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## Introduction

CRAN<sup>1</sup> presents this submission, with the support of ISHR, in response to the [call for written submission](#) in preparation of the Working Group of Experts on People of African Descent (WGEPAD) visit to Switzerland in January 2022. It highlights 10 emblematic issues of anti-Black racism, based on the Report 2000-2021 (currently being edited) on Facts and Acts of Racial Discrimination and Anti-Black Racism in Switzerland by CRAN. The report will include a specific section on police violence. In the annex (in EN and FR), CRAN includes further information and examples of cases.

We thank the WGEPAD for the opportunity to make known the extent and depth of anti-Black racism in Switzerland and hope that the information and the visit would contribute to push the political will of the Swiss government.

## Key concerns including the most significant human rights violations that People of African Descent (PAD) in Switzerland experience

- Permanent insecurity in public spaces because of the police presence (PAD feel insecure in public spaces because at any moment they can be stopped/searched)
- Means to effectively combat anti-Black racism
- Precariousness of status (for example there are various types of residency permits depending on the region)
- Precariousness of employment due to precariousness of status.
- Being respected as a human being without prejudice (stigmatisation and dehumanization in public spaces).

## CRAN has identified 10 key emblematic cases of racial discrimination faced by PAD living in Switzerland:

### 1. Compliance & Implementation of International Commitments<sup>2</sup>

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<sup>1</sup> CRAN (Carrefour de Réflexion et d'Action contre le Racisme anti Noir ) Observatoire du Racisme anti Noir en Suisse has been working since 2002.

<sup>2</sup> Covers also information on measures to prevent racial discrimination, protect victims of racism and improve the human rights situation of PAD (law, policies, action plans, special projects, programmes or other initiatives)

A number of recommendations issued by CERD and the SR on racism including on recurrent police brutality against Black people in Switzerland has not been implemented. The commitments in the DDPA and Programme of Action have not been implemented. Switzerland has published a small book to popularise the reading of the action plan but that is obviously not sufficient. A key recommendation to establish a NHRI in line with Paris Principles and in particular its independence from political control has not been implemented [as victims of police violence cannot report the violence to the same perpetrators].<sup>3</sup>

Recently, Geneva has started to organize an important event to mark the International Decade for PAD, which is late but welcome. CRAN has proposed a project to mark the International PAD Day in August 2022.

In addition to the international commitments above, the recommendations of the following reports are yet to be implemented:

- *Noir-e-s* Recommendations d' Amnesty International (sur les contrôles au faciès, et toute pratique discriminatoire, raciste, humiliante, inhumaine et dégradante) dans son rapport Police, Justice et droits humains Pratiques policières et droits humains en Suisse (2007; 3)
- European Commission against Racism and Intolerance recommendations in its Report on Switzerland CRI(2014-39)

## **2. Empowerment of organizations fighting anti-Black racism**

The fight against racism is a long-term struggle and not an ad hoc one. Yet, no Black-led organization has sustainable financial support from the Swiss authorities as the principle applied to Black organizations is to support one-off/ad-hoc projects rather than sustainable financial support. For example, there is institutional and systemic apartheid in Geneva as when the Geneva City Council decided to allocate a small fund to the fight against racism without consulting Black-led civil society organisations, it was after noting that racism is present in Geneva and in particular anti-Black racism. However, when the Geneva City Council decided to support the fight against racism<sup>4</sup>, they allocated these funds to anti-Semitism, anti-Islamophobia but not anti-Black racism. It took two years of advocacy to get them to recognise this racial discrimination and yet still anti-Black racism organisations have to submit projects for funding and share the same pot of funds, whereas associations working on other types of racism do not have to do so and are supported in a sustainable way (i.e. not project-based). CRAN has been working for over 20 years since its creation without financial support from the Geneva Canton. CRAN is not supported by public authorities because CRAN speaks openly about the problem.

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<sup>3</sup> See [CERD 2021 COBs](#) para 9-10.

<sup>4</sup> Important to note that as Geneva is an international capital, they seek to give a good image to the city.

**Suggested question for the Swiss government:** Clarify why the large organisations of PAD are the only ones not sustainably supported in Switzerland?

