



Terminology

The Service for Combating Racism (SCRA) is responsible for promoting and coordinating activities at federal, cantonal and communal level to prevent racism, antisemitism and xenophobia. To this end, the SCRA defines the terms necessary for its work, taking into account national and international guidelines and discourse.

Term	Definition
Racism	<p>Racism, narrowly defined, refers to an ideology that classifies and hierarchises people on the basis of their physiognomy and/or their actual or ascribed ethnic, national or religious affiliation.</p> <p>People are not treated as individuals, but as members of pseudo-natural groups ('races') to which are ascribed collective, immutable and inferior moral, cultural or intellectual characteristics.</p> <p>In everyday language, 'racism' is understood as the – not necessarily ideologically based, often unintentional or even unconscious – hierarchisation of people and communities that shapes social structures, institutions and dynamics and leads to or maintains power relations, exclusions and privileges. This racism cannot be traced back to the (malicious) actions of individuals alone; it is transmitted historically, socially and culturally and is anchored in social structures. Racism is therefore a problem of society as a whole and must be addressed as such.</p> <p>Racism takes the form of</p> <ul style="list-style-type: none">– prejudice, stereotypes and violence– institutional and structural as well as direct or indirect discrimination– criminal acts whose motive is racism (hate crimes)– oral and written statements inciting violence, hatred or discrimination (hate speech) <p>In Switzerland, various forms of racist incitement addressed to the public (incitement to hatred or dissemination of racist ideologies) are prohibited under Article 261bis of the Swiss Criminal Code. Direct discrimination on the grounds of the 'race', ethnicity or religion of a person or group of persons is also prohibited.</p> <p>State action to combat racism, however, is not limited to legally prohibited, criminal acts, but requires a more comprehensive effort that includes prevention and awareness-raising, as well as action against structural and institutional racism.</p>



<p>'Race'</p>	<p>'Race' is a social construct used to determine whether people belong to a group or population and/or to justify such determinations. Borrowed from the natural sciences, the term is used in the social sciences to explain socio-economic inequalities and cultural or religious differences as biologically determined; some 'races' are considered 'naturally' inferior – physiologically, genetically, socially, culturally, symbolically and intellectually – and therefore not deserving inclusion, human rights or human dignity.</p> <p>The term 'race' is frowned upon in Europe, especially in German-speaking countries, for historical reasons (National Socialism). In the relevant international treaties, however, discrimination is prohibited on the basis of a person's 'race'; accordingly, this characteristic also remains in the legal provisions of most countries, including Switzerland (Art. 8 of the Federal Constitution and Art. 261bis of the Swiss Criminal Code). In the English-speaking world, especially in the United States, <i>race</i> is understood as a socially constructed category (racialisation) and is not avoided. To date, no alternative terms or formulations (such as ethnicity or origin) encompassing all the characteristics included in the term 'race' and able to guarantee the same level of protection from racial discrimination have become widely recognised.</p> <p>→ Mahon, 2019: Der Begriff «Rasse» im Schweizerischen Recht (The term 'race' in Swiss law).</p>
<p>Racialisation</p>	<p>Borrowed from the use of the term 'race' as a social construct, 'racialisation' refers to the process of categorising, stereotyping, and hierarchising people based on actual or ascribed characteristics.</p> <p>The term 'racialisation' is used to emphasise the historicity and the social construction of 'race', with the goal of shifting the focus from a supposed reality to the act of exclusion.</p>
<p>Racial discrimination</p>	<p>Racial discrimination refers to any act or practice that unjustifiably disadvantages, humiliates, threatens or endangers the life and limb of people on the basis of actual or ascribed physiognomic features, ethnic origin, cultural characteristics and/or religious affiliation.</p> <p>Racial discrimination does not necessarily have to be ideological.</p>
<p>Direct discrimination</p>	<p>Direct discrimination occurs when someone is disadvantaged in comparison to another person's treatment in a comparable situation on grounds that are unlawful.</p> <p>A difference in treatment is discriminatory if it is linked to characteristics that form an essential part of a person's identity and that are difficult or impossible for the person to abandon, thus also affecting their human dignity (a non-exhaustive list of these characteristics is provided in Art. 8 para. 2 of the Federal Constitution). However, if there are qualified grounds for justifying the differentiation, it is a case of unequal treatment, but not discrimination (for the first time in 2000 in Federal Supreme Court decision BGE 126 II 377, para. 6a, p. 392 f.).</p>



