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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Initial Periodical Report
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SWITZERLAND

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES PERIODICAL REPORT PRESENTED BY SWITZERLAND

First report by Switzerland on the application of the European Charter for Regional or Minority Languages (Charter)

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Introduction

It is a requirement of the Charter for Regional or Minority Languages that the signatories thereto draw up a periodical report on the state of its application. This is the first such report to be drawn up by Switzerland.

It consists of three separate parts. Parts I and II deal with the application of the Charter in Switzerland as a whole and have been drawn up by the Federal Office of Culture. Part III consists of the contributions of the two Cantons in which the Charter is principally applied, the Canton of Grisons and the Canton of Ticino. This part was drawn up by those Cantons.

I. Legal provisions

1. Please state the main legal act(s) whereby the European Charter for Regional or Minority Languages has been implemented in your State. If you so desire, please mention the general considerations which have guided your country in the ratification process.

The principal legal provisions whereby the Charter is applied in Switzerland are to be found in constitutional law, the international instruments already ratified by Switzerland and federal legislation.

Constitutional aspects

Article 116 of the Constitution

The plurilinguism of the Federal State was already provided for in the Constitution of 1848 (Article 109, which became Article 116 in the Constitution of 1874). Historically, however, it was during the period between the two World Wars that plurilinguism fully became an element of the national and political conscience of the country¹.

¹ From the historical standpoint it is interesting to note that to fit in with the Fascist and Nazi conception of the nation (Austrian Anschluss of 15 March 1938), Switzerland, on 20 February 1938, recognised Romansh as a fourth national language alongside German, French and Italian, these last three languages remaining the official languages of the Confederation. Consequently, the recognition of the plurilinguism of Switzerland and the maintenance of the linguistic minorities became not only a component of the national identity but also a constitutive element of the theory of the state and the cultural policy of our country.

Since that time the protection and promotion of the Romansh and Italian-speaking language and cultural communities have assumed increasing importance in Switzerland's language policy, as may be seen from the support which the Confederation gives to the Cantons of Grisons and Ticino. This support has continued to increase during recent years. At the same time, the Confederation has adopted a considerable number of measures in the spheres falling within its competence in order to increase the extent to which the minority languages (Italian and Romansh) are taken into consideration in its relations with citizens².

On 10 March 1996 the people and cantons, by accepting the new version of the article of the Constitution on languages (Article 116 of the Constitution), showed their willingness to protect quadrilinguism in Switzerland and to promote understanding and exchanges between the language communities. The new Article 116 is worded as follows³:

Article 116 of the Constitution

1. The national languages of Switzerland are German, French, Italian and Romansh.
2. The Confederation and the Cantons shall encourage understanding and exchanges between the language communities.
3. The Confederation shall support measures adopted by the Cantons of Grisons and Ticino to protect and promote the Romansh and Italian languages.
4. The official languages of the Confederation are German, French and Italian. Romansh is the official language for relations between the Confederation and Romansh citizens. The detailed rules shall be governed by law.

Paragraph 1 of Article 116 confirms, as in the past, the existing language situation in Switzerland. The geographical areas in which the national languages are used (the principle of territoriality) may also be inferred from this provision. "According to this principle, the Cantons are responsible for adopting the measures necessary to protect the homogeneity and scope of the language territories of Switzerland. The Federal Constitution does not specify the nature of those measures, however, and thus leaves quite a wide discretion to the Cantons. None the less, ... the principle clearly places the cantonal authorities under an obligation to adopt effective measures where a national language is threatened⁴." Furthermore, although the official cantonal languages are determined by the cantons, paragraph 1 of Article 116 "places the bilingual cantons, in particular, under an obligation to respect the linguistic minorities. These cantons could not refrain from declaring a national language spoken by a minority of the population an official language ..."⁵ For the purposes of the administration of education, the judicial authorities, cultural activities and facilities, economic and social life and relations with the administrative authorities and public services, the Cantons thus take account, in particular, of the principle of territoriality.

² Cf. Instructions of the Federal Council of 19 February 1997 concerning the promotion of plurilinguism in the general administration of the Confederation, cf. also the opinion of the Federal Council concerning the linguistic minorities in the Report of the Management Committees to the Federal Chambers concerning inspections and applications in 1991, of 10 April 1992.

³ Cf. M. WYSS, "Das Sprachenrecht der Schweiz nach der Revision von Art. 116 BV", *RDS*, 1997, vol. 138, p. 141-177.

⁴ MALINVERNI in *Commentaire de la Constitution fédérale*, art. 116, no 2. The principle of territoriality is an unwritten constitutional principle.

⁵ MALINVERNI, no 6.

In that regard, it is appropriate to speak of freedom of language. This is an unwritten constitutional right which was recognised by the Federal Court in 1965 and which guarantees the use of the mother tongue both orally and in writing. From that aspect, there is a close link between freedom of language and Article 116 paragraph 1 of the Constitution: "In so far as the mother tongue ... is a national language, its use is also protected ... Indirectly, Article 116 paragraph 1 thus reinforces the individual's right to use his own language in his language region."⁶ As an individual freedom, freedom of language is not restricted to a specific geographical area, however, but belongs to every person no matter where he may be. According to recent academic writing, the meaning of freedom of language differs according to whether it refers to relations between individuals or to relations between individuals and the State. In the former case it means that the individual is entitled to express himself in the language of his choice⁷, while in the latter case it refers to a minimum right which essentially guarantees that a minority national language can be used in a particular district, in other words it means that national historical minorities which are present in significant numbers are entitled not to have a single official language or a single state education language imposed upon them⁸.

Article 116 paragraph 2 provides that the Confederation, acting in cooperation with the cantons, may now carry out other important tasks in the sphere of the promotion of national languages, especially by encouraging understanding and exchanges between the language communities. Article 116 paragraph 3 expressly provides that the Confederation is authorised to support the measures taken by Grisons and Ticino in favour of the Romansh and Italian languages.

The Federal Law of 6 October 1995 on financial assistance for the protection and promotion of the Romansh and Italian languages and culture (RS 441.3) and its implementing order (RS 441.31), which entered into force on 1 August 1996, provide the legal basis on which the Confederation is empowered to support the measures envisaged by the those two cantons. Furthermore, the article of the constitution which deals with languages (Article 116 paragraph 4) governs the status of the official languages and provides, in particular, that Romansh citizens are to be entitled to communicate with the federal authorities in Romansh; and the Confederation undertakes to use Romansh in its relations with Romansh speakers⁹. The implementation of paragraphs 2 and 4 of Article 116 should lead to the drafting of a Federal Bill on official languages and the promotion of mutual understanding¹⁰.

⁶ MALINVERNI, in *Commentaire de la Constitution fédérale, La liberté de la langue*, no 3.

⁷ C. A. MORAND, "*Liberté de la langue et principe de territorialité: variations sur un thème encore méconnu*", *RDS*, 1993, vol. 108, p. 21ff.

⁸ MORAND, p. 28ff. In these cases it is for the Federal Court to decide in the last instance (cf. Bar Amici ATF 116 la 345, and Zurich-Assurances Zbl 94 1993 133).

⁹ In the canton of Grisons, Romansh is an official language on the same footing as German and Italian.

¹⁰ This Bill could, in principle, envisage on the one hand facilitating the coexistence of members of the different cultural and linguistic communities, and on the other strengthening the cohesion of the country as a whole.

New Federal Constitution

On 19 April 1999 the people and the cantons approved the reform of the Federal Constitution put to the vote by the Federal Council and the Federal Chambers. The provisions of Article 116 of the Constitution are set out in the new Constitution and supplemented by further provisions.

– The article on national languages, as amended, is not found in the introductory part of the new Constitution (Article 4 of the new Constitution). Article 4 states that quadrilinguism is an essential feature of Switzerland; and, by implication, it places an obligation on the Confederation and the Cantons to take measures to safeguard quadrilinguism in Switzerland.

– Freedom of language – which up to now was an unwritten right – is set out in the new Constitution in the section on fundamental rights (Article 18 of the new Constitution). When the new Constitution defines, in Article 70 paragraph 2, the meaning and purpose of the principle of territoriality – which again was not expressly referred to in the old Constitution – the interaction between the individual prerogative of freedom of language and the principle of territoriality is taken into consideration.

– Under Article 70 paragraph 2 of the new Constitution the Confederation and the Cantons are responsible for promoting understanding and exchanges between the language communities. This mandate is reinforced by the mandate given to the Confederation by Article 2 of the new Constitution, namely that it should promote, in particular, internal cohesion and cultural diversity in Switzerland.

– Under the new Constitution the Confederation is responsible for supporting the plurilingual cantons in carrying out their special tasks (Article 70 paragraph 4 of the new Constitution).

The new Constitution will enter into force on 1 January 2000.

International aspects

It will be recalled that from the aspect of international law Switzerland is a monist State and that, consequently, the international measures which it ratifies immediately have the force of domestic law. For that reason, the international measures in question should be mentioned in this Report.

International Covenant on Civil and Political Rights

A number of international instruments ratified by Switzerland include provisions which have an impact in language matters. Thus Article 27 of the International Covenant on Civil and Political Rights (RS 0.103.2) guarantees the protection of language minorities, while Article 26, read in conjunction with Article 2, prohibits discrimination based, inter alia, on language. Furthermore, in the context of certain judicial guarantees, Article 14 paragraph 3 (a) and (f) of the Covenant provides that every person accused of a criminal offence is entitled to be informed of the charges against him in a language which he understands, or failing that to be allowed an interpreter.

European Convention on Human Rights

Such guarantees are also provided for in the European Convention on Human Rights (ECHR, see Article 5 § 2 and Article 6 § 3). Furthermore, Article 14 ECHR (RS.0.101) also prohibits discrimination based on language, if it is possible to establish a link with the rights laid down in the Convention.

Convention on the Rights of the Child

Article 30 of the Convention on the Rights of the Child provides for the protection of a child belonging to a linguistic minority.

International Covenant on Economic, Social and Cultural Rights

The provisions on the right to education and cultural rights (Articles 13 and 15) of the International Covenant on Economic, Social and Cultural Rights, to which Switzerland is a party, have among their objectives the protection and promotion of minority languages.

