

**ADVISORY COMMITTEE ON THE  
IMPLEMENTATION OF THE FRAMEWORK CONVENTION  
FOR THE PROTECTION OF NATIONAL MINORITIES**

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**Comments of the Government of Switzerland on the Fifth Opinion of the Advisory Committee on the  
implementation of the Framework Convention for the Protection of National Minorities  
by Switzerland**

received on 26 June 2023



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**Comments of the Swiss Government on  
the Fifth Opinion of the Advisory  
Committee on the Council of Europe  
Framework Convention for the Protection  
of National Minorities**

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## 1. Introduction and general remarks

Switzerland ratified the Council of Europe Framework Convention for the Protection of National Minorities (hereinafter, the “Framework Convention”) in 1998. The Framework Convention entered into force in Switzerland on 1 February 1999.

In order to be recognised as a national minority, a community must meet all the criteria set out in the interpretative declaration that Switzerland appended to its ratification of the Framework Convention. The group of persons must be numerically inferior to the rest of the population of the country or of a canton. Its members must have Swiss nationality, maintain long-standing, firm and lasting ties with Switzerland and be guided by the will to safeguard together what constitutes their common identity, in particular their culture, their traditions, their religion or their language.

The following are recognised as national minorities in Switzerland:

- linguistic minorities at national level, i.e. the French-, Italian- and Romansh-speaking communities, and linguistic minorities at cantonal level, i.e. French-speaking communities in the Canton of Bern/Berne and German-speaking communities in the Cantons of Fribourg/Freiburg and Valais/Wallis;
- Yenish and Sinti/Manush, both with an itinerant way of life and settled, and
- members of Switzerland’s Jewish community.

On 1 October 2021, Switzerland submitted its Fifth Report on the implementation of the Framework Convention (combined with the Eighth Periodic Report on the implementation of the European Charter for Regional or Minority Languages) to the Advisory Committee on the Framework Convention. At its 78th plenary meeting on 13 February 2023, the Advisory Committee adopted its Fifth Opinion on Switzerland, which was transmitted to the Permanent Delegation of Switzerland to the Council of Europe on 27 February 2023. Switzerland was invited to submit its comments in writing by 28 June 2023. These comments are addressed to the Council of Europe Advisory Committee on behalf of the Swiss Federal Council, which is responsible for foreign affairs and answers for Switzerland’s fulfilment of its international obligations. However, many areas, in particular spatial development and education, fall within the purview of the cantons, which are therefore responsible for ensuring the application of the Framework Convention. The cantons were therefore involved in the process of drafting the comments.

The comments submitted by Switzerland were drafted by the Directorate of Public International Law (DIL) of the Federal Department of Foreign Affairs (FDFA) in collaboration with the following federal administrative bodies: the Federal Office of Culture (FOC), the Service for Combating Racism (SCRA), the Federal Statistical Office (FSO), the Federal Office of Justice (FOJ), the Federal Office of Police (fedpol), the Federal Office of Communications (OFCOM), the Federal Delegate for Plurilingualism and the Central Language Services of the Federal Chancellery. The Federal Commission against Racism (FCR), an independent extra-parliamentary body, was also consulted. In addition, all the cantons and the Conference of Cantonal Ministers of Education (EDK/CDIP) were invited to give their opinion. Municipalities and towns were also consulted through their representative associations, as was the Foundation “A Future for Swiss Travellers”.

Like Switzerland’s Fifth Report on the implementation of the Framework Convention, these comments were drafted in or translated into the four national languages: French, German, Italian and Romansh. The Advisory Committee’s Fifth Opinion, which was submitted to Switzerland in French and English, was also made available by the federal administration in the four national languages. All the documents were published on the FDFA website.

An Advisory Committee delegation visited Switzerland from 2 to 6 May 2022. The visit was organised in co-ordination with the Committee of Experts of the European Charter for Regional or Minority Languages, which adopted its Eighth Evaluation Report on Switzerland on 30 June 2022.

