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**THIRD REPORT SUBMITTED BY SWITZERLAND  
PURSUANT TO ARTICLE 25, PARAGRAPH 2  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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NB. Appendixes are not available electronically but may be requested from the Secretariat of the FCNM.

**The Swiss Government's Third Report  
on implementation of the Council of Europe Framework  
Convention for the  
Protection of National Minorities**

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# INTRODUCTION

## A. General remarks

1. Switzerland attaches great importance to the protection of national minorities. It ratified the Council of Europe Framework Convention for the Protection of National Minorities on 21 October 1998. The Framework Convention entered into force in Switzerland on 1 February 1999. On 16 May 2001, Switzerland delivered its first State Report on the implementation of the Framework Convention; the first monitoring cycle was concluded with the Committee of Ministers Resolution of 10 December 2003 [ResCMN(2003)13]. On 31 January 2007, Switzerland delivered its second State Report, which led to the adoption of the Advisory Committee's second Opinion on Switzerland on 29 February 2008. Switzerland submitted its Comments on that document in August 2008. The second monitoring cycle was concluded with the Committee of Ministers Resolution of 19 November 2008 [ResCMN(2008)10].

2. Switzerland presents its **third State Report** below. It has been drawn up in accordance with the "Outline for state reports to be submitted under the third monitoring cycle" adopted by the Committee of Ministers on 11 June 2008. This third report focuses on the questions raised by the Committee of Ministers in its Resolution of 19 November 2008 and by the Advisory Committee in its Opinion of 29 February 2008. Switzerland was not asked to reply to a specific questionnaire.

3. This third report has been compiled by the Directorate of Public International Law (DDIP) of the Federal Department of Foreign Affairs (DFAE), the federal administration's focal point for implementation of the Framework Convention, on the basis of contributions from various departments within the federal administration, namely:

- *on behalf of the Federal Department of Foreign Affairs:* the Directorate of Political Affairs, Division IV, Human Rights Policy Section; General Secretariat, Equal Opportunities DFAE;
- *on behalf of the Federal Department of Home Affairs:* the Federal Office of Culture; the Service for Combating Racism; and the Federal Statistical Office;
- *the Federal Commission against Racism;*
- *on behalf of the Federal Department of Justice and Police:* the Federal Office of Justice and the Federal Office for Migration;
- *on behalf of the Federal Department of Economic Affairs:* the State Secretariat for Economic Affairs;
- *on behalf of the Federal Department of Finance:* the Federal Office of Personnel;
- *on behalf of the Federal Department of the Environment, Transport, Energy and Communications:* the Federal Office for Spatial Development; the Federal Office for Communications.
- *on behalf of the Department of Defence, Protection of the Population and Sport:* Armasuisse Immobilier.

4. *The cantons* were consulted both individually and through the Conference of Cantonal Governments (CdC) and invited to submit their comments on the draft report. A number of intercantonal conferences<sup>1</sup> were also consulted.

*The municipalities* were also consulted through the Association of Swiss Municipalities (ACS) and the Union of Swiss Towns (UVS).

5. For the *Traveller community*, which is recognised as a national minority, the following contributed to this report by submitting comments on the draft version: the “A Future for Swiss Travellers” Foundation,<sup>2</sup> the Travellers’ umbrella organisation “Radgenossenschaft der Landstrasse”,<sup>3</sup> the associations “Action Sinti et Jenisch Suisses” (“Swiss Yenish and Sinti Action”) and “Yenisch Suisse” (“Swiss Yenish), the “Naschet Jenische” foundation, the “Mission tsigane” (Gypsy Mission) and “Schäft qwant” (“Transnational Association for Yenish Cooperation and Cultural Exchange”).

The Rroma Foundation was also consulted on the subject of the Roma.

For *the Jewish community*, which is recognised as a national minority, the following were consulted on the draft report: the Swiss Federation of Jewish Communities (FSCI), the Platform of Liberal Jews in Switzerland (PJLS) and the Inter-Community Coordination Forum Against Anti-Semitism and Defamation (CICAD). The FSCI and PJLS, which together comprise 19 member communities and represent the large majority of the some 18 000 Jews living in Switzerland, adopted a common position during this consultation.

The Swiss Council of Religions (CdR), the Confederation’s dialogue partner on matters of *interfaith dialogue*, was also consulted.

Regarding *linguistic minorities* recognised as national minorities, the following organisations were consulted: the “Lia Rumantscha”, “Pro Grigioni Italiano”, the “Helvetia Latina” association, the “Forum du bilinguisme” (“Forum for Bilingualism”) foundation, the “Deutschfreiburgische Arbeitsgemeinschaft” (DFAG, association for the German-speaking community of Fribourg) and the “Communauté romande du Pays de Fribourg” (CRPF, association for the French-speaking community of Fribourg).

6. NGOs concerned with the protection of minority rights were consulted through “Humanrights.ch”, the “Society for Threatened Peoples Switzerland” and the “Society for Minorities in Switzerland”.

7. This report has been drafted and published in Switzerland’s three main official languages: *German*, *French* and *Italian*. For the first time, pursuant to the provisions of the new Federal Law on National Languages and Mutual Understanding between Linguistic Communities (see Article 5, section 1), it has also been translated into *Romansh* at the Confederation’s expense.

This report may be consulted by a wide audience on the relevant page of the official website of the Federal Department of Foreign Affairs.<sup>4</sup> The results of the Council of Europe’s

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<sup>1</sup> Swiss Conference of Cantonal Ministers of Education (CDIP); Swiss Conference of Public Works, Spatial Planning and Environment Ministers (DTAP); Swiss Conference of Heads of Cantonal Departments of Justice and Police (CCDJP); Swiss Conference of Cantonal Ministers for Social Affairs (CDAS).

<sup>2</sup> In this connection, see the Swiss Government’s initial report of April 2001, §144; see also the supplementary information sent in August 2002, §217.

<sup>3</sup> In this connection, see the Swiss Government’s initial report of April 2001, §143; see also the supplementary information sent in August 2002, §218.

<sup>4</sup> <http://www.eda.admin.ch/eda/fr/home/topics/eu/euroc/coeusw/coswtr.html>

examination of this report will also be published there in order to foster public debate on the situation of national minorities in Switzerland.

## **B. Latest relevant statistical data**

8. According to the new law of 22 June 2007 on the federal population census,<sup>5</sup> the new population census comprises data based on official registers. Required information that cannot be found in the registers is collected using sample surveys. A sample survey comprises, on the one hand, a structure survey of 200 000 people conducted each year and providing, in particular, information on language and religion. The first results of the 2010 structure survey will be available in June 2012. The cumulative results of the 2010, 2011 and 2012 structure surveys will allow more detailed and comprehensive analyses of the data and will be available at the end of 2013. Sample surveys also comprise thematic surveys of samples consisting of 10 000 to 40 000 people (five themes on an annual rotating basis). They supplement the data obtained from structure surveys in such areas as language and religion. The first thematic survey on “language, religion and culture” will be conducted in 2014 and the initial results are expected in December 2015. This exercise will be repeated every five years.

As regards *languages*, the questions put during the structure survey are now as follows:

- *What is your main language, in other words the language you think in and which you know best?* People who think and are proficient in several languages have the possibility of indicating several languages, which was not the case in previous federal population censuses.
- *Which language/s do you normally speak at home/with your family?* Several answers are possible.
- *Which language/s do you normally speak at your workplace/place of education or training?* Several answers are possible.

The possibility of indicating several languages in answer to the first question was introduced in response, in particular, to criticism from the Romansh-speaking linguistic minority. Indeed, most Romansh speakers are bi- or even trilingual and the question as formulated previously was not adapted to their circumstances.

The latest federal population census will be published during the second half of 2012. Relevant data will be transmitted to the Advisory Committee as soon as available. The last results concerning language and religion, shown below, come from the 2000 federal population census. Two documents published following the 2000 federal census may be found in the appendix: one concerning the linguistic landscape in Switzerland which takes stock of the situation regarding the four official languages and non-national languages, and the other concerning Switzerland’s religious landscape, which provides detailed information about people’s religious affiliations.

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<sup>5</sup> RS 431.112 : cf. copy in the appendix.

**Resident population by main language and religion**

Language (2000):	German: 63.7 % French: 20.4 % Italian: 6.5 % Romansh: 0.5 % Other: 9 %
Religion (2000):	Roman Catholic: 41.8 % Protestant: 35.3 % Muslim: 4.3 % Christian Orthodox: 1.8 % Jewish: 0.2 % Christian Catholic: 0.2 % No religion: 11.1 % Others: 1 % No details given: 4.3 %

Source: 2000 federal census, Federal Statistical Office<sup>5</sup>



**Main languages by cantons (canton population and percentage), 2000**

	Total	German (%)	French (%)	Italian (%)	Romansh (%)	Non-national languages (%)
<b>German-speaking cantons</b>						
Uri	34 777	93.5	0.2	1.3	0.1	4.8
Appenzell Inner R.	14 618	92.9	0.2	0.9	0.1	5.9
Nidwalden	37 235	92.5	0.6	1.4	0.1	5.3
Obwalden	32 427	92.3	0.4	1.0	0.1	6.2
Appenzell Outer R.	53 504	91.2	0.3	1.7	0.1	6.6
Schwyz	128 704	89.9	0.4	1.9	0.2	7.6
Lucerne	350 504	88.9	0.6	1.9	0.1	8.5
Thurgau	228 875	88.5	0.4	2.8	0.1	8.2
Solothurn	244 341	88.3	1.0	3.1	0.1	7.5
St Gallen	452 837	88.0	0.4	2.3	0.2	9.0
Schaffhausen	73 392	87.6	0.5	2.6	0.1	9.2
Basle-Rural	259 374	87.2	1.5	3.5	0.1	7.7
Aargau	547 493	87.1	0.8	3.3	0.1	8.7
Glarus	38 183	85.8	0.3	4.4	0.1	9.3
Zug	100 052	85.1	1.1	2.5	0.2	11.1
Zurich	1 247 906	83.4	1.4	4.0	0.2	11.0
Basle-City	188 079	79.3	2.5	5.0	0.1	13.1
<b>French-speaking cantons</b>						
Jura	68 224	4.4	90.0	1.8	0.0	3.8
Neuchâtel	167 949	4.1	85.3	3.2	0.1	7.4
Vaud	640 657	4.7	81.8	2.9	0.0	10.5
Geneva	413 673	3.9	75.8	3.7	0.1	16.6
<b>Italian-speaking cantons</b>						
Ticino	306 846	8.3	1.6	83.1	0.1	6.8
<b>Multilingual cantons</b>						
Berne	957 197	84.0	7.6	2.0	0.1	6.3
Graubünden	187 058	68.3	0.5	10.2	14.5	6.5
Fribourg	241 706	29.2	63.2	1.3	0.1	6.2
Valais	272 399	28.4	62.8	2.2	0.0	6.6
<b>Switzerland</b>						
<b>Total</b>	<b>7 288 010</b>	<b>63.7</b>	<b>20.4</b>	<b>6.5</b>	<b>0.5</b>	<b>9.0</b>

Source: 2000 federal census, Federal Statistical Office

## I. PART ONE

### *Practical arrangements made at national level for following up the results of the first monitoring cycle*

#### **A. Participation of national minority organisations and NGOs in implementation and monitoring of the Framework Convention**

9. As explained below in section C, a conference was held on 7 April 2011 in Berne on the *situation of the Traveller minority* with an itinerant way of life to discuss in particular the lack of stopping places and transit sites. The conference was organised by the “A Future for Swiss Travellers” Foundation and sponsored by the Federal Departments of Foreign Affairs and Home Affairs. The working group in charge of organising the conference included one of the Travellers’ representatives on the Foundation Council. The different Travellers’ organisations were invited to attend the conference through the intermediary of the “Radgenossenschaft der Landstrasse”, the Travellers’ umbrella association. Representatives of NGOs active in the area of minority rights were also present. The aims of the conference were to take stock of the situation as regards stopping places and transit sites, to raise awareness about the itinerant way of life, to present the good practices of certain cantons with regard to the provision and management of such sites and to bring together around the table the representatives of all directly interested parties, i.e. the federal, cantonal and municipal authorities and Travellers’ organisations.

The conference was attended by some 60 participants interested in the issue of stopping places and transit sites for Travellers. One of the main conclusions was that providing information to the Swiss settled population about the Swiss Travellers’ culture and needs was the basis for any improvement of the situation. This conference may also be the starting-point for further meetings to be organised by the cantons on the issues of stopping places and transit sites and places for spontaneous halts. There was also discussion of the possibility of holding a seminar to discuss the indirect discrimination suffered by Travellers who have kept their itinerant way of life.

10. On 2 March 2011 in Berne, the Human Rights Section of DDIP/DFAE organised a *meeting with the different NGOs* concerned with the matters within its remit. In particular, there was a presentation of activities in relation to implementation and monitoring of the Framework Convention.

11. The cantons are also actively involved in promoting the rights of national minorities and work in close cooperation with the organisations concerned. For example, each year since 2008 *the canton of Solothurn* has organised a “Religions Week” with the participation of the Jewish Community.

#### **B. Dissemination of the results of the second monitoring cycle**

12. The Confederation had the *Opinion on Switzerland* – drafted in English and French and adopted by the Advisory Committee on 29 February 2008 – translated into German and Italian. The *Comments of the Government of Switzerland* on that Opinion (August 2008) were drafted in the Confederation’s three official languages (German, French and Italian). All those documents were published on the DFAE’s official website as soon as the Comments had been submitted to the Council of Europe. Letters were sent out in September 2008

bringing those website documents to the explicit attention of the federal offices, cantons and intercantonal conferences, as well as Travellers' organisations, linguistic associations, the Swiss Federation of Jewish Communities (FSCI) and the NGOs that had taken part in the second cycle procedure.

13. The Confederation had the *Committee of Ministers Resolution* of 19 November 2008 on the implementation of the Framework Convention by Switzerland translated into German and Italian. It was published in those two languages, as well as in French and English, on the DFAE website.

In December 2008, the relevant federal departments as well as all Swiss cantons and the Swiss Conferences of Cantonal Ministers of Education (CDIP) and of Public Works, Spatial Planning and Environment Ministers (DTAP) received letters in their various official languages drawing their attention to the resolution. The cantons were then asked to note the points and recommendations concerning the areas within their remit and to convey these to the relevant municipal authorities, representatives of minorities and the organisations for the protection of minorities on their territory. Similarly, in December 2008, letters concerning the resolution and its publication on the website were sent in their language(s) of correspondence to the Swiss Federation of Jewish Communities, language associations, Travellers' organisations and NGOs. Their attention was also drawn on that occasion to the thematic commentaries adopted by the Advisory Committee on the following subjects: 1) The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs and 2) Education under the Framework Convention for the Protection of National Minorities.

### **C. Follow-up activities**

14. The Advisory Committee has been kept regularly informed about the situation regarding national minorities, in particular on the occasion of meetings of the Committee of Experts on issues relating to the protection of national minorities (DH-MIN), in which Switzerland has always been actively represented. Furthermore, in January 2010 a letter was sent to the Chairman of the Advisory Committee, giving the following information:

“1. On 1 July 2009, the Swiss Government (Federal Council) decided to launch, in cooperation with the cantons and private partners, a pilot project for a *Swiss Centre of Expertise in Human Rights*. The Federal Department of Foreign Affairs and other interested federal departments will thus be able to purchase services from university bodies selected via a tendering procedure. The cantons, municipalities and the private sector will also be able to benefit from those services.

2. On 1 January 2010 the new *Federal Law on National Languages and Understanding between Linguistic Communities* came into force.

3. A *seminar on the Traveller minority and the lack of stopping places and transit sites* is to be held on the basis of an expert report that is currently being prepared in order to take stock of developments and requirements in this area.

4. Also with regard to the situation of Travellers, the “A Future for Swiss Travellers” Foundation plans, in cooperation with the education authorities, to develop educational material about Travellers' culture and history. The aim is to promote multiculturalism at all levels of education and to fight prejudice at an early stage. The Foundation is already working on another project for a virtual exhibition on the Internet about Travellers' history and culture.”

15. As mentioned above, a conference on the *situation of the Traveller minority with an itinerant way of life* was held in Berne on 7 April 2011 to discuss the lack of stopping places and transit sites. This conference was part of the follow-up to Switzerland's application of the Framework Convention. It was designed to raise awareness about the Framework Convention and its implementation in Switzerland, with particular reference to the situation of the Traveller national minority. Experts from the Advisory Committee and the Framework Convention Secretariat gave presentations on the Convention and the obligations it entails for Switzerland with regard to Travellers, as well as about Committee of Minister recommendations and European Court of Human Rights case law on the issue of sites and stopping places for Roma and Travellers. There was also a presentation of the measures provided for under the "Strasbourg Declaration on Roma" of 20 October 2010, in particular a training programme for ombudsmen in order to promote a dialogue based on relations of mutual understanding and tolerance between Travellers and the authorities.

#### **D. Raising awareness about the Framework Convention**

16. In addition to the 7 April 2011 Berne conference on the situation of Travellers, other measures adopted with a view to raising awareness about the Framework Convention include a *seminar* held on 29 and 30 April 2010 in Zurich. Entitled "*From Minority Protection towards Managing Diversity*", it was organised under the auspices of the Swiss Chairmanship of the Council of Europe's Committee of Ministers (2009-2010) by the Convivenza Foundation, the Swiss Institute of International Studies and Zurich University's European Institute. In particular, this seminar provided the opportunity to highlight the importance of the regional standards for the protection of national minorities contained in the Framework Convention.

## II. PART TWO

### *Measures taken to improve implementation of the Framework Convention*

#### **A. Implementation of the specific recommendations of Part 2 of the Committee of Ministers Resolution**

17. In its Resolution of 19 November 2008, the Committee of Ministers adopted the following recommendations with regard to Switzerland in order to further improve the implementation of the Framework Convention:

“- take measures to strengthen existing institutions promoting human rights and the fight against discrimination;

- make particular efforts to ensure the full implementation of the new federal legislation on languages, including to promote more decisively multilingualism, mutual understanding and exchanges between linguistic communities;

- pursue efforts to promote the official use of the Romansh and Italian languages at the municipal and district levels in the canton of Graubünden by ensuring the swift implementation of the new cantonal Law on Languages;

- take further steps in the canton of Graubünden to encourage wider written and oral use of Italian and Romansh by the general public as well as within the administration and the judiciary;

- pursue the harmonisation process of language teaching requirements in compulsory education and consider complementing the existing offer of optional Italian-language courses outside the areas where this language is traditionally spoken on the basis of existing needs;

- ease and accelerate the planning and creation of transit sites and stopping places for Travellers through appropriate measures. Develop stronger financial and other incentives to promote action by the cantons and pursue further efforts to create stopping places and transit sites, including the reassignment of military sites. Develop stronger intercantonal co-operation from planning to operation of stopping places and transit sites;

- pursue efforts to support the language and culture of Travellers through various educational projects carried out in close co-operation with those concerned and to facilitate regular school attendance of children practising an itinerant way of life;

- ensure effective participation of Travellers' representatives in the work of various bodies dealing with Travellers' issues and set up mechanisms of systematic consultation at the cantonal and municipal level where appropriate.”

18. The Committee of Ministers' recommendations on Switzerland are based on the Advisory Committee's Opinion of 29 February 2008. In order to avoid repetition, the policies and measures that are envisaged or have already been initiated in order to follow up those recommendations will be presented below in section B, which gives an article-by-article analysis of the detailed recommendations contained in the Advisory Committee's Opinion. Where Advisory Committee recommendations were incorporated into the Committee of Ministers resolution, this will be explicitly indicated.

**B. Article-by-article presentation of the measures taken in response to the findings contained in the Advisory Committee's Opinion**

**ARTICLE 3**

1. *Every person belonging to a national minority shall have the right to freely choose to be or not to be treated as such and no disadvantage shall result from this choice or from the exercise of rights which are connected to that choice.*
2. *Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.*

On the subject of **linguistic minorities**, the Advisory Committee recommends that: *“The authorities should pursue their efforts to meet the needs of persons belonging to linguistic minorities even outside their traditional areas of settlement. In this context, they are invited to pay increased attention to the situation of Italian- and Romansh speakers who live in large cities, especially in the field of education”*. This is partially incorporated into recommendation 5 of the Committee of Ministers Resolution of 19 November 2008.

Since this recommendation relates above all to the issue of education in minority languages, it will be addressed in connection with the findings on **Article 14** (section 1).

On the subject of the **criterion of Swiss citizenship** in order to benefit from the status of “national minority” the Advisory Committee makes the following recommendation: *“The authorities could intensify their dialogue with persons belonging to groups which are not covered by the Swiss declaration. In this regard, the Advisory Committee notes that State Parties should promote mutual respect and understanding and co-operation among all persons living on their territory”*.

As regards the **specific needs of foreign Travellers**, the Advisory Committee recommends that: *“The authorities should continue to pursue an increasingly inclusive approach in legislation, policies and practices regarding the citizenship criterion, in particular when issues affecting Travellers are being addressed”*.

These two recommendations were not incorporated into the Committee of Ministers Resolution of 19 November 2008.

