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**Autor:** Ballanti, Dario  
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Federal referendum of 13 June 1999

# Five proposals up for vote

**The federal referendum scheduled for 13 June covers no fewer than five subjects: a revision of the asylum law and urgent measures relating to asylum issues, the medical prescription of heroin, disability insurance, and maternity insurance.**

**T**wo issues relating to asylum are being placed before the Swiss electorate and parliament: firstly a revision of the new asylum law, and

*Dario Ballanti*

secondly last year's Federal Decree on urgent measures to address the illegal immigration of refugees from Kosovo and Albania.

## Asylum law

Swiss left-wing parties have successfully initiated this referendum on the new asylum law. The revised law which was passed by the National Council by a majority of 114 to 59 and by the Council of States by 36 to 5 votes, provides for tougher measures against illegal immigrants, for example a more rapid deportation procedure for asylum

seekers who have entered Switzerland illegally and without identity papers. This measure was the main reason behind the referendum initiated by left-wing parties and humanitarian organisations. On the other hand the new law extends asylum rights to victims of violence, and to groups of refugees who have been exposed to genuine threats in their home country. Such persons are entitled to temporary asylum as a result of war in their own country, civil unrest or ethnic persecution. The aim of this provision is to extend right of asylum to refugees with no official papers because these were confiscated prior to their escape. Parliament has also incorporated an article governing "female refugee motives" as a consequence of the systematic rape to which countless women fell victim during the civil war in ex-Yugoslavia. By contrast the new law does not cover the grievous and systematic violation of human rights.

## Urgent measures

The urgent measures against abuse of the asylum system which were decreed last year by the Federal Council and approved by parliament (by 118 to 60 in the National Council and 35 to 7 in the Council of States) have lent more muscle to Swiss asylum law since 1 July 1998, particularly in the treatment of illegal immigrants without official papers. The new provisions grant asylum seekers a period of 48 hours within which to prove their identity. Failing this they are deported without official consideration of their application for asylum, unless evidence of persecution exists. Opposition to the urgent measures comes primarily from left-wing parties.

## Medical prescription of heroin

The Federal Decree to be voted on governs the transition phase until the revised narcotics law comes into force in 2004.

The Federal Decree proposes a legal framework for the medical prescription of heroin, following a four-year pilot programme that involved a limited group of chronic addicts. The Federal Decree upgrades the status of the medical prescription of heroin from scientific experiment to legal treatment. Last year both houses of parliament ap-



(PHOTO: KEYSTONE)



proved the urgency of the Federal Decree (by 125 to 56 in the National Council and 31 to 3 in the Council of States), allowing the programme to be expanded to additional patients. From mid-1996, due to the lack of legal status, no new patients could be accepted into the project for heroin treatment. The referendum against the Federal Decree was initiated by the Swiss People's Party (SVP). The Decree defines criteria to be fulfilled before a patient is accepted for heroin therapy: chronic drug dependency for at least two years, minimum age of 18, and at least two previous failed attempts with other drug withdrawal methods.

## Disability insurance

Following a successful referendum initiative, the fourth revision of the disability insurance is being put before Swiss voters. The main bone of contention is the quarter-pension which the revised law aims to discontinue. The leftist referendum initiators talk of an absurd measure that will disadvantage the weakest i.e. the disabled. The Federal Council and parliament, however, have approved discontinuation of the quarter-pension (National Council by 92 to 77, Council of States by 35 to 4 votes), which it is claimed will result in annual savings of around CHF 20 million.

## Federal referendums

13 June 1999

- Asylum law of 26 June 1998

- Federal Decree of 26 June 1998 on urgent measures on issues relating to asylum and foreign nationals

- Federal Decree of 9 October 1998 on the medical prescription of heroin

- Amendment of 26 June 1998 to the Federal Law on disability insurance

- provided the announced referendum is formally accepted: Federal Law of 18 December 1998 on maternity insurance.

28 November 1999

Subjects not yet decided.

In 1997 disability insurance posted a deficit of CHF 700 million. Between 4000 and 6000 persons currently draw this pension, which is paid as loss-of-income compensation for part-time employees with a 40-49% disability level. The quarter-pension ranges from a maximum of CHF 498 to a minimum of CHF 249 per month. Those behind the referendum fear that doing away with the quarter-pension will lead to an increase in costs primarily for communities and cantons and, in the final analysis, for the taxpayer, because persons no longer entitled to this benefit, which is often vital to their subsistence, will turn to the canton or community for social welfare. Others will in turn be forced to claim partial disability in order to be entitled to withdraw the half-pension (498 to 995 per month). The Federal Council, arguing for a discontinuation of the quarter-pension, believes that persons with a less than 50% disability can be supported by supplementary benefits.

## Maternity insurance

The federal law on maternity insurance, which has been mandated by the constitution for 53 years, has finally been approved by parliament (National Council by 116 to 58 and Council of States by 25 to 10 votes).

Now it is the turn of the Swiss electorate to vote on the referendum initiated by the Young SVP, supported by the mother party and representatives of centre-right parties – including several women. Following several months of prolonged debate, both chambers of the house decided in favour of integrating maternity insurance in the Income Replacement Law (IRL), by means of which the costs of around CHF 500 million a year are to be financed. From 2004 this will be additionally funded through an increase of 0.25% in value added tax, subject to another referendum. The benefits for future working mothers provide for compensation amounting to 80% of their income for 14 weeks.

