



CRAN - CARREFOUR DE REFLEXION ET D'ACTION CONTRE LE RACISME ANTI-NOIR
Observatoire du Racisme anti-Noir en Suisse
Case postale 2230 CH-3001 Berne
cran02@bluewin.ch - www.cran.ch - IBAN: CH86 0900 0000 3051 4517 5



UN Working Group of Experts on People of African Descent
WGEPAD
Visit to Switzerland, January 2022

CRAN Report on Anti-Black Racism in Switzerland

This Report refers mainly to the Recommendations of the UN Committee on the Elimination of Racial Discrimination (CERD), concerning the 10th, 11th and 12th periodic reports submitted by Switzerland, in view of the October 2021 review.

It was also prepared in accordance with article 9 of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination).

*The cases mentioned here are taken from the *Report 2000-2021 on Facts and Acts of Racial Discrimination and Anti-Black Racism in Switzerland, currently being edited by CRAN*

December, 1st 2021

CONTENTS

INTRODUCTION :

- Black population in Switzerland
- Black anti-racist organizations in Switzerland

GOOD PRACTICES

- Raising awareness among the general public :
- Creation in Geneva of a Listening Centre against Racism (C-ECR)
- Awareness program for students on languages and cultures of origin.
- Official anti-racist recognition and honouring of a famous Black woman who had fallen into oblivion

CHALLENGED PRACTICES

- Non-inclusive data collection
- Racial profiling
- Police violence
- Political discourses of trivialization of anti-black racism
- Trivialization of racist representations of Blacks and non-application of art. 261bis of the Criminal Code
- Lack of Empowerment and Discrimination in the granting of means of action against racism
- National Action Plan against Racism
- Non-inclusive dynamics of the Black civil society

CONCLUSION

INTRODUCTION

Black population in Switzerland: An estimate

Despite the absence of statistics on Blacks as such, we can estimate their population in 2021 at more than 300,000 people. This figure was obtained by estimating and extrapolating from available figures:

If we consider only Blacks who are nationals of Sub-Saharan African countries, the majority and the only ones who can be identified in the statistics among other Blacks, we can see that there has been a steady increase since 1960 (appearance of a majority of African states on the international scene), as shown in the table below:

Black African foreign resident population (without North Africa): 91,381

Foreign resident population of the Islands (with a strong Afro-descendant presence): 17,396

Naturalized Black African population without children: 46,000

Naturalized Black African population with at least 2 children: 138,000

Total estimated at this stage of the Black African resident population in Switzerland: 292,777

(Source: Estimate by CRAN, based on STATPOP figures; File je-f-01.05.01.01, Federal Statistical Office, 2021)

However, taking into account other Black populations present on Swiss soil and nationals of the North (United States, Canada) and especially the South (Brazil, Colombia, Venezuela, etc.), the total figure of the Black population in Switzerland should be in this range:

General Total of 300,000 to 350,000 people of African Descent in Switzerland

Black organizations in Switzerland

- Observation: The constitutionally recognized and de facto communitarianism does not pose any problem as in France.
- Pioneering role of CRAN in the emergence (2000) and development of the specifically Black anti-racist movement in Switzerland
- Major achievements: GRAN/FCR participation in the Durban process 2000-2001, Assises sur le Racisme anti-Noir en Suisse (2001 and 2015), creation of CRAN (2002), European Conferences on Anti-Black Racism in Europe (2006 and 2016), Report on Anti-Black Racism in Switzerland 2000-2014 (2015, 284 p.), Report on Anti-Black Police Violence in Switzerland 2000-2021 (in preparation), Creation of the Collective against Racial Profiling in Zurich (20 years ago)

Some Black organizations involved in the fight against racism

- African Diaspora Council of Switzerland, Bern
- Allianz against Racial Profiling, Zurich
- African Students Association of Zurich (ASAZ)
- African Students Association of Zurich (ASAZ)
- Afro-descendants Students Association of the University of Lausanne
- Association A Qui le Tour ? Lausanne
- Bla*Sh Netzwerk Schwarze Frauen

- Carrefour de Réflexion et d'Action Contre le Racisme anti-Noir (2002), Bern
- Collective Afro-Swiss, Geneva
- Collective Kiboko, Lausanne
- Collective Outrage, Lausanne
- Comunità Africana del Ticino, Lugano
- Exit-Racism-Now, Zurich
- Power, Zürich
- Sankofa, Zurich
- UPAF - Université Populaire Africaine (2008), Geneva
- Verein AfroBasel

I - GOOD PRACTICES AGAINST ANTI-BLACK RACISM

Some good practices have been initiated in recent years by Swiss cities and cantons. Some of them have particularly caught our attention.

Raising awareness among the general public:

Since its launch in 2014, several cantons and cities have organized the Week Against Racism every year in March. Roundtables, cultural activities and other events thus help to raise awareness among the population, especially young people. Several of these events take place in schools. The Week Against Racism provides the organizers with some funding and strengthens the links between the different actors of society and the cultural, political and scientific communities.

