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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

**Third Periodical Report
presented to the Secretary General of the Council of Europe
in accordance with Article 15 of the Charter**

SWITZERLAND

PRELIMINARY SECTION

1. Please provide the necessary background information, such as the relevant historical developments in the country, an overview of the demographic situation with reference to the basic economic data for the regions, as well as information on the constitutional and administrative structure of the State.

Under Article 15 of the Charter, states parties are required to submit periodical reports on Charter implementation to the Secretary General of the Council of Europe. The present report is the third submitted by Switzerland. It is based on the 2nd report (18 December 2002) and covers language policy developments in the cantons and Confederation. It responds to the recommendations from the Committee of Ministers of the Council of Europe and the recommendations in the 2nd report of the Committee of Experts, published on 22 September 2004.

1. General information

1.1 Language policy in Switzerland – historical overview

The current language situation in Switzerland is the outcome of a long history which has been influenced by the country's geographical position, Switzerland's present territory having been settled by various European language groups. The two oldest peoples of pre-Roman times to settle there were the Rhaetians and the Celts. Between the late first century BC and 400AD the country was Romanised. A third language strain comes from the Germanic tribes. From the fifth and sixth centuries AD onwards, the Alemanni gradually colonised Switzerland from the north and established a German-speaking area which extended as far as the Pre-Alps and into some Alpine valleys; in contrast, the Burgundians, who invaded what is now French-speaking Switzerland from the east, were Romanised, as were the Lombards in Ticino.

Although multilingualism may appear an essential feature of Switzerland, it acquired political significance only during the nineteenth century. The thirteen cantons in the 1513 confederation had been mainly German-speaking since the 1291 Pact, the bilingual canton of Fribourg being the sole exception. Romance languages were characteristic of a few allied lands or subject territories (bailliages). The early alliances of some of that former confederation's cantons with the city-republic of Geneva accentuated the French-speaking tendency.

It was only after the upheavals of 1798, which introduced political equality for citizens, that the state became consciously multilingual. The legislation of the Helvetic Republic (1798-1803) was drafted in three languages considered to be equal: German, French and Italian.

The equality of these languages was, however, rescinded with the Act of Mediation (1803), and under the Restoration (from 1815) German fully regained its ascendancy. The abandonment of the centralising system introduced by the Helvetic Republic nevertheless encouraged the idea of a language regime based on equality of languages, and that was the arrangement adopted by the 1848 Confederation, whose federalist design allowed the cantons considerable autonomy, both politically and culturally: because each canton continued to use the language(s) spoken within its boundaries, federalism encouraged the preservation of Switzerland's cultural and linguistic diversity.

The 1848 Federal Constitution settled the issue of multilingualism by recognising the country's three main languages as equal-ranking national languages. Article 109 reads: "The national languages of the Confederation are the three main languages of Switzerland: German, French and Italian."

The completely revised 1874 Constitution retained, in Article 116, the equality of German, French and Italian as national languages but added, in Article 107, that the three national languages must be represented in the Federal Court.

By recognising Romansh as a national language on the eve of the second world war, Switzerland proclaimed that preservation and promotion of cultural and linguistic diversity, together with respect for traditions, were basic guarantees of national cohesion. The referendum of 20 February 1938 raised Romansh, a non-standardised regional language, to the rank of a national language, although creating a distinction between Switzerland's four national languages and the Confederation's three official languages. Article 116 of the 1938 Constitution stated:

- “1. The national languages of Switzerland shall be German, French, Italian and Romansh.
2. The official languages of the Confederation are declared to be German, French and Italian.”

The next revision of the language article was initiated in 1985 on a motion from a Grisons member of the National Council, Martin Bundi. He called on the Federal Council to amend Article 116 of the Constitution on the ground that the current wording did not allow the most endangered national languages to be adequately protected and promoted. He demanded that Romansh be raised to the rank of an official language of the Confederation and that measures be taken to protect minority languages' historical regions. Approved by a large majority in 1996, the revised article now provided:

- “1. The national languages of Switzerland shall be German, French, Italian and Romansh.
2. The Confederation and the cantons shall encourage understanding and exchange between the language communities.
3. The Confederation shall support the measures taken by the cantons of Grisons and Ticino to maintain and promote the Romansh and Italian languages.
4. The official languages of the Confederation shall be German, French and Italian. Romansh shall be an official language for Confederation dealings with Romansh-speaking citizens. Details shall be regulated by statute.”

