

## **Council of Europe, Platform to promote the protection of journalism and safety of journalists**

### **State Reply Switzerland**

#### **Fear Of Criminal Sanctions Prevented Swiss Media From Participating In The “Suisse Secrets” Investigation (Alert of 23 February 2022 on Switzerland)**

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Switzerland is aware that on 23 February 2022 a report on Switzerland was received on the Platform to promote the protection of journalism and safety of journalists. The case follows media reports related to the “Suisse Secrets” investigation and concerns allegations that Swiss journalists could face legal prosecution and a prison sentence of up to three years if they disclose confidential bank information.

In particular, the case refers to Article 47 of the Swiss Federal Law on Banks and argues that its legal content could deter potential whistle-blowers and journalists from investigating and publishing matters of potential public interest.

The provisions in Article 47 of the Swiss Federal Law on Banks have been in force since 2015, following its inclusion by the Swiss Federal Assembly, Switzerland’s national parliament. Since then, the Swiss Government has not been made aware of any legal case that has been brought against media professionals based on Article 47 of the Swiss Federal Law on Banks.

Switzerland is deeply committed to the protection of all fundamental rights and recognises the importance of media freedom for democracy and rule of law. For this reason, media freedom is constitutionally protected by Article 17 of the Swiss Federal Constitution. The same article prohibits censorship and guarantees the protection of sources.

Following media reports on the “Suisse Secrets” investigation, the Economic Affairs and Taxation Committee of the Swiss National Council, the lower house of the Swiss Federal Assembly, has already announced that it will discuss and evaluate the impact of Article 47 of the Swiss Federal Law on Banks on journalists in the second quarter of 2022. The Swiss Government will continue to work closely with the Swiss Federal Assembly.

Switzerland is a strong supporter of the Platform and its objective to keep journalists safe, increase accountability and uphold the rule of law. In this spirit, the Swiss Government remains at the disposal of the Platform in the case of any further questions regarding the present case.