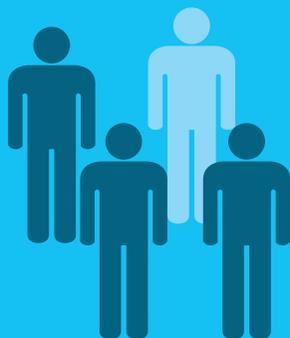
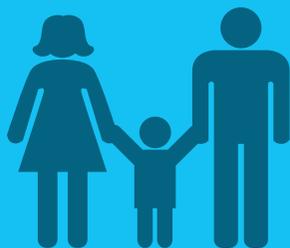




**SOCIETY FOR  
THREATENED  
PEOPLES**



STP Report April 2017>>>

**Alternative report on the fourth reporting cycle of  
Switzerland on the implementation of the Council of  
Europe Framework Convention for the Protection of  
National Minorities**

**THE SITUATION OF YENISH, SINTI AND ROMA COMMUNITIES**

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## INTRODUCTION

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The Framework Convention for the Protection of National Minorities (FCNM) is the first legally-binding multilateral instrument devoted to the protection of minorities and is, therefore, regarded as setting out the most comprehensive international standards in the field of minority rights so far. On 21 October 1998, Switzerland ratified the FCNM. According to the fourth monitoring report on the implementation of the FCNM, Switzerland currently recognises linguistic minorities<sup>1</sup>, the Swiss Yenish, Sinti and Manouches<sup>2</sup> as well as members of the Jewish community as national minorities.<sup>3</sup>

Since the formal ratification of the FCNM, Switzerland has been part of three monitoring cycles (2001, 2007, 2014). After each cycle, the Committee of Ministers of the Council of Europe formulated and adopted its resolutions towards Switzerland.<sup>4</sup> In every resolution, the situation of Yenish, Sinti, Roma and “Travellers”<sup>5</sup>, in particular, was highlighted as an issue of concern and was accompanied by a series of recommendations. In the third monitoring cycle, in the resolution the Committee of Ministers urged Switzerland to undertake concrete steps to improve the overall situation of Yenish, Sinti and Roma – especially for those members of the communities who live an itinerant lifestyle.<sup>6</sup>

A wide range of minority organisations and NGO’s were invited to join the consultation process led by the Swiss Federal Department of Foreign Affairs (FDFA) regarding the draft report on the fourth monitoring cycle of the FCNM. Nevertheless, the Society for Threatened Peoples Switzerland (STP) has decided to submit an alternative report on the situation of the Yenish, Sinti, Manouches and Roma communities in Switzerland. The alternative report does not provide general analysis of legislation and other normative acts, but focuses on practical aspects of the implementation of the rights enshrined in the FCNM, thus providing complementary information to other reports, including the state report.

1 French, Italian and Romanic speaking minorities in Switzerland as well as the German speaking minority in the cantons of Fribourg and Valais and the French speaking minority in the canton of Bern

2 Definition Manouches: As Manouches are part of the wider Sinti community, we will use the term Sinti in the following report

3 Vierter Bericht der Schweiz zur Umsetzung des Rahmenübereinkommens des Europarates zum Schutz nationaler Minderheiten 2017: [https://www.eda.admin.ch/content/dam/eda/de/documents/aktuell/news/4e-rapport-minorites-Suisse-15022017\\_DE.pdf](https://www.eda.admin.ch/content/dam/eda/de/documents/aktuell/news/4e-rapport-minorites-Suisse-15022017_DE.pdf)

4 See resolutions under <http://www.coe.int/en/web/minorities/switzerland>

5 See issue 3.a for further elaboration on the term “Travellers”

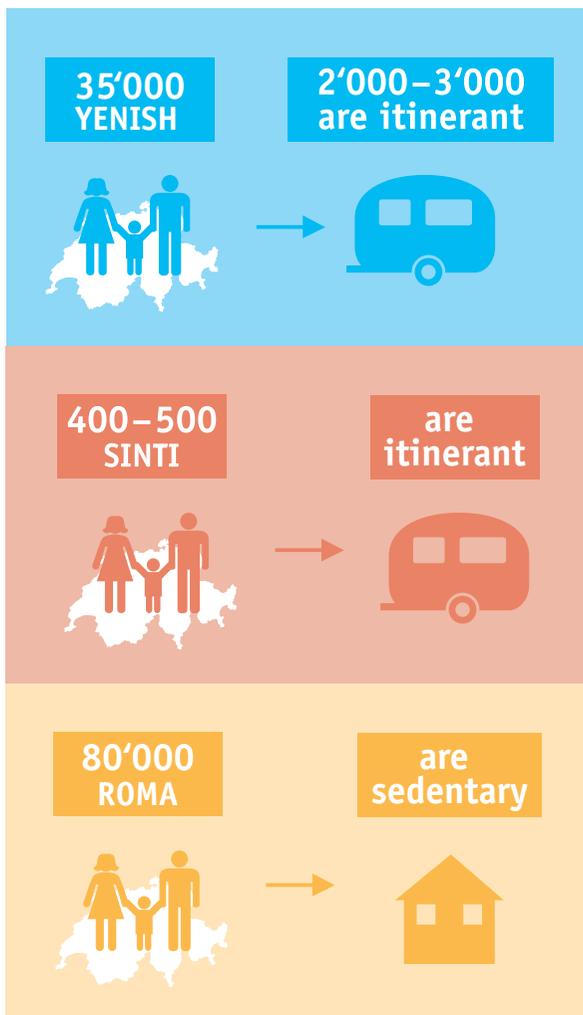
6 Third Cycle Resolution 2014: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805c5d19](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c5d19)



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**FACTS AND FIGURES**

The presented numbers are rough estimates. There is no exact data available on the numbers of Yenish, Sinti and Roma living in Switzerland.





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## ARTICLE 3

### Article 3

*1 Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the 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.*

### 2.1 The term “Travellers”

Switzerland ratified the FCNM in 1998. In the FCNM, there is no specific definition of the term “national minority”. To specify which groups can be considered as national minorities, Switzerland added a declaration in which national minorities in the sense of the FCNM *“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”*.<sup>7</sup> It did not name any specific groups at the time of ratification. In the first State report, Switzerland added: *“In Switzerland, the Framework Convention may also be applied to other minority groups of the Swiss population, such as travellers”*.<sup>8</sup>

<sup>7</sup> Declaration contained in the instrument of ratification 1998: [http://www.coe.int/de/web/conventions/full-list/-/conventions/treaty/157/declarations?p\\_auth=q7o6UZ9J&\\_coconventions\\_WAR\\_coeconventionsportlet\\_enVigueur=false&\\_coconventions\\_WAR\\_coeconventionsportlet\\_searchBy=state&\\_coconventions\\_WAR\\_coeconventionsportlet\\_codePays=SWI&\\_coconventions\\_WAR\\_coeconventionsportlet\\_codeNature=10](http://www.coe.int/de/web/conventions/full-list/-/conventions/treaty/157/declarations?p_auth=q7o6UZ9J&_coconventions_WAR_coeconventionsportlet_enVigueur=false&_coconventions_WAR_coeconventionsportlet_searchBy=state&_coconventions_WAR_coeconventionsportlet_codePays=SWI&_coconventions_WAR_coeconventionsportlet_codeNature=10)

<sup>8</sup> The Swiss Government’s Initial Report on the implementation of the Council of Europe’s Framework Convention for the Protection of National Minorities 2001: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008b174>. p. 31.