During the visit, the members of the delegation were able to meet with representatives of the various minorities and regional or minority language communities in Chur, Fribourg/Freiburg and Bern/Berne. In Chur, in the Canton of Graubünden/Grischun/Grigioni, the delegation held talks with representatives of the cantonal authorities, in particular with the *Promozion da la cultura dal Grischun* at the Office of Culture. While in Chur, the delegation also met the head of the *Osservatorio Linguistico della Svizzera italiana* (OLSI). The delegation then held an exchange of views with the authorities of the bilingual Cantons of Bern/Berne and Fribourg/Freiburg. Accompanied by representatives of the Federal Roads Office (FEDRO), the Federal Office of Culture (FOC) and the Foundation “A Future for Swiss Travellers”, the delegation visited two municipalities in the Canton of Bern/Berne: Wileroltigen, where a transit site for foreign Travellers is planned, and Thun-Allmendingen, where a transit site is already in use. The delegation also discussed issues relating to the schooling of Traveller children with the Director of Social

## Services of Bern City Council.

In addition, the delegation had the opportunity to meet with various members of the federal administration directly involved in the protection of minorities and minority groups. These included officials from the Directorate of Public International Law (DIL), the Federal Office of Culture (FOC), the Federal Statistical Office (FSO), the Service for Combating Racism (SCRA), the Federal Office of Justice (FOJ) and the Federal Delegate for Plurilingualism. The purpose of these meetings was to help the members of the Advisory Committee delegation to gain a clear and precise insight into the situation of persons belonging to national minorities and other communities in Switzerland.

During its visit to Switzerland, the Advisory Committee was able to engage directly with the authorities at all levels, with representatives of the various national minorities, speakers of regional or minority languages and with other civil society stakeholders, which enabled it to obtain all the information necessary for its assessment in a transparent manner.

Switzerland places great importance on the protection and promotion of minority groups' fundamental rights. Accordingly, the protection of minority rights is one of the four human rights foreign policy priorities defined by the Federal Department of Foreign Affairs (FDFA) in its Human Rights Guidelines 2021-2024.

To underline this importance, Ignazio Cassis made the diversity of languages, cultures and opinions in Switzerland one of the priorities of his presidency of the Swiss Confederation in 2022. Lastly, the protection of minorities is also one of Switzerland's priorities for serving on the UN Security Council.

Switzerland is convinced that respect for the principle of non-discrimination and the non-discriminatory participation of national minorities in all activities of society, including political life, contribute to the social and political stability and prosperity of a country. For this reason, it can but reaffirm its commitment to the Framework Convention for the Protection of National Minorities and insist on the firm nature of this engagement.

Switzerland has taken careful note of the Advisory Committee's Fifth Opinion on Switzerland. The Advisory Committee's detailed and substantive findings show that it has closely examined the situation of minorities in Switzerland and put together a comprehensive picture of Switzerland's commitment to minority rights, both within and beyond its borders. The recommendations made to Switzerland reflect the high regard in which the Swiss constitutional tradition and the coexistence of different linguistic, cultural and religious communities are held. They take into account the views of the Confederation and the cantons, as well as those of the relevant organisations.

Switzerland appreciates the constructive nature of its co-operation with the bodies of the Council of Europe in the implementation of the Framework Convention. In order to successfully continue the dialogue on the best ways to protect and promote national minorities, it is both useful and necessary to analyse the results in the light of the Advisory Committee's recommendations together with the competent bodies and, if necessary, to take further steps to implement them. As suggested by the Advisory Committee, a dialogue on the follow-up to the recommendations of the Fifth Opinion is therefore due to be initiated, as was the case after the fourth cycle.

The following comments relate to the Advisory Committee's recommendations for immediate action and to some of its further recommendations.

## 2. Comments on the recommendations for immediate action

The Advisory Committee urges the authorities to review their 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 (recommendation for immediate action in paras. 11 and 62).

The Federal Constitution of the Swiss Confederation explicitly prohibits all forms of discrimination. The case for introducing a general anti-discrimination law has already been considered on several occasions, including in an expert study commissioned by the federal administration, in which the authors explicitly advised against doing so. They argued that discrimination is such a complex phenomenon that a single piece of legislation would not suffice (see Swiss Centre of Expertise in Human Rights (SCHR), Access to justice in cases of discrimination, summary report, Bern, July 2015). The Federal Council and the Parliament are of the opinion that the existing legal instruments provide effective protection against discrimination. The chosen approach of codifying the prohibition of discrimination by sector enables the most appropriate institutional response to be found for each specific area (e.g. equality between men and women or equality for people with disabilities). If necessary, these sectoral measures can be adapted or extended. The Federal Council is currently considering whether it would be appropriate to extend the protective instruments to the private law sector, particularly with regard to access to justice.