**1. Personal scope of the Framework Convention**

19. The Framework Convention contains no definition of the notion of “national minorities”. The Explanatory Report on the Framework Convention indicates that at the time of drafting the Convention it was decided to leave the States Parties free to interpret and determine its personal scope. Switzerland made use of that possibility when it ratified the Framework Convention on 21 October 1998, making the following declaration:

*“Switzerland declares that in Switzerland national minorities in the sense of the framework Convention are groups of individuals numerically inferior to the rest of the population of the country or of a canton, whose members are Swiss nationals, have long-standing, firm and lasting ties with Switzerland and are guided by the will to safeguard together what constitutes their common identity, in particular their culture, their traditions, their religion or their language”*.

In practice, in view of the text of the interpretative declaration, the Framework Convention is applied at present in Switzerland to national linguistic minorities, in other words, the French-, Italian- and Romansh-speaking minorities. Similarly, it protects members of the German-speaking minority living in the cantons of Fribourg and Valais, as well as French speakers in the canton of Berne, to the extent that the questions considered fall within the remit of the cantonal authorities. Protection under the Framework Convention also applies to Travellers and members of the Jewish Community.

## 2. Recognition of new national minorities?

20. Neither the first nor the second monitoring cycle of the Framework Convention gave rise to the recognition of new national minorities. This is nonetheless a question that must be regularly examined. During the technical consultations conducted in preparation for this report, the cantons and municipal authorities were asked whether, in light of the criteria set out in the Swiss interpretative declaration, there were other linguistic, cultural or religious communities that should be recognised in Switzerland as national minorities.

The cantons that expressed an opinion on the subject took the view that, based on the criteria set out in the interpretative declaration, there were no grounds for recognising other linguistic, cultural or religious communities as national minorities, and that, as far as the situation on their territory was concerned, there was no other community that satisfied the criteria.

The canton of Vaud pointed out that, given the place it occupies and the discussions to which it gives rise, there might be grounds for granting the *Swiss Muslim community* a similar status to that enjoyed by the Swiss Jewish community.

## 3. Intercultural dialogue and integration policy

21. The Swiss Government is particularly attentive to migration issues, to integration policy and to improving mutual understanding between the Swiss and foreign populations. The aims of Swiss integration policy have for the first time been enshrined in legislation, in Article 53ff of the new Federal Law on Foreigners (LEtr),<sup>6</sup> which came into force on 1 January 2008, and Article 2 of the revised Ordinance on the integration of foreigners (OIE),<sup>17</sup> which came into force on the same date. In order to implement that policy, the Federal Justice and Police Department (DFJP) has drawn up a “programme of key points 2008-2011”. This programme makes provision for allocating appropriations of some CHF 16.5 million (2010 budget) (Art. 55 LEtr) specifically to the integration of foreigners. The DFJP lays down the thematic framework for the measures to be promoted during each legislature. The key points of the programme for 2008-2011 are as follows: 1. Language and training, 2. The setting up of centres of expertise on integration issues and support for centres providing community interpreting services, and 3. The creation of pilot projects. The specific support given to integration is *complementary* to efforts undertaken within ordinary structures. These measures are directed, first of all, at improving quality assurance for the integration efforts conducted within ordinary structures; they take the form of expert advice and assessments or project support (for example, provision of community interpreting in difficult situations, e.g. in the healthcare sector, or further training for professionals in dealing with specific target groups). The specific measures are also designed to fill gaps, for example in cases where the necessary conditions for access to ordinary structures are not met (e.g. promoting the

<sup>6</sup> RS 142.20: cf. copy in the appendix

<sup>7</sup> RS 142.205: cf. copy in the appendix

language skills and professional integration of specific groups such as refugees, young people arriving at a late stage in Switzerland to join their families, or parents). Sometimes they judiciously supplement ordinary structures when it comes to meeting the needs of small groups with specific requirements (e.g. measures for traumatised asylum-seekers.<sup>8</sup>)

The aim of integration policy is to enable migrants to participate in economic, social and cultural life in the same way as the Swiss. This is a measurable objective: migrants are integrated when their statistics in the fields of education, jobs, health, housing and crime are similar to those of the Swiss population. However, direct or indirect discrimination can stand in the way of equal opportunities. Efforts to promote integration which are aimed at giving migrants a stronger sense of responsibility and supporting them in developing their personal capabilities go hand-in-hand with an anti-discrimination policy. The Swiss Government takes the view that in order to tap the economic, social and cultural potential of migrants to the full, the way they are received by the majority society must be improved, mutual fears and prejudice must be specifically addressed, access to equal opportunities must be guaranteed and discriminatory barriers must be systematically removed.

The Confederation and the cantons wish to promote integration by defining common objectives and making available additional financial resources of up to CHF 40 million. Dialogue on integration with key stakeholders will be stepped up. At the end of November 2011, with that aim in mind, the Swiss Government launched consultations on a draft partial revision of the federal law on foreigners and five other pieces of legislation. The proposed amendments are an integral part of the integration plan adopted by the Federal Council.

#### 4. Transit sites for foreign Travellers<sup>9</sup>

22. Foreign Travellers transiting through Switzerland in the summer season are generally Roma or Sinti coming from France, Germany, Italy or Spain. Traditionally they travel in large groups of several dozen caravans. Owing to the lack of large transit sites they are regularly obliged to stop in unauthorised areas unsuited to that purpose. As a result, there is conflict with the local population, particularly on the issue of waste disposal. There is an estimated lack of ten large transit sites for foreign Travellers. Indeed, the expert report entitled “Les gens du voyage et l’aménagement du territoire” (“Travellers and land-use planning”), published in 2006 (p. 45ff) points out that in 2005 foreign Travellers used only 20 of the existing 45 sites at the time and that they are unsuited to their needs, given that foreign Travellers move around in large groups and therefore need the equivalent of two or three of the transit sites designed for Swiss Travellers.<sup>10</sup> The creation of transit sites adapted to foreign Travellers has therefore become a priority in certain cantons along the major transit routes. *In the of canton Aargau* for example, a transit site especially adapted to the needs of foreign Travellers was opened as of 2004, in the municipality of Kaiseraugst very close to the A3 motorway and the Rhine crossing. *The canton of St Gallen* has addressed this issue in its structure plan and its overall strategy on sites for Travellers. *The canton of Fribourg* plans to

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<sup>8</sup> It should be noted that these measures only concern foreign minority groups and not the national minorities. Also, treatment varies according to the origin of the people concerned (EU/EFTA or non-European countries).

<sup>9</sup> In this context, see in the appendix the report “Les gens du voyage et l’aménagement du territoire, la situation en 2010” (“Travellers and spatial planning: the situation in 2010”), pp. 37-38, 47, 51.

It should be noted that German, contrary to the French and Italian terminology, makes a distinction between “Transitplätze” for foreign Travellers and “Durchgangsplätze” for Swiss Travellers.

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[http://www.bak.admin.ch/themen/sprachen\\_und\\_kulturelle\\_minderheiten/00507/00512/00566/00569/index.html?lang=fr](http://www.bak.admin.ch/themen/sprachen_und_kulturelle_minderheiten/00507/00512/00566/00569/index.html?lang=fr)



create a transit site for foreign Travellers in the municipality of Sâles, as an extension of the motorway rest area on the A12. This is an original solution requiring the authorisation of the Swiss Government (on 11 March 2011), since the transit site is accessible via the motorway only. The site will be built in cooperation between the Confederation and the canton of Fribourg. The Federal Roads Office is to purchase the land from its private owner and develop it. At Domat/Ems in the *canton of Graubünden* there is a transit site reserved exclusively for the use of foreign Travellers. *In the canton of Berne*, the issue of transit sites for foreign Travellers is addressed in the canton's structure plan and in June 2011 the Executive Council adopted a set of "Guidelines on stopping places and transit sites for Travellers" for the canton of Berne. A pilot project designed to take stock of the situation is currently under way. It should lead to the creation of a special transit site for foreign Travellers along the A1 motorway. *The canton of Ticino*, a main thoroughfare for foreign Travellers, is actively seeking solutions for the creation of transit sites and has given a mandate to its Department of Institutions for that purpose.

## ARTICLE 4

1. *Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.*
2. *The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.*
3. *The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.*

The Advisory Committee makes, firstly, the following recommendation: "The authorities should continue to combat racial discrimination firmly through adequate criminal provisions and develop further anti-discrimination legislation in key fields such as housing, employment, access to public places and the provision of services. Switzerland should also introduce enhanced methods of monitoring developments in these fields". This is incorporated into recommendation 1 of the Committee of Ministers Resolution of 19 November 2008.

The Advisory Committee also recommends that: "Switzerland should reconsider the trend to weaken existing institutions and instruments promoting human rights and the fight against racial discrimination. Resolute efforts should rather be made to strengthen them, which may include the creation of an independent human rights institution".

And finally, it recommends that: "More resolute action should be taken to develop positive measures to address persisting problems of discrimination faced by Travellers, especially the housing conditions related to their itinerant way of life".

### 1. Anti-discrimination legislation and monitoring of its implementation

23. The basic position of the Swiss Government is that the laws in force should be consistently applied. The Federal Constitution bans all forms of discrimination and protects freedom of belief, conscience and language. All administrative departments are bound by law to respect fundamental rights and help ensure their implementation. In addition to the principle of anti-racism set out in the Criminal Code (Art. 261 *bis*), there are numerous other provisions under constitutional, private, criminal and administrative law that can be invoked

as a defence against discrimination. One can, for example, invoke the principles of good faith and protection of personality enshrined in the Swiss Civil Code, or the provisions of the Code of Obligations declaring contracts that are contrary to public order or to accepted standards of proper behaviour illegal. Thus, as it has reiterated on several occasions, the Swiss Government considers that the existing legal basis currently offers sufficient protection against discrimination. It nonetheless recognises that very few cases of discrimination are taken to court. A number of people seem to be put off by the relatively high costs of legal proceedings in relation to the advantages to be gained by winning a court case. The victims of discrimination are often deterred from taking legal action by fear and uncertainty, as well as the risks associated with such legal proceedings. The Swiss Government considers that the existing law could be more frequently applied if people – both the public at large and potential victims of discrimination – had a better knowledge of it. For that purpose the Federal Council wishes to adopt an overall, coordinated approach to the issues of integration and the fight against discrimination. By promoting integration, the Government undertakes to combat shortcomings and discrimination in the areas of language, education and information. The so-called Schiesser report of March 2010 on the development of the Swiss Confederation's integration policy proposes a number of measures whose implementation is being discussed with the cantons. A call for tenders entitled "Development of cantonal integration programmes and supporting measures" has been issued by the *Federal Office for Migration (ODM)* to the cantonal departments in charge of integration issues. The following measures in particular have been suggested by the Confederation:

- It is proposed that in all cantons, the people concerned should receive sound advice regarding legal protection against discrimination and the procedure to be followed.
- It is necessary to promote easily accessible cooperative mechanisms for the settlement of disputes.
- Newly arrived foreigners should be informed, for example during interviews on arrival or by other means, about the existing possibilities for defending themselves against discrimination.
- Departments specialised in integration should endeavour, in cooperation with the ordinary structures, to identify and eliminate structures or procedures that are indirectly discriminatory.

24. In order to implement the Swiss Government's strategy, *the Service for Combating Racism (SLR)* offers the following:

- The "Legal Guide to Racial Discrimination", offering practical advice on how and when a person may have recourse to legal action in order to combat racial discrimination.
- Ongoing training (in French or German) can be organised all over Switzerland and tailored to the specific needs of the target audience.
- A brochure on "Action against racism - examples and recommendations for project management" proposes practical solutions for organising and conducting an anti-racism project. It is accompanied by a DVD containing short, entertaining films showing examples of such projects.

25. The *extra-parliamentary Federal Commission against Racism (CFR)*, an independent structure at national level, is in favour of coherent anti-discrimination legislation which also applies to national minorities. Its arguments are based on the fact that standards in this area are few and far between and that the legal basis is therefore unclear. Moreover, the costs of legal proceedings may in some cases appear out of all proportion to the chances of success. Finally, the CFR takes the view that protection against discrimination between private individuals is insufficiently developed. In 2010 it published a report entitled "Le droit contre la discrimination raciale" (The law against racial discrimination) proposing measures to strengthen Swiss anti-racial discrimination legislation.

26. As regards monitoring the frequency of reported acts of discrimination, it should be noted that since 2008, the “consultation network for victims of racism” run by “Humanrights.ch” and the Federal Commission against Racism with the support of the Service for Combating Racism records racist incidents and contributes to national monitoring of the fight against racism. Seven consultation centres are involved in that effort, as is the Federal Commission against Racism (CFR), whose tasks include the provision of advice to private individuals. There are plans for other centres to join the network. The participating consultation centres record their cases in a shared database (DoSyRa). The network’s third report (for 2010) was published in June 2011.<sup>11</sup>

27. Regarding data on acts of discrimination, we should mention that experience of discrimination will also be addressed in the current federal population census, by means of the thematic survey on “language, religion and culture” (see §8 above). A first version of the questionnaire is to be drawn up in September 2012.

## **2. Institutions for the promotion of human rights and the fight against discrimination**

28. On 1 July 2009, the Federal Council decided to launch, together with the cantons and the private sector, a five-year pilot project for the *purchase of services from an academic centre of excellence in the field of human rights*. The invitation to tender, launched on 10 December 2010 by the Federal Department of Foreign Affairs (DFAE) in cooperation with the Federal Department of Justice and Police (DFJP), was won by the **Swiss Centre of Excellence for Human Rights** (CSDH), inaugurated on 6 May 2011. The Centre’s task is to strengthen national capacities for the implementation of Switzerland’s international human rights obligations by providing information and advice as well as tools and exchange platforms for the different stakeholders. The Centre comprises the universities of Berne, Fribourg, Neuchâtel and Zurich working in cooperation with the Kurt Bösch University Institute (children’s rights), the Human Rights Training Centre of the Pedagogical University of Central Switzerland in Lucerne and “Humanrights.ch”. It has specific professional expertise in six thematic areas, each of which is placed under the responsibility of an academic body: migration; justice and police; gender policy; childhood and youth policy; institutional questions; human rights and economics. Berne University is responsible for overall coordination. An Advisory Council composed of the principal stakeholders has also been set up to support the work of the Centre. The Centre works on a contractual basis and will cooperate closely with existing bodies. Its services will be provided on the basis of mandates from the public authorities, civil society and economic institutions. It will not deal with specific individual cases. The Swiss Confederation is making a basic contribution of CHF 1 million per year for the duration of the five-year pilot project. An evaluation will be conducted after four years, on the basis of which the Federal Council will decide on the follow-up to be given to the pilot project.

**The cantons are also setting up institutions** to raise awareness among the population and cantonal governments about human rights issues. *The canton of Geneva*, for example, set up a Cantonal Office for Human Rights in 2008.

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<sup>11</sup> Cf. <http://www.ekr.admin.ch/dokumentation/00139/index.html?lang=fr>. See copy of the report in the appendix.

### 3. Discrimination against Travellers

29. *The Federal Commission against Racism (CFR) notes that certain measures adopted by the authorities may lead to indirect discrimination against Travellers, for instance, the payment of weekly social benefits directly over the counter of the municipal office in the place of residence, a practice that is incompatible with their itinerant way of life. In agreement with the Swiss Conference of Institutions for Social Action (CSIAS), it has taken the first steps towards raising awareness about this issue. The aim is for the CSIAS to draft a recommendation on ways and means of taking better account of the Travellers' lifestyle.*

The CFR points out that in the education sector, notwithstanding the numerous efforts of the cantons and municipalities (see Article 12, section 3), it is not always possible for children who spend the summer on the road with their parents to obtain school-leaving certificates equivalent to those obtained by the children of sedentary families.

## ARTICLE 5

- 1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.*
- 2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practises aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.*

Regarding **linguistic minorities**, the Advisory Committee makes the following two recommendations: *“Particular efforts should be made to ensure the full implementation of the new federal legislation on languages and to take advantage of the new opportunities it offers to promote more decisively multilingualism, mutual understanding and exchanges between linguistic communities”*. This is incorporated into recommendation 2 of the Committee of Ministers Resolution of 19 November 2008.

*“The authorities of the canton of Graubünden should continue to encourage a wider written and oral use of Italian and Romansh by the general public and within the administration and the judiciary, to ensure equality between these languages and German as prescribed by law”*. This is incorporated into recommendation 4 of the Committee of Ministers Resolution of 19 November 2008.

Regarding **preservation of the identity of Travellers**, the Advisory Committee makes the following three recommendations: *“The authorities should strengthen their policy to assist Travellers to preserve and develop the essential elements of their identity and to promote their culture. In this respect, additional and stronger legislative guarantees should be developed to strengthen the existing legal framework”*.

*“The Advisory Committee calls on the authorities to increase the limited state financial support allocated to the main institutions promoting Travellers' cultural initiatives”*.

*“Care should be taken to follow up on the proposals contained in the 2006 Government's report and to develop an efficient, participatory and transparent monitoring procedure accessible to Travellers themselves”*.

Regarding ***the lack of stopping places and transit sites for Travellers***, the Advisory Committee makes the following three recommendations: *“The Advisory Committee encourages the authorities to introduce new federal legislative guarantees to ease and speed up the planning and creation of sites. Stronger financial and other incentives should be developed by the Confederation to promote action by the cantons; these measures may include greater effort to reassign military sites for the creation of stopping places and transit sites, in co-operation with the Foundation”.*

*“Cantonal legislation on land-use planning and building as well as municipal policing legislation should be reviewed to facilitate the stopping of Travellers’ caravans on private and public land for short periods”.*

*“A more intense inter-cantonal co-operation, possibly through existing inter-cantonal structures, should be developed from planning to operation of stopping places and transit sites. Stronger support from the Confederation for this process is needed”.*

These recommendations are partially incorporated into recommendation 6 of the Committee of Ministers Resolution of 19 November 2008 inviting the Swiss authorities to: *“ease and accelerate the planning and creation of transit sites and stopping places for Travellers through appropriate measures. Develop stronger financial and other incentives to promote action by the cantons and pursue further efforts to create stopping places and transit sites, including the reassignment of military sites. Develop stronger inter-cantonal co-operation from planning to operation of stopping places and transit sites”.*

## **1. The Federal Law on Languages and the promotion of multilingualism**

**30. The new Federal Law on National Languages and Mutual Understanding between Linguistic Communities** (Law on Languages, LLC)<sup>12</sup> came into force on 1 January 2010. Its implementing ordinance (Ordinance on Languages, OLang) entered into force on 1 July 2010.<sup>13</sup>

The law and its implementing ordinance draw a distinction between two main areas of action. One concerns the use of the official languages within the Confederation and the other the subsidiary measures adopted by the Confederation to promote linguistic diversity. The first determines the official languages of the Confederation and the conditions for their equal treatment. The measures proposed under the new law concern the representation of the different language communities within the federal authorities, the status of Romansh as a semi-official language of the Confederation, the right of staff employed by the Confederation to work in their own languages and the minimum command of languages required of Confederation personnel. A delegate for multilingualism has been appointed with the task of safeguarding and promoting multilingualism within the federal administration. The second area of action under the law and its implementing ordinance is a series of **measures to promote multilingualism within society**. In this area, however, the Confederation plays a secondary role to the cantons and the other players:

- support for school exchanges,
- promotion of the national languages in education and of the first-language competencies of those who speak them as their second language (“allophones”),
- creation of a centre of scientific expertise for the promotion of multilingualism,

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<sup>12</sup> RS 441.1: see copy in the appendix

<sup>13</sup> RS 441.11 : see copy in the appendix

- support for organisations active in the field of understanding among linguistic communities,
- support for multilingual cantons,
- support for the cantons of Graubünden and Ticino in promoting and safeguarding the Italian and Romansh languages and cultures.

Under the new law on languages together with its implementing ordinance the Confederation is responsible for promoting **school exchanges** (Art. 14 LLC/Art. 9 OLang). This objective is based on the belief that exchanges are the best way of promoting mutual understanding. The development of exchanges within the new legal framework has thus become a key component of the effort to promote mutual understanding within the country. The Confederation gives the Foundation for Confederal Cooperation (Ch Foundation) financial support for the supply of basic services in the field of organising and developing exchanges. Exchanges can supplement school education by giving young people and adults the opportunity to get to know people from other linguistic regions of Switzerland, as well as from abroad. The new legislative framework and financial resources will allow the Ch Foundation to double the number of exchanges over the next five years, allowing some 30 000 young people to avail themselves each year of the opportunities it offers. In order to develop exchange activities, the work will focus on the possibilities offered by each region, in particular the small language regions, with emphasis on the creation and organisation of innovative exchange programmes for schoolchildren adapted to their age group and level, as well as exchanges for teachers.