Framework Convention for the Protection of National Minorities

Finally, Switzerland recently ratified the Framework Convention for the Protection of National Minorities. This measure also contains a number of provisions on linguistic freedom, such as the right to use freely and without hindrance a minority language, in private as well as in public, orally and in writing (Article 10); the right of any person belonging to a national minority to use his surname (or patronymic) and forenames in the minority language and also the right that they should be officially recognised (Article 11) and the right to learn the minority language and establish institutions for that purpose (Articles 13 and 14).

Legislative aspects

Federal Law on Financial Assistance for the Protection and Promotion of the Romansh and Italian Languages and Cultures

The Federal Law on financial assistance for the protection and promotion of the Romansh and Italian languages and cultures (see above) provides that the Confederation may grant financial assistance to the Cantons of Grisons and Ticino to support, (a) general measures adopted for the purpose of protecting and promoting the languages and cultures concerned, (b) organisations and institutions which work to protect and promote the Romansh and Italian languages and cultures and (c) publications in Rhaeto-Romanic and Italian-speaking Switzerland. The Law also makes provision for supporting the Romansh press. In 1999 the amount paid by way of assistance came to SFR 4,631,000 for the Canton of Grisons and SFR 2,246,132 for the Canton of Ticino.

Federal Law on Radio and Television

Under the Federal Law of 21 June 1991 on Radio and Television (RS 784.40), the Swiss Radio and Television Broadcasting Company (SSR) has a concession to broadcast language programmes at national and regional level. The services provided by the SSR thus play an important part in promoting languages. The SSR takes particular account of quadrilinguism in Switzerland. The radio and television programme schedules take the language regions and all the national languages into consideration. The SSR broadcasts specific television programmes to the regions concerned in each of the official languages. The Federal Council establishes the principles which determine the extent to which the needs of Rhaeto-Romanic Switzerland are to be taken into account in the SSR's programmes.

The SSR broadcasts radio programmes to the regions concerned in each of the national languages. One radio programme in each of German, French and Italian is broadcast throughout Switzerland. That provision of services on the SSR's part is governed by the Directives of 31 August 1994 on the programming of the networks of UHF transmitters, which provide, on the one hand, that the first regional language channels are to be developed until each town or village with more than 200 inhabitants is served and, on the other hand, that in the Canton of Grisons the channel used to broadcast the Rhaeto-Romansh radio programme is to be developed until each town or village with more than 200 inhabitants is served. As will be seen, that provision of services actually includes radio programmes broadcast to the Romansh language area. Cable and satellite broadcasting mean that those programmes can also be received in numerous towns and villages outside the traditional Romansh broadcasting area. The SSR also takes the interests of the Rhaeto-Romantic community into account in its German, French and Italian language television programmes.

Federal Law on Official Publications

The Federal Law of 21 March 1986 on Official Publications (RS 170.512) provides that the Official Gazette is to be published in the three official languages (Article 8), namely German, French and Italian. As regards Romansh, the Law provides (in Article 14 paragraph 3(e)) that "legislative measures having certain significance may also be published in Romansh in a supplement to the Federal Gazette." The Federal Council also consults the Canton of Grisons before determining which measures are to be published in Romansh (see Article 11 paragraph 1 of the Order of 15 April 1987 on Official Publications). Furthermore, the Order of 1 July 1995 on Translation within the General Administration of the Confederation provides for the translation of measures into all the official languages of the Confederation, including Romansh. That provision will be further reinforced when the draft federal law on official languages and the promotion of mutual understanding is adopted (see above).

Reasons for ratifying the Charter

The considerations which guided Switzerland in the process of ratifying the Charter are both national and international. From the national aspect, the preservation of quadrilinguism in Switzerland is one of the major objectives pursued by the language policy of the Confederation. From the international aspect, the ratification of the Charter gives Switzerland the opportunity to demonstrate that it is firmly committed to resolving the problems which affect cultural pluralism and the protection of minorities in Europe, since the Charter constitutes a fundamental building block in the construction of a Europe based on respect for cultural diversity.

2. Please indicate all regional or minority languages, as defined in paragraph a of Article 1 of the Charter, which exist on your State's territory. Indicate also the parts of the territory of your country where the speakers of such language(s) reside.

The concept of regional or minority languages

It should be pointed out that the situation in Switzerland is atypical compared with that envisaged in the Charter, i.e. a situation in which there are regional or minority languages whose existence is under threat and which are different from the official, majority national language. It is apparent from the above description of Article 116 of the Constitution that there is no regional or minority language in the legal sense in Switzerland. None of the languages in Switzerland meets the characteristics of a regional or minority language as defined in the Charter; the condition set out in Article 1 paragraph (a) (ii) is not met, since Article 116 of the Constitution states that all the national languages of the country are official languages.

However, the Charter provides, in Article 3 paragraph 1, for a different category, that of "official language which is less widely used". Thus, having regard to the Swiss constitutional and legislative framework to the practice of the Confederation in relation to languages and to the opinions formulated by a large number of cantons during the two consultation procedures which preceded the ratification of the Charter, it is clear that the two languages which meet the description of "official language which is less widely used" are Romansh and Italian. Romansh is the only one of the four national languages which is unable to draw on the linguistic and cultural reserves of a neighbouring country. The Rhaeto-Romanic community thus has only itself to rely on for the purpose of developing its language and keeping it up to date.

The Italian-speaking community, for its part, is in a borderline and delicate situation which can easily give rise to imbalance. This is seen, in particular, in the area of vocational training: Italian speakers must have a good knowledge of a second, or even a third, language if they propose to undergo advanced vocational training and succeed in the world of the economy. That situation has repercussions on the place which their first language occupies in education, since it is generally neglected in favour of the teaching of the second and third languages (see FF 1995 II 1192 et seq.).

Clearly, from that aspect German and French are in a radically different position in Switzerland and cannot claim to be classified as "official language[s] which [are] less widely used". Furthermore, the choice of Romansh and Italian is consistent with Article 116 of the Constitution, one of the essential aims of which is to safeguard quadrilinguism in Switzerland. Both these languages can derive a real advantage from the measures to promote regional or minority languages provided for in the Charter.

The Charter also provides that the Contracting States are to undertake to apply the provisions of Part II of the Charter to all the regional or minority languages used on their territory which correspond to the definitions in Article 1. From that aspect, and having regard to the spirit of the measure, which is aimed at protecting the European linguistic heritage (see above, in particular § 22), it is necessary to adopt a broad and ambitious policy for the application of Part II of the Charter, while taking the linguistic diversity which exists in a number of cantons into consideration. Thus the view may be taken that each of the four national languages may, in one canton or another, be in the position of an historically and

traditionally minority language and, as such, merit the application of the principles and the observance of the objectives laid down in Article 7. It is appropriate, therefore, to apply Part II of the Charter to the four national languages of Switzerland. That interpretation, moreover, is entirely consistent with Article 116 paragraph 1 of the Constitution, which requires that the Cantons respect the minority languages traditionally established in their territory and adopt effective measures where a national language is under threat.

The principle of territoriality

As regards the geographical division of those speaking the two languages principally concerned by the Charter, they live in the Cantons of Grisons and Ticino (see the enclosed "language map" of Switzerland). In Switzerland the territories in which each language is established correspond to the areas in which those languages were traditionally used. That situation is closely linked to the history of the formation of Switzerland in the Middle Ages as a league of urban and rural republics. In other words, Switzerland was built from the bottom upwards when different political and cultural communities came together in a common body, which is defined as a "Confederation"¹¹ and not as a "nation". This characteristic is decisive, since it explains both the nature of the State and the fact that groups which do not share the same language, the same culture or the same religion have been able to live and coexist (more or less peacefully, depending on the period) together.

That fundamentally territorial composition clearly does not prevent a language from being used outside its traditional area. In that context, however, the language does not benefit, in principle, from any legal or political support. To take an example, there are large numbers of Italian speakers outside their own language region. They represent more than half the Italian speakers in Switzerland. This situation may be largely explained by the large numbers of Italian citizens who came to Switzerland at the beginning of the 1960s. It is interesting to observe, moreover, that Italian is more frequently maintained and used in the German-language region than in the French and Romansh-language regions, while the Romansh-language community is scarcely seen at all outside its own language region. It is also true, however, that Romansh speakers living outside the valleys of Grisons represent almost half of all Romansh speakers, which is a good indication of the weak position occupied by Romansh in Switzerland.

3. Please indicate the number of speakers for each regional or minority language. Specify the criteria for the definition of "speaker of regional or minority language" that your country has retained for this purpose

The last Federal census, which was carried out in 1990, provides the following figures on the numbers speaking each language in Switzerland:

¹¹ While we still speak today of the "Swiss Confederation", Switzerland is nevertheless a federal state in law.

- total population, 6,873,687
 - German speakers, 4,374,694 (63.6%), including 134,146 outside the traditional German language area
 - French speakers, 1,321,695 (19.2%), including 85,146 outside the traditional French language area
 - Italian speakers, 524,116 (7.6%), including 279,273 outside the traditional Italian language area
 - Romansh speakers, 39,632 (0.6%), including 14,458 outside the traditional Romansh language area
- (Spanish speakers 1.7%, Serbo-Croat speakers 1.6%, Portuguese speakers 1.4%, Turkish speakers 0.9%, English speakers 0.9%, others 2%).

As regards the criteria used to define a "speaker of a regional or minority language", having regard to the definition provided in the Charter, the constitutional framework and the essentially territorial composition of languages in Switzerland, the decisive criterion is residence in an area in which the language in question has traditionally been used; the nationality of the speaker is irrelevant. In view of the cultural objective of the Charter and the fact that it seeks to protect and promote not linguistic minorities but regional or minorities as an endangered aspect of the European cultural heritage, Switzerland did not deem it necessary to add any "national" interpretations to the concept of "speaker" or to restrict the rights conferred by the Charter to citizens, as it did when it ratified the Framework Convention for the Protection of National Minorities. Furthermore, the definition adopted by the Charter ("language traditionally used within a given territory of a State") and the reference in the Preamble to the "historical traditions in the different regions of [Europe]" are perfectly consistent with Swiss practice in relation to its language policy.

