

**Resolution CM/ResCMN(2014)6
on the implementation of the Framework Convention for the Protection of National Minorities
by Switzerland**

*(Adopted by the Committee of Ministers on 28 May 2014
at the 1200th 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 submitted by Switzerland on 21 October 1998;

Recalling that the Government of Switzerland transmitted its State report in respect of the third monitoring cycle under the Framework Convention on 26 January 2012;

Having examined the Advisory Committee's third opinion adopted on 5 March 2013, as well as the written comments of the Government of Switzerland received on 15 November 2013;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Switzerland:

a) Positive developments

Switzerland has maintained its constructive attitude towards the Framework Convention and its monitoring system, and has followed an overall inclusive approach with regards to the personal scope of application.

The Swiss Government has initiated several legislative as well as institutional reform initiatives aiming at strengthening the protection of national minorities. Two laws of particular importance to persons belonging to national minorities were enacted since the last cycle of monitoring.

Switzerland has set up, in 2011, the “Swiss Centre of Expertise in Human Rights” (CSDH). Its main task is to promote and facilitate the process of implementing international human rights obligations at the federal, cantonal and municipal level.

The Federal Law on the Promotion of Culture (LEC) provides a solid legal basis for guaranteeing the maintenance of public subsidies for the Travellers' Associations as well as for enhancing the role of the Foundation “A Future for Swiss Travellers”.

The Federal Law on the National Languages and Understanding between the Linguistic Communities reinforces the legal framework for promoting multilingualism and developing the use by the federal authorities and within the federal administration of the four official languages of the Swiss Confederation. This law provides for equal status of German, French and Italian and also a very high level of protection for Romansh. Promotion of multilingualism is now an integral part of the policies designed to implement the inter-cantonal agreement on harmonisation of compulsory schooling (HarmoS).

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”.

Switzerland continues to invest considerable efforts in the teaching of and in minority languages and has recently developed linguistic exchanges geared to improving mutual understanding in the country, particularly in schools. The provision of education in Italian and Romansh remains adequate. Furthermore, many cantons have devised positive measures to promote multilingualism in three national languages (German, French and Italian) among teachers and students.

b) Issues of concern

The overall situation of Travellers still raises serious concerns as the problem of the shortage of stopping places and transit sites has not significantly improved in ten years. The number of stopping sites has not increased significantly and as regards transit sites, the situation has further deteriorated.

There are reports of generally discriminatory attitudes, including instances of intolerance, against some groups and the frequency of public manifestations of intolerance by some political parties and on the Internet increased following the results of the 2009 popular initiative on the prohibition of the construction of minarets.

The implementation of the Federal Law on National Languages and Understanding between the Linguistic Communities seems problematic for Italian and Romansh civil servants and they are still under-represented in managerial posts.

Only very few cases of discrimination are reported which reflects a lack of knowledge among Swiss society of the relevant legislation and the available remedies. There is also a need for the adoption of a comprehensive anti-discrimination law.

The financial and staffing capacities of the Foundation "A Future for Swiss Travellers" is not yet sufficient to provide adequate solutions to solve the problem of stopping places and transit sites.

There is no effective consultative mechanism at inter-cantonal level and only limited consultation of Travellers exists at cantonal level to ensure that the concerns of the Travellers are brought to the attention of the various local administrations that deal with issues of concern to them. There is also scope for improvement in public acceptance of the Traveller way of life. Furthermore, schooling for children of Travellers who have retained an itinerant way of life is apparently not effectively guaranteed when they travel with their parents.

2. Adopts the following recommendations in respect of Switzerland:

In addition to the measures to be taken to implement the detailed recommendations contained in sections I and II of the opinion of the Advisory Committee, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

Issues for immediate action:²

- the Advisory Committee reiterates its call on the authorities to intensify their efforts to remedy the severe shortage of stopping places and transit sites for Travellers as soon as possible. Determined measures must be adopted in order to strongly encourage all the federal, cantonal and municipal stakeholders to take into account the importance of and need to address Travellers' problems in the context of territorial development plans. Furthermore, sites in a state of disrepair must be renovated and awareness campaigns conducted among municipalities, the general public and private landowners in order to facilitate spontaneous stops;
- the Advisory Committee calls on the authorities to adopt adequate measures to combat manifestations of racism, to condemn publicly and without delay all forms of intolerance, including in political discourse and on the Internet, and to intensify efforts to promote diversity and tolerance within Swiss society;
- the Advisory Committee strongly encourages the authorities to continue their efforts to implement all the commitments relating to the linguistic rights of persons belonging to national minorities, laid down in the Federal Law on the National Languages and Understanding between the Linguistic Communities, so as to ensure, in practice, effective equality among the official languages of the Confederation and to enable persons belonging to linguistic minorities to use their own language in the federal administration. It is also

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

necessary to continue to examine the question of their proportional representation in administrative structures.

Other recommendations:³

- the Advisory Committee invites the authorities to continue and to intensify their efforts to improve public knowledge of the legal remedies available against discrimination, notably by devoting special attention to those persons who are most exposed to discriminatory attitudes, so that they can obtain comprehensive information on their rights and the existing remedies;
 - the Advisory Committee calls on the authorities to reconsider their position concerning the possible adoption of comprehensive anti-discrimination legislation and to continue systematically collecting statistical data in matters of discrimination in order to monitor the situation;
 - the Advisory Committee once again invites the authorities to increase substantially its financial aid for Travellers' associations, particularly the Foundation "A Future for Swiss Travellers" so that they enjoy sufficient resources for conducting their work, notably in view of the new perspectives provided by the Federal Law on the Promotion of Culture (LEC), which is intended, *inter alia*, to enable Travellers to lead the way of life which corresponds to their culture. Mechanisms for effective consultations at inter-cantonal level and in all cantons should be created and implemented;
 - the Advisory Committee recommends that the authorities intensify their efforts to raise the population's awareness of the traditional way of life of the Travellers and to promote intercultural dialogue in order to increase mutual understanding, trust and acceptance of the different traditions, culture and way of life of this community;
 - the Advisory Committee invites the authorities to continue to support actively the media for the national minorities, paying particular attention to the needs of the Italian-speaking community and Romansh speaking minority. It also encourages the authorities to promote adequate measures to facilitate access to the media for Travellers and to support the promotion of tolerance and cultural diversity in the media;
 - the Advisory Committee invites the authorities to continue and intensify the measures taken to remedy the difficulties encountered by Traveller children who retain an itinerant lifestyle in accessing education within the framework of a permanent dialogue with the representatives of these minorities.
3. Invites the Government of Switzerland, in accordance with Resolution Res(97)10:
- a. to continue the dialogue in progress with the Advisory Committee;
 - b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in sections 1 and 2 above.

³ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.