Compared with the achievements of the cantonal education systems in the field of language learning, the efforts being conducted at Confederation level to promote multilingualism are relatively modest. Laws and decrees have only a limited impact on the development of languages. The financial resources made available by the Confederation will be used in a targeted fashion in order to optimise the basic conditions for the **transmission of language skills in the educational framework** (Art. 15 and 16 LLC/Art. 10 OLang). Under the strategy adopted by the Swiss Conference of Cantonal Ministers of Education (CDIP) in 2004, a first foreign language is to be introduced as of the third year of primary school and a second as of the fifth year of primary school. It may be a second national language and/or English. The aim is to achieve a comparable level in the two foreign languages by the end of compulsory schooling. This requires a number of changes to educational concepts and methodology. The Confederation provides financial resources for the development of innovative programmes proposing new approaches to language teaching, particularly with respect to the teaching materials used in schools. These measures are intended to promote the acquisition not only of a second official language, but also of Switzerland's third national language, Italian. With the entry into force of the intercantonal agreement on the harmonisation of compulsory schooling (the so-called "HarmoS Concordat") the cantons will be obliged to offer teaching in a third official language (see Article 14, section 1).

*In the canton of Aargau*, pursuant to Article 16 LLC/Article 10 OLang, the following measures have been decided: since French is only taught as from the first level of secondary education (sixth year of schooling), pupils from certain primary school classes (between the third and fifth years of primary school) are to participate in a pilot project aimed at preparing them for the study of French through an immersion system known as "*îlots immersifs*" (islands of immersion), which means that certain subjects on the syllabus will be taught in French. For those pupils who do not take French classes, this will be an introduction to the language.

*The canton of Ticino* is supporting a programme entitled *Curriculum minimo d'italiano: un percorso alternativo per promuovere l'italiano come L2* (Minimum curriculum for Italian: an alternative course for the promotion of Italian as a second language), as an alternative for promoting the acquisition of Italian as a foreign language. The programme is proposed by the training and education department of SUPSI (Scuola universitaria professionale della

Svizzera italiana). The principal aim of this initiative is to promote the general application of a *minimum curriculum for Italian (CMI)*, a method developed under the auspices of a Swiss National Science Foundation (SNSF) project (PNR 56), involving a week-long intensive course. This course focuses on the pleasure of learning and on developing a taste for the Italian language through a positive approach to the acquisition process. Currently, teachers who wish to organise a CMI week in their schools must follow an induction course in order to acquaint themselves with the use of the teaching materials developed for the SNSF project. This obligation to follow a training course lasting several days has turned out to be a significant obstacle to the extension of this project at national level. For this reason the development of a “teaching kit” containing a set of ready-to-use teaching materials together with a practical teachers’ guide is envisaged. The project is supervised by the CDIP’s Language Teaching Coordination Group (COL-KOGS), which ensures that all teaching materials comply with the national education guidelines under the HarmoS project and with an integrated approach to language learning. Furthermore, the aim is to develop a method applicable not only in German-speaking but also in French-speaking Switzerland.

As regards promoting the **proficiency of allophones in their first language**, classes in the language and culture of origin (LCO) are offered to migrants, mainly by embassies, consulates and private entities. The aim of these classes is to help children build their identity and master their first language, which they only speak with their families. The early development of multilingualism and intercultural skills is one of the keys to successful integration. A good knowledge of one’s first language facilitates the acquisition of other languages: thus migrants will find it easier to learn the national language of their place of residence. The promotion measures provided for in Art. 11 OLang are aimed at improving the conditions in which these LCO classes take place. The Confederation will offer the cantons financial assistance for the promotion of different types of integrated training in the language and culture of origin, in-service training for teachers and the production of teaching material.

For example, *the canton of Fribourg* has been granted a subsidy of CHF 67 000 for the funding of its “MOCERELCO” project, consisting of a model for cooperation between LCO teachers and regular teachers, in order to promote a better knowledge of the languages of origin of migrant children within the compulsory education sectors of both the canton’s language communities. In addition, *the canton of Fribourg* is developing the “Campus Tell-Me-More” project, with a first phase scheduled to run until 2014. It involves the introduction in secondary schools of a “blended learning” system, entailing a mix between traditional language teaching methods and an on-line language learning programme enabling each student to progress at his/her own pace. Although the system offers on-line training in six languages altogether, the emphasis will be placed on the canton’s two official languages. The canton is funding the programme through a subsidy (CHF 185 000) granted by the Confederation to support projects launched under the new law on languages (OLang).

*In the canton of Zurich*, the Confederation is subsidising two LCO projects:

- Further training for LCO teachers under an LCO teacher-training programme (a project of the canton’s education department in cooperation with the Pedagogical University of Zurich)
- Development of LCO teaching material (“HSK-Bausteine”; a project of the Pedagogical University of Zurich).

Another project developed by *the canton of Ticino* is also worth mentioning, even if, at this stage, it has not yet received Confederation funding under Art. 16 LLC. This is the programme entitled “L’allievo migrante alla scuola dell’infanzia: accoglienza e apprendimento dell’italiano come L2” (The migrant pupil at preschool: adoption and acquisition of Italian as

a second language). This project concerns certain municipal schools in the canton of Ticino and aims at the integration of allophone children into preschool. It focuses on the family environment and multilingualism of migrant children.

A “*First Languages Interest Group*” (IGE) established in 2007 and bringing together institutions and personalities from Switzerland’s different language communities in the fields of education, science and languages, is working to promote the study of first languages in Swiss schools. In October 2010 the IGE addressed a number of recommendations to the rectors of Switzerland’s teacher-training institutes, with a view, in particular, to the inclusion of the teaching of first languages in the basic teacher training programme.

The *General Secretariat of the Swiss Conference of Cantonal Ministers of Education (CDIP)* conducted a survey among the cantons for the 2009/2010 school year in order to compile a list of languages included in the LCO (language and culture of origin) programme and take stock of the legal bases and general conditions for LCO teaching.

In the field of understanding between the linguistic communities, **several organisations involved in a range of different activities** are entitled to financial support from the Confederation (Art. 18 LLC). One example is the *Forum for Bilingualism*, a foundation established in 1996 in Biel/Bienne which works with people at grassroots level. For example, it coordinates the use of a language learning method which is both simple and free: so-called “language tandems”. Although the emphasis is on French and German as the two official languages used in the city of Biel/Bienne, any languages can be considered provided that it is possible to create a tandem. A core aim of this project is to improve citizens’ oral language skills in order to overcome language barriers and foster communication. This method is also used by businesses wishing to improve the language skills of their employees. As of 2012, “language tandems” will also be proposed as part of further training for the staff of the canton of Berne. The Forum also publishes articles, a comic strip (babel.ch) and a multilingual picture book for younger users. It organises public events on the theme of languages and also hosts, on request, visits from school and other groups from home and abroad in order to raise awareness about language issues. In 2012 the Forum for Bilingualism will promote and support an original event: a show in Swiss German by a French-speaking comedian. Activities like these have a direct impact on people and on their perception of the city’s other linguistic community, as well as on multilingualism in general. Another tool developed by the Forum is the “Bilingualism Label” awarded by a panel of experts to a company or public service able to demonstrate its bilingualism both in-house and in its external relations, while the “Bi- and Multilingualism Prize” rewards the specific merits of an individual or institution in this area.

31. **The Centre of Scientific Expertise for the Promotion of Multilingualism** is one of the pillars of the strategy for promoting the languages of the Confederation. It is responsible for coordinating and conducting a large-scale applied research project on languages and multilingualism. Pursuant to the legal provisions, the Federal Council has decided to task Fribourg University’s Institute for Multilingualism and the Fribourg Pedagogical University with the setting up of this Centre of Expertise. The Centre will be responsible for heading, developing and managing a network of institutes engaged in applied research on multilingualism involving all the country’s linguistic regions. Due account will have to be taken of the different regions’ information and research needs. As a national platform for exchanging information on multilingualism issues in the fields of research, education and politics, the Centre will have to set up and manage a professional documentation centre using information gathered through cooperation with Swiss and international research centres. For the cantonal education bodies the support and evaluation of teaching practices will constitute a key aspect of the implementation of the national strategy for the development of teaching of the national languages adopted by the CDIP in 2004. The Centre will also act as a reference centre for multilingual Switzerland concerning the different aspects of



language policy and mutual understanding. The Confederation will give priority to the policy aspects of languages. It can give mandates to the Centre, e.g. for the development of multilingualism among the federal administration's employees and institutions or gauging the effectiveness of the language promotion measures adopted by the Confederation. In addition, themes related to the development of language policy and policies for promoting understanding within society may also be subjected to scientific analysis.

Under Article 16 LLC and Article 17 OLang – **support for multilingual cantons** – the canton of Berne received financial support from the Confederation in 2010 and 2011. In 2010, the funds were used to support bilingual instruction in Biel/Bienne at the following levels: compulsory education ("*bilingual track*") and upper secondary general education (*Matura*) and vocational training. The Federal Office of Culture is currently analysing the data provided by the canton of Berne regarding the use of the 2011 contributions. The projects concerned include translation and terminology programmes as well as the acquisition of a second national language by civil servants and teachers. The bilingual district of Biel/Bienne is the subject of particular attention as regards education and cultural exchanges.

32. On the issue of **promoting multilingualism within the federal administration**, we should mention the *Federal Department of Foreign Affairs (DFAE)*, which has set up a "Centre of Expertise for the Promotion of Equal Opportunities for Women and Men and between Linguistic Communities". The promotion of multilingualism is part and parcel of this Centre's remit. The DFAE has also established a four-year programme for the promotion of multilingualism entailing both qualitative and quantitative targets: improving the representation of the different linguistic communities in the various administrative entities at all hierarchical levels, improving the language skills of staff, and improving institutional multilingualism in terms of internal communications and of a corporate culture geared towards multilingualism. The DFAE has defined practical measures for achieving these objectives, in particular as regards the selection and recruitment of staff. In order to enhance the language skills of its personnel, the DFAE offers its staff in Switzerland conversation classes in the three official languages. These classes, in addition to improving oral communication skills in the other languages, have a cultural dimension. With a view to raising awareness of multilingualism issues, the Centre organises meetings for staff in the form of "multilingual lunches" during which a subject related to multilingualism and linguistic minorities is presented and discussed. The subjects discussed at the last two meetings of this kind, by way of example, were the International Mother Language Day and the Framework Convention for the Protection of National Minorities.

## **2. The promotion of multilingualism and the use of Italian and Romansh in the canton of Graubünden**

33. *The canton of Graubünden assesses the application of the new cantonal Law on Languages* as follows:

Three years on from the entry into force of the cantonal Law on Languages, positive results have been achieved with its application. The emphasis is on achieving the objectives of the law, in other words, strengthening trilingualism at cantonal level and raising awareness about this valuable asset, and preserving and reinforcing the use of Romansh by means of various measures.

There have been marked improvements as regards the use of Italian and Romansh within the cantonal administration and these are visible on the different departments' websites. Four-year service agreements have been developed with the subsidised linguistic institutions. These instruments have proven their worth and will be extended in 2012 to interaction between the Confederation and the cantons.

Concerning the territoriality principle, the provisions of the law on languages have clarified the situation, so much so that the language question has rarely arisen in connection with the revision of municipal constitutions or other issues. Moreover, the Confederation has made changes to its census method, with the result that the statistics are to be updated differently from now on. Various possibilities are currently under study in the canton. Reference should be made in this connection to the detailed considerations contained in Switzerland's 4th Periodical Report on the application of the European Charter for Regional or Minority Languages published on 4 December 2009.

34. As regards the development of the use of **Romansh and Italian within the cantonal administration**, *the canton of Graubünden* mentions the following measures:

As of 2012, the canton of Graubünden will offer its staff courses in the two minority languages, Italian and Romansh, at their place of work. This initiative will enable the canton to achieve its objectives of giving staff access to the minority languages, helping them acquire a taste for those languages and cultures, giving them an oral and written command of those languages and promoting their widespread use.

We should also mention the "Trilingual Cantonal Administration" project, entailing the development of the necessary instruments for the use of the official languages in the cantonal administration. The first step is a stocktaking exercise in the different departments of the Office of Culture, with the emphasis on websites, buildings and communications. The next step will be an analysis of the resulting information. Support will be provided for the implementation of the different measures within the departments of the Office of Culture. The conclusions drawn from this exercise and the approaches adopted will serve as a model for supporting other cantonal departments in their efforts to promote multilingualism.

*The "Pro Grigioni Italiano" Association*, which endeavours to promote Italian in the canton of Graubünden and the Swiss Confederation in general, takes the view that the Graubünden cantonal authorities should speed up the implementation of the provisions of the cantonal law on languages as regards the use of Italian in information provided by the cantonal administration. *Pro Grigioni Italiano* also points out in this regard that some of the canton's public institutions such as the Graubünden Cantonal Bank ([www.gkb.ch](http://www.gkb.ch)) or the University of Applied Sciences ([www.fh-htwchur.ch](http://www.fh-htwchur.ch)) provide no information at all in Italian on their websites.

35. As regards the **promotion of multilingualism**, reference may be made to the following measures: the canton of Graubünden's Law on Languages (SpG) regulates the division of municipalities into mono- or multilingual municipalities (Art. 16ff. SpG). Article 22 makes provision both for monolingual Italian- or Romansh-speaking municipalities and for multilingual municipalities to offer the speakers of other, non-Swiss languages the possibility to learn the local language or at least improve their grasp of it. Many municipalities and regions propose evening classes and intensive language courses for that purpose. In many cases these are organised partly by the municipalities and partly by institutions for the promotion of languages such as the Lia Rumantscha and Pro Grigioni Italiano and affiliated associations.

Also worth mentioning is the "*Piripiri*" programme, which is both a measure to counter the erosion of the Romansh language and an integration project. "Piripiri" is a Romansh course organised by the *Lia Rumantscha* and aimed at the Portuguese-speaking immigrant population of Engadine. The aim of this initiative is to assist their linguistic integration and to acquaint them with the local culture. There has been so much interest in this course that many Engadine municipalities are already offering "Piripiri" beginners' and advanced courses.

The issue of the **promotion of multilingualism during compulsory schooling** in the canton of Graubünden is addressed under Article 14, in section 3.

36. The measures taken to update the general plan for the **gradual introduction of Rumantsch Grischun as a language of literacy** are also presented under Article 14, in the same section.

### 3. Preserving the Travellers' identity

37. When Switzerland ratified the Framework Convention in 1998 and recognised Travellers as a national minority its intention was to preserve and protect a traditional cultural minority whose nomadic way of life is part and parcel of its identity, which in turn is intrinsically linked with the practice of different trades by its members. This intention was fully in line with the objects of the "A Future for Travellers" Foundation established a year earlier by the Confederation, in 1997: to guarantee and improve the living conditions of the nomadic population and preserve its cultural identity. The aim was to help resolve the problems encountered by Travellers as a result of their itinerant way of life: lack of stopping places and transit sites, obstacles to the practice of itinerant trades, irregular schooling. Thus the implementation of the Framework Convention in Switzerland concerned above all Travellers who had maintained an itinerant way of life (2 500 to 3 000 according to current estimates: see 4.1, §44 below) as well as individuals who have had to renounce that way of life but who would like to travel.<sup>14</sup> Travelling is a state of mind in the communities in question and the Traveller identifies and describes himself as such even if circumstances have obliged him to adopt a settled lifestyle. It was in order to highlight that essential characteristic of the nomadic identity that the representatives of Swiss Travellers to the Council of Europe insisted that the title of the European Roma and Travellers Forum (ERTF) set up in 2004 should refer to both communities and not just to the Roma. The aim was to defend the interests of Travellers, which may not always coincide with those of the Roma, who are for the majority sedentary.

As already explained in the previous reports, the majority of Swiss Travellers who have maintained an itinerant way of life are Yenish, while the Manouches (of French origin) and Sinti (of German origin) are not very numerous and have often become integrated into the Swiss itinerant Yenish community through marriage and family ties.

The Swiss Travellers' association "*Radgenossenschaft der Landstrasse*" considers that the term "Travellers" used by the Swiss Government is misleading; it claims that it leads to discrimination by excluding certain communities from the protection offered by the Framework Convention, including sedentary Yenish, Sinti and Roma.

In the light of the above comments, the Swiss Government will adhere in this Third Report to the term "Travellers" as used in the statement on the ratification of the Framework Convention (19.11.2007).<sup>15</sup> It is not a matter of political correctness or of lumping together different communities whose distinctive characteristics are well recognised. This is the terminology that corresponds to the intentions of the Swiss authorities at the time of ratifying the Framework Convention. It is not contested by the "A Future for Travellers" Foundation, in which the different "Traveller" communities are represented, including the "Naschet

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<sup>14</sup> The authors of the report "Les gens du voyage et l'aménagement du territoire – la situation en 2010" ("Travellers and land-use planning: the situation in 2010" : see 4.1 below) point out that an increasing number of young people are adopting or wishing to adopt a nomadic lifestyle (p. 11).

<sup>15</sup> FF 1998 1033.

Jenische”, the “Mission tsigane” (“Gypsy Mission”), “Schäft qwant” and the “Radgenossenschaft der Landstrasse”.

It is important to point out that the use of the term “Traveller” in this report does not rule out the preservation, in accordance with the Framework Convention, of the traditions and culture of Travellers who have been obliged to settle. Illustrations of this will be found under Article 6 (section 1), Article 9 (section 3) and Article 12 (section 2) below. Regarding the specific issue of the protection and promotion of languages, it should be noted that the Yenish spoken by Switzerland’s Yenish community is considered as a non-territorial regional or minority language as defined in the European Charter for Regional or Minority Languages which Switzerland ratified in 1997. Hence it is mainly under that Charter that the Yenish benefit from measures to support their language.

38. On 11 December 2009, the federal parliament adopted a **new Federal Law to encourage culture (LEC)**,<sup>16</sup> Article 17 of which stipulates that the Confederation may take measures to enable Travellers to adopt a way of life corresponding to their culture. This law replaces that of 7 October 1994 on the “A Future for Swiss Travellers” Foundation.<sup>17</sup> It also provides the legal basis for financial assistance to the “Radgenossenschaft der Landstrasse” Travellers’ umbrella association, which has been receiving an annual federal subsidy since 1985.

The LEC came into force on 1 January 2012. Article 17 is formulated in general terms and should in principle allow the adoption of new measures for Travellers, for example, a strengthening of the role of the “A Future for Swiss Travellers” Foundation. Any new measures would, however, require a substantial increase in the funds made available, which is not envisaged before 2015 (see §39 below).

39. Annual financial subsidies from the Confederation to the “Radgenossenschaft der Landstrasse” are as follows:

2010	CHF 255 700.-
2011	CHF 253 000.-
2012	CHF 256 900.-
2013	CHF 260 900.-
2014	CHF 264 800.-
2015	CHF 268 640.-

Annual financial subsidies from the Confederation to the “A Future for Swiss Travellers” Foundation, in the form of a global credit line over a five-year period, are as follows:

2010	CHF 144 600.-
2011	CHF 141 000.-
2012	CHF 156 300.-
2013	CHF 158 700.-
2014	CHF 161 100.-
2015	CHF 163 660.-

40. Currently, in view of the funds at its disposal, the “A Future for Swiss Travellers” Foundation can only make a symbolic financial contribution to the creation of sites, to the tune of 10% of the cost of developing the site, up to a maximum of CHF 15 000. This is the sum it will be contributing to a stopping place project involving the town of St Gallen, which is setting up a new organisational model. A new foundation funded by the canton and the

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<sup>16</sup> Entry into force on 1 January 2012, see copy in the appendix.

<sup>17</sup> RS 449.1: see copy in the appendix.

municipality of St Gallen is to be established shortly, with the financial participation of the “A Future for Swiss Travellers” Foundation and the “Hausen und Wohnen” housing cooperative, which will manage this stopping place for Travellers. The canton and municipality of St Gallen will make a joint contribution to the capital of the foundation and will fund some 20% of the works, while 30% will be covered by loans at preferential rates from the Swiss Habitat Association and the municipality of St Gallen. The remaining 50% will be covered by means of additional subsidies to the foundation and above all by mortgage loans. Broad support for this funding model was expressed during the consultation process. If it were to have more funds available, the “A Future for Swiss Travellers” Foundation could extend that model to other cantons and municipalities.

41. The issue of **strengthening the role of the “A Future for Swiss Travellers” Foundation** is discussed below under **Article 15** (section 3.1).

#### **4. The lack of stopping places and transit sites for Travellers**

42. Before discussing the implementation of the specific recommendations of the Committee of Ministers and the Advisory Committee on the Framework Convention (see 4.3 below), it is useful to present an **overall assessment** and then **report on more recent developments**. The **assessment** will address developments as regards stopping places and transit sites for Travellers in Switzerland since the start of the monitoring process on the implementation of the Framework Convention in Switzerland, which also corresponds to the period during which the “A Future for Swiss Travellers” Foundation has been evaluating the situation. The **report** will present the positive developments that have occurred since the end of the second monitoring cycle, in other words, since the end of 2008. This approach corresponds exactly to that recommended by the “Outline for state reports to be submitted under the third monitoring cycle” adopted on 11 June 2008, for examining the impact of long-term policies and processes for the implementation of the Framework Convention.

##### **4.1 Assessment of developments since the start of monitoring of the implementation of the Framework Convention**

43. This assessment is based on the expert report published in December 2010 by the “A Future for Swiss Travellers” Foundation, entitled “*Les gens du voyage et l’aménagement du territoire. La situation en 2010*” (“*Travellers and land-use planning: the situation in 2010*” hereinafter referred to as the “expert report”).<sup>18</sup> This is the third expert report to be commissioned by the Foundation, following those published in 2001 on the situation in 2000, and in 2006, on the situation in 2005. It takes stock of the measures referred to in the first report of 2001.