With this statement, “Travellers” have been officially recognised as a national minority. In the same report “Travellers” have been defined as the following: *“The great majority of travellers of Swiss nationality regard themselves as being of Jenish stock, although others belong to the Sinti or Roma peoples”*<sup>9</sup>. Later in the same report, while referring to the definition of “Travellers” again, only Yenish and “Sinti (Manouche)” are mentioned and Roma have been left out without further explanation. *“The Jenish make up the main group of travellers of Swiss nationality, although there are other travellers in Switzerland, generally belonging to the Sinti (Manouche) group.”*<sup>10</sup>

The term “Travellers” has been controversially discussed and has created some political misunderstandings. As illustrated in the previous chapter on facts and figures, only a small percentage of the Yenish population still “travel”. When it comes to Roma, they are sedentary. The term “Travellers” represents a certain lifestyle and, therefore, reduces the cultures of Yenish, Sinti and Roma to the travelling life. Furthermore by summarizing Yenish, Sinti and Roma under the term “Travellers” a homogeneity of the members of the three groups is assumed, which does not represent their ethnic and cultural realities.

In September 2016, the Head of the Federal Department of Home Affairs, Federal Minister Alain Berset declared in a landmark speech during the “Feckerchilbi”<sup>11</sup>, a traditional gathering of the Yenish and Sinti communities, that Switzerland will finally respect their right to self-designation and will officially recognise the Yenish and Sinti under their own designations and stop describing them with the generic term “Travellers”.<sup>12</sup> With this change, the Federal Department of Home Affairs is fulfilling the longstanding demand made by different organizations within the communities. Yenish and Sinti organisations have jointly submitted a petition to Mr. Alain Berset, in which they have claimed their right to self-designation, meaning being recognised as Yenish and Sinti instead of “Travellers”.<sup>13</sup>

9 Ibid.

10 Ibid.

11 The “Feckerchilbi” was traditionally celebrated by Yenish, “Fecker” and “Travellers”, today it is celebrated by Yenish and Sinti from all over Switzerland and from other countries. See: <http://www.feckerchilbi.ch/seite/geschichte>.

12 Speech by Federal Minister Alain Berset at the „Feckerchilbi” 2016: <https://www.edi.admin.ch/edi/de/home/dokumentation/reden.msg-id-63783.html>

13 See Petition 2016: [https://www.change.org/p/bundesrat-alain-berset-erkennung-der-jenischen-und-sinti-als-nationale-minderheiten-und-ihre-benennung-gem%C3%A4ss-der-selbstbezeichnung-der-minderheiten?recruiter=84333323&utm\\_source=share\\_petition&utm\\_medium=email&utm\\_campaign=share\\_email\\_responsive](https://www.change.org/p/bundesrat-alain-berset-erkennung-der-jenischen-und-sinti-als-nationale-minderheiten-und-ihre-benennung-gem%C3%A4ss-der-selbstbezeichnung-der-minderheiten?recruiter=84333323&utm_source=share_petition&utm_medium=email&utm_campaign=share_email_responsive)

## 2.2 Recognition of additional national minorities. The case of the Swiss Roma

As Switzerland's fourth state report on the implementation of the FCNM declared, additional minorities can be recognised under certain conditions and a regular revision of the situation is in progress.<sup>14</sup>

Nevertheless, Switzerland's actions and stances towards the recognition of national minorities have been rather incoherent.

The claim for recognition of Roma as a national minority in Switzerland was first raised in 2014, when the STP together with organizations of Yenish, Sinti and Roma submitted a joint letter to Federal Minister Berset addressing the recognition of the Yenish, Sinti and Roma as national minorities at an equal level. On 7 April 2015, Swiss Roma organizations submitted a formal request to be recognised as a national minority in the sense of the FCNM.

While Yenish and Sinti are recognised as national minorities, Switzerland has left out Roma, who are not yet recognised as a national minority.

In official statements, Switzerland's justifications for why Roma – unlike the Yenish and Sinti – have, so far, not been recognised as a national minority are contradictory. In the first state report, Switzerland initially included Roma alongside Yenish and Sinti in its definition of "Travellers".<sup>15</sup> Later, in the same report, by using the definition "Travellers" again, Roma have been left out without any further explanation being given.

Many Sinti in Switzerland consider themselves as an independent group. However, historical and linguistic evidence suggests that all groups of Roma, Sinti included, originate from a single migration movement from India. Sinti and Roma therefore share the same ancestors.<sup>16</sup>

As each and every group has the right to self-designation, there are Sinti who, nowadays, prefer to remain an independent minority. Considering the historical ties, the use of Romani and the fact that, in Switzerland, there are also members

14 Vierter Bericht der Schweiz zur Umsetzung des Rahmenübereinkommens des Europarates zum Schutz nationaler Minderheiten 2017: [https://www.eda.admin.ch/content/dam/eda/de/documents/aktuell/news/4e-rapport-minorites-Suisse-15022017\\_DE.pdf](https://www.eda.admin.ch/content/dam/eda/de/documents/aktuell/news/4e-rapport-minorites-Suisse-15022017_DE.pdf)

15 The Swiss Government's Initial Report on the implementation of the Council of Europe's Framework Convention for the Protection of National Minorities 2001: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008b174>.

16 See Fings, Karola: Sinti und Roma. Geschichte einer Minderheit. 2016: Verlag C.H. Beck, Basel and Tcherenkov, Lev/ Laederich, Stéphane: The Roma. Otherwise known as Gypsies, Gitanos, Tsiganes, Tigani, Çingene, Zigeuner, Bohémiens, Travellers, Fahrende etc. Vol I, History, Language, and Groups 2004: Schwabe Verlag, Basel.

of the Sinti community who do not solely consider themselves to be an independent minority but also see themselves as part of the wider Roma community<sup>17</sup> – it is hard to understand Switzerland’s motivation to recognise the Sinti while leaving out the Roma communities.

This lack of recognition is in opposition to the practice of neighbouring countries such as Austria (1993) and Germany (1995) where Sinti and Roma are recognised as national minorities under the FCNM.<sup>18</sup> Furthermore, the Swiss Centre of Expertise in Human Rights (SCHR) carefully assessed preconditions, criteria and benefits of the recognition of Roma and came to the conclusion that recognition under the FCNM could contribute to a reduction in the ongoing discrimination and stigmatisation of Roma in everyday life and in the media. Additionally, recognition under FCNM could further help to protect and promote Romani language and culture.<sup>19</sup>

In a meeting between the Federal Administration and Roma organizations, the Federal Administration asked for further information to substantiate the request for recognition. The criteria, which were presented at the meeting, enclose an estimate of the numbers of Swiss Roma, proof of the community’s long-standing relationship with Switzerland since at least the end of the 19th century, evidence of institutionalised community organisation and information on cultural traditions being practised.

The Roma association Romano Dialog mandated a recognised Swiss historian to write an expert report on the presence of Roma in Switzerland.<sup>20</sup> The report highlights that despite massive repression, deportation and persecution against the “Gypsies”, as they were then called, Roma have been present in Swiss territories for more than 600 years. The first reference to the arrival of “gypsies” on Swiss territory was in Zurich as far back as 1418.

Many of them had to hide their identity for protection but there are historical sources, which document their presence in Switzerland. Some decades later in 1471 “gypsies” were banned from entering Swiss territory. This ban, applying to Sinti as well as Roma, lasted for many centuries. Only during a so-called liberal period from 1848-1888 were “gypsies” theoretically allowed to enter Switzerland.

17 As an example see the “Sinti and Roma Association Switzerland”: <https://www.moneyhouse.ch/de/company/verband-sinti-und-roma-schweiz-vsrs-13578214791>

18 Germany: <http://zentralrat.sintiundroma.de/arbeitsbereiche/minderheitenrechte/>; Austria: <http://www.bundespraesident.at/newsdetail/artikel/20-jahre-erkennung-der-roma-als-sechste-oesterreichische-volksgruppe/>.

19 Assessment of the SCHR 2016: [http://www.skmr.ch/cms/upload/pdf/160317\\_Kurzgutachten\\_Roma\\_Minderheit.pdf](http://www.skmr.ch/cms/upload/pdf/160317_Kurzgutachten_Roma_Minderheit.pdf)

20 Expert opinion of Thomas Huonker 2016: <http://romanodialog.org/historisches-gutachten-zur-erkennung-der-schweizerischen-roma-alsnationale-minderheit-der-schweiz-t-huonker-7sept2016.pdf>

Nevertheless, despite the commitment to free movement, some cantons continued to deport them. In 1888, Switzerland reintroduced the “gypsy ban” which was upheld until 1972.

