
Resolution CM/ResCMN(2023)8 on the implementation of the Framework Convention for the Protection of National Minorities by Switzerland

*(Adopted by the Committee of Ministers on 14 September 2023
at the 1474th 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 CM/Res(2019)49 of 11 December 2019, on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the applicable voting rule;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 fifth monitoring cycle under the Framework Convention on 1 October 2021;

Having examined the Advisory Committee's fifth opinion on Switzerland adopted on 13 February 2023,

Adopts the following conclusions in respect of Switzerland:

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

Recommendations for immediate action:

1. review the legislation in order to ensure full implementation of the principle of non-discrimination and equal access to rights for persons belonging to national minorities. The legislation should include a clear definition and prohibition of both direct and indirect discrimination and a comprehensive list of its prohibited grounds;
2. increase, in co-operation with the relevant stakeholders, including the communities concerned, the number of stopping places, short-stay areas and transit sites;
3. step up efforts to combat all forms of racism and intolerance, including antigypsyism, antisemitism, anti-Muslim and anti-Black racism. The authorities should also intensify their efforts to deter the proliferation of hate speech on social media, in close co-operation with internet service providers and the populations most affected by hate speech;

¹ On 17 September 1997, the Committee of Ministers adopted decision CM/Del/Dec(97)601/4.5, which provides: "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".

4. include and intensify the teaching of Roma and Yenish, Sinti/Manush history, including remembrance of the Roma, Yenish and Sinti/Manush victims of the Holocaust. Teaching about the acts perpetrated by *Pro Juventute* should also form a part of school curricula and teaching and learning materials;

Further recommendations:²

5. pursue a constructive dialogue with persons and communities having expressed an interest in benefiting from the protection of the Framework Convention, such as persons belonging to the Swiss Roma community. Such dialogue may focus on an article-by-article approach to the Framework Convention, depending on the wishes expressed by representatives of these communities;

6. further refine the census methodology and take necessary steps to develop adequate methods of data collection, by ensuring the implementation of the right to free self-identification when updating the population registers. The authorities should devise methods of obtaining information on the actual number of persons belonging to national minorities;

7. ensure that any law, which may potentially affect the rights of persons belonging to national minorities, is elaborated in close consultation with their representatives. The authorities must ensure that seemingly neutral laws and policies do not have a discriminatory effect;

8. take the necessary steps, in consultation with the parties concerned, to bring the National Human Rights Institution in full compliance with the Paris Principles. The authorities should provide a mandate for this institution in particular with regard to complaint handling, adequate investigative powers and resources;

9. regularly consult the representatives of the Yenish and Sinti/Manush minorities about their needs for the effective promotion of the minorities' respective culture and history, and where necessary, to consider a further increase of the financial support for them for the promotion of their cultures. The funding should also include the promotion of traditional crafts and professions as important elements of their cultures and identities;

10. use the existing legislation to effectively prosecute the display of symbols propagating and glorifying Nazism in public and explicitly criminalise such display;

11. ensure that the measures foreseen concerning hate crime are effectively implemented, so as to guarantee that hate crime against persons belonging to national minorities and other communities present in Switzerland is more efficiently recorded and investigated by the police, and the alleged offenders are duly prosecuted;

12. support the production of television and radio programmes aimed at promoting cultures, traditions and history of persons belonging to Yenish and Sinti/Manush minorities, in close consultation with their representatives. The authorities should also carry out awareness-raising activities among the persons belonging to Yenish and Sinti/Manush minorities in relation to the existing complaint and monitoring mechanism of the media content exercised by the Swiss Press Council;

13. ensure the effective participation of representatives of Yenish and Sinti/Manush and Jewish minorities in public affairs both at federal and cantonal levels, through the establishment of permanent consultative bodies that will be reflective also of diversity within minorities. The authorities should ensure that minority representatives can participate effectively in any legislative process that could have an impact on their situation and rights.

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