



Berne, 07.05.2024

UN Special Rapporteur on minority issues
The institutional arrangements of States that enable minority rights to flourish
Call for Submissions by 10 May 2024

Dear Mr. Nicolas Levrat, Special Rapporteur on minority issues

We would like to thank you for your questions on minority issues, which were submitted to the states under the title of *«institutional arrangements of States that enable minority rights to flourish»*. Your questions have been forwarded to various bodies at federal level (Federal Office of Culture, Federal Office for Combating Racism, Federal Office of Justice, Federal Commission against Racism, an extra-parliamentary and independent commission, the Conference of Cantonal Governments, Conference of Cantonal Ministers of Education and representative associations of municipalities and cities, as well as to the foundation "Future for Swiss Travellers".

In order to avoid redundancies, however, we will limit ourselves to a few references below and would like to make an integral reference to Switzerland's Fifth State report on the implementation of the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages of October 2021 ([Rapport combiné de la Suisse sur la mise en œuvre de la Convention-cadre du Conseil de l'Europe pour la protection des minorités nationales et de la Charte européenne des langues régionales ou minoritaires, Octobre 2021](#)). This is the most important and most up-to-date source of information in which Switzerland provides detailed information on the implementation of its obligations under the Framework Convention.

Question 1: Do you consider the interests of persons belonging to minority groups appropriately taken into account in your country? If yes, how? If no, why?

Question 4: Are there institutional arrangements and/or political practices that de facto exclude persons belonging to minorities from effective participation in decisions at the national – and, where appropriate, regional level – concerning the minority to which they belong?

Question 5: Are there legal, administrative or other barriers that prevent persons belonging to minorities to participate effectively in cultural, religious, social, economic or public life?

In February 2023, the Advisory Committee published its Fifth Opinion on the implementation of the Framework Convention by Switzerland and made recommendations on how the protection of minorities can be (even) better implemented in Switzerland ([Comité consultatif de la Convention-cadre pour la protection des minorités nationales \(ACFC\), cinquième avis sur la Suisse, adopté le 13 février 2023](#)). In its statement, Switzerland referred to some of the recommendations (see [Commentaires du Gouvernement suisse sur le cinquième avis du Comité consultatif de la Convention-cadre du Conseil de l'Europe pour la protection des minorités nationales, juin 2023](#)). In its Opinion, the Advisory Committee commends Switzerland's commitment to strengthening multilingualism in the Federal Administration and encourages the authorities to further promote the use of Italian and Romansh in education and in economic and social life within and outside the areas where they are traditionally used. It states that further action is required in particular to combat discrimination and all forms of racism and intolerance.

In addition, the Committee recommends setting up new stopping places, short-stay areas and transit sites for Yenish, Sinti/Manush and Roma, as well as teaching schoolchildren about their history. It also suggests greater inclusion of national minorities in matters that affect their communities.

Switzerland's response to the Opinion refers to the importance of protecting linguistic, cultural and religious diversity in the international as well as the national context. It states that the protection of minority rights contributes to Switzerland's political and social stability as well as its prosperity. To this end the Federal Council underlines the importance of combating all forms of racism and intolerance, referring to the numerous activities undertaken by the Confederation, cantons, communes and cities that are a part of a systematic awareness-raising and prevention policy.

The response also addresses the fact that despite efforts at all levels, it has not yet been possible to set up enough stopping sites for communities with an itinerant way of life. Switzerland highlights the complexity of such a task, but agrees with the Committee's view on the importance of aiming to create more sites. The Confederation has therefore stepped-up efforts to provide financial support to the cantons and communes. Many of the Advisory Committee's recommendations on linguistic minorities are in line with Switzerland's existing commitment.

For further information on questions 1, 4 and 5, please refer to the above-mentioned reports.

Question 2: Are there institutional arrangements that guarantee (or facilitate) effective political representation of persons belonging to minorities? For example, a Second Chamber in Parliament, the federal structure of the State, specific "minority institution" (such as a Council of Minorities or a dedicated Ombudsperson, or electoral mechanisms (quotas, separate lists for minorities).

Switzerland has extensive opportunities for political participation at all federal levels. Minority organisations and members of minorities have the opportunity at federal level to be heard in the preliminary phase of legislative procedures. This is an opportunity to which individuals and other interested parties are entitled as part of the ordinary consultation procedure, even if they have not been invited to the consultation procedure. In this way, the correctness, feasibility and acceptance of draft federal legislation is scrutinised. The associations of the Yenish and Sinti/Manush minorities can, like all other associations, register on the relevant list so that the federal administration can consult them on matters that affect them. For example, the Cultural Dispatch 2025-2028, which sets out the strategy for the promotion of the Yenish and Sinti, was presented to the public in a public consultation. In this context, the Yenish and Sinti organisations were also consulted and their needs for the effective promotion of their culture and history were identified.

Jewish organisations and anti-Semitism organisations are also on the federal government's list for consultation and are therefore automatically consulted on matters that affect them. In addition, the Jewish minority was closely involved, for example, in the deliberations of the federal working group that prepared the Ordinance on Measures to Support the Security of Minorities with Special Protection Needs (VSMS) of 9 October 2019 (SR 311.039.6).

The Federal Office of Culture provides structural support to the organisation "Radgenossenschaft der Landstrasse". As an umbrella organisation, it represents the interests of the Yenish, Sinti and Roma in Switzerland, both the travelling and the settled part of these minorities. Its central task is to give these minorities a voice and to represent their concerns in public and in dealings with the authorities. The foundation "Future for Swiss Travellers", which was established by the federal government in 1995, also has the task of securing and improving the living conditions of Travellers in Switzerland and promoting cooperation between the federal government, cantons and municipalities to this end. It also aims to help the minority, which has also been discriminated against and persecuted in Switzerland for a long time, to preserve its cultural identity. Six Yenish and Sinti representatives sit on the Foundation Board; six people represent the Confederation, cantons and communes. Minority representatives and authorities work together on the Foundation Board on an equal footing.

There are also specific specialist centres in individual cantons, such as the cantons of Aargau, Basel-Landschaft, Fribourg, Solothurn and Zurich. Recently, such a centre was also set up in the canton of Bern. It mediates between the Yenish, Sinti and Roma with itinerant lifestyles, the cantonal authorities, the municipalities and the various interested or affected parties and serves as a point of contact for all questions relating to itinerant lifestyles in the canton. Other cantons have other channels for dialogue.

The Federal Office of Culture has stipulated that cantons wishing to realise projects for new stopping places for Yenish and Sinti with federal funding must involve the communities.