2</sup> It may legislate to confer generally binding effect on general contracts between landlords and tenants. Contracts may become generally binding only if they take fairly into account justified minority interests and regional differences, and respect the principle of equality before the law.

### Art. 110 Labor\*

<sup>1</sup> The Confederation may legislate on:

- a. the protection of employees;
- b. the relationship between employees and employers, in particular the common regulation of matters concerning an enterprise or a trade;
- c. placement services;
- d. conferring generally binding effect on collective labor contracts.

<sup>2</sup> Collective labor contracts may receive generally binding effect only if they take fairly into account justified minority interests and regional differences, and respect the principle of equality before the law and the freedom to unionize.

<sup>3</sup> August 1 is the Federal National Day. In labor law, it is assimilated to a Sunday, and paid.

### Art. 111 Social Security

<sup>1</sup> The Confederation shall take measures for an adequate social security for the elderly, survivors, and disabled persons. These shall be based on three pillars, namely,

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federal old age, survivors', and disability insurance, employee pension plans, and provision by individuals for their own future.

<sup>2</sup> The Confederation shall ensure that the federal old age, survivors', and disability insurance, and the employee pension plans may fulfill their purpose durably.

<sup>3</sup> It may oblige the Cantons to exempt from taxation the institutions of the federal old age, survivors', and disability insurance, and the employee pension plans, and to grant tax relief to persons insured and their employers for contributions paid, and entitlements to future benefits.

<sup>4</sup> In cooperation with the Cantons, the Confederation shall encourage individuals to provide for their own future, particularly by fiscal measures and by policies encouraging ownership.

**Art. 112** Old age, Survivors' and Disability Insurance\*

<sup>1</sup> The Confederation shall legislate on the old age, survivors', and disability insurance.

<sup>2</sup> In doing so, it shall respect the following principles:

- a. The insurance shall be mandatory;
- b. The pensions must cover basic living expenses appropriately;
- c. The maximal pension shall not exceed twice the minimal pension;
- d. The pensions shall at least be adapted to the development of prices.

<sup>3</sup> The insurance shall be financed:

- a. by contributions of the insured persons; half the contributions of employees shall be paid by their employers;
- b. by subsidies of the Confederation and, if the statute so provides, of the Cantons.

<sup>4</sup> Together, the subsidies of the Confederation and the Cantons shall not exceed half the disbursements.

<sup>5</sup> The subsidies of the Confederation shall be primarily financed by the net proceeds of the tax on tobacco, the tax on distilled spirits, and the tax on the revenue from the operation of casinos.

<sup>6</sup> The Confederation shall encourage the integration of disabled persons, and support efforts to assist the elderly, survivors, and disabled persons. To this end, it may use the funds of the old age, survivors', and disability insurance.

**Art. 113** Employee Pension Plans\*

<sup>1</sup> The Confederation shall legislate on employee pension plans.

<sup>2</sup> In doing so, it shall respect the following principles:

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\* with transitory provision

- a. Employee pension plans together with the old age, survivors', and disability insurance shall ensure appropriately that the previous lifestyle may be maintained;
- b. Employee pension plans shall be mandatory for employees; the statute may foresee exceptions;
- c. Employers shall insure their employees with a pension institution. If necessary, the Confederation shall give them the possibility to insure their employees with a federal pension institution;
- d. Self-employed persons may voluntarily insure themselves with a pension institution;
- e. For particular groups of self-employed persons, the Confederation may declare employee pension plans mandatory, in general or only for particular risks.

<sup>3</sup> Employee pension plans shall be financed through contributions by the insured persons; at least half the contribution of employees shall be paid by their employers.

<sup>4</sup> Employee pension institutions must satisfy federal minimum requirements; the Confederation may provide for nationwide measures to resolve particular problems.

#### **Art. 114** Unemployment Insurance

<sup>1</sup> The Confederation shall legislate on unemployment insurance.

<sup>2</sup> In doing so, it shall respect the following principles:

- a. The insurance shall guarantee an appropriate compensation for loss of earnings, and shall support measures to prevent and fight unemployment;
- b. Insurance shall be mandatory for employees; the statute may provide exceptions;
- c. Self-employed persons may voluntarily insure themselves.

<sup>3</sup> The unemployment insurance shall be financed by the contributions of the insured persons. Half the contribution of employees shall be paid by their employers.

<sup>4</sup> In extraordinary circumstances, the Confederation and the Cantons shall provide subsidies.

<sup>5</sup> The Confederation may legislate on social assistance to the unemployed.

#### **Art. 115** Assistance to Needy Persons

Needy persons shall be assisted by the Cantons in which they are domiciled. The Confederation may provide for exceptions, and shall determine the competent authorities.

#### **Art. 116** Family Allocations and Maternity Insurance

<sup>1</sup> In fulfilling its tasks, the Confederation shall take into account the needs of the family. It may support measures to protect the family.

<sup>2</sup> It may legislate on family allocations and operate a federal family compensation fund.

<sup>3</sup> It shall institute a maternity insurance. It may also oblige persons to contribute who cannot benefit from the insurance.

<sup>4</sup> The Confederation may declare mandatory joining a family compensation fund and maternity insurance generally or for certain categories of persons, and may make its subsidies dependent upon fair contributions by the Cantons.

**Art. 117** Health and Accident Insurance

<sup>1</sup> The Confederation shall legislate on health and accident insurance.

<sup>2</sup> It may declare mandatory health and accident insurance generally or for certain categories of persons.

**Art. 118** Protection of Health

<sup>1</sup> Within the limits of its powers, the Confederation shall take measures for the protection of health.

<sup>2</sup> It shall legislate on:

- a. the use of foodstuffs and of therapeutics, drugs, organisms, chemicals, and objects which may be dangerous to health;
- b. fighting contagious, widespread or particularly dangerous human and animal diseases;
- c. protection against ionizing radiation.

**Art. 119** Medical Assistance to Procreation and Gene Technology in the Human Field

<sup>1</sup> Persons shall be protected against the abuse of medically assisted procreation and gene technology.

<sup>2</sup> The Confederation shall legislate on the use of human reproductive and genetic material. It shall ensure the protection of human dignity, of personality, and of family, and in particular it shall respect the following principles:

- a. All forms of cloning and interference with genetic material of human reproductive cells and embryos is prohibited;
- b. Non-human reproductive and genetic material may neither be introduced into nor combined with human reproductive material;
- c. Methods of medically assisted procreation may only be used when sterility or the danger of transmission of a serious illness cannot be avoided otherwise, but neither in order to induce certain characteristics in the child nor to conduct research. The fertilization of human ova outside a woman's body shall be permitted only under conditions determined by statute. No more human ova may be developed into embryos outside a woman's body than are capable of being immediately implanted into her;

- d. The donation of embryos and all forms of surrogate maternity are prohibited;
- e. No trade may be conducted with human reproductive material or with any product obtained from embryos;
- f. A person's genetic material may only be analyzed, registered or disclosed with the consent of that person, or if a statute so provides;
- g. Every person shall have access to the data concerning his or her ancestry.

**Art.119a**<sup>4</sup> Medical Transplantation

<sup>1</sup> The Confederation shall legislate in the field of transplantation of organs, tissues, and cells. It shall safeguard human dignity, personality, and health.

<sup>2</sup> It shall in particular establish principles for the fair distribution of organs.

<sup>3</sup> The donation of human organs, tissues and cells shall be free of charge. Trade in human organs is prohibited.

**Art. 120** Gene Technology in the Non-Human Field

<sup>1</sup> Persons and their environment shall be protected against abuse of gene technology.

<sup>2</sup> The Confederation shall legislate on the use of the reproductive and genetic material of animals, plants, and other organisms. In doing so, it shall take into account the dignity of creation and the security of man, animal and environment, and shall protect the genetic multiplicity of animal and vegetal species.

## **Section 9: Residence and Domicile of Foreigners**

**Art. 121**

<sup>1</sup> Legislation on immigration, emigration, residence and domicile of foreigners, and on granting asylum are federal matters.

<sup>2</sup> Foreigners who endanger Switzerland's security may be removed from Switzerland by force.

## **Section 10: Civil and Criminal Law, Weights and Measures**

**Art. 122**<sup>5</sup> Civil Law

<sup>1</sup> Legislation in the field of civil law and civil procedure is a federal matter.

<sup>4</sup> Adopted in the votation of February 7, 1999, certified as accurate by decision of the Federal Government of March 23, 1999 and based on the Federal Decree of June 26, 1998.