Indirect discrimination	Indirect discrimination is defined as policies, practices or legal bases that, despite their apparent neutrality, result in an unlawful unequal treatment of certain persons or groups (cf. Federal Supreme Court decision BGE 129 I 217 of 2003, para. 2.1, p. 224).
Multiple discrimination	Multiple discrimination occurs when a person is discriminated against on the basis of several negatively viewed characteristics at the same time (e.g., on the basis of physiognomic features or religious affiliation <u>and</u> on the basis of gender, sexual identity or orientation, socio-economic status, disability or another characteristic).
Intersectional discrimination	Intersectionality does not concern cumulative effects (multiple discrimination), but rather refers to the overlapping effects of different forms of discrimination. The term intersectionality shows forms of discrimination that cannot be separated from each other and are interdependent. Existing protection from discrimination in Switzerland is formulated in a sectional manner, making it difficult to ensure sufficient protection from such complex, intersectional discrimination.
Institutional discrimination / institutional racism	Institutional discrimination occurs when procedures or regulations of institutions or organisations affect and exclude certain persons and groups in a particularly detrimental way. Institutional discrimination also occurs when the state does not fulfil its duty to protect and provide equally for the welfare of all communities within society. Another form of institutional discrimination results when an institution does not sufficiently protect its employees and its target groups from discrimination (e.g. by means of guidelines and disciplinary measures, continuing education and training, and safeguarded work processes).
Structural discrimination / structural racism	Structural discrimination has historical roots and is deep-seated within the given society. Certain groups are excluded and disadvantaged in a way that is considered 'normal' and is therefore not necessarily noticed or questioned. The opposite of structural discrimination is structural privilege, which occurs when dominant communities and classes are not aware of their privileges and consider it normal to have them. In the US, this is referred to as 'white privilege'. Structural racism can also refer to ways of viewing the world and human beings, ways shaped by tradition, socialisation and upbringing, which largely unconsciously shape values, attitudes and actions. Such implicit bias is deep-seated; it cannot be altered solely by selective, individual measures. Instead, social structures must be constantly questioned, with the aim of bringing possible discriminatory effects to light and combating them.



<p>Racial profiling</p>	<p>Racial profiling occurs when a person is subjected to a check by police, security or customs officers solely on the basis of their physiognomic features, cultural characteristics (language, name) and/or (presumed) ethnic origin or religious affiliation, without any specific grounds for suspicion. Racial profiling is criticised as unprofessional and ineffective and is proscribed by law in many countries.</p> <p>Bans and training courses alone cannot change implicit bias (see above) and institutional practices. It is important to adapt police practices in such a way that incidents can be independently investigated and abuses can be punished.</p>
<p>Attitudes</p>	<p>An attitude is a positive, negative or stereotypical opinion or view that someone has about a thing or issue, or their inner relationship to it. Personal attitudes, when expressed in private, are protected by freedom of expression provisions and are not legally sanctioned. Racist attitudes do not necessarily lead to racist actions and are not necessarily ideologically based. However, they can contribute to a climate in which there is a tendency to tolerate or approve of racist statements and discriminatory acts.</p>
<p>Xenophobia</p>	<p>Xenophobia is a viewpoint based on prejudice and stereotypes. While not directed at specific (racialised) groups of people, it judges everything that is 'foreign' to be negative and disparagingly labels as 'foreign' everything that should be rejected. Xenophobia is often thought to be and justified as natural, immutable behaviour. However, stigmatisation processes are always culturally and socially conditioned and can therefore be altered.</p> <p>The term xenophobia is commonly used in international treaties and documents (often in combination with racism; i.e. 'racism and xenophobia').</p>
<p>Racism against Black people / Anti-Black racism</p>	<p>Racism against Black people (anti-Black racism) refers specifically to the characteristic of skin colour and physiognomic characteristics. The characteristics used to racialise Black people are visible and immutable – the individual is reduced to their physiognomy; other personality traits such as 'ethnic' background, religious affiliation, origin, education level, and socio-economic status are secondary. Anti-Black racism is at the core of the racist ideologies of the 18th and 19th centuries. These ideologies were used to justify colonialism and slavery. The images shaped by colonialism and slavery still strongly influence how Black people are perceived today.</p> <p>Racism against Black people includes, in particular:</p> <ul style="list-style-type: none"> – hate crimes, i.e. racially motivated criminal acts such as attacks on the physical integrity or property of Black people and institutions – hate speech, i.e. verbal and written communications that, for example, promulgate anti-Black, superiority-asserting worldviews often rooted in colonialism or incite violence, hatred or discrimination