Protection against discrimination is one of the areas of support included in the Cantonal Integration Programmes (CIPs). In addition to raising public sector awareness of this issue, there are plans to increase the provision of professional support and access to counselling services. The CIPs, which were established by agreement between the Confederation and the cantons and implemented in 2014, are the equivalent of a national action plan to combat discrimination, in line with the recommendations of international institutions.

The Advisory Committee urges the authorities at different levels to increase, in co-operation with the relevant stakeholders, including the communities concerned, the number of stopping places, short-stay areas and transit sites (recommendation for immediate action in paras. 12 and 100).

Switzerland agrees with the Advisory Committee that the number of stopping places should be increased. Despite efforts at all levels, it has not yet been possible to build enough new areas for Yenish and Sinti/Manush persons with an itinerant way of life. Spatial development is primarily the responsibility of the cantons. The Confederation's powers in this area are limited to laying down basic guidelines. The Confederation may support the efforts of the cantons and municipalities by subsidising (up to a maximum of 50% of the total cost) the construction or renovation of accommodation sites for Swiss Yenish and Sinti/Manush. It can also promote awareness-raising projects to increase public acceptance of new sites. Additional resources have been made available for this purpose for 2023 and 2024. The Confederation is also making considerable efforts to build up networks and provide advice to help drive forward the planning of additional sites. The Foundation "A Future for Swiss Travellers" plays a key role in this respect. With the support of the Federal Office of Culture (FOC) and the Federal Office for Spatial Development (ARE), it published a handbook in March 2023 (see Foundation "A Future for Swiss Travellers", Handbook for the planning, construction and operation of stopping places, short-stay areas and transit sites for Yenish, Sinti and Roma, Bern, March 2023). The handbook provides some examples of good practice and the standards to be met in the planning, construction and operation of accommodation sites. The aim is to contribute to improving the living conditions of Yenish, Sinti/Manush and Roma with an itinerant way of life.

The Confederation's activities are based on the measures and objectives set out in the "Yenish, Manush, Roma" Action Plan published in 2016, which covers various areas of daily life (e.g. stopping places, education, social affairs and culture) and is still ongoing. The Confederation relies on the participation of the cantons and municipalities, in particular for the creation of new stopping places. There are plans to introduce a follow-up mechanism for this action plan. Certain key elements of the action plan have been included in the Message on Culture for 2021-2024, including, for example, the urgent need to create sites. During this period, the Confederation is therefore stepping up its efforts to provide financial support to the cantons and municipalities for the creation of additional stopping places (see Federal Office of Culture, Practical guide to applications for support for the creation of stopping places for Swiss Yenish and Manush, Bern 2023). Currently, the Confederation's financial support for stopping places and transit sites for Swiss Yenish and Manush is provided through the funds earmarked in the Message on Culture 2021-2024.

Promoting and co-ordinating the provision of stopping places for foreign Travellers – usually Roma – at

national level is proving more complicated and is still in its infancy. These so-called transit sites were the subject of a land-use planning exercise involving the participation of members of several cantonal governments. The planning is at the draft stage (spring 2023).

Creating new sites is a complex and lengthy process. The Canton of Geneva, for example, already identified the need for appropriate sites in its 2013 master plan. However, given the complexity of the situation – the canton is so small and land is scarce – it is extremely difficult to find suitable sites. In 2022, a promising site was identified in the municipality of Avully. A great deal of planning work is now required to carry out the project, which will also have to be approved by the cantonal and municipal legislative authorities, and a referendum may be held at both levels. The Canton of Ticino is also looking into the possibility of setting up a stopping place for Swiss nationals with an itinerant way of life. However, the canton has to wait for the necessary administrative procedure to be completed before it can proceed with the project. These examples illustrate why little progress has been made in recent years: suitable land is in short supply, there is political opposition and planning procedures are complex.

The Advisory Committee urges the authorities to step up their 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 (recommendation for immediate action in paras. 13 and 121).

For Switzerland, the fight against racism, racial discrimination, xenophobia and hate speech is a never-ending task to which it is fully committed. The wide range of activities carried out by the various federal offices, as well as by the cantons, municipalities and cities, contribute to the implementation of a systematic policy of awareness-raising and prevention.