4. Please indicate the non-territorial languages, as defined in paragraph c, Article 1 of the Charter, used on your State's territory and provide statistical data concerning speakers

The non-territorial languages used in Switzerland are the languages of the Gypsies and Yiddish. Thus far no claim has been put forward at national level by the speakers of those languages. Those languages are not taken into consideration in Switzerland's language policy. Swiss gypsies (Yéniches) use their language exclusively within their own group. The Yéniche population of Switzerland is approximately 30,000 according to the highest estimates, but no statistics exist.

The Gypsy community is regarded as a "cultural" minority, not as a linguistic minority; the support which it receives is therefore provided by way of cultural promotion, in the form of financial support for the representative organisations, the "*Radgenossenschaft der Landstrasse*" and the foundation "*Assurer l'avenir des gens du voyage suisses*".

5. Please indicate if any body or organisation, legally established, exists in your State, which furthers the protection and development of regional or minority languages. If so, please list the names and addresses of such organisations.

In Switzerland the organisations which further the protection and development of regional or minority languages are:

– *Lia Rumantscha*
Obere Plessurstrasse 47, CH - 7000 Coire
Tel: 41 81 258 32 22 Fax: 41 81 258 32 23

– *Pro Grigioni italiano*
Martinsplatz 8, CH - 7000 Coire
Tel: 41 81 252 86 16 Fax: 41 81 253 16 22

– *Agentura de Novitads Rumantscha*
Comercialstrasse 22, CH - 7000 Coire
Tel: 41 81 250 48 00 Fax: 41 81 250 48 03

The *Lia Rumantscha* supports Romansh language and culture in four different ways: by uniting and supporting Romansh organisations, by implementing and encouraging projects in that sphere, by becoming involved in linguistic policy issues and by representing the Rhaeto-Romanic community outside the tradition Romansh language area. It is active in the fields of language, translation, publishing, information, documentation and the preparation of textbooks and public relations.

Pro Grigioni italiano aims to promote events which feature life in the Italian-speaking area of Grisons and to improve the cultural conditions and the standard of living of the Italian-speaking population of Grisons. Thus it organises conferences, exhibitions, concerts and courses. It issues several periodical publications. It also supports activities aimed at safeguarding the Italian language and making it more widely known in Grisons and research into historical, linguistic, economic and social matters.

The *Agentura da Novitads Rumantscha* is an independent press agency. Its purpose is to provide editorial support to the Romansh media, thus ensuring that more information in Romansh is available.

6. Please indicate if any body or organisation has been consulted on the preparation of this periodical report. In the case of the an affirmative answer, specify which one(s).

Collaboration is the basic principle of the Confederation's language policy of the Confederation. This takes the form of cooperation with the Cantons of Grisons and Ticino and also with the organisations mentioned above for the purposes of drafting legislation and all other specific language issues which concern them. In addition, the Order on Financial Assistance for the Protection and Promotion of the Romansh and Italian Languages and Cultures provides that the Confederation is to hold, at least once per year, a coordination meeting of representatives of the Cantons of Grisons and Ticino. This annual meeting gives the parties the opportunity to express their views on general issues relating to the promotion of languages and also on actual measures having that aim.

Since the implementaton of the requirements of the Charter in that sphere is to a large extent a matter for the Cantons of Grisons and Ticino, it is understandable that each Canton has made its own individual contribution to the drafting of this Report.

7. Please indicate the measures taken (in accordance with Article 6 of the Charter) to make better known the rights and duties deriving from the application of the Charter.

Before ratifying the Charter the Confederation twice consulted the Cantons, in October 1993 and in May 1996. Those two consultation procedures were the occasion of widespread discussion of the content and objectives of the Charter and of whether it was compatible with Swiss national practice.

When the Charter was approved by the Federal Assembly (Parliament) in 1997 the parliamentary debates were given wide coverage in the Swiss press and the media.

More generally, the principles found in the Charter are the same as the rights conferred on the Romansh-speaking and Italian-speaking communities by federal and cantonal law. Besides, the collaboration practised in the sphere of language policy inevitably leads to far-reaching discussion involving the organisations and cantons concerned.

The task of providing information on the Charter and making it widely known is also taken into consideration by the Cantons.

Finally, language matters form the subject-matter of numerous seminars, meetings and publications, where the Charter is frequently referred to. The following are some examples:

- regular and periodical meetings with the authorities of the Cantons of Grisons and Ticino;
- regular and periodical meetings with the organisations referred to;

- participation by the cantonal authorities and the organisations referred to in events organised by the federal authorities, such as the annual meetings in Ascona and "Punts, ponti, ponts, Brücken" (a meeting held in 1996 concerning the future Law on encouragement and mutual understanding).
- participation in the public debate by articles in various publications (Revue Suisse de Science-Politique, Babylonia, NZZ etc.).

All the above measures therefore ensure that the content of the Charter and the rights and duties arising under it are made widely known in Switzerland.

II. Measures adopted in pursuance of Article 7 of the Charter

1. Please indicate what measures your State has taken to apply Article 7 of the Charter to the regional or minority languages referred to in paragraphs 2 and 4 of part I above, specifying the different levels of government responsible.

As regards the measures adopted to apply Article 7 of the Charter, reference should be made to what was said in part I of the Report concerning the constitutional provisions and the territorial composition of languages in Switzerland.

All the languages traditionally used in Switzerland have the status of "national" and "official" languages, with all the consequences which that implies for the use of the language in public and private life, education and research. Similarly, the cantons are under a constitutional duty to observe the traditional areas of the languages used in their territory. Similarly, all the languages traditionally used in a particular canton have the status of "official language" in that canton. Freedom of language further reinforces that system by providing individual protection. Furthermore, the fact that under the Constitution Switzerland is organised on the basis of sovereign cantons prevents any arbitrary modification of the existing administrative divisions.

The Confederation itself is responsible for applying the official languages and for complying with the principle of quadrilinguism in all areas coming within its remit, such as administration, political institutions, judicial authorities, higher education and research, and vocational training.

As regards relations between language groups, it will be recalled that the principal objective of the cultural policy of the Confederation is to encourage exchange, dialogue and mutual understanding between the various cultural and linguistic communities in Switzerland. It is also one of the main priorities of the Swiss cultural foundation Pro Helvetia, which considers that the preservation of Switzerland's cultural diversity and internal cohesion has become increasingly important in recent years. Pro Helvetia is an independent institution, but is wholly financed by the Confederation. In the period 1996-99 its annual budget came to approximately 30 million francs. Pro Helvetia thus provides financial support towards the

translation of literary works from one national language into the others, towards the cost of taking artistic productions (theatre, concerts, exhibitions etc.) between the various cultural and linguistic regions and towards adult education. Radio and television also play a part in encouraging mutual dialogue and understanding. In addition, a Federal Bill on mutual understanding (see above) is being studied. Finally, the learning of national languages other than the mother tongue forms part of the school curriculum in the cantons. In that regard, mention should be made of the Recommendation of 30 October 1975 of the Conference of Cantonal Directors of Public Education on the teaching of a second national language in primary school.

As regards the active promotion of French and German, it is generally accepted that both these languages have the advantage of a sufficiently large population area and a sufficiently strong Hinterland (France in the case of French, Germany and Austria in the case of German) for State support within the meaning of the Charter to be unnecessary. The measures adopted in the case of Romansh and Italian were described in part I of the Report.

As stated in part I, the non-territorial languages receive support in the form of cultural promotion.

2. If appropriate, state any future measures which are envisaged in your country.

Future Federal law on languages

Following numerous moves by Parliament, and pursuant to the old and new Constitutions, the Federal Council instructed the administration to draft a law (the future law on languages) laying down specific measures to implement the provisions of the Constitution. This law will govern the use of the official languages by the federal authorities and administrations (Article 70 paragraph 1 of the new Constitution), the promotion of understanding and exchanges between the language communities (Article 70 paragraph 3 of the new Constitution) and the support which the Confederation provides for the plurilingual cantons (Article 70 paragraph 4 of the new Constitution). The purpose of these measures is to further quadrilinguism in Switzerland, since the federal services will use the regional and minority languages and measures will be taken to encourage individuals to develop their language competence. In order to transform these measures into facts, the Confederation and the cantons will need to work together, in particular to create the conditions which will permit the implementation of innovative teaching concepts which take account of Switzerland's linguistic diversity. In drafting a law on languages the Confederation will also be able to extend the commitments which it has given as a contracting party to the Charter in relation to the promotion of languages.

III. Contributions of the Cantons of Grisons and Ticino

3.1. Report of the Canton of Grisons on the implementation of the Charter

In the Canton of Grisons Romansh and Italian are regarded as regional or minority languages within the meaning of the European Charter for Regional or Minority Languages. Each language is dealt with separately below, in the order of the paragraphs and subparagraphs applicable to it and according to the way in which the Canton of Grisons has implemented the provisions of the Charter.

Romansh

Article 8 – Education

a. Applicable provisions

- paragraph 1 (a)(iv)
 (b)(i)
 (c)(iii)
 (d)(iii)
 (f)(iii)
 (h)

b. Implementing measures

paragraph 1(a) (iv) Article 46 of the Constitution of the Canton of Grisons provides that German, Italian and Romansh of the national languages of the canton. Article 1 paragraph 1 of the Law on Nursery Schools provides that nursery schools are responsible for encouraging language expression. Needless to say, Romansh is the predominant language in nursery schools in the Romansh towns and villages. In the towns and villages on the language border some nursery schools operate in Romansh, others in German, while a few are bilingual. In Coire, the principal town of the Canton, the Lia Rumantscha, a language organisation responsible for the protection of Romansh, runs a Romansh nursery school. The Romansh nursery schools have (and are recognised as having) an important role to play in helping children who speak other languages to acquire Romansh, and thereby in protecting the Romansh language. The Canton therefore contributes towards the cost of hiring the auxiliary staff needed to integrate non-Romansh-speaking children (Article 29 paragraph a of the Law on Nursery Schools).