44. Generally speaking, the situation has not improved in ten years. Over the last decade the number of stopping places has increased from 11 to a total of 14. However, this is only enough to accommodate 50% of the Swiss Travellers who have effectively maintained a semi-itinerant lifestyle and who stay there above all during the winter months. If one takes account of all Swiss Travellers, including those who for various reasons have not asked for stopping places, there is enough room for only 30%. We should mention an additional point that it was not possible to include in the expert report: the municipality of Belp in the canton of Berne was able to create a place to stay for three families who had been resident in the region for years. But the number of *transit sites*, on which Swiss Travellers live and ply their trades during the summer months, has decreased over the last ten years from 51 to 43,

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<sup>18</sup> See copy in the appendix.

enough for only six people out of ten. It should also be pointed out in this connection that the large transit sites in the French-speaking part of Switzerland and in Ticino are hardly used at all by Swiss Travellers, who like to have more privacy and hence tend to avoid the large groups of foreign Travellers who use those sites.

According to the experts report, some 2 500 to 3 000 Travellers have adhered to a semi-itinerant way of life. Of these, some 1 500 live on a stopping place, while the others spend the winter in apartments in the municipalities in which they are domiciled. The report observed that more and more young people are adopting or would like to adopt a nomadic way of life. However there are no precise statistics on that point.

As far as infrastructure is concerned, there have been no noteworthy changes these last ten years either as regards stopping places or transit sites. Two thirds of *stopping places* meet the desired quality criteria and are given a high rating, whereas the quality of about three quarters of *transit sites* is wanting. As a result, five to ten transit sites have not been used in recent years.

45. The expert report refers to the efforts made by the cantons over the last ten years in terms, first of all, of approaches with regard to Traveller sites and, secondly, of land-use structure plans. At the end of 2010, more than 26 cantonal structure plans mentioned the subject of Travellers. However, more concrete action now needs to be taken in order to effectively implement the measures on the spot. The expert report makes the following proposals in particular:

- *Awareness-raising.* All too often, the majority society fails to realise that it is living alongside a minority group of Travellers of Swiss nationality who are integrated, pay taxes and national insurance contributions and do military service. Swiss Travellers are perceived as belonging to the same category as the foreign Roma and Manouches/Sinti who traditionally travel across Switzerland and stop on transit sites. A fundamental prerequisite for the effective implementation of planning approaches and intentions with regard to stopping places for Travellers is therefore the provision of regular information to all sectors of mainstream society at grassroots level in order to build more trust and acceptance. It is necessary to bring the qualities of Travellers to the fore and explain the common points and differences between the different Traveller communities. The “A Future for Swiss Travellers” foundation and the “Radgenossenschaft der Landstrasse” are the key players in this awareness-raising process and must step up their efforts in this area.
- *Land-use planning. Creation and upkeep of sites.* The cantons have the prime responsibility for land-use planning and hence for taking on board Travellers’ needs in the planning process. The division of tasks among the cantons and municipalities must be clearly defined. The canton has a key role to play in finding appropriate plots for stopping places and transit sites. It is responsible for the creation of new sites and the relevant costs. The municipality in which the site is located is in charge of running the site, including its regular upkeep. An operating agreement between the canton and the municipality is a sensible practice in order to clearly define the division of tasks and costs between them. The municipality guarantees the inclusion of the site in its land-use plan by specifically designating the location.

In addition to setting up an internal working group within the administration, it is necessary to designate a cantonal service in charge of Traveller issues to ensure coordination among all interested parties.

In the context of its evaluation of the cantons' land-use structure plans, the Federal Office for Spatial Planning must demand a minimum level of information on the issue of sites for Travellers.

Cooperation between neighbouring cantons is important for the designation of new stopping places and transit sites.

- *An increased role for the "A Future for Swiss Travellers" Foundation.* Promoting the creation of stopping places and transit sites is a core activity of the Foundation. The funds allocated to it by the Confederation must be maintained at the same level at least, so that cantons and municipalities can be given financial incentives to create stopping places and transit sites. The Foundation's margin for manoeuvre should be increased so that it has the possibility of purchasing appropriate sites.
- *Transit sites for foreign Travellers.* The Confederation should give the Foundation the financial resources that would allow it to actively support the cantons and municipalities in creating transit sites for foreign Travellers along major routes on the basis of a national strategy that the Foundation would be mandated by the Confederation to launch and develop in cooperation with the cantons. Unused military sites could also be reassigned for that purpose.

The Swiss Government has taken note of the recommendations to the Confederation and will consider what answers it may give. Regarding the last recommendation, the Confederation is examining the possibility of allocating unused military sites belonging to the Federal Roads Office (OFROU) and Federal Railways (CFF) for the creation of transit sites along major routes.

#### **4.2 Positive developments since the end of the second monitoring cycle**

46. This report on positive developments since the end of 2008 is based, on the one hand, on the expert report on "*Travellers and land-use planning: the situation in 2010*" and on the updated information supplied by the cantons, on the other.

As already mentioned (see 4.1 above), *three new stopping places have been created*, one of them in 2006, in the canton of St Gallen (bringing the number of stopping places in this canton up to three, all of good quality). The work on another site, in the canton of Aargau, was recently completed. The third site is in Belp in the canton of Berne. In the city of Zurich, the existing stopping place has been replaced by a new good-quality site, whose location is guaranteed, moreover, by the communal land-use plan.

A new *transit site* was opened in July 2010 in the canton of Zug on land belonging to the municipality of Cham.

**Several new sites are planned or being built**, for example:

- *In the canton of Geneva, in Versoix*, a large site is to replace the old one in September 2012. In November 2010 the cantonal parliament passed legislation to release the investment funds for the work on this site. The work only started in 2011 and is ongoing.
- *In the canton of Jura, in Delémont*, a transit site to replace the old one is planned and work is under way.
- *In the canton of Neuchâtel*: with a view to the adoption of the cantonal structure plan in June 2012, a coordination document on the creation of a transit site for Travellers was approved by the cantonal government. The document stipulates that the site will be about 4 000 m<sup>2</sup> in size and should be located along the East-West axis of the Neuchâtel

lakeshore. The proposal is to use a cantonal land-use plan to cover the spatial planning aspects.

- *In the canton of Zurich, in Winterthur*, the construction of a new 20-pitch transit site intended above all for Swiss Travellers is under way. This site has been incorporated into the region's spatial planning process. Furthermore the canton of Zurich has decided to establish new stopping places on the basis of a cantonal strategy. The canton's draft structure plan makes provision for one stopping place and five transit sites in addition to the existing four stopping places and eight transit sites.
- *The canton of Berne* is currently evaluating sites for the construction of new stopping places and transit sites for Swiss and foreign Travellers. The aim is to start work in spring 2012.
- *In the canton of Fribourg*, as mentioned above (Article 3, section 2), the conditions have now been created for the construction of a new transit site in *Sâles*, near Châtel-St-Denis. Discussions are also under way with the *canton of Vaud* on upgrading the quality of the Broye transit site in *Payerne* (VD).
- *In the canton of Solothurn*, efforts are still under way to create a transit site for Swiss and foreign Travellers in *Oensingen* (in addition to the existing transit site for Swiss Travellers in Grenchen). An amendment to the structure plan has now been submitted to a public inquiry. Planning work has also started on additional sites for Swiss Travellers.
- *In the canton of Valais*, two transit sites are planned in the Upper and Central Valais regions. A plan was drawn up in 2009. Among the possible candidates is a former army site belonging to the Confederation.
- *The canton of Aargau* is looking for places to build four additional sites: a stopping place in an urban location and three transit sites in the regions of Aargau East, Freiamt and Lenzburg. In November 2007, the cantonal parliament voted a global credit line for their construction. In addition, in 2011-2012 the canton of Aargau is to completely overhaul two existing transit sites in the municipalities of Aargau and Windisch and equip them with new facilities.
- *In the canton of St Gallen*, the procedure is under way for the creation of a new (fourth) stopping place on land belonging to the municipality of *St Gallen*. An amendment to the zoning plan was submitted to a public inquiry at the end of 2009. As regards the six new transit sites provided for under the 2006 scheme, the cantonal parliament voted in favour of appropriations of CHF 2.85 million between 2007 and 2009 for the creation of two of those sites; however, it refused to proceed with another package of CHF 5.89 million for the construction of the other two. Two locations have been chosen for the two new transit sites, one in the municipality of Gossau, the other in the municipality of Thal, on a former military site (see 4.3.3 below).

It should also be pointed out that *the canton of Basle-Rural* has drafted cantonal legislation on stopping places and transit sites for Travellers ("Gesetz über Stand- und Durchgangsplätze für Fahrende"). The draft was the subject of a cantonal consultation procedure that ended at the beginning of November 2011, and the results are currently being evaluated. It also provides for an extension of the cantonal structure plan to include a section on stopping places and transit sites for Travellers. The draft law refers to the cantonal constitution, which mandates the canton and municipalities to help Travellers find stopping places and transit sites. Under that text, the creation of suitable sites for Travellers is the responsibility of both the cantons and the municipalities. The draft law also specifies the obligations of the cantons and municipalities as regards land-use planning, organisation and funding. The cantonal structure plan lays down the legal requirements in terms of urban planning.

47. Among the positive developments these last few years we should mention **cantonal structure plans** and **comprehensive schemes** addressing Traveller issues. Several cantons have become very active in this area in the last five years. In 2005, Travellers' needs were included in only five cantonal structure plans, whereas they were addressed in 14 out of



26 structure plans at the end of 2010. In addition, three cantons whose structure plans are currently being drawn up intend to take this issue on board.

By way of example we can mention the *canton of Schwyz*. As recommended by the Swiss Federal Supreme Court in its case law, the government of the canton of Schwyz undertakes in its cantonal structure plan to identify suitable sites for Travellers. The section on the region of Rigi-Mythen that has been added to the structure plan stipulates that the canton shall, in cooperation with the municipalities, verify the possibility of converting the army site at Ibach into a transit site for Travellers. The structure plan (2006-2020) of the *canton of Obwalden* provides that the canton shall, where necessary, and in cooperation with the municipalities, seek suitable areas for the construction of transit sites.

Similarly, the Swiss Government approved, in March and October 2010 respectively, the structure plans for the *cantons of Basle-City and Thurgau*, which are to include a section on Travellers and their needs. In the case of the *canton of Basle-City*, the authorities have been given a binding mandate for the construction of a ten-pitch stopping place.

**Comprehensive schemes** on the provision of sites for Travellers, the first of which were drawn up by the canton of *St Gallen* in 2006 (see the Second Report of the Swiss Government of January 2007, page 34) and the canton of *Aargau* in 2007 (see the Swiss Government's comments of August 2008, page 24, §74), are examples of good practices. The St Gallen model in particular breaks new ground. It works as follows: the canton purchases the land, develops the site and assumes if necessary any uncovered costs, in particular in the social and health spheres. For its part, the municipality is responsible for the operation and upkeep of the site. Several cantons, including *Berne and Zurich*, are planning the creation of sites on the basis of a cantonal scheme. In the canton of Berne, the scheme on "*Stand-, Durchgangs- und Transitplätze für Fahrende im Kanton Berne*" ("Stopping places and transit sites for travellers in the canton of Berne") was adopted in June 2011.<sup>19</sup> Other cantons are currently drawing up a "Scheme for Travellers". This is the case of the *canton of Schwyz*, whose draft scheme serves, on the one hand, as a guideline for the forthcoming work, and as an information document and decision-making basis for the municipalities, on the other.

As regards the *municipalities*, in several cases they have followed the cantonal instructions and *adapted their land-use plans* in order to guarantee the legal existence of Travellers' sites, so that these cannot be replaced by some other facility. For the new sites in Wil (SG) and Cham (ZG), new explicitly designated zones ("intensive leisure area and stopping place", "zone for Travellers") have been created in this way. Existing sites have also become explicitly designated zones.

However, constructive projects proposed by the municipalities sometimes come up against resistance from the population. The *municipality of Schwyz*, for example, proposed the creation of a specific zone for Travellers. During the revision of the municipal zoning plan, the redesignation of the land in question was submitted to a popular vote on 26 September 2010 and rejected by 2 662 votes to 1661.

48. **The new Federal Law to encourage culture (LEC)** mentioned earlier (section 3 above) is also a positive development, since it will enable the Confederation to provide more active and broader support in response to Travellers' requests than has hitherto been the case, above and beyond the mere provision of financial support for the "A Future for Swiss Travellers" Foundation and the "Radgenossenschaft der Landstrasse". In particular it will be able to support the creation of stopping places and transit sites by the cantons and municipalities.

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<sup>19</sup> See copy of the strategy in the appendix.

## 4.3 **Recommendations**

### 4.3.1 *New federal legislative guarantees to ease and speed up the planning and creation of sites*

49. In response to this recommendation by the Advisory Committee, the Swiss Government refers to the position adopted in its comments of August 2008, in which it stated that the Federal Supreme Court, in its landmark decision of March 2003 (ATF 129 II 321), considered that the specific needs of Travellers in terms of land-use planning should be satisfied through the application of Art.3.3 of the Land-use Planning Act (LAT), which stipulates that “*land reserved for housing or the pursuit of economic activities shall be developed according to the needs of the population*”. The Federal Council’s report of 2006 on the situation of Travellers in Switzerland concluded that the current land-use planning legislation is sufficient to cater for the needs of Travellers.

This recommendation is therefore not incorporated into the Committee of Ministers Resolution of 19 November 2008.

### 4.3.2 *Better financial and other incentives to encourage the cantons to take action*

50. As explained below (4.3.3), as regards financial incentives, the Confederation’s effort involves selling off military premises from its available real estate holdings at a price that takes into account the restrictions on use resulting from the future redesignation of the land in question.

### 4.3.3 *Continued efforts to reallocate military sites*

51. The real estate holdings of the Federal Department of Defence, Civil Protection and Sports (DDPS) consist of two separate categories of assets: principal assets (buildings used by the army) and available assets (spare DDPS buildings). The majority of buildings are special constructions of limited usefulness for civilian purposes such as bunkers, shelters, anti-tank barrages etc that cannot be used as stopping places and transit sites. In many cases these constructions do not comply with the current civilian requirements (standards, safety etc.) and are located outside areas on which building is permitted. In its report of 18 October 2006 on the situation of Travellers in Switzerland, the Federal Council instructed the DDPS to draw the cantons’ attention to any available land that might be appropriate for Travellers’ sites and, if possible, to sell such property to the cantons or municipalities for this purpose. The DDPS was instructed to continue its cooperation with the “A Future for Swiss Travellers” Foundation with a view to the use of former military sites as stopping places and transit sites. For this purpose, regular meetings have taken place in the context of a working group chaired by the Foundation. On 18 April 2008 a conference was held on the subject “Former military sites: an opportunity for Travellers?” Available assets were analysed to determine their suitability as stopping places or transit sites for Travellers. Some 50 sites were evaluated by the DDPS as possibly suitable for that purpose. The evaluation criteria were defined jointly with the Foundation. The cantons were then asked for their assessment of the property in question. The DDPS is prepared to sell these assets to the cantons or municipalities for use as stopping places and transit sites, at a price based on an estimate that takes account of the restrictions on the use of land that is assigned for that purpose. The cantons are responsible for establishing the basis for land-use planning. If the land-use requirements have not yet been determined, it is possible to reserve the site. The land can

be sold directly to the public authorities (without publication) for such a purpose. Thus far, only one site in the municipality of Thal has been chosen from among the available assets in the canton of St Gallen for future use by Travellers. It has not yet been possible to create the site, as the land in question is currently undergoing rezoning. An application for a building permit is due to be filed soon and the land-use plan for partial zones will shortly be published. There is also a possibility of reallocating a military site in the Valais, where a new site for Travellers is planned. There are various reasons for such a modest result. We should point out, in particular, that after analysing the sites selected by the DDPS the cantons do not necessarily consider the property to be suitable.

As scaling down of the army continues, more property is likely to be transferred to the category of available assets and could, if it meets the criteria, be proposed to the cantons for the purpose of creating Travellers' sites. The DDPS continues to cooperate actively and proposals concerning suitable sites are submitted to the cantons at regular meetings. Every request from a canton, municipality or the Foundation concerning property that could be suitable for reallocation as a site for Travellers is considered.

52. *Several cantons* are positive in their assessment of cooperation with the DDPS/Armasuisse, but stress that the possibilities for finding suitable property for conversion into a Travellers' site are very limited on their territory. *The Thal project, in the canton of St Gallen*, owes its success to the active role played by the canton (AREG) and to the fruitful cooperation between the canton and the municipalities in drawing up the cantonal scheme, on the one hand, and to increased awareness on the part of the authorities and the local population, on the other. The canton of St Gallen points out that notwithstanding the constructive discussions with the DDPS/Armasuisse, the property being proposed in the canton, with the exception of the site in Thal, is not suitable in principle. An evaluation of sites in the *canton of Berne* has revealed that none of the military property is suitable for the construction of a transit site along the A1 (owing to its distance from the motorway). The land in the category of principal assets is better located. After an in-depth study, the military sites that are available in *Aargau* are not considered very suitable for the construction of a transit site. A request from *the canton of Aargau* for the construction of a transit site on a military site that is currently in use is being evaluated by the DDPS.

#### 4.3.4 *Strengthening intercantonal cooperation*

53. Among the possibilities for action envisaged in its report of 18 October 2006 on "the situation of Travellers in Switzerland", the Federal Council mentions the idea of improving exchanges of information and experience among the cantons and municipalities and intensifying cooperation among cantons at all stages in the process of developing a stopping place or transit site. For that purpose, better use should be made of existing intercantonal and tripartite structures, namely the Swiss Conference of Public Works, Spatial Planning and Environment Ministers (DTAP) and the tripartite Conference on Urban Areas.

54. The "A Future for Swiss Travellers" Foundation, which acts as a forum bringing together the representatives of Travellers, the Confederation, the cantons and the municipalities so that they can join together in seeking solutions to Travellers' problems, is actively involved in promoting exchanges of good practices and in intercantonal cooperation. This, precisely, was one of the aims of the conference that it organised on 7 April 2011 in Berne on the issue of sites for Travellers, under the auspices of the Federal Departments of Foreign and Home Affairs (see Part One above).

55. *The Swiss Conference of Public Works, Spatial Planning and Environment Ministers (DTAP)*, which was consulted on the subject, insists that an exchange of information and experience did indeed take place among the cantons and that this was very useful. However, the DTAP is not in favour of the idea of including plans for Travellers' sites in urban plans or making the award of federal subsidies contingent upon the effective construction of stopping places and transit sites. They consider that urban plans are a very complex tool that should not be overloaded with additional subject areas, a position that is supported by some cantons.

#### 4.3.5 *Encouraging spontaneous halts*

56. This recommendation was issued by the Advisory Committee, but was not incorporated into the Committee of Ministers' Resolution of 19 November 2008.

By "spontaneous halt", we mean the stopping of a small group of Travellers composed of five or six caravans at the most, for a short period of time (no more than four weeks), with the agreement of the owner of the land.

As explained in the Swiss Government's comments of August 2008 (p. 27), the cantons cannot in principle be held responsible for the restrictions on impromptu stops given that no building permit is necessary for caravans to park for one or even several months. *The canton of Thurgau*, which does not have any legislation on this subject, is currently studying the introduction of a legal provision expressly authorising spontaneous halts. The problem lies more with the municipalities, whose building regulations limit spontaneous halts or are interpreted restrictively. Nonetheless the situation in the municipalities seems to have improved in recent years. Spontaneous stops are regularly authorised in certain municipalities in the *cantons of Schwyz* and *Solothurn*.

The conference held on 7 April 2011 in Berne on the issue of sites for Travellers provided the opportunity to draw the attention of the authorities represented there to the importance of the notion of spontaneous halts, which closely corresponds to the Travellers' way of life and offers, moreover, a way of compensating for the shortage of official transit sites. It also helped people to understand more clearly that when Travellers move around in small groups and stop on the land of an owner they know, with the owner's agreement and in exchange for payment, this constitutes a simple alternative to transit sites at little cost to the taxpayer. It emerged from the discussions that there was a need for municipal representatives and the public at large to be better informed about spontaneous halts and the possibilities available under cantonal legislation.

57. *Several cantons* mentioned the potential offered by spontaneous halts for resolving the problem of the shortage of transit sites. *The canton of Schwyz* proposes to adopt a pragmatic approach to tapping that potential, for example by considering the possibility of creating a website (that could be hosted by the Foundation or the *Radgenossenschaft der Landstrasse*) on which Travellers could exchange information about municipalities that encourage spontaneous halts. *The canton of Zurich* makes provision in its draft structure plan for awareness-raising measures, which should enable the restrictions at municipal level on spontaneous halts to be removed. *In the canton of Aargau*, according to a new decision under the canton's structure plan, spontaneous halts are an essential complement to transit sites and should as far as possible be tolerated by the authorities.