In response to the proliferation of hate speech and racism on the Internet, the Service for Combating Racism (SCRA) developed a new priority action area in 2020, and, together with other federal offices such as the Federal Office of Communications (OFCOM), has since been supporting projects specifically aimed at combating racism and antisemitism on the web. Since 2021, an interdepartmental working group has been dealing with the issue, and the Federal Commission against Racism (FCR) has set up a platform for reporting racist hate speech on the Internet: [www.reportonlin racism.ch](http://www.reportonlin racism.ch).

In response to a parliamentary initiative, the Federal Office of Communications (OFCOM) is currently drafting a report to identify measures and resources for combating hate speech, as well as any shortcomings that need to be remedied. The report will be published in September 2023.

On 5 April 2023, the Federal Council instructed the Federal Department of the Environment, Transport, Energy and Communications (DETEC), in collaboration with the Federal Office of Justice (FOJ), to draw up new legislation on communication platforms on the basis of various studies. The bill should be ready by March 2024.

The Advisory Committee urges the authorities, in all cantons, to 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 (recommendation for immediate action in paras. 14 and 174).

The history of the Roma, Yenish and Sinti/Manush – including that of the Roma, Yenish and Sinti/Manush victims of the Holocaust – and the suffering caused by a charitable foundation project called *Les enfants de la grand-route / Kinder der Landstrasse*, are an integral part of Switzerland's identity. They reveal its complexity and bear witness not only to times of persecution, but also to the admission of wrongdoing. It is therefore very important to pass on this knowledge. Although the Confederation only plays a subsidiary role in this task, it participates in the development of educational modules or lesson plans, with the aim of making them available to schools for wider use. For example, the Federal Office of Culture provided a large part of the funding for the teaching materials recently published in German under the title *Jenische, Sinti, Roma – Zu wenig bekannte Minderheiten in der Schweiz*. This document was produced by the Yenish, Manush, Roma working group in co-operation with the Zürich University of Applied Sciences (*Jenische, Sinti, Roma – Zu wenig bekannte Minderheiten in der Schweiz*, Münster, Zürich, 2023). A version for the Italian-speaking regions of Switzerland is also planned. The introduction and the last part of the document will be amended to take into account the specific situation of these minorities in Italian-speaking Switzerland.

In order to encourage teachers to deal with this subject, the Information and Documentation Centre (IDES) of the Swiss Conference of Cantonal Ministers of Education (EDK/CDIP) compiled a dossier on

“Holocaust remembrance and the prevention of crimes against humanity: context and resources for teaching”. The aim is to provide useful guidelines and to highlight relevant activities in Swiss education. The most recent update of the teaching materials on the remembrance of the Holocaust and the genocide of the Roma took place in January 2023.

The example of the Canton of Graubünden/Grischun/Grigioni sheds some light on implementation at the cantonal level: the history of religious and cultural minorities is taught in the current regional curriculum (*Lehrplan 21*) and through a variety of teaching materials for different age groups. Studying the Holocaust is a compulsory part of the curriculum. Critical analysis of “compulsory social measures” is a topic that is covered in various teaching materials and is also integrated into adult education and vocational training. However, the Canton of Graubünden/Grischun/Grigioni points out that it is not easy for schools to deal with these issues in a way that is compatible with both the pupils’ abilities and the specific recommendations.

To take another example, the Canton of Bern/Berne recently launched a project entitled *Das Berner Zeichen der Erinnerung / Le symbole commémoratif bernois*. This project is made up of five sub-projects, carried out in close co-operation with the municipalities, education authorities and religious organisations, as well as with the victims and others concerned, and is designed to encourage critical reflection on this painful chapter in Switzerland’s past, which involved compulsory social measures and placements. The teaching materials developed for the project aim to raise young people’s awareness of justice and social injustice, in particular by holding meetings with victims and others concerned.

### 3. Comments on further recommendations

The Advisory Committee calls on the federal authorities to 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 (recommendation in paras. 15 and 40).

The Federal Council carefully considered the request by two organisations to recognise the Swiss Roma as a national minority within the meaning of the Framework Convention for the Protection of National Minorities. In doing so, it sought to determine whether the criterion of long-standing ties with Switzerland was met. The competent authorities were instructed to consult historians, sociologists and ethnologists, as well as a mediator specialising in relations with Travellers, in order to gain a better understanding of the Roma’s historical ties with Switzerland. Contrary to what was stated in the Advisory Committee’s Fifth Opinion, the burden of proving the connection with Switzerland is shared and therefore does not lie solely with the applicants. However, the criteria for such recognition were not met when the application was examined. Nevertheless, the Federal Council wishes to emphasise that, quite apart from the question of recognition as a national minority, the Roma are recognised as an integral part of Swiss society. In recent years, the Confederation has taken various measures in recognition of this fact and is therefore pleased that the Advisory Committee has acknowledged these ongoing efforts.