### **3. Police Violence & killings of Black persons<sup>5</sup>**

There is systematic racial profiling and systematic targeting of PAD with no respect for Black bodies. The most targeted population is young people in the public space, including 11 deaths since 2001. Swiss policemen are trained to target only the thorax when shooting, it is to kill! After killing, they systematically plead "self-defence". Following the killing of a Black man by the police in August 2021, the Minister in charge of the police of the Canton of Vaud announced her resignation effective from April 2022 after the call for her resignation by CRAN and an Afro-descent student association at University of Lausanne (Kiboko).

### **4. Justice & criminal justice<sup>6</sup>**

The argument of "self defense" is systematically and frequently used by the police creating jurisprudence. There is a systematic blaming of the victim when they file a complaint against the police. There is systematic bias of the Prosecutor in favour of the police or the perpetrators of acts of racism. The lack of a precise definition of racial discrimination and anti-Black racism in Swiss legislation aggravates this problem<sup>7</sup>. Several lawsuits against the police are never won with very rare exceptions. CRAN observes that: when a Black person is defended, it is often with a low-end defence, and not the best lawyer. When a Black person hires a lawyer, they immediately refer them to their trainee with no importance given to the victim, and the prejudice of "a Black man is not defendable". Black lawyers are usually in the "back office" meaning they work on preparing the cases but they don't plead in front of a judge because they anticipate the prejudices against them and the difficulty for them to win against a White lawyer. If the victim is filing a complaint against a White Swiss person, it is difficult for them to win because of the prejudice that the Black person's rights come second to those of the White Swiss person (i.e. the prejudices that Black persons are delinquents).

Further, it's impossible for Black organisations to provide permanent legal support because of the lack of financial support, thus impeding them from supporting victims' legal actions. Victims are often defended by White lawyers.

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<sup>5</sup> Covers also Afrophobia, xenophobia, racially motivated acts of violence, hate crimes; and Racial equality and social cohesion

<sup>6</sup> Covers also Racial bias and discrimination in the criminal justice system and law enforcement, including racial profiling and combating terrorism and access to justice, protection of victims of racial discrimination and the legal aid system

<sup>7</sup> See [CERD 2021 COBs](#) para 5 -6.

A **good practice** is the “Centre d’ecoute” against racism in Geneva and Fribourg.

### 5. Overrepresentation of PAD in Swiss prisons<sup>8</sup>

Over-representation of Black people in prison as a result of racial profiling (rather than evidence) and arbitrary deprivation of liberty through administrative detention. Many Black people are languishing in prison, according to information from the Swiss League for Human Rights and the press<sup>9</sup>. Their number is disproportionate to their real overall demographic presence in Switzerland.

**Suggested question for the Swiss government:** to clarify the legal basis and the legal procedures of administrative detention, as imprisonment is the [heaviest penalty provided](#) for in the Swiss Penal Code?

### 6. Education / Training & Awareness<sup>10</sup>

There are tendencies to systematically direct Black students to apprenticeships and less into higher education. Further, while police chiefs at the city/commune level are open to receive training, the initiatives are often blocked because of lack of support at a higher level.

**Good practices:** In small communities there is better social cohesion due to greater proximity. In Geneva, students (up to 17 years old) benefit from the "Culture and Languages of Origin" program where they learn the language of their parents. Every March, there is an awareness-raising week against racism particularly in schools through the cantonal integration programmes. There are trainings by the [UPAF](#) aimed at schools, social institutions, police, administrative staff. However, there is a climate of rivalry in diversity awareness projects (e.g. those run by UPAF and other institutions who benefit from financial support).

### 7. Jobs & Careers<sup>11</sup>

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<sup>8</sup> Covers also Human rights of migrants and refugees, immigration laws, detention/probation centre; citizenship and deportation issues

<sup>9</sup> From next year onwards, CRAN together with the Swiss League for Human Rights, will make visits to prisons to get a direct look at the situation.

<sup>10</sup> Covers also Access to education, health, employment, housing and public services; Education, history curriculum-recognition and remembrance of past atrocities and legacies,teacher training; Racial equality and social cohesion; The situation of youth and children; women and girls; and multiple/intersecting forms of discrimination;

<sup>11</sup> Covers also Access to education, health, employment, housing and public services; Education, history curriculum-recognition and remembrance of past atrocities and legacies,teacher training

CRAN doesn't have statistical data on this issue but based on testimonies of victims who approached CRAN, the fear of losing one's job prevents victims from going through with the procedures even if they still want justice. The power relations at stake often lead to resignation, and seeking a lawyer to denounce the violations is very expensive, leading to victims often suffering great frustration in silence.

