

Zeitschrift: Swiss review : the magazine for the Swiss abroad
Herausgeber: Organisation of the Swiss Abroad
Band: 43 (2016)
Heft: 1

Artikel: Uncompromising deportation
Autor: Müller, Jürg
DOI: <https://doi.org/10.5169/seals-907032>

Nutzungsbedingungen

Die ETH-Bibliothek ist die Anbieterin der digitalisierten Zeitschriften. Sie besitzt keine Urheberrechte an den Zeitschriften und ist nicht verantwortlich für deren Inhalte. Die Rechte liegen in der Regel bei den Herausgebern beziehungsweise den externen Rechteinhabern. [Siehe Rechtliche Hinweise.](#)

Conditions d'utilisation

L'ETH Library est le fournisseur des revues numérisées. Elle ne détient aucun droit d'auteur sur les revues et n'est pas responsable de leur contenu. En règle générale, les droits sont détenus par les éditeurs ou les détenteurs de droits externes. [Voir Informations légales.](#)

Terms of use

The ETH Library is the provider of the digitised journals. It does not own any copyrights to the journals and is not responsible for their content. The rights usually lie with the publishers or the external rights holders. [See Legal notice.](#)

Download PDF: 28.04.2025

ETH-Bibliothek Zürich, E-Periodica, <https://www.e-periodica.ch>

direction would be used, even after the renovation of the existing tunnel. Advocates of the project also argue that two tunnels without contraflow would be much safer. The Gotthard road tunnel is today “one of the most dangerous tunnels in Europe”, according to the St. Gallen FDP Council of States member Karin Keller-Suter, a member of the pro-committee.

Susceptible to blackmail by the EU

Opponents contend the proposal offers false promises. They believe there will be an increase in capacity sooner or later and that two lanes will be used in both directions. It will be difficult to stand by this plan as soon as the first traffic jams appear, writes Jon Pult in the “*Neue Zürcher Zeitung*”. The co-chairman of the “No to the 2nd Gotthard tunnel” association also believes: “The structural doubling of the road capacity makes Switzerland susceptible to blackmail by the EU with regard to transit policy.” Switzerland would not be able to withstand the EU and the transport industry for long and would fully open the tunnels. The doubling of capacity could soon turn into twice as many transit HGVs. That would spell the end for the protection of the Alps and the shifting of the transport of goods to rail targeted by the NRLA. The soon to be commissioned Gotthard NRLA base tunnel is nevertheless Switzerland’s single most expensive infrastructure project.

The opposition does not therefore just consist of the left-of-centre groups that called the referendum. There is also a conservative No committee. The cantons of Basel-Stadt and Uri are also opposed to the project, as are some politicians from Ticino, including the mayors of Chiasso and Mendrisio, who fear even more traffic. However, there is also a left-wing committee in favour in Ticino. The battle lines therefore run through political parties to some extent.

Uncompromising deportation

The SVP is seeking to apply its deportation initiative to the letter through an implementing initiative. Opponents warn of far-reaching consequences.

JÜRIG MÜLLER

The Swiss People’s Party (SVP), deeply mistrusting “federal Berne” and suspecting the popular initiative “in favour of the deportation of foreign criminals” adopted in November 2010 would not be implemented to the letter, announced an implementing initiative just six months after the proposal’s approval. The bill will now be put to the vote on 28 February. The implementing law would be immediately enshrined in the constitution and would be directly applicable. This would restrict Parliament’s room for manoeuvre enormously and also infringe on the principle of the separation of powers, in the view of some experts.

The SVP is adopting an uncompromising position. This is despite the fact that Parliament, under pressure from the implementing initiative, has already passed a law that largely accommodates the wishes of those behind it. Criminal law has been significantly tightened in relation to the deportation of foreign criminals. It is practically

identical to the deportation initiative. The only caveat is that Parliament takes account of the principle of proportionality with a hardship clause. This means that a court could refrain from deporting foreign criminals in individual cases if this would result in major personal hardship for the person concerned. The SVP believes that the amendment to the law adopted by Parliament would cement existing “lax deportation practices”, as it indicates on the party’s homepage. The courts would always find a reason to refrain from deportation.

Opponents warn that the adoption of the implementing initiative would also have ramifications for Switzerland’s relationship with the EU because the popular initiative expressly stipulates the precedence of national law over international law. If an EU citizen were deported for a minor offence, for example, the Agreement on the Free Movement of Persons with the EU would be violated. The adoption of the implementing initiative would therefore have implications extending far beyond criminal law. The initiative also departs from a previously generally recognised practice. Popular initiatives have until now hardly ever been implemented to the letter. Parliament has usually endeavoured to pass an implementing law that takes account of both the core requirements of those behind the initiative as well as other framework conditions – very much in line with the Swiss culture of compromise.

Opposed to the “marriage penalty”

“It is unfair that married couples and registered partnerships are disadvantaged compared to cohabiting couples in terms of taxes and social insurance. With equal income and assets, they pay more tax and receive lower old-age and survivors’ insurance pensions,” according to the CVP’s homepage. The party has therefore submitted a popular initiative entitled “Supporting marriage and families – against the marriage penalty”. It will face a vote at referendum on 28 February.

The initiative also states that marriage is a “legally governed relationship of cohabitation between husband and wife”. This definition would be entered in the constitution for the first time

and would exclude other forms of cohabitation from marriage.

In the view of the initiative’s opponents, it is difficult to determine whether married or cohabiting couples are disadvantaged or advantaged overall, taking account of the federal government and cantonal levels, the different stages in life and the whole tax and social insurance system. The Federal Supreme Court actually concluded at the end of 2013 that cohabiting couples were financially disadvantaged overall compared to married couples despite the applicable old-age and survivors’ insurance regulations.

(JM)