Creation in Geneva of a listening center against racism (C-ECR)

Created in 2014, under the impetus of the Bureau pour l'intégration des Etrangers (BIE), by the Coordination Ecoute contre le racisme (CECR), this center has been operational since 2015. The Coordination brought together five major anti-racist organizations active in Geneva: CICAD (Coordination contre l'antisémitisme et la diffamation), LICRA (Ligue contre le racisme et l'antisémitisme), LSDH (Ligue suisse des Droits de l'Homme), SOS Racisme and CRAN. The center offers listening, support and advice on a psychological, social, cultural and legal level to victims themselves, to third parties (relatives, witnesses or professionals), as well as to the perpetrators of racist acts (with, in particular, mediation possibilities). A pioneer in Switzerland, the C-ECR collaborates with several structures, in particular the confederal platform for data collection DoSyRa. Other cantons (Vaud, Valais, etc.) are inspired by it to set up such a tool. For CRAN, which cannot benefit from such an infrastructure, the C-ECR makes up for this lack, and thus offers Black victims of racism a more visible and better equipped reference.

Awareness program for students on Languages and Cultures of Origin.

For the past ten years, the BIE has also supported language and culture of origin teaching projects for school-age children (up to 17 years old) from newcomer communities for whom special integration measures are justified. These projects, which root the young people in their culture of origin and in the culture that welcomed them, are likely to lead to an integration that respects African contributions. Like several actions carried out in Switzerland, this one corresponds to a recommendation of the CERD, as formulated in chapter 15 of its Concluding Observations:

"The Committee recommends that Switzerland redouble its efforts to promote and protect the rights of national minorities (...), in particular their right to education and to the preservation of their language and way of life. (...) It also encourages Switzerland to increase public awareness of the history and characteristics of the various national minorities (...)".

Official recognition and honor to a famous Black woman who fell into oblivion

Some actions of the authorities against racism deserve to be particularly underlined. Born in Cameroon in 1923, Tilo Frey arrived in Switzerland, her father's homeland, at the age of five. In 1971, when Switzerland granted political rights to women at the federal level, she was the only woman that the Canton of Neuchâtel sent to the federal parliament. She was the first black person to hold political responsibilities in Switzerland, as early as 1964, and left the political scene in 1975, before passing away

in total anonymity in 2008. In 2018, CRAN and UPAF will be the only organizations in the country to commemorate the ten years of her death and to launch a large-scale action for the rehabilitation of her memory, notably with the authorities of her canton. On June 6, 2019, after a difficult campaign, is inaugurated in Neuchâtel the Espace Tilo Frey, previously renamed after Louis Agassiz (1807-1873), glaciologist and theorist of anti-black racism.

George Floyd Effect: Re-examining the presence of racist monuments in public space

Following the example of other European cities, and as one of the George Floyd Effect and Black Lives Matter, some Swiss cities have undertaken to re-examine and question the presence of monuments and other racist and/or colonial symbols in public space as well as their role in perpetuating anti-black racism and glorifying slaveholders. The world news evoked indeed put forward a new awareness impelled by the live death, in Mondovision, of George Floyd and the planetary influence of the Black Lives Matter movement. Demonstrations were also organized in several cities in Switzerland to denounce anti-black racism. Petitions in Geneva and Neuchâtel in particular questioned the presence of monuments to the memory of businessmen, writers or even politicians who were considered honorable figures until then. Their removal has been considered. Some cities have undertaken a reflection within working groups including associations (e.g. CRAN, UPAF, Collectif Afro-Swiss) or people of African origin.

In the Canton of Neuchâtel, where the statue of David de Pury (a local benefactor who became rich through the triangular trade) was targeted, the city has moved towards maintaining the statue in a recontextualization of the inclusive space of recognition for people of African descent.

In the Canton of Geneva, a multi-sectoral working group undertook to identify problematic monuments and symbols in the public space before engaging in prospective work on solutions and visions that the city could put in place.

In the Canton of Zürich, the authorities are also engaged in the same process.

II - CONTESTED PRACTICES

1. LACK OF EMPOWERMENT AND DISCRIMINATION IN THE GRANTING OF MEANS OF ACTION AGAINST RACISM

CERD Recommendation (in chapter 15 of the Concluding Observations):

The Committee recommends that Switzerland intensify its efforts to promote and protect the rights of national minorities (...), in particular their right to education and to the preservation of their language and way of life. He asks the State party to ensure that apparently neutral laws and policies do not have a discriminatory effect on the rights of members of national minorities. (...)

CRAN Observations and Comments

Anti-Black racism is the only racism in the country that is fought without any substantial means (no reception area, no phone line of its own, no budget, no office, etc.). Almost all of the organizations created by Blacks do not receive regular subsidies. Officially, the State does not finance the structures, in spite of the thousands of associations living each year on public funds. Therefore, it is necessary to propose a project, each time new, to be financed. But in the face of permanent racism, the most frequent in the country, can we fight it exclusively on a project basis, without permanent, sustainable means?

When these means are available and allocated, anti-Black racism is discriminated against, or forgotten.

Emblematic example: The Ostracism against anti-Black racism

Geneva is the canton with the largest Black population. The City Council proposed in 2017 to strengthen the prevention of racism. But it granted its aid (50,000 CHF per association) only for the prevention of anti-Semitism, Islamophobia and general racism. However, all surveys and statistics show that the most frequent racism is directed at black people. Thanks to a subsequent lobbying action by CRAN and its partner, UPAF, a motion by the City Council was voted on October 14, 2019 in favor of the prevention of anti-Black racism, without naming the beneficiaries.

