

## **Happy you have rights day. 175 years of the Federal Constitution**

National Museum Zurich | 17.03-17.07.2023 | 2nd floor, new building

### **Tour of the exhibition**

To mark its 175th anniversary, the exhibition looks at the history of the Swiss Federal Constitution, with a particular focus on fundamental rights. The Constitution grants these rights to everyone living in Switzerland. The main part of the exhibition looks at three time frames: the first addresses the development of the Federal Constitution from 1848 to the constitutional initiative of 1891, showing how Switzerland went from representative democracy to semi-direct men's democracy. The second invites visitors to explore key fundamental rights of the present day through interactive games. The third looks at five selected fundamental rights, which were reformulated after the introduction of women's suffrage in 1971 in view of the constitutional revision of 1999.

### **Introduction**

Visitors to the exhibition are greeted by the bronze sculpture 'Human rights' by Bettina Eichin. Her work showcases key sources of inspiration for the Federal Constitution. After that, visitors are shown an animated film featuring 'Constituzia' – the personification of the Constitution – who takes them back to the time before the creation of the federal state. She recalls her tumultuous origins, explains how Republicanism came to Switzerland, how some cantons initially had liberal constitutions, and how it was only a civil war that cleared the way for the democratic Federal Constitution of 1848.

### **Part 1: The early days 1848–91**

The first part of the exhibition examines the civil liberties, two fundamental rights from before the term existed, and two rights of the new federal state that were set out in the first edition of the Federal Constitution. Historic ballot boxes represent voting rights, which in 1848 were initially only granted to Christian men, while women and Jews were excluded. This section also shows how the federal government created problems, for example by assigning all citizens a home canton. Freedom of the press is a liberal fundamental right that was already enshrined in the Constitution in 1848. This led to a massive increase in the number of press

titles in Switzerland. Improved printing techniques, which were made possible by the knuckle joint press featured in the exhibition, also played a part. Soon all political movements had their own newspapers in many cantons.

The first Federal Constitution initially granted restrictive religious freedom, only putting Christian denominations on an equal footing and only offering them the right to bi-denominational weddings. It was not until the complete revision of 1874 that Switzerland became a secular state. A filigree bridal wreath from the Engadin featured in the exhibition evokes civil marriage, which was introduced at this time, while a page from the sketch book of David Hess depicts a secular primary school.

The new Constitution assigned responsibility for political security to the federal government, which mobilised an army for the first time in 1856 in the conflict with Prussia over the canton of Neuchâtel. However, the trophy awarded to the Thurgau diplomat Johann Konrad Kern that features in the exhibition indicates that this was resolved diplomatically in the end. The Constitution of 1848 also granted the federal government the right to erect its own buildings. A map in the exhibition illustrates where in Switzerland the first Federal Palace, polytechnic, Federal Supreme Court, National Museum and numerous other federal buildings, such as stations, were located in the 19th century.

## **Part 2: Fundamental rights in the present day**

This section of the exhibition invites visitors to explore parts of the Federal Constitution through interactive games. The four games allow people to test their analogue and digital knowledge and attitudes to civil liberties and fundamental rights.

The game 'Get the passport' indirectly teaches people about the rights that come with Swiss citizenship, by letting them take on the role of people who do not have these rights. They are randomly assigned a residency status and have to answer a host of questions that those who want to be naturalised in Switzerland are asked.

The game 'Under surveillance' is all about protection of privacy. To what extent can institutions interfere in our private lives? What powers do the police have without a court order? What data are health insurance companies allowed to collect? And what about data we hand over to retailers?

The game 'Objection!' explores rights that people have if they are guilty or in trouble with the law. It shows that the Federal Constitution also protects the rights of those who are under suspicion. In made-up yet realistic scenarios, players are asked to raise an objection – whether during pre-trial custody or in criminal proceedings.

The game 'Dare I say' looks at the value of free speech by comparing Switzerland with other countries. It helps visitors understand whether things they can express freely in Switzerland can be said in public in other countries. They therefore learn about where in various parts of the world the limits of free speech lie.

### **Part 3: Contemporary history 1971–99**

The third part of the exhibition traces the development of civil liberties and fundamental rights in the last three decades of the 20th century. On the basis of five landmark court cases, the exhibition explores a Constitution in the making. It examines how case law refined and developed fundamental rights, which were incorporated in the new Federal Constitution in 1999, with rulings by the Federal Supreme Court and the European Court of Human Rights playing a crucial part.

The installation on the debates about Swiss citizenship from this time shine a light on the question of political participation. A pillar featuring referendum campaign posters highlights how controversially the rights of foreign nationals living in Switzerland have been handled politically since the 1970s. The landmark case also illustrates how fragile the civil rights of Swiss women remained for a long time and the implications of the fact that citizenship could only be inherited through paternal descent.

The fundamental rights of freedom of speech and artistic freedom were not set out in the Constitution pre-1999. But the question of where their limits lie is increasingly being argued before the courts. Here, the landmark case raises the question of whether statements that fail to meet scientific standards should be allowed to be presented as scientific fact. The exhibition also looks at how artistic freedom found its way into the current Constitution by means of a controversial image created at the 1981 FRI-ART in Fribourg

Religious freedom has applied to all religions since the Federal Constitution of 1874. In the exhibition, however, an infographic shows how this has been put to the test since the late 20th century in a society characterised by religious diversity. More and more people belong to non-Christian religions, which means that courts are also faced with new issues. The landmark case here recounts a Geneva teacher's battle for the right to wear the headscarf in the classroom.

For a long time, data protection was not a particularly contentious subject in Switzerland. That changed abruptly with the secret files scandal of 1989/90. The discovery that hundreds of thousands of people and institutions had been placed under surveillance by the intelligence services for years led to the relatively late establishment of a data protection act in Switzerland. Here, the landmark case looks at the lawsuit which led to the European Court of Human Rights deeming the surveillance in Switzerland to be unlawful.

The last installation in this section of the exhibition is dedicated to the relatively recent yet influential right to a fair trial. Until the 1980s, those affected by compulsory social measures in particular did not have the right to a fair trial and for a long time had no way of taking arbitrary decisions by the authorities to court. This fundamental right has only been enshrined in the Constitution since the complete revision in 1999.

Finally, visitors are asked what fundamental rights they would like to see included in a future edition of the Constitution.