
Resolution CM/ResCMN(2019)7 on the implementation of the Framework Convention for the Protection of National Minorities by Switzerland

*(Adopted by the Committee of Ministers on 14 May 2019
at the 1346th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as "the Framework Convention"),

Having regard to Resolution Res(97)10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution Res(97)10;¹

Having regard to the instrument of ratification deposited by Switzerland on 21 October 1998;

Recalling that the Government of Switzerland transmitted its State report in respect of the fourth monitoring cycle under the Framework Convention on 15 February 2017;

Having examined the Advisory Committee's fourth opinion on Switzerland adopted on 31 May 2018;

Adopts the following conclusions in respect of Switzerland:

The authorities are invited to take account of the observations and recommendations contained in Sections I and II of the Advisory Committee's fourth opinion. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

Recommendations for immediate action:²

- Increase the efforts of the federal authorities in raising awareness of the existing anti-discrimination legislation and envisage reconsidering the possibility of adopting comprehensive federal anti-discrimination legislation; facilitate access to justice for persons belonging to national minorities who are victims of discriminatory treatment including by striving to recognise NGOs as having *locus standi* in the public interest and the capacity to represent the rights and interests of such victims; establish at the earliest convenience a national human rights institution in line with the Paris Principles, especially with regard to its institutional and financial independence, its capacity to promote as well as to protect human rights and the scope of its mandate, and establish ombudsperson institutions at federal and cantonal levels;

¹ In the context of adopting Resolution Res(97)10 on 17 September 1997, the Committee of Ministers also adopted the following rule: "Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour".

² The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- Devote sufficient financial support, through accessible, fair and transparent procedures, to projects aimed at preserving and developing identities and cultures of persons with itinerant ways of life, including by providing the Foundation “A Future for Swiss Travellers” with sufficient financial and human resources to accomplish its mission and to reach out to the communities concerned; implement the measures recommended by the Action Plan of the Confederation about the Yenish, Sinti/Manush and Roma* at the earliest convenience; raise general awareness about the ways of life of itinerant persons; proceed with the creation of a sufficient number of sites within the deadline agreed upon in the action plan;
- Condemn systematically and in a timely manner all instances of intolerance, be it anti-Gypsyism, anti-Semitism or islamophobia, in particular in public discourse; investigate systematically and prosecute such statements; provide persons belonging to national minorities with the possibility to defend their rights as victims of hate speech in the courts, including by striving to recognise NGOs as having *locus standi* in the public interest and the capacity to represent the rights and interests of such victims; follow-up immediately and implement at federal and cantonal levels all the measures aimed at ensuring security of persons belonging to national minorities.

Further recommendations:

- Pay attention, when adopting new legislative texts such as those aimed at guaranteeing public order, to the preservation of identities and cultures of persons belonging to national minorities, and continue to support their right to practice traditions; ensure that the interpretation and application given to the amended Federal law on itinerant traders and its subsequent Ordinance remain proportionate to the objectives pursued;
- Further step up federal efforts to support awareness-raising projects aiming at combating prejudice against itinerant ways of life of Yenish and Sinti/Manush, including through projects targeting the media or journalists;
- Pursue efforts at federal level with a view to ensuring effective equality among persons belonging to the different official linguistic communities so that they may continue to use their own languages in their contacts with the federal administration; consider, where the authorities deem it relevant, and in co-ordination with minority representatives concerned, translating the main judgments of the Federal Tribunal related to the rights of persons belonging to national minorities into other national languages; further promote the use of minority languages in day-to-day activities, information campaigns, in public administration and in the judiciary of the Canton of Graubünden/Grischun/Grigioni;
- Continue to develop flexible learning/teaching solutions adapted to persons with itinerant ways of life and involve the families concerned in the development of new projects, in order to guarantee and balance the right of children to education and the right to choose itinerant ways of life; include Yenish, Sinti/Manush and Roma cultures and history in school programmes and textbooks in order to promote diversity and societal integration among the general public and develop awareness and acceptance of itinerant ways of life;
- Promote access to teaching in and of Italian and Romansh outside the areas traditionally inhabited by the persons belonging to these communities, in particular in bigger cities; engage in a dialogue with the representatives of the minorities concerned and assess the needs of the Romansh and Italian-speaking persons with regard to secondary education (level two) in their minority language;
- Explore, in consultation with representatives of minorities reflecting the existing intra-community diversity, the possibility of expanding participation in public affairs for persons belonging to national minorities allowing them to take part in the decision-making process not only at the federal level, but also at the inter-cantonal level and in all cantons, e.g. through permanent mechanisms, consultative bodies and target values for public administration.

* The term “Roma and Travellers” is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term “Gens du voyage”, as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.