With the completely revised Constitution of 18 April 1999, the passage relating to national languages has become a separate article at the very beginning of the Constitution (Article 4). The right to freedom of language is now expressly recognised in Article 18. The provisions of Article 116, paragraphs 2, 3 and 4, of the old constitution are now contained in Article 70 and supplemented by new paragraphs 2 and 4.

“Article 4 National languages

The national languages shall be German, French, Italian and Romansh.”

“Article 18 Freedom of language

Freedom of language shall be guaranteed.”

“Article 70 Languages

1. The official languages of the Confederation shall be German, French and Italian. Romansh shall be an official language for Confederal relations with Romansh speakers.
2. The cantons shall decide their official languages. In order to preserve harmony between language communities, they shall respect the traditional geographical distribution of languages and shall take indigenous language minorities into account.
3. The Confederation and the cantons shall encourage understanding and exchange between the linguistic communities.
4. The Confederation shall support the multilingual cantons in the fulfilment of their particular tasks.
5. The Confederation shall support the measures taken by the cantons of Grisons and Ticino to safeguard and promote Romansh and Italian.”

In view of the new legal framework, the federal government produced draft legislation on languages for giving effect to this extension of the Constitution's language policy principles. It held a referendum on the question and submitted for Federal Council approval a revised version of the draft legislation and a message reflecting the results of the referendum. On 28 April 2004 the Federal Council decided not to submit to the Chambers the preliminary draft languages legislation and accompanying message, giving as its reasons financial shortage and its instructions from Parliament to make

financial savings. The National Council reacted to this announcement by tabling two motions asking the Federal Council to submit the legislation to Parliament nevertheless, these being followed on 7 May by a parliamentary initiative to similar effect (lv. pa. Levrat 04.429. Loi fédérale sur les langues nationales). The science, education and culture committees (CSECs) of the two councils both approved the initiative. The National Council's CSEC began discussing the draft legislation in June 2005. It was due to complete a second reading in July 2006 and forward the draft legislation to the National Council.

1.2 The demographic and economic situation in the various regions

Population growth

According to the 2000 federal census, Switzerland now has a population of 7.28 million, a 6% increase on the previous census (1990). By language region (as defined for the 2000 census) the increase is lower in Rhaeto-Romanic Switzerland (5.2%) and German-speaking Switzerland (5.5%), higher in French-speaking Switzerland (7.2%) and Italian-speaking Switzerland (8.6%). In the Rhaeto-Romanic areas – that is, the communes where most of the population speak Romansh – the increase is due primarily to international immigration and a surplus of births, which offset the losses from internal migration. Growth in Italian-speaking Switzerland arises mainly from international immigration and internal migration. Natural increase has declined slightly and is now a less significant component of overall population growth. The highest rate of natural increase – that is, of population growth from surplus births – is found in French-speaking Switzerland (3.6%), followed by German-speaking Switzerland (2.7%) and Rhaeto-Romanic Switzerland (1.4%), the region that traditionally had the largest surplus of births. Natural increase remains low in Italian-speaking Switzerland, at around 1%.

Migration

The main factor in population growth other than surplus births is the immigrant surplus, especially from the countries of former Yugoslavia. Between 1990 and 2000 the proportion of foreign population rose from 18.1 to 20.5%, that of Italians dropped appreciably (return migration and naturalisation), while that of other nationalities increased. A quarter of Switzerland's foreign population today comes from the countries of former Yugoslavia. Nationals of the present Federal Republic of Yugoslavia form the second-largest group after the Italians, with the Portuguese the third-largest. Only 13% of foreigners settled in Switzerland are from non-European countries.

Economic situation

In the 1990s there was very little growth in the Swiss economy. Since then the economy has gradually recovered. Alongside short-term fluctuations there has been longer-term growth characterised by an increase in labour productivity of just 1%. Employment continues to make slight headway, firstly on account of the population trend and secondly because of immigration, which on the whole has been low in comparison with previous experience despite the new freedom of movement for people between Switzerland and the EU. The increase in earnings has been small and has to a large extent been absorbed by increased health costs reflected in health-scheme contributions. The budgets of the three tiers of government have come under great strain from fast-growing social-welfare expenditure.

