



## FAQ on Swiss Criminal Records

### What is entered in Swiss Criminal Records?

■ Swiss Criminal Records list persons who have been convicted of offences in Switzerland, as well as Swiss citizens who have been convicted of offences abroad. The records cover:

- Convictions for crimes
- Convictions for misdemeanours, provided a fine or other punitive measures have been imposed
- Convictions for infringements of the law, provided a fine of more than 5,000 Swiss francs has been imposed or the person concerned has been sentenced to more than 180 hours of community service.

A total of 803,000 convictions, relating to 552,000 individuals, were entered in the Criminal Records as at 23 April 2008.

■ In addition, the Records list persons against whom criminal proceedings for a crime or misdemeanour are pending in Switzerland.

→ [Art. 366 of the Swiss Penal Code \(StGB\)](#) and Arts. 3-9 and Appendix 1 of the [Criminal Records Ordinance \(Vostra-Verordnung\)](#)

The following definitions apply in this context:

*Crimes* = Offences punishable with a custodial sentence of more than three years

*Misdemeanours* = Offences punishable with a custodial sentence of up to three years or with a fine

*Infringements* = Offences punishable with a fine

### Who keeps Switzerland's Criminal Records?

Working alongside other federal authorities and the cantons, the Federal Office of Justice keeps a central, fully automatic system of criminal records known as Vostra. Vostra lists both *criminal convictions* and *pending criminal proceedings*. The data on criminal convictions and those on pending criminal proceedings are managed separately.

### **What purpose do Swiss Criminal Records serve?**

Swiss Criminal Records help federal and cantonal authorities to fulfil a variety of tasks, specifically

- Conducting criminal proceedings
  - Preventing crime
  - Providing information to Interpol and Europol
  - Operating the Money Laundering Reporting Office
  - Conducting international legal assistance and extradition proceedings
  - Executing sentences and other punitive measures
  - Reviewing civil and military security
  - Imposing and lifting bans on entry, and other expulsions and exclusion orders
  - Reviewing asylum cases
  - Naturalisation proceedings
  - Issuing and withdrawing driving and provisional driving licences
  - Imposing and lifting guardianship arrangements
  - Imposing and lifting detention orders for the person's own welfare
  - Pardon proceedings
  - Examining suitability for military or civil protection service
  - Producing criminal statistics.
- [Art. 365 of the Swiss Penal Code \(StGB\)](#) and Arts. 21, 22 and 33 of the [Criminal Records Ordinance \(Vostra-Verordnung\)](#)

### **Which authorities are permitted to enter data in Swiss Criminal Records?**

The Federal Office of Justice, the criminal justice authorities, the military justice authorities, the enforcement authorities and the cantonal liaison agencies are permitted to edit personal data on convictions in Swiss Criminal Records.

→ [Art. 367 para. 1 of the Swiss Penal Code \(StGB\)](#)

### **Which authorities are permitted to inspect data in Swiss Criminal Records?**

The authorities laid down in law – specifically the criminal justice, migration, naturalisation and guardianship authorities, as well as the road traffic agencies – may inspect personal details relating to *all criminal conviction data* as well as, under certain circumstances, information on *pending criminal proceedings* by following a query procedure (→ [Art. 367 para. 2 of the Swiss Penal Code \(StGB\)](#)) or making an application in writing (→ [Art. 22 of the Vostra ordinance](#)). All other authorities may obtain information from the Criminal Records

only indirectly, by means of extracts for private individuals. It is for the individual in question to decide to whom they wish to pass on the extract about themselves (employer, landlord, etc.).

### When are entries removed from the Criminal Records?

The duration of entries and the timing of their removal (→ [Art. 369 of the Swiss Penal Code \(StGB\)](#)) depends on the sanction that has been imposed. The periods concerned seek to balance the conflicting aims of criminal prosecution interests and the need to protect society, on the one hand, and the needs of those concerned for complete rehabilitation and reintegration, on the other.

Convictions are removed automatically, ex officio. Five different cases apply:

Sanction	Deleted after
Non-suspended custodial sentences (paras. 1 and 2). Over 5 years 1 to 5 years Less than 1 year	20 years 15 years 10 years + duration of sentence as per conviction + duration of custodial sentence already entered
All other sentences: Suspended and partially suspended custodial sentences, monetary sanctions, community service, fines (para. 3)	10 years
Special ruling in the case of inpatient treatment (paras. 4 and 5).	10 to 15 years
Special ruling in cases where outpatient treatment only is ordered (para. 4 <sup>bis</sup> )	10 years
Special ruling in the case of individuals being bound over to keep the peace, banned from exercising specific professions, banned from driving or excluded from the armed forces (para. 4 <sup>ter</sup> )	10 years

Once removed from the Criminal Records, a conviction may no longer be used against the person concerned. The data that have been removed are not archived, but are destroyed.

### **Who can order an extract from the Criminal Records?**

Private individuals can request an extract from the Criminal Records about themselves only. However, they can nominate someone to obtain the extract for them, or have it sent directly to a third party, such as an employer or landlord. The extract costs 20 francs. An additional 20 franc charge applies if the extract has to be notarised (e.g. for a visa application).

### **What appears on the extract from the Criminal Records for private individuals?**

The extract for private individuals contains *convictions for crimes and misdemeanours*. Convictions for infringements of the law appear only in those rare cases in which an individual is also banned from exercising a particular profession. Information about pending criminal proceedings does not appear in the extract for private individuals either.

→ [Art. 371 of the Swiss Penal Code \(StGB\)](#)

### **Do convictions for speeding offences and drink driving appear in the extract for private individuals?**

Only *serious road traffic offences* appear in the extract from the criminal records for private individuals. Driving more than 25 km/h above the speed limit in built-up areas, 30 km/h in non built-up areas and 35 km/h over the limit on motorways counts as a misdemeanour in Switzerland. The corresponding convictions therefore appear on the extract for private individuals for a certain period of time. This also applies to convictions for drink driving where the blood alcohol content exceeds 0.08 percent. *Infringements* of road traffic regulations, meanwhile, are entered in the Criminal Records but do not appear on the extract for private individuals.

### **How long does a conviction appear on the Criminal Records extract for private individuals?**

Convictions appear in the extract for private individuals for less time than they are entered in the Criminal Records. A conviction that involves some form of sentence ceases to appear in the individual's extract once two thirds of the term of its inclusion in the Criminal Records has elapsed.

Special calculation rules apply to

- Convictions involving punitive measures
- Convictions involving a suspended or partially suspended sentence. These cease to appear in the individual's Criminal Records extract once they have fulfilled the terms of their suspension period.

→ [Art. 371 of the Swiss Penal Code \(StGB\)](#)