## ARTICLE 6

- 1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.*
- 2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.*

On the issue of **promoting tolerance**, the Advisory Committee makes the following two recommendations: “Greater efforts should be made to raise awareness of the population on the history and culture of Travellers so as to counter negative stereotypes. Measures to promote tolerance and mutual understanding, especially in the field of media, should be intensified”.

*“The authorities should react more vigorously to counter intolerance and xenophobia in the political discourse and develop additional measures to promote a climate of tolerance towards ethnic minorities, foreigners, asylum seekers and refugees”.*

Regarding **protection against acts of discrimination and anti-Semitism**, the Advisory Committee makes the following two recommendations: “Efforts to combat racial discrimination by the enforcement of criminal provisions should be continued. The authorities should closely monitor developments in this field and consider the possibility of developing additional monitoring methods, including with regard to acts of anti-Semitism”.

*“Increased attention should be given by the cantons and municipalities concerned in providing reasoned decisions on naturalisation applications to help avoid discriminatory decisions. Efforts to reform the applicable legislation so as ensure its full compliance with the rule of law should be pursued decisively and balanced information should be provided by the authorities in this ongoing debate”.*

These recommendations are not incorporated into the Committee of Ministers Resolution of 19 November 2008.

### **1. Raising awareness of the history and culture of Travellers**

58. The Swiss Government agrees with the finding that Travellers are often still not perceived as forming an integral part of the Swiss population and that they suffer from prejudice due to a lack of understanding about their origins, culture and lifestyle. The Government is equally convinced that local referendums on land-use planning issues can only lead to the construction of new sites for Travellers if there is more understanding and acceptance on the part of the local population. It agrees that it is necessary for that purpose to develop positive information about Travellers.

The need for the majority population to receive regular and positive information about Travellers is also stressed by the *Swiss Conference of Public Works, Spatial Planning and Environment Ministers (DTAP)*.

59. One the main aims of the “**A Future for Swiss Travellers**” Foundation, set up by the Confederation in 1997, is to contribute to a better understanding of the living conditions of Travellers in Switzerland. Since the end of the second monitoring cycle under the Framework Convention, the following public awareness-raising projects have come into being:<sup>20</sup>

- The Foundation has set up a working group, which, in cooperation with three historians, has the task, by 2012, of designing a virtual *exhibition on the Internet*<sup>21</sup> offering basic information on the history of Travellers for a broad audience. In a second phase the exhibition will be expanded to include information about Travellers’ current way of life and their needs in terms of stopping places and education. The main target groups are schoolchildren and teachers, who will find educational material about the history and culture of the Travellers in Switzerland. The exhibition is also of interest to Travellers themselves for the information it provides, about the availability of sites in particular. It is due to come on-line simultaneously in German, French and Italian in the second half of 2012. 50% of the funding for this project is provided by the Confederation and the remainder (CHF 180 000) comes from contributions from 16 cantons.
- In summer 2009, the Foundation supported *an event lasting several days and a series of round tables in Biel/Bienne* in order to raise public awareness about the need to create a transit site for Travellers.
- In September 2010, a vote was held in the municipality of Ibach/Schwyz on the reassignment of a military site, part of which was to be redesignated as a zone for Travellers. The Foundation launched an *information campaign* (debates, public information in the form of flyers and events about the lives of Travellers). However, this redesignation was rejected and it was not possible to create the transit site (see §47 in section 4.2 above).
- In 2009, the Foundation made a financial contribution to the *publication (in 2010) of the book “Zigeunerhäuptling” (“Gypsy Chief”)*, a biography of Robert Huber, co-founder of the “Radgenossenschaft der Landstrasse” and for more than two decades its president. The book tells the story of the emancipation of a minority that claims its rights and took its own destiny in hand with the creation of the “Radgenossenschaft der Landstrasse”.
- The Foundation is doing work to provide *educational material* for teachers on the history and culture of the Travellers in Switzerland, for use with children from the majority population.
- As mentioned above, the Foundation organised a conference on *7 April 2011 in Berne* with the aim of improving knowledge and understanding about the itinerant way of life of Travellers. Particularly enlightening for the audience, which included representatives of the authorities, was a presentation by members of the Yenish community about their history and culture, their need for stopping places and their proposals for raising awareness among the majority population.

As for the **Federal Office of Culture**, it has developed, in close cooperation with the “Radgenossenschaft der Landstrasse” Travellers’ association, a project for the support of the Yenish language. This project has been created for and by the Yenish, in accordance with their wishes. Its aim is to compile and enrich a list of existing Yenish vocabulary and to

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<sup>20</sup> See in the appendix the 2009 and 2010 annual reports of the “A Future for Swiss Travellers” Foundation in three languages, D, Fr, It).

<sup>21</sup> “Les gens du voyage suisses, autrefois et de nos jours”, “Die Schweizer Fahren den in Geschichte und Gegenwart”, “I nomadi svizzeri : passato e presente” (“Swiss Travellers in the past and present”).

publish it with the German, French and Italian equivalents. In addition, the Yenish themselves have conducted a series of interviews in their language with the support of media professionals. The interviews deal with various themes relating to the professional, social and cultural environment of the Yenish. The subjects and content were chosen in cooperation with Travellers. The interviews have been recorded on DVD and the transcription of the texts is to be published in an accompanying booklet. The glossary and DVD will probably be made available in 2012 free of charge to members of the Yenish community, so that they can use it to improve their proficiency in their language.

60. The Confederation is also funding programmes to combat anti-Gypsyism through its **Service for Combating Racism (SLR)**. In 2009-2011 this body supported the following four projects to the tune of some CHF 30 000:

- *Gypsy August in Biel/Bienne* (Grüne Biel/Les Verts Bienne) (see §58 above). This initiative is designed to address the problem of discrimination against Travellers in Switzerland and to raise awareness about their lifestyle among the public at large. In particular it is necessary to create transit sites and find solutions enabling them to stop for periods of time, in keeping with their culture. Public meetings are organised in Biel/Bienne with interested parties and a dialogue is established with the authorities and political representatives, in order to sound out the possibilities and define broad policy lines in this area.
- *Gypsy Culture Days (Jours de la culture tzigane) 2010 in Zurich* (association *Gypsy Culture Week/Semaine de la culture tzigane*). In summer 2010 the *Gypsy Culture Week* association organised the tenth edition of Gypsy Culture Days. This four-day event took place on the Travellers' transit site in Zurich and attracted some 1 000 visitors. The programme included concerts, films, presentations, open debates, exhibitions and children's workshops. Upstream of this event, schools in the city and canton of Zurich organised activities for 400 children and youngsters to teach them more about the living conditions of Swiss Travellers and in particular about the stigmatisation and discrimination they suffer.
- Contribution (CHF 11 000) to a European Internet site about the persecution of Travellers (University of Applied Sciences/HES-SO, Geneva). This is an innovative project in that it proposes an Internet site to compensate for the lack of material (teaching material in particular) about the persecution of the Roma, Sinti, Yenish and other gypsy groups. At European level, it wishes to draw on the so-called "Bergier report's"<sup>22</sup> work on Travellers. The aim is to shed full light on persecution carried out during the Holocaust and in Switzerland under the auspices of the organisation "Oeuvre d'entraide des enfants de la grand-route". In addition to the Internet site, the project includes four half-days of teacher training (scheduled for autumn 2011) designed to further increase its impact and resonance.
- A conference entitled "*40 emplacements fixes et 80 aires de transit pour les gens du voyage d'ici à 2020: revendication scandaleuse ou offre minimum envers une minorité ?*" ("*40 stopping places and 80 transit sites for Travellers by 2020: outrageous demand or minimum provision for a minority?*") was organised on 7 April 2011 in Berne by the "A Future for Swiss Travellers" Foundation under the patronage of the DFAE and DFI (see the numerous references to this subject above).

<sup>22</sup>

Report of the Independent Committee of Experts set up by the Swiss Government in 1996 with the task of shedding full light on the extent and fate of unclaimed funds, Switzerland's asylum policy during the Second World War and the economic and financial relations between Switzerland and the Third Reich.

61. Taking stock of the Foundation's awareness-raising activities since its inception in 1997 and, at the same time, of the measures supported thus far by the Confederation, we can draw the following conclusion: major steps have been taken in order to overcome the negative stereotype of the Traveller culture, dating back in particular to the "Œuvre des Enfants de la Grand-Route", and to achieve better mutual understanding and cooperation with the authorities. The action taken by the Foundation and the Federal Office of Culture and the support provided by the Service for Combating Racism have broadly contributed to a clearer understanding of Travellers' culture and to recognition of the legitimacy of their claims. Nonetheless those information efforts need to be stepped up further, given the key importance of public awareness-raising for resolving the main problem facing Travellers today: the shortage of stopping places.

62. As regards the effort to increase awareness about the history and culture of Travellers, it is important to underline the work accomplished by the "**Radgenossenschaft der Landstrasse**", which has been running a documentation centre in Zurich since 2003. The aim of the centre is to provide information about the day-to-day lives, history and culture of Travellers, by means of a permanent exhibition, photos and print material. It is designed for all interested persons and in particular for schools and research bodies.

63. **Several cantons are also active** in the area of awareness-raising about the lifestyle and needs of Travellers. We can mention the following activities:

- *The canton of St Gallen* has devised a scheme to raise awareness among the majority population as part of its comprehensive scheme for Travellers (see Article 5, section 4.2). This scheme has borne fruit and has led to a climate of trust during the discussions that have taken place in the municipality of Thal, where a new transit site is due to be installed on a former military site (see Article 5, section 4.3.3). In addition, the canton of St Gallen decided on 7 June 2011 to grant the "A Future for Swiss Travellers" Foundation the sum of CHF 20 000 by way of a lottery fund contribution for the creation of a website presenting the history and problems of Swiss Travellers. *Other German-speaking cantons* and the Loterie romande supported this project.
- In the *canton of Solothurn*, the Office for Spatial Development transmits the Confederation's recommendations to the municipalities and draws their attention to the needs of Travellers. Also, the canton regularly funds projects carried out by the "A Future for Swiss Travellers" Foundation or Travellers' associations (for example, a recent fun-fair and also the "Radgenossenschaft der Landstrasse" magazine).
- Since 2006 the *canton of Ticino* has been running the "Accompagnamento Nomadi" project which aims to draw the attention of families with a nomadic lifestyle to problems of integration, in particular those relating to their behaviour, in order to make it easier for such families and the local population to live together. The post of cultural ombudsman has been created and the job has gone to an anthropologist. In parallel to this, there will be cantonal police units specifically dedicated to Traveller issues.

## 2. **Climate of tolerance with regard to ethnic minorities and foreigners. Fight against intolerance and xenophobia in political discourse**

64. In Switzerland "**hate speech**" is a criminal offence under **Art. 261<sup>bis</sup> of the Criminal Code (CP)**, paragraph 4 of which provides for penal sanctions against "any person who publicly denigrates or discriminates against another person or a group of persons on the grounds of their race, ethnic origin or religion in a manner that violates human dignity, whether verbally, in writing or pictorially, by using gestures, through acts of aggression or by



other means, or any person who on any of these grounds denies, trivialises or seeks justification for genocide or other crimes against humanity". To allow for freedom of opinion, the Federal Supreme Court takes the view that remarks made **in the context of a political debate** should not be interpreted too restrictively, but rather always from an overall standpoint. In its case law, it defines as denigration or discrimination under Art. 261<sup>bis</sup> §4 CP "all forms of behaviour that deny members of human groups, on the grounds of their race, ethnic origin or religion, equal value as human beings, or identical human rights, or which at least call that equality into question [...]. However, declarations expressing certain specific inequalities that do not contain, either explicitly or implicitly, assertions of inequality as regards the right to enjoy human rights, are not denigrating or discriminatory. This shall apply when the statement appears to be xenophobic, in poor taste, amoral or morally shocking or else improper or uncivilised. Similarly, a message referring to a form of behaviour or certain characteristics of a group or that concerns the rules and customs of that group remains lawful [...]. When interpreting Art. 261<sup>bis</sup> §4 CP due account must be taken of freedom of opinion. Messages concerning political questions and problems pertaining to public life are of particular importance. In a democracy, it is of the utmost importance to be able to defend opinions that are displeasing to the majority or that many people find shocking. Criticism must be allowed to a certain extent, including, sometimes, when it is outrageous. Clearly, freedom of expression must not be interpreted so widely that the effort to combat racial discrimination becomes devoid of any real substance [...]. Therefore, in the context of a political debate, an act of denigration or discrimination within the meaning of Art. 261<sup>bis</sup> §4 CP must not be readily accepted".<sup>23</sup>

65. **The Federal Commission against Racism** (CFR, extra-parliamentary commission) has expressed concern about the climate surrounding two citizens' initiatives, one to ban the construction of new minarets and the other in favour of sending back foreign criminals, and has adopted a stance on the matter. It dedicated the 25<sup>th</sup> edition of its TANGRAM newsletter to anti-Muslim racism, the 26<sup>th</sup> to security and the 27<sup>th</sup> to political discourse. 2011 being an election year in Switzerland, the CFR suggested in the 27<sup>th</sup> edition (June 2011) some lines for thought concerning incitement to racial discrimination through political discourse.

66. The Service for Combating Racism (SLR) supports several projects aimed at creating a climate of tolerance with respect to foreigners:

- An increasing number of localities are making use of International Anti-Racism Day to launch action weeks: Neuchâtel, Geneva, Fribourg and also the canton of Valais are examples. The SLR makes a financial contribution of about CHF 50 000 each year for small-scale and larger projects.
- Many schools call on the Swiss Refugee Council OSAR to inform their pupils about refugee issues. In particular, OSAR organises role-playing sessions during which children have to cast themselves in the role of an asylum-seeker. The screening of a film on this subject is part of the programme.
- During the 2009 International Anti-Racism Day OSAR, in cooperation with partner organisations, organised a poster campaign and events in numerous Swiss towns, with a view to:
  - promoting the open-mindedness that is necessary to welcome refugees;
  - drawing the attention of Swiss citizens to their obligation to welcome recognised refugees as well as foreigners with temporary status, even if the number of asylum-seekers is increasing;
  - addressing and overcoming resistance and prejudice;

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<sup>23</sup> Decision of 27 April 2009, 6B\_664/2008.

- explaining that refugees need Switzerland's protection and that they deserve to be given a chance to become integrated; and showing that for that, they need to feel accepted.
- The "MIX" migration journal was published in November 2009 in 200 000 copies. It was distributed to all households in the city of Basle and to the local authorities and municipalities in the cantons of Aargau, Solothurn, Zurich and Berne. MIX, which was presented to the public and the media during a public event, keeps the public at large informed about racism in general, racism in daily life and discrimination. In its articles and interviews it gives the floor to different players (experts, directly concerned individuals, etc.) in order to organise a real debate in which all sides are represented.
- The "Empowerment of migrants against racism" project aims to give migrants in general and asylum-seekers in particular the means to take action against racism. Various activities are organised for that purpose: discussions at the places of residence of the people concerned and awareness-raising during intercultural events and international anti-racism days. In addition, personal experiences are recorded and the information is passed on to organisations and institutions engaged in the fight against racism.

67. **The cantons** are also actively engaged in promoting **tolerance towards foreigners**. *The canton of Fribourg*, for example, has adopted a new law on the integration of migrants and the prevention of racism that will come into force on 1 January 2012. One of its aims is to draw the attention of children and young people in particular to the problem of racism. Furthermore, since 2007 an itinerant exhibition entitled "Moi raciste?" ("What me, racist?") has been visiting the lower and upper secondary schools of the canton. Each year *in the canton of Ticino, the municipality of Chiasso* celebrates International Refugee Day and as of 2012 the canton will also be proposing a specific programme for the International Action Week against Racism. Ticino is the only region that has a weekly television programme about cohabitation between the local population and new arrivals and the related integration issues.

### 3. Anti-Semitism and discrimination

68. *The Federal Commission against Racism (CFR)* has compiled the decisions and rulings of the various judicial bodies under the law against racial discrimination (Art. 261<sup>bis</sup> CP) in a *database published on its website*.<sup>24</sup> As at **30.09.2010**, aggregate statistics on victim categories showed that, together with foreigners and non-whites, members of the Jewish community were the most frequent targets for attacks.

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<sup>24</sup> <http://www.ekr.admin.ch/dienstleistungen/00169/00172/index.html?lang=fr>

(As at: 30.09.2010)

Victim categories	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	Total yrs	% Total yrs	Total 09	% 09	
Jews	0	5	17	14	11	7	5	2	7	9	11	13	Formal decision	3	3	3	145	26.0	15	20
													Acquittal	3	0	0				-
													Conviction	14	6	12				80
Muslims	0	0	0	1	0	1	2	2	2	1	2	1	Formal decision	0	1	0	15	2.7	1	-
													Acquittal	0	0	0				-
													Conviction	0	1	1				100
Members of other religious communities	1	0	0	0	0	0	1	0	0	0	0	1	Formal decision	0	0	0	3	0.5	0	-
													Acquittal	0	0	0				-
													Conviction	0	0	0				-
Non-whites	0	0	2	10	8	8	2	1	4	8	8	14	Formal decision	4	4	3	91	16.3	7	42.9
													Acquittal	2	0	0				-
													Conviction	6	3	4				57.1
Travellers/Gypsies	0	1	0	0	1	2	0	0	1	0	0	1	Formal decision	0	0		6	1.0	0	-
													Acquittal	0	0	0				-
													Conviction	0	0	0				-
Foreigners / different ethnic groups	2	8	2	6	11	4	7	7	5	7	9	25	Formal decision	8	3	0	134	24.0	12	16.7
													Acquittal	0	1	2				-
													Conviction	14	3	0				83.3
Asylum-seekers	0	0	2	1	5	4	0	0	1	1	0	2	Formal decision	0	0	10	16	2.9	0	-
													Acquittal	0	0	0				-
													Conviction	0	0	0				-
Members of the majority /whites	0	0	0	1	1	2	0	0	1	0	0	0	Formal decision	0	0	0	5	0.9	0	-
													Acquittal	0	0	0				-
													Conviction	0	0	0				-
Other groups	0	0	0	0	0	1	1	0	1	3	2	1	Formal decision	0	0	0	12	2.2	2	-
													Acquittal	0	0	0				-
													Conviction	1	0	0				100
No information about victim categories	1	4	3	5	9	9	16	9	8	13	4	12	Formal decision	24	2	2	131	23.5	5	-
													Acquittal	0	0	0				-
													Conviction	5	2	0				100
<b>Total</b>	<b>4</b>	<b>18</b>	<b>26</b>	<b>38</b>	<b>46</b>	<b>38</b>	<b>34</b>	<b>21</b>	<b>30</b>	<b>42</b>	<b>37</b>	<b>69</b>				<b>558</b>	<b>100</b>	<b>84</b>		

69. As explained above (§23), since 2008 the “consultation network for victims of racism” run by “Humanrights.ch” and the Federal Commission against Racism has been keeping records of racist incidents, including anti-Semitic acts. The **2010** report “on racist incidents addressed in consultations” reports few acts motivated by anti-Semitism; the increase in the number of incidents since 2009 is due to racism against black people and Muslims (p.17 of the report).

70. The report on the situation as regards anti-Semitism in French-speaking Switzerland published by the Inter-Community Coordination Forum against Anti-Semitism and Defamation (CICAD)<sup>25</sup> reports:

- 38 acts of anti-Semitism in 2007
- 96 acts of anti-Semitism in 2008 (4 grave acts, 10 serious acts and 82 worrying and indicative acts)
- 153 acts of anti-Semitism in 2009 (4 grave acts, 22 serious acts and 127 worrying and indicative acts)
- 104 acts of anti-Semitism in 2010 (0 grave acts, 5 serious acts and 99 worrying and indicative acts)

*The Swiss Federation of Jewish Communities (FSCI)* records anti-Semitic acts in German- and Italian-speaking Switzerland through an assistance and reporting system that it has set up. *Its report on anti-Semitism*<sup>26</sup> lists:

- 21 acts of anti-Semitism in 2008
- 28 acts of anti-Semitism in 2009, including 20 reported acts and 8 published acts (0 grave cases, 71 % serious cases and 29 % worrying and indicative cases)<sup>27</sup>
- 34 acts of anti-Semitism in 2010 (0 grave cases, 16 serious cases and 18 worrying cases).<sup>28</sup>

In French-speaking Switzerland, a much higher number of anti-Semitic acts are recorded than in German- and Italian-speaking Switzerland. This is due to the fact that CICAD adopts a different, more proactive approach: it records cases identified through its own research, in particular on the Internet (see “actes préoccupants et indicateurs”/“worrying and indicative acts”), unlike the FSCI, which only records published incidents or ones reported to it.

For the FSCI and CICAD, current anti-Semitic acts in Switzerland are partially linked with the political tensions in the Middle East (anti-Semitism in the guise of criticism of Israeli policy), particularly during escalations of the conflict. They also point to the increasing use of the interactive platforms set up by the media on which people can anonymously express anti-Semitic and racist ideas. The FSCI and the Foundation against Racism and Anti-Semitism (GRA) have also observed that extreme right-wing anti-Semitism, which fuels racial hatred against the Jews, remains widespread, as do statements referring to the Holocaust. On top of this there is increasing polarisation between parties and citizens. As a result, there is a growing propensity in certain segments of the population to discriminate against minorities and to stigmatise them as scapegoats, and this is exploited for political purposes.