The Canton assumes responsibility for Romansh nursery schools by training Romansh-speaking nursery school teachers in a special department of the teachers' training college in Coire. From the 2003/04 academic year these teachers will be trained in the college specialising in teaching educational methods which is to be established (Law of 27 September 1998 on the Special School of Education).

- (b)(i) The law on compulsory education, the order implementing that law and the school curricula are required to distinguish between German-language, Italian-language and Romansh-language primary schools. Each town or village chooses the language which is most appropriate for its school. Thus under the regulation on schools it is also possible to operate Romansh-speaking schools in Romansh territory.

Romansh may be chosen as the first foreign language in towns or villages with German-language primary schools (Article 4d of the Law on Compulsory Education, which entered into force on 1 August 1999). A number of towns or villages on the border between the Romansh and German language areas have chosen this option.

The Canton provides Romansh-language primary schools with the necessary Romansh teaching materials (Article 19 of the Law on Compulsory Schooling). These materials are produced by the education committee and educational publishers.

The Canton provides training for Romansh-language primary school teachers. At present they are trained in the Grisons Teachers' training college. Following the revision of the Law on Further Education Institutions and the adoption of the Law on the College specialising in teaching educational methods on 27 September 1998 their training has been completely rearranged. In future teachers will be trained at tertiary level, at the college specialising in teaching education methods which is to be established. For the purpose of training Romansh-speaking primary school teachers the teaching of Romansh will be significantly improved at secondary school level. Romansh must be available as a first language in secondary schools. A bilingual (Romansh/German) school leaving diploma will also be available. Future teachers must still be able to compensate for their lack of knowledge of Romansh at the college specialising in teaching educational methods. This college will open at the beginning of the 2003/04 academic year.

The Canton is responsible for providing permanent continuous training for teachers, especially in languages (Article 56 of the Law on Compulsory Schooling).

- (c)(iii) When the law on middle schools was revised on 27 September 1998 the status of Romansh was significantly upgraded at this level of education. From the 1999/2000 academic year pupils will be able to receive a bilingual (Romansh/German) school leaving diploma in the Canton of Grisons. In addition to the teaching of Romansh, two basic subjects will have to be taught in Romansh. Since the revision of the law on middle schools Romansh may also be chosen at secondary school as the principal language, with the corresponding number of hours of teaching, or as a foreign language, or as a specific option, or as a free option.
- (d)(iii) The syllabuses of vocational schools are determined by the Confederation for the majority of occupations. Romansh carries scarcely any weight in these syllabuses. In addition, the majority of arts and crafts vocational schools in Grisons train students with different mother tongues. For practical reasons it is difficult to suggest that Romansh be used in vocational schools. The teaching of Romansh in vocational schools varies. The school of arts and crafts in Coire has not managed to include Romansh in its syllabus for the 1999/2000 academic year. The possibility of allowing Romansh students to pursue part of their courses in general culture course in their own language in future is being investigated. This would involve considerable expense and might prove politically difficult to put into practice. At the school of arts and crafts in Samedan German is used as a rule, but Romansh is included in the blocks of courses for Romansh students. In Ilanz Romansh is used on a very pragmatic and integrated basis, depending on the composition of the class, in the teaching of general culture. In the colleges of commerce in Ilanz and Samedan Romansh students have one compulsory hour of Romansh per week.
- (e)(ii) At present the University of Fribourg has an ordinary Chair in Romansh Language and Culture. The Federal Ecole Polytechnique in Zurich also has a Chair in Romansh Literature (currently vacant). Efforts are being made, with the cooperation of the Canton of Grisons, to fill the vacant chair and ensure that it continues.
- (f)(iii) In the Canton of Grisons adult education is organised by the private sector. The syllabuses of the various organisations generally include courses in Romansh. The Canton makes a contribution to the fees payable for these courses, under Article 6 of the Law on Continuous Training.
- (g) The history of culture and literature forms an integral part of teach of Romansh under the syllabuses of Romansh-language general schools and secondary schools. Following the revision of the law on middle schools and the wider teaching of Romansh certain aspects of the history of culture, linguistic policy etc can be taught in greater detail at secondary level.

- (h) For teacher training, see the observations on the various school levels.
- (i) Monitoring the implementation and quality of courses in Romansh forms part of the ordinary monitoring activities of the schools. It is carried out by the competent committees and inspectors (Article 59 et seq. of the Law on Compulsory Schooling). Following the revision of the Law on Middle Schools a new quality control system has been introduced at that level. At the cantonal school an external inspection is carried out in addition to the internal supervision and a report is sent to the Department of Public Education, Culture and Environmental Protection.

Article 9 – Judicial authorities

a. Applicable provisions

- paragraph 1 (a)(ii)
- (a)(iii)
- (b)(ii)
- (b)(iii)
- (c)(ii)
- paragraph. 2 (a)
- paragraph. 3

b. Implementing measures

- paragraph. 1 (a) (ii) In the departmental courts (criminal courts of first instance) the language used in court is not determined by cantonal law. The choice of language is in principle a matter for the departments. Where a department is in Romansh territory Romansh may be chosen as the language of the case and the proceedings will be held in that language. That practice is confirmed in the case-law of the Federal Court on the principle of territoriality. In practice the question of the language which may be used in court is not governed by any express provision. The fact that a Romansh-speaking party expresses his views in his own tongue before a court based in Romansh territory corresponds, rather, to a custom. Romansh is a national language of the canton pursuant to Article 46 of the Cantonal Constitution and may therefore be used in criminal proceedings. That is laid down in Article 28 of the order on the organisation and administration of the cantonal court, which provides as follows: the languages which may be used in court are the national languages of the canton, as provided for in the Constitution.

For the purposes of judicial investigations, the Code of Criminal Procedure provides in Article 87 para. 4 that statements made by the accused and the witnesses must be included in the record of the hearing in a national language of the Canton within the meaning of Article 46 of the Constitution.

- (a)(iii) Since Romansh is regarded as a language which may be used in court, requests and evidence may be formulated in that language.
- (b)(ii) In the district courts (civil courts of first instance) the language used in court is not determined by cantonal law. In principle each court is entitled to decided on the language(s) used. Where a district is in Romansh territory Romansh may be chosen as the language of the case and the proceedings will be held in that language. That practice is confirmed by the case-law of the Federal Court on the principle of territoriality. In practice the question of the language which may be used in court is not governed by any express provision: the fact that a Romansh-speaking party expresses himself in his own tongue before a court on Romansh territory corresponds rather to a custom. Romansh is a national language of the canton pursuant to Article 46 of the Cantonal Constitution and may therefore be used in criminal proceedings. Article 28 of the order on the organisation and administration of the cantonal court so provides in the following terms: the languages which may be used in court are the national languages of the Canton as provided for in the Constitution.
- (b)(iii) Since Romansh is regarded as a language which may be used in court, requests and evidence may be formulated in that language.
- (c)(ii) Under Article 20 of the Law on Administrative Judicial Proceedings in the Canton of Grisons, the languages which may be used in the administrative court are the national languages of the canton, as provided for in the Constitution. Romansh is therefore a language which may be used in court. Where a party to administrative proceedings is required to appear before the court he or she may use Romansh. That situation is not altered by Article 13 of the order on the organisation, administration and emoluments of the administrative court, which provides that the deliberations are to take place only in German: Article 20 prevails.
- paragraph. 2 (a) Under Swiss law the validity of legal documents does not depend on the language used. The choice of language is a private matter for the parties. It is therefore possible to use Romansh in all legal matters. Naturally, Romansh can also be used for the purpose of authenticating legal documents.
- paragraph. 3 Under Article 1 paragraph 2 of the order on the publication of a new collection of Grisons laws and the administration of the official collection of laws the Government is responsible for ensuring that the most important cantonal statutory measures are published in the Surselvan and Ladin idioms. Both Romansh versions of the collection of legislation now include virtually all the laws which also exist in German.

Article 10 - Administrative authorities and public services

a. Applicable provisions

paragraph 1 (a)(i)

(c)

paragraph 2 (a)

(b)

(c)

(d)

(e)

(f)

(g)

paragraph 3 (b)

paragraph 4 (a)

(c)

paragraph 5

b. Implementing measures

paragraph 1 (a)(i)

The official languages of the Canton of Grisons are German, Italian and Romansh (Article 46 of the Cantonal Constitution). The administration of the Canton of Grison is therefore also required to use Romansh in its official activities. That status of Romansh, a minority language in the Canton of Grisons, none the less means that the official use of that language is guaranteed in the majority of cases by translations. The detailed arrangements, in particular the question as to what measures must be translated, are governed by the Government directives on the translation of official measures into Italian and Romansh.

(b)

Article 10 of the Government directions on the translation of official measures into Italian and Romansh requires that the departments and services draft models in Romansh for decisions and letters whose content is repeated. That obligation has been met in part: however, a significant proportion of standard press releases and forms for Romansh-speaking persons only exists in German. That fact can be explained, in part, by the fact that many idioms (five written idioms) exist, which makes implementation difficult. Romantsch Grischun, a standard language created for the purposes of arriving at a standard version, is still relatively young and is not fully accepted by the population of Grisons, which does not help the situation.

(c)

Romansh is regarded as an official language of the Canton, pursuant to Article 46 of the Cantonal Constitution, and must in principle be used by the administrative authorities of the Canton in their official activities.

paragraph 2 (a)-(f) The official languages of the Canton of Grisons are German, Italian and Romansh (Article 46 of the Cantonal Constitution). The choice of language used officially at municipal or regional level is a matter for the municipality or regional organisation (a corporation consisting of a number of municipalities) concerned. Romansh municipalities and regional organisations may therefore decree that Romansh is the official language. This means that Romansh may be used by the authorities and also by individuals in their relations with the authorities. In Romansh municipalities and regional organisations official measures are generally published in Romansh. In municipalities where a significant proportion of the population Romansh council meetings are held in Romansh. The situation is less straightforward in municipalities where the language mix is greater and in regional associations, which are generally not solely Romansh. In such cases German is generally used as the language of deliberation.