The economies of the cantons of Ticino and Grisons have not significantly diverged from the overall national trend since 1995. Unemployment in Ticino (4.3% at July 2005) continues to exceed the national average (3.5%) while in Grisons it is still running at only 1.8%. Added value per hour worked in 2002 (source: the Centre de Recherches Conjoncturelles, Basle) was 22.5 in Grisons (1997 PPP in US\$ at 1990 prices), or 83% of the national average, and in Ticino 24.2, or 89% of the national average (27.2). In 1997 the productivity figures for Grisons and Ticino stood at 20.7 and 22.8, or 81% and 89% of the national average (25.6). Ticino's increases in employment and labour productivity – which are identical to the national average – can be ascribed in large part to growth of the financial sector, particularly at Lugano. In Grisons, employment stagnation since 1997 is evidence of an undynamic tourism sector: there is now more choice of tourist destinations worldwide, even in winter and often at more attractive prices (there was a fall in overnight hotel stays from 6.9 million in 1990/91 to 5.9 million in 2002/03).

The position in Grisons and Ticino has developed differently for per capita income and value added per hour worked. Per capita income in Grisons is 43 323 Sfr (2002, Federal Statistics Office [provisional figure]), or 89% of the national average, in Ticino 37 242 Sfr, or 77% of the national average (48 604 Sfr). Ten years ago the figures (in monetary terms) for Grisons and Ticino were still 37 973 Sfr and 35 941 Sfr, or 89% and 85% of the national average (42 483 Sfr). The fact that Grisons's and Ticino's rankings for per capita income are the reverse of those for productivity reflect different population structure (in terms of age and participation rate) and the differences in the proportion of income deriving from outside the canton. In addition there are statistical factors (different sources, monetary values in Swiss francs instead of real values adjusted for purchasing power for a given sector).

Within the canton of Grisons (German name Graubünden) there are three distinct types of area: the centre (the city of Chur, which is the capital of the canton, together with its surrounding area), tourist areas (Engadine, Davos, Arosa, Flims) and other more rural areas. Whereas the centre, where German predominates, is progressing satisfactorily, the more rural areas are totally at the mercy of structural change (in particular contraction of the farm and timber sectors). Those are the very areas where Retho-Romansh, and also Italian dialects, are still widely spoken. The tourist areas, in contrast, have always been characterised by a language mix, both among customers and staff. A similar shift is likely in the canton of Ticino (in Lugano compared with the *valli*).

To understand the impact of economic change on language diversity it is necessary to note the significant differences between sectors as regards value added per person employed¹. The financial sector, the chemicals industry, the computer industry, telecommunications and electricity production are out in front with figures of over 200 000Sfr per annum, followed by public administration, education, the other industrial sectors, health, etc. (at around 100 000Sfr). Value added in the hotel and restaurant trade and income from farming, on the other hand, come to only 45 000Sfr. Given the close connection between value added and pay in a given sector, the fact is that in Grisons anyone interested in financial prosperity is going to choose an occupation in which the minority language is seldom used.

The economic and occupational situation, from the language standpoint, is much better in Ticino. The range of services on offer in Ticino – with the benefit of the Swiss economic framework – can be regarded as complementing those available in the neighbouring Italian-speaking region. Milan especially, according to quite a few indicators, has all the key attributes to be a global centre. That complementarity is evident both in the financial sector, which is a mainstay of growth in Ticino, and tourism. In industry there has been a significant change in trend: whereas firms in German-speaking Switzerland often used to relocate some of their production activity to Ticino in order to take advantage of cheaper labour, partly from across the border, that no longer happens. To a considerable extent quality industrial production has taken over, reaping the benefits of the investment which the canton has made – with support from the Confederation – in university education.

Partly as a result of educational investment, women are now playing an increasing part in occupational life, in the two cantons no less than in Switzerland as a whole. There is also greater mobility: a daily journey of 20 or 30 km to the main towns is now common among office workers or students from secondary school on. Nowadays only the towns of a certain size offer a variety of employment to match the very diversified qualifications being taken by the younger generation. The same goes for variety of recreational and cultural facilities. Urban planning is thus both a factor in economic growth and an engine of socio-cultural development. Governments have to keep up with these trends, in particular by developing tertiary education, which is crucial to overcoming Switzerland's somewhat feeble labour productivity growth.

However, productivity growth must also take advantage of the markets that are opening up to competition, a development that often has a cross-border dimension. This is of particular significance for public infrastructure. Hydroelectricity production, for example, which is one of mountain regions' assets, has huge potential in Europe's new market conditions. At the same time, in rural areas, adequate basic facilities need maintaining, for example by combination of public services.

¹ Here we give the national averages for 2000 as cantonal figures are not derivable from the official sources.

1.3 Constitutional and administrative structure of the state

The Swiss Confederation arose from association, in a federation, of different cultural and political communities which, in legal terms, form a federal state. Administratively it is divided into 26 cantons and demi-cantons, 7 major regions, 54 areas qualifying for investment aid, and over 3,000 communes. The cantons and communes enjoy extensive autonomy in relation to the Confederation.

