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JAFFÉ, Philip


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PHILIP D. JAFFE

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In the trenches of legal psychology, to practitioners conducting civil or penal forensic evaluations for the judicial system and providing mental health services to a variety of criminal and non-criminal beneficiaries, ethical and human rights considerations could, a priori, be considered somewhat distant preoccupations. And yet, I will argue in this short article that it is imperative that these considerations permeate the practice of forensic psychology and serve as the intrinsic moral code of the practitioners of this field.

Lack of awareness of human rights and ethical standards among Swiss forensic psychologists

Borrowing on a practice of the late great public health educator, Jonathan Mann¹, I regularly ask students in postgraduate forensic psychology courses to raise a hand if they have read the United Nations' Universal Declaration of Human Rights and to cite its

¹ Jonathan Mann was the World Health Organization's first head of the Global Program on AIDS and later a Professor of Public Health at Harvard University. Along with his wife, he died tragically in the Swissair plane crash off the coast of Nova Scotia, Canada, in September 1998.
most important provisions. At most, a couple of students declare having read this important document and, generally, none is able to authoritatively quote any of its thirty articles. Jonathan Mann’s seminal point was that promoting health may not be dissociated from human rights, indeed that health is the broad-based core of human values. Even more importantly, he lectured that health workers of every discipline should be educated and abide by the human rights framework.

Similarly, in numerous encounters with forensic psychologists working in Switzerland, this same lack of awareness for the field of human rights seems quite constant. While this may be somewhat surprising in the country which has built part of its reputation on human rights and the promotion of humanitarian law, it is of greater concern that the field of professional ethics is mostly ignored by young and experienced colleagues alike. Given that no formal training is provided during university studies, professional ethics are identified as obscure principles that practitioners should make efforts to abide by in order to be admitted to professional associations and, for those who conduct research in certain settings, a cumbersome but compulsory requirement to submit research projects to a committee that examines some basic standards for how the research is operationalized.

However, the absence of formal knowledge fortunately does not imply that Swiss forensic psychologists work in reprehensible ways and that the beneficiaries of their practice are at a great risk of experiencing significant violations of their fundamental hu-

man rights. Indeed, Swiss forensic psychologists mostly work in institutions which have a longstanding tradition of best practices and a multitude of regulations that provide a structured environment in terms of what is admissible professional behavior and what is not. Rather, perhaps in fine even more worrisome, what is lacking is a process of reflection, within an overarching ethical analysis, on the very nature of forensic psychology, its major professional settings and the meaning of working within the judicial system.

Examples of the need for human rights activism by forensic psychology professionals

In recent years, indeed only months ago in some situations, Switzerland has undergone major societal transformations, both sociological and legal. While it is difficult to argue that many changes were not positive overall, examples of some of the more negative transformations are discussed below. Some were accompanied by popular media frenzy and have generated demagogic political movements. Others received little or no attention and yet have profound implications on the rights of major portions of Switzerland’s inhabitants.

- In a referendum held on 8 February 2004, a clear 56.2% majority of Swiss voters approved the grassroots (popular) initiative calling for the “life-long detention for sex offenders or violent offenders regarded as highly dangerous and beyond rehabilitation,” and an amendment of the Federal Constitution to authorize such detention, with only limited possibilities of appeal. While the popular sentiment that drove the success of

2 Despite singling out psychologists, the same holds true for forensic psychiatrists and social workers.

3 After all, Geneva houses the headquarters of many of the main governmental and non governmental humanitarian organizations (e.g., the International Committee of the Red Cross or the Office of the United Nations High Commissioner for Refugees) and is even known around the world for the four conventions and two additional protocols that bear its name (protecting civilians and combatants in armed conflicts) for which the ICRC is the depository.

4 The majority electoral success of the initiative now requires that the political system (executive and legislative) assimilate the initiative’s language into the law of the land.