71. *The Service for Combating Racism (SLR)* supports several *awareness-raising projects to combat anti-Semitism and Holocaust-denial*. In the period 2009-2011, it subsidised ten projects to the tune of CHF 111 000. In the educational sector, the following projects in particular are worth mentioning:

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<sup>25</sup> <http://www.cicad.ch/index.php?id=39>

<sup>26</sup> Since 2010, the FSCI has been publishing its report on anti-Semitism jointly with the “Foundation against Racism and Anti-Semitism” (GRA).

<sup>27</sup> [http://www.swissjews.ch/pdf/fr/praevention/Antisemitismusbericht\\_2009\\_DEFINITIV\\_fr.pdf](http://www.swissjews.ch/pdf/fr/praevention/Antisemitismusbericht_2009_DEFINITIV_fr.pdf)

<sup>28</sup> [http://www.swissjews.ch/pdf/fr/praevention/Antisemitismusbericht\\_2010\\_F.pdf](http://www.swissjews.ch/pdf/fr/praevention/Antisemitismusbericht_2010_F.pdf)

For information, the FSCI in German-speaking Switzerland recorded 73 anti-Semitic acts *in 2006* and 34 *in 2007*.

- The event organised by the CICAD in Geneva on 27 January 2010 (Holocaust Remembrance Day) entitled “*Ressentir l’indicible*” (Experiencing the Indescribable), giving a prominent place to camp survivors. This event was divided into three parts: 1) An evening on “the Shoah through the five senses”: a thematic and sensorial exhibition based on eyewitness accounts; 2) Screening of a film from a teaching kit composed of eyewitness accounts distributed to schools; 3) A four-day exhibition visited by 1 500 pupils and teachers.
- In Geneva in 2011, the CICAD organised an inaugural evening and a day for schoolchildren at which it presented a play and a comic book about anti-Semitic prejudice. The play and comic book are aimed at schoolchildren in French-speaking Switzerland to encourage them to think about racism and anti-Semitism.
- The centre for political education and history teaching of Aargau University of Applied Sciences, attached to the University of Applied Sciences and Arts of Northwestern Switzerland (FHNW), has launched, in cooperation with the SLR, an annual conference on the subject of the “Shoah at school”, of which there have been three editions so far. Schools have also launched projects in connection with that initiative. The on-line teaching module “History Helpline” developed for the secondary level is a particularly interesting tool. This innovative course background material is very helpful for teachers and is free of charge. It addresses the theme of National Socialism, which is part of the syllabus, and links the main findings of the research on the Shoah with the problem of racism today.
- “Anti-Semitism in the past and today; a meeting with Shoah survivors”. The Zurich sixth-form college “Hohe Promenade” looks deeper into the theme of anti-Semitism. The aim is to launch a process of reflection on racist ideas, ideologies and acts. The project is aimed at students in their final year of secondary education. In addition to history classes, the programme includes excursions, workshops, meetings with survivors and use of new media.
- At the Sainte-Croix secondary school in Fribourg, two sixth-form classes deal with the theme of racism and the Shoah as part of their German, philosophy and history courses. During a workshop students can meet a survivor of the Shoah and delve further into the subject by considering its relevance to the present day (racism today). The emphasis is placed on non-cognitive knowledge.

72. *The cantons also conduct projects to combat anti-Semitism, particularly in the education sector. In 2011, the Public Education Division of the canton of Zurich organised three projects for schools in connection with Holocaust Remembrance Day: theatre-forum “Was bedeutet uns der Holocaust heute” [What does the Holocaust mean to us today?] (11 performances for 826 pupils from the 8th to the 10th year of school), meetings with Holocaust survivors (21 meetings for 868 pupils from the 8th to the 10th year of school) and the theatre play “Ich wohne in einem Hühnerhaus” [I live in a chicken run] (4 performances for 310 pupils from the 4th to the 6th year of school).*

73. *Awareness-raising projects to combat anti-Semitism and Holocaust-denial conducted by the Swiss Federation of Jewish Communities (FSCI) and the Platform for Liberal Jews of Switzerland (PLJS) include the following:*

- From autumn 2011 onwards, the FSCI and PLJS will be organising a one-day annual study visit to Auschwitz-Birkenau for teachers in German-speaking Switzerland. For ten years already the CICAD has been organising this type of visit for French-speaking Switzerland. By visiting this memorial site teachers will be able to form their own impressions and be better equipped to broach this chapter of history with their pupils. The first study visit to Auschwitz-Birkenau took place in November 2011 and involved some

100 participants. Thanks to the support of the Swiss Conference of Cantonal Ministers of Education (CDIP), a day of further study for the teachers who had participated in the trip was organised at the University of Applied Sciences and Arts of Northwestern Switzerland (FHNW Aargau) in November 2011.

- Since January 2011, the FSCI has been running a campaign entitled “En savoir plus sur le judaïsme” (“Learn more about Judaism”), which offers lectures on Judaism, Jews in Switzerland, Israel or anti-Semitism to educational establishments. In 2011 some dozen such lectures took place in the German-speaking part of Switzerland.
- The FSCI has set itself the task of making Judaism and the Jewish community more widely known in Switzerland. For that purpose, since the end of 2009 it has been producing information sheets presenting various subjects in a succinct and easily understandable way. These information sheets are drafted at the FSCI’s request under the supervision of a group of experts. They are designed to contribute to a better understanding of Jewish history, religion and values, and more generally of Switzerland’s Jewish community.

74. *The FSCI and PJLS* consider that in the past few years in Switzerland the trend has been, generally speaking but in the education sector in particular, to restrict religious freedom. For example, cantons and schools tend to reject requests from religiously observant students wishing to postpone exams scheduled to take place on the Sabbath or during a Jewish religious holiday, at which times they are not allowed to work and write. *The Federal Commission against Racism (CFR)* notes that it has observed the same tendency with respect to the banning of the veil in state schools in the canton of St Gallen.

#### **4. Naturalisations**

75. As regards naturalisation issues, Switzerland would like to refer to the reservation it expressed in its Second Report of January 2007 and to its comments of August 2008. According to the interpretative declaration Switzerland quite legitimately formulated when ratifying the Framework Convention, its international obligations under the Convention apply formally only to groups whose members are Swiss nationals and who, in addition, have long-standing, firm and lasting ties with Switzerland and are guided by the will to safeguard together what constitutes their common identity. Formally speaking therefore, as far as Switzerland is concerned the Framework Convention does not protect foreign nationals and it is only by virtue of the Advisory Committee’s interpretation of the Convention’s personal scope (Article 6)<sup>29</sup> that Switzerland is following up the Committee’s findings and recommendations about the acquisition of Swiss nationality in this report.

76. The legal situation regarding the naturalisation procedure has evolved since the second monitoring cycle. The amendment of 21 December 2007 (cantonal procedure/appeal before a cantonal court) to the Federal Law on the acquisition and loss of Swiss nationality (LN) came into force on 1 January 2009. LN Articles 15a ff now stipulate that the reasons for rejecting a naturalisation application must be given and that, in the case of a vote in the municipal assembly, an application for naturalisation may only be rejected by voters if the petition for rejection is accompanied by a statement of reasons (Art. 15b LN). Furthermore, the cantons must set up a judicial authority with last-instance jurisdiction at cantonal level which is competent to decide on appeals against rejected applications for ordinary naturalisation (Art. 50 LN).

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<sup>29</sup> This interpretation is as follows: the spirit and letter of Art. 6 of the Framework Convention do not provide for any limitation of its scope exclusively to groups considered as national minorities.

77. Following this partial revision of the Federal Law on the acquisition and loss of Swiss nationality, the cantons concerned have made the necessary changes or issued directives to ensure compliance with the law. All but two of the cantons now recognise the obligation to state the grounds for a rejection and to provide for the possibility of appeal to a cantonal court in the event of a naturalisation application being turned down. The two cantons in question have launched the necessary procedures for revising their legislation to bring it into line with federal law, and the process is now under way.

Since 2008, two cases of discriminatory rejection have been reported by the Federal Commission against Racism.

*The canton of Solothurn* reports that, for the whole year, only three decisions out of 800 naturalisation requests were contested. This is due among other things to the fact that the obligation to state the grounds for decisions is very well respected.

*In the canton of Zurich*, the new cantonal law on nationality complies with the obligation to state the reasons for a decision. However, that law has not yet entered into force because a referendum contesting it is to take place on 11 March 2012. Applicants may, however, as of now file any grievances with a cantonal court.

*The canton of Aargau* has not yet brought its legislation on naturalisations into line with the new federal provisions. Those amendments will be implemented as part of an overall revision of the relevant cantonal and municipal law (due to come into force on 1 January 2014). Although the cantonal legislation has not yet been amended, decisions rejecting naturalisation applications can be contested under the federal law.

## 5. Interconfessional dialogue

78. Since 2006 there have been **regular exchanges of views between Confederation representatives and the Swiss Council of Religions (SCR)**, comprising representatives of the Christian, Jewish and Muslim faiths. The SCR was set up as a platform for dialogue among the three religions and to act as a partner in dialogue for the Confederation on the issue of mutual understanding among the religious communities.

The State, the Churches and the religious communities must work hand-in-hand in order to raise awareness within the different communities about the values defended by Switzerland and to promote mutual understanding between the different cultures and religions. Dialogue with Muslim organisations is one particular aspect of those discussions.

79. **A dialogue between the federal administration and Switzerland's Muslim communities** took place from September 2009 to April 2011 in order to tackle the fear and prejudice encountered in the majority society with respect to Islam. Among the issues discussed were the Swiss Government's position on the citizens' initiative calling for a ban on the construction of new minarets (its position was to urge that the initiative be rejected), the public image of Muslims and the promotion of mutual understanding. This dialogue paved the way for the drafting of a joint report setting out a programme of activities and listing actions under way in order to promote integration, equal opportunities for Muslims and peaceful coexistence among Switzerland's religious communities. The areas of activity include: the representation of Islam in the media; encouraging young people; the compatibility between religious observance and military service; and initial and further training for imams and community leaders. This dialogue is now continuing among the different federal departments

and the cantons and municipalities in accordance with their areas of responsibility. A discussion is currently under way on the form that the follow up to this dialogue should take.

It should also be noted that in October 2010, in connection with the vote on the ban on new minarets, *the Federal Commission against Racism (CFR)* organised, in cooperation with the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), a conference for Switzerland's Muslim communities on the question of creating a Muslim umbrella organisation in Switzerland.

80. *Several cantons* are also active in the area of interfaith dialogue. Some have made religious culture studies part of the compulsory curriculum. *The canton of Zurich*, for example, has introduced a compulsory secular course on culture and religion into state schools. The aim is to give children and young people some basic knowledge about the world's great religions. The objective is to promote mutual respect and understanding among people of different cultures, faiths and beliefs. *The canton of St Gallen* organises an interfaith dialogue action week ("Interreligiöse Dialog- und Aktionswoche", IDA). IDA now involves: the canton of St Gallen, the Federal Department of Home Affairs, the Catholic and Protestant churches of the canton of St Gallen, the umbrella association of Islamic communities of eastern Switzerland and the Grand Duchy of Liechtenstein (DIGO), the round table of the religions of the canton of St Gallen, (Runder Tisch der Religionen St Gallen) and other religious communities. Since its first edition in 2005 the IDA action week has been held every other September in the canton of St Gallen.

## ARTICLE 9

- <sup>1.</sup> *The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.*
- <sup>2.</sup> *[...]*
- <sup>3.</sup> *The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.*
- <sup>4.</sup> *In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.*

Regarding **radio and television programmes in the Romansh language**, the Advisory Committee makes the following recommendation: "*The authorities are invited to continue to monitor the needs of the Romansh speakers in terms of broadcasting time and make sure that the new legal provisions are fully implemented in practice*".

As regards **print media in the canton of Graubünden**, the Advisory Committee makes the following recommendation: "*The authorities should pursue their laudable efforts to support printed media especially in Romansh and Italian languages in canton Graubünden, as well as make the best use of the new opportunities opened up by the new legislative provisions on languages*".



Regarding **the media and Travellers**, the Advisory Committee recommends that: “*Efforts should be made to respond better to the needs of Travellers in the field of media and increased attention could be devoted to this question in the relevant institutions in which the Confederation and the cantons are represented*”.

These various recommendations are not incorporated into the Committee of Ministers Resolution of 19 November 2008.

## **6. Radio and television programmes in the Romansh language**

81. The mandate of the SSR (SRG SSR, Swiss public broadcasting corporation) is set out in the Federal Radio and Television Act of 24 March 2006 (LRTV) supplemented by the broadcasting licence granted on 28 November 2007. Its remit includes the provision of a complete range of radio and television programmes of equivalent quality in the three main official languages (German, French and Italian: see Art. 24.1a LRTV) and the promotion of mutual understanding, cohesion and exchanges between the different parts of the country and its language communities, cultures and social groups (Art. 24.1b LRTV). The law also stipulates that the SSR shall provide at least one radio programme for Romansh-speaking Switzerland. In addition the Swiss Government (Federal Council) lays down the principles governing the way in which the specific radio and television needs of this linguistic region are to be taken into account (Art. 24.2 LRTV). The SSR's service mandate is further specified in the licence granted to it by the Federal Council, which stipulates that the *radio programme* in Romansh shall be broadcast in the very-high frequency (VHF) band, in terrestrial digital audio broadcasting (TDAB) mode and by satellite (Art. 4.3 SSR licence). *As regards television*, the SSR must include Romansh broadcasts in programme planning for its television channels for the different linguistic regions (Art. 5.1 and 5.5 SSR licence). Regarding the practical arrangements, SSR's radio and television programmes in Romansh are produced by its “RTR Radiotelevisiun Svizra Rumantscha” unit based in Chur.

The *radio* programme is broadcast continuously, while RTR's *television productions* are incorporated into the programme output of the different linguistic regions. In practical terms this means that *Televisiun Rumantscha* produces a newscast during the week about Graubünden and the Romansh part of Switzerland entitled “Telesguard”, which is broadcast every day from Monday to Friday on channel one of Switzerland's German-speaking TV. The magazine “Cuntrasts” is shown on Sundays, while a news programme for children called “Minisguard” is broadcast every Saturday. These productions are also shown on Italian-speaking television (RSI La 2) and can be found on the RTR website ([www.rtr.ch](http://www.rtr.ch)). Between 2006 and 2010, the quantity of TV broadcasting in Romansh remained more or less stable (605 hours 2006; 578 hours in 2010).

Over the same period *Radio Rumantscha (RR)* increased its production (from 5 467 hours in 2006 to 8 760 hours in 2010) and now offers an around-the-clock service.

Public satisfaction can be gauged, among other things, by the two following criteria: the station's market shares in Graubünden and the comments of the Council of Romansh-speaking listeners and viewers (which acts as a link between the RTR media professionals and the public). RTR reports that according to a representative sample survey conducted at the end of 2010, *Radio Rumantscha* is the leader in its region, with 61% of the Romansh-speaking radio audience loyal to it. One out of every five of its listeners tunes in for more than two hours on an ordinary working day. Its average market share as measured by Radiocontrol/Mediawatch is 22% for the region as a whole. On average two-thirds of the Romansh-speaking population watch *Televisiun Rumantscha*. The Council of Romansh-speaking listeners and viewers acknowledges that RTR provided remarkable media

coverage (on radio, television and the Internet) of the 2010 elections to the government and parliament of Graubünden. In order to strengthen its geographic ties with its audience, RTR has developed a network of correspondents in the regions. This has enabled it to diversify its regional news, another plus in the eyes of the listeners' and viewers' Council.

82. These different indicators demonstrate the effectiveness of the system chosen in order to guarantee a place for the Romansh language in the public service media. For this reason, the Federal Council considers that the public service meets the information needs of the Romansh-speaking population and for the moment, therefore, is not entering into the discussion about the setting up of a private regional broadcaster broadcasting a complete TV programme in Romansh, in particular for economic reasons.

On the occasion of the renewal of the regional radio and television broadcasting licences with the accompanying service mandates in 2007-2008, the Federal Council redefined the coverage areas of the different regional media (the new areas generally cover several cantons in order to form solid economic and cultural units), defined their service mandates and decided whether or not they would benefit from a share of licence fees. For Graubünden the aim was to maintain a regional television network covering it and those of its neighbouring areas, including the canton of Glarus, with which it has cultural exchanges.<sup>30</sup> In connection with the redefinition of coverage areas, an extensive public consultation process involving, in particular, the cantonal authorities and the Romansh and Italian language and culture associations was launched. This procedure resulted in TeleSüdOstschweiz being granted a broadcasting licence valid until the end of 2019. This broadcasting network is under an obligation to respect the multilingualism of its broadcasting area and to take proper account of the local – Romansh and Italian – linguistic minorities. It thus provides a local service to the population of Graubünden and supplies it with diversified regional news. In 2010 TeleSüdOstschweiz produced, under the title “Baterlada”, 12 twenty-minute programmes in Romansh. With the aid of repeat showings it was thus able to programme 4 800 minutes of air time in Romansh. As for Italian, the network produced 12 twenty-four-minute programmes under the title “45 parallelo”, enabling it, with repeat showings, to clock up 2 400 minutes of air time in Italian.

## **7. The print media in the canton of Graubünden**

83. Pursuant to the new Law on Languages, the canton of Graubünden receives subsidies for the support of press agencies with a view to safeguarding and promoting the use of *Romansh* in the media (Art. 21 OLang). The Confederation's contribution is confined to allocating financial resources to press agencies, in this case the Agentura da Novitads Rumantscha (ANR). Written material published by the ANR can be used by all Romansh-language media, but the agency's task is first and foremost to cover the needs of the Romansh print media.

84. Regarding the *Italian print media* in Graubünden, for the moment little has changed regarding the possible appointment of an Italian-speaking correspondent in Chur. This issue is strongly linked with the radio broadcasting licence granted to *Radio Grischa* in 2008. In 2008, the Federal Department of the Environment, Transport, Energy and Communications (DETEC) granted a licence to Südostschweiz Radio/TV AG (Chur) for the creation of a VHF radio station comprising a service mandate and the right to a share of licence fees. This licence-holder was prepared to contribute to the cost of a post for an Italian-speaking correspondent in Chur. Owing to an appeal lodged by a competitor with the Federal Administrative Tribunal, this new broadcasting licence had still not entered into force at the

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<sup>30</sup> These regional radio and television licences also concern the Italian-speaking minority.

time of drafting this report. The appointment of an Italian-speaking correspondent in Chur therefore remains on hold pending a final decision.

## 8. Travellers and the media

85. In their discussions with the Federal Office of Culture since the end of the second monitoring cycle, Travellers have not made any claims for support measures in the media field.

## ARTICLE 10

1. *The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.*
2. *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.*
3. *[...].*

Regarding **the use of languages in relations with the federal authorities**, the Advisory Committee makes the following recommendation: *“The federal authorities should continue their efforts to ensure that Italian is consistently used in relations with Italian-speaking persons and institutions. They should continue to encourage a wider written and oral use of Italian within the federal public service so as to ensure equality with other official languages as prescribed by law”*.

Regarding **the use of languages in relations with the authorities of the bilingual cantons**, the Advisory Committee recommends that *“Efforts should be pursued to implement the new constitutional and legislative guarantees so as to meet better the needs of those concerned in municipalities on the language border. Consideration could be given to adopting a law on languages in the canton of Fribourg”*.

These first two recommendations are not incorporated into the Committee of Ministers Resolution of 19 November 2008.

Regarding **the use of languages in relations with the authorities of the canton of Graubünden**, the Advisory Committee makes the following recommendation: *“Efforts to stop the erosion of the official use of the Romansh and Italian languages at the municipal and district levels should be pursued. This includes a full implementation of the new cantonal Law on Languages and systematic action to promote the use of these languages in multilingual municipalities”*. This is incorporated into recommendation 3 of the Committee of Ministers Resolution of 19 November 2008.

### 1. The use of languages, in particular Italian, in relations with the federal authorities

86. Since the end of the second monitoring cycle, *the number of posts for translators into Italian* has increased, in step with the development of language services as a whole. In 2010, there were 151 posts for translators into French, 118 posts for translators into Italian (as compared with 95 at the beginning of 2008), 22 for translators into German and 14 into English. The volume of outsourced translation work in the different languages has also increased to keep pace with demand.

In 2010, *the Federal Department of Foreign Affairs (DFAE)* restructured its language services and set up an Italian language department; this measure completes the organisational framework provided for in the **decree on translation within the general administration of the Confederation** (Art. 5),<sup>31</sup> with each department now in possession of a French and an Italian language department.

In 2011, pursuant to the new Federal Ordinance on languages, seven additional translation posts were allocated to Italian, in order to reinforce the presence of Italian on the federal departments' websites and fill other specific gaps in the supply of texts in that language (translations into Italian). In addition, in 2011 a further seven translator posts for translations from Italian and French into German were advertised. Some of those posts have already been filled and the other translators will be in place by the beginning of 2012 at the latest. The purpose of this measure is to allow federal administration staff to work in the language of their choice in accordance with Art. 9 of the new federal law on languages.<sup>32</sup> It helps to avoid Italian being a language of translation only, as opposed to a working language within the federal administration.