Powers and responsibilities of regional authorities

The cantons have their own powers and responsibilities, holding all the powers and responsibilities that the Federal Constitution does not expressly assign to the Confederation, and they exercise those not exclusively assigned to the Confederation if the Confederation does not make full use of them. They may decide what functions they will perform under their powers and responsibilities (Article 43 of the Constitution).

As a rule, the Confederation (represented by its parliament) delegates implementation of federal law to the cantons (Article 46.1 of the Constitution). The Confederation here leaves the cantons as much room for manoeuvre as possible and takes their specific features into account (Article 46.2).

Relations between the Confederation, cantons and communes

It is the cantons which determine the status of the communes: Article 50.1 of the Constitution states that “communal autonomy is guaranteed within the limits fixed by cantonal law”. There is communal autonomy in all the cantons, to varying degrees. Communes may appeal to the Federal Court against any infringements of their autonomy by a cantonal body.

The Confederation has only limited scope for action at local level. There is a federal law governing cases of communal insolvency, but otherwise supervision of the communes is left entirely to the cantons. This is part and parcel of cantonal autonomy (Articles 3, 43 and 47 of the Constitution).

Participation in the federal decision-making process

In the cases specified in the Constitution, the cantons participate in the decision-making process at federal level, particularly in the making of legislation (Article 45.1). The Confederation must inform them of its plans fully and in good time. It must consult them if their interests are involved (Article 45.2).

Main participation mechanisms:

- numerous informal consultations in intergovernmental conferences;
- Confederation duty to inform the cantons of its domestic and foreign policy plans (Articles 45.2 and 55.2 of the Constitution);
- official consultation procedures (Articles 147, 45.2 and 55.2);
- cantonal participation in preparing negotiating briefs and in negotiations (Section 5 of the federal law on cantonal participation in the Confederation's foreign policy);
- bicameralism: a Council of States composed of members representing the cantons (Article 150 of the Constitution);
- a mandatory dual-majority (people and cantons) referendum for revisions of the Constitution, for membership of collective-security organisations or supranational communities, and for urgent federal statutes lacking a constitutional basis (Article 140.1);
- a referendum if requested by 8 cantons (Article 141.1);
- a right of each canton to submit initiatives to the Federal Assembly (Article 160.1).

Participation in the political process (dialogue and co-ordination between the Confederation and the cantons) occurs in particular through the Confederal Dialogue, a forum which twice a year brings together a delegation from the Federal Council and a delegation from the Conference of Cantonal Governments on a partnership basis, each side having equal representation. In select committee the forum informally discusses fundamental questions of federalism as well as supradepartmental issues. There are also a number of specialist “conferences of cantonal ministers” (for education, health, finance, regional development, justice and police, etc.), whose prime purpose is horizontal cooperation

between cantons. The federal councillor responsible for the particular field is regularly invited to attend these conference meetings, thus ensuring vertical co-ordination as well.

State supervision of the work of regional government

Article 49.1 of the Constitution asserts the precedence of federal law over contrary cantonal law. The Confederation must ensure that the cantons observe federal law (Article 49.2) and the Confederation's international obligations (Article 5.4). As regards implementation of federal law, the Confederation is required to leave the cantons as much latitude as possible (Article 46.2).

The right of administrative review allows any recipient of a cantonal decision based on federal law to make a final appeal to the Federal Court (Federal Judicature Act of 16 December 1943, Section 97.1). Any official cantonal measure infringing a constitutional right of citizens, an intercantonal agreement or an international treaty concluded by Switzerland may be challenged by a citizen in the Federal Court by means of a public-law appeal (Federal Judicature Act, Section 84). The new Federal Court Act of 17 June 2005 which is due to come into force in 2007 will alter the procedure for appeal to the Federal Court.

Changes to regional autonomy

The Confederation must protect the existence and status of the cantons, together with their territory (Article 53.1 of the Constitution). Any alterations to the number of cantons (through merging or division) is subject to the assent of the relevant electorate and the cantons concerned, as well as a dual vote of the Swiss people and the cantons (Article 53.2). Any changes to the territory of a canton are subject to the approval of the relevant electorate and the cantons concerned and then to assent of the Federal Assembly in the form of a federal decree (Article 53.3). Mere intercantonal boundary adjustments may be made by treaty between the cantons concerned (Article 53.4).