The choice of the official language(s) used at municipal and regional level is not a matter for the Canton, whose power to intervene is limited. In order to be able to promote the languages the Canton finances regional language services which are responsible for supporting the municipalities and any other organisation in the use of Romansh.

(g) In the Canton of Grisons the names of many villages, departments and municipalities were recently indicated in German in the Romansh region. Things have changed, and the majority of departments, municipalities and villages now bear their authentic name. The listing and altering of names of villages, departments and municipalities are governed by the Order of the Federal Council on the names of places, municipalities and stations. Article 3 of that order provides that the principal criterion for the listing and altering of those names is accuracy. The Federal Department of Justice and the Police, the Federal Department of the Interior and the Federal Department of the Environment, Transport and Energy may object to a change in name sought by a Canton. The Federal Council has the final say in disputes over changes of name.

paragraph 3 (b) The official languages of the Canton of Grisons are German, Italian and Romansh (Article 46 of the Cantonal Constitution). It is clear, therefore, that any Romansh-speaking person may use his or her mother tongue when dealing with the cantonal public services in the Romansh region. Replies are generally drawn up in the same language as letters: a request drafted in Romansh will therefore be answered in Romansh.

- paragraph 4 (a) The Canton of Grisons has a professional translation department responsible for ensuring the consistent use of Romansh and Italian as official languages (Article 5 of the Government Directives on the translation of official measures into Italian and Romansh).
- (c) Where posts are to be filled in the public services whose activities cover the Romansh region of the Canton knowledge of Romansh is generally required, or candidates' attention is drawn to the fact that had some knowledge of Romansh would be preferred.
- paragraph 5 Civil status, and therefore the family register in which the determinant family names appear, are largely governed by Federal law. Federal law does not limit the use of Romansh patronymics.

Article 11 - Media

a. Applicable provisions

- paragraph i (b)(i)
(c)(ii)
(e)(i)
- paragraph 3

b. Implementing measures

- paragraph 1 (a)(iii) The legislation on radio and television is a matter for the Confederation and the opportunities for the Canton of Grisons to influence the operation of radio and television are therefore limited. Under Article 23 paragraph 2 of the Federal Law on Radio and Television (LRTV) the Cantons are entitled to be heard when concessions are granted to local or regional broadcasters. Under Article 21 LRTV, which requires that the particular characteristics of the region served be taken into consideration, the Canton of Grisons insists that both minority languages be considered when concessions are being allocated to local and regional broadcasters. Thus Radio Grischia and Radio Piz are required to broadcast a minimum of their programmes in Romansh.
- (b)(i) Under Article 3 LRTV the electronic media are required to take account of the diversity of the country and its population and to make the public aware of it. The SSR, which is responsible for national and regional programmes, is required by Article 27 paragraph 1 of the LRTV and Article 2 paragraph 1(a) of its concession to provide its own radio programmes in all the national languages, in particular Romansh. The Romansh radio and television company (Cuminonza Rumantsch de Radio e Televisiun), a regional subsidiary of the SSR, therefore operates a Romansh radio station which broadcasts for an average of 13 hours per day.

- (c)(i) As regards television, under Article 27 paragraph 2 of the LRTV the Federal Council is responsible for determining the principles which govern how the needs of Rhaeto-Romanic Switzerland are to be taken into consideration in programmes aimed at the various regions. Article 2 paragraph 1(b) of the SSR's concession provides that the Swiss Radio and Television Company is to have regard to Romansh interests in television programmes broadcast in other language regions. Consequently, the German-language channel broadcasts regularly in Romansh. Some of these broadcasts are repeated on the Ticino and French-language channels.
- (e)(i) The Confederation and the Cantons, by providing the necessary financial assistance, have enabled a Romansh press agency to be set up (see Decree of the Grand Council on the cantonal subsidies paid each year to the organ responsible for the Romansh press agency). The services provided by this agency, which has been in operation since the end of 1996, should enable the Romansh press to grow and be brought up to date. The launching of the Romansh daily *La Quotidiana* on 1 January 1997 has already considerably revived Romansh journalism.
- (f)(i) The Decree of the Grand Council on the cantonal subsidies paid each year to the organ responsible for the Romansh press agency provides in paragraph 2 that an allowance must be paid to the Romansh newspapers for the important services which they provide in promoting the language where they do not succeed in covering their outgoings. Two small daily newspapers receive financial assistance under that provision, which, however, is merely an ancillary measure. The decree is primarily concerned with the indirect promotion of the Romansh press through the setting up and operation of the Romansh press agency.
- paragraph 3 The SSR, the national radio and television undertaking, is subdivided into four regional companies. The Romansh radio and television company, *Cuminonza Rumantsch de Radio e Televisiun*, is one of these (see Article 6 of SSR's concession).

Article 12 – Cultural activities and facilities

a. Applicable provisions

- paragraph 1 (a)
(b)
(c)
(e)
(f)
(g)
(h)

paragraph 2

paragraph 3

b. Implementing measures

paragraph 1 (a)-(c) The new Law on the promotion of the culture of the Canton of Grisons entered into force on 1 January 1998. Article 1 paragraph 2 provides that the promotion of cultural life is to encompass the aspect of the linguistic diversity of the regions and populations groups of the Canton. The promotion of the culture of the Canton therefore also specifically operates in favour of Romansh culture.

The law on the promotion of the culture of the Canton mentions as a particular area to be promoted the safeguarding and protection of trilinguism in the Canton, in particular the minority languages (Article 3(c); Article 12 paragraph 1). In parallel with the support directly given to specific measures undertaken in this sphere, the Canton also promotes and safeguards Romansh language and culture by providing periodical annual subsidies to the language organisation Lia Rumantscha (Article 6 of the Law and Decree of the Grand Council of 27 September 1983 on the levying of the annual cantonal subsidy paid to the Ligia Rumantscha/Lia Rumantscha and the association Pro Grigioni Italiano). Alongside the Canton, it is that organisation in particular which encourages cultural creativity in theatre, music, literature etc. and makes it accessible to the population. The Lia Rumantscha is also responsible for the translation of foreign literary works into Romansh.

- (e)-(f) The Commission for the promotion of culture, which plays a central role in implementing the Law on the promotion of the culture of the Canton, must include specialists in the various linguistic and cultural spheres among its members (Article 18 of the Law).
- (g) The Lia Rumantscha is also responsible for collecting the works produced in the areas of theatre, music and literature. Romansh television productions are kept the Romansh Radio and Television Company and are sometimes broadcast to the public. Alongside these institutions, the Cantonal library of Grisons is responsible for collecting and making available to the public the media relating Grisons, and therefore the media in Romansh and on Romansh language and culture (Article 3(a) and Article 4 of the Government Order on the cantonal library of Grisons).
- (h) The Canton has its own translation service, whose work includes keeping essential Romansh legal and administrative terminology up to date. This service cooperates closely with the language service of the Lia Rumantscha, which prepares the Romansh terminology necessary in various spheres of life.

paragraph 2 A number of cultural institutions, such as the cantonal library of Grisons, the language organisation Lia Rumantscha, the Institut dil Dicziunari Rumantsch Grischun and the Romansh Radio and Television Company have their seat in the principal town in Grisons, that is to say, outside the Romansh language region. For the many Romansh who live in Coire works of Romansh culture are therefore readily accessible.

Outside the Romansh language region there is a network of Romansh associations which organise, in particular, cultural displays. The Lia Rumantscha helps to finance these activities in the form of annual subsidies.

Romansh radio and television play a significant part in spreading Romansh culture; they are broadcast well beyond the Romansh language frontiers.

paragraph 3 The Canton of Grisons supports intercantonal and transfrontier cultural exchanges (Article 2 paragraph 4 of the Law on the promotion of the culture). Article 1 paragraph 2 provides that the Canton is to take its linguistic diversity into account.

Article 13 – Economic and social life

a. Applicable provisions

paragraph 1 (d)

paragraph 2 (b)

b. Implementing measures

paragraph 1 (d) The Lia Rumantscha is involved in promoting the use of Romansh in economic and social life. It is helped in this task by subsidies from the Canton. In addition to the Lia Rumantscha, the regional language services financed by the Confederation and the Canton undertake, inter alia, translation work for the banks, tourist organisations, sickness insurance funds etc.

paragraph 2 (b) The Cantonal Bank of Grisons is an independent establishment governed by Cantonal public law. As a cantonal institution it reflects the trilinguism of the canton. It therefore has a trilingual name and also provides a number of forms in Romansh and Italian. The subsidiaries of the cantonal bank in the Romansh territory endeavour to employ staff with a command of the regional language.

As a cantonal institution, Rhaetish Railways ensures that it uses both minority languages to a certain extent. A number of signs on trains and in stations are in Romansh and Italian, and on certain trains the announcements are also made in Romansh.

Article 14 – Transfrontier exchanges**a. Applicable provisions**

- (a)
- (b)

b. Implementing measures

- (a)-(b) The conclusion of treaties with foreign States is not within the competence of the cantons, but that of the Confederation. The Canton of Grisons is a member of the Working Community of the Alpine Region (ARGE ALP), which deals with common interests in the areas of culture, society, economy and ecology through transfrontier cooperation. Questions of language may be addressed within the framework of this cooperation. Thus in the autumn of 1997 a meeting was held in Haute Engadine on the topic of plurilingual schools, under the aegis of the Canton of Grisons.

Italian**Article 8 - Education****a. Applicable provisions**

- paragraph 1 (a)(iv)
- (b)(i)
- (c)(ii)
- (d)(iii)
- (f)(iii)
- (h)

b. Implementing measures

- paragraph 1 (a)(iv) Article 46 of the Constitution of the Canton of Grisons provides that German, Italian and Romansh are the national languages of the Canton. Article 1 paragraph 1 of the Law on Nursery Schools provides that nursery schools are responsible for encouraging language expression. Needless to say, Italian is the predominant language in nursery schools in the Italian-speaking towns and villages.

