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Federal referendum of September 25, 1994

A double Yes: "Political class" relieved

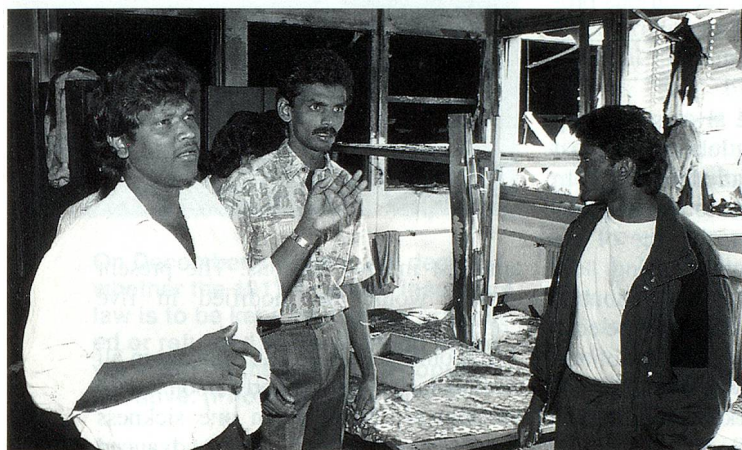
Green light for ratifying the UN Convention against Racism. On September 25, Swiss voters agreed to the prohibition of racial discrimination. 54.7% said Yes, and 45.3% said No. Even the greatest optimists amongst those in favour had not expected such a difference. At 45%, voter participation was in the middle range. In Geneva, Basle City, Grisons and Jura, the Yes vote was over 60%, while in Berne, Zurich and

Vaud it was only just below. At the other end of the scale were Schwyz, Appenzell Inner Rhodes, Valais and Thurgau with less than 45% of Yes votes. Some commentators have remarked that the No from Valais may prove harmful to its bid for the Winter Olympics in 2002.

The abolition of price subsidies on bread cereals was accepted by almost two-thirds of voters (64.8%) and all cantons. This measure is part of the

austerity package to reduce the federal budget deficit and should bring in an extra Sfr. 25 million. For consumers it could have the effect of raising the price of bread by five centimes per kilo. Only the consumer organisations, the Party of Labour, the National Association of Independents and the Swiss Democrats had campaigned for a No vote.

PAT



The increasing number of attacks on asylum seekers – seen here in Thun – contributed to the Yes to the new criminal procedure against racism. (Photo: Keystone)

Referendum result

Federal decision on abolishing the subsidy on the domestic cereal price out of custom duties

YES 1,295,237 (64.8%) – all cantons
NO 706,215 (35.2%)

Modification of the Swiss Criminal Code and the Military Criminal Code (race discrimination)

YES 1,132,326 (54.7%)
NO 939,738 (45.3%)

Voter participation: 45%

Commentary

What matters is that on September 25 Switzerland gave the impression of being a country like any other. It will now join the 132 nations throughout the world which are committed to banning racial discrimination and hatred. It could not have done this if voters had said No to the insertion into the criminal code of a prohibition on racial discrimination. Fears on the part of most observers of the Swiss political scene proved unfounded. The government, the "political class" and those who now form the majority heaved a sigh of relief. Success at last on a matter affecting Switzerland's image abroad. Balm on the wounds left by the No last June 12 (blue helmets, easier naturalisation for young foreigners and encouragement of culture) and the Yes on February 20 to the initiative for the protection of the Alps. The majority in parliament has finally

caught up again with the majority of the people!

It is nevertheless true that Swiss voters said Yes to the penal provision against racial discrimination only by the skin of their teeth: 11 Yes votes to 9 No votes. To call this an accidental majority would be an insult to democracy. But how are we to explain this high proportion of No votes against a draft law which did not appear controversial and which was supported by the government with complete unanimity and by all those who have anything to say in Swiss political life? Is it a No marking mistrust of all things foreign? Or a No of defiance addressed to the government and the politicians? Probably we ought to see in it a bit of both.

And this is why, after the feeling of relief has subsided, we must again give careful thought to the causes of the cancer eating away at the country – expressed as lack of confidence in the government – and of possible remedies.