Principle of self-organisation

Under Articles 3, 43 and 47 of the Constitution, the cantons are free to organise themselves as they see fit and to divide cantonal authority among the bodies that they set up. This organisational autonomy is an essential feature of their sovereignty. However, the cantons' constitutional autonomy is not absolute. It is limited by certain provisions of federal law and by the case-law of the Federal Court. Each canton must, for instance, adopt a democratic constitution, which must then be guaranteed by the Confederation (through the federal parliament). This guarantee is accorded if the cantonal constitution is not contrary to federal law (Article 51 of the Constitution).

The cantons all have the full machinery of government, which obeys the principle of separation of powers. Although it may vary in specific respects, the organisation of all the cantons is essentially similar: more extensive direct democracy than at federal level, a single-chamber parliament directly elected by the people, a collegial government that is usually also directly elected by the people, and a full court system with various levels of jurisdiction.

Regional organisation and administration of justice

It follows from what has just been said regarding the organs of power that the management of cantonal government is governed exclusively by cantonal law. There is a data bank on cantonal and communal government in Switzerland (BADAC²). This also contains information on political bodies, language use, taxes and institutional reforms.

As regards administration of justice the cantons also enjoy considerable autonomy (Articles 3, 43 and 47 of the Constitution). They are, for example, free to set up their own constitutional courts. The Constitution also makes the cantons responsible for the judicial organisation and administration of civil law (Article 122.2) and of criminal law (Article 123.2). With the exceptions of the Federal Court, the Federal Appeals Commissions and the future Federal Criminal Court, all judicial authorities in Switzerland are based on cantonal law (Article 191). The Federal Appeals Commissions will be replaced, probably in 2007, by the new Federal Administrative Court established by the law of 18 March 2005.

² In French and German. Internet access: www.badac.ch

All the cantons have their own civil, criminal and public-law courts (cf. Article 191 of the Constitution). Civil cases are always tried by a cantonal court. In criminal cases the first-instance court is usually a cantonal one but some cases will in future be tried by the Federal Criminal Court. In the field of public law, cantonal administrative courts have jurisdiction for decisions taken by cantonal authorities, whether these decisions are based on cantonal law or on federal law. All decisions of cantonal courts are normally appealable to the Confederation's supreme court, the Federal Court.

Regional finance

The cantons' financial autonomy is one of their fundamental prerogatives. All the cantons have their own systems of finance. Their autonomy is limited by the Confederation's power to harmonise direct taxes (Article 129 of the Constitution). Under Article 46.3 of the Constitution, the Confederation must take into account the financial burden of implementing federal law. It must therefore leave the cantons adequate sources of finance and ensure fair financial equalisation. The apportionment of functions between the Confederation and the cantons will be reorganised under the legislation for implementing the new financial equalisation mechanism which should come into force in 2008.

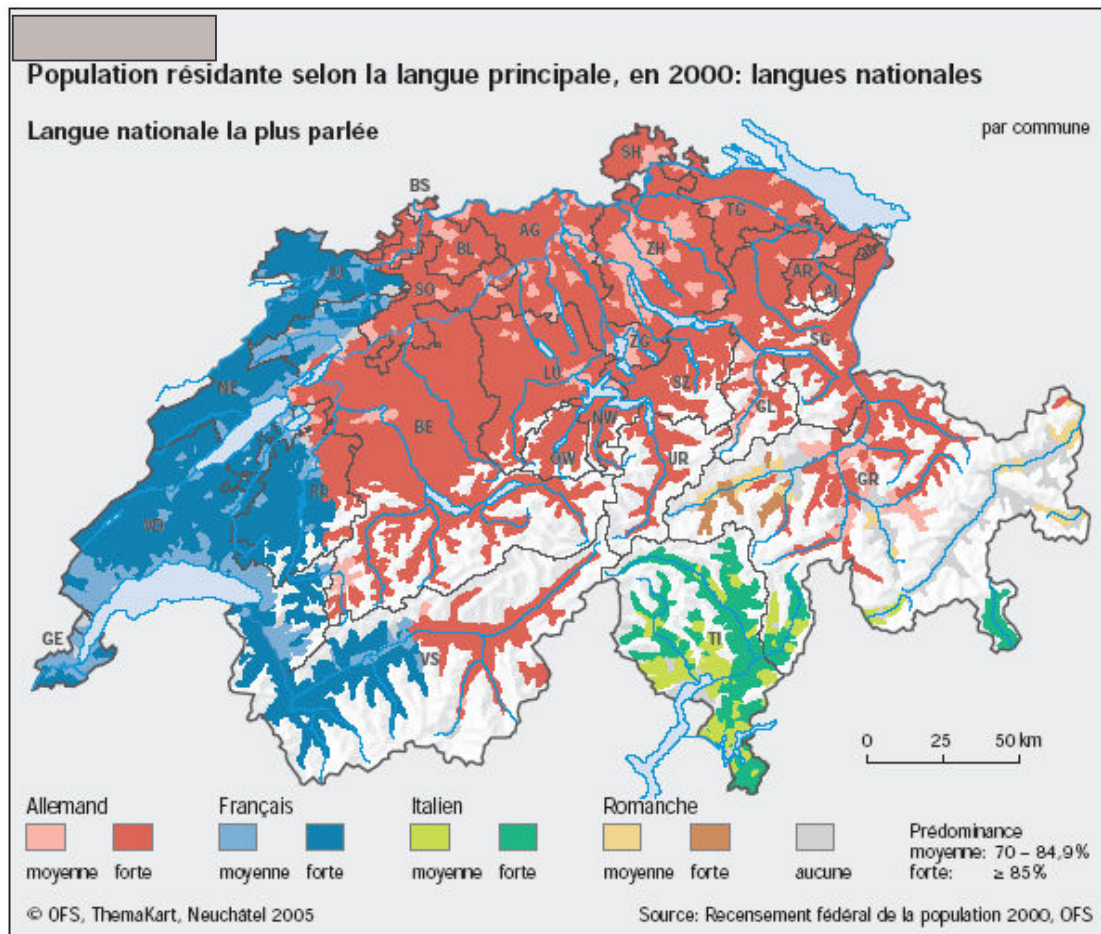
2. Please indicate all regional or minority languages, as defined in paragraph a of Article 1 of the Charter, which exist within your State's territory. Indicate also the parts of the territory of your state where the speakers of such language(s) reside.

