



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

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Switzerland: Referendum on expulsions risks serious human rights violations

The International Commission of Jurists (ICJ) today expressed its concern at the approval by referendum of the popular initiative on the expulsion of foreigners (*Initiative populaire "Pour le renvoi des étrangers criminels (initiative sur le renvoi)"*). The initiative, if implemented according to the terms set out in the referendum proposal, would lead to the automatic expulsion of non-nationals convicted of serious crimes.

The ICJ warned that the approved initiative, which extends to persons convicted of a range of offences from murder to "abuse of social benefits", could lead to the transfer of individuals to face the death penalty or torture in other countries in violation of the constitutional and international prohibition of *non-refoulement*.

"The initiative could have dire consequences for Switzerland's compliance with its international human rights obligations", said Massimo Frigo, Legal Advisor for the ICJ Europe Programme, "There is a real risk that certain persons subject to expulsion could face the death penalty, torture, cruel, inhuman or degrading treatment, denial of fair trial or arbitrary detention. Automatic expulsion, without a determination as to such risk contravenes the European Convention of Human Rights, the International Covenant on Civil and Political Rights, and the Convention against Torture. These treaties are all binding on Switzerland." The UN Committee against Torture expressed similar concerns in its concluding observations on Switzerland last May.

"This new legal regime also entails potential breaches of the expellee's right to respect for family life and to the best interest of his or her children, as their needs will not be balanced with the seriousness of the crime committed when deciding on the expulsion", added Massimo Frigo. "This consequence runs counter to Switzerland's international obligations under the European Convention, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child."

The ICJ welcomes the declaration by the Federal Department of Justice and Police that the Federal Council intends to contribute constructively to producing a solution that is compatible with the constitution and international law.

The ICJ calls on the Federal Assembly to discuss and approve an implementation law that will ensure that any application of the initiative will be in conformity with Switzerland's international human rights obligations. The ICJ also considers that the Federal Council and the Federal Assembly should consider ways to ensure that future popular referendum initiatives are consistent with Switzerland's international obligations.

For more information, please contact Massimo Frigo (0229793805 or massimo.frigo@icj.org)

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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