

**Zeitschrift:** Swiss review : the magazine for the Swiss abroad  
**Herausgeber:** Organisation of the Swiss Abroad  
**Band:** 21 (1994)  
**Heft:** 4

**Artikel:** Referendum of September 25, 1994 : arming against racism  
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**DOI:** <https://doi.org/10.5169/seals-906781>

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# Arming against racism

**The Swiss government wants to ratify the UN Convention against Racial Discrimination. In a federal referendum on September 25, 1994, Swiss voters will therefore have to decide whether to introduce a criminal procedure against racism.**

**F**ollowing the example of 130 other states, Switzerland intends to ratify in its turn the 1965 International Convention on the Elimination of all Forms of Racial Discrimination. This

*Pierre-André Tschanz*

convention requires signatory states to take the measures necessary to combat all forms of racial discrimination, in particular by sanctioning those responsible for racist actions.

## New criminal provisions

In consequence, the Swiss government and parliament have decided to introduce into both the civilian and military criminal codes a new provision by which anyone inciting racial, ethnic or religious hatred may be punished by a fine or imprisonment. The same applies to anyone injuring, verbally, in writing or in graphic form, the dignity of any person or group by reason of their racial origin or anyone grossly minimis-

ing or seeking to exculpate genocide or other crimes against humanity.

This new penal provision seemed exaggerated to some sections of the nationalist right wing, and a committee was set up in German-speaking Switzerland to call a referendum against it. More than 50,000 people were persuaded to sign the demand, and therefore voters will have the last word on whether or not the new criminal procedure will be introduced.

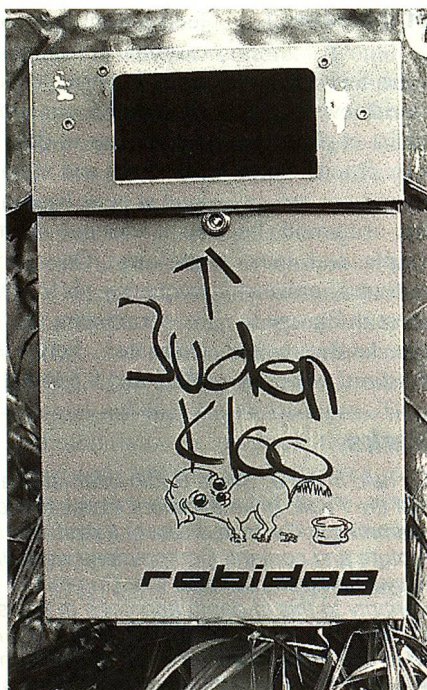
## Ratification: two reservations

The absence of Switzerland from the long list of countries which have adhered to the 1965 Convention on the Elimination of all Forms of Racial Discrimi-

## For and against new criminal provisions

The great majority of Swiss parliamentarians are in favour of the anti-racism law. Rosmarie Dormann, a Christian Democrat member of the lower house, then outlines the majority view. Geneviève Aubry, her Radical colleague, explains below why a minority in parliament and in her own party are against the law.

**Geneviève Aubry:** Are citizens aware of what the law against racism really is? The new Article 261 of the Criminal Code is badly expressed and permits all manner of interpretation, both political and legal, on any subject which may concern two different origins, ethnic groups or religions. You refuse to rent an apartment or a room to a foreigner and prefer a Swiss. Then you may be subject to complaint and condemnation. You are accused. Then it is up to you to prove that you are not a racist. France has an anti-racist article which resulted in the mayor of a municipality being condemned because he wanted to prevent too many foreigners being concentrated in one urban area. In Switzerland, the manager of a shop who dismissed



**"Jewish filth" – such primitive graffiti cannot in fact be prevented by the proposed new law. But it should help to bring those who commit racist acts before the courts. (Photos: Keystone)**

coloured employees for stealing has been condemned. Is that what we want for Switzerland? If we accept this article, we will have to ratify the UN convention on the subject. The United States has not done so and is doing very well.

**Rosmarie Dormann:** At a time in which whole peoples are persecuted because of ethnic or religious differences, a sense of political responsibility urges me to say Yes to the anti-racism law and to the International Convention on the Elimination of all Forms of Racial Discrimination. This Yes is a contribution to protecting and promoting human dignity. The law in question will have a central role in protecting social peace in Switzerland. It will neither injure the traditions of our homeland nor give foreigners more rights than they already possess. It will not lead to political prosecutions, nor will café table chatter be liable to police supervision. Freedom to trade and to do business will also remain intact. Yes means respect for other cultures and solidarity with foreign peoples. ■



## Federal referendums

September 25, 1994

- Federal decision on abolishing the subsidy on the domestic cereal price out of customs duties.
- Modification of the Swiss Criminal Code and the Military Criminal Code (race discrimination).