2. Regional or minority languages in Switzerland

2.1 Languages in Switzerland and their geographical distribution

National situation

The four national languages are not uniformly distributed throughout Switzerland. There are four language regions, each with a dominant language.

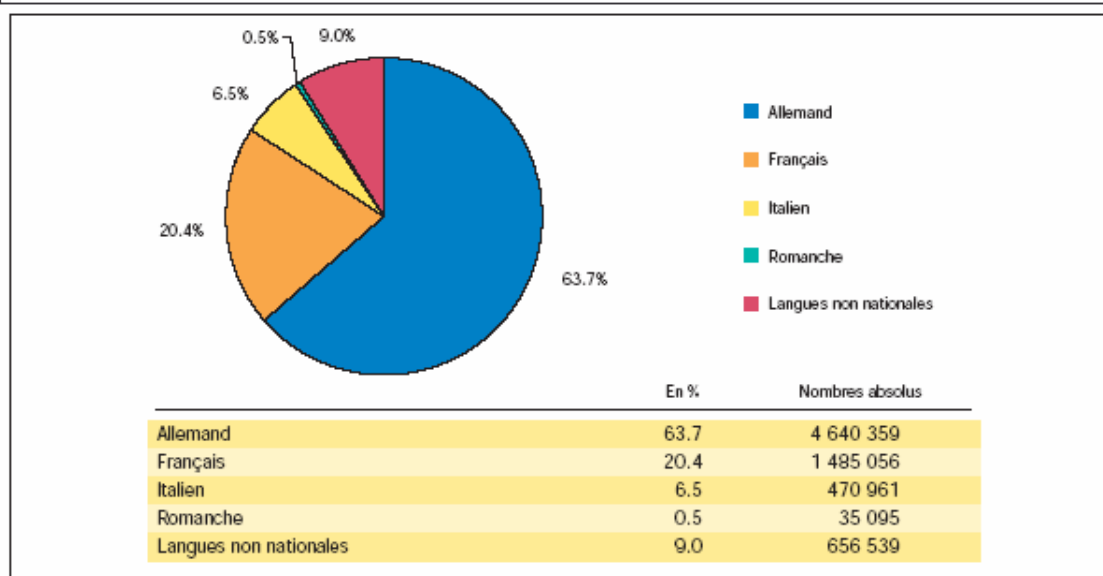


Switzerland acknowledges four national languages (Article 4 of the Constitution), including dialect variants often used only in speech and not recognised as official languages. The Constitution lists the languages in descending order of speaker numbers: German, French, Italian and Romansh. Language areas are not defined nationally but mapped according to the officially recorded majority in each commune. Under Article 70.2 of the Constitution, the cantons each determine their own official language(s) whilst respecting the traditional geographical distribution of languages and taking indigenous language minorities into account. Other than for Romansh, the geographical boundaries of language have remained virtually unchanged since the early Middle Ages. While German, French and Italian are spoken in more or less self-contained areas, Romansh-speaking territory is not one undivided area. Romansh is the only national language in Switzerland not to have a foreign neighbour with the same language and culture.