At the federal level, the Service de lutte contre le racisme (SLR) did not hesitate to refuse to finance the project of the European Conference on Anti-Black Racism in Europe, organized by CRAN and UPAF in Geneva in 2016, due to the absence of a "Swiss dimension" other than the invitation of the presidents of the Federal Commissions against Racism (CFR) and for Migration (CFM). After investigation, CRAN reminded the SLR that in 2006 it (SLR) had also refused to finance the 1st edition of this Conference, while in the same year it had financed a "Great European Conference on Racism" organized in Neuchâtel for six days by the (Dutch-based) organization United.

Result: The SLR ended up financing at least the publication of the Conference proceedings¹.

CRAN Proposals

To recommend to Switzerland to reinforce the capacity of action of anti-racist organizations with little or no financial and human resources, and whose work is long term and consistent, like CRAN.

¹ See CRAN, *Racisme anti-Noir. Actes de la 1^{re} Conférence européenne sur le racisme anti-Noir en Europe 17-18 mars 2006*, Préface de Hans Fässler et Contribution de Doudou Diène, éd. CRAN, Berne, 2008, 293 pages

2. NON-INCLUSIVE DATA COLLECTION

CERD Recommendation (set out in Chapter 14 of the Concluding Observations)

The Committee recommends that Switzerland establish an effective system of data collection based on indicators of ethnic diversity collected on the basis of anonymity and self-identification of individuals and groups, with a view to providing an appropriate empirical basis for policy-making and thus improving the equal enjoyment of the rights enshrined in the Convention by all.

CRAN Observations and Comments

Since 2013, the Federal Service for Combating Racism (SLR) has been documenting racism in its entirety. Covering a period beginning in 2012, the SLR's Report on Racial Discrimination generally occurs every two years. To date, five reports² have been published, covering the latest available data as well as measures to combat racism.

However, these reports, which are very general in their overview of the data available, remain very abstract and do not sufficiently reflect the concrete situations experienced by each form of racism, due to their ethnic diversity. The SLR should therefore integrate the monitoring work carried out on its margins by a few specific organizations, such as the GRA (Foundation against Anti-Semitism and Racism, active particularly in German-speaking Switzerland) on anti-Semitism and general racism, or the CRAN on anti-black racism specifically.

When it was created in 2002, CRAN wanted to have a monitoring tool on anti-Black racism. The Observatory of Anti-Black Racism in Switzerland has the task of collecting and disseminating information and various data, in particular through the publication of an annual report on the state of anti-Black racism in Switzerland. While the lack of financial, material resources has led to a scarcity of annual reports, in 2015 CRAN published a Global Report 2000-2014 (2015, 284 pages) on anti-black racism and racial discrimination. Although exceptionally supported by the SLR, this monumental publication is hardly ever cited by the SLR and thus never included in bibliographic references documenting anti-Black racism in Switzerland.

In the meantime, data collection continues at CRAN. It is thus planned to publish in January 2022 a Global Report 2000-2021, with a section specifically devoted to police violence. These data will generally concern: the current state of anti-black racism in Switzerland (source: daily press), statistics, possible investigations, testimonies, communiqués and other declarations of CRAN. Let us point out that the CRAN is the only NGO in Switzerland and even in the rest of Europe, to document so much the specifically anti-Black racism in its national spectrum.

CRAN Proposals

To recommend to Swiss institutions to be more inclusive of the database of organizations highlighting specific data in the hands of organizations like CRAN, with a consequent endowment of resources. However, it is to be deplored here that the work of CRAN in particular is excluded from the data field despite its exclusive specialization.

² Voir *Rapport du SLR 2019-2020 (2021)*, *Rapport du SLR 2018 (2019)*, *Rapport du SLR 2016 (2017)*, *Rapport du SLR 2014 (2015)* et *Rapport du SLR 2012 (2013)*

3. RACIAL PROFILING BY THE POLICE

CERD recommendation (set out in chapter 14 of the concluding observations):

The Committee calls upon Switzerland to take effective measures to ensure that no one is subjected to identity checks or searches or any other police operation on the basis of race or ethnicity, and to take appropriate legal action against any member of the law enforcement agencies found to have violated the law on grounds of racial discrimination. It also recommends that Switzerland establish an independent mechanism in all cantons to receive and investigate complaints of police misconduct and that human rights training be provided to police officers in all cantons (...).

CRAN Observations and Comments

This practice constitutes a specific form of racial discrimination. These abusive police controls targeting exclusively young Blacks in the public space have not disappeared. Not only do these recurrent racial checks humiliate the young Black people who are victims of them in front of their White peers, they also give rise to a profound feeling of injustice. These young people find themselves humiliated, criminalized and stigmatized within their society because of the color of their skin.

These abusive police stops aimed exclusively at Black youth in public space have not changed. In 2019, a study widely commented in the press³ revealed the extent of this quasi-institutionalized discrimination, despite the multiple recommendations of the CERD and the Special Rapporteur.

Emblematic example: The Mohamed Wa Baile Case

This case illustrates the institutionalized racism at all levels of the police and justice system in Switzerland.

Mohamed Wa Baile, a Swiss citizen of Kenyan origin, was stopped at Zurich's main train station in 2015 only because he looked away from the police. Having refused to show his identity papers, he was fined, against which he appealed and pleaded to have the illegality of the check recognized. The Court of First Instance, in 2015, then the Higher Court of the Canton of Zurich, in 2017, as well as the Federal Court, in 2018, had all rejected his appeal, and without ruling on the accusation of racial discrimination denounced by Wa Baile. It was only in November 2020 that the Administrative Court of Zürich ruled in favor of the young black man, judging the police check illegal because it had been carried out "*without concrete suspicion*"⁴. However, this court will not recognize the racial discrimination attached to this control and denounced by Wa Baile. An action in this sense has been introduced to the European Court of Human Rights.