	<ul style="list-style-type: none"> – direct, indirect and structural discrimination <p>The terms used as self-designations (for example, Black or people of colour) and who is included (only people of African descent or all people with darker skin tones?) are constantly discussed and redefined. (‘Black’ is capitalised here to clarify that this definition is not using the word as an adjective or to refer to a skin colour, but rather as a social category and self-designation.)</p>
<p>Anti-Muslimism</p>	<p>Anti-Muslimism is a negative outlook or attitude towards people who identify themselves as Muslims or are perceived as such. Anti-Muslimism can also include hostility towards the origins of people from countries influenced strongly by Islam or towards conservative or fundamentalist religious practices. An ‘us versus them’ worldview (ideology) that excludes others forms the foundation for anti-Muslim racism. This worldview is based on age-old caricatures and on negative stereotypes (perceptions of ‘Arabs’ as the enemy, Orientalism and the Crusades). It conjures up the idea of a ‘war of civilisations’. Anti-Muslimism includes, in particular:</p> <ul style="list-style-type: none"> – hate crimes, i.e. racially motivated criminal acts such as attacks on the physical integrity or property of Muslim people and institutions – hate speech, i.e. verbal and written communications that, for example, promulgate anti-Muslim worldviews or incite violence, hatred or discrimination – direct, indirect and structural discrimination <p>The term anti-Muslimism is preferred to that of Islamophobia as the focus of the government measures tackling discrimination is on protecting people and not the religion.</p>
<p>Antisemitism</p>	<p>Antisemitism describes a negative outlook or attitude towards people who identify themselves as Jewish or are perceived as such. Antisemitism is now used as a generic term and partly as a synonym for all forms of hostility towards Jews. It is an unusual phenomenon in the context of racism, as it ascribes an ethnic identity (basic feature of antisemitism) to individuals on the basis of their religious affiliation (basic feature of Judaeophobia/anti-Judaism). Antisemitism is based on an ‘us versus them’ worldview (ideology) that excludes others and reflects conspiracy narratives. This worldview is built on age-old caricatures and negative stereotypes of ‘the Jew’: ‘Jews’ are conceived as a (power-hungry, vindictive, bloodthirsty, amoral) collectivity who conspire to harm and/or dominate humanity and remain both alienated from and dangerous to the societies in which they live.</p>