<sup>5</sup> Adopted in the votation of March 12, 2000, certified as accurate by decision of the Federal Government of May 17, 2000 and based on the Federal Decree of October 8, 1999.

<sup>2</sup> The organization of the judiciary and civil justice are cantonal matters unless otherwise provided by statute.

**Art. 123<sup>6</sup>** Criminal Law

<sup>1</sup> Legislation in the field of criminal law and criminal procedure is a federal matter.

<sup>2</sup> The organization of the judiciary, criminal justice, and execution of criminal penalties and measures are cantonal matters, unless otherwise provided by statute.

<sup>3</sup> The Confederation may grant subsidies to the Cantons for:

- a. the construction of institutions;
- b. the improved carrying out of penalties and measures;
- c. the support of institutions that execute educational measures for children, for young people and for young adults.

**Art. 124** Aid to Victims of Criminal Acts

The Confederation and the Cantons shall ensure that the victims of criminal acts against the corporal, mental, or sexual integrity receive assistance and appropriate compensation if, as a consequence of the criminal act, they suffer financial difficulties.

**Art. 125** Weights and Measures

Legislation on weights and measures is a federal matter.

### Chapter 3: Finances

**Art. 126<sup>7</sup>** Budget

<sup>1</sup> The Confederation shall keep its expenditure and receipts in balance in the long term.

<sup>2</sup> The maximum of the total expenditures which may be budgeted shall be determined by the expected receipts, taking into account the economic situation.

<sup>3</sup> In case of extraordinary payment requirements, the maximum amount according to subs. 2 may be adequately increased. An increase shall be decided by the Federal Parliament according to art. 159 subs. 3 lit. c.

<sup>6</sup> Adopted in the votation of March 12, 2000, certified as accurate by decision of the Federal Government of May 17, 2000 and based on the Federal Decree of October 8, 1999.

<sup>7</sup> Adopted in the votation of December 2, 2001, certified as accurate by decision of the Federal Government of February 4, 2002 and based on the Federal Decree of June 22, 2001.

<sup>4</sup> If the total expenditures recorded in the annual accounts exceed the maximum amount according to subs. 2 or 3, the excess shall be compensated in the following years.

<sup>5</sup> The details shall be regulated by statute.

**Art. 127** Principles of Taxation

<sup>1</sup> The general principles of taxation, particularly the circle of taxpayers, and the object of the tax and its calculation, shall be established by statute.

<sup>2</sup> To the extent that the nature of the tax allows it, the principles of universality and equality of tax treatment and of taxation according to economic capacity shall be followed.

<sup>3</sup> Intercantonal double taxation is prohibited. The Confederation shall take the necessary measures.

**Art. 128** Direct Taxes\*

<sup>1</sup> The Confederation may raise a direct tax:

- a. of at most 11.5 percent on the income of natural persons;
- b. of at most 9.8 percent on the net profit of legal entities;
- c. of at most .0825 percent on the capital and the reserves of legal entities.

<sup>2</sup> In establishing the tax scales, the Confederation shall take into account the burden of direct taxes on the Cantons and the Municipalities.

<sup>3</sup> The effect on natural persons of the shift into higher tax brackets due to inflation shall be periodically equalized.

<sup>4</sup> The Cantons shall assess and collect the taxes. Three tenths of the gross tax yield shall fall to the Cantons; at least one sixth of this amount shall be used for financial equalization among Cantons.

**Art. 129** Harmonization of Taxes

<sup>1</sup> The Confederation shall establish principles on the harmonization of direct taxes of the Confederation, the Cantons and the Municipalities; it shall take into account the efforts of the Cantons to harmonize their taxes.

<sup>2</sup> The harmonization shall concern tax liability, tax object, taxation period, and procedural and criminal law on taxation. Harmonization shall not cover tax scales, tax rates, and tax-exempt amounts.

<sup>3</sup> The Confederation may issue regulations against arrangements granting unjustified tax advantages.

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**Art. 130** Value Added Tax\*

<sup>1</sup> The Confederation may levy a value added tax with a maximum tax rate of 6.5 percent on the supply of goods and services, including own use, and on imports.

<sup>2</sup> 5 percent of the tax yield shall be used for measures in favor of low income groups.

<sup>3</sup> If, because of the development of the age structure, the financing of the old age, survivors', and disability insurance is no longer secured, the value added tax rate may be raised by at most 1 percent point by Federal Statute.<sup>8</sup>

**Art. 131** Special Consumption Taxes\*

<sup>1</sup> The Confederation may levy special consumption taxes on the following:

- a. tobacco and tobacco products;
- b. distilled spirits;
- c. beer;
- d. automobiles and their components;
- e. crude, oil, other mineral fuels, natural gas, and products obtained through refining them, and on motor fuels.

<sup>2</sup> It may levy a surtax on motor fuels.

<sup>3</sup> One tenth of the net yield of the tax on distilled spirits shall be credited to the Cantons. These funds shall be used to fight the causes and the effects of addiction.

**Art. 132** Stamp and Withholding Taxes\*

<sup>1</sup> The Confederation may levy a stamp tax on securities, on insurance premium receipts, and on other documents of commerce; documents concerning operations in immovable property and mortgages shall be exempt from stamp tax.

<sup>2</sup> The Confederation may levy a withholding tax on the revenue from movable capital assets, on lottery gains, and on insurance benefits.

**Art. 133** Customs Duties

Legislation on customs duties and other levies on trans-border goods traffic is a federal matter.

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<sup>8</sup> The legislator has exercised this authority; see art. 36 subs. 1-3 of the Federal Statute of September 2, 1999 on Value Added Tax, in the version of December 23, 1999. According to which the value added tax rates are, with effect from January 1, 2001, 7,6% (normal rate), 2,4% (reduced rate) und 3,6% (special rate for services of accommodation onwards till December 31, 2003).

\* with transitory provision

\* with transitory provision



**Art. 134** Exclusion of Cantonal and Municipal Taxation

What federal legislation subjects to value added tax, to a special consumption tax, to stamp tax, or to withholding tax, or declares to be exempt from these taxes, may not be taxed by the Cantons and the Municipalities with taxes of the same kind.

**Art. 135** Financial Equalization

<sup>1</sup> The Confederation shall promote financial equalization among the Cantons.

<sup>2</sup> When granting subsidies, it shall take into account the financial capacity of the Cantons and the special situation of the mountainous regions.

**Title 4: People and Cantons****Chapter 1: General Provisions****Art. 136** Political Rights

<sup>1</sup> All Swiss citizens who are 18 years or older, and are not under guardianship because of mental illness or weakness, shall have political rights in federal matters. All shall have the same political rights and obligations.

<sup>2</sup> They may participate in elections to the House of Representatives and in federal votations, and may launch and sign popular initiatives and referenda in federal matters.

**Art. 137** Political Parties

The political parties shall contribute to the forming of the opinion and the will of the People.

**Chapter 2: Initiative and Referendum****Art. 138** Popular Initiative for Total Revision of the Federal Constitution

<sup>1</sup> 100 000 citizens entitled to vote may propose a total revision of the Federal Constitution.

<sup>2</sup> This proposal shall be submitted to the vote of the People for its approval.

**Art. 139** Popular Initiative for Partial Revision of the Federal Constitution

<sup>1</sup> 100 000 citizens entitled to vote may propose a partial revision of the Federal Constitution.

<sup>2</sup> The popular initiative for a partial revision of the Federal Constitution may be in the form of a general suggestion or a formulated draft.

<sup>3</sup> If an initiative does not respect the principle of unity of form, the principle of unity of subject matter, or mandatory rules of international law, the Federal Parliament shall declare the initiative invalid, in whole or in part.

<sup>4</sup> If the Federal Parliament approves an initiative in the form of a general suggestion, it shall prepare a partial revision in the sense of the initiative, and submit it to the vote of the people and the Cantons. If it rejects the initiative, it shall submit it to the vote of the People; the People shall decide whether the initiative should be followed. If the People approves the initiative, the Federal Parliament shall formulate a corresponding draft.

<sup>5</sup> An initiative in the form of a formulated draft shall be submitted to the vote of the People and the Cantons. The Federal Parliament shall recommend its approval or its rejection. If it recommends its rejection, it may submit its own counter-draft.

<sup>6</sup> The People and the Cantons shall vote simultaneously on the initiative and the counter-draft. The voters may approve both drafts. They may indicate which draft they prefer, should both be approved; should one of the drafts obtain the majority of the People's votes and the other the majority of the votes of the Cantons, neither of them shall come into force.