The Swiss authorities are willing to pursue their dialogue with the representatives of the Roma community in Switzerland and to address their needs, particularly in the light of the existing provisions of the Framework Convention.



The Advisory Committee calls on the federal authorities to 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 (recommendation in paras. 16 and 48).

As a preliminary remark, it should be noted that the sample surveys mentioned in the Fifth Opinion (para. 41) are carried out at federal level, not at cantonal level.

The Swiss population census is governed by the legislation in force (Federal Act of 22 June 2007 on the Federal Census [SR 431.112], Federal Act of 23 June 2006 on the Harmonisation of the Registers of Residents and other Official Registers of Persons [SR 431.02] and Federal Act of 19 June 1992 on Data Protection [FADP; SR 235.1]). The system is designed in such a way that certain minorities or small population groups can be identified on the basis of language or religion. As the Advisory Committee rightly pointed out in its Fifth Opinion, this information is the only data collected in the census that relates to certain characteristics of national minorities. An annual structural survey can identify specific groups of up to 140 persons with acceptable accuracy. By aggregating data over a three- to five-year period, it is even possible to identify groups of 50 or even 30 persons with acceptable accuracy.

Other international bodies and victims' organisations have already criticised the fact that Switzerland does not collect data on membership of population groups particularly vulnerable to racism as part of its public statistics. In response to this criticism, the Federal Statistical Office (FSO), together with the Service for Combating Racism (SCRA), commissioned an expert opinion on this practice. The expert concluded that the collection of data on membership of a "race" or population group subject to discrimination is not feasible in Swiss official statistics, both for reasons relating to fundamental rights (in the case of compulsory surveys) and for technical reasons. Nor is the use of variables relating to ethnic origin, migrant backgrounds or even nationality a solution, as none of these fully describe vulnerable population groups. Data on these groups must therefore continue to be compiled from a combination of multiple sources (public statistics, data from private organisations, quantitative surveys and qualitative research) (see Statistical data on equal treatment and discrimination on the grounds of ethnocultural origin and characteristics, state of play and possibilities of public statistics and scientific research in Switzerland, 18 December 2019, <https://www.edi.admin.ch/edi/fr/home/fachstellen/frb/commandes-et-publications/daten-zu-gleichbehandlung.html>).

The Swiss authorities do not share the concerns expressed by the Advisory Committee in its Fifth Opinion about the reliability of the census methodology for identifying small population groups belonging to national minorities. The results of the Swiss structural survey, which provides information on language, reflect the information provided by those surveyed, as do as all other censuses carried out throughout the world. As far as the Romansh minority is concerned, the results of the structural survey can be described as good. The estimated number of Romansh speakers in Switzerland as a whole is 44 354 ± 1 861 (4%) (aggregated data for 2016-2020).

The way the census is carried out in Switzerland makes it possible to indicate membership of one or more minorities by answering questions on language and religion. If someone reports that they speak only one language, this is their choice and it is not statistically justifiable to conclude that this constitutes discrimination. Members of minorities who feel disadvantaged or discriminated against are not always inclined to provide the authorities with truthful information about their origin and identity. This is clear from the abovementioned report (page 14 of the report).

The current census methodology used in Switzerland is therefore sufficiently accurate to identify minorities on the basis of language and religion. As the Swiss census is based on a combination of administrative data and sample surveys, and as the structural survey is compulsory, the quality of the data collected can be considered good. However, some population groups may not provide accurate information on their minority status.

The Advisory Committee calls on the authorities to take the necessary steps, in consultation with the parties concerned, to bring the National Human Rights Institution in full compliance with the Paris Principles. It recommends that the authorities provide a mandate for this institution in particular with regard to complaint handling, adequate investigative powers and resources (recommendation in paras. 18 and 68).