	<p>Antisemitism also takes the form of hostile convictions, prejudices and stereotypes that manifest themselves – clearly or otherwise – within a culture, society or in the actions of individuals, and which are intended to insult, humiliate or disadvantage Jewish people and institutions or treat them as fundamentally 'other'.</p> <p>Antisemitism encompasses:</p> <ul style="list-style-type: none"> – hate crimes, i.e. racially motivated criminal acts such as attacks on the physical integrity or property of Jewish people and institutions; – hate speech, i.e. verbal and written communications that, for example, promulgate antisemitic worldviews or incite violence, hatred or discrimination; – direct, indirect and structural discrimination; – denying, trivialising and justifying the Holocaust/Shoah (this often goes hand in hand with conspiracy narratives that claim, either explicitly or implicitly, that the Jewish community seeks to capitalise on the genocide, which they are alleged to have invented, and/or to legitimise National Socialism). <p>Antisemitic speech can be disguised by replacing references to Jewish individuals or organisations with terms such as 'Rothschild' or 'financial oligarchy' that peddle age-old anti-Jewish stereotypes and also terms such as 'Zionists' and 'Israel'. In these instances, the context in which the statement was made is crucial in determining whether it is antisemitic.</p> <p>Government measures to combat antisemitism are not focused on protecting the religion as such, but on protecting people. This definition clarifies and expands the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism.</p>
<p>Antigypsyism</p>	<p>Antigypsyism is a term that draws important parallels with antisemitism. It has been in use since the 1980s to describe an attitude shaped by stereotypical views and hostility towards Yenish, Sinti, Roma and other individuals and groups who are stigmatised as 'gypsies'.</p> <p>Antigypsyism is based on an 'us versus them' worldview (ideology) that is characterised by age-old, negative perceptions.</p> <p>Antigypsyism includes, in particular:</p> <ul style="list-style-type: none"> – hate crimes, i.e. racially motivated criminal acts such as attacks on the physical integrity, property or institutions of Yenish, Sinti or Roma or groups of persons perceived as such; – hate speech, i.e. verbal and written communications; – direct, indirect and structural discrimination; – social exclusion and the deprivation of the basic necessities for an independent (and sometimes but not always travelling) way of life. <p>Historically, antigypsyism has taken the form of economic, social or state-sponsored discrimination and various forms of political persecution that go as far as deportation, internment, removal of children, forced sterilisation and state-perpetrated genocide, for example under the Nazi regime.</p> <p>The term is not without controversy as it includes the word 'gypsy', which is itself a designation with racist connotations that others use to refer to these communities. Accordingly, when used in a hostile manner, the term reproduces a caricaturing view of Yenish, Sinti or Roma as enemies.</p>



	(This definition clarifies and expands the International Holocaust Remembrance Alliance (IHRA) working definition of antigypsyism.)
Right-wing extremism	<p>Right-wing extremism is characterised by its refusal to recognise that all human beings are equal, coupled with an ideology of exclusion that may also be accompanied by an increased propensity for violence.</p> <p>Those who espouse right-wing extremism firmly believe in 'racially', ethnically or culturally based inequality and seek to establish ethnic homogeneity. They refuse to accept that fundamental rights and human rights apply universally to all people everywhere. They reject the pluralism of values that characterises liberal democracy and wage war on the 'multiculturalism' of the globalised world.</p> <p>These core convictions are also held by people and organisations calling themselves the 'New Right' or 'identitarians'. Their notion of ethnically and culturally 'pure' regions opposes the universality of human rights and was and is not achievable without violence.</p>
Hate crime	<p>Hate crimes are motivated by hatred or contempt of a person or group of persons or by the intention to exclude them from society.</p> <p>The intention to discriminate may be grounded in racism, misogyny, homophobia or something comparable.</p> <p>In Switzerland, heavier sentences can be handed down for criminal offences motivated by hatred (Federal Supreme Court decision BGE 133 IV 308).</p> <p>The term is discussed in international contexts (e.g. within the OSCE) and is anchored in US criminal law.</p>
Hate speech	<p>Hate speech refers to statements made towards or about a person or group of persons that disparage and denigrate them.</p> <p>Although hate speech is being intensively discussed at national and international level, there is as yet no uniform legal definition of the complex term.</p> <p>Although hate speech is always degrading – and depending on the viewpoint, morally reprehensible – not all hate speech is considered dangerous enough to be unlawful and warrant interference with freedom of expression.</p> <p>In Switzerland, hate speech may nevertheless fall within the purvey of various criminal provisions (such as Art. 173, 174, 177, 180 or 261bis of the Swiss Criminal Code) or be limited by the protection of personality rights under civil law (Art. 28 of the Swiss Civil Code).</p> <p><i>Racist</i> hate speech is prohibited under criminal law – Article 4 of the ICERD – with respect to racialised ethnic groups, religious groups and sexual orientation (Art. 261bis of the Swiss Criminal Code).</p> <p>Hate speech is increasingly spreading on the internet, which often makes prosecution more difficult.</p> <p>→ Stahel, 2020: Status quo und Massnahmen zu rassistischer Hassrede im Internet: Übersicht und Empfehlungen (Current situation and measures to fight racist hate speech online: overview and recommendations).</p>