#### **Art. 140** Mandatory Referendum

<sup>1</sup> The following shall be submitted to the vote of the People and the Cantons:

- a. Revisions of the Federal Constitution;
- b. The entry into organizations for collective security or into supranational communities;
- c. Federal Statutes declared urgent which have no constitutional basis and whose validity exceeds one year; such Federal Statutes must be submitted to the vote within one year after their adoption by the Federal Parliament.

<sup>2</sup> The following shall be submitted to the vote of the People:

- a. Popular initiatives for total revision of the Federal Constitution;
- b. Popular initiatives for partial revision of the Federal Constitution in the form of a general suggestion which were rejected by the Federal Parliament;
- c. The question whether a total revision of the Constitution should be carried out if both Chambers disagree.

#### **Art. 141** Optional Referendum

<sup>1</sup> The following are submitted to the vote of the People at the request of 50'000 citizens entitled to vote, or of eight Cantons:

- a. Federal Statutes;
- b. Federal Statutes declared urgent with a validity exceeding one year;
- c. Federal decrees to the extent the Constitution or the statute foresee this;
- d. International treaties which:

1. are of unlimited duration and may not be terminated;
2. provide for the entry into an international organization;
3. involve a multilateral unification of law.

<sup>2</sup> The Federal Parliament may submit further international treaties to optional referendum.

**Art. 142** Required Majorities

<sup>1</sup> Proposals submitted to the vote of the People shall be accepted if the majority of those voting approves them.

<sup>2</sup> Proposals submitted to the vote of the People and the Cantons shall be accepted if the majority of those voting and the majority of the Cantons approve them.

<sup>3</sup> The result of a popular vote in a Canton determines the vote of that Canton.

<sup>4</sup> The Cantons of Obwald, Nidwald, Basel City, Basel Land, Appenzell Outer Rhodes and Appenzell Inner Rhodes have each one half of a cantonal vote.

## **Title 5: Federal Authorities**

### **Chapter 1: General Provisions**

**Art. 143** Eligibility

Every Swiss citizen entitled to vote is eligible for membership in the House of Representatives, the Federal Government, and the Federal Supreme Court.

**Art. 144** Incompatibilities

<sup>1</sup> Members of the House of Representatives, of the Senate, of the Federal Government, and Judges of the Federal Supreme Court may not at the same time be members of another of these bodies.

<sup>2</sup> The members of the Federal Government and the full-time judges of the Federal Supreme Court may not carry out another function of the Confederation or a Canton, nor may they exercise another gainful activity.

<sup>3</sup> The statute may provide for other incompatibilities.

**Art. 145** Term of Office

The members of the House of Representatives, the Federal Government, and the Chancellor of the Confederation shall be elected for four years. The judges of the Federal Supreme Court shall be elected for six years.

**Art. 146** Answerability of the State

The Confederation shall be answerable for damage caused illegally by its organs in the exercise of their official activities.

**Art. 147** Hearings and Consultations

The Cantons, the political parties, and the interested circles shall be heard in the course of the preparation of important legislation and other projects of substantial impact, and on important international treaties.

**Chapter 2: Federal Parliament****Section 1: Organisation****Art. 148** Status

<sup>1</sup> Subject to the rights of the People and the Cantons, the Federal Parliament is the highest authority of the Confederation.

<sup>2</sup> It has two Chambers, the House of Representatives and the Senate; which have equal powers.

**Art. 149** Composition and Election of the House of Representatives

<sup>1</sup> The House of Representatives shall be composed of 200 representatives of the People.

<sup>2</sup> The representatives shall be elected directly by the People according to the system of proportional representation. The House of Representatives shall be renewed in full every four years.

<sup>3</sup> Each Canton shall form an electoral district.

<sup>4</sup> The seats shall be distributed among the Cantons in proportion to their population. Each Canton shall have at least one seat.

**Art. 150** Composition and Election of the Senate

<sup>1</sup> The Senate shall consist of 4<sup>6</sup> delegates of the Cantons.

<sup>2</sup> The Cantons of Obwald, Nidwald, Basel City, Basel Land, Appenzell Outer Rhodes and Appenzell Inner Rhodes shall elect one Senator each; the other Cantons shall elect two Senators.

<sup>3</sup> The Cantons shall regulate the election of their Senators.

**Art. 151** Session Periods

<sup>1</sup> The Chambers shall meet regularly for sessions. The Statute shall regulate the calling of sessions.

<sup>2</sup> One fourth of the members of a Chamber or the Federal Government may request that the Chambers be called to an extraordinary session period.

**Art. 152**      Presidency

Each Chamber shall elect from its midst for a term of one year, a President, the first Vice-President, and the second Vice-President. These mandates shall not be renewable for the following year.

**Art. 153**      Parliamentary Commissions

<sup>1</sup> Each Chamber shall appoint commissions from its midst.

<sup>2</sup> The statute may foresee joint commissions.

<sup>3</sup> The statute may delegate certain powers that are not of a legislative nature to commissions.

<sup>4</sup> To fulfill their tasks, the commissions shall have the right to obtain information, to consult documents, and to conduct inquiries. The statute shall define the limits of these rights.

**Art. 154**      Parliamentary Groups

The members of the Federal Parliament may form parliamentary groups.

**Art. 155**      Parliamentary Services

The Federal Parliament shall benefit from parliamentary services. It may call upon the services of the Federal Administration. The statute shall regulate the modalities.

**Section 2: Procedure****Art. 156**      Separate Deliberation

<sup>1</sup> The House of Representatives and the Senate shall deliberate separately.

<sup>2</sup> Decisions of the Federal Parliament shall require the approval of both Chambers.

**Art. 157**      Joint Deliberation

<sup>1</sup> The House of Representatives and the Senate shall deliberate in common as the Federal Parliament in Joint Session under the chairmanship of the President of the House of Representatives in order to:

- a. hold elections;
- b. rule on jurisdictional disputes between the highest federal authorities;
- c. to rule on petitions for pardon.

<sup>2</sup> The Federal Parliament in Joint Session shall assemble for special occasions, and to hear declarations of the Federal Government.

**Art. 158** Meetings to be Public

The meetings of the Chambers shall be public. The Statute may provide for exceptions.

**Art. 159** Quorum and Majority

<sup>1</sup> The Chambers may deliberate validly if the majority of its members are present.

<sup>2</sup> The decisions are taken in both Chambers and in the Federal Parliament in Joint Session by the majority of those voting.

<sup>3</sup> However, the majority of the members of each Chamber shall be required for the following:

- a. The declaration of urgency of Federal Statutes;
- b. Provisions granting subsidies, authorizing credit lines, and establishing spending ceilings which cause new one-time expenditures exceeding 20 Million Swiss Francs, or new recurrent expenditures exceeding 2 Million Swiss Francs;
- c.<sup>9</sup> an increase of the total expenditures in case of extraordinary payment requirements according to art. 126 subs. 3.

<sup>4</sup> The Federal Parliament may adapt to inflation the amounts according to subs. 3 lit. b. by ordinance.<sup>10</sup>

**Art. 160** Right to Initiatives and Motions

<sup>1</sup> Every member of the Federal Parliament, every parliamentary group, every parliamentary commission, and every Canton, have the right to submit initiatives to the Federal Parliament.

<sup>2</sup> The members of the Federal Parliament and of the Federal Government may present motions concerning a proposal under deliberation.

**Art. 161** Prohibition of Instructed Mandates

<sup>1</sup> The members of the Federal Parliament shall vote without instructions.

<sup>2</sup> They shall reveal their links with interest groups.

**Art. 162** Immunity

<sup>1</sup> The members of the Federal Parliament and the Federal Government, and the Federal Chancellor may not be held responsible for their statements in the Chambers and before parliamentary organs.

<sup>9</sup> Adopted in the votation of December 2, 2001, certified as accurate by decision of the Federal Government of February 4, 2002 and based on the Federal Decree of June 22, 2001.

<sup>10</sup> Adopted in the votation of December 2, 2001, certified as accurate by decision of the Federal Government of February 4, 2002 and based on the Federal Decree of June 22, 2001.

<sup>2</sup>The statute may provide for further forms of immunity, and extend them to other persons.

### Section 3: Powers

#### **Art. 163** Form of Laws and Decrees by the Federal Parliament

<sup>1</sup>The Federal Parliament shall enact rules of law in the form of a Federal Statute or ordinance.

<sup>2</sup>The other acts shall use the form of a federal decree. A federal decree not subjected to referendum shall be called a simple federal decree.

