

National Specialised Institutions Should Be Independent

Thank you for the occasion to speak on behalf of a national specialised institution against racism.

The Swiss Federal Commission against Racism (FCR) gives great value to the documents that hopefully this Conference will deliver. Rightly, the programme of action stipulates that, in each country, a national Human Rights or specialised Institution against racism should be created. The FCR endorses the points established in the programme of action, namely the independence to be given to such body; the right to appear before court; the allocation of funds to it.

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Let me share with you some of the experience our commission has gained in the six years of its existence. The FCR is one of the few institutions which concentrate their activities specifically on racism. This does not mean, however, that we are not closely linked to bodies watching other Human Rights issues such as the protection of the child and discrimination against women.

Which form should a national specialised institution be given? I would consider the institution's independence to be the most crucial point. Governments might be tempted to use the specialised institution as a show-piece for a successful human rights policy. At the same time, authorities often are shying away from implementing anti-racist measures. Such an alibi function of the specialised body has to be clearly refused. The national specialised institution must be allowed to tackle any field or topic or case it wishes. It

must have the freedom to raise its voice – even against government decisions and policies, and even against politicians some of whom are quick to denounce the Institution's independent ways. Independence calls for financing which enables the institutions to take independent action. In Switzerland, the Federal Commission against Racism (FCR) is on the safe side by being financed by the government. In other countries, Parliament might be the more faithful partner. The funds at our disposal, however, do not suffice to launching public campaigns or in-depth education programmes against racism. The FCR thus has to look out for partners in civil society: employers, associations and the like. Such joint venture also means joint efforts against racism, and therefore is a good thing.

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Let me turn to the assistance offered to the victims of racism. A Commission's asset naturally lies in the diversity its members represent and in the multiplicatory role it can play in society. In comparison to an Ombudsman, however, a Commission's position is less anchored in the judicial system. In Switzerland, the FCR mainly can offer its professional experience and its good services when people seek the Commission's advice or mediation. Our aim is, with the assistance of the government and the NGOs, to create a dense network for victims of racism and discrimination in order to offer counselling and mediation to everybody in need of it.

Another important point is reporting and monitoring. The Federal Commission against racism has noticed that its reports on hot

topics in migration policy, on the dangers of a segregated society, on anti-Semitism, on the situation of Muslims in our country, or on the Swiss Sinti and Travellers are well heard and widely commented by the media. But often, they are reluctantly received by the government, and frequently contested by the right wing parties. This echo shows the need for such reports. By denouncing racist tendencies in society the commission fulfils its most important duty, namely to be a warning voice, at the vanguard to promote Human rights and the fight against Racism.

In this role, the FCR will see to it that the government will take in hand the implementation of the programme of action on national level. In March, the FCR has organised a national conference in order to promote the results of the Strasbourg conference and to spread the knowledge about what would be

happening in Durban. We believe that the programme of action is packed with powerful guidelines for the future and we will be there and do our job to realise them. ■

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Zusammenfassung

Unabhängigkeit ist das erste Gebot für eine nationale Institution, die den Menschenrechten oder dem Kampf gegen Rassismus verpflichtet ist. So lautete die Kernaussage der Rede der Vizepräsidentin der Eidgenössischen Kommission gegen Rassismus (EKR), Cécile Bühlmann, an der UNO-Weltkonferenz gegen Rassismus (WCAR) in Durban. Es bestehe die Gefahr, dass eine Regierung versuche, eine nationale Institution als Feigenblatt für ihre angeblich untadelige Menschenrechtspolitik zu missbrauchen. Eine solche Alibifunktion dürfe nicht hingenommen werden. Vielmehr müsse sich eine Institution das Recht herausnehmen dürfen, in jedem ihr wichtig scheinenden Bereich aktiv zu werden. Sie müsse ihre Stimme erheben, nötigenfalls sogar gegen die Regierung oder einzelne Politiker. Eine Unabhängigkeit der Institution bedinge allerdings das Vorhandensein finanzieller Mittel. In der Schweiz werde die EKR von der Regierung finanziert, doch das Geld reiche beispielsweise nicht, um breit angelegte Kampagnen zu lancieren. Die EKR könne jedoch ihre guten Dienste anbieten, informierend oder vermittelnd eingreifen und sich für die Opfer von Rassismus und Fremdenfeindlichkeit einsetzen.

Résumé

L'indépendance est une priorité pour une institution nationale engagée dans la défense des droits de l'Homme ou dans la lutte contre le racisme. C'est ce qu'a souligné Mme Cécile Bühlmann, vice-présidente de la Commission fédérale contre le racisme (CFR), lors de son discours prononcé à la Conférence mondiale contre le racisme à Durban. Il y a toujours un risque, a-t-elle dit, qu'un gouvernement essaie d'utiliser une institution nationale comme «feuille de vigne» pour masquer sa soi-disant irréprochable politique en matière de droits de l'Homme. Utiliser une institution comme alibi n'est pas acceptable. L'institution devrait pouvoir s'arroger le droit d'intervenir dans tous les domaines qui lui paraissent importants. Elle devrait même pouvoir s'exprimer, contre le gouvernement ou contre un politicien en particulier, si nécessaire. Pour être indépendante, une institution doit disposer de moyens financiers. En Suisse, la CFR est financée par le gouvernement. Elle ne dispose cependant pas de suffisamment d'argent pour lancer de grandes campagnes, par exemple. La CFR peut quand même proposer ses bons offices, informer, intervenir comme médiatrice et s'engager en faveur des victimes d'actes xénophobes ou racistes.

Riassunto

L'indipendenza è il primo imperativo per un'istituzione nazionale che si impegna a favore dei diritti umani e nella lotta al razzismo. Questo il nocciolo del discorso della vicepresidente della Commissione federale contro il razzismo (CFR) Cécile Bühlmann in occasione della Conferenza mondiale contro il razzismo svoltasi a Durban. Secondo la signora Bühlmann vi è il rischio che un governo tenti di usare un'istituzione nazionale come foglia di fico per mascherare una politica dei diritti umani non irreprensibile; una funzione d'alibi, questa, che trova inammissibile. A suo avviso, un'istituzione deve potersi prendere il diritto d'intervenire ovunque lo ritenga opportuno e far sentire la propria voce, se necessario rivolgendosi anche contro il governo o singoli politici. Per essere indipendente – ricorda – un'istituzione deve disporre di risorse finanziarie. A questo proposito cita l'esempio della CFR: finanziata dal governo, pur non avendo i mezzi per lanciare grandi campagne, è in grado di offrire buoni servizi, d'intervenire a titolo informativo o come mediatrice e d'impegnarsi a favore delle vittime di atti di razzismo e xenofobia.