On the basis of the 2000 federal census the Federal Statistics Office commissioned a study of the language map of Switzerland. The study was published in April 2005 and provides detailed information about languages in Switzerland. It allows a stocktaking of developments regarding the four official languages as well as the non-national languages (Neuchâtel, April 2005³). The information, maps and tables reproduced in this report are taken from that study. The more specific information on Romansh comes from a 2005 publication likewise commissioned by the Federal Statistics Office and available only in German and Romansh (*Die aktuelle Lage des Rätoromanischen* (The present state of Romansh), OFS 2005).

Since the mid-19th century this quadrilingualism has been one of the basic features of Swiss identity. The censuses provide updates on the four official languages and on the non-national languages, which are called “other languages” in the census questionnaire. Traditionally the questionnaire covers only the main language (called “the mother tongue” until 1980). That means that speakers of more than one language must choose one of their languages. In the case of those who are equally at home in two or more languages, that amounts to making a political choice in favour of one of them. Someone who speaks more than one language could declare a language different from the one declared in the previous census, and the choice could be made at least partly on grounds having nothing to do with actual language proficiency. Nationally the languages used as official languages are distributed as follows:

Resident population by main language in percentage and absolute terms (2000)



Source: Recensement fédéral de la population, OFS

The data can be interpreted as the outcome of historical developments. Since 1950 the distribution of national languages has evolved as follows:

Percentage distribution of languages 1950- 2000

	1950	1960	1970	1980	1990	2000
German	72.1	69.4	64.9	65.0	63.6	63.7
French	20.3	18.9	18.1	18.4	19.2	20.4
Italian	5.9	9.5	11.9	9.8	7.6	6.5
Romansh	1.0	0.9	0.8	0.8	0.6	0.5
Non-national languages	0.7	1.4	4.3	6.0	8.9	9.0

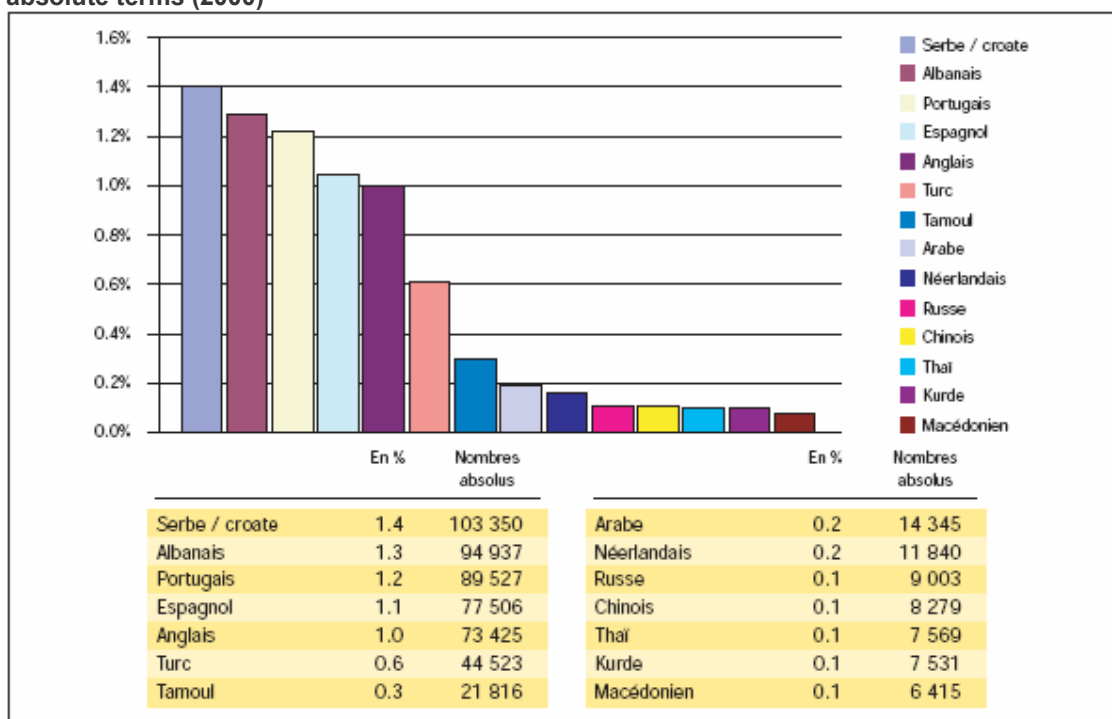
Source : Recensement fédéral de la population, OFS