### **2.3 Recognition of Romani as a non-territorial minority language**

While Yenish and Yiddish have been recognised as minority languages in the framework of the European Charter for Regional or Minority Languages<sup>21</sup> in Switzerland, Romani – the language of Sinti and Roma– has not yet been recognised as a minority language. Roma organisations stated in their official request for recognition that Romani should be recognised as a non-territory language according to the European Charter on Minority Languages.

As a reaction to a parliamentary request, the Federal Council finally stated that it would consider examining the recognition of Romani during the next periodic monitoring cycle on the implementation of the Charter, which is planned for 2018.<sup>22</sup>

21 Switzerland ratified the European Charter for Regional or Minority Languages in 1997. <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/148/signatures>

22 Interpellation Aebischer 2016; Response Federal Council 2017: <https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20164000>



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**ARTICLE 4**
 **Article 4**

*1 The 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.*

### **3.1 National Action Plan to improve the Situation of Yenish, Sinti and Roma in Switzerland**

In 2014, two parliamentary initiatives were issued concerning the situation of Yenish, Sinti and Roma in Switzerland.<sup>23</sup> The motions called for the elaboration of concrete measures to improve the situation of the three minorities. As a result, a working group consisting of representatives of the minority organisations and representatives of the authorities started to work on elaborating an Action Plan in 2015. A first draft was published at the end of 2016.<sup>24</sup> The final version is expected by the end of 2017. The Action Plan covers the following areas: transit sites and permanent sites, education, social insurance, and culture and identity. The strategic aim of the Action Plan is to ensure that the three minorities are able to lead a lifestyle according to their culture. Furthermore, the Action Plan finally recognises Yenish, Sinti and Roma as part of the cultural diversity of Switzerland.

23 Motion Trede/ Semadeni 2014: <https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaefte?AffairId=20143343>; Motion Leuenberger 2014: <https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaefte?AffairId=20143313>

24 Action Plan 2016: [http://www.bak.admin.ch/kulturschaffen/04265/index.html?lang=de&download=NHZLpZeg7t,lnp6I0NTU042l2Z6l-n1acy4Zn4Z2q2pn02Yuq2Z6gpJCEe4B\\_fmym162epYbg2c\\_JJKbNoKSn6A--](http://www.bak.admin.ch/kulturschaffen/04265/index.html?lang=de&download=NHZLpZeg7t,lnp6I0NTU042l2Z6l-n1acy4Zn4Z2q2pn02Yuq2Z6gpJCEe4B_fmym162epYbg2c_JJKbNoKSn6A--)

While the strategic aims of the Action Plan are welcomed, concrete measures which go beyond questions concerning transit sites and permanent sites remain rather superficial and vague. Furthermore, no additional financial means are proposed to implement those measures.<sup>25</sup>

### 3.2 Racial Profiling

Article 4 of the Framework Convention states that any discrimination based on one's belonging to a national minority shall be prohibited. As the UN Committee on the Elimination of Racial Discrimination (CERD) stated, this is not guaranteed for Roma, Sinti and Yenish in Switzerland. In 2014, CERD reiterates its previous concern at the use of racial profiling by law enforcement officials and is especially concerned at reports of excessive use of force during police checks and harassment by the police when it comes to members of the Roma community.<sup>26</sup>

This concern corresponds with our own experiences. Roma, Sinti and Yenish are highly exposed to racial profiling – if they are leading an itinerant lifestyle, they face arbitrary police controls on a daily basis. On transit sites, arbitrary police controls are part of the daily routine. As itinerant Yenish, Sinti and Roma live in their caravans, they consider caravans and the wider area of the transit sites where they cook and their social life takes place as their “home”. Intrusions by the police are considered disturbing. According to some interviews, which the STP has conducted with Yenish and Sinti leading an itinerant lifestyle, police controls are considered as “normal” and an integrated but humiliating part of their life.<sup>27</sup> Furthermore, Roma face racial profiling in public spaces – especially at train stations and inside trains. The STP has submitted a complaint against this ongoing practice with the responsible authorities.

As shown above, discrimination based on race or lifestyle is still very real. Nevertheless, the Federal Council and Parliament share the opinion that the current legal framework provides enough protection against discrimination.<sup>28</sup>

<sup>25</sup> See Press Release 2016: [https://www.gfbv.ch/de/news\\_\\_\\_service/gfbv\\_mitteilungen/?1670%2F1%2FAktionsplan-Jenische-Sinti-und-Roma-Fortschritte-in-der-Platzfrage--Massnahmen-im-Bereich-Bildung-und-Kultur-bleiben-vage](https://www.gfbv.ch/de/news___service/gfbv_mitteilungen/?1670%2F1%2FAktionsplan-Jenische-Sinti-und-Roma-Fortschritte-in-der-Platzfrage--Massnahmen-im-Bereich-Bildung-und-Kultur-bleiben-vage)

<sup>26</sup> CERD report 2014: [http://www.humanrights.ch/upload/pdf/140225\\_CERD\\_C\\_CHE\\_CO\\_7-9\\_16557\\_E.pdf](http://www.humanrights.ch/upload/pdf/140225_CERD_C_CHE_CO_7-9_16557_E.pdf)

<sup>27</sup> Racial Profiling 2016: <http://www.humanrights.ch/de/menschenrechte-schweiz/inneres/gruppen/jenische-sinti-roma/rassistisches-profiling-jenische-sinti-roma>

<sup>28</sup> Vierter Bericht der Schweiz zur Umsetzung des Rahmenübereinkommens des Europarates zum Schutz nationaler Minderheiten 2017: [https://www.eda.admin.ch/content/dam/eda/de/documents/aktuell/news/4e-rapport-minorites-Suisse-15022017\\_DE.pdf](https://www.eda.admin.ch/content/dam/eda/de/documents/aktuell/news/4e-rapport-minorites-Suisse-15022017_DE.pdf), see p. 40.

### 3.3 Law on itinerant trade

In 2016, the Federal Department of Economic Affairs, Education and Research started a consultation process to adapt the law on itinerant trade. Several cantons expressed their wish to exclude construction work from the fields of activities authorised by the law on itinerant trade.<sup>29</sup> The STP and organizations of the Yenish, Sinti and Roma are concerned by this new development. The tightening of the law would affect the minorities significantly since many itinerant traders in Switzerland are members of the Yenish, Sinti and Roma communities. Having ratified the FCNM, Switzerland is obliged to promote full equality of its minorities in all areas of economic, social, political and cultural life. The suggested amendments expressed by the Canton of Basel-Stadt, Aargau and Bern are in clear opposition to this obligation. It also violates the law against discrimination enshrined in the Swiss Constitution and the right of free movement and trade.