The Canton assumes responsibility for Italian-language nursery schools by training Italian-speaking nursery school teachers. At present this training is provided in a special department of the teachers' training college in Coire. From the 2003/04 academic year these teachers will be trained at the college specialising in teaching educational methods which is to be set up (Law of 27 1998 on the college specialising in teaching educational methods).

- (b)(i) The Law on compulsory schooling, the Order implementing that law and the teaching syllabuses distinguish between German-language, Italian-language and Romansh-language primary schools. Each town or village chooses the language which is most appropriate for its school. Thus under the regulations on schools it is also possible to have Italian-language schools in the Italian-language territory.

Since the revision of the law on compulsory education on 27 March 1997, the introduction of a second cantonal language as the principal foreign language taught at an earlier stage than the other languages is also compulsory in the communes where the primary schools are German-speaking (Article 4d of the Law on compulsory schooling (which entered into force on 1 August 1999)). Italian is generally chosen as the principal foreign language.

The Canton provides Italian-speaking primary schools with the necessary teaching materials in Italian (Article 19 of the Law on compulsory schooling). These materials are produced by the Education Committee and educational publishers.

The Canton is responsible for training Italian-language primary school teachers. They are currently trained at the Grisons teachers' training college. Following the revision of the Law on middle schools and the adoption of the Law on the college specialising in teaching educational methods (on 27 September 1998) their training is being completely reorganised. In future training will be provided at tertiary level at the college specialising in teaching educational methods which is to be set up. For the purpose of training Italian-language primary school teachers Italian will be offered as first language in secondary schools. A bilingual (Italian/German, German/Italian) final diploma will also be offered. Future teachers must still be given the opportunity of compensating for their lack of knowledge of Italian in the college specialising in teaching educational methods. This college will open at the beginning of the 2003/04 academic year.

The Canton provides continuous permanent training for teachers, in particular in languages (Article 56 of the law on compulsory education).

- (c)(ii) When the Law of 27 September 1998 on middle schools was revised, language teaching was significantly upgraded at secondary school level. The principal innovation is that it is possible to obtain a bilingual final diploma. Those wishing to obtain their diploma in Italian and German must take Italian as their first language and also two study two basic subjects in Italian. The bilingual Italian/German final diploma will be introduced in the Canton of Grisons for the 1999/2000 academic year.

At secondary school Italian may be chosen as a foreign language (as second or third national language, depending on the Order on the recognition of final diplomas), as a special option or as a free option. Pupils living in the Canton of Grisons are also able to enrol in an Italian-language middle school in the Canton of Ticino. It is young people from Misox in particular, which adjoins Ticino, who take advantage of that opportunity. The Canton of Grisons pays fees to the Canton of Ticino for these pupils (Article 17ter of the Law on Middle Schools).

- (d)(iii) In the sphere of vocational training Italian is in a more favourable position than Romansh. There is a vocational school in Poschiavo where the courses are given in Italian. In Samedan, where Italian-speaking students attend the vocational school, Italian is specifically taught in blocks of courses. A large proportion of Italian-speaking students from the Canton of Grisons, coming mainly from Misox and the Valley of Calanca, may attend vocational schools in the Canton of Ticino, in other words do their training in Italian. The Canton pays a proportion of the expenses involved (Article 47 et seq. of the Cantonal Law on Vocational Training).
- (f)(iii) In the Canton of Grisons adult education is organised by the private sector. The syllabuses of the various organisations generally include courses in Italian. The Canton makes a contribution to the fees payable for these courses, under Article 6 of the Law on Continuous Training.
- (g) The history of culture and literature forms an integral part of the teaching of Italian under the syllabuses of Italian-language general schools and secondary schools. Following the revision of the law on middle schools and the wider teaching of Italian, certain aspects of the history of culture, language policy etc. can be taught in greater depth at secondary level.
- (h) For teacher training, see the observations on the various school levels.
- (i) Monitoring the implementation and quality of courses in Romansh forms part of the ordinary monitoring activities of the schools. It is carried out by the competent committees and inspectors (Article 59 et seq. of the Law on Compulsory Schooling). Following the revision of the Law on Middle Schools a new quality control system has been introduced at that level. At the cantonal school an external inspection is carried out in addition to the internal supervision and a report is sent to the Department of Public Education, Culture and Environmental Protection.

Article 9 – Judicial authorities

a. Applicable provisions

- paragraph 1 (a)(ii)
- (a)(iii)
- (b)(ii)
- (c)(ii)
- paragraph 2 (a)
- paragraph 3

b. Implementing measures

paragraph 1 (a)(ii) In the departmental courts (criminal courts of first instance) the language used in court is not determined by cantonal law. The choice of language is in principle a matter for the departments. Where a district is in Italian-language territory Italian may be chosen as the language of the case and the proceedings will be held in that language. That practice is confirmed in the case-law of the Federal Court on the principle of territoriality. In practice the question of the language which may be used in court is not governed by any express provision. The fact that a Italian-speaking party expresses his views in his own tongue before a court based in Italian territory corresponds, rather, to a custom. Italian is a national language of the canton pursuant to Article 46 of the Cantonal Constitution and may therefore be used in criminal proceedings. That is laid down in Article 28 of the order on the organisation and administration of the cantonal court, which provides as follows: the languages which may be used in court are the national languages of the canton, as provided for in the Constitution.

For the purpose of judicial investigations, the code of criminal procedure provides in Article 87 para. 4 that statements made by the accused and the witnesses must be included in the record of the hearing in a national language of the Canton within the meaning of Article 46 of the Constitution.

- (a)(iii) Since Italian is regarded as a language which may be used in court, requests and evidence may be formulated in that language.
- (b)(ii) In the district courts (civil courts of first instance) the court language is not determined by cantonal law. Each court is entitled as a matter of principle to decided on the language(s) used. Where a district is in Italian territory Italian may be chosen as the language of the case and the proceedings will be held in that language. That practice is confirmed by the case-law of the Federal Court on the principle of territoriality. In practice the question of the language which may be used in court is not governed by any express provisions: the fact that a Italian-speaking party expresses himself in his own tongue before a

court on Italian territory corresponds to a custom. Italian is a national language of the canton pursuant to Article 46 of the Cantonal Constitution and may therefore be used in criminal proceedings. Article 28 of the order on the organisation and administration of the cantonal court so provides in the following terms: the languages which may be used in court are the national languages of the Canton, as provided for in the Constitution.

(b)(iii) Since Italian is regarded as a language which may be used in court, requests and evidence may be formulated in that language.

(c)(ii) Under Article 20 of the Law on Administrative Judicial Proceedings in the Canton of Grisons, the languages which may be used in the administrative court are the national languages of the Constitution within the meaning of the Constitution. Italian is therefore also a language which may be used in that court. Where a party to administrative proceedings has to appear before the court he or she may use Italian. Article 13 of the order on the organisation, administration and emoluments of the administrative court, which provides that the deliberations are to take place in German, cannot alter that: Article 20 prevails.

paragraph 2 (a) Under Swiss law the validity of legal documents does not depend on the language used. The choice of language is a matter for the parties. It is therefore possible to use Italian in all judicial cases. Naturally, Italian can also be used for the purpose of authenticating legal documents.

paragraph 3 Under Article 1 paragraph 2 of the order on the publication of a new collection of Grison laws and the administration of the official collection, the Government is responsible for ensuring that the most important cantonal statutory texts are published in Italian. The Italian version of the collection of legislation now includes virtually all the laws which also exist in German.

Article 10 – Administrative authorities and public services

a. Applicable provisions

paragraph 1 (a)(i)

(c)

paragraph 2 (a)

(b)

(c)

(d)

(e)

(f)

(g)

paragraph 3 (b)

paragraph 4 (a)

(c)

paragraph 5

b. Implementing measures

- paragraph 1 (a)(i) The official languages of the Canton of Grisons are German, Italian and Romansh (Article 46 of the Cantonal Constitution). The administration of the Canton of Grison is therefore also required to use Italian in its official activities. That status of Italian, a minority language in the Canton of Grisons, none the less means that the official use of that language is guaranteed in the majority of cases by translations. The detailed arrangements, in particular the question as to what measures must be translated, are governed by the Government directives on the translation of official measures into Italian and Romansh.
- (b) Article 10 of the Government directives on the translation of official measures into Italian and Romansh requires that the departments and services draft models in Italian for decisions and letters whose content is repeated. That obligation has been satisfied in part for Italian.
- (c) Italian is regarded as an official language, pursuant to Article 46 of the Cantonal Constitution, and must in principle be used by the administrative authorities of the Canton in their official activities.
- paragraph 2 (a)-(f) The official languages of the Canton of Grisons are German, Italian and Romansh (Article 46 of the Cantonal Constitution). The choice of language used officially at municipal or regional level is a matter for the local municipality or regional organisation (a corporation consisting of a number of municipalities) concerned. The Italian-speaking municipalities and regional organisations may therefore decree that Italian is the official language. This means that Italian may be used not only by the authorities but also by individuals in their relations with the authorities. In the Italian-speaking municipalities and regional organisations official measures are generally published in Italian and meetings are held in Italian.
- (g) In the Italian-speaking part of the Canton of Grisons the use of Italian place-names goes without saying. The listing and alteration of names of villages, departments and municipalities are governed by the Order of the Federal Council on the names of places, municipalities and stations. Article 3 of that order provides that the principal criterion for the listing and alteration of those names is accuracy. The Federal Department of Justice and the Police, the Federal Department of the Interior and the Federal Department of the Environment, Transport and Energy may object to a change in name sought by a Canton. The Federal Council has the final say in disputes over changes of name.

- paragraph 3 (b) The official languages of the Canton of Grisons are German, Italian and Romansh (Article 46 of the Cantonal Constitution). It is clear, therefore, that any Italian-speaking person may use his or her mother tongue when dealing with the cantonal public services in the Italian-speaking region. Replies are generally drawn up in the same language as letters: a request drafted in Italian will therefore be answered in Italian.
- paragraph 4 (a) The Canton of Grisons has a professional translation department responsible for ensuring the consistent use of Romansh and Italian as official languages (Article 5 of the Government Directives on the translation of official measures into Italian and Romansh).
- (c) Where posts are to be filled in the public services whose activities cover the Italian-speaking region of the Canton knowledge of Italian is generally required, or candidates' attention is drawn to the fact that some knowledge of Italian would be preferred.
- paragraph 5 Civil status, and therefore the family register in which the determinant family names appear, are largely governed by Federal law. Federal law does not limit the scope of Italian patronymics.

