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#### cover page:

Saint Crispin, the patron of the bootmakers. Illustration from the publication «Neue Geschichte der Schweiz – und der Schweizer», see page 7.

#### Are you 50 this year?

You can join the voluntary AVS/AI not later than one year after your 50th birthday. This is **your last chance!** For further information please write to your Swiss representation.

# Between the Protection of Reliance and the Principle of Legality

## Discrimination against wives of Swiss abroad compulsorily insured at home

In the «Neue Zürcher Zeitung» of 13th December, our colleague, Dr Roger Bernheim, published the article below which is of direct interest to Swiss women and men abroad, for the problem in ques-

tion is at the moment the object of negotiations by the Organization of Swiss Abroad. We are reprinting the text by courtesy of the author.

### Biographical note

Roger Bernheim was born in Berne in 1925. After an apprenticeship as mechanic, he studied philosophy in Berne and in Paris, finishing with a doctorate. He became a journalist with the «Neue Zürcher Zeitung», first in New Delhi, then in Vienna, Rio de Janeiro and Moscow. At present he represents the important daily in London.

A distressing argument has arisen between a category of Swiss wives abroad and the Swiss Compensation Office in Geneva, concerning a question on AHV/IV (Old-age and dependents insurance and invalidity insurance). This disagreement is dragging on and is gradually becoming scandalous. The public in Switzerland is hardly aware of the matter, understandably so, for relatively few people are affected and those live mainly abroad. First of all it concerns the wives of Swiss citizens working abroad for a Swiss company. They get paid by the firm in Switzerland and are therefore insured compulsorily with the AHV/IV, paying contributions in Switzerland. Secondly, it relates to the wives of employees of the Confederation abroad, who are also insured compulsorily, mainly of the diplomatic and consular services. The exact number of wives affected is not known. But it should be somewhere about 10000, although in all probability,

only some thousand women would directly be affected and suffer damage due to this legal discrimination.

### Official statements are refuted

For thirty years, the competent consular services abroad have told the women concerned that it was not necessary for them to join the voluntary AHV/IV scheme for Swiss abroad, as insurance cover of their husbands extended to them, too, in the same way as in Switzerland. This information was given by the country's representatives on the basis of decisions by the Federal Insurance Tribunal and of statements made by the competent authorities, mainly by the Federal Office for Social Insurance and by the Federal Compensation Office in Berne, which deals with AHV benefits for the federal personnel.

In 1981, a change in the legal interpretation was made overnight, and the wives concerned were informed that, contrary to the official declarations over the last 30 years, they were not insured and that they should have joined the voluntary scheme for Swiss abroad. They could now join this scheme, provided they were not yet 51, but according to the regulations, their enrolment