#### **Art. 164** Legislation

<sup>1</sup>All important provisions establishing rules of law must be enacted in the form of Federal Statutes. These include the fundamental provisions on

- a. the exercise of political rights;
- b. the restrictions of constitutional rights;
- c. the rights and obligations of persons;
- d. the circle of tax payers, and the object and the calculation of taxes;
- e. the tasks and services of the Confederation;
- f. the obligations of the Cantons when implementing and executing federal law;
- g. the organization and the procedure of federal authorities.

<sup>2</sup>A Federal Statute may delegate the power to legislate unless this is excluded by the Federal Constitution.

#### **Art. 165** Urgent Legislation

<sup>1</sup>A Federal Statute whose coming into force tolerates no delay, may be declared urgent by the majority of each Chamber and put into force immediately. It must be limited in time.

<sup>2</sup>If a referendum is demanded against an urgent Federal Statute, it shall lapse one year after its adoption by the Federal Parliament, unless it is approved by the People within that period.

<sup>3</sup>An urgent Federal Statute that has no constitutional basis shall lapse one year after its adoption by the Federal Parliament, unless it was adopted within that period by the People and the Cantons. It must be limited in time.

<sup>4</sup>An urgent Federal Statute that was not adopted in a votation may not be renewed.

**Art. 166** Foreign Relations and International Treaties

<sup>1</sup> The Federal Parliament shall participate in shaping foreign policy, and shall supervise foreign relations.

<sup>2</sup> It shall approve international treaties, with the exception of those which by statute or international treaty are within the powers of the Federal Government.

**Art. 167** Finances

The Federal Parliament shall decide on federal spending, shall adopt the budget, and shall approve the federal accounts.

**Art. 168** Elections

<sup>1</sup> The Federal Parliament shall elect the members of the Federal Government, the Federal Chancellor, the judges of the Federal Supreme Court, and the General.

<sup>2</sup> The Statute may empower the Federal Parliament to carry out further elections or to confirm appointments.

**Art. 169** High Supervision

<sup>1</sup> The Federal Parliament shall exercise the high supervision over the Federal Government, the Federal Administration, the Federal Courts and the other organs entrusted with tasks of the Confederation.

<sup>2</sup> Official secrecy shall not be opposable to those special delegations of supervisory commissions that are appointed as provided by Statute.

**Art. 170** Evaluation of Efficacy

The Federal Parliament shall ensure that the efficacy of measures taken by the Confederation is evaluated.

**Art. 171** Mandates to the Federal Government

The Federal Parliament may confer mandates to the Federal Government. The statute shall regulate the modalities, and, in particular, the instruments which the Federal Parliament may use to influence matters within the powers of the Federal Government.

**Art. 172** Relations between the Confederation and the Cantons

<sup>1</sup> The Federal Parliament shall maintain the relations between the Confederation and the Cantons.

<sup>2</sup> It shall guarantee the cantonal constitutions.

<sup>3</sup> It shall decide whether to approve intercantonal treaties and treaties between Cantons and foreign countries, should the Federal Government or a Canton raise an objection.



**Art. 173** Further Tasks and Powers

<sup>1</sup> The Federal Parliament shall further have the following tasks and powers:

- a. It shall take measures to safeguard the external security, the independence, and the neutrality of Switzerland;
- b. It shall take measures to secure the inner security;
- c. If extraordinary circumstances so require, it may issue ordinances or simple federal decrees to fulfill the tasks according to letters a and b;
- d. It shall order active military service, and to this end, shall mobilize all or part of the army.
- e. It shall take measures to enforce federal law;
- f. It shall decide on the validity of popular initiatives that meet the formal requirements;
- g. It shall cooperate in important planning of state activities;
- h. It shall decide on individual acts, if a Federal Statute so provides expressly;
- i. It shall decide conflicts or jurisdiction between the highest federal authorities;
- k. It shall decide on petitions for pardon and declare amnesties.

<sup>2</sup> The Federal Parliament shall moreover deal with all subjects that are within the powers of the Confederation, and are not attributed to another federal authority.

<sup>3</sup> The Statute may assign other tasks and powers to the Federal Parliament.

**Chapter 3: Federal Government and Federal Administration****Section 1: Organisation and Procedure****Art. 174** Federal Government

The Federal Government is the highest governing and executive authority of the Confederation.

**Art. 175** Composition and Election

<sup>1</sup> The Federal Government shall consist of seven members.

<sup>2</sup> The members of the Federal Government shall be elected by the Federal Parliament after each full renewal of the House of Representatives.

<sup>3</sup> They shall be elected among the Swiss citizen eligible for membership in the House of Representatives for four years.<sup>11</sup>

<sup>11</sup> Adopted in the votation of February 7, 1999, certified as accurate by decision of the Federal Government of March 2, 1999 and based on the Federal Decree of October 9, 1998.

<sup>4</sup>Care shall be taken that the various geographical and language regions be adequately represented.<sup>12</sup>

**Art. 176**          Presidency

<sup>1</sup> The President of the Confederation shall chair the Federal Government.

<sup>2</sup> The Federal Parliament shall elect, for a term of one year, one of the members of the Federal Government as President of the Confederation, and another as Vice-President of the Federal Government.

<sup>3</sup> These mandates may not be renewed for the following year. The President of the Confederation shall not be eligible to be Vice-President for the following year.

**Art. 177**          Principle of Collective Authority and Division into Departments

<sup>1</sup> The Federal Government shall take its decisions as a collective body.

<sup>2</sup> For the preparation and implementation of the decisions, the matters of the Federal Government shall be distributed amongst its members according to Departments.

<sup>3</sup> Matters shall be entrusted to Departments or administrative units subordinated to them to be settled directly; in such cases, the right of recourse to a remedy shall be guaranteed.

**Art. 178**          Federal Administration

<sup>1</sup> The Federal Government shall direct the Federal Administration. It shall ensure its efficient organization and the effective fulfillment of its tasks.

<sup>2</sup> The Federal Administration shall be divided into Departments; each Department shall be directed by one member of the Federal Government.

<sup>3</sup> The statute may attribute administrative tasks to organizations and persons of public or private law outside the Federal Administration.

**Art. 179**          Federal Chancery

The Federal Chancery is the general staff of the Federal Government. It shall be directed by a Federal Chancellor.

**Section 2: Powers**

**Art. 180**          Government Policy

<sup>1</sup> The Federal Government shall determine the goals and the means of its government policy. It shall plan and coordinate the activities of the state.

<sup>12</sup> Adopted in the votation of February 7, 1999, certified as accurate by decision of the Federal Government of March 2, 1999 and based on the Federal Decree of October 9, 1998.

<sup>2</sup> It shall inform the public timely and fully of its activity, unless preponderant public or private interests prevent this.

**Art. 181** Initiative

The Federal Government shall submit to the Federal Parliament drafts of its legislation.

**Art. 182** Legislation and Implementation

<sup>1</sup> The Federal Government shall legislate in the form of ordinances, insofar as the Constitution or the statute empower it to do so.

<sup>2</sup> It shall ensure the implementation of statutes, of decrees of the Federal Parliament, and of judgments of the federal judiciary.

**Art. 183** Finances

<sup>1</sup> The Federal Government shall prepare the financing plan, draft the budget and establish the federal accounts.

<sup>2</sup> It shall ensure correct financial management.

**Art. 184** Foreign Relations

<sup>1</sup> The Federal Government shall conduct foreign relations safeguarding the Federal Parliament's participation rights; it shall represent Switzerland abroad.

<sup>2</sup> It shall sign treaties and ratify them. It shall submit them to the Federal Parliament for approval.

<sup>3</sup> When the safeguard of the interests of the country so require, the Federal Government may issue ordinances and orders. Ordinances must be limited in time.

**Art. 185** External and Inner Security

<sup>1</sup> The Federal Government shall take measures to secure the external security, the independence, and the neutrality of Switzerland.

<sup>2</sup> It shall take measures to safeguard the inner security.

<sup>3</sup> It may base itself directly on the present article to issue ordinances and orders to obviate existing or imminent great disturbances of the public order, the external or the inner security. Such ordinances shall be limited in time.

<sup>4</sup> In urgent cases, it may mobilize troops. If it mobilizes more than 4000 members of the armed forces for active duty, or if the mobilization for active duty is expected to last more than three weeks, the Federal Parliament must be convened without delay.

**Art. 186** Relations between the Confederation and the Cantons

<sup>1</sup> The Federal Government shall entertain the relations between the Confederation and the Cantons, and shall collaborate with the Cantons.

<sup>2</sup> It shall approve cantonal legislation where the implementation of federal law so requires.

<sup>3</sup> It may raise objections against treaties amongst the Cantons, or between Cantons and foreign countries.