Article 11 - Media

a. Applicable provisions

- paragraph 1 (a)(i)
(e)(i)

paragraph 3

b. Implementing measures

- paragraph 1 (a)(i) The legislation on radio and television is a matter for the Confederation. Under Article 3 paragraph 1(b) of the Federal Law on Radio and Television (LRTV) the electronic media are required, in particular, to take account of the diversity of the country and its population and to make the public aware of it. Under Article 27 paragraph 1 of the LRTV and Article 2 paragraph 1 of its concession the SSR, which is responsible for national and regional programmes, runs three radio stations and one television station for Italian-speaking Switzerland.
- (e)(i) The Italian-speaking part of the Canton of Grisons, which has three regional newspapers of its own plus the three Italian-language dailies published in Ticino, has a satisfactory supply of printed media. There is therefore no need to introduce additional measures to promote the Italian language.

paragraph 3 The SSR, the national radio and television broadcasting company, is divided into four regional companies. The Italian-language radio and television company, Società cooperativa per la radiotelevisione nelle Svizzera Italiana, is one of these (see Article 6 of SSR's concession).

Article 12 – Cultural activities and facilities

paragraph 1 (a)
 (b)
 (c)
 (e)
 (f)
 (g)

paragraph 2

paragraph 3

b. Implementing measures

paragraph 1 (a)-(c) The new law on the promotion of the culture of the Canton of Grisons entered into force on 1 January 1998. Article 1 paragraph 2 provides that the promotion of cultural life is to encompass the aspect of the linguistic diversity of the regions and populations groups of the Canton. The promotion of the culture of the Canton therefore also specifically operates in favour of Italian culture.

The law on the promotion of the culture of the Canton mentions as a particular area of promotion the safeguarding and protection of linguistic trilinguism in the Canton, in particular the minority languages (Article 3(c); Article 12 paragraph 1). In parallel with the support directly given to specific measures undertaken in this sphere, the Canton also promotes and safeguards Italian language and culture by providing periodical annual subsidies to the language organisation Pro Grigioni Italiano (Article 6 of the Law and Decree of the Grand Council of 27 September 1983 on the levying of the annual cantonal subsidy paid to the Ligia Romantscha/Lia Rumantscha and the association Pro Grigioni Italiano). Alongside the Canton, it is that organisation in particular which encourages cultural creativity in theatre, music, literature etc. and makes it accessible to the population. The Italian-speaking population of Grisons is also able to take advantage of the very rich cultural resources of its large neighbour Italy.

(e)-(f) The Commission for the promotion of culture, which plays a central role in implementing the Law on the promotion of the culture of the Canton, must include specialists in the various linguistic and cultural spheres among its members (Article 18 of the Law).

(g) The Grisons Cantonal Library is responsible for collecting and making available to the public the media associated with Grisons, and therefore the media on Italian culture and language (Article 3(a) and Article 4 of the government Order on the Cantonal Library of Grisons).

- (h) The Canton has its own translation service, which is responsible for using Italian in official spheres. Unlike Romansh, Italian is able to rely on the linguistic and cultural reserves of a neighbouring country. The preservation and development of the appropriate terminology are therefore not as important as in the case of Romansh.
- paragraph 2 Outside the Italian-speaking region there is a network of Italian-language associations which organise, among other things, cultural displays. Pro Grigioni Italiano helps finance these activities by providing annual subsidies. Ticino television and at least one radio station are broadcast nationally (Article 2 paragraph 1(a) and Article 3 paragraph 7 of the SSR's concession).
- paragraph 3 The Canton of Grisons supports intercantonal and transfrontier cultural exchanges (Article 2 paragraph 4 of the law on the promotion of the culture of the Canton). Article 1 paragraph 2 provides that the Canton is to take its linguistic diversity into account.

Article 13 – Economic and social life

a. Applicable provisions

- paragraph 1 (d)
paragraph 2 (b)

b. Implementing provisions

- paragraph 1 (d) The use of Italian in economic and social life is less problematic than the use of Romansh. Where necessary, Pro Grigioni Italiano supports the use of Italian in that sphere.
- paragraph 2 (b) The Cantonal Bank of Grisons is an independent establishment governed by Cantonal public law. As a cantonal institution it reflects the trilinguism of the canton. It therefore has a trilingual name and also provides a number of forms in Romansh and Italian. The subsidiaries of the cantonal bank in the Romansh territory endeavour to employ staff with a command of the regional language.
- As a cantonal institution, Rhaetish Railways ensures that it uses both minority languages to a certain extent. A number of signs on trains and in stations are in Romansh and Italian, and on the trains the announcements are also made in Italian.

Article 14 – Transfrontier exchanges

a. Applicable provisions

- (a)
(b)

b. Implementing measures

- (a)-(b) The conclusion of treaties with foreign States is not within the competence of the cantons, but that of the Confederation. The Canton of Grisons is a member of the Working Community of the Alpine Region (ARGE ALP), which deals with common interests in the areas of culture, society, economy and ecology through transfrontier cooperation. Questions of language may be addressed within the framework of this cooperation. Thus in the autumn of 1997 a meeting was held in Haute Engadine on the topic of plurilingual schools, under the aegis of the Canton of Grisons.

3.2. Report of the Canton of Ticino on the implementation of the Charter

The implementation of the articles in Part III of the Charter

General

The Constitution of the Republic and Canton of Ticino of 14 December 1997 provides as follows:

Article 1 paragraph 1: "The Canton of Ticino is a democratic republic of Italian culture and language".

The Communication of 20 December 1984 concerning the complete revision of the Cantonal Constitution of 4 July 1830 states, apropos that article of the Constitution:

"As well as referring to the democratic form and the Italian language, as a characteristic of the Canton, Article 1 paragraph 1 also refers expressly to Italian culture: the fact that the Canton of Ticino belongs not only to the Italian language region but also to the Italian cultural region is a fundamental element of its history and an essential component of its identity. Furthermore, that clear reference Italian language and culture is not mere rhetoric: it represents a significant commitment which the Ticino authorities and people must give to an increasingly effective promotion of their own identity."

The Regulation of 10 October 1995 implementing the Law on Ticino Citizenship and Freedom of the City, which was adopted pursuant to the Law of 8 November 1994 on Ticino Citizenship and Freedom of the City, provides in Article 3 (in the case of citizens of the Confederation) and Article 7 (in the case of aliens) that "in the context of these measures of control, the applicant shall be orally tested for his knowledge of Italian".

Article 8 – Education

In the Canton of Ticino all the provisions of Article 8 paragraph 1 of the Charter, i.e. Article 8 paragraph 1(a)(i), Article 8 paragraph 1(b)(i), Article 8 paragraph 1(c)(i), Article 8 paragraph 1(d)(i), Article 8 paragraph 1(f)(i), Article 8 paragraph 1(g) and Article 8 paragraph 1(h), are fully implemented by the legislation on education in force. Article 1 paragraph 3 of the Law of 1 February 1990 on Schools provides that: "Instruction shall be provided in Italian and shall observe the principle of freedom of conscience".

Owing to the foundation of the University of Italian-speaking Switzerland, the abovementioned provisions of Article 8 paragraph 1 have been supplemented by Article 8 paragraph 1(e)(i), on "university and other forms of higher education in regional or minority languages".

Article 1 paragraph 4 of the Law of 3 October 1995 on the University of Italian-speaking Switzerland and the Special College of Italian-speaking Switzerland provides that "The official language of the University is Italian".

In education the efforts of the Canton of Ticino have taken the following forms:

1. *Reinforcing the position of Italian in the schools of the Canton of Ticino*

The position of Italian in the schools of the Canton is reinforced by the following measures:

- teaching in Italian: as a general rule, all non-language subjects are taught in all schools in Italian, which is the mother tongue of 80.8% of pupils attending Ticino schools;
- the teaching of Italian language and culture: the "Italian" branch is taught with a significant number of weekly lessons at all levels and in all schools (primary school: 5 hours 15 minutes per week in the first year and 4 hours 30 minutes in the second year; lower secondary school: 6, 5, 5 and 4 lessons per week, respectively, during the four years of lower secondary school).

2. *Familiarising non-Italian-speaking young persons living in the Canton with Italian language and culture*

The Law of 1 February 1990 on Schools provides the legal basis for measures in favour of non-Italian-speaking pupils. Article 72 paragraph 1 provides that "In schools of all types and at all levels courses in Italian may be organised for pupils who speak another language and who are not capable of following lessons normally; in particular, initiatives may be taken to encourage the educational integration of pupils from non-Italian-speaking countries, provided that their cultural identity is safeguarded".

The detailed rules on the organisation of courses in Italian language and activities designed to help pupils integrate are laid down in the Regulation of 31 May 1994 on Italian language courses and activities to assist integration.

At present (during the 1998/99 academic year) there are 9,553 pupils (corresponding to 19.2% of the entire school population of the Canton of Ticino) whose mother tongue is not Italian. The majority of these do not (any longer) need the support referred to above, as they have already acquired sufficient knowledge of Italian to allow them to follow teaching in Italian normally. Thus the lower secondary school (during the 1998/99 academic year) had 2,100 pupils whose mother tongue is not Italian, but only 118 of these (5.6%) followed courses in integration and Italian. The measures referred to above are designed, in particular, for the increasing number of non-Italian-speaking pupils who have lived in the Canton for only a short time.

The Canton of Ticino recently introduced a "pre-learning course of integration for young persons who have only lived in the Canton for a short time and need to familiarise themselves with the Italian language and culture" (see Regulation of 20 October 1998 implementing the Law on School and Vocational Guidance and Vocational and Continuous Training, Article 35).

In addition, each year the Adult Courses in the Department of Education and Culture organise between 10 and 15 courses in Italian as a Foreign Language.

