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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Situation of the Yenish, Sinti and Roma communities in Switzerland

The human rights situation of Yenish, Sinti and Roma minorities in Switzerland has already been addressed several times by the UN Committee on the Elimination of Racial Discrimination CERD.

Society for Threatened Peoples (STP) has identified four issues of concern where structural discrimination against Yenish, Sinti and Roma communities are especially evident and need to be addressed more systematically: Police, Media, Politics and Education. In the light of the ongoing discrimination against Roma, Sinti and Yenish, STP is submitting this written statement regarding the implementation of cultural rights of these minorities.

In Switzerland, it is estimated that 30,000-35,000 individuals belong to the Yenish community. Among them, 3,000 are partially itinerant. Additionally, the Sinti community is counting more than 400 individuals, most of them partially itinerant. Furthermore, 80,000-100,000 Roma are currently living in Switzerland. Hardly any of them are practising an itinerant lifestyle. It has to be stated that out of 10-12 Mio. Roma living worldwide, only 1% is practicing an itinerant lifestyle. Among them, approximately 400-500 caravans, mainly from neighbouring countries, are passing through Switzerland during summer.

1) Police: Racial profiling of Yenish, Sinti and Roma

Roma, Sinti and Yenish are highly exposed to Racial Profiling – if they are practicing an itinerant lifestyle, arbitrary police controls are part of the daily routine. As itinerant Yenish, Sinti and Roma are living in their caravans, they are considering caravans and the wider area of the transit sites where they cook and their social life is taking place as their “home”. Intrusions by the police are considered as disturbing and humiliating. According to some interviews which STP has conducted with representatives of the itinerant Yenish, Sinti and Roma communities, police controls are considered as “normal” and as an integral but humiliating part of their daily life. Additionally, Roma are exposed to face racial profiling in further public spaces - especially in train stations and trains. STP has submitted a complaint against this ongoing practice.

2) Media and Swiss Society: Racist Stereotypes of Yenish, Sinti and Roma prevail

In Swiss media, Yenish, Sinti and Roma are frequently portrayed in a generalizing manner and stereotypes are reproduced unchallenged. Individual cases are used to degrade all members of the three minorities.

This has a great influence on public opinion where stereotypical perception of on Yenish, Sinti and Roma are prevailing. Many Yenish, Sinti and Roma do not feel safe revealing their identity as members of one of the three minorities in public, because they fear discrimination and prejudice.

3) Politics regarding implementation of cultural rights

3.1) Pejorative statements by politicians

Also in politics, the discourse on Yenish, Sinti and Roma is often characterized by generalization and pejorative declarations. In 2016, together with Yenish, Sinti and Roma organisations, STP has submitted two legal complaints against politicians who expressed themselves publicly in a pejorative and racist manner. Additionally, antigypsyism seems to remain unchallenged in politics: 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.

3.2) Transit sites and permanent sites

With the ratification of the Framework Convention on the Protection of National minorities of the Council of Europe, Switzerland is obliged to prohibit discrimination of national minorities and guarantee their right to maintain and develop their culture. Since 2001, Travellers are a recognized as national minority – but travelling communities are still facing many difficulties maintaining and developing their cultures. In 2003, the Swiss Federal Court stated in a landmark decision that Travellers rights are recognized and permanent and transit sites should be considered in spatial planning.

Since 2000 the number of transit sites has dropped and the existing sites lack qualitative requirements. The creation of new transit and permanent sites fails on a regular basis due to political opposition. The opposition in the municipalities where sites are planned are reflecting prejudices and pejorative sentiments, fuelled by one-sided, predominantly negative reporting on travelling groups in media.

Not only is there generally a lack of transit sites and permanent sites for all travelling communities but furthermore in different areas of Switzerland, the situation regarding the segregation of transit sites between Swiss travelling groups and so-called “foreign travellers” and is an issue of concern. It is the duty of the cantons to provide sites for all travelling groups. However, this cannot lead to further discrimination of foreign travelling groups by banning them from the sites.

3.3) Political Participation of Yenish, Sinti and Roma

Representation of the Yenish, Sinti and Roma minorities 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 Federal Commission against Racism and the advisory group of the Swiss delegation of the International Holocaust Remembrance Alliance (IHRA). Since 2016, Roma are finally represented in the Federal Commission against Racism and the advisory group of the Swiss delegation of the IHRA. Generally, Yenish, Sinti and Roma are included in political consultation processes only sporadically but not systematically.

Recognition of Roma as a National Minority

Since 2001, Yenish and Sinti were recognized as Travellers as a national minority in the sense of the Framework Conventions for National Minorities of Council of Europe. In 2016, due to a petition submitted by several Yenish and Sinti organisation, the federal council stated that Yenish and Sinti are recognized as national minorities by finally respecting t their right to self-declaration

In 2015, Swiss Roma organisations have officially submitted a request to be considered as national minority under the Council of Europe’s Framework Convention of national minorities and have launched the recognition process. It is rather incomprehensive that Switzerland recognises Sinti as a distinctive national minority but excludes Roma. Their recognition as a national minority of Switzerland would contribute to change the perception of Roma as “foreign” people by acknowledging them as an integral part of Swiss Society.

Additionally, Romanes, the language of Sinti and Roma, is not yet recognized as a minority language in the sense of the European Charter for Regional and Minority Languages. This fact is even more surprising stating the fact that since 2001, Sinti have been considered as Travellers and therefore being recognised as a national minority.

4) Education: Integration of History and Culture of Yenish, Sinti and Roma in Swiss school curricula

Knowledge about history and culture of Yenish, Sinti and Roma remains limited in Swiss society. This lack of knowledge and understanding is evidently contributing to the persistent prejudices and discrimination towards these three minorities. History and culture of these communities are not an integral part of the school curriculum. 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 tried to eradicate the culture of the Yenish; closed borders for Yenish, Sinti and Roma refugees seeking asylum from death in concentration camps during the Second World War; a "gypsy-registry" upheld until the 1990s. Although these evidences of past persecution, discrimination and further human rights violations are historically assessed, researched and documented, they were not transferred to broader society yet.

STP considers the critical review of Swiss “Gypsy Politics” and the integration and transfer of knowledge about the history and culture of Yenish, Sinti and Roma to the Swiss school curricula as a key step in addressing and overcoming present stereotypes, prejudices and antigypsyism.

Conclusions and demands

In conclusion, Society for Threatened Peoples calls upon the members of the United Nations Human Rights Council and its relevant mandatory bodies to urge Switzerland to:

- Address the problem of Racial Profiling by raising data on the topic; by sensitizing the Police in dealing with minorities; by distributing knowledge about Yenish, Sinti and Roma minorities and about travelling groups; by introducing new methods for police practice like a ticketing system for identity checks,

- Intervene and to take comprehensive measures to fight antigypsyism in media, politics and society by recognizing and officially condemning Racism against Yenish, Sinti and Roma,
 - Address the lack of transit sites and permanent sites immediately,
 - Guarantee systematic political participation and inclusion of Sinti, Roma and Yenish on federal, cantonal and communal level,
 - Recognize Roma as a national minority in the sense of the framework convention on the protection of national minorities of the Council of Europe and recognize Romanes as a non-territorial minority language,
 - Systematically integrate the history and culture of Jenish, Sinti and Roma in Swiss school curricula,
 - Actively promote the culture of Yenish, Sinti and Roma in Switzerland by acknowledging their cultures as a relevant and integral part Swiss cultural heritage.
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