In October 2021, Parliament adopted legislation to establish a National Human Rights Institution (NHRI) in Switzerland (Federal Act of 19 December 2003 on Measures for Civilian Peacebuilding and the Promotion of Human Rights). The NHRI is a public-law corporation (“public-law association”). The preparatory work required for setting up the NHRI, including drafting the statutes and convening the constituent assembly, was entrusted to a working group, which met at regular intervals from April 2022. The working group was made up of representatives of civil society, the private sector, the federal authorities, the Conference of Cantonal Governments (CdC/KdK) and the Federal Council’s extra-parliamentary advisory commissions. Its aim was to ensure that the NHRI would be accredited with A status, i.e. fully compliant with the Paris Principles. Criteria such as the NHRI’s mandate, composition, working methods and independence were duly taken into account by the working group. The constituent assembly was held on 23 May 2023.

In accordance with the provisions of the law underpinning the NHRI, the institution’s mandate is inspired by the Paris Principles. Its statutory functions include:

- information and documentation,
- research,
- consultation,
- promotion of dialogue and co-operation,
- human rights education and awareness-raising,
- exchange of information at international level.

On the other hand, the NHRI does not exercise an individual monitoring or mediation function, as it is important not only to respect the distribution of powers between the Confederation and the cantons, but also to avoid overlapping with the mandates of various other mediation bodies. The idea of an individual complaint mechanism was therefore rejected by the Federal Council, Parliament and the cantons. Under the Paris Principles, the complaint handling function is only an option for NHRIs, not a mandatory requirement.

Under the new legislation, the Federal Council is to submit a proposal to Parliament for funding the NHRI in the form of a four-year credit line. It is also stipulated that the Confederation will provide financial support to the NHRI in the amount of 1 million Swiss francs per year. However, this is a reference amount that can be adjusted by Parliament. It is envisaged that the NHRI’s infrastructure costs, in particular those relating to its premises, IT and translation services, will be borne by all the cantons.

The Advisory Committee calls on the authorities to use the existing legislation to effectively prosecute the display of symbols propagating and glorifying Nazism in public and to explicitly criminalise such display (recommendation in paras. 20 and 132).

The issue of banning the public use of Nazi symbols is currently being examined by the Swiss Parliament, in particular in the context of various parliamentary motions and initiatives. The Federal Office of Justice (FOJ), which was mandated to study the issue, produced a report that takes stock of the current legal situation regarding the criminal and non-criminal use of Nazi, racist or extremist symbols or symbols glorifying violence, presents the views of legal experts on the need for legislation and sets out the advantages and disadvantages of the various legal options available if the use of such symbols were to be banned outright. In the report, published in December 2022, the FOJ concluded that a ban on the use of such symbols was theoretically possible, but that there were significant legal obstacles to introducing a new legal provision and that it would be very difficult to draft (see Prohibition of Nazi, racist or extremist symbols and symbols glorifying violence, Report presenting the legal situation and weighing up the various options for implementing a ban, 15 December 2022, <https://www.news.admin.ch/news/message/attachments/74503.pdf>).

At its extraordinary session in May 2023, the National Council considered two initiatives on this issue (Binder-Keller motion “Firmly condemning the Third Reich. Banning Nazi symbols in public spaces without exception”; motion 21.4046 Rüeeggler “Prohibiting the use of extremist, terrorist and Islamist symbols”). The Federal Council responded that there was no need to introduce new criminal provisions. On 2 May 2023, motion 21.4046 Rüeeggler was withdrawn by its sponsor and on 4 May 2023, motion 21.4354 Binder-Keller was adopted by the National Council. The National Council’s Legal Affairs Committee took a decision on another pending parliamentary initiative (Parliamentary Initiative 21.524 Barille “Prohibiting the use in public of extremist or racist symbols or symbols glorifying violence”). The

initiative will now be considered by the Legal Affairs Committee of the Council of States. In response to the other parliamentary initiative, the National Council's Legal Affairs Committee is working on a draft special law ([Parliamentary initiative 23.400](#) of the National Council's Legal Affairs Committee "Prohibition by special law of the use in public of Nazi symbols").

The Advisory Committee calls on the authorities to 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 (recommendation in paras. 21 and 133).

On 5 April 2023, the Federal Council announced that it was preparing new legislation to regulate large communication platforms. In particular, it plans to require the major communication platforms to be more transparent and to appoint a point of contact and a legal representative in Switzerland. It also believes that users should be able to report hate speech, depictions of violence and threatening language, and that the platforms should be required to review the reports and inform the users of the outcome. Upon user request, platforms should also review decisions to remove content or block a user's account. In addition, the large platforms should set up and fund internal customer complaint services and an independent Swiss arbitration board. Notwithstanding these new provisions, courts may still take into account the existence of hate speech in the context of certain crimes when determining sentences.