### 3.4. Recognition of the itinerant lifestyle in social insurance

According to Article 4 of the FCNM, Switzerland needs to take into account the specific conditions of persons belonging to national minorities to ensure full and effective equality between persons belonging to a national minority and those belonging to the majority. To ensure this equality the Swiss social insurance system and its compatibility with the itinerant lifestyle needs careful consideration. The Swiss social insurance system is oriented towards people leading a non-itinerant life. Fear of discrimination, prejudice from the responsible authorities and the fact that some of the benefits are tied to a residency certificate make it harder for persons belonging to itinerant communities to gain access to social-insurance benefits. While the Action Plan has formulated first steps towards confronting this situation, its concretisation and implementation need to be specified and monitored.<sup>30</sup>

29 See recommendations of the cantons Basel-Stadt, Bern and Aargau. Basel-Stadt: <http://www.regierungsrat.bs.ch/geschaeft/regierungsratsbeschluesse.html?previousAction1=geschaeft&previousAction2=sitzung&previousAction3=search&previousAction4=&action=download&dokumentId=f085bfff52ccf4731b0c326e8a56fa0e9-332&dokumentVersion=3&dokumentAnsicht=Dokument&geschaeftId=8f-6fed3a03b54c6fa481be05c62f0f93&sitzungId=7629ee208cdf46e09287215c9801d97e>, Bern: [https://www.be.ch/portal/de/index/mediencenter/medienmitteilungen/suche.meldungNeu.html/portal/de/meldungen/mm/2017/01/20170118\\_1446\\_kurzinformation\\_aus-demregierungsrat](https://www.be.ch/portal/de/index/mediencenter/medienmitteilungen/suche.meldungNeu.html/portal/de/meldungen/mm/2017/01/20170118_1446_kurzinformation_aus-demregierungsrat) Aargau: [https://www.ag.ch/media/kanton\\_aargau/alle\\_medien/dokumente/aktuell\\_3/anhoerungen/bund\\_1/2016-001577.pdf](https://www.ag.ch/media/kanton_aargau/alle_medien/dokumente/aktuell_3/anhoerungen/bund_1/2016-001577.pdf)

30 Action Plan 2016: [http://www.bak.admin.ch/kulturschaffen/04265/index.html?lang=de&download=NHHzLpZeg7t,lnp6I0NTU042l2Z6l-n1acy4Zn4Z2q2pn02YUq2Z6gpJCeE4B\\_fmym162epYbg2c\\_JJKbNoKSn6A--](http://www.bak.admin.ch/kulturschaffen/04265/index.html?lang=de&download=NHHzLpZeg7t,lnp6I0NTU042l2Z6l-n1acy4Zn4Z2q2pn02YUq2Z6gpJCeE4B_fmym162epYbg2c_JJKbNoKSn6A--)



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**ARTICLE 5**
 **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 practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.*

#### **4.1 Transit sites and permanent sites**

With the ratification of the FCNM, Switzerland is obliged to prohibit discrimination of national minorities and guarantee their right to maintain and develop their cultures. Since 2001, „Travellers“ have been recognised as a national minority – but travelling communities still face many difficulties in maintaining and developing their cultures. In 2003, the Swiss Federal Court stated in a landmark decision that “Traveller’s” rights are recognised and that the authorities are obliged to consider permanent and transit sites in spatial planning.<sup>31</sup>

Since 2000, the foundation “Protecting the future of Swiss Travellers“ has evaluated the situation of transit sites and permanent sites in Switzerland periodically every five years. The latest report from 2015 confirmed that the situation concerning transit sites has once again deteriorated. The number of permanent sites has not evolved over the past 15 years.<sup>32</sup> The current assessment clearly highlights that the number of transit sites significantly decreased from 51 (2000) to 35 (2015)<sup>33</sup>, with eight sites being closed within the last five years. Looking at

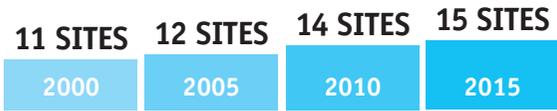
31 BGE 129 II 321: [http://relevancy.bger.ch/php/clir/http/index.php?lang=de&zoom=&type=show\\_document&highlight\\_docid=at-f%3A%2F%2F129-II-321%3Ade](http://relevancy.bger.ch/php/clir/http/index.php?lang=de&zoom=&type=show_document&highlight_docid=at-f%3A%2F%2F129-II-321%3Ade)

32 Status report 2015: <http://www.stiftung-fahrende.ch/geschichte-gegenwart/de/informationen/fur-behorden>

33 Numbers include smaller transit sites as well as the few larger transit sites (4 in 2015) used mostly by foreign travelling groups.

permanent sites, the situation does not look much better: only one new permanent site has been created between 2010 and 2015, amounting to a total of 15 permanent sites. This is not enough; according to the report an estimated number of 40 permanent sites and 80 transit sites would be necessary to satisfy the needs of the itinerant Yenish and Sinti communities.

**PERMANENT SITES**



**TRANSIT SITES**



The report shows that there is not only a quantitative lack of sites, but the existing sites are lacking qualitative requirements. Two thirds of the transit sites were considered inadequate or usable only to a limited degree. Almost half of the present official transit sites are regular parking lots with limited access and/or a lack of necessary infrastructure. Concerning availability, only 9 of the transit sites are open throughout the whole year, 11 are open from Spring to Autumn and the rest are open depending on other uses or only outside the swimming season, when the parking lot is not being used by the visitors.<sup>34</sup>

34 These statistics do not include the 4 larger transit sites used mostly by foreign itinerant groups.

Due to the deteriorated situation of transit sites and permanent sites for itinerant groups, some Yenish and Sinti organisations organised a protest camp in the capital city of Bern, which took place in April 2014. 120 families gathered their caravans in Bern with the aim of increasing political pressure to create more transit sites and permanent sites. The police forcibly evicted the protest camp without providing an alternative site for it. It must be pointed out that the eviction of the camp was highly condemned by human rights organisations. The STP has been contacted by the protesters and carried out human rights monitoring. The evaluation was alarming: Families have been torn apart and all members of the present minorities – from babies to grandmothers – were marked with numbers and taken away to an empty gym. The responsible authorities and police officers showed a substantive lack of historical and political awareness. Their approach has been criticised by numerous politicians and journalists.<sup>35</sup> The incident has left its mark on the affected families through to the present day.

The protest and, particularly, the forced eviction of the protest camp by the police has been widely covered by Swiss media and raised political pressure to establish a national working group with the intention of elaborating a national Action Plan with concrete measures to improve the situation of Yenish, Sinti and Roma communities in Switzerland.<sup>36</sup>

## 4.2 Transit sites for foreign itinerant groups

Since the entry ban for people considered “gypsies” was lifted in 1972, many foreign itinerant groups travel through Switzerland on a regular basis. During the Summer months an estimated 400-500 caravans regularly travel through Switzerland. These travelling groups visit Switzerland for work – many have a regular customer base - or for family meetings and for religious purposes. The bigger itinerant groups are predominantly from Western Europe, from countries like France, Germany, Italy, Belgium and Scandinavia. Additionally, some smaller groups from Austria and Bulgaria also travel through Switzerland.<sup>37</sup>

35 STP 2014: [https://www.gfbv.ch/de/kampagnen\\_\\_\\_projekte/stopp\\_antiziganismus.cfm?565/1/Nach-der-Raumung-der-Jenischen-von-der-Kleinen-Allmend-Menschenrechtsorganisationen-kritisieren-Polizeieinsatz-und-fordern-rasche-und-respektvolle-Loesungen-fur-die-Fahrenden](https://www.gfbv.ch/de/kampagnen___projekte/stopp_antiziganismus.cfm?565/1/Nach-der-Raumung-der-Jenischen-von-der-Kleinen-Allmend-Menschenrechtsorganisationen-kritisieren-Polizeieinsatz-und-fordern-rasche-und-respektvolle-Loesungen-fur-die-Fahrenden); WOZ 2014: <https://www.woz.ch/-/4faf>; Der Bund 2014: <http://www.derbund.ch/schweiz/standard/Graubuenden-macht-das-sehr-gut-andere-Kantone-haben-nichts/story/14128815>; Der Bund 2014: <http://www.derbund.ch/bern/stadt/Die-Fahrenden-haben-die-Kleine-Allmend-verlassen/story/25736810>.