<sup>4</sup> It shall ensure the implementation of federal law, cantonal constitutions, and inter-cantonal treaties, and shall take the necessary measures.

**Art. 187** Further Tasks and Powers

<sup>1</sup> The Federal Government shall further have the following tasks and powers:

- a. It shall supervise the Federal Administration and the other organizations or persons entrusted with tasks of the Confederation;
- b. It shall regularly inform the Federal Parliament of its activity and on the state of the country;
- c. It shall carry out the appointments that are not in the powers of other authorities;
- d. It shall decide on remedies where the statute so provides.

<sup>2</sup> The statute may attribute further tasks and powers to the Federal Government.

**Chapter 4:<sup>13</sup> Federal Supreme Court and other Judicial Authorities**

**Art. 188** Position of Federal Supreme Court

<sup>1</sup> The Federal Supreme Court is the highest federal judicial authority.

<sup>2</sup> Its organization and its procedure shall be regulated by statute.

<sup>3</sup> The Federal Supreme Court shall provide for its own administration.

**Art. 189** Jurisdiction of Federal Supreme Court

<sup>1</sup> The Federal Supreme Court shall have jurisdiction over violations of:

- a. federal law;
- b. public international law;
- c. intercantonal law;
- d. cantonal constitutional rights;
- e. autonomy of municipalities, and other guarantees granted by the Cantons to public corporate bodies;
- f. federal and cantonal provisions and political rights.

<sup>13</sup> Adopted in the votation of March 12, 2000, certified as accurate by decision of the Federal Government of May 17, 2000 and based on the Federal Decree of October 8, 1999.

<sup>2</sup> It shall judge public law disputes between the Confederation and the Cantons or amongst Cantons.

<sup>3</sup> The statute may provide for further grounds for jurisdiction of the Federal Supreme Court.

<sup>4</sup> Enactments of the Federal Parliament and of the Federal Government cannot be challenged before the Swiss Federal Supreme Court. Exceptions may be provided for by statute.

**Art. 190**      Applicable Law

The Federal Supreme Court and the other authorities applying the law shall follow the federal statutes and international law.

**Art. 191**      Access to Federal Supreme Court

<sup>1</sup> Legislation shall guarantee access to the Federal Supreme Court.

<sup>2</sup> For disputes that do not concern a legal question of fundamental importance, it may provide for a threshold sum.

<sup>3</sup> For certain subject matters access to the Federal Supreme Court may be excluded by statute.

<sup>4</sup> For manifestly unjustified complaints the statute may provide for a simplified procedure.

**Art. 191a**      Further Federal Judicial Authorities

<sup>1</sup> The Confederation shall provide for a federal criminal court which shall judge as a trial court criminal cases that are subject by statute to federal jurisdiction. The statute may provide for further grounds for jurisdiction of the Federal Criminal Court.

<sup>2</sup> The Confederation shall provide for federal judicial authorities to judge disputes of public law arising within the administrative jurisdiction of the Federal Administration.

<sup>3</sup> Further federal judicial authorities may be established by statute.

**Art. 191b**      Cantonal Judicial Authorities

<sup>1</sup> The Cantons shall establish cantonal judicial authorities to judge civil and public law disputes and criminal cases.

<sup>2</sup> They may establish common judicial authorities.

**Art. 191c**      Independence of the Judiciary

All judicial authorities shall be independent in their judicial activity and bound by law only.

**Title 6: Revision of the Federal Constitution and Temporal Provisions****Chapter 1: Revision****Art. 192** Principle

<sup>1</sup> The Federal Constitution may be subjected to a total or a partial revision at any time.

<sup>2</sup> Where the Federal Constitution and implementing legislation do not provide otherwise, the revision shall follow the legislative process.

**Art. 193** Total Revision

<sup>1</sup> A total revision of the Federal Constitution may be proposed by the People or by one of the Chambers, or may be decreed by the Federal Parliament.

<sup>2</sup> If the initiative emanates from the People or if the Chambers disagree, the People shall decide whether a total revision shall be undertaken.

<sup>3</sup> Should the People accept a total revision, both Chambers shall be newly elected.

<sup>4</sup> The mandatory provisions of international law may not be violated.

**Art. 194** Partial Revision

<sup>1</sup> A partial revision of the Federal Constitution may be requested by the People, or be decreed by the Federal Parliament.

<sup>2</sup> A partial revision must respect the principle of the unity of subject matter; it may not violate the mandatory provisions of international law.

<sup>3</sup> A popular initiative for partial revision must, moreover, respect the principle of the unity of form.

**Art. 195** Entry into Force

The Constitution revised in total or in part shall enter into force as soon as it is accepted by the People and the Cantons.

## Chapter 2: Transitory Provisions

**Art. 196** Transitory Provisions pursuant to federal decree of December 18, 1998 on a new federal constitution<sup>14</sup>

### *1. Transitory Provision to Art. 84 (Transalpine Traffic).*

The transfer of freight transit traffic from road to rail shall be completed ten years after the adoption of the popular initiative for the protection of the alpine regions from transit traffic.

### *2. Transitory Provision to Art. 85 (Flat Heavy Traffic Charge)*

<sup>1</sup> The Confederation shall levy an annual charge on each domestic and foreign motor vehicle and trailer having a total weight of over 3.5 tons for the use of roads open to general traffic.

<sup>2</sup> The charge shall be:

- a. for lorries and articulated motor vehicles of
  - over 3.5 t up to 12 t CHF 650
  - over 12 t up to 18 t CHF 2000
  - over 18 t up to 26 t CHF 3000
  - over 26 t CHF 4000
- b. for trailers of
  - over 3.5 t up to 8 t CHF 650
  - over 8 t up to 10 t CHF 1500
  - over 10 t CHF 2000
- c. for coaches CHF 650

<sup>3</sup> The rates may be adjusted by means of a Federal Statute, insofar as this is justified by the cost of road traffic.

<sup>4</sup> The Federal Government may, moreover, by means of an ordinance, bring the tariff categories that apply above 12 tons listed in paragraph 2 into line with possible amendments of the weight categories defined in the road traffic statute.

<sup>5</sup> For vehicles which are not on the road in Switzerland during the whole year, the Federal Government shall establish suitably gradual rates, taking into account the costs of collecting the charge.

<sup>6</sup> The Federal Government shall regulate the implementation. It may establish the rates foreseen in subs. 2 for special categories of vehicles, exempt certain vehicles from the charge, and establish special regulations, particularly for journeys in border areas. Such regulations shall not result in vehicles registered abroad being treated more favorably than Swiss vehicles. The Federal Government may foresee fines in case of infractions. The Cantons shall collect the charges on vehicles registered in Switzerland.

<sup>14</sup> Adopted in the votation of March 3, 2002, certified as accurate by decision of the Federal Government of April 26, 2002 and based on the Federal Decree of October 5, 2001.

<sup>7</sup> The charge may be wholly or partly abolished by statute.

<sup>8</sup> The present article shall apply until the coming into force of the Federal Statute of December 19, 1997, on the heavy traffic duty related to motor power or consumption.

*3. Transitory Provision to Art. 87 (Railroad and other Traffic)*

<sup>1</sup> The Major Railroad Projects are the New Alpine Crossing, Rail 2000, the link of Eastern and Western Switzerland to the European high-speed railroad network, and the improvement by active and passive measures of protection against noise along railroad lines.

<sup>2</sup> In order to finance the Major Railroad Projects, the Federal Government may

- a. use the full yield of the flat heavy traffic charge set out in art. 196, subs. 2 until the charge on heavy goods traffic related to motor power or consumption according to Art 85 comes into force, and may, for this purpose, at most double the rates;
- b. use no more than two thirds of the yield of the heavy goods traffic charge related to motor power or consumption set out in Art 85;
- c. use funds yielded by the tax on mineral fuels set out in Art 86, subs. 3, letter b to cover 25 percent of the total costs for the basic lines of the New Alpine Crossing;
- d. raise funds on the capital markets, but no more than 25 percent of the general costs of the new alpine crossing, Rail 2000, and the link of Eastern and Western Switzerland to the European high-speed railroad network;
- e. raise by .1 percent points all value added tax rates (including surtax) set out in Art 196, subs. 14 and Art 130;
- f. provide for additional financing from private sources or international organizations.

<sup>3</sup> The financing of the Major Railroad Projects according to paragraph 1 shall be assured by a fund legally dependent on the Confederation, but keeping separate accounts. The proceeds from the tolls and taxes set out in paragraph 2 shall be credited to the financial accounts of the Confederation, and transferred into the fund the same year. The Confederation may grant advances to the fund. The Federal Parliament shall issue the regulations for the fund by means of an ordinance.