The Advisory Committee encourages the authorities to intensify their efforts to combat hate crime, including through collection of disaggregated data with attention also to the motives of hate crimes (recommendation in para. 134).

Since 2009, the Police Crime Statistics (PCS), which are compiled using standardised reporting and analysis tools, have provided information on all criminal offences recorded by the Swiss police and their clearance rates. Since 2021, the data published on Article 261bis of the Criminal Code have made it possible to distinguish between discrimination offences committed on grounds such as race, ethnicity and religion and those committed on grounds of sexual orientation. It should be noted, however, that the statistical classification of hate crime in police crime statistics is very limited, as the motives for crimes are generally not recorded. When the police compile their statistical data, these motives are often not clearly identifiable.

The Advisory Committee calls on the federal and cantonal authorities to 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 for media content exercised by the Swiss Press Council (recommendation in paras. 22 and 145).

The federal authorities are responsible for providing the framework required for radio and television to fulfil their constitutional mandate under Article 93, paragraph 2, of the Federal Constitution of the Swiss Confederation (Cst.). As laid down in the Federal Act on Radio and Television (RTVA), this mandate requires the public service provider SRG-SSR to promote understanding, cohesion and exchange between the different parts of the country, linguistic communities, cultures and social groups, while taking into account the specific characteristics of the country and the needs of the cantons (Article 24, paragraph 1, point b, RTVA; see also Article 3, paragraph 4, SRG-SSR Licence). In addition, the broadcasters' autonomy ensures that no one can oblige them to broadcast specific productions or information (Article 6, paragraph 3, RTVA; see also Article 93, paragraph 3, Cst.). The SRG-SSR is therefore only subject to a very general obligation to take account of minorities in the content it broadcasts.

As part of its promotion of cinema, the Federal Office of Culture (FOC) supports projects that contribute to the diversity of Swiss films and co-productions. For example, it recently supported a documentary film ("*Ruäch* – a journey through Yenish Europe") which is being shown in cinemas and at various festivals and which deals with the issue raised in the recommendation.

The Advisory Committee encourages the federal and cantonal authorities to pursue their efforts to support both broadcast and printed media in Italian and Romansh languages in the Canton of Graubünden/Grischun/Grigioni (recommendation in para. 146).

The promotion of media in Italian or Romansh in the Canton of Graubünden/Grischun/Grigioni remains a key issue for the protection of minorities and contributes to strengthening of identity and preserving and developing these languages, which is particularly important for the diaspora. Federal support is

determined by service agreements. The appropriations required for this purpose were set by Parliament during its deliberations on the Message on Culture 2025-2028.

#### 4. Advisory Committee's recommendations on participation

##### 4.1 Participation in general

In some of its recommendations, the Advisory Committee calls on the authorities to involve representatives of national minorities more closely in matters that concern them (see Recommendations in paras. 17 and 63, 19 and 87, 23 and 205, 101 and 206).

As stated in its Combined Report of October 2021, Switzerland offers many opportunities for participation in political life at all levels of government. At federal level, associations representing minorities have the opportunity to be heard during the preliminary stage of the legislative process. For example, the Message on Culture 2025-2028, which will set out the strategy for promoting Yenish and Sinti/Manush culture, will be presented in a public consultation procedure. As part of this process, organisations representing Yenish and Sinti/Manush people will also be invited to give their views in order to find out more about their needs in order to effectively promote their culture and history.

As noted in the Combined Report, some cantons have set up a service specifically for Travellers, in line with the recommendations of the Committee of Ministers. The Canton of Bern/Berne recently set up such a service. These cantonal bodies act as mediators between the Yenish, Manush and Roma people with an itinerant lifestyle and the cantonal authorities, municipalities and all relevant stakeholders. They are also a contact point for all questions relating to itinerant lifestyles in the canton.

