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The Swiss Observer

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LETTERS TO THE EDITOR

After reading the November 1979 issue of the SWISS OBSERVER I have deduced that, if all those years ago had I not legalised my union with an Englishman, my children would be illegitimate but would be Swiss citizens. How sad.

Any Swiss wanting to return to Switzerland seem also to be faced with formidable difficulties which I find intimidating. Is this deliberate policy?

I find it increasingly difficult to accept the exclusion of my very able family from any Swiss rights. How can I engender in them any interest in my so-called 'heritage'?

Perhaps you could emphasise the difficulties which women in my situation face, particularly when younger. Perhaps the SWISS OBSERVER could help a little to decrease the alienation.

Mrs. A. S. F.

Dear Mrs. F.,
Thank you for your letter with regard to the question of citizenship of children born by Swiss mothers married to foreigners.

It appears that the rights of a Swiss woman are severely curtailed once she decides to marry a foreigner and to leave the native soil.

I put your particular plea to the legal adviser of the Swiss Embassy in London and would like to pass on his considerations on the subject, hoping that they may help all of us who are in the same boat to understand the reasons for this legislation as it stands at present a little better. I also hope that it might help you in particular to know that you are by no means struggling on in isolation.

The wide interest the citizenship question finds was clearly illustrated by the vast amount of letters the Secretariat of the Swiss Abroad received last year on this subject (around 2500).

The Swiss authorities are quite aware of the somehow paradoxical situation created by the ruling that children born out of wedlock by Swiss mothers (at home or abroad) become Swiss citizens, whereas they acquire only their father's foreign nationality, if born by a married Swiss woman. Formerly, an illegitimate child lost its Swiss nationality when its Swiss mother subsequently married the foreign father — a loss which may seem even harder to bear than the fact of never having acquired Swiss citizenship at all. But as we are now moving towards an era of more equality between the sexes, those instances of discrimination against Swiss mothers (as regards the citizenship of their children), which were not prescribed by the Constitution, have been abolished recently. The only case where this was not possible, because the Constitution clearly rules it out, is when children of a married Swiss mother and a foreign father are born abroad — obviously a situation frequently occurring.

As much as the desire of Swiss mothers (married abroad) to see Swiss citizenship bestowed upon their children can be understood, it must not be forgotten that dual nationality is not in all respects a desirable condition. It has advantages as well as drawbacks, and Governments generally tolerate it at best, intent to treat it as the exception rather than the rule. As

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regards future Swiss legislation, it is by no means certain that the country would adopt an eventual proposal to amend the Constitution to the effect that all Swiss mothers' children automatically become Swiss.

The same considerations apply, by the way, in the purely Swiss context of acquiring Cantonal and Communal citizenship. The Government has just published a whitepaper on a new marriage law based on the principle of equal rights and obligations for both partners; it felt nevertheless unable to confuse the clear-cut present situation of one citizenship per family (the father's) for reasons of equality (which may appear in this case as rather formal). That is how the Government feels about it, but the Swiss voters will have the last word. So, the question remains still wide open.

On this month's front cover:

H.E. Ambassador Claude Caillat on his way to Buckingham Palace to present his Letters of Credence from the Swiss Federation to the Queen.