36 Motion Trede/ Semadeni 2014: <https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaef?AffairId=20143343>; Motion Leuenberger 2014: <https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaef?AffairId=20143313>

37 See Laederich, Stéphane, Roma Fahrende in der Schweiz, Roma Foundation, pre-printed form, Zürich, Juli 2016

In recent years, many cantons have started to segregate their transit sites between “Swiss Travellers” and “foreign Travellers”. The situation for so-called “foreign Travellers” is an issue of concern. According to the status report from 2015 – less than half of the existing transit sites are open to “foreign travellers”. Among those that are, there are sites where they are rather more tolerated than welcomed. According to the status report an estimated number of ten large transit sites would be necessary to satisfy the demand. Currently, there are only four transit sites that are explicitly available to larger foreign groups.<sup>38</sup>

The following examples highlight current inconsistent and defensive policies regarding foreign Travellers<sup>39</sup>:

📍 **Neuchâtel:** The existing transit site used by foreign travelling groups was closed in 2015 due to conflicts between the authorities and travelling groups, with no alternative provided. Due to the high demand and the lack of other options, the site had to be reopened temporarily in 2016.<sup>40</sup> There is no permanent solution provided for the coming years, which will create new conflicts.

📍 **Zurich:** The transit site in the city of Winterthur started out being available to all travelling groups when it opened in 2013. In 2015, the city changed its practice and issued an explicit ban on foreign travelling groups at its transit site. It does not provide an alternative site for foreign travelling minorities.<sup>41</sup>

📍 **Basel-Land:** In 2015, the canton Basel-Land introduced a ban on foreign travelling groups at its transit site in Liestal; the site can now only be used by Swiss travelling groups. Foreign travelling groups or families are sent away without an alternative being provided.<sup>42</sup>

38 Status report 2015: <http://www.stiftung-fahrende.ch/geschichte-gegenwart/de/informationen/fur-behorden>

39 Status report 2010: [http://www.stiftung-fahrende.ch/geschichte-gegenwart/sites/stiftung-fahrende.ch.geschichte-gegenwart/files/docs/standbericht\\_2010\\_d\\_komp.pdf](http://www.stiftung-fahrende.ch/geschichte-gegenwart/sites/stiftung-fahrende.ch.geschichte-gegenwart/files/docs/standbericht_2010_d_komp.pdf)

40 RTS 2016: <https://www.rts.ch/info/regions/neuchatel/7905321-reouverture-de-la-aire-de-la-vue-des-alpes-ne-destinee-aux-gens-du-voyage.html>

41 Landbote 2015: <http://www.landbote.ch/winterthur/standard/Die-Stadt-will-keine-Auslaender-auf-ihrem-Durchgangsplatz/-story/28310946>

42 Transit site only for Swiss “Travellers” 2015: <http://www.basellandschaftlichezeitung.ch/basel/basel-stadt/durchgangsplatz-liestal-nur-fuer-schweizer-fahrende-129122706>



*"This transit site is provided for Swiss Travellers!"  
Transit Site Liestal 2016 (Picture by Andreas Geringer)*

The practice of segregation at transit sites has been criticised by anti-discrimination experts.<sup>43</sup> The STP considers this practice to be a violation of the law against discrimination enshrined in the Swiss Constitution. Furthermore, it is against the principle of equal treatment and the "Agreement on the Free Movement of Persons".<sup>44</sup> Unfortunately, this practice has not been called into question by Swiss authorities so far. The Federal Commission against Racism (FCR) justifies the ban on foreign travelling groups with the different requirements for the sites between national travelling groups (in particular Yenish and Sinti) and "foreign Travellers" (usually considered as "Roma").<sup>45</sup>

43 "Foreign Travellers unwelcome" 2015: <http://www.limmattalerzeitung.ch/limmattal/zuerich/winterthur-will-keine-auslaender-auf-dem-durchgangsort-128987622>

44 Agreement on the Free Movement of Persons: [https://www.sem.admin.ch/sem/en/home/themen/fza\\_schweiz-eu-efta.html](https://www.sem.admin.ch/sem/en/home/themen/fza_schweiz-eu-efta.html)

45 "Foreign Travellers unwelcome" 2015: <http://www.limmattalerzeitung.ch/limmattal/zuerich/winterthur-will-keine-auslaender-auf-dem-durchgangsort-128987622>

It is the duty of the cantons to provide sufficient sites for the itinerant groups and to diminish discrimination against the recognised national minorities of the itinerant Yenish and Sinti. However, this cannot lead to further discrimination against foreign travelling groups. The current draft of the Action Plan highlights the need for concrete steps to create sufficient sites for everyone and defines clear steps towards achieving that goal.<sup>46</sup> We hope that Switzerland remains determined in the implementation of the Action Plan.

<sup>46</sup> Action Plan 2016: [http://www.bak.admin.ch/kulturschaffen/04265/index.html?lang=de&download=NHZLpZeg7t,lnp610NTU042l2Z6l-n1acy4Zn4Z2qZpn02Yuq2Z6gp3CEe4B\\_fmym162epYbg2c\\_JjKbNoKSn6A--](http://www.bak.admin.ch/kulturschaffen/04265/index.html?lang=de&download=NHZLpZeg7t,lnp610NTU042l2Z6l-n1acy4Zn4Z2qZpn02Yuq2Z6gp3CEe4B_fmym162epYbg2c_JjKbNoKSn6A--)

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**ARTICLE 6** **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.*

### **5.1 Combating antigypsyism**

According to Article 6 of the FCNM, Switzerland is requested to promote mutual respect and understanding among all persons living on their territory and 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. In the fourth reporting cycle on the implementation of the FCNM, Switzerland has identified Racism and Intolerance as an issue for immediate action. In the latest assessment of Switzerland, CERD stated that racial prejudice and stigmatisation of minorities in politics and media in Switzerland is an issue of concern.

Yenish, Sinti and Roma are mentioned as communities which are particularly targeted by this practice.<sup>47</sup>

The STP welcomes this important and relevant statement. Unfortunately, Yenish, Sinti and Roma are often confronted with racism, prejudices and stereotypes. Antigypsyism remains an issue of concern. Many Yenish, Sinti and Roma do not reveal their identity through fear of discrimination, loss of their jobs or their friends and fear that their children would be bullied in school.

<sup>47</sup> CERD report 2014: [http://www.humanrights.ch/upload/pdf/140225\\_CERD\\_C\\_CHE\\_CO\\_7-9\\_16557\\_E.pdf](http://www.humanrights.ch/upload/pdf/140225_CERD_C_CHE_CO_7-9_16557_E.pdf)

At a political level, the STP senses a certain leniency towards antigypsyist attitudes, statements and practices. Explicit public stands against antigypsyism are rather rare. Antigypsyist statements by Swiss politicians too often remain unchallenged. In 2015, one of the candidates nominated for the Federal Council was Norman Gobbi – a member of the government of the canton Ticino - who had in the past compared “Travellers” to animals.<sup>48</sup>

In 2016, the STP, together with minority organisations, submitted two legal complaints against politicians who expressed themselves publicly in a pejorative and racist manner against Roma, Sinti and Yenish.<sup>49</sup> Unfortunately, those statements remained unchallenged by authorities, other politicians and public opinion leaders and were not publicly condemned by the Federal Commission against Racism (FCR).

While Switzerland expressed the need for concrete measures in the fight against racism and antisemitism on several occasions in the state report, antigypsyism is not considered at an equal level. Data on Antigypsyism is missing. The survey by the Federal Commission against Racism “Coexistence in Switzerland”<sup>50</sup> that investigates, among other things, the attitude of the general public towards members of the Jewish community, Muslims and people of colour, does not include the attitude of the general public towards Yenish, Sinti and Roma.

Antigypsyism needs to be recognised as a specific form of racism and fought at all levels with the same determination and distinctiveness as other forms of racism. As visibility and recognition are key to overcoming antigypsyism, data needs to be collected, antigypsyist statements need to be condemned and authorities, politicians and public opinion leaders should be encouraged to publicly take a stand against antigypsyism.

