2nd Round Table with National Human Rights Institutions / 4th European Meeting of National Institutions

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Contribution on Theme 1:
What can be the role of National Human Rights Institutions in the prevention and resolution of conflict and tension?

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Introductory remarks on Switzerland

So far, Switzerland has not created a National Human Rights Institution. The implementation and monitoring of international human rights conventions are dealt with by means of national specialised bodies such as the Federal Commission for Women’s Issues, or the Federal Commission against Racism. The debate on creating a NHRI however has been launched. On October 31\textsuperscript{st} a national conference was held on this topic, where government authorities, NGOs, National Specialised Bodies, and experts gathered.

The opinion that that generally prevails in Swiss society is that in a democratic state like Switzerland human rights violations only very seldom occur. A culture of human rights in the sense of the UN and Council of Europe conventions has still to develop.

Unlike some other countries, Switzerland does not know open conflicts between territorial groups. The federal system as such and, where necessary, positive action in favour of the territorial and language minority groups which is built in to the system, create the necessary coherence of the “nation by will”. Example: The third national language is Italian, but only one canton out of 26 is Italian speaking (8\% of the total Swiss population, Italian immigrants included).

While the protection of the traditional language/territorial minorities is guaranteed by the political system, the concept of the protection of new minorities has not yet developed.

Social tensions and social conflicts do however also prevail in Swiss society. They are due to the fact that the social gap between rich and poor, between old and young, between rural and urban population, between indigenous Swiss and immigrants has widened.

In the political climate of today, social and political exclusion is mainly directed against the population of immigrants, and among these, mainly against asylum-seekers. In fact, 20\% of the total population living in Switzerland are foreigners with a yearly or permanent residence. They do not have political rights. Naturalisation is a very long process, and an application for naturalisation might be overturned by a vote against it at the ballot.

Factors exarcebating tensions between majority and minority populations in Switzerland regarding racism/xenophobia and related intolerance

The following list represents the view of the Federal Commission against Racism. Public opinion in Switzerland which today is largely influenced by a xenophobic and partially racist discourse would certainly put the blame on the behaviour of certain ethnic, cultural or religious groups and probably present quite a different list.

- Xenophobic behaviour in the Swiss population in general, and against specific groups of asylum seekers
- Racism against black people prevailing in society (immigration rate from Africa is higher than before)
- Asylum seekers engaged in drug-trafficking stir up public opinion. Drug trafficking incidents reported by the police and published in the media strongly influence the public against certain (and changing) ethnic groups of asylum seekers.
Anti-Semitism was raised its head during the public debate on dormant accounts of Holocaust victims on Swiss banks; the same happens in heated periods of the Israeli-Palestinian conflict.

Islamophobia exists but has not considerably increased after September 11. Extremist views proclaimed in public by certain Muslim leaders heat up the climate.

Exclusion and non-acceptance of Swiss gypsies and their travelling mode of life: unwillingness of the communes to offer land for temporary or permanent stationing; mixing up of problems arising from the passing-through of groups of foreign travellers with the rights of Swiss citizens who are travellers (around 5000 individuals out of a total gypsy population of around 35’000):

Political and media campaigns heat up the public opinion against certain groups of immigrants. Right wing parties use stereotypes in a manipulating manner.

Until recently, a coherent integration policy did not exist, a factor, which e.g. enhanced tensions in urban neighbourhoods.

Nature of the conflict situations regarding racism in Switzerland

The FCR observes racism as a general attitude present in Swiss society, mainly in a hidden form. The FCR discerns racist discrimination in institutions of the State and in the private sector, most often in a hidden form. The lack of an anti-discrimination legislation for the private sector hampers the protection of victims of racism in the fields of housing or at the workplace.

The general public does not identify incidents and discrimination touching on racism and racist attitudes as conflictive situations - at least not as long as the conflict does not interfere with public security. The view of the majority is represented in public debates, while minority voices are not frequently heard.

When asked what are the conflict situations regarding racism in Switzerland, members of minority groups will mention racist libelling, hidden personal and institutional discrimination.

According to the monitoring the FCR is engaged in, the most acute conflict situations regarding racism can be classified in the following categories:

- Stigmatising of certain groups heats up public opinion. Consequently, physical attacks against homes of asylum seekers or individuals occur more frequently.
- Certain individuals or organisations lead public campaigns against Jews or Muslims. *Example: interdiction of ritual slaughtering remains valid.*
- Violent clashes between mostly young neo-fascist and ultra-left groups.
- Fights between groups of young men, sometimes organised in ethnic gangs, in discos.
- Discrimination or non-equal treatment of individuals by the organs of the Federal State or the Cantons; in the private sector mainly in the field of housing and at the
workplace. Multiple discrimination on the ground of race, gender, social status etc. occurs.

- Police violence against immigrants and other target groups with high visibility (Gypsies, Blacks – nationals and non-nationals). Example: Individuals who complain against routine police controls including body checks frequently contact the FCR.

**The role of the FCR**

The Federal Commission against Racism is tackling one – very frequent – violation of human rights, racism. The FCR is a National Specialised Institution against racism. According to its mandate issued by the government, the FCR specialises in the prevention of racism, xenophobia, anti-Semitism and related intolerance. In its every day work, the Commission is engaged in general prevention, education, awareness-raising, research and conflict prevention. It assists people who feel that they are victims of racism. By reason of the lack of an overall approach to human rights in this country, the FCR performs certain duties of a more general nature, and specifically so in dealing with conflict situations.

Due to the nature of the conflict situations in Switzerland as mentioned above, the FCR adopts to the following conflict resolution policies:

a) General awareness-raising of the public: The FCR raises its voice when confronted with defamations of a certain group in the public opinion. It evokes the human rights obligations to which Switzerland is committed and calls for action against such discrimination. It reveals the nature of prejudice and the possibilities for political manipulation these offer.

b) Awareness-raising and education of target groups such as social workers; police; politicians; cantonal administrations; schools.

c) Political reports, press releases and conferences analysing phenomena of racism, xenophobia, anti-Semitism. Examples: *Report on Anti-Semitism in Switzerland (1998); Report against political demands for installing permanently separated school classes for children of foreign tongue (1999); report on the procedure of naturalisation (2000); Conference on racism against Africans (2002). Press releases in 2002: on Anti-Semitism; on the recognition of the genocide of the Armenians; on the question of ritual slaughtering; on the demand to respect the shariah regarding the Muslim population in European countries.*

d) Assistance to victims of discrimination. The FCR has not been bestowed with a real Ombudsman function. It does not have the right to investigate and cannot appear in court. However, in accordance with its mandate, FCR offers counselling to victims of racism. Because of an overall lack of HR institutions offering counselling to private persons, many of these calls for help arrive at the FCR. The office of the FCR receives ca. one case per day via phone contact. In conflict resolution, the Commission closely cooperates with cantonal authorities, specialised NGOs, the Trade Unions and others. In conflicts where this might seem necessary, the Commission may also directly intervene. The FCR also offers training in conflict resolution to other institutions.