

## *Un altro mondo*

By Mohammed Soudani and Lorenzo Buccella

The story told in the film by M. Soudani and L. Buccella is recounted by the rapper who made it into a song. We learn that a young man, a foreigner or with a foreign background, has been apprehended without reason by the police. The same policemen have turned away the friend who had tried to go with him. At the police station, he is told that he is suspected of having committed a number of infractions, although the evidence for these is extremely vague. He is held in custody all night without being able to contact either a lawyer or his relatives and he is released the next morning.

This film presents questions of discrimination and detention.

### **Discrimination**

Discrimination means treating differently people who ought to be treated in the same way. The prohibition against discrimination is the result of the principle of equality affirmed numerous times by the *Universal Declaration of Human Rights*: the preamble, article 1, article 7 (see *Bouly, A Camper Meets the Eternal*). The discrimination can be direct, that is intended; it can also be indirect, that is unintended, where it is a consequence of the application of identical rules to people who are not in the same situation.

In some cases, discrimination is necessary in order to establish equality between people. This is what is called “positive discrimination”. This consists in taking steps for the benefit of people who, on the facts, are the victims of discrimination: parity between men and women in elections, employments reserved for members of discriminated minorities for example.

M. Soudani and L. Buccella’s film addresses the problem of racial discrimination. This is a form of discrimination that results in the destruction of equality between individuals to the detriment of those who are members of a racial group. This type of discrimination is prohibited by all the international documents governing human rights. It is in addition the target of the *International Convention on the Elimination of All Forms of Racial Discrimination*. By racial discrimination, this Convention means any distinction or preference made on the basis of such factors as skin colour, ancestry, national or ethnic origin.

In becoming parties to this Convention, the States must:

- condemn racial discrimination;
- make the diffusion of ideas founded on racial hatred criminally punishable;
- prohibit organisations that incite racial hatred;
- allow recourse to the courts against racist acts;
- take measures in the areas of education and culture to fight against racial discrimination.

Switzerland is a party to the *International Convention on the Elimination of All Forms of Racial Discrimination* and has inscribed the prohibition against discrimination in its constitution:

“Article 8 § 2: Nobody shall suffer discrimination, particularly on grounds of origin, race, sex, age, language, social position, lifestyle, religious, philosophical or political convictions, or because of a corporal or mental disability.” (See the *Swiss Constitution* and *Selma* concerning the question of discrimination at work).

## **Arrest and Detention**

Article 9 of the *Universal Declaration of Human Rights* states that “No one shall be subjected to arbitrary arrest, detention or exile.” The prohibition of arbitrary arrest and detention has been regulated by the *International Covenant on Civil and Political Rights* as well as the *European Convention on Human Rights*. These two treaties stipulate that everyone who is arrested must be informed “at the time of their arrest” (Covenant) or “promptly” (European Convention) of the reasons for their arrest.

The *Swiss Constitution* is even more precise. It states that:

“All persons deprived of their liberty have the right to be informed immediately, and in a language that they understand, of the reasons for their detention, and of their rights. They must have the opportunity to assert their rights. In particular, they have the right to have their close relatives informed.” (Article 31 § 2)

This information must be:

- rapid, that is to say it must take place at the time of arrest except if the authority who proceeds with the arrest does not have this information;
- complete, that is to say it must concern the entirety of the suspicions concerning the person arrested;
- intelligible, that is to say not only in a language that the person understands but also in a language simple and accessible to the person arrested.

In addition, the treaties have provided for a right to compensation in the case of arbitrary arrest.