48 Antigypsyist statement 2015: <http://www.20min.ch/schweiz/news/story/Norman-Gobbi-bezeichnet-Fahrende-als-Tiere-11518138>

49 [https://www.gfbv.ch/de/kampagnen\\_\\_\\_projekte/stopp\\_antiziganismus.cfm?1649/1/Anzeige-Rassismus](https://www.gfbv.ch/de/kampagnen___projekte/stopp_antiziganismus.cfm?1649/1/Anzeige-Rassismus); [https://www.gfbv.ch/de/kampagnen\\_\\_\\_projekte/stopp\\_antiziganismus.cfm?1656/1/Rassismus-gegen-Roma-Gesellschaft-fur-bedrohte-Volker-GfbV-reicht-gemeinsam-mit-Schweizer-Roma-Organisationen-Strafanzeige-gegen-Berner-GLP-Grossrat-ein](https://www.gfbv.ch/de/kampagnen___projekte/stopp_antiziganismus.cfm?1656/1/Rassismus-gegen-Roma-Gesellschaft-fur-bedrohte-Volker-GfbV-reicht-gemeinsam-mit-Schweizer-Roma-Organisationen-Strafanzeige-gegen-Berner-GLP-Grossrat-ein)

50 Coexistence in Switzerland 2010-2014: <http://www.gfsbern.ch/DesktopModules/EasyDNNNews/DocumentDownload.ashx?portalid=0&moduleid=677&articleid=1256&documentid=969>

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**ARTICLE 9**
 **Article 9**

*1 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.*

*2 Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.*

*3 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.*

*4 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.*

### **6.1 Reporting on Yenish, Sinti and Roma in Swiss Media**

In 2013, the Federal Commission against Racism (FCR) published a study on antigypsyism in the Swiss media. The quantitative research assessed articles on Yenish, “Travellers” and Roma, but the largest proportion of the compiled articles published during the research period (2005-2012) focused on Roma.<sup>51</sup> The results of the study were striking: Half of the articles analysed made generalisations, and worse still, every eighth article had to be classified as discriminatory.

<sup>51</sup> Study on Swiss media 2013: [http://www.foeg.uzh.ch/dam/jcr:00000000-29c3-e2d0-0000-00000bd1196d/Qualitaet\\_Berichterstattung\\_Roma.pdf](http://www.foeg.uzh.ch/dam/jcr:00000000-29c3-e2d0-0000-00000bd1196d/Qualitaet_Berichterstattung_Roma.pdf)

## Every **eight** article on Roma is **discriminatory**



An key additional finding of the study highlights that in the vast majority of the articles assessed, the direct perspective of Roma or Yenish was barely included. Therefore, journalists rather preferred to focus on the testimonies of authorities or so-called experts than giving equal space to representatives of the affected communities.

Furthermore, while covering stories on Roma in foreign countries, their structural discrimination was one of the key topics covered in the articles. When it comes to covering the situation of Roma in Switzerland, articles mainly focus on begging, criminality, prostitution or asylum abuse. References to their structural discrimination are mostly missing. In 2014, the Roma Foundation published an additional study on the same issue. In contrast to the previous study published by the FCR, the Roma Foundation used a qualitative approach to analyse press articles on Roma in German-speaking newspapers between 2008-2013. The qualitative assessment of the articles resulted in the conclusion that the image of Roma spread by media is almost exclusively negative by perpetuating stereotypes, misinformation and misinterpretation.<sup>52</sup>

The generalising and discriminatory manner of reporting on Roma, Sinti, Yenish and "Travellers" has great influence on the public perception of these minorities.<sup>53</sup> Between 2011 and 2017, however, the Swiss Press Council rejected four out of five complaints that were submitted by organisations of the affected minorities.<sup>54</sup>

Considering the seriousness of the results of both studies mentioned above, the follow-up actions taken by respective authorities and stakeholders were rather reluctant. The FCR has limited its follow-up actions in the aftermath of the study's publication to two talks with media schools<sup>55</sup>. Since then, no further steps were taken nor were any further statements on the issue published.<sup>56</sup>

<sup>52</sup> Study on Swiss media by the Roma Foundation 2014: [http://roma.org/reports/reports-nav/ch\\_berichterstattung\\_final.pdf](http://roma.org/reports/reports-nav/ch_berichterstattung_final.pdf)

<sup>53</sup> FCR 2014: [http://www.ekr.admin.ch/pdf/Rassistische\\_Diskriminierung\\_in\\_der\\_Schweiz.pdf](http://www.ekr.admin.ch/pdf/Rassistische_Diskriminierung_in_der_Schweiz.pdf)

<sup>54</sup> 2011: <http://presserat.ch/29520.htm>; [http://www.presserat.ch/\\_68\\_2011.htm](http://www.presserat.ch/_68_2011.htm), 2012: [http://presserat.ch/\\_59\\_2012.htm](http://presserat.ch/_59_2012.htm); 2014: [http://www.presserat.ch/\\_32\\_2014.htm](http://www.presserat.ch/_32_2014.htm); 2016: [http://www.presserat.ch/\\_26\\_2016.htm](http://www.presserat.ch/_26_2016.htm)

<sup>55</sup> Information received through informal talks between the FCR and the STP.

<sup>56</sup> Press releases and statements FCR: <http://www.ekr.admin.ch/dokumentation/d244.html>; <http://www.ekr.admin.ch/dokumentation/d109.html>

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## ARTICLE 12

### 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.*

### 7.1 The cultures and history of Yenish, Sinti and Roma in school curriculum

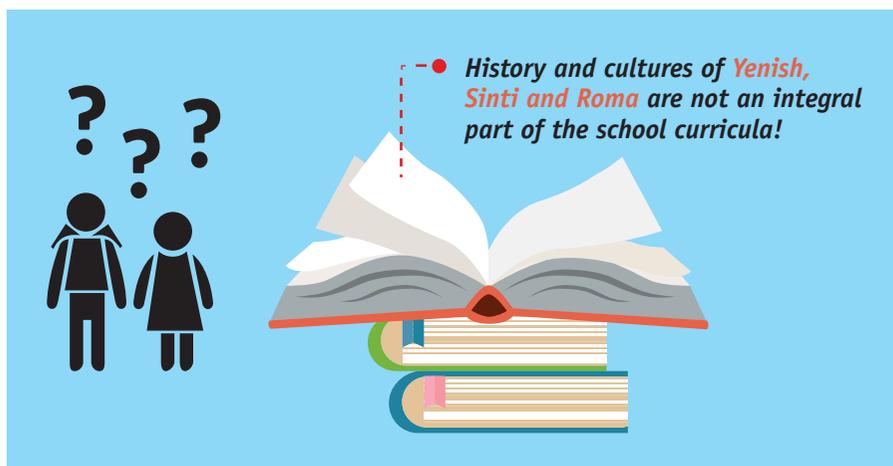
With the ratification of the FCNM Switzerland agreed to foster knowledge of the culture, history, language and religion of its national minorities. Nevertheless, knowledge of the history and culture of Yenish, Sinti and Roma remains limited in Swiss society. This lack of knowledge evidently contributes towards the persistent prejudices and discrimination against these three minorities. The history and culture of these communities are not an integral part of the school curriculum or teaching materials. The possibilities for teachers to foster knowledge about Yenish, Sinti and Roma in Switzerland are limited and require extra efforts.

In 2012/2013, Switzerland financially supported the setting up of an international website on the teaching of the Roma and Sinti Holocaust. This website also includes a small chapter on Swiss "Gypsy politics". Although the specific persecution of the Yenish community is mentioned in the Swiss chapter, no further information on this specific issue is given within the overall site.<sup>57</sup> Furthermore, the Teacher Training Institution of the North Western Switzerland area developed some specific teaching units for history lessons on Yenish, Sinti and Roma.<sup>58</sup> Unfortunately, these

<sup>57</sup> International website on the Holocaust: <http://www.romasintigenocide.eu/de/home>

<sup>58</sup> Teaching units FHNW 2016: <http://web.fhnw.ch/ph/tfe/historyhelpline/startseite-spezialthemen/GU/48-ueberblick-ueber-die-geschichte-1>

efforts are not officially integrated into the cantonal curricula and teaching materials. Therefore, it requires extra effort even for already sensitised teachers to gain access to these extra-curricular materials, which is time-consuming and could represent a barrier.