## **8. Visibility & Invisibility of Black People in the Public Space<sup>12</sup>**

Negative visibility: There is generally a systemic negative visibility through racial profiling targeting only Black persons in the public space and regarding them as delinquents in the media. For example, RTS's Temps Présents programme, Guerre aux Dealers (14.03.2013) which CRAN denounced and the RTS responded. In addition, there is systematic invisibility of Black people through absence and exclusion of Black persons in State Media. Black people are almost never seen on TV, even to debate issues affecting them.

Positive visibility: The questioning and discussion of racist monuments in public space following George Floyd's murder. For example, the De Pury (Neuchâtel) and Carl Vogt (Geneva) monuments have given rise to redevelopment projects that are currently underway or under discussion, with the collaboration of Black organisations. Similarly, the recognition of the contribution of Black people through the Afro-feminist figure of Tilo Frey, following the appeal of CRAN, has allowed the contribution of Black people to be highlighted. Tilo Frey is a Black feminist activist who now has a street named after her in Neuchâtel [the only street named after a Black personality]. Instead of debunking the statutes of slave owners (De Pury), CRAN is organizing to put statutes of Black personalities next to them to create dialogue, and in this regard CRAN is currently supporting a project with a Senegalese artist. Further, there is a working group on cultural goods working on the restitution of cultural objects stolen or looted from Africa.

## **9. Anti-Black racist speeches & actions**

Racist speeches and political acts not condemned by peers and very little coverage in the media.<sup>13</sup> CRAN has issued a statement on this issue. For example, recent remarks by the President of the Vaud Parliament and no condemnation in general by political peers, and racist political posters of UDC, the largest political party in Switzerland.

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<sup>12</sup> Covers also Representation in the media, racist discourse, stigmatization and negative stereotyping; negative use of political platforms and Cultural Rights;

<sup>13</sup> See [CERD 2021 COBs](#) para 16

## 10. Other cases of racial discrimination and anti-Black racism

Housing: the system of real estate agencies, which is widespread in Switzerland and brings owners into contact with customers to a very limited extent, results in less or not obvious racial discrimination. But if it does happen, the 'regie' will pass on the name of the victim if they complain, and this makes it very difficult for that person to get housing later. Similarly, the little-developed system of suburban ghettoization in Switzerland.

Sport: certainly present, but not as widespread as elsewhere.

### Data collection/analysis and statistics on composition of the population<sup>14</sup>

The population of PAD in Switzerland is heterogeneous. It is mainly composed of students, migrants, asylum seekers, mixed couples, and international civil servants. The number of PAD in Switzerland can be estimated at approximately 250,000. This number is made up of PAD from two main groups:

- Naturalized persons (estimated by CRAN at 46,000) and having started a family with at least two children: 138,000
- Persons residents from the African continent (foreign persons): 113,600 on 31.12.2020 (source: [OFS - STATPOP](#))

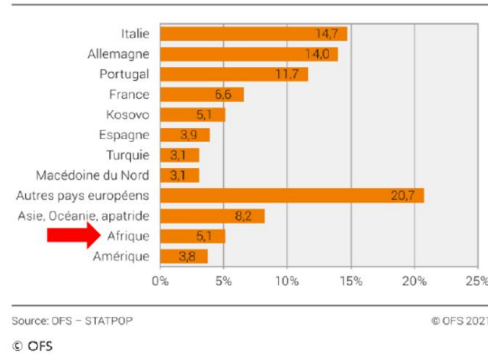
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<sup>14</sup> For more detailed data, refer to Black-led organizations in particular: CRAN & UPAF [ Rapport sur le racisme anti Noir en Suisse 2000 2014 (2015, 284), and sometimes: SLR, CFM, Forum suisse pour l'étude des migrations.