<sup>4</sup> The four Major Railroad Projects according to paragraph 1 shall be adopted by means of Federal Statutes. For each major project as a whole, its necessity and status of planning must be established. For the New Alpine Crossing project, the various construction phases shall be defined in the Federal Statute. The Federal Parliament shall allocate the necessary funds by way of authorizing credit lines. The Federal Government shall approve the construction milestones, and determine the timetable.

<sup>5</sup> This provision shall apply until the construction of the Major Railroad Projects mentioned in paragraph 1 is completed, and their financing has ended (through repayment of advances).



*4. Transitory Provision to Art. 90 (Nuclear Energy)*

Until September 23, 2000, no general, building, start-up, or operating permit shall be granted for new installations for the production of nuclear energy.

*5. Transitory Provision to Art. 95 (Private Economic Activity)*

Until federal legislation is adopted, the Cantons shall mutually recognize their education or training certificates.

*6. Transitory Provision to Art. 102 (Approvisionnement of the Country).*

<sup>1</sup>The Confederation shall ensure the approvisionnement of the country with millable cereals and baking flour.

<sup>2</sup>This transitory provision shall remain in effect until December 31, 2003 at the latest.

*7. Transitory Provision to Art. 103 (Structural Policy)*

For no more than ten years from the entry into force of the Constitution, the Cantons may, to secure the existence of important parts of a particular sector of the hotel and restaurant industry, continue to apply existing regulations that make the opening of new businesses in that sector conditional upon establishing a need.

*8. Transitory Provision to Art. 106 (Gambling)*

<sup>1</sup>Art. 106 shall enter into force with the entry into force of a new Federal Statute on gambling and casinos.

<sup>2</sup>Until that date, the following provisions shall apply:

- a. It shall be prohibited to open and to operate casinos.
- b. The Cantonal Governments may, under certain limitations mandated by public interest, authorize entertainment gambling as was customary in Kursaals until the Spring of 1925, if the competent authority is of the opinion that this gambling is necessary to maintain or develop tourism, and if it is organized by a Kursaal operator serving this purpose. The Cantons may also prohibit this type of gambling.
- c. The Federal Government shall issue an ordinance on the limitations mandated by public interest. The stake shall be no more than CHF 5.--.
- d. Each cantonal gambling license must be approved by the Federal Government.
- e. One fourth of the raw receipts of the gambling operations must be credited to the Confederation which shall use this part, without regard to its own prestations, for the benefit of victims of natural disasters, and for institutions of public assistance.
- f. The Confederation may also take the necessary measures concerning lotteries.

*9. Transitory Provision to Art. 110 subs. 3 (National Day)*

<sup>1</sup> Until the entry into force of the new federal legislation, the Federal Government shall regulate the modalities.

<sup>2</sup> Swiss National Day shall not be included in the number of holidays established in art. 18, par. 2 of the Labor Statute.

*10. Transitory Provision to Art. 112 (Old age, Survivors', and Disability Insurance)*

As long as the federal old age, survivors', and disability insurance does not cover the basic living expenses, the Confederation shall grant the Cantons subsidies for the financing of supplementary benefits.

*11. Transitory Provision to Art. 113 (Employment Pension Plans)*

Insured persons who belong to the generation at the time of the introduction of mandatory employee pension plans, and therefore did not contribute for the full time, shall receive the minimum statutory benefits, according to their income, within 10 to 20 years after the entry into force of the statute.

*12. Transitory Provision to Art. 126 (Financial Order)*

<sup>1</sup> The deficit in the financial accounts of the Confederation shall be reduced through savings until the accounts are substantially balanced.

<sup>2</sup> The deficit may not exceed 5000 Million Swiss Francs in the 1999 accounts and 2500 Million in the 2000 accounts. In the 2001 accounts, it shall be reduced to at most 2 percent of the receipts.

<sup>3</sup> If the economic situation so requires, the majority of the members of both Chambers may extend by way of a decree the deadlines according to paragraph <sup>2</sup> at most by two years altogether.

<sup>4</sup> The Federal Parliament and the Federal Government shall take into account the objectives of paragraph 2 when establishing the budget and the long-term financing plan, and when deliberating on all matters having financial consequences.

<sup>5</sup> When implementing the budget, the Federal Government shall use all saving opportunities. To this end, it may freeze credits and credit lines already authorised. Statutory rights and subsidies promised in individual cases with force of law shall be reserved.

<sup>6</sup> If the objectives according to paragraph 2 are missed, the Federal Government shall determine which amount must be additionally saved. To this end,

- a. it shall decide on additional savings within its powers;
- b. it shall propose to the Federal Parliament amendments of statutes leading to additional savings.

<sup>7</sup> The Federal Government shall establish the total sum of the additional savings in such a way that the objectives shall be achieved with a delay of no more than two years. The savings shall be made both on subsidies to third parties and in the field of the Confederation itself.

<sup>8</sup> The two Chambers shall decide on the motions of the Federal Government in the same session, and shall put their decree into force following the procedure of Art. 165 of the Constitution; they shall be bound to the amount of savings established by the Federal Government according to paragraph 6.

<sup>9</sup> Should the deficit in a later yearly account again exceed 2 percent of the receipts, it shall be reduced in the following yearly accounts to this objective. If the economy so requires, the Federal Parliament may, by way of an ordinance, extend the period by no more than two years. In all other respects, the procedure follows paragraphs 4 to 8.

<sup>10</sup> This provision shall remain in effect until it shall be replaced by constitutional law measures to limit the federal deficit and the federal debt.

### *13. Transitory Provision to Art. 128 (Term of Tax Levy)*

The direct federal tax may be levied until the end of 2006.

### *14. Transitory Provision to Art. 130 (Value Added Tax)*

<sup>1</sup> Until a statute on value added tax shall enter into force, the implementing provisions shall be established by the Federal Government. For the implementing provisions, the following principles shall apply:

- a. The following shall be taxable:
  1. The supply of goods and services that a business provides against payment within Switzerland (including own use);
  2. The import of goods.
- b. The following shall be exempt from the tax, and there shall be no right to deduct previous tax:
  1. Postal service within the framework of its monopoly with the exception of the transportation of persons;
  2. Health services;
  3. Social welfare and social security services;
  4. Services related to education, teaching, and care of children and young persons;
  5. Cultural services;
  6. Insurance transactions;
  7. Money market and capital market transactions, with the exception of asset management and recovery of debt;
  8. Transfer, long term leasing, and letting of immovable property;
  9. Betting, lotteries, and other games of chance;
  10. Services rendered by non-profit organizations to their members against payment of a contribution fixed in the Art.s of incorporation;
  11. Supply of official Swiss postage stamps used as such.

To safeguard fair competition or to simplify the collection of the tax, voluntary taxation of the transactions listed above may be permitted with a right to deduct the tax in advance.

- c. The following shall be freed from tax with a right to deduct previous taxes:
  1. The export of goods, and services rendered abroad;
  2. Services in connection with the export or transit of goods.
- d. The following shall not be subjected to the tax on transactions made within Switzerland:
  1. Businesses with a total annual taxable turnover of no more than 75'000 francs;
  2. Businesses with a total annual taxable turnover of no more than 250'000 francs, provided that the amount of tax, after deduction of previous tax, does not regularly exceed 4'000 francs per year;
  3. Farmers, foresters, and horticulturists who supply produce exclusively from their own businesses, and livestock dealers;
  4. Painters and sculptors with respect to works of art created by them personally.

To ensure fair competition or to simplify the collection of the tax, the businesses and persons listed above may be permitted to pay tax on a voluntary basis, with the right to deduct previous tax.