As a consequence, public knowledge on the persecution of the three communities through the so-called Swiss “Gypsy politics” is very limited. The Swiss “Gypsy politics” implied a centuries-long entry ban upheld until 1972; a state financed foundation “Kinder der Landstrasse” attempted to eradicate the culture of the Yenish; closed borders to Yenish, Sinti and Roma refugees seeking asylum from death in concentration camps during World War II and a „gypsy-registry” upheld until the 1990s. Although this evidence of past persecution, discrimination and further human rights violations are historically analysed, researched and documented to some extent they have not yet been transferred to broader society.

The STP considers the critical review of Swiss “Gypsy Politics”, the transfer of knowledge about the history and culture of Yenish, Sinti and Roma and its integration into cantonal school curricula as key steps in addressing and overcoming present stereotypes, prejudices and antigypsyism. Switzerland needs to ensure that the history and cultures of Yenish, Sinti and Roma are acknowledged as part of Swiss history and society as a whole.

## Swiss "Gypsy politics"

1471–1972 -----●

### Entry ban

In 1471 the political assembly of the Old Swiss Confederacy decides to prohibit all "gypsies" from entering Swiss territory. With the foundation of the Swiss Confederation in 1848, free movement of persons is enabled but many cantons continue to deport foreign "gypsies". From 1888 onwards, the border is closed to all "gypsies" again. This discriminatory practice is upheld until 1972.

●----- 1471–1798

### Persecution of the "gypsies"

In addition to officially banning anyone considered a "gypsy" from Swiss territory, "gypsies" found on Swiss territory are in danger of being branded, flogged and chased away. "Gypsies" re-entering Swiss territory can be executed.

1848 -----●

### Forced assimilation

With the foundation of the Swiss Confederation, the policy of the newly established federal state switches to forced assimilation of people leading an itinerant life. A series of new laws criminalize the itinerant lifestyle.

●----- 1892–1970

### Coercive sterilization and castration

In many psychiatric clinics coercive sterilization and castration is practised, mainly aimed at persons considered "abnormal". This also applies to Yenish in Switzerland.

1906 -----●

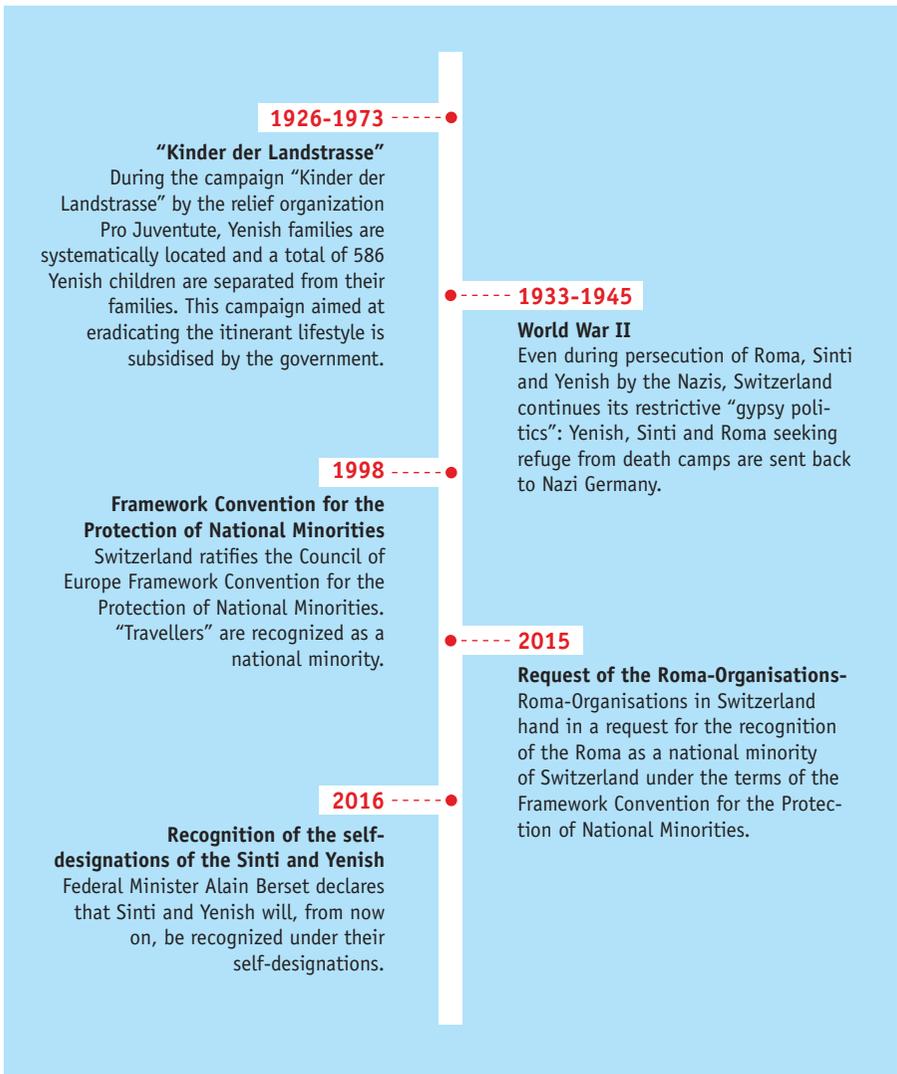
### Transport ban

Switzerland prohibits "gypsies" from travelling on trains and boats.

●----- 1911–1990s

### "Gypsy registry"

Switzerland establishes a nationwide registry of all so-called "gypsies". The collected data is exchanged internationally and provides the Nazis with information for the persecution of Roma, Sinti and Yenish. After the Second World War the "gypsy registry" is kept.



**Sources:** Schär, Bernhard/Ziegler, Béatrice (Hg.): *Antiziganismus in der Schweiz und in Europa. Geschichte, Kontinuitäten und Reflexionen*, Zürich 2014.  
 Huonker, Thomas/Ludi, Regula: *Roma, Sinti und Jenische. Schweizerische Zigeunerpolitik zur Zeit des Nationalsozialismus*, Zürich 2001.

## 7.2 Roma Holocaust Remembrance



**2015**  
*The European Commission  
commemorates the  
"Roma Holocaust Memorial Day"  
on August 2*

Since 2004, Switzerland has been a member state of the International Holocaust Remembrance Alliance (IHRA), an alliance formed to promote research, remembrance and Holocaust education. At present, it consists of 31 member states, eleven observer states and seven Permanent International Partners. Switzerland is to hold the presidency of the IHRA in 2017.<sup>59</sup>

In Switzerland, the Holocaust has become an integral part of the school curricula. However, teachings about the Holocaust do not always include information about the Holocaust committed against Roma, Sinti and Yenish or the role of Switzerland played by turning refugees away at the border. The inclusion of the Holocaust against Roma, Sinti and Yenish is essential. Knowledge about the Roma, Sinti and Yenish victims of the Holocaust is very limited. History teaching material needs to be completed accordingly and teaching about Roma Holocaust should be an explicit and integral part of teaching on the Holocaust as a whole.

In 2015, the European Commission declared August 2 as Roma Holocaust Memorial Day, dedicated to commemorating the Roma and Sinti victims of the Holocaust during World War II.<sup>60</sup> The Roma Holocaust Memorial Day sends a signal against the persistent discrimination and stigmatisation of Roma, Sinti and Yenish and for the recognition of the Roma Holocaust. This signal is greatly needed in Switzerland as well. The dark chapter of the persecution of Roma, Sinti and Yenish is

<sup>59</sup> IHRA <https://www.holocaustremembrance.com/about-us>

<sup>60</sup> Roma Holocaust Memorial Day: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P8-TA-2015-0095>

falling into oblivion, but the three minorities are still experiencing discrimination today and are targets of racist statements. Switzerland is, therefore, requested to also acknowledge the Roma Holocaust Memorial Day and raise awareness of this issue. The Swiss Presidency of the IHRA in 2017 provides the perfect opportunity to take this relevant step.