Anti-black racial discrimination in the public space of the police repression against the drug market:

Drug trafficking is unquestionably illegal and therefore punishable. The Swiss law on narcotics (article 19) prosecutes and punishes indiscriminately anyone operating in this field, whether they are dealers, buyers and/or consumers. However, for decades, all the police forces in the country have only pursued black drug dealers operating in the streets of Swiss cities. Highly publicized operations, brutal arrests and racial profiling, people stripped naked in public spaces to be searched up to their anus, slammed to the ground, handcuffed and lined up on the ground like cattle, etc. These actions are often aimed at humiliating and end up by making the public opinion assimilate Black people, especially young people, to this crime. Never are White offenders shown in these media operations. In March 2013, a report by the

³ See *SonntagsBlick*, 2.6.2019

⁴ <https://www.tdg.ch/le-controle-policier-dun-homme-noir-non-suspect-est-illegal-326622796525>

national television station RTS's Temps Présent magazine, "War on Drug Dealers," gave the impression of a "war" directed exclusively against young Blacks, in the streets of Lausanne, based solely on racial profiling.

Not only do these recurrent facial checks humiliate the young Black people who are victims of them in front of their white peers, they also raise a deep feeling of injustice. These young people find themselves humiliated, criminalized and stigmatized within the population, all over Switzerland, because of their visual epidermal difference.

Over representation of Black people in Swiss prisons

By what means? Racial profiling in the public space. Administrative measures making Black people potential and de facto offenders.

Observation : Many Blacks are languishing in prison, according to information from the Swiss League for Human Rights, and information published in the press. Their number is disproportionate to their real global demographic weight in Switzerland.

Arbitrary deprivation of liberty in a state governed by the rule of law under the guise of "administrative detention".

The question of the legitimacy of "administrative detentions", of its legal bases, of its legal procedures must be elucidated. Because the penalty of deprivation of liberty (imprisonment) is the heaviest penalty provided for by the Swiss Penal Code and its objective is to punish serious criminal offences. ([HYPERLINK "https://www.vd.ch/themes/justice/le-pouvoir-judiciaire/les-juridictions-penales/"](https://www.vd.ch/themes/justice/le-pouvoir-judiciaire/les-juridictions-penales/) (The criminal jurisdictions - VD.CH)

CRAN Proposals

- Racial profiling should be, in all cases, expressly prohibited by an urgent law.

The total application of the law and its non-use to legitimize humiliations of Blacks in the public space should be de rigueur, especially in the repression of the drug market where only Blacks are targeted.

Legal obligation to deliver a receipt to the person being controlled.

Great statistical interest, by allowing to highlight :

- the number of times a person is controlled during a day or a week
- the number of Afro-descendants controlled on the Swiss territory per day, per week, during a given period

Facilitate access to justice as stipulated in Paragraph 2 of the Programme of Activities for the International Decade for People of African Descent 2014 (A/RES/69/16), through the creation of a fully independent institution to investigate allegations of brutality and abuse of authority committed by the police.

Regarding the repression of the drug market where only Blacks are targeted, the application of the Narcotics Law should target all offenders, without discrimination aimed at legitimizing humiliations of Blacks in the public space.

4. POLICE VIOLENCE

CERD Recommendation (in chapter 14 of the concluding observations):

The Committee (...) also recommends that Switzerland establish an independent mechanism in all cantons to receive and investigate complaints of police misconduct and ensure that human rights training is provided to police officers in all cantons

CRAN Observations and Comments

Police brutality against young Black people remains frequent throughout Switzerland. Often, these brutalities are accompanied by serious psychological or physical traumas. And sometimes, deaths are deplored.

Police violence with death of men

Between 2000 and 2021, the CRAN Observatory has counted more than a dozen Black bodies irretrievably destroyed, with total impunity⁵:

Some emblematic cases

- August 30, 2021. Nzoy (Swiss and mixed race, 37 years old, living in Zurich) was killed at the Morges train station by a police officer who fired three times, even when the young man was collapsing. According to a witness: *"For me, the third shot was unjustified"*⁶. Mentally disturbed, this young man threatened the police officer and his colleague with a *"small knife"*. The two officers will think to search him but not to give him a heart massage while he was alive and losing a lot of blood on the ground.
- February 28, 2018. Mike Ben Peter (Nigerian, 40 years old and a father) finds his death following extreme police violence. Arrested in the city of Lausanne and suspected of being a drug dealer, based solely on racial profiling, he found himself violently tackled to the ground and immobilized for long minutes, despite long screams and moans of pain.
- October 24, 2017. Lamin Fatty (Gambian, age 23) is stopped by police. Based solely on racial profiling, he is mistaken for another, in the middle of downtown Lausanne. Taken to a police station, he dies there shortly after, under strange circumstances.
- November 6, 2016. In Bex (canton Vaud), 5 well-equipped police officers (bulletproof vests, knife-proof gloves, tactical batons, pepper spray, etc.) come to neutralize Hervé Bondembe Mandundu (DRC, 27 years old, young father), after a quarrel between neighbors in a building. Threatened with a kitchen knife, the most senior officer fired several bullets at him, "to save my life" and, according to the court, in "self-defense.
- March 29, 2010. A 42-year-old Nigerian man was arrested at the border with Germany. Taken to the police station, he died half an hour later. Suspected of being a drug smuggler, he would have been suffocated by cellophane wrappers used to swallow the drugs. But without any trace of drugs in his body.
- March 17, 2010. Joseph Ndukaku Chiakwa (Nigerian asylum seeker, 29 years old, 1.80 m tall and in Switzerland for 5 years) died at Zürich-Kloten airport before being deported to Nigeria. He had been on hunger strike for six weeks and died of suffocation, while the agents in charge of monitoring him tried to restrain him on the ground, handcuffed and shackled at the feet.
- March 16, 2008. A 26-year-old Sierra Leonean man, who had been refused asylum, died in the police station in Yverdon (canton of Vaud) after being arrested for disturbing the peace.