87. In response to remarks from the canton of Ticino, the Federal Chancellery, and in particular the Italian Division of the central language services, in coordination with the federal departments' language services, has reviewed the different stages in the *preparation of texts submitted for consultation*, reallocated responsibilities and stepped up supervision measures in order to avoid gaps and delays in the delivery of texts in Italian. Other measures are under consideration, as part of efforts to optimise the information management system governing the trilingual procedure used for the preparation of all normative texts (KAV-Erneuerung).

Regarding this report, the draft version was of course also produced in Italian and all correspondence relating to the process of consultation with the cantons was also drafted in Italian in addition to French and German.

88. *A handbook on promoting multilingualism in the federal administration* was published in May 2009 and sent to all federal administration bodies as well as to the cantons and interested private organisations.

89. Regarding the *language skills of Confederation staff*, Article 6.3 of the new Federal Ordinance on languages stipulates that administrative bodies must offer their staff basic and further training in German, French and Italian. The Federal Personnel Office (OOPER) has concluded cooperation agreements with two language schools with establishments all over Switzerland. Classes are available in German, French and Italian. The Italian course has been a great success and the number of Italian classes is showing a marked increase. The conditions of eligibility for language training have been made more flexible: if the language training corresponds to the department's needs it takes place during working hours and is paid for by the employer. A review of the situation will take place in 2014.

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<sup>31</sup> RS 172.081 : see copy in the appendix.

<sup>32</sup> Art. 9 LLC stipulates that the members of the Federal Council, the Chancellor of the Confederation and the staff of the Federal Council shall work in German, French or Italian, as they choose.

90. The representation of linguistic minorities in the federal administration is discussed below under **Article 15**.

## **2. The use of a minority language in the canton of Fribourg**

91. According to the 2000 federal population census, 63.2% of the resident population of the canton of Fribourg are French speakers and 29.2% are German speakers.<sup>33</sup>

92. On the basis of a report drafted in March 2007, the government of the canton of Fribourg decided that it was neither necessary nor expedient to follow up new Article 6 of the cantonal constitution of 16 May 2004 with a cantonal law on languages. The current situation is deemed satisfactory. Nonetheless the cantonal government is continuing its efforts towards the adoption of practical measures to promote understanding and exchanges between the canton's linguistic communities and to encourage bilingualism.

93. For example, it is looking into the possibilities for supporting municipalities located on the language border that wish to declare themselves bilingual. Such measures could be subsidised not only from cantonal funds but also by the Confederation as part of the implementation of the Federal Law on Languages.

## **3. The use of languages in relations with the municipal authorities in the canton of Graubünden**

94. Regarding the canton of Graubünden's assessment of the application of the new cantonal Law on Languages, please refer to **Article 5**, section 2 above.

95. Regarding the use of languages in the municipalities, *the canton of Graubünden* makes the following remarks:

In most regions the pattern of language use can be discerned in the publication of official documents and practices during municipal assemblies. Region by region, the following points may be made:

### **Surselva :**

In the district of Surselva, practices vary from one municipality to another:

*Publication of official documents in Romansh:* practices as regards publication in the Official Journal vary from one municipality to another. In the municipalities of the regions of *Cadi, Lugnez and Rueun* (not including Obersaxen), documents are published practically exclusively in Romansh, which is not the case for the municipalities of the region of *Ilanz*. The language used depends on which authority or person is behind the publication. If it is the chancellery, the responsible person within that administration needs to be proficient in Romansh, which is not always the case, even in the Romansh-speaking municipalities (e.g. *Castrisch, Sevgein*). Moreover, some Romansh-speaking municipalities use German for their correspondence regarding construction matters, on the grounds that the building law is published in German (e.g. *Ruschein*). In many municipalities, the building law has been adopted in German only. The municipality of *Castrisch* even drafts all its legislation in German.

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<sup>33</sup> Source: federal population census 2000, Federal Statistical Office, Neuchâtel. See table in §8 above.

*Use of Romansh during municipal assemblies:* in practice, the language used depends mainly on the language proficiency of the president of the municipality. According to available data, the following Romansh-speaking municipalities hold their municipal assemblies in German: *Riein, Sevgein, Castrisch, Vignogn, Duvin, Mundaun, Schnaus and Medel*. In *Medel* and *Vignogn*, the president speaks German and his colleagues Romansh. The same practice may be found in other municipalities. Depending on the languages spoken by the members of the bureau, sessions are often held in German. However the proceedings may be drafted in Romansh if the clerk in charge is proficient in that language.

**Lower Engadine (Scuol, Ramosch, Tschlin, Zernez) :**

The official language is Romansh. Official documents and municipal assembly proceedings are in Romansh (vallader).

**Upper Engadine :**

The official language is in most cases Romansh (puter), sometimes together with German (*St Moritz*: German only).

Municipal assemblies in *Pontresina, Samedan and St Moritz* are conducted in German, those of *Celerina, Sils i.E. and Silvaplana*, in Romansh.

**Val Müstair :**

The official language is Romansh. Official documents and municipal assembly proceedings are in Romansh (vallader).

**Surses :**

Romansh (except in *Bivio*, where German is the dominant language).

**Mittelbünden :**

Roughly 50 % Romansh and 50 % German.

**Schams :**

German dominates everywhere except in two municipalities (*Lohn, Mathon*), where Romansh is the majority language.

**Bregaglia :**

Official opinions and decisions are in the two languages. Municipal assembly proceedings are conducted in Italian.

**Calanca/Misox/Puschlav :**

Italian is the dominant language.

## ARTICLE 12

1. *The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.*
2. *In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.*
3. *The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.*

On the issues of **promoting knowledge of the national languages and harmonising language teaching**, the Advisory Committee makes the following recommendation: “*The cantonal authorities should continue their efforts to ensure the swift implementation of the inter-cantonal harmonisation of language teaching without weakening the teaching of national languages. They should also intensify existing awareness raising measures on the need to promote plurilingualism of teachers and pupils*”. This is incorporated into recommendation 5 of the Committee of Ministers Resolution of 19 November 2008.

Regarding **the promotion of the language and culture of Travellers**, the Advisory Committee makes the following two recommendations: “*Switzerland should pursue its effort to support the language and culture of Travellers through various educational projects carried out in close co-operation with those concerned and with due sensitivity to the various viewpoints of the Yenish themselves*”.

“*Measures intended to facilitate regular school attendance from Travellers children practising an itinerant way of life should be continued and developed where appropriate. Constant attention should be paid to promoting mutual understanding with the school authorities and pupils from the resident population*”. This is incorporated into recommendation 7 of the Committee of Ministers Resolution of 19 November 2008.

## 1. **Harmonisation of language teaching and the promotion of multilingualism among teachers and students**

96. The intercantonal agreement on the harmonisation of compulsory education, the **HarmoS Concordat**, which among other things regulates the teaching of languages, including a second national language, came into effect on 1 August 2009 in those cantons that had accepted it. Its entry into force became possible once it had been ratified by a minimum of ten cantons, which was the case as of April 2009. In several cantons there were referendums against its ratification. In some cases (e.g. Ticino) the attempt to hold a referendum failed, in others (e.g. Berne and Fribourg, where the cantonal parliament had voted by a large majority in favour) the referendum motion was rejected. However, HarmoS was rejected in seven cantons (Lucerne, Graubünden, Nidwalden, Thurgau, Schwyz, Uri, Zug). All French-speaking cantons to date have approved HarmoS without a referendum, except Fribourg. So far 15 cantons have decided to join. In four cantons the accession procedure is still under way.

The cantons that have joined HarmoS have six years – which means until the beginning of the 2015/2016 school year (31 July 2015) at the latest – in order to put in place any elements of the HarmoS Concordat that are still missing. This deadline also applies to the cantons that joined later, in other words after 1 August 2009. When that deadline is up, the Swiss Conference of Cantonal Ministers of Education (CDIP) will give a final assessment of harmonisation at cantonal level of the parameters mentioned in the Federal Constitution. In March 2011, the CDIP plenary assembly decided to proceed as follows: those cantons that have not joined HarmoS will be invited to state by the end of 2014 the precise nature of their reservations with regard to the harmonisation of those parameters.

97. Harmonisation of compulsory education entered an important phase in June 2011, when the Cantonal Ministers of Education approved **national education targets in the form of basic skills** to be acquired in four major disciplines, in particular **the language of instruction and foreign languages**. These skills are to be acquired by the end of the 4<sup>th</sup>, 8<sup>th</sup> and 11<sup>th</sup> years of compulsory education (8<sup>th</sup> and 11<sup>th</sup> years for foreign languages).<sup>34</sup> The

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<sup>34</sup> It should be noted that the two years of preschool are included in compulsory schooling.

results will be measured using a sampling process. These basic skills by no means represent the whole compulsory education programme or even the whole programme in the disciplines concerned, but they form, so to speak, the core of the instruction given at school. Acquisition of these fundamental skills and knowledge in those four disciplines is essential in order to move on to the next level of education. These basic skills have been incorporated into the new regional curricula, which are already available (Plan d'études romand, PER, the curriculum for French-speaking Switzerland) or under preparation (Lehrplan 21 for the German-speaking cantons and the Ticino curriculum), and which define the full range of educational targets.

It should be noted that some of the cantons that did not join HarmoS, such as the *canton of Thurgau*, nonetheless adhere to its basic concept and targets as regards the teaching of languages. The introduction of English and French in, respectively, the third and fifth years of primary education corresponds to the concept applied by the cantons in central and eastern Switzerland.

98. Pursuant to the new federal law on languages and the HarmoS Concordat language learning concept, in the past few years **several cantons** have developed **positive measures for promoting multilingualism on the part of students and teachers**.

An example of a model to promote multilingualism is the new "*filière bilingue*" ("*bilingual track*") scheme of the city of Biel/Bienne (canton of Berne), Switzerland's biggest bilingual town. This scheme is based on the principle of reciprocal immersion. Each grade is composed of equal proportions of German-speaking, French-speaking and allophone children. Instruction is divided equally between French and German. Under this model, language skills are acquired not only in the classroom, but also during breaks and recreation time through contacts with the other children. This "bilingual track" concept was launched by the *canton of Berne* in August 2010 at preschool level. In the classes participating in the project, half the teaching modules are in German and the other half in French (immersion). Allophone children (whose first language is neither French nor German) are also included and may choose the language in which they wish to follow instruction and the corresponding timetable. In August 2012, the first children in the "bilingual track" project will be starting school. The timetables will be adapted in order, first of all, to comply with the reference timetable for the first year of school and also with the principle of immersion, requiring the second language to be spoken during 40 to 50 % of total teaching hours. The French speakers' timetable will therefore not be the same as that of the German-speaking pupils. Learning by immersion will concern only some subjects, and these do not include German, French or maths.

99. Another model for the promotion of multilingualism is that adopted by the *bilingual canton of Fribourg*, which drew up a *cantonal language teaching scheme* in 2009. This kind of comprehensive scheme is new for French-speaking Switzerland. It must be seen in the context of implementation of the HarmoS Concordat (introduction of English as of the fifth year of primary school, which is the seventh year of compulsory education) and of the new Federal Law on Languages, which provides for measures to support initiatives taken by multilingual cantons. The scheme introduces a number of innovative features such as early learning (as of preschool), systematic initiation in other languages and cultures, optional teaching sequences in two languages (French-German) for all grades, the promotion of French-German bilingual classes, to begin with in lower secondary then at primary and preschool levels. In bilingual classes, at least 30 % of subjects must be taught in the partner language. By 2013 there should be a bilingual class in all of the canton's lower secondary grades. The efforts to promote multilingualism also concern the upper secondary level; the target is for more than 15 % of Matura certifications to be bilingual.



The idea is not to pursue the unrealistic aim of making all pupils bi- or multilingual by the time they leave school. Rather the objective is for them to acquire, in addition to proficiency in their mother tongue or local language, a working knowledge of two other languages which will encourage them to continue their language training after they leave school. The concept was approved by the cantonal parliament in October 2010. It is in the first stage of implementation and the spirit is one of pragmatism.

100. The French-speaking *canton of Jura* offers us another approach to the promotion of multilingualism. It is gradually putting in place, from the early years of school to higher education, a strategy for enhanced German learning through stepped-up exchanges with the German-speaking part of the Basle region, residential language courses and the creation of bilingual structures within the general education and vocational training divisions of the upper secondary level.

101. Mention may also be made of the *German-speaking canton of St Gallen*, where all secondary-level schools encourage exchanges among the linguistic regions (Schweizer Schule Rom and partner schools in French-speaking Switzerland). In addition, the cantonal school of Burggraben in St Gallen is testing the introduction of a bilingual French-German sixth-form class.

## **2. Promotion of the language and culture of Travellers through educational projects**

102. During the conference on the situation of Travellers held in Berne on 7 April 2011, *the Yenish representatives on the Council of the "A Future for Swiss Travellers" Foundation* expressed the view that in order to preserve the Swiss Travellers' way of life it was necessary to win the understanding of the younger generations within the majority society. Public education should concern itself not only with the different aspects of the majority society, but also those of Swiss society's minority communities. The history – in particular the "Œuvre des Enfants de la grand-route" – and culture of Travellers should be part of the curriculum at the different levels of education. Awareness-raising among the majority population about the situation of the Travellers should take place first and foremost at school.

103. *The "A Future for Swiss Travellers" Foundation* agrees with that opinion and, as mentioned above (see Article 6, section 1), is planning a virtual exhibition on the Internet offering educational material for teachers on the history and culture of Travellers in Switzerland.

104. *The Swiss Conference of Cantonal Ministers of Education (CDIP)* points out in this regard that it does not have competence for establishing the teaching content of curricula, which is the responsibility of the cantons. Awareness-raising through educational programmes on the language and culture of Travellers could be incorporated into the curricula in the form of activities in the various disciplines.

105. As regards the history of Travellers, mention must be made of a *national research programme entitled "Integration and exclusion" (PNR 51)* that ran from 2002 to 2006. Among the 37 projects funded under the programme (to the tune of CHF 12 million) were three projects about the history of the Yenish, Sinti and Roma in Switzerland and the discrimination against them. That programme led to the publication of two important studies that in turn prompted the organisation of exhibitions on the subject:

- The study entitled "Puur und Kessler, Sesshafte und Fahrende in den Bündner Gemeinden" gave rise to an exhibition with the same title at the Raetian Museum in Chur from September 2008 to January 2009. It focused on the relations between the

settled population and Travellers, many of whom live in the canton of Graubünden. It attracted a lot of interest and helped to raise awareness of the problems facing Travellers.

- The study “Von Menschen und Akten: die Aktion ‘Kinder der Landstrasse’ der Stiftung Pro Juventute” has given rise to an exhibition to be held from April to June 2012 in Zurich. It will focus on the institutional processes of exclusion with reference to the actions of the “Œuvre pour les enfants de la grand-route” between 1926 and 1973.

106. *In connection with raising younger people’s awareness of the Travellers’ culture*, we should also mention the film “Jung und Jenisch”, a documentary made in 2010 presenting the daily lives of four young Travellers who take pride in their culture and itinerant way of life.

### **3. Schooling for the children of Travellers**

107. *Travellers* continue to declare themselves generally satisfied with the situation in the various cantons as regards schooling for their children. They do not think that specific support measures such as teaching assistants in transit sites to help children and parents with distance learning programmes are called for. This would be difficult to put into practice, given that the families who stop on transit sites do not all speak the same language. Some of the children speak German while others are French speakers.

*The “Radgenossenschaft der Landstrasse”* has drawn its members’ attention to existing support structures and measures – in particular for homework – in the different municipalities, so that they may make full use of these. *The Swiss Conference of Cantonal Ministers of Education (CDIP)* is also of the opinion that use should be made of these existing support structures.

*Most cantons* do not point to any particular problems as regards schooling for Travellers. In the *canton of Graubünden*, for example, children who have been living for several years with their parents on the Cazis stopping site are perfectly integrated into the municipal school. The teachers do not have any specific problems with these children, indeed in many cases they are not even aware that some of their children are members of the Travellers’ community.

*The Federal Commission against Racism (CFR, extra-parliamentary commission)* proposes for its part that solutions be found in cooperation with the “Radgenossenschaft der Landstrasse” and other Yenish organisations to ensure that these children can obtain a proper school-leaving certificate. The avenues being explored include on-line tools and mobile schools, like those that exist in some German *Länder*. The CFR calls for measures to support distance learning, which should not be left to the sole responsibility of the parents. These proposals are supported by *the canton of Berne*, which has not yet found a practical way of reconciling the Travellers’ lifestyle with the need for regular schooling and for obtaining a school-leaving diploma. The irregular school attendance of these children is not an easy problem to solve and confronts schools with considerable organisational challenges. To give a concrete example, in the *canton of Berne*, schooling for these children has posed problems in the city of Berne and the municipality of Wynau. During the 2011/2012 school year, 20 pupils living on the stopping site at Buech were enrolled in Oberbottigen school (first to sixth year) in the city of Berne. In Wynau, twelve pupils were enrolled in primary and secondary school. The children from the Traveller community attend school for four to six months during the winter. In many cases they are enrolled and then taken out of school without the schools being consulted or even informed. The school rules on absences and holidays are not always respected, and this has consequences for the organisation of

classes. Since there is no legal basis for the schooling of Traveller children, the municipalities and schools are obliged to create their own *ad hoc* rules. However, the binding force of such rules is limited. In 2005, an agreement on compulsory education was drawn up by the city of Berne, the Travellers Committee and the “Radgenossenschaft der Landstrasse”. This agreement is an integral part of the lease contract for stopping places. In the event of non-compliance with the agreement, the lease contract may be terminated.

108. On the “A Future for Swiss Travellers” Foundation’s website, teachers can find information about free teaching materials adapted to the needs of travelling children (work sheets, CDs, etc.). This project has been organised by a school in the district of Berne-Bümpliz, where there is a stopping site. This material can be ordered free of charge from Oberbottigen school.

Furthermore, in 2009 a working group in the district of Berne-Bümpliz, in cooperation with representatives of the Traveller community and a member of the Foundation Council, drew up a scheme for the schooling of Traveller children. The main result has been to produce a syllabus based on the cantonal curriculum.

Some cantons have remarked that the projects devised in Berne would warrant being extended to all cantons in a harmonised fashion.

#### 4. Jewish history and culture in school curricula

109. During the second monitoring cycle, the representatives of the Jewish community expressed satisfaction with the curriculum content on the subject of their history, culture and religion.

Regarding the educational projects conducted by the schools of various cantons to raise awareness about anti-Semitism and Holocaust-denial, see **Article 6**, section 3.

### ARTICLE 14

1. *The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.*
2. *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.*
3. *Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.*

Regarding **the teaching of Italian outside the cantons of Ticino and Graubünden**, the Advisory Committee makes the following recommendation: “*The competent authorities should pursue their efforts to promote multilingualism through the harmonisation process of language teaching requirements in compulsory education. Consideration could be given to complementing the existing offer of optional Italian-language courses outside the areas where this language is traditionally spoken once the existing needs have been better examined. In this context, additional measures could be designed to gather further statistical data on the availability and practical use of language courses*”. This is incorporated into recommendation 5 of the Committee of Ministers Resolution of 19 November 2008.

On the **language of instruction in bilingual cantons**, the Advisory Committee makes the following recommendation: “*The authorities should continue to be flexible in individual decisions allowing children to receive instruction in the other official language offered by a neighbouring municipality. Efforts should be pursued to encourage plurilingualism in the field of education*”.

On the **language of instruction in the canton of Graubünden**, the Advisory Committee recommends that: “*Efforts should be pursued to consolidate the position of Italian and Romansh as a language of instruction in the municipalities concerned. A regular dialogue between cantonal and municipal authorities is needed to implement the new legislative guarantees with due regard to the overall situation of languages in Graubünden*”.

## **1. Italian language classes outside the cantons of Ticino and Graubünden within the compulsory education framework**

110. The federal authorities recognise people’s right to learn their minority language, through the compulsory education system in particular. They understand the concern of people having left the traditional Italian-speaking areas to be able to study their language within the compulsory education system and the cantonal curricula. Although Article 14.1 of the Framework Convention does not require positive action on the part of the state, the implementation of HarmoS in the cantons should help meet the concerns of the Italian-speaking minority. Indeed, the HarmoS Concordat stipulates that appropriate provision should be made during compulsory schooling for the optional study of a third national language. A possible model for such optional studies, in particular for Italian, has been developed under a national research programme (PNR 56). This is the “Italiano Subito - Curriculo minimo d’Italiano” project conducted by the canton of Ticino (see Article 5, section 1, §30 above), supported by the CDIP and subsidised by the Confederation (Federal Office of Culture). The project is based on the following approach: pupils aged 12 to 14 are given one week’s intensive training in order to learn the basics in Italian, drawing on previously acquired language skills and learning strategies. A programme containing the basic notions for communicating in Italian has been created for that purpose. The impact has been positive: particularly motivating for pupils is the fact that it is an intensive one-week course (instead of several classes per week spread over a longer period) geared to oral communication skills rather than strict grammatical accuracy.