## POPULATION ETRANGERE RESIDANTE EN SUISSE au 31.12.2020

(Source : <https://www.bfs.admin.ch/bfs/fr/home/statistiques/population/migration-integration/nationalite-etrangere.html>)

Population résidente permanente étrangère,  
au 31.12.2020  
Selon la nationalité



Total :	2 210 800
Pays de l'UE/AELE	1 418 400
Allemagne	309 500
France	145 500
Italie	325 300
Autriche	44 300
Portugal	257 700
Espagne	86 200
Autres pays de l'Europe	413 600
Kosovo	113 700
Macédoine du Nord	67 700
Turquie	68 000
Continent Africain (~ 5.1%)	113 600
Amérique	83 600
Asie	17 500
Océanie	4 200
Apatride, nationalité inconnue	2 500

There is no communitarianism in Switzerland. The cohabitation between the different communities is not a problem. Thanks to this, CRAN has been able to develop this activity without being accused of communitarianism. CRAN played a pioneering role in the emergence in 2000 and the development of the specifically anti-Black anti-racist movement in Switzerland. The following major achievements deserve to be mentioned: National Conferences on Anti-Black Racism (2001 and 2015), Creation of CRAN (2002), Organisation of the European Conferences on Anti-Black Racism (2006 and 2016), Report on Anti-Black Racism in Switzerland 2000 - 20014 (284 pages), Report on Anti-Black Police Violence in Switzerland 2000-2021 (in preparation), etc.

PAD have a great difficulty in accessing Swiss nationality<sup>15</sup> through humiliating controls in the “neighbourhood enquiries by informers/neighbours which include intrusive information requests, prejudices and biased information. In Switzerland, political parties are involved in the “neighbourhood enquiries”, thus bringing their political vision to bear on their decision, which can include right-wing political parties. Those conducting the enquiries at the homes of the Afrodescendants applying for Swiss citizenship, can pose humiliating questions such as “why did you leave your country” and search for excuses to justify the refusal of the nationality application (i.e. they can ask “why you don’t have a Swiss flag in your home”, or “do you eat fondue”).

<sup>15</sup> See [CERD 2021 COBs](#) para 25-26.

### **Recommendations for the WGEPAD:**

1. Visit to prisons and administrative detention centres during the WGEPAD's visit to Switzerland, in order to better understand the alleged overrepresentation of PAD in Swiss prisons
2. Visit some of the historical sites that bear the ancient traces of a positive African presence (e.g., the abbey of Saint Maurice the Nubian, in Saint-Maurice, the tomb of one of the last kings of Burundi, the Mwami Mwambutsa, in Geneva, or, on the border with France, the Château de Joux, where the hero of the Haitian Revolution, Toussaint Louverture, was imprisoned before he died there

### **Recommendations for the WGEPAD to raise with Switzerland:**

#### **On policing practices<sup>16</sup>:**

1. End the humiliation and criminalization of PAD by the Swiss police in public spaces
2. End impunity for police killings of PAD. Police guns have killed almost exclusively PAD in the past. The replacement by the proposed tasers will only serve to cripple the victims for life.
3. End to lethal acts of torture involving "plaquage ventral" [which is the tackling by knees and crushing the chest]. These acts have already caused several deaths in Switzerland.
4. Reparations by the police institution for violations suffered by victims.

#### **On implementation of international commitments, in particular implement the:**

1. DDPA and Program of Action
2. CERD recommendations in particular on the recurrent police brutality against Black people in Switzerland
3. SR on racism recommendations on police brutality against Black people in Switzerland
4. Creation of a National Human Rights Institution (NHRI) in Switzerland that complies with the Paris Principles and in particular, its independence from political control
5. Marking of the International Decade of PAD 2015-2024<sup>17</sup>
6. Bringing support to Black-led NGOs Projects dedicated to the Decade of PAD. For example : The Project of CRAN and UPAF, with partner associations, on the **Routes of Black Memory**, consisting of identifying traces of people and other presences of African origin throughout Switzerland and, beyond, in all of Europe, with the aim of building a common shared memory with the Swiss and European people, by 2024.

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<sup>16</sup> See [CERD 2021 COBs](#) para 17-20.

<sup>17</sup> See [CERD 2021 COBs](#) para 31.



**Other recommendations:**

3. Ending Apartheid in Anti-Racism Funding and Commitment to Equity in the Empowerment of Black Anti-Racism Organizations
4. Encourage the adoption of a Charter against racist political speech and actions<sup>18</sup>
5. Encourage all initiatives to increase the visibility of PAD in the public space (e.g. Black Memorial Project on Slavery and Colonialism in International Geneva).

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<sup>18</sup> See [CERD 2021 COBs](#) para 27-28.