⁵ CRAN, *Actualité du racisme anti-Noir en Suisse, 2000-2014*, Berne, 284 pages. To download on www.cran.ch. See also différents communiqués de presse of CRAN on the same website

⁶ In *20 Minutes*, 31.08.2021

- August 25, 2007. Marianne Souaré (Guinean, 25 years old), was found dead at the foot of her building, in Geneva. Police officers burst into her apartment at 3:00 a.m., without a warrant or search warrant, and claimed that when they arrived she had thrown herself from the fourth floor, without her body showing visible signs of having been crushed to death.
- September 1, 2004. A 17-year-old Nigerian asylum seeker, who had been imprisoned for 7 days following a police raid on an asylum seekers' center in Lugano, was found hanging from the bars of his prison cell in Bellinzona (Ticino) with a sheet.
- On February 12, 2003, Osuigwe Christian Kenechukwu (Nigerian, asylum seeker, 22 years old), who had been left untreated for several days, died in the Thurof asylum seekers' center in Oberbüren (canton St. Gallen), after a "drug overdose".
- May 1, 2001. Samson Chukwu (Nigerian, 27 years old) dies of suffocation in the deportation center of Grenchen (Valais), during a police attempt to forcibly return him to Zurich-Kloten airport. In order to handcuff him behind his back, one of the agents sat on his abdomen.

Granting a Legal License to Kill Blacks: The Omar Mussa Ali Case

All the cases brought against the killer cops all end up in the recognition of "self-defense" guaranteeing total impunity, based on a custom-made ad hoc jurisprudence consolidated trial after trial.

On June 24, 2020, in Zürich, the courts acquitted a police officer who was prosecuted for attempted murder after firing eleven shots at Omar Mussa Ali (Ethiopian, 42), who allegedly threatened him with a kitchen knife during a street check in December 2015⁷. Shooting distance: *"at least half a meter for each of the impacts"*⁸. His colleague who fired only twice was not charged. Nor were three other officers present at the scene. The only account of this case comes from the police and their experts. For the multiply injured victim remains deeply traumatized to this day, unable to make coherent statements. Before the murderous delirium of the police officers, from which he miraculously escaped, he had been diagnosed as a paranoid schizophrenic. During his attacks he could not know where he was, what he was doing or saying. Despite this, because he had shouted "Kill me, kill me" at the police, he was imprisoned, prosecuted for "terrorism", before being released a year later! Thanks to his wife and a lawyer, despite the failure of his actions against the police, Mussa Ali filed an appeal to the Federal Court in 2018. Without more success.

Trivialization of anti-black police violence

The case of Omar Musa Ali is certainly a bit extreme. But several other cases of police violence also end up in deep psychological or physical aftermath.

In October 2016, mistaken for a wanted drug dealer and considered a runaway, a young Cape Verdean jogging in the city of Lausanne will find himself tackled to the ground, five police officers on his back and blows raining down from all sides. He will end up in hospital.

For the same reasons, a young Afro-Colombian will find himself in the same situation, suffering the brutality of 15 mobilized police officers, in Basel, in May 2019.

Promotion for killer cops

Not only are they assured of judicial impunity, the killer cops can continue to operate without any administrative sanctions either, as if nothing had happened. They can continue to enjoy all the benefits of their position. The police officer

⁷ We refer ourselves to the reportage in german published on the website of *Die Republik* (25.06.2020), with the signature of Brigitte Hürlimann. <https://www.republik.ch/2020/06/25/herr-ali-und-die-polizei>,

⁸ In *24 Heures*, 05.04.2019

CRAN Proposals

Establishment of a real independent investigation mechanism on allegations of police violence
In order to support the victims, it is imperative that a National Human Rights Institution (NHRI) be set up according to the Paris Principles.

However, the political will to create an independent NHRI is missing. The current Swiss Centre of Competence for Human Rights (CSDH) does not meet this requirement because it was not created in accordance with the Paris Principles⁹.

Establishment of an independent investigation mechanism for allegations of police violence

Ongoing training for police and judicial officials is important and highly recommended, especially when offered by Afro-descendant specialists.

The African People's University in Switzerland (UPAF, HYPERLINK "http://www.upaf.ch" www.upaf.ch), a partner of CRAN, offers training and awareness modules on interculturality with Africans, by deconstructing stereotypes and reinforcing its capacities for better intercultural communication, guaranteeing respect for the dignity of African minorities in particular, within societies that are increasingly anchored in cultural diversity.

So far, with rare exceptions and despite several contacts, the institutions concerned by these trainings, such as the Savatan Police Academy which trains officers from the cantons of Geneva, Vaud and Valais, have not shown much interest. However, in general, it is the political will (to pay for these trainings) that is missing.

