

AI Index: PRE 01/394/2010
28 November 2010

Swiss deportation referendum success puts human rights at risk

Amnesty International urges the Swiss authorities at all levels not to enforce the deportation of foreigners convicted of certain criminal offences if this will result in human rights violations after voters backed the move in a referendum on Sunday.

If the results of the referendum known as the 'Deportation Initiative' are implemented, the Swiss constitution would be amended to permit the "automatic" and immediate deportation of non-citizens convicted for certain criminal offences to their countries of origin. According to media sources 52.9% per cent of the votes were in favour of the amendment.

Foreign nationals convicted for several criminal offences, including murder, rape, (armed) robbery, trafficking in persons and in drugs, as well as welfare benefit fraud, will be immediately stripped of their residence permit and right to remain in the country.

"If put into practice, the amendment to the constitution risks violating Switzerland's obligations under international law, in particular the obligation not to return anyone to a country where they would be at risk of torture or other forms of persecution," said John Dalhuisen, Europe and Central Asia Deputy Programme Director.

"Switzerland cannot, and must not, allow popular -- and xenophobic -- initiatives to override its obligations under international law. Switzerland should also grant persons subject to deportation the opportunity to appeal any decision."

The amendment required by the referendum removes any possibility of appealing the deportation order, which would be made by a regional migration office. The removal of the right to appeal would also put Switzerland in breach of its international obligations.

The move could put many second and third generation migrants at risk of deportation. Those whose parents were not Swiss citizens at the time of their birth, and retain the nationality of their families' country of origin, could be deported if the amendment is implemented.

The Deportation Initiative took place following a campaign launched by the populist Swiss People's Party that resorted to openly discriminatory and xenophobic publicity materials, including a poster with a slogan "Ivan S. – a rapist and soon Swiss?" and another with a cartoon graphic depicting a black sheep being kicked out of Switzerland by white sheep.