

Swiss referendum on asylum law

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A referendum took place in Switzerland Sunday on proposals to strengthen the law against asylum seekers. The changes to the regulations, which were classified as “urgent” by the government, came into force on September 28, 2012 as a result of a parliamentary decision. A committee made up of Social Democratic youth, Greens and anti-racist groups proposed the referendum and gathered the necessary signatures for a vote to go ahead.

Had the reforms not achieved a majority, the government would have been obliged to withdraw the new provisions. In the event, the vote resulted in 78.4 percent supporting the revisions.

The details of the new law include a strengthening of federal government’s powers to control and expel immigrants. It includes a reduction of the time allowed for appeals by asylum seekers who come from countries deemed to be safe, the elimination of so-called embassy asylum and refusal to serve in the armed forces as a reason to seek asylum.

The Swiss government intends to establish control centres for immigrants in former army barracks for those seeking asylum until a decision over their fate has been reached. In this way they are seeking to prevent asylum seekers from going underground if their application is rejected. At the same time, a streamlined deportation process will be created. For “recalcitrant” immigrants, emergency prisons will be established.

These provisions represent a legal grey area and are a recipe for arbitrary measures to undermine the rights and freedoms of those targeted, who are to be confined to prison without having committed a criminal act or tried before a court of law.

It will also no longer be possible in the future for asylum seekers to apply for asylum at Swiss embassies in other countries. This will lead to refugees who are looking to flee to Switzerland for protection being forced into the hands of people smugglers and high-risk journeys to reach the country. It is inevitable that this will impact those who are weakest and most in need, robbing mothers with

children, old people and the socially disadvantaged of any means to escape their home countries.

The period for appeals for asylum seekers from countries considered secure will be cut from 30 to a maximum of 10 days, which will severely impair their legal protection. The decision to no longer recognise refusal of military service as a reason to seek asylum has already been criticised by the UN High Commission for Refugees (UNHCR) as a breach of the UN’s Refugee Convention.

Swiss law on asylum has previously been strengthened 10 times since being introduced in 1981. Increasingly strict provisions were imposed on refugees. Step by step they were prevented from seeking work, and their freedom of movement consistently limited. “Custody prior to deportation” was lengthened from several days to 24 months. Switzerland was subsequently compelled to shorten the upper limit to 18 months since it breached the Schengen regulations adopted by the EU.

For a long time, there has been no vote on all of the changes that have strengthened the law on asylum. Along with the measures voted on Sunday, the parliament had already decided on further alterations. A much more widespread reform is being prepared, including plans to allow asylum seekers to receive only minimal emergency support rather than social welfare, and compel them to undergo an across-the-board DNA test. If an asylum seeker does not have any papers, then their request will not even be considered.

“Deportations” are already imposed using inhumane methods. Deportees are shackled and tied up like a parcel with a motorcycle helmet on their head. Since many doctors have refused to assist with the restraint and gagging of people in such a way the medical escort for deportations has been passed over to a private company.

Simonetta Sammaruga, the Social Democrat minister of justice, has led the implementation of the strengthened provisions. She has been involved in the government project to have asylum seekers accommodated at “centres” or camps controlled by the federal government.

She argued that the government “needs handier tools to deal with asylum seekers.”

It is no accident that the newspaper *Weltwoche*, which is close to the right-wing Swiss People’s Party, is full of praise for the Social Democratic justice minister. It hailed Sammaruga as a “mild but strong” justice minister, and wrote: “The minister tackles her tasks by getting close to the people and sticking to the problems.”

Several organisations supported the call for a “no” vote. Along with the Social Democratic youth, the Greens and anti-racist groups who proposed the referendum, the Democratic Jurists, the two main churches in the country and the charity Caritas also supported a “no” vote.

Even at a conference of the Social Democratic Party (SP) on March 2, delegates voted by 170 to 2 in favour of a “no” vote. This came after the SP had previously refused to support the referendum, opposing their own justice minister.

In the course of the deportation process there are already regular tragic cases of fatalities. In the Canton of Zurich alone, there were four such cases last year: on November 12 a homosexual asylum seeker from Russia, Oleg N., took his own life while in detention at Kloten airport; on November 19 an Armenian asylum seeker was found dead in a hospital; and on January 4, 2013 a Kurdish asylum seeker hung himself in a police prison in Zurich.

Recently on May 2, Tunisian Moncef S. committed suicide a week before his 26th birthday. Moncef was threatened with immediate deportation after the authorities had rejected his request for asylum. The border police arrested him in the middle of March. In an airport prison Moncef attempted suicide for the first time. He was then taken to a psychiatric ward, from which he fled at the beginning of May. On May 2 he was found dead in the cellar of his former apartment.



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