- e. The tax rate shall be:
  1. 2.0 percent on the transactions and importation of the following goods which the Federal Government may define in greater detail:
    - piped water,
    - foodstuffs and beverages, with the exception of alcoholic beverages,
    - livestock, poultry, fish,
    - cereals,
    - seeds, tuber vegetables, and plant bulbs, growing plants, cuttings, grafts, and cut flowers and branches, also when arranged as bouquets, reefs, and in similar ways,
    - fodder, silage acids, straw, fertilizers, and pesticides,
    - pharmaceuticals,
    - newspapers, magazines, books and other printed materials to the extent defined by the Federal Government;
  2. 2.0 percent on radio and television activities with the exception of those of commercial character;
  3. 6.5 percent on the supply and the importation of other goods, and on all other taxable services.
- f. The tax shall be calculated on the payment obtained, or, if there is no such payment, and in the case of imports, on the value of the goods or services received.
- g. The following shall be taxable:
  1. Taxpayers who generate taxable turnover;
  2. Persons who receive services originating abroad, provided that their total cost exceeds 10'000 francs per year;

3. Persons who import goods, and are liable to pay customs duty or to make a customs declaration.
- h. The taxpayer shall pay the tax on the taxable turnover; if the taxpayer uses the goods supplied and the services received to generate taxable turnover within Switzerland or abroad, in the tax accounts the following may be deducted from the tax owed as previously paid tax:
  1. the tax passed on to the taxpayer by other taxpayers, and
  2. the tax paid on the importation of goods or on the acquisition of services from abroad;
  3. 2.0 percent of the price of natural products purchased from businesses not subject to the tax in accordance with letter d, point 3. The right to deduct previous tax does not extend to non-commercial expenditures.
- i. As a general rule, the tax and the deduction for previous tax shall be accounted for every quarter.
- k. Special provisions may be established for turnover taxation in the case of gold coins and refined gold, and of goods that are already subject to special fiscal charges.
- l. Simplifications may be made if they neither alter tax revenues nor affect competition significantly, nor create excessive tax accounting difficulties for other tax payers.
- m. Tax evasion and tax endangerment shall be punishable in analogy with the other federal criminal provisions in the field of tax law.
- n. The special provisions on the criminal liability of businesses foreseen in art. 7 of the Federal Statute on administrative criminal law may also be applied in cases where a fine of more than 5'000 francs is possible.

<sup>2</sup>During the first five years following the introduction of the value added tax, 5 percent of the yield of this tax shall be used to reduce the health insurance premiums to the benefit of persons in lower income strata. The Federal Parliament shall decide how this part of the value added tax that is dedicated for a specific purpose shall be used after the expiry of this period.

<sup>3</sup>The Confederation may by statute set a lower rate for the value added tax on tourist services in Switzerland, provided that the services are largely used by foreigners and the competitive situation so requires.<sup>15</sup>

<sup>4</sup>The value added tax may be levied until the end of 2006.

#### *15. Transitory Provision to Art. 131 (Beer Tax)*

Until the adoption of a Federal Statute, the beer tax shall be levied according to the law presently in force.

<sup>15</sup> The legislator has exercised this authority; see art. 36 subs. 2 of the Federal Statute of September 2, 1999 on Value Added Tax in the version of December 23, 1999. Accordingly the special rate for the value added tax on tourist services shall be 3.6 percent from January 1, 2001 onwards till December 31, 2003.

*16. Transitory Provision to Art. 132 (Cantonal Share of Withholding Tax)*

Until the financial equalization among the Cantons shall be subjected to new regulations, the cantonal share of the yield of the withholding tax shall be 1<sup>2</sup> percent. If the tax rate for the withholding tax exceeds 30 percent, the share of the Cantons is 10 percent.

**Art. 197<sup>16</sup>** Transitory Provisions after Adoption of Federal Constitution of April 18, 1999

*I. Switzerland's accession to the United Nations*

<sup>1</sup> Switzerland accedes to the Organization of the United Nations.

<sup>2</sup> The Federal Government is empowered to address to the Secretary General of the United Nations an application of Switzerland for admission into this organization and a declaration concerning the performance of the obligations contained in the United Nations Charter.

Date of entry into force: January 1, 2000<sup>17</sup>

**Final provisions of the Federal Decree on a new Federal Constitution of December 18, 1998**

II

<sup>1</sup> The Federal Constitution of May 29, 1874 shall be abrogated.

<sup>2</sup> The following provisions of the Federal Constitution that must be converted into statutory law, shall remain applicable until the corresponding statutory provisions come into force:

- a. *Art. 32 quater subs. 6<sup>18</sup>*  
Hawking and other forms of itinerant sale of spirits are prohibited.
- b. *Art. 36 quinquies subs. 1, first sentence, 2, sentences 2 to 5, and 4, second sentence<sup>19</sup>*

<sup>1</sup> For the use of the first and second-class national highways, the Confederation shall levy an annual charge of 40 francs on domestic and foreign motor vehicles and trailers up to a total weight of 3.5 tons each. ...

<sup>2</sup> ... It may exempt specific vehicles from the charge and issue special regulations, particularly for journeys in frontier areas. Such regulations shall not

<sup>16</sup> Adopted in the votation of March 3, 2002, certified as accurate by decision of the Federal Government of April 26, 2002 and based on the Federal Decree of October 5, 2001.

<sup>17</sup> Federal Decree of September 28, 1999

<sup>18</sup> Art. 105

<sup>19</sup> Art. 86 subs. 2

result in vehicles registered abroad being treated more favorably than Swiss vehicles. The Federal Government may establish fines for infringements. The Cantons shall collect the charge for vehicles registered in Switzerland, and shall ensure that all vehicles comply with the relevant rules.

<sup>4</sup> ... The statute may also extend the charge to other categories of motor vehicles, which are not subject to the charge on heavy goods traffic.

c. *Art. 121<sup>bis</sup>, subs. 1, 2, and subs. 3, first and second sentence*<sup>20</sup>

<sup>1</sup> Should the Federal Parliament prepare a counter-draft, three questions shall be submitted to the voters on the same ballot. Every voter may state:

1. whether he or she prefers the popular initiative to the existing law;
2. whether he or she prefers the counter-draft to the existing law;
3. which of the two texts should prevail, if the People and the Cantons prefer both texts to the existing law.

<sup>2</sup> The absolute majority shall be determined separately for each question. Unanswered questions shall not count for this determination.

<sup>3</sup> Should both the popular initiative and the counter-draft be accepted, the vote on the third question shall be decisive. The text which, under this question, obtains most votes of the People and of the Cantons shall come into force. ...

### III

The Federal Parliament shall adapt amendments of the Federal Constitution of May 29, 1874 to the new Constitution with respect to form. A decree to this effect shall not be subject to referendum.

### IV

<sup>1</sup> This decree shall be submitted to the votation of the People and the Cantons.

<sup>2</sup> The Federal Parliament shall determine the date of entry into force.

<sup>20</sup> Art. 139 subs. 6

## Table of contents

### Preamble

### Title 1: General Provisions

Swiss Confederation .....	Art. 1
Purpose .....	Art. 2
Cantons .....	Art. 3
National Languages.....	Art. 4
Rule of Law.....	Art. 5
Individual and Social Responsibility .....	Art. 6

### Title 2: Fundamental Rights, Civil Rights and Social Goals

#### Chapter 1: Fundamental Rights

Human Dignity.....	Art. 7
Equality before the Law .....	Art. 8
Protection against Arbitrariness and Principle of Good Faith .....	Art. 9
Right to Live and Personal Freedom.....	Art. 10
Protection of Children and Young People .....	Art. 11
Right to Aid in Distress.....	Art. 12
Right to Privacy .....	Art. 13
Right to Marriage and Family .....	Art. 14
Freedom of Religion and Philosophy.....	Art. 15
Freedom of Opinion and Information .....	Art. 16
Freedom of the Media .....	Art. 17
Freedom of Language.....	Art. 18
Right to Primary Education.....	Art. 19
Freedom of Science.....	Art. 20
Freedom of Art.....	Art. 21
Freedom of Assembly .....	Art. 22
Freedom of Association .....	Art. 23
Freedom of Domicile .....	Art. 24
Protection against expulsion, extradition, and removal by force .....	Art. 25
Right to property .....	Art. 26
Economic Freedom .....	Art. 27



Freedom to Unionize.....	Art. 28
General Procedural Guarantees .....	Art. 29
Guarantee of Legal Proceedings.....	Art. 29a
Judicial Proceedings.....	Art. 30
Habeas Corpus .....	Art. 31
Criminal procedure .....	Art. 32
Right of Petition.....	Art. 33
Political Rights.....	Art. 34
Realization of Fundamental Rights .....	Art. 35
Limitations of Fundamental Rights.....	Art. 36

## **Chapter 2: Citizenship and Political Rights**

Citizenships.....	Art. 37
Acquisition and Loss of Citizenship .....	Art. 38
Exercise of Political Rights .....	Art. 39
Swiss citizens domiciled abroad.....	Art. 40