Resignation of a Minister

With 4 deaths to be deplored in the canton of Vaud alone, the police of this canton is the most murderous of blacks in Switzerland, under the sole mandate (since 2013) of the minister responsible, Beatrice Métraux. So much so that CRAN was forced to call for her resignation. Did she want to respond to CRAN's call? Three weeks later, she called the press to announce her departure from political life at the end of her current mandate, in April 2022¹⁰.

5. POLITICAL DISCOURSES THAT TRIVIALIZE ANTI-BLACK RACISM

CERD Recommendation (made in chapter 12d of the concluding observations):

The Committee recommends that Switzerland take immediate measures, in addition to legal proceedings, in the event of racist statements or acts, such as the categorical rejection of hate speech by senior officials and the condemnation of the hateful ideas expressed

CRAN Observations and Comments

Trivialization of anti-black racist political discourse

In the past, there was, for example, the openly racist election poster ("Stop the Africanization of Zurich") of the Swiss Democratic Party, in 2010, or that of the SVP (the country's largest political party and participant in the federal government), in 2007, showing a black sheep being ejected by white sheep from a meadow in the colors of Switzerland, etc. Without any notable political condemnation. Without any notable political condemnation. CRAN observes with indignation the perpetuation of this form of trivialization of racial hatred conveyed by parties or by politicians.

⁹ [Le projet d'une INDH en Suisse \(skmr.ch\)](http://www.indh.ch)

¹⁰ See RTS, *Le Temps*, *Le Matin*, *20 Minutes* du 1.10.2021

Recent example: The Cretegny Case

On September 28, 2021, on the occasion of the retirement of Mr. Vincent Grandjean, Cantonal Chancellor and great admirer of Tintin, the President of the Vaud Parliament, Laurence Cretegny, paid tribute to him and found no better way to end than with a quote straight out of Tintin in the Congo, with even, according to her, the "Congolese accent" of circumstance: *"If you're not wise, you will never be like Tintin"*¹¹! Applause. The only outcry came from the Association of Afro-descendant Students of the University of Lausanne (AEA) and the Young Vaud Greens who denounced a "racism that has no place" within the country's institutions, before demanding the resignation of the parliamentarian. First citizen of the canton, the President of the Parliament will barely accept to apologize *"to have hurt the sensitivity of some people"*¹², refusing to name her fellow citizens, especially of African origin, who were hurt by her humor. She will reject "firmly any accusation of racism", putting forward her past humanitarian actions in favor of Africa, supported by her party (Liberal-Radical Party) and the silence of the rest of the political class. In its Communiqué (18.10.2021), CRAN will ask the question whether such humor, this time anti-Semitic, would have remained without political sanction. No media has relayed it.

CRAN Proposals

Elaboration of an ethical code in politics

Condemn and sanction politicians whose speeches trivialize racism in general and anti-Black racism in particular.

In its Communiqué (18.10.2021), CRAN asked the question whether such humor, this time anti-Semitic, would have remained without political sanction as is the case for the President of the Vaud Parliament. No media reported it. No response came from the politicians.

Elaboration of an ethical code in politics

Continuous training of the police and the judiciary.

Partner of CRAN, the African People's University in Switzerland (UPAF, [HYPERLINK "http://www.upaf.ch" www.upaf.ch](http://www.upaf.ch)) proposes a training and awareness module on interculturality with Africans, by deconstructing stereotypes and reinforcing its capacities for a better intercultural communication guaranteeing the respect of the dignity of African minorities in particular, within societies more and more anchored in cultural diversity.

So far, with rare exceptions, the institutions targeted by these trainings have not shown much interest in participating.

6. TRIVIALIZATION OF RACIST REPRESENTATIONS OF BLACK PEOPLE AND NON-APPLICATION OF ART. 261 BIS CP

CERD recommendation

Implementation of the recommendation made in ch. 6c of the concluding observations:

The Committee recommends that Switzerland include a provision in the Criminal Code to make the commission of an offence with racist motivation or intent an aggravating circumstance punishable by a heavier sentence in accordance with General Recommendation No. 31

¹¹ See compte-rendu in the press : *Bluewin News*, 30.9.2021 ; *20 Minutes*, 30.9.2021; *24 Heures*, 1.10.2021

¹² See Communiqué de l'Etat de Vaud, 30 septembre 2021, in *20 Minutes*, 1.10.2021

Implementation of the recommendation in paragraph 12b of the concluding observations :

The Committee recommends that Switzerland take the necessary measures to ensure that representations of ethnic groups in the media are based on principles of respect and fairness and on the avoidance of stereotypes, and that the media avoid unnecessary references to race, ethnicity, religion and other characteristics of a group that may foster intolerance

Implementation of the recommendation in paragraph 12c of the concluding observations:

The Committee also recommends that judicial personnel, including members of the judiciary, be made aware of international standards to ensure the protection of freedom of opinion and expression and to combat racial hate speech.

CRAN Observations and Comments**Justice and Criminal Law**

Observation: The Swiss anti-racist penal norm (art. 261 bis CP) never works in favor of the condemnation of anti-black racism, except on very rare occasions. A vagueness maintained by the lack of a precise definition of racial discrimination and anti-black racism.

Access to justice is very biased: Due to a lack of means, Black people are often unable to have the best choice among potential legal defenders.

Often available: trainee lawyers, crooked lawyers, etc.