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## ARTICLE 15

### 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.*

### 8.1 Representation in elected bodies and participation in decision-making

According to Article 15, Switzerland has to create the conditions necessary for the effective participation of persons belonging to national minorities. Representation of the recognised minorities Yenish and Sinti in politics continues to be unsatisfactory. Yenish and Sinti are only represented in isolated bodies such as the foundation “Protecting the future of Swiss Travellers”, the advisory board to the Swiss delegation of the International Holocaust Remembrance Alliance (IHRA) and the FCR. Until 2017, the foundation “Protecting the future of Swiss Travellers” assembled an unequal proportion of representatives of the affected communities and the authorities. In political consultation processes, Yenish and Sinti organisations are included sporadically, but not systematically.

When it comes to the political inclusion of Roma in Switzerland, the situation is even worse. For too long, policies affecting Roma have been made without their prior and informed consent and direct participation. Only since 2016, have Roma finally been represented in the FCR and in the advisory board to the Swiss delegation of the International Holocaust Remembrance Alliance (IHRA). Furthermore, Roma are not represented in the foundation “Protecting the future of Swiss Travellers”. Therefore, the STP urges Switzerland to lay out concrete measures to promote and broaden the representation of Yenish, Sinti and Roma communities in elected bodies and participation in decision-making processes



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## RECOMMENDATIONS

With the ratification of the FCNM in 1998, Switzerland is obliged to protect the rights of its national minorities. For the successful implementation of the Framework Convention, there is still a great deal that remains to be done. The STP urges Switzerland to:

- recognise Roma as a national minority in the sense of the FCNM and recognise Romani as a non-territorial minority language.
- take immediate action against the issue of racial profiling of Yenish, Sinti and Roma.
- take immediate action to provide sufficient permanent and transit sites for all itinerant communities.
- stop banning “foreign” itinerant communities from transit sites.
- recognise antigypsyism as a specific form of racism and officially condemn racism against Yenish, Sinti and Roma.
- take comprehensive action to combat antigypsyism in the media.
- recognise and commemorate the Roma Holocaust as a signal against the persistent discrimination of Roma, Sinti and Yenish communities.
- systematically integrate the history and cultures of Yenish, Sinti and Roma into Swiss school curricula and cantonal teaching materials.
- monitor progress on the integration of the history and cultures of Yenish, Sinti and Roma in Swiss school curricula and cantonal teaching materials.

- actively promote the cultures of Yenish, Sinti and Roma in Switzerland by acknowledging their cultures as a relevant and integral part of Swiss cultural heritage.
- guarantee systematic political representation in elected bodies and participation in decision-making for representatives of Yenish, Sinti and Roma communities at federal, cantonal and communal level.

## GLOSSARY

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### **Action Plan**

In 2015 a taskforce consisting of representatives of the Yenish, Sinti and Roma minorities and representatives of the authorities started work on elaborating an Action Plan with concrete measures to improve the livelihoods of the three minorities. A draft was published at the end of 2016.<sup>61</sup>

### **Alliance against Antigypsyism**

The Alliance against Antigypsyism is an occasional coalition of organisations that promote equality of rights for Roma. The aim of the Alliance is to advance a better understanding of antigypsyism as the specific racism towards Roma, Sinti, Travellers and other groups that are routinely stigmatised as ‘gypsies’ in Europe’s public domain.<sup>62</sup>

### **Federal Commission against Racism FCR**

The FCR is an extra-parliamentary commission appointed by the Federal Council to eliminate all forms of racial discrimination.<sup>63</sup>

### **Federal Office of Culture FOC**

The FOC is the federal department responsible for the cultural politics of Switzerland. It promotes, preserves and mediates cultural diversity.<sup>64</sup>

### **Foundation “Protecting the future of Swiss Travellers”**

The foundation “Protecting the future of Swiss Travellers” was founded in 1995. It is a governmental foundation that has been constituted to improve the livelihoods of travelling communities in Switzerland.<sup>65</sup>

61 Action Plan 2016: [http://www.bak.admin.ch/kulturschaffen/04265/index.html?lang=de&download=NHZLpZeg7t,lnp6I0NTU042l2Z6L-n1acy4Zn4Z2qZpn02YUq2Z6gp3CEe4B\\_fmym162epYbg2c\\_JjKbNoKSn6A--](http://www.bak.admin.ch/kulturschaffen/04265/index.html?lang=de&download=NHZLpZeg7t,lnp6I0NTU042l2Z6L-n1acy4Zn4Z2qZpn02YUq2Z6gp3CEe4B_fmym162epYbg2c_JjKbNoKSn6A--)

62 Alliance against Antigypsyism: [http://antigypsyism.eu/?page\\_id=55](http://antigypsyism.eu/?page_id=55)

63 FCR: [http://www.ekr.admin.ch/die\\_ekr/d416.html](http://www.ekr.admin.ch/die_ekr/d416.html)

64 FOC: <http://www.bak.admin.ch/org/index.html?lang=de>

65 Foundation “Protecting the future of Swiss Travellers”: <http://www.stiftung-fahrende.ch/>

## **Framework Convention for the Protection of National Minorities FCNM**

The FCNM is a multilateral treaty of the Council of Europe devoted to minority rights. It was adopted by the Committee of Ministers of the Council of Europe in 1994 and entered into force in 1998. Switzerland ratified the FCNM in 1998 and is, therefore, obliged to protect the rights of its national minorities.<sup>66</sup>

## **“Kinder der Landstrasse”**

“Kinder der Landstrasse” was a campaign by the relief organisation Pro Juventute, subsidised by the Swiss Government, operating between 1926 and 1973. It was dedicated to systematically locating Yenish families and to separate the children from their families with the aim of eradicating the culture of the Yenish.<sup>67</sup>

## **Swiss Centre of Expertise in Human Rights SCHR**

The SCHR is a service centre acting on behalf of the Federal Government aimed at promoting the implementation of international human rights obligations in Switzerland. It offers advice and support to the authorities, civil society and the economy.<sup>68</sup>

## **Transit sites and permanent sites**

Transit Sites are sites used for short-term stays mostly during the Summer months. Permanent sites are mainly used for longer stays during the Winter months, when many of the travelling groups remain on one of the permanent sites before they begin travelling again. In Switzerland there exists a further distinction between smaller transit sites generally provided for Swiss itinerant groups (“Duchgangsplätze”) and larger transit sites mostly used by foreign itinerant groups (“Transitplätze”).<sup>69</sup>

66 Pamphlet on the FCNM 2013: <http://www.ohchr.org/Documents/Publications/GuideMinorities8en.pdf>

67 Leimgruber, Walter / Meier, Thomas / Sablonier, Roger, Das “Hilfswerk für die Kinder der Landstrasse”. Historische Studie aufgrund der Akten der Stiftung Pro Juventute im Schweizerischen Bundesarchiv (Bundesarchiv Dossier 9), Bern 1998.

68 SCHR: <http://www.skmr.ch/en/about/index.html>

69 Status report 2015: <http://www.stiftung-fahrende.ch/geschichte-gegenwart/de/informationen/fur-behorden>

## **ABOUT US**

The Society for Threatened Peoples (STP) is an international human rights organisation working for the protection of persecuted minorities and indigenous peoples. The STP documents human rights violations, raises public awareness and represents the interests of affected communities before authorities and decision makers. It supports local initiatives aimed at improving the human rights situation of minorities and indigenous peoples, working nationally and internationally with other organisations and individuals that are pursuing similar goals. The STP has consultative status at both the United Nations Economic and Social Council (ECOSOC) and the Council of Europe.



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