

The people have spoken

Swiss voters upheld the legalisation of heroin for long-term addicts in a November referendum, but rejected a proposal that would have decriminalised the use of marijuana. Reporter Tom Armitage presents the details surrounding this, and other prominent referendum package decisions.

By Tom Armitage | This seemingly mixed message on drug use was in fact expected of the sovereign Swiss, who have shown a progressive attitude to supervised drug distribution in the past. Just 37 per cent of Swiss voters voiced support for the cannabis legalisation plan, while a resounding 68 per cent of Swiss backed the heroin programme.

The vote in favour of making current heroin therapy legal may also point the way forward for other European countries seeking a way to support addicts, reduce crime and cut the spread of diseases from sharing infected needles.

The vote, held on November 30, did bring one surprise, however: a motion to suspend the statute of limitations on pornographic crimes against children was accepted, against the government's (Federal Council's) recommendations.

The highly emotional issue had been brought into the spotlight in recent months by widely publicised cases of child abuse both at home and abroad.

Paedophiles in court

Now, paedophiles in Switzerland can, in theory, be tried for their crimes until the day that they die, no matter how far in the past they may have committed the crime. Opponents said the government's counterproposal, that paedophiles could be tried only until the victim turned 33, did not go far enough. The government maintained its proposal was in line with law in other European Union countries.

In the end, 52 per cent of Swiss voted in favour of the initiative. The women's wing of the Swiss People's Party supported the proposal as well.

Christine Bussat, president of *Marche Blanche*, the organisation that launched the initiative to suspend the statute of limitations for child sex abusers, admitted that the proposed wording of the new law was not complete and said it was "unbelievable" that the proposal had been accepted by Swiss voters.

One of the problems that experts have pointed out with the initiative is its wording. It states: "The prosecution of sexual or pornographic infractions against prepubescent children, as well as the penalty for such infractions, [should not be] subject to the statute of limitations."

In particular is the use of the word "prepubescent" as the condition on which a judge must decide whether the crime was child abuse or not. If a case were to come to court 40 years after it actually happened, it would be hard to pinpoint exactly when puberty had occurred in the victim.

"It will not be easy," said Justice Minister Eveline Widmer-Schlumpf, regarding this new condition judges must determine, after the vote.

Two-thirds in favour

Two in three Swiss voters backed the government's decision to enshrine a successful heroin distribution programme into

the Swiss legal system. The decision makes concrete a programme that has been in place, but on a trial basis, for the past decade. A pioneering programme, the distribution scheme was introduced to get heroin addicts off the streets and prevent crimes committed by addicts. It also offers counselling services to drug users.

A wave of open drug consumption in Swiss cities, including Zurich's notorious and fittingly nicknamed "needle park" behind the Swiss National Museum in the heart of the city, had led the government to look for alternatives. The result was a four-pillar strategy involving prevention and therapy, thus minimising the impact of drug consumption on health and decreasing drug-related crime.

Following the vote, campaigners said the referendum backing the government's programme was a small but important step towards a coherent policy on drug addiction.

"The Swiss people have underlined their desire to follow a realistic and factually based approach to drugs that is free from ideology," the law's supporters said in a statement.

The outcome was met with positive echoes in other countries, including the UK, where the Swiss decision was seen as supportive of efforts by British campaigners to get heroin dispensed through the National Health Service. A pilot scheme is currently under way in several British cities, where addicts can get drugs and in-



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46 per cent of Switzerland's voters came out to have their say on these issues.

ject under supervision in a safe, clean environment.

The Swiss government says anchoring these policies in national law may also open the door to the use of other drugs – including cannabis – on a medicinal basis. This would allow patients with diseases such as multiple sclerosis or rheumatoid arthritis to use cannabis to soothe their pain.

Conservatives had raised a referendum to challenge the government's decision to enshrine the practice in law. Instead, they wished to see abstinence-based alternatives put in place.

The United States and the United Nations have been critical of the programme, which they say could fuel drug use.

In an April 1999 report, backed by the UN, the World Health Organization said that Switzerland's claim that its programme had improved the health of addicts must be carefully tested before other countries should copy the programme. The WHO said the approach could only be considered in rich countries, and with rigorous controls.

Shot down

Plans to bring forward early retirement were dashed by a majority of 59 per cent to 41 per cent. If adopted, the initiative would have given workers earning less than approximately SFr 120,000 a year the option to retire early – at age 62 – on a full state pension.

The initiative would also have anchored the standard retirement age of 65 in the constitution, and thus scuppered any attempts from centre-right parties to lift the retirement age to 68 or over.

Currently, women retire at 64, and men at 65. Women can choose to retire at 62 with reduced benefits, while men can choose to retire early at 63 with reduced benefits.

An initiative backed by the Swiss business lobby was another notable failure. Attracting much attention ahead of the vote, acceptance of the proposals would have resulted in the powers of environmental groups being curbed in cases of construction planning decisions.

A significant 66 per cent of voters rejected the ballot, resulting in no change to the current rights of environmental groups.

The initiative stemmed in part from the debacle over Zurich's football stadiums.

In 2003, a SFr 370-million renovation concept for the city's Hardturm stadium, which would have included a shopping centre, was approved by Zurich voters but later blocked by environmental lobbies and local residents. This resulted in city officials scrambling to get the Letzigrund stadium renovated in time for the Euro 2008 football championship.

The initiative's organising committee – led by the Zurich arm of the pro-business Free Democratic Party of Switzer-

land (FDP) – said the result was not a surprise. It blamed Swiss environmental organisations like Pro Natura for employing environmental arguments in their counter campaigns.

The initiative's organisers said the issue was about the economy, not the environment.

"The misuse of the *Verbandsbeschwerderecht* [...] can no longer be tolerated since it costs Switzerland significant numbers of jobs," the committee said in a statement, of the Associations' Right to Appeal.

Pro Natura said the result was a victory for nature.

No takers for tokers

The hemp initiative, calling for legalisation of the consumption and production of cannabis, failed amid increasing concern among parents over the apparently widespread use of cannabis among teenagers.

The initiative proposed decriminalisation of consumption and possession of the drug, and growing cannabis plants would also have been made legal.

In addition, it called on the government to introduce laws to protect youngsters from the drug.

Around 63 per cent of voters rejected the initiative. Campaigners now say that the government must take steps to reduce cannabis consumption among Swiss teenagers, some of Europe's heaviest users of the drug.