3. *Protecting the cultural identity of non-Italian-speaking young persons living in the Canton*

During the 1998/99 academic year eight foreign communities held courses in Ticino on their language and culture of origin: these were the Portuguese, Brazilian, Spanish, Macedonian, Albanian, Serbian, Croatian and Slovenian communities. The courses held by the Croatian, Serbian and Portuguese communities are well attended. In order to hold these courses the foreign communities may, upon application, be provided with premises in State buildings (see Law of 1 February 1990 on Schools, Article 17, which governs the use of school premises belonging to the State). In special cases these communities may also obtain subsidies, again upon application. Numerous schools (in particular primary and lower secondary schools) endeavour to encourage contacts between teachers in State schools and those who give the courses organised by the foreign communities (or, in many cases, by the consulates). In order to facilitate the placing of non-Italian-speaking pupils in the Ticino school system, Article 51 paragraph 4 of the Regulation of 18 September 1996 on Lower Secondary Schools provides that "In special cases, pupils whose mother tongue is not Italian may follow a course of instead of courses of French or German. English. The decision is to be taken by the Management Committee."

The Swiss version of the European Language Portfolio, published by the Conference of Cantonal Directors of Public Education, was issued in Ticino in 1999. The European Language Portfolio, a Council of Europe project, is a working document and a certificate of achievement which enables the holder to show his knowledge of language(s), whether acquired at school or not, in a clear and complete fashion which allows comparison to be made on an international basis. By means of this document pupils having a foreign language as their mother tongue, who are generally plurilingual pupils, and their knowledge of language(s) can be evaluated in a document which is issued not only by the Swiss Conference of Cantonal Directors of Public Education but also by the Council of Europe. The European Language Portfolio is now also becoming widespread in the schools of the Canton of Ticino.

4. *Exposing the young Italian-speaking persons of the Canton to other languages and cultures and encouraging the learning of other languages, both national and foreign*

It is appropriate at this point to mention the considerable efforts which the Canton has made, and continues to make, to provide pupils in Ticino schools with the opportunity to learn important languages:

French is compulsory from the third year of primary school and German from the second year year of secondary school (year 7); at present English is taught as an option in the fourth year of secondary school (possible changes, which would mean English being taught as a compulsory subject, are currently being studied). At the end of their compulsory schooling all pupils who have attended Ticino schools have therefore studied French for seven years and German for four years, and a large number of them have studied English for at least one year.

Together with the Cantons of Uri and Grisons the Canton of Ticino is one of the rare Swiss cantons in which all pupils are taught two other national languages on a compulsory basis.

These languages are also taught in the higher schools, where German and English are given preferential treatment. German and English are also the only languages taught in the Special College of Italian-speaking Switzerland.

At the Popular University of the Canton of Ticino the "Adult Courses" set up by the Canton also offer more than 250 language courses each year (English, German, Spanish, Italian level 2, Russian, Modern Greek and French). The adult courses are 86% self financing (the annual costs borne by the Canton come to 14% of the total costs, or approximately SWF 30,000).

In addition to these measures to encourage the actual teaching of languages, the Canton further encourages the learning of languages by various means:

- by promoting individual exchanges and class exchanges;
- by encouraging bilingual teaching initiatives and other innovations. Not only does the Law of 1 February 1990 on Schools "allow" innovations to be introduced and experiments to be made: in addition, the Schools Committee of the Grand Council of Ticino, in Report No 4609 of 17 February 1997, invited the Council of State to "encourage experiments in bilingual teaching in the schools of the Canton". In resolutions adopted in 1997, 1998 and 1999 the Council of State responded to that invitation by authorising an experiment in bilingual teaching in the third and fourth years of the Cantonal School of Commerce in Bellinzona;
- by subsidising language courses in other areas of Switzerland or abroad (between two and three million francs per year);
- by supporting private initiatives such as "Languages and Sport", which for 20 years has organised courses in languages (German, French and English) and sport during the summer holidays; in the last 20 years 12,300 pupils have attended these courses.

Exchanges with other language areas are not confined to schools. For example, the Regulation of 6 March 1996 on the Police provides in Article 36 paragraph 3 that "[t]he commanding officer may accede to agreements on the temporary exchange of officers with other cantons for the purpose of teaching and learning languages, based on a principle of reciprocity."

5. Promotion of the learning and teaching of Italian outside Italian Switzerland

The position of Italian in the education systems of the other cantons – with the notable exceptions of the Cantons of Uri and Grisons – is very precarious. The future will tell whether in practice the new Order on the recognition of final diplomas (ORM) will lead to a certain improvement in the situation in secondary schools.

Since 1970 the Department of Education and Culture, together with its counterpart in the Canton of Aargau, has held "Courses in Italian language and culture" for teachers from all types of schools and all levels. Since then more than 1,000 German-speaking Swiss teachers have taken part in these summer courses. The Department of Education and Culture has participated in the introduction of Italian in the compulsory school of the Canton of Uri by providing technical assistance and financial support; it has collaborated (since 1991) in the preparation of teaching materials and arranged courses of language and teaching training for all teachers in the Canton of Uri. These take the form of intensive courses in Italian (two 4-week summer courses for each of the 190 teachers) and courses in teaching Italian as a foreign language.

Article 9 – Judicial authorities

The legislation of the Canton of Ticino is consistent with the provisions of Article 9 of the European Charter for Regional or Minority Languages:

The provisions of the following laws are relevant:

- Code of Civil Procedure of 17 February 1971;
- Code of Criminal Procedure of 19 December 1994;
- Law of 27 April 1992 on procedure in matters pertaining to proceedings and insolvency;
- Cantonal Law of 12 March 1997 applying the Federal Law on proceedings for debt and insolvency (Article 21);
- Law of 6 April 1961 on procedure for cases brought before the Cantonal Insurance Court (Article 1a);
- Law of 15 March 1983 on the Profession of Avocat, Article 8: "In all correspondence, annexes and oral proceedings before the Ticino authorities, the lawyer shall use Italian";
- Law of 23 February 1993 on Notaries; this law provides that in order to be admitted to the notaries' examination candidates must "have a knowledge of Italian" (Article 17 paragraph 1) and that public measures are to be drawn up in Italian or in another language, provided that the notary and the parties know that language (Article 47).

Article 10 – Administrative authorities and public services

The law in force in the Canton of Ticino is wholly consistent with the measures provided for in Article 10 paragraphs (1)(a)(i), (1)(b), (1)(c), (2)(a)-(g), (3)(a), (4)(b) and (5) of the Convention.

The Law of 19 April 1966 on procedure in administrative matters provides the legal basis for the use of Italian in official relations with the cantonal and local authorities. Article 8 of that Law provides: "Requests or applications, in the same way as complaints and, generally, all allegations capable of being resolved by a decision of the cantonal, municipal, civic or parish authority, or by decision of other similar public bodies, must be drafted in Italian".

Article 11 – Media

In so far as they fall within the competence of the Canton of Ticino, the law and practice in force correspond to the provisions of Article 11 of the Charter.

The existence and functioning of the Italian Swiss Radio and Television institution (which broadcast 26,294 hours of radio programmes and 6,510 hours of television programmes in 1997) are wholly consistent with the provisions of Article 11 paragraph (a)(i) of the Charter (see also the Federal Law of 21 June 1991 on radio and television). Since 1995 three daily newspapers in Italian have been published in the Canton of Ticino (before 1995 there were still five!). In addition, there are a large number of bi-weekly, tri-weekly, weekly, bi-monthly and monthly publications in Italian; while very few titles are published in other languages (there is one tri-weekly publication in German). Ticino is one of the regions of Europe with the greatest density of press publications!

The Law of 2 October 1991 on Vocational Schools provides in Article 21 for a "course in journalism", which has the status of a higher training school and is "designed to prepare students for careers in journalism" (see also Regulation of 27 April 1997 on the Course in Journalism in Italian-speaking Switzerland). On this point, reference should be made to the training and research activities of the Department of Communication Sciences of the University of Italian-speaking Switzerland set up by the 1995 Law.

Article 12 – Cultural activities and facilities

The annual reports from the Department for Education and Culture to the Federal Office of Culture describe the Canton's many cultural activities and cultural facilities, and also the ways in which the financial assistance which the Confederation provides to Ticino to safeguard its culture and language has been used.

Article 13 – Economic and social life

The law and practice in force in the Canton of Ticino satisfy the requirements of Article 13 paragraphs (1)(d) and (2)(b) of the Charter.

Article 59 paragraph 1 of the Law of 21 December 1994 on Public Establishments provides as follows:

"A list of the prices of the main dishes and beverages and any supplementary charges, in Italian, must be displayed outside public establishments".

Article 5 of the Law of 29 March 1954 on Public Signs and Notices provides:

"Signs, whether permanent or not, must be in Italian. In addition, a translation in one or more national or foreign languages may also be displayed, provided that any such translation is not displayed in larger letters or in a more prominent manner than the original text and is presented in such a way as to make it clear that it is a translation.

This article shall not apply to the municipality of Bosco Gurin.

(see also Article 4 paragraph 1 of the Regulation of 16 October 1988 implementing the Law on Signs and Notices: "[Signs and notices] shall not be submitted for approval provided that they are in Italian".

Article 14 – Transfrontier exchanges

In the spheres of economic and social life, training and culture and in yet other sectors, transfrontier exchanges between the Canton of Ticino and Italy are very active, especially with the adjoining Italian provinces, which, with the Canton of Ticino, form the Regio Insubrica. Cooperation between Ticino and local and provincial Italian authorities is beginning to be introduced in a number of spheres.

The Legislative Decree of 18 August 1980 on the allocation of a framework credit for transfrontier cooperation allocates an annual framework credit of SWF 3,000,000 to the financing of the activities of transfrontier cooperation.

The Legislative Decree of 10 March 1998 on the new regulation of relations between the Canton of Ticino and the Community of Campione, in Italy, which takes account of the Framework Agreement on Transfrontier Cooperation concluded between the Italian Republic and the Swiss Confederation in 1993, governs the neighbour relations, both customary and authorised, which have been established between the Municipality of Campione in Italy and the Canton of Ticino.