The Advisory Committee's various recommendations on participation address a number of other aspects. In this context, the Foundation "A Future for Swiss Travellers" stresses that the effective participation of minorities makes an essential contribution to social cohesion and peaceful coexistence. However, the possibility of implementing these recommendations will need to be carefully considered by the relevant departments at federal, cantonal and municipal level. While certain issues relating to the representation of minority communities, such as those raised by the Canton of Graubünden/Grischun/Grigioni, need to be examined, it is important to take into account available resources and staffing requirements, as highlighted by the Canton of Zürich, but also to determine whether participation should be limited to national minorities recognised in Switzerland, as the Canton of Ticino pointed out.

On the question of participation, the Canton of Neuchâtel reiterates that, although the legislative process relating to the Law on the encampment of nomadic communities (LSCN) referred to in the Fifth Opinion was not preceded by a public consultation process, discussions were held with various representatives of these communities before the law was adopted.

##### 4.2 Measures in the context of the Covid-19 pandemic

With regard to the measures that have been taken to mitigate the socio-economic consequences of the Covid-19 pandemic specifically on persons belonging to Yenish and Sinti/Manush communities, the Advisory Committee calls on the authorities to evaluate these measures in close co-operation with the minorities concerned and to address any shortcomings identified (see recommendation in para. 88).

As noted in the Combined Report, Travellers, in particular the Yenish and Sinti/Manush living in Switzerland, were particularly affected by the Covid-19 crisis. Their nomadic way of life was made very difficult, especially at the beginning of the pandemic, by the closure of certain official stopping places and regional bans on their itinerant occupational activities. From March 2020, the Foundation "A Future for Swiss Travellers" and the Federal Office of Culture (FOC) made recommendations to all cantonal and municipal authorities responsible for Traveller sites to mitigate the effects of the crisis on these population groups and to introduce protective measures at these sites. The Federal Council then explicitly stated in Ordinance 2, Measures to combat Covid-19, that stopping places for Travellers should remain open, provided that a virus protection plan was implemented. In agreement with the Confederation, the Foundation "A Future for Swiss Travellers" drew up a protection plan to this end and made it available to the cantons and those responsible for the stopping places on 15 May 2020. In addition, self-employed Yenish, Sinti/Manush and Roma were entitled to compensation for loss of earnings. In collaboration with a Yenish organisation and with funding from the authorities and charities, a service was set up to provide advice and financial support in the event of economic difficulties.

The Confederation and the cantons commissioned various assessments of the measures taken to mitigate the difficulties caused by the Covid-19 pandemic and, in particular, of the measures taken to support the cultural sector. These assessments did not focus specifically on the situation of the Yenish and Sinti/Manush. However, through the advisory service it had set up, the Foundation “A Future for Swiss Travellers” identified certain shortcomings in the system and the vulnerability of many persons with an itinerant way of life. As a result, a permanent social advice service was established under the umbrella of the Foundation “A Future for Swiss Travellers” at the start of 2022. It will initially be funded for four years. After about a year of operation, the service seems to be well accepted and in great demand.

5. Advisory Committee’s recommendations concerning linguistic minorities

Many of the Advisory Committee’s recommendations have already been implemented in practice. For example, the Federal Chancellery, in consultation with the Chancellery of the Canton of Graubünden/Grischun/Grigioni and Lia Rumantscha, is responsible for determining which information should be translated into Romansh (recommendation in para. 152). The Confederation also supports teaching in Romansh in the Canton of Graubünden/Grischun/Grigioni and in the rest of Switzerland, as well as the development of bilingual upper-secondary courses (including Italian) leading to university entrance, and of teaching materials in Italian and Romansh (recommendation in para. 193). In addition, the use of Italian in education is already promoted under the Languages Act (recommendation in para. 215).

The promotion and strengthening of multilingualism in the federal administration, in particular through the objective of equitable representation of the language communities (especially Romansh and Italian) and the improvement of the language skills of persons employed by the Confederation (recommendation in paras. 151 and 214), is in line with the Federal Council’s strategic objectives 2020-2023 for the promotion of multilingualism in the federal administration. The Federal Council is therefore pleased that the Advisory Committee has noted with satisfaction the ongoing efforts of the federal authorities.

Switzerland responded to the Advisory Committee’s recommendation on German-speaking minorities (recommendation in para. 216) in the context of the monitoring of the implementation of the European Charter for Regional or Minority Languages (eighth cycle). It also explained its reasons for rejecting the recommendation. Switzerland will reiterate its position on this matter and provide further clarification in the forthcoming interim report on the implementation of the Charter for Regional or Minority Languages.