Unfortunately, there is every reason to fear that after their success on September 25 the politicians will simply sweep the crisis under the carpet. If this happens, today's sense of comfort will be very short-lived.

Pierre-André Tschanz

Press review

Practically all commentators expressed relief at the result of the September 25 referendum. Here are a few of their remarks.

Neue Zürcher Zeitung

The draft law undoubtedly served as a lightning conductor for many ills – a vague sense of scepticism about the UN, lack of confidence in a fragmented Federal Council and its international integration policy often expressed with

too little conviction, uneasiness about the handling of drug dealers and abuse of the right of asylum.

CORRIERE DEL TICINO

The danger has been averted and in Berne you could hear a tremendous gasp of relief. It is not surprising that the politicians were once more afraid of a result which would have caused embarrassment.

TRIBUNE DE GENÈVE

Judging from the atmosphere of the last few weeks, we have the feeling that just before the referendum something clicked and that many of those hesitating – obeying the dictate of the heart – switched to the Yes camp at the last minute.

Tages-Anzeiger

It is not the alleged failure of the Federal Council nor the arrogance of the "political class" that is leading our democracy slowly but surely into crisis. Those much more responsible are the extreme right parties – the League, the Swiss Democrats and the Freedom Party – which but for a hair's breadth voters would have again made the great victors of a referendum.

L'EXPRESS

The new law leaves much room for interpretation. It should be enforced as liberally as possible, so that extreme – and therefore damaging – self-censorship can be avoided.

PAT

Correction

In the review of the referendum of September 25, 1994, National Councillor Geneviève Aubry wrote against the anti-racism law. Her remarks included the following sentence: «In Switzerland, the manager of a shop who dismissed coloured employees for stealing has been condemned». This statement turns out to be incorrect on two grounds. First, it was not the manager but the company itself which was condemned for unjustified dismissal (see Federal Supreme Court Judgement of November 11, 1993) and, second, the employees in question had not stolen anything. Mrs. Aubry regrets these errors.

Referendum of December 4, 1994

Sickness insurance and compulsory measures

The referendum of December 4, 1994, is on three subjects. Two of them concern sickness insurance, while the third deals with the introduction of compulsory measures in the legislation on foreign nationals.

The origins of the present sickness insurance legislation go back to 1911. It has been largely out of touch with modern requirements for many years. While no one disputes that a revision is necessary, the various pro-

Pierre-André Tschanz

jects put forward have always come up against special interest lobbies. The last attempt at revision failed in 1987. In spite of renewed efforts to reach agreement made since then, the fate of the present proposal for revising the sickness insurance law is still in doubt.

Next December 4, voters will be confronted with both the revision of the sickness insurance law and with an initiative «for sound sickness insurance» put forward by the Social Democrats and the trade unions. There will be four possible ways of voting on the two issues: No/No, No/Yes, Yes/No and Yes/Yes. The double No will be for those who think there should be no change, while those who feel that the system should be reformed should vote Yes to the revision of the law and either Yes or No to the popular initiative.

Five main innovations

The revision as proposed has three aims: to stop the present gaps in basic insurance benefits, to curb cost increases and to re-establish solidarity

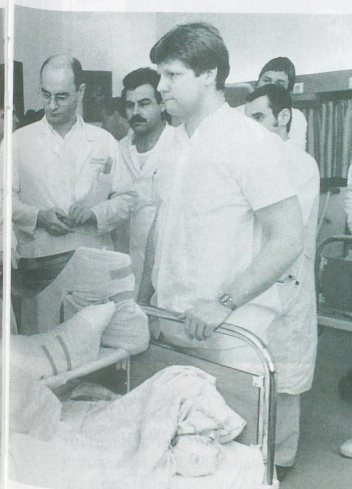
Improvements for Swiss Abroad

These improvements will also benefit the Swiss Abroad. Elderly Swiss citizens returning home will no longer be subject to the age limit at present included in the insurance system. Whatever his age, a Swiss Abroad returning to the country will be able to join the insurance fund of his choice, without reserve and at the same premium as any other insured person living in the same area! Provisions applying to those working abroad for Swiss companies will be regulated by the Executive Ordinance of the Law on Sickness Insurance.