N.B. For the associations, there is the difficulty of setting up a legal office (to advise and plead) for disadvantaged Black people

Dominant racial prejudices in the face of justice:

- Black people = potential offenders
- Black (youth) = drug dealers
- Black people = Dangerous men
- Black people = Liars
- Black people = People who have no rights. Always losers against a Swiss (institutions or individuals).

Survival of the Code Noir

- people = People to be defended by a white man. Black defenders are more preferable in the back office. ATTENTION: On the contrary, Black prejudice of the White defender who is felonious and supportive of his "race".

Justice and Racist Representations

Racist representations of Blacks are multiplying more and more in Switzerland in the public space, on the occasion of carnivals, through political or humanitarian posters, or through commercial products. They often escape the condemnation of the Justice.

In Geneva, after a washing powder sold all over the country and boasting its capacity to make even a brown teddy bear considered dirty white, a cake made by a great Genevan pastry chef showed a negro head with big red lips worthy of the colonial era. In spite of these obvious facts, CRAN's denunciation to the Public Prosecutor's Office for violation of art. 261 bis was quickly dismissed after a short interrogation of the pastry chef, without his cake. On the other hand, the pastry chef's complaint for "threats and coercion" quickly led to a cascade of criminal convictions aimed at CRAN's Secretary General (SG) alone, arbitrarily isolated from the rest of the committee. First, for "threats" in 2018, then for "constraints" in 2019. Due to appeals, a new trial scheduled for February 2020 again convicted the SG. The appeal to the Federal Court in the same year did not change anything.

Last appeal: The European Court of Justice in Strasbourg was seized in 2020.

It should be noted that at no time during the four years of legal proceedings was this case mentioned by

the CFR or the SLR. The President of the CFR personally condemned the denunciation of CRAN. In Zürich, June 2020, a similar case occurred, but it was not brought to court. In the face of the current worldwide anti-racism movement, the food giant Migros decided to remove its confectionery called "Mohrenkopf" ("Moor's Head") from its Zurich shelves. However, the owner of the company producing the confectionery wanted to keep the traditional name with racist overtones.

CRAN Proposals

Continuous training of the police and the judiciary.

CRAN's partner, the African People's University in Switzerland (UPAF, [HYPERLINK "http://www.upaf.ch" www.upaf.ch](http://www.upaf.ch)) offers a training and awareness module on interculturality with Africans, through the deconstruction of stereotypes and capacity building. These trainings allow a better intercultural communication guaranteeing the respect of the dignity of the African minorities in particular, within European societies more and more anchored in the cultural diversity.

7. LACK OF A NATIONAL ACTION PLAN AGAINST RACISM

CERD Recommendation (made in chapter 18 of the concluding observations)

The Committee reminds Switzerland that integration is a two-way process involving both the majority and minority communities and recommends that Switzerland take further measures targeting the majority community to combat racial discrimination. In this regard, it recalls its recommendation that Switzerland adopt a national plan to combat racial discrimination and conduct information campaigns to raise awareness of manifestations and acts of racial discrimination and their consequences for victims. It also encourages Switzerland to ensure that curricula, textbooks and teaching materials address human rights issues by striving to promote mutual respect and tolerance between nations and racial and ethnic groups.

CRAN Observations and Comments

Cantonal Integration Programs (CIP) vs. National Action Plan?

Although Switzerland participated in the Durban World Conference on Racism in 2001 and is a signatory to both the Declaration and the Plan of Action adopted there, twenty years later it has still not been able to put in place a National Action Plan inspired by Durban.

The SLR highlights what seems to have replaced this Plan of Action, namely the component on the fight against racism and discrimination, which is an integral part of the new cantonal integration programs (PIC). Despite their merits, the PICs are part of the dynamics of integration of foreigners. They do not formally include populations such as Jewish communities, new generations of Swiss people from diverse backgrounds (Afro-descendants and other mestizos, etc.), for example.

None of these populations are formally concerned or targeted by the PICs.

Raising awareness of racial discrimination in all areas

Education and Training:

Tendency to systematically direct Black students towards apprenticeships and less towards higher education.

Climate of rivalry within schools between awareness-raising projects emanating from diversity organizations (e.g. UPAF) and those with an institutional anchor.

Employment and Careers:

Several testimonies from victims to CRAN. For fear of reprisals or losing their job, all the steps and actions proposed by CRAN are often refused.

The desire to find justice is often blocked by the fear of losing one's job. The power relations at stake often lead to resignation.

Having a good lawyer to assert one's rights in these circumstances is very expensive.

Victims often suffer in silence from great frustration.

Media:

This is usually systemic negative visibility through racial profiling targeting only Black offenders in the public space.

Example: RTS program *Temps Présents*, “*Guerre aux Dealers*” (14.03.2013)

Very little positive visibility: Absence and Exclusion of Black people in the state media with a public service mandate.

Only exceptions: **Licia Chery** (Haiti) at the French-speaking RTS, since August 2020, and **Angélique Beldner** (Benin) at SFR (German-speaking RTS)

Biased discrimination in the field of housing

Appearances: The system of real estate agencies, which is widespread in Switzerland and puts landlords in very little contact with the clientele, results in less racial discrimination. However, discrimination is still very present in an insidious way and affects mainly low-income tenants or those with illegal status.

The same observation can be made in relation to the little developed system of ghettoization of the suburbs in Switzerland

Racism in Sport

Manifestations are certainly present, notably in soccer stadiums, but not as widespread as elsewhere.