December 4, 1994

Subjects not yet decided.

nation has never caused much bother, either in Switzerland or elsewhere. But the government – for the sake of Switzerland's international reputation – decided in 1992 to ratify the convention, although with two reservations. One concerns freedom of expression and association in implementing the measures required to eliminate incitement to racial discrimination. The second relates to the access of foreign workers to the Swiss labour market. It should be noted that for the reasons linked to freedom of expression the United States has also failed to ratify this international convention so far.

### Violent incidents in Switzerland too

The vast majority of Swiss politicians are favourable to the ratification of the convention and to adding provisions against racial discrimination to the criminal code. The government's proposals came at a time when Switzerland too was undergoing a wave of violent attacks against foreigners, particularly asylum seekers. These events showed up the fact that the present criminal provisions are insufficient to deal with the problem of racial hatred and discrimination.

Some people nevertheless believe that the new ones go too far and could be interpreted by judges in such a way as to sanction acts and decisions which in fact have nothing to do with racial hatred or discrimination. To these fears on the part of opponents of the project (see comments by National Councillor Geneviève Aubry), those in favour reply that neither Swiss traditions nor the principle of free trade need be subjects of anxiety (see comments by National Councillor Rosmarie Dormann). ■

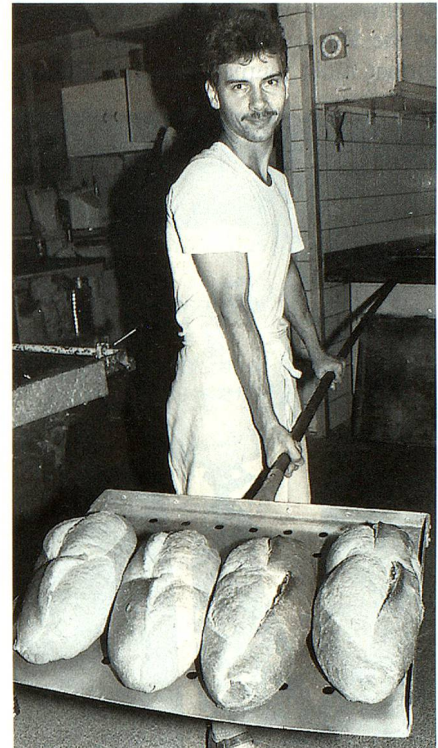
## Bread more expensive?

On September 25, 1994, Swiss voters will also have to say whether they are prepared to pay 5 centimes more per kilo of bread. This is what would in fact result from a measure proposed by the government and parliament to improve the federal finances by abolishing the subsidy on domestic cereals. This costs the federal government 25 million francs.

The reason why a decision of such minor importance has to be approved by a double majority of people and cantons is because promotion of cereal cultivation in Switzerland is mentioned in the federal constitution, and any constitutional amendment requires the assent of this double majority.

The abolition of the subsidy on domestic cereals is one of 19 measures included in the second federal austerity package dating from 1993. All these measures taken together would reduce federal expenditure by Sfr. 1.5 billion. It should be noted, however, that some of the measures planned by the government were later withdrawn from the austerity package – e.g. the abolition of the optional pension scheme for the Swiss Abroad. In addition, the economic measures in question will be supported by an increase in revenue stemming from voter approval of the 6.5% value-added tax in the referendum held at the end of last year.

The federal government uses part of the customs duties levied on imported bread cereals – Sfr. 25 million – to subsidise the production of domestic



Abolishing the subsidy on domestic cereals would make a kilo of bread five centimes dearer.

bread cereals. The 1993 economic package includes abolition of the subsidy but without reducing the customs duty on imported cereals. This will result in Sfr. 25 million more for the federal coffers and a likely rise of 5 centimes in the consumer price of a kilo of bread.

PAT ■

## Information on cassettes

Swiss Radio International is making available free of charge to Swiss Abroad audio cassettes describing the referendum subjects and explaining what is at stake. If you fill in the order form below and send it to *Swiss Radio International, Referendum Cassettes, CH-3000 Berne 15*, you will receive a cassette containing information on voting issues shortly before each referendum.

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