amongst insured persons. The present system would be modified in five crucial areas:

1. It would guarantee free transfer in all circumstances (an insured person would be able to change from one sickness fund to another, even at an advanced age, without this affecting his insurance cover);
2. It would extend benefits (time limits would be abolished, and home care, prophylactic measures and so-called alternative medicine, etc. would be covered);
3. It would introduce the principle of equal premiums for men and women;
4. It would include measures to reduce premiums for individuals and families on low incomes;
5. It would encourage competition amongst insurance companies and health service providers in an attempt to slow the rise in costs.



On December 4, voters will decide whether the 1911 sickness insurance law is to be kept, revised as proposed or returned to the drawing board yet again on the basis of a popular initiative. (Photo: Keystone)

Premiums: up 4.5%

These improvements taken together will result in a single cost hike estimated at about 10%. This will be absorbed in part by an average increase in premiums of 4.5% and by an extension to hospital stays of cost participation by those insured. Premium variations – either upwards or downwards – would be wider than they are at present according to age, family situation and contributions made by the cantonal authorities or the sickness fund itself. They would also continue to vary according to area of residence.

This project for revising the sickness insurance law has led to referendum demands by four different committees. Opponents come from widely differing quarters. Some are in favour of total liberalisation and consider the new law too restricting, while others do not think that enough account is taken of alternative medicine. Some sickness funds feel they will be unfairly treated under the new system, and some cantonal authori-

ties are against subsidies to bring down premiums for persons on low incomes. And so on. In other words, this revision – like those in the past – is beset by the fact that it is impossible to suit all requirements perfectly.

«Sound sickness insurance»

This popular initiative would make insurance against medical and pharmaceutical costs compulsory for the whole population. Also, daily allowance insurance in the event of sickness would be compulsory for all employed persons. This universal cover would be financed by contributions fixed according to the financial circumstances of insured persons and by federal subsidies amounting to at least a quarter of the cost. For those engaged in paid employment, contributions would be fixed in terms of a percentage of gross income, and the employer would have to pay at least half. Children would be exempt from contributions. It is estimated that the rate of contribution would be somewhere between 3.4% and 3.6% in terms of 1992 incomes, while the federal subsidy would come to around Sfr. 3.3 billion.

The government and parliament are advising voters to say Yes to the revision of the sickness insurance law and No to the popular initiative «for sound sickness insurance». If the latter were to be approved by the double majority of all voters and cantons, it would be grafted on to the present sickness insurance system or to the revised system provided this is accepted by voters on December 4.

Compulsory measures

On December 4, voters will also be asked to approve a list of compulsory measures affecting foreign nationals at present in Switzerland without valid residence permits. Organisations defending foreign nationals and the asylum laws, supported by the Party of Labour, who are against the new law, have collected 75,000 signatures in favour of a popular vote on this subject.

The federal law on compulsory measures in the legislation on foreign nationals was framed in the context of a lively political debate on public order

Federal referendums

December 4, 1994

- Federal law on sickness insurance
- Popular initiative "for sound sickness insurance"
- Federal law on compulsory measures in the legislation on foreign nationals

which took place in autumn 1993 in German-speaking Switzerland. Its intention is to deal with foreign nationals who abuse the laws of asylum and residence. It introduces the following new concepts:

- «preparatory detention», of up to three months, while a decision is reached on whether a foreign national not possessing a valid residence permit may remain in Switzerland;
- detention with a view to expulsion for up to three months (as against one month at present) with the possibility of extension for a maximum of nine months;
- house arrest or prohibition on entering a specific area for persons who represent or may represent a threat to security and public order;
- an extension of police powers to search a foreign national or a third party protecting him in order to confiscate travel or identity documents.

This proposed law – sometimes called the «lex Letten» after the famous Zurich drug scene – is considered appropriate by the government and the majority in parliament in order to deal with criminal activities by foreign nationals. But it is violently opposed by aid organisations, the political left and the trade unions, as well as by a substantial number of clergy and eminent lawyers.

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