## **Chapter 3: Social Goals**

.....	Art. 41
-------	---------

## **Title 3: Confederation, Cantons, and Municipalities**

### **Chapter 1: Relationship between the Confederation and the Cantons**

#### **Section 1: Tasks of the Confederation and the Cantons**

Tasks of the Confederation .....	Art. 42
Tasks of the Cantons .....	Art. 43

#### **Section 2: Cooperation between the Confederation and the Cantons**

Principles .....	Art. 44
Participation in Federal Decision Making.....	Art. 45
Implementation of Federal Law .....	Art. 46
Autonomy of the Cantons .....	Art. 47
Intercantonal Treaties.....	Art. 48
Supremacy of and Respect for Federal Law.....	Art. 49

#### **Section 3: Municipalities**

.....	Art. 50
-------	---------

**Section 4: Federal Guarantees**

Cantonal Constitutions.....	Art. 51
Constitutional Order.....	Art. 52
Existence and Territory of the Cantons .....	Art. 53

**Chapter 2: Powers****Section 1: Relations with foreign countries**

Foreign Relations .....	Art. 54
Participation of the Cantons in Decisions of Foreign Policy .....	Art. 55
Relations between the Cantons and Foreign Countries .....	Art. 56

**Section 2: Security, National and Civil Defense**

Security .....	Art. 57
Army .....	Art. 58
Military and Alternative Service .....	Art. 59
Organisation, Instruction, and Equipment of the Army .....	Art. 60
Civil protection .....	Art. 61

**Section 3: Education, Research, and Culture**

Education .....	Art. 62
Professional Education and Universities.....	Art. 63
Research.....	Art. 64
Statistics .....	Art. 65
Support of Education .....	Art. 66
Education of Young People and Adults.....	Art. 67
Sport.....	Art. 68
Culture .....	Art. 69
Languages .....	Art. 70
Film.....	Art. 71
Church and State.....	Art. 72

**Section 4: Environment and Zoning**

Sustainable Development.....	Art. 73
Protection of the Environment .....	Art. 74
Zoning.....	Art. 75
Water.....	Art. 76
Forests .....	Art. 77
Nature and Cultural Heritage .....	Art. 78
Fishery and Hunting.....	Art. 79

Protection of Animals .....	Art. 80
<b>Section 5: Public Works and Transportation</b>	
Public Works.....	Art. 81
Road Traffic .....	Art. 82
National Highways.....	Art. 83
Alpine Transit .....	Art. 84
Charge on Heavy Goods Traffic.....	Art. 85
Motor Fuels Consumption Tax and other Traffic Charges.....	Art. 86
Rail Traffic and further Means of Traffic.....	Art. 87
Footpaths and Hiking Trails.....	Art. 88
<b>Section 6: Energy and Communication</b>	
Energy Policy.....	Art. 89
Nuclear Energy.....	Art. 90
Transportation of Energy .....	Art. 91
Postal and Telecommunication Services.....	Art. 92
Radio and Television .....	Art. 93
<b>Section 7: Economy</b>	
Principles of Economic Order.....	Art. 94
Private Economic Activity .....	Art. 95
Competition Policy .....	Art. 96
Consumer Protection.....	Art. 97
Banking and Insurance.....	Art. 98
Monetary Policy.....	Art. 99
Policy on Economic Development .....	Art. 100
Foreign Trade.....	Art. 101
Supply of Essential Goods and Services .....	Art. 102
Structural Policy.....	Art. 103
Agriculture .....	Art. 104
Alcohol.....	Art. 105
Gambling.....	Art. 106
Weapons and Military Material.....	Art. 107
<b>Section 8: Housing, Work, Social Security and Health</b>	
Promotion of Construction and Ownership of Housing .....	Art. 108
Landlord and Tenant .....	Art. 109
Labor.....	Art. 110
Social Security .....	Art. 111

Old age, Survivors' and Disability Insurance.....	Art. 112
Employee Pension Plans .....	Art. 113
Unemployment Insurance .....	Art. 114
Assistance to Needy Persons.....	Art. 115
Family Allocations and Maternity Insurance .....	Art. 116
Health and Accident Insurance .....	Art. 117
Protection of Health .....	Art. 118
Medical Assistance to Procreation and Gene Technology in the Human Field.....	Art. 119
Medical Transplantation .....	Art. 119a
Gene Technology in the Non-Human Field .....	Art. 120

### **Section 9: Residence and Domicile of Foreigners**

.....	Art. 121
-------	----------

### **Section 10: Civil and Criminal Law, Weights and Measures**

Civil Law .....	Art. 122
Criminal Law .....	Art. 123
Aid to Victims of Criminal Acts .....	Art. 124
Weights and Measures .....	Art. 125

### **Chapter 3: Finances**

Budget.....	Art. 126
Principles of Taxation .....	Art. 127
Direct Taxes .....	Art. 128
Harmonization of Taxes.....	Art. 129
Value Added Tax .....	Art. 130
Special Consumption Taxes.....	Art. 131
Stamp and Withholding Taxes .....	Art. 132
Customs Duties .....	Art. 133
Exclusion of Cantonal and Municipal Taxation.....	Art. 134
Financial Equalization .....	Art. 135

## **Title 4: People and Cantons**

### **Chapter 1: General Provisions**

Political Rights.....	Art. 136
Political Parties .....	Art. 137

## Chapter 2: Initiative and Referendum

Popular Initiative for Total Revision of the Federal Constitution .....	Art. 138
Popular Initiative for Partial Revision of the Federal Constitution .....	Art. 139
Mandatory Referendum.....	Art. 140
Optional Referendum.....	Art. 141
Required Majorities.....	Art. 142

## Title 5: Federal Authorities

### Chapter 1: General Provisions

Eligibility .....	Art. 143
Incompatibilities.....	Art. 144
Term of Office.....	Art. 145
Answerability of the State .....	Art. 146
Hearings and Consultations.....	Art. 147

### Chapter 2: Federal Parliament

#### Section 1: Organisation

Status.....	Art. 148
Composition and Election of the House of Representatives .....	Art. 149
Composition and Election of the Senate .....	Art. 150
Session Periods .....	Art. 151
Presidency .....	Art. 152
Parliamentary Commissions.....	Art. 153
Parliamentary Groups.....	Art. 154
Parliamentary Services.....	Art. 155

#### Section 2: Procedure

Separate Deliberation.....	Art. 156
Joint Deliberation.....	Art. 157
Meetings to be Public.....	Art. 158
Quorum and Majority.....	Art. 159
Right to Initiatives and Motions.....	Art. 160
Prohibition of Instructed Mandates.....	Art. 161
Immunity.....	Art. 162

#### Section 3: Powers

Form of Laws and Decrees by the Federal Parliament .....	Art. 163
--	----------

Legislation.....	Art. 164
Urgent Legislation.....	Art. 165
Foreign Relations and International Treaties .....	Art. 166
Finances .....	Art. 167
Elections.....	Art. 168
High Supervision .....	Art. 169
Evaluation of Efficacy.....	Art. 170
Mandates to the Federal Government .....	Art. 171
Relations between the Confederation and the Cantons .....	Art. 172
Further Tasks and Powers .....	Art. 173

### **Chapter 3: Federal Government and Federal Administration**

#### **Section 1: Organisation and Procedure**

Federal Government.....	Art. 174
Composition and Election.....	Art. 175
Presidency.....	Art. 176
Principle of Collective Authority and Division into Departments .....	Art. 177
Federal Administration.....	Art. 178
Federal Chancery .....	Art. 179

#### **Section 2: Powers**

Government Policy.....	Art. 180
Initiative .....	Art. 181
Legislation and Implementation .....	Art. 182
Finances .....	Art. 183
Foreign Relations .....	Art. 184
External and Inner Security.....	Art. 185
Relations between the Confederation and the Cantons .....	Art. 186
Further Tasks and Powers .....	Art. 187

### **Chapter 4: Federal Supreme Court and other Judicial Authorities**

Position of Federal Supreme Court.....	Art. 188
Jurisdiction of Federal Supreme Court.....	Art. 189
Applicable Law .....	Art. 190
Access to Federal Supreme Court .....	Art. 191
Further Federal Judicial Authorities.....	Art. 191a

Cantonal Judicial Authorities .....	Art. 191b
Independence of the Judiciary .....	Art. 191c

## **Title 6: Revision of the Federal Constitution and Temporal Provisions**

### **Chapter 1: Revision**

Principle .....	Art. 192
Total Revision .....	Art. 193
Partial Revision .....	Art. 194
Entry into Force .....	Art. 195

### **Chapter 2: Transitory Provisions**

Transitory Provisions pursuant to federal decree of December 18, 1998 on a new federal constitution .....	Art. 196
Transitory Provisions after Adoption of Federal Constitution of April 18, 1999 .....	Art. 197

## **Final provisions of the Federal Decree on a new Federal Constitution of December 18, 1998**