111. The situation has evolved in certain cantons where, according to the findings of the Advisory Committee, there were gaps as regards the possibilities for learning Italian during compulsory education, or else no possibilities at all for optional Italian classes before the end of compulsory schooling. In the *canton of Fribourg*, for instance, the eight German-speaking lower secondary schools and four French-speaking secondary schools currently offer optional Italian; however the situation varies from one year to the next as classes depend on a sufficient number of pupils enrolling. In *the cantons of Schaffhausen and Glarus*, the problem is the same: Italian is optional in lower secondary, and classes depend on demand being sufficient. In *the canton of Geneva*, where up until now Italian was not taught within the compulsory school system, it is to be made available on an optional basis to lower secondary students as of the beginning of the 2012 school year, in accordance with the HarmoS Concordat.

In the *canton of Obwalden*, where Italian is an optional subject in the compulsory education system, no municipality is providing classes at the present time owing to a lack of demand.

112. *The canton of Zurich* stresses the importance of instruction in the language and culture of origin (LCO). *In the canton of Zurich* roughly 2 500 pupils each year take the Italian LCO classes proposed by the Italian Government within the compulsory education framework.

113. For the moment no statistical data are available on Italian instruction outside the cantons of Ticino and Graubünden. *According to the CDIP*, therefore, one cannot say for the moment whether an evaluation of provision to see whether it “matches the requirements for instruction in this third national language” (HarmoS) would be possible.

For *the canton of Ticino*, it is essential to put in place a system for monitoring the application by the French- and German-speaking cantons of the HarmoS provision on offering a third national language during compulsory education. It is the responsibility of the CDIP to organise such monitoring, in parallel to curriculum development.

114. *The “Pro Grigioni Italian association” (PGI)* considers that the provision of Italian classes falls short of demand and adopts the following position:

The PGI is in the process of drafting an expert legal opinion in order to determine whether the Federal Law on Languages provides a sufficient basis for demanding bilingual instruction from the state, as opposed to the optional classes provided for under HarmoS. The positive experience of Chur and other towns is the only practical guarantee that Italian speakers living outside Italian-speaking Switzerland have of preserving their language and culture.

## **2. The languages of primary education and the languages taught in bilingual cantons**

115. Regarding the “bilingual track” (“*filière bilingue*”) scheme of the *canton of Berne* and the *city of Biel/Bienne*, see Article 12 above.

116. Following the insertion of Article 9a into its revised law on compulsory education (LEO) in 2008, *the canton of Berne* now proposes the following possibilities: school boards may authorise the other national language as the language of instruction in certain disciplines if the teaching staff have the requisite qualifications. The canton’s Department of Education sets out in the curriculum the general conditions that apply to teaching in the other national language. Pursuant to Article 9a LEO, the city of Biel/Bienne has introduced bilingual instruction at primary school level as part of its “bilingual track” (“*filière bilingue*”) programme. The municipality of Evilard (Leubringen) is currently analysing the possibility of launching a similar programme.

In a referendum held on 24 September 2000 in the *canton of Fribourg*, citizens rejected by a small majority (50.41%) a legislative amendment which would have required all the canton’s schools to provide, in addition to language classes, subject teaching in the other language (learning by immersion). It has therefore only been possible to introduce the measures not affected by that vote. However, the question of bilingual classes was revisited in connection with the language teaching scheme adopted in October 2010 (see Article 12, section 2 above). The aims are to: encourage the creation of bilingual classes without imposing them; propose different modes of organisation that take account of the class composition, the children’s language abilities and local contingencies, in particular the qualifications of the teaching staff; introduce these classes first of all into the so-called “orientation cycles” at lower secondary level, which are better suited to this given the large number of teachers. The next step, depending on the level of interest and the results obtained, will be to extend this scheme to cover the whole of compulsory education. Its implementation has already borne

fruit: at the beginning of the 2011-2012 school year, the first bilingual classes were opened in the lower secondary grades of Morat and Tour-de-Trême.

117. Pursuant to Art. 21 of the new Federal Law on National Languages and Mutual Understanding between Linguistic Communities, the Confederation grants financial aid to the plurilingual cantons of Berne, Fribourg, Graubünden and Valais to enable them to perform their specific tasks as set out in Art. 17 OLang. The cantons conduct projects aimed at reinforcing bilingualism within the cantonal administration and in its relations with the population, on the one hand, and promoting multilingualism in the area of education and training, on the other. Finally, Article 17 OLang lists the areas in which the cantons can ask for assistance in performing their tasks. In the education sector, the following areas are listed:

- the purchase of teaching materials for the teaching of languages;
- language training and refresher courses for teachers;
- projects for promoting the acquisition of a national language through bilingual education at all levels of schooling;
- projects to encourage students to take classes in another official language of the canton at all levels of schooling;
- projects for the promotion of on-line learning.

It is nonetheless necessary to bear in mind that language teaching is the responsibility of the cantons and that Confederation aid in the field of education plays a secondary role.

### **3. The language of instruction and the languages taught in the canton of Graubünden**

118. On the issue of **bilingual instruction**, *the canton of Graubünden* provides the following explanations:

Pursuant to Art. 18.2 of the Law on Languages of the canton of Graubünden, the division of municipalities into monolingual and multilingual municipalities is based on the provisions relating to official languages. Art. 20.2 of the same law stipulates that the government may authorise the creation of a bilingual school in multilingual or German-speaking municipalities at the request of the municipality concerned.

Since the entry into force of the cantonal Law on Languages, one multilingual and one German-speaking municipality only have decided to establish a bilingual school (Romansh/German): *Ilanz* (as of the 2008/2009 school year) and *La Punt-Chamues-ch* (as of the 2009/2010 school year). Two other school districts in Upper Engadine plan to open a bilingual school (in cooperation with the municipalities of *Silvaplana*, *Champfer* and *Segl/Sils en Engadine*).

The German-speaking municipalities of *Surava* and *Alvaneu*, which form part of the Innerbelfort school district, decided in December 2009 to offer Italian as a second language instead of Romansh.

119. As regards **changes in the language of instruction** in the municipalities since 2008 *the canton of Graubünden* provides the following explanations:

Since the 2008/2009 school year, the municipality of *Ilanz* (which had opted for German) has had a German-speaking school offering Romansh classes and a bilingual

(German/Romansh) primary school. *Ilanz* therefore offers considerable additional possibilities for the many Romansh-speaking pupils.

In the municipality of *La Punt-Chamues-ch*, a Romansh-speaking school has become a bilingual school (Romansh/German).

Even before the entry into force of the cantonal Law on Languages, the municipalities of *Surava* (30% Romansh speakers) and *Alvaneu* (32 % Romansh speakers) had already chosen German as an official language instead of Romansh, which is why, pursuant to Art. 27 of that law concerning the transition period, the provisions on official languages and the languages taught in municipal schools are not applied. The second language taught in the municipalities of *Surava and Alvaneu* is Italian, while Romansh is offered as an extra subject.

120. Regarding the **gradual introduction of Rumantsch Grischun as a language of literacy**, we should specify the following:

The standard language Rumantsch Grischun, based on the different Romansh idioms, was introduced in 1982. Since 2001 it has been the official language of the canton and since 2007/2008 it has also been the language of literacy in certain Romansh schools. In 2003, at the request of the government of the canton of Graubünden, the Grand Council decided that all Romansh teaching materials would be published in the standard language as of 2005. The “Rumantsch Grischun at school” project seeks to replace the five idioms that currently exist as written languages with the common standard language. The aim is to produce modern and up-to-date educational material for all subjects and to strengthen the presence of written Romansh. As far as the spoken language is concerned, however, the regional variants must continue to be spoken and cultivated. Up until now the following municipalities have adopted Rumantsch Grischun as a language of literacy:

- **Val Müstair:** (Müstair, Santa Maria, Valchava, Fuldera, Tschier, Lü); 2007/2008 (a counter-petition was filed with 450 signatures).
- **Mittelbünden:** Lantsch, Brinzauls, Casti, Alvaschein, Mon, Stierva, Salouf, Cunter, Riom-Parsonz, Savognin, Tinizong-Rona, Mulegns, Sur, Marmorera; 2007/2008.
- **Surselva:** Trin, Laax, Falera ; 2007/2008. Mundaun (Flond and Surcuolm), Schluein, Pitasch, Riein, Sevgein, Castrisch, Luven, Duvin; 2008/2009. Sagogn, Rueun, Siat, Pigniu, Vuorz, Andiast; 2009/2010.

In places where Romansh is still firmly entrenched (Val Müstair, Engadine, Upper Surselva and Lugnez) there has been very strong reluctance to adopt Rumantsch Grischun as a language of literacy. In Val Müstair – the municipality that pioneered the introduction of Rumantsch Grischun as the language of instruction – a citizens’ petition with 450 signatures calling for the return of the “vallader” idiom at school is still pending. The municipal constitution would need to be amended accordingly. In Engadine and Upper Surselva, some 3 650 citizens have formed an association (“Pro Idioms”) for the defence of the idioms. The supporters of Rumantsch Grischun have launched a counter-initiative, “Pro Rumantsch”, which is currently supported by about 1 200 people. The aim of “Pro Idioms” is to safeguard and promote the use of the different idioms at school, using diversified teaching material. Its supporters claim the right to instruction in their language as enshrined in the federal and cantonal constitutions.

According to the latest information from the *canton of Graubünden* the situation is as follows: the completely revised draft legislation on schools attenuates the 2003 decision in that it provides for mandatory teaching materials to be published in all the idioms that are taught at

school (Art. 34.4 of the school bill). The teaching materials for maths and the language of instruction are mandatory. Implementation of this government decision will only be possible once the cantonal parliament has adopted the necessary decisions (legal basis). Originally the draft legislation was to be examined by parliament during its October 2011 session. In view of the complexity of this issue it has been deferred until a later session, the date of which has not yet been fixed.

121. As regards the **promotion of multilingualism and of the partner language**, *the canton of Graubünden* explains that:

*In the canton of Graubünden*, pursuant to Art. 8 of the Law on compulsory schooling (school law), school principals must guarantee the following bilingual provision during compulsory education:

In primary schools and special classes, at least one cantonal language must be offered as a second compulsory language (Art. 8.1). As of the 2010/2011 school year, instruction in the second language starts from the third year of primary school. The first foreign language in Romansh- and Italian-speaking primary schools and special classes is German. The first foreign language in German-speaking primary schools and special classes is Italian or Romansh. The first foreign language in German-speaking primary schools and special classes that offer instruction in Romansh is Romansh if the school principal has not decided to replace Romansh with Italian (Art. 8.2). If the principal so decides, Romansh may also replace Italian in German-speaking primary schools and special classes. School principals can also offer a choice between Italian and Romansh as the first compulsory foreign language. Romansh instruction may be compulsory during the first two years of primary school (Art.8.3).

Under Art.6 of the ordinance of the canton of Graubünden on encouraging the development of language skills at nursery schools and during compulsory schooling, the municipalities that propose instruction in the language of origin of children who speak a foreign language are entitled to financial support from the canton.

## ARTICLE 15

*The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.*

Regarding **the representation of linguistic minorities within the federal administration**, the Advisory Committee makes the following recommendation: “*Additional measures should be developed to collect qualitative data on the representation of linguistic minorities within the Federal administration and efforts should be intensified to improve their representation also in managerial positions*”.

As regards **the participation of national minorities in economic life**, the Advisory Committee recommends that: “*Switzerland should pursue its efforts to implement a new policy aimed to reduce regional disparities and develop related projects in association with the minority populations concerned, particularly in alpine cantons*”.

On the issue of **participation mechanisms for Travellers**, the Advisory Committee makes the following two recommendations: “*The Advisory Committee encourages the authorities to reconsider the terms of reference of the Foundation, to strengthen its powers in certain fields and give a stronger say to representatives of Travellers. The possibility of identifying additional financial support for the Association should also be explored*”.



*“More systematic forms of consultation of Travellers at the cantonal level should be introduced. More efficient and coordinated inter-cantonal mechanisms should also be developed to address their specific needs”.* This last recommendation is incorporated into recommendation 8 of the Committee of Ministers Resolution of 19 November 2008.

## 1. Representation of linguistic minorities in the federal administration

122. **The new language ordinance** which came into force on 1 July stipulates (*Art. 7.2*) that the linguistic communities shall as far as possible be represented in the departments of the Federal Chancellery **in the following proportions:**

- a. German: 70%
- b. French: 22%
- c. Italian: 7 %
- d. Romansh : 1 %

*Art. 7.4* stipulates that during recruitment, care shall be taken to ensure whenever possible that representatives of all linguistic communities are represented among the applicants meeting the objective criteria who remain in the running and are called for interviews.

*Art. 7.5* stipulates that, qualifications being equal, the recruiters shall give priority to applicants from linguistic communities that are under-represented in the administrative unit concerned and that this rule shall apply in particular to managerial posts.

Concrete measures to ensure the application of these provisions are being prepared for 2012.

123. Pursuant to *Art. 20 of the new Law on Languages*, which stipulates that the Confederation shall encourage the linguistic skills of its staff in the national languages and ensure a fair representation of the linguistic communities within the federal administration, *Art. 8 of the implementing ordinance* makes provision for the Federal Office of Personnel (OFPER) to appoint a **delegate for multilingualism** in charge of preserving and promoting multilingualism.

The creation of this post stems from two parliamentary motions filed during the drafting of the Ordinance on Languages: the Cassis Ignazio (09.4268) and Lombardi Filippo (09.4331) motions of 11 December 2009 for the promotion of Italian in the federal administration and the creation for that purpose of an ombudsman post within the Federal Office of Personnel. The Federal Council recommended adopting these motions and declared itself in favour of the creation of a post dedicated primarily to the promotion of the Italian and French languages.

The first delegate for multilingualism took up the post on 1 July 2010 and is carrying out the relevant activities in keeping with the provisions of Art. 8 of the language ordinance. These activities include:

- dealing with questions from Parliament and the administration on the subject of multilingualism;
- awareness-raising, advice and support on the subject of multilingualism for the recruitment and further training of staff;

- collecting information and drafting reports on the representation of the linguistic communities and the development of multilingualism.

This should make it possible to respond to the Advisory Committee's recommendation concerning the collection of qualitative data on the representation of linguistic minorities within the federal administration.

124. On the issue of the representation of linguistic minorities within the federal administration, the "*Helvetia Latina*" Association is of the opinion that the percentages mentioned in Article 7 of the language ordinance should refer not to the federal departments, but to the federal offices. According to this association, scientific studies show that it is at this level that multilingualism (or its absence) affects the federal administration's activities. "Helvetia Latina" also considers that the delegate for multilingualism, who is placed under the authority of the Director of the Federal Office of Personnel (OFPER), should come under the direct authority of the Head of the Federal Department of Finance, which is OFPER's supervisory body.

## **2. Participation by the national minorities in economic life**

125. **The New Regional Policy (NPR)** came into force on 1 January 2008. Its priorities, content and selection rules were defined by Parliament in a multiannual programme (PPA) for the period 2008-2015. In 2010, the Secretariat for the Economy (SECO) carried out an interim review of its implementation in order to make improvements on the basis of the lessons learned from experience. Its assessment was as follows:

The NPR represents a change of paradigm as compared with the regional policy that applied for more than 30 years, until the end of 2007. The two major innovations are:

- the emphasis on competitiveness, innovation and the creation of added value in the regions. There have also been positive developments as regards cooperation at the level of the so-called "functional" regions;
- the reform of the financial equalisation system and of the division of tasks between the Confederation and the cantons (RPT). The cantons are now responsible for the operational implementation of the NPR, and the Confederation and cantons conclude programme agreements defining the aims, modalities and level of co-funding by the Confederation, as well as the rules for cooperation.

In order to support players at federal, cantonal and regional level, useful information and data are made available under NPR pillar 3 in order to establish a knowledge system for the basic and further training of the staff at cantonal level responsible for implementing regional policy. Proper qualification of the different players and horizontal exchanges among them are also guaranteed.

Despite these measures, it will take time for the NPR to take full effect, owing to the above-mentioned change of paradigm.

126. Under the NRP the Confederation does not provide direct support to projects in the cantons. The Confederation has signed a programme agreement with each canton setting out the canton's strategic choices and specifying the total volume of financial aid granted for a four-year period (2008-2011/2012-2015). The cantons then determine in the light of the available federal funding (overall amount) which initiatives, projects, programmes and infrastructure projects they wish, finally, to support by means of financial assistance or loans. In addition they are under an obligation to make a financial contribution equal to that of the

Confederation to the implementation programmes. The first four-year programming period expires at the end of 2011 and the Confederation will then have an overview of the projects supported during that period. Information on individual projects carried out in the Alpine cantons with minority populations is available on their websites.

- Canton of Graubünden<sup>35</sup>
- Canton of Ticino<sup>36</sup>
- Canton of Valais<sup>37</sup>

### **3. Participation mechanisms for Travellers**

#### **3.1. Strengthening the “A Future for Swiss Travellers” Foundation**

127. On the question of increasing public financial aid to the Foundation, see **Article 5**, section 3, drafted in reply to the similar recommendation made by the Advisory Committee concerning the application of that provision.

128. As explained above under Article 5 (section 3), the new Federal Law to encourage culture that came into force recently (1 January 2012) will make it possible to envisage reinforcing the mandate of the “A Future for Swiss Travellers” Foundation. The financial resources allocated to it until 2015 (see Article 5, section 3) will nonetheless need to be brought into line with the new tasks assigned to it.

129. *The Council of the “A Future for Swiss Travellers” Foundation* considers that it would be judicious to reinforce the Foundation’s competences. The model proposed by the town of St Gallen for the development of stopping sites (cf. Art. 5, §40) is the main one being put forward: the Foundation could cooperate with a local foundation or participate directly in the purchase of sites. It nonetheless considers that it would be inappropriate for it to retain ownership of stopping places created in this way: ownership should be transferred to Travellers or to the municipalities.

130. *The Swiss Conference of Public Works, Spatial Planning and Environment Ministers (DTAP)* is in favour of increased responsibilities for the Foundation.

#### **3.2. Consultation of Travellers**

131. Several cantons – e.g. Zurich and Berne, as of 2012 – have set up a cantonal service or a working group to deal with Traveller issues in order to ensure coordination between the different parties and draw attention to the needs of Travellers. In some cases the cantons have delegated tasks to other administrative bodies (for example, the Municipalities Office).

132. In specific instances, some cantons and municipalities have developed good practices in the last few years as regards consultation of Travellers.

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<sup>35</sup> <http://www.gr.ch/DE/institutionen/verwaltung/dvs/awt/dienstleistungen/regionalentwicklung/Seiten/default.aspx>

<sup>36</sup> [www.ti.ch/politica-regionale](http://www.ti.ch/politica-regionale)

<sup>37</sup> <http://www.vs.ch/Navig/navig.asp?MenuID=17212>

Regarding *the development or operation of stopping places and transit sites*, we can mention the following examples:

- *In the canton of Fribourg*, the development (completed in spring 2011) of a new stopping place at “La Sarine” (municipality of Hauterive) to replace the old one was the subject of lengthy negotiations between the resident Yenish community and the cantonal spatial planning, environment and building regulations authority. Both sides praised the quality of the dialogue.
- *In the canton of Solothurn*, a working group chaired by the cantonal office for land-use planning and involving three Travellers’ representatives (“Radgenossenschaft der Landstrasse”) meets roughly three times a year and has achieved a number of results.
- *A scheme put in place in the canton of St Gallen* entails direct involvement by the “Radgenossenschaft der Landstrasse” in decisions pertaining to the choice and development of stopping places and transit sites.
- *In the canton of Graubünden*, the relevant authority has regular contacts with the Travellers on the Cazis stopping site. During visits the people staying there can ask questions and raise problems concerning the site. An effort is made to find pragmatic solutions wherever possible.

Regarding *schooling for Traveller children*, we can mention the following examples:

- *In the canton of Berne*, in the Berne-Bümpliz school district, where a stopping place is located, a working group in which Travellers were represented drew up an education scheme for the children of the community (see Article 12, section 3).

133. Among the new measures for increasing involvement by Travellers in matters concerning them, we can also mention that, as of 2012, the Swiss delegation to the Council of Europe Ad Hoc Committee of Experts on Roma issues (CAHROM) will in principle include a representative of the Yenish community who also sits on the Council of the “A Future for Swiss Travellers” Foundation.

## ARTICLE 18

<sup>1.</sup> *The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.*

<sup>2.</sup> *Where relevant, the Parties shall take measures to encourage transfrontier co-operation.*

On the subject of the limitations affecting Swiss Travellers wishing to practise their itinerant activities in neighbouring EU countries, the Advisory Committee makes the following recommendation: “*The Advisory Committee encourages the Swiss authorities to look into possible ways - including through bilateral co-operation where appropriate - of improving the situation of those Swiss Travellers who wish to practise their itinerant way of life in neighbouring EU countries*”.

## **1. Legislation on itinerant trade in the EU countries bordering on Switzerland**

134. According to information provided by the *“A Future for Swiss Travellers” Foundation*, thanks to bilateral agreements between Switzerland and the EU, Swiss Travellers now have the same rights – right of residence and the right to supply cross-border services for a period of 90 days – as those enjoyed in Switzerland by Travellers who are nationals of EU member states.

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