

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

Resolution ResCMN(2003)13 on the implementation of the Framework Convention for the Protection of National Minorities by Switzerland

*(Adopted by the Committee of Ministers on 10 December 2003
at the 865th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”),

Having regard to Resolution (97) 10 of 17 September 1997 setting out the rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10;¹

Having regard to the instrument of ratification submitted by Switzerland on 21 October 1998;

Recalling that the Government of Switzerland transmitted its state report in respect of the first monitoring cycle of the Framework Convention on 16 May 2001;

Whereas the Advisory Committee accepted the invitation of the Government of Switzerland to send a delegation to gather further information in Switzerland, this visit taking place from 11 to 13 November 2002;

Whereas the Advisory Committee's opinion on the implementation of the Framework Convention by Switzerland was adopted on 20 February 2003 and then transmitted to the Permanent Representative of Switzerland and communicated to the permanent representatives of all member states as document CM(2003)80 and subsequently made public by the Government of Switzerland;

Whereas the Government of Switzerland submitted its written comments on the opinion of the Advisory Committee, these written comments having been communicated to the delegations of all member states as an addendum to document CM(2003)80, dated 23 September 2003;

Having examined the Advisory Committee's opinion and the written comments of the Government of Switzerland;

Having also taken note of comments by other governments,

1. Adopts the following conclusions concerning the implementation of the Framework Convention by Switzerland:

- Switzerland has made particularly commendable efforts in a number of fields in respect of its linguistic minorities. The institutional framework enables French-, Italian- and Romanche-speakers, as well as German-speakers of the cantons of Fribourg and Valais, to preserve and develop the essential elements of their identities, in particular their language and culture. Moreover, a number of institutional arrangements ensure an extensive political participation of linguistic minorities at all levels;
- the legal guarantees concerning the use of minority languages in relations with the administrative authorities are very extensive, and numerous efforts have been made to reinforce the position of Romanche.

1. In the context of adopting Resolution (97) 10 on 17 September 1997, the Committee of Ministers also adopted the following rule: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two thirds of the representatives of the contracting parties casting a vote, including a majority of the representatives of the contracting parties entitled to sit on the Committee of Ministers, vote in favour”.

Increased attention could, however, be given to the principles enshrined in the Framework Convention when it comes to authorising, at the infra-cantonal level, the use of a minority language in the aforementioned relations;

- in the field of education, the authorities should ensure that the needs of persons belonging to linguistic minorities as regards instruction in a minority language outside its area of traditional establishment are better taken into account, which is particularly important for the Italian- and Romanche-speakers. In the canton of Graubünden, the greatest possible caution should be exercised in examining any change in the language of instruction at the municipal level;

- there is scope for improvement in order to make it possible for Travellers to develop the essential elements of their identity. With a view to remedying the main difficulties these persons are faced with, in particular the lack of stopping places and transit sites, further measures, notably legislative ones, should be taken by the authorities. Furthermore, participation mechanisms for Travellers should be strengthened.

2. Recommends that Switzerland take appropriate account of the conclusions set out in paragraph 1 above, together with the various comments in the Advisory Committee's opinion.

3. Invites the Government of Switzerland, in accordance with Resolution (97) 10:

a. to continue the dialogue in progress with the Advisory Committee;

b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in paragraphs 1 and 2 above.