The maximum insured income is CHF 97,200, with a maximum basic compensation of CHF 3980 for all mothers, working or not. The maximum maternity benefit is paid in full up to an annual minimum income of CHF 35,820 and in increments up to an income of CHF 71,640, beyond which payment is no longer applicable.

Federal Referendum of 18 April 1999

# Sceptical Yes to constitutional reforms



Arnold Koller, National Councillor, shows visible relief at the electorate's Yes. (Photo: Keystone)

At the most recent popular referendum held on 18 April, the Swiss people and Swiss cantons voted in favour of the reforms to the Federal Constitution. The margin of endorsement, however, was narrower than anticipated, with 59.2% voting in favour as opposed to 40.8% against. At the cantonal level (see adjacent table) 13 cantons voted Yes. The Noes came primarily from Central and in

particular Eastern Switzerland. Voter turnout was relatively low, at only 35.3%.

The revision of the Federal Constitution involves the first part of a series of reforms involving Swiss institutions. As far as the constitution is concerned, other reform proposals are in the pipeline, particularly in the areas of justice and civil rights.

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## Commentary

Only the historical dimensions of the event will be recorded for posterity. For the first time since 1874 the Swiss electorate has given itself a new constitution. The results of 18 April are proof that a (much-needed) reform of Swiss institutions is feasible. The decision to confine this reform to an updating of the text has proved wise. Yet even though it is objectively much better than the old text, rejection of the new constitutional text by a ratio of more than two to five votes and ten to 23 cantons is a signal that leading politicians would do well to take seriously. The strong vote of no confidence in a reform that had been carefully constructed to appeal to all

parties and pruned down to eliminate the possibility of major opposition, has its origins in the unique character of Swiss politics. It took so long to find a consensus that any debates on ideas were nipped in the bud. Politicians, overconfident in the assumption that the outcome was assured, went on their Easter vacations instead of drumming up support and emphasising the necessity of this reform. Only a handful of opponents on the fringes of the right went into action. And no-one was around to refute their demagogic arguments. If politicians wish to avoid such risks in future, it is essential that they learn from this lesson and put their shoulders to the wheel.

Pierre-André Tschanz

## Press Review

### Schaffhauser Nachrichten

"Nevertheless the success of the opposition's propaganda is a matter of puzzlement, even though it was demonstrably wrong and, moreover, couched in terms that can only be described as tasteless. It would appear that their arguments found favour because they appealed to a deep-seated fear that the special nature of Switzerland and hence its citizens would in some way be compromised."

### Neue Zürcher Zeitung

"Is scepticism towards constitutional reforms a slap in the face for the reformers? Whatever the case, the result points to a need for caution and, above all, a convincing commitment to further essential reforms in the fields of state administration, civil rights, justice and federalism. Implementation of the reforms will call for much more conviction on the part of its advocates. They cannot

afford to sit back again as they did for the referendum."

### le Quotidien Jurassien

"Clarity and precision of the law governing a country and its people are the prerequisites for the exercise of democratic freedom. Switzerland needed this reform in order to go forward more securely into the future."

### CORRIERE DEL TICINO

"The hair's breadth result was genuinely surprising. It was an acknowledged fact that the new text did not inspire much enthusiasm, but no-one realised that it had so many enemies – despite the fact that the opponents mounted a massive offensive in the last few days before the referendum, so much so that Arnold Koller was compelled to urge voters not to let themselves be led astray by demagogic arguments."

## Information on cassettes

Swiss Radio International is making available free of charge to Swiss Abroad audio cassettes describing voting subjects and explaining what is at stake. If you fill in the order form 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.

### Order form:

I would like a voting-issues cassette from Swiss Radio International to be sent to me before every federal poll in:

- ☐ German  
☐ French  
☐ Italian

(Please tick appropriate languages).

Name: \_\_\_\_\_

First Name: \_\_\_\_\_

Address: \_\_\_\_\_

Once you have ordered the cassettes, new ones will be sent to you automatically on a regular basis. You will save us administrative hassle by not ordering them a second time. Please inform us of address changes in good time. If no referendum is to be held on a previously stated date, we shall of course send you no cassettes.

## Results of the federal referendums

Canton	New Federal Constitution		Turnout
	YES%	NO%	in %
ZH	61.7	38.3	40.2
BE	61.9	38.1	31.5
LU	57.2	42.8	52.4
UR	39.9	60.1	35.1
SZ	33.9	66.1	42.8
OW	47.3	52.7	47.8
NW	41.0	59.0	43.2
GL	30.1	69.9	39.8
ZG	54.0	46.0	42.8
FR	72.9	27.1	24.6
SO	52.7	47.3	47.5
BS	76.4	23.6	42.0
BL	66.0	34.0	32.4
SH	42.0	58.0	63.2
AR	45.0	55.0	50.5
AI	34.1	65.9	46.0
SG	48.2	51.8	36.3
GR	51.8	48.2	31.0
AG	49.1	50.9	33.9
TG	40.2	59.8	44.9
TI	72.0	28.0	62.2
VD	75.9	24.1	17.5
VS	49.8	50.2	21.2
NE	70.4	29.6	24.8
GE	85.9	14.1	27.9
JU	76.2	23.8	18.7
Total	59.2	40.8	35.3