Example: In June 2020, during the match between FC Zürich and FC St. Gallen in the latter city, the Nigerian player Aiyegun Tosin, author of two goals, was the target of very audible racist insults from the stands. In solidarity with the player, the local team filed a criminal complaint against the perpetrators of the insults.¹³

CRAN Proposals

A National Action Plan, based on the Durban Action Plan, is still very relevant and should be implemented. This is a commitment to be honored.

CRAN intends to propose a specific Plan of Action on anti-black racism in Switzerland, on the occasion of its third conference on anti-black racism planned for March 2022.

To generalize awareness campaigns in schools and training structures, highlighting the proven expertise of people or organizations of diverse backgrounds (e.g. UPAF).

8. NON-INCLUSIVE DYNAMICS REGARDING BLACK CIVIL SOCIETY

CERD Recommendation (formulated in chapter 20 of the concluding observations)

The Committee recommends that Switzerland continue and expand its dialogue with civil society organizations working in the field of human rights protection, in particular in the fight against racial discrimination, during the preparation of the next periodic report and the follow-up to the present concluding observations.

¹³ 20 Minuten, 26.06.2020

CRAN Observations and Comments

In the context of the preparation of this report, the SLR may have invited national organizations fighting racial discrimination to take a written position on the CERD recommendations and their implementation. But CRAN has never been invited to these consultations. If we are present, it is at the instigation of our colleagues from the International Service for Human Rights (ISHR).

Yet CRAN is the largest anti-racist organization created and directed by people of African descent. It was the first (since 2000) to thematize and introduce the concept of anti-black racism in its specificity in the Swiss field. CRAN is also the only observatory of this special racism in Switzerland. See our reports, communiqués, etc.

CRAN Proposals

Remind the SLR to be more inclusive and pro-active, without discrimination or favoritism, towards all Swiss civil society organizations fighting against racism and racial discrimination, including CRAN.

CONCLUSION

It has been more than 20 years since the following recommendations and warnings have changed nothing in depth regarding discrimination and anti-black racism in Switzerland:

- 2001: Recommendations from the UN Conference in Durban: Programme and Plan of Action
- 2004, etc. ECRI Recommendations
- 2006 : CRAN Proceedings of the 1st European Conference on Anti-Black Racism, Geneva, 17-18 March 2006
- 2006: UN Special Rapporteur on contemporary forms of racism
- 2007 : Amnesty International in its report Police, Justice and Human Rights - Police practices and human rights in Switzerland, concerns and recommendations of Amnesty International
- 2002 to 2021 : CRAN multiple press releases to alert the Federal Authorities on Humiliations and Degrading Treatments inflicted on Black people by the institutional police in public spaces
- 2016 : CRAN Report on anti-black racism in Switzerland from 2000 to 2014 pp 284
- 2004, 2014, 2021 : CERD Recommendations

CRAN expects strong gestures from Switzerland to protect victims of anti-Black racism in particular and to improve the human rights situation of people of African descent (law, policies, action plans, special measures, programs or other initiatives).

CRAN has also the following specific expectations from the WGEPAD:

Concerning the Implementation of the International Commitments made by Switzerland:

To obtain from Switzerland **the respect of its international commitments**. In particular:

- Durban Programme and Action Plan of the UN Conference (South Africa, 2001)
- CERD recommendations on the elimination of all forms of racial discrimination. Recurrent police brutality against Black people in Switzerland
- Recommendations of the UN Special Rapporteurs on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on police brutality against Black people.

- The creation of a National Human Rights Institution (NHRI) in Switzerland that is in conformity with the Paris Principles. In particular, its independence from political control.
- Bringing support to Black NGOs Projects dedicated to the Decade of People of African Descent. 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.

Regarding Police Practices

- An end to the humiliation and criminalization of people of African descent by the Swiss police in shared public spaces.
- An end to impunity for police murderers of people of African descent. Police guns have so far killed almost exclusively people of African descent. The proposed replacement with Tasers will only serve to cripple the victims for life.
- An end to the lethal acts of torture related to the belly-to-floor tackle followed by knees crushing the thorax. These acts have already caused several deaths in Switzerland.
- Reparation by the police institution for the damages suffered by the victims

Concerning the other Swiss implications in the fight against racism, obtain from Switzerland :

- Clarify why the organizations of people of African descent are the only ones not supported.
- End Apartheid in the funding of the fight against racism and commit to more equity in the Empowerment of Black anti-racist organizations
- Encourage the adoption of a Charter against racist political speeches and acts
- Encourage any initiative for more visibility of People of African descent in the public space (e.g. Black Memorial Project on Slavery and Colonialism in International Geneva).
- Visit of prisons and administrative detention centers by the WGEPAD, in order to better understand the presumed overrepresentation of people of African descent in Swiss prisons.
- 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.

In conclusion, the data on anti-Black racism in Switzerland presented in this Report remains of great importance. They shed a harsh and enlightening light on the constancy and the prevalence of this scourge within Swiss society and especially within Swiss institutions. But this is only the tip of a large iceberg. This is why these data call for more action. With or without means. CRAN will continue to carry out not only this monitoring work, but also that of advocacy, assistance and sensitization, with its various partners, including the UPAF. It is to be hoped that this report will find a large echo among concerned persons and institutions, both on the Swiss scene and in international institutions, in particular with the Working Group on People of African Descent (WGEPAD).

For CRAN,

André LOEMBE, Vice-President (0041 79 345 08 52), and
MUTOMBO Kanyana, Secretary General (079 754 54 85)

(Bern, 1.12.2021)