³http://www.bfs.admin.ch/bfs/portal/de/index/dienstleistungen/publikationen_statistik/publikationskatalog.html?publicationID=1737

Although, at 7,288,010, the total population of Switzerland is 5.7% up on 1990, language distribution has stayed remarkably stable. German is the main language of around two-thirds of the resident population, and French is the country's second language. These two languages' share increased somewhat between 1990 and 2000. In the case of French the increase confirms a trend which has been observed for some decades; in the case of German the increase is minimal and points to a trend reversal. Together, the other two national languages, Italian and Romansh, account for fewer numbers than all non-national languages taken together and are continuing to lose ground. Italian had lost less ground at this census than at previous ones. The non-national languages have made little progress and the proportion they represent is now increasing only slightly.

Since the mid-20th century the figures for non-national languages have been directly linked to growth of the foreign population and how its composition is evolving. It is important to consider not only the numbers whose language is a foreign one but also the breakdown for the main foreign languages.

The 15 most-spoken non-national languages in the resident population in percentage and absolute terms (2000)



Source : Recensement fédéral de la population, OFS

Overall the proportion of foreign languages in Switzerland has barely increased since 1990 but the rank order of the five main groups of foreign languages has changed as a result of changes in migratory flows in Europe. In 1990 the order was Spanish (1.7%), Yugoslav (1.6%), Portuguese (1.4%), Turkish (0.9%), English (0.9%). In 2000 languages of former Yugoslavia and Albanian occupied the first two places. Albanian especially has greatly increased since 1990. Balkan languages have thus taken over from Portuguese and Spanish, which used to be the most widespread foreign languages in Switzerland. Portuguese has overtaken Spanish. English plays a marginal part as a non-national language but is now ahead of Turkish. A wide range of other languages are spoken in Switzerland but speaker numbers are relatively small.

Non-national languages' population share has increased slightly since 1990; it is larger than that of extraterritorial national languages in the German-speaking and French-speaking areas, despite having decreased a little in the French-speaking one. In contrast, in the Italian-speaking area, and even more so in the Romansh-speaking one, it is well below the national average (9%).

Foreign languages are not evenly distributed across the country. Serbian, Croatian, Albanian and Turkish predominate in the German-speaking area, Portuguese is common in the French-speaking

area, and Spanish is more uniformly distributed. English is concentrated in urban areas of Zurich-Zug, Basle, the Lake Geneva area and lower Valais.

Lastly, from a political standpoint, the percentages per region for extraterritorial national languages are of interest:

Percentage distribution of national languages as main languages by language area (year 2000)

	German-speaking area	French-speaking area	Italian-speaking area	Romansh-speaking area
German	86.6	5.1	8.3	25.0
French	1.4	81.6	1.6	0.3
Italian	3.0	2.9	83.3	1.8
Romansh	0.3	0.0	0.1	68.9
Non national languages	8.7	10.4	6.6	3.9

Source : Recensement fédéral de la population, OFS

In German-speaking Switzerland, after German, Italian is the commonest language – twice as common as French. In French-speaking Switzerland German is twice as common as Italian, whereas in Italian-speaking Switzerland German is more than four times as common as French. It is in the Romansh-speaking area that the discrepancies between extraterritorial national languages are greatest: a quarter of the resident population there give German as their main language and only 1.8% Italian. The French share is insignificant.

Romansh, lastly, is little found outside Grisons: 51.6% of Romansh-speakers live in their language area and 25.5% in other language areas of Grisons (together they total 27.038 or 77% of Romansh-speakers in Switzerland). Outside Grisons the figure for Romansh seldom exceeds 0.3%: Sargans (0.4%), Werdenberg (0.3%), Zurich (0.3%). In absolute terms the city of Zurich has the largest number of Romansh-speakers outside Grisons (990). Chur is the commune that has the largest population of Romansh-speakers (1765 or 5.4%).

The following table shows the distribution of Romansh-speakers in the four language regions:

Percentage distribution of Romansh as a main language in the population with Swiss nationality, by language area (year 2000)

	Absolute figures	%
Romansh-speaking area	17,941	53.0
Italian-speaking area	408	1.2
French-speaking area	504	1.5
German-speaking area	15,015	44.4

Source : Recensement fédéral de la population, OFS

These figures are alarming from the standpoint of preserving Romansh. Nearly half of Romansh-speakers live outside the Romansh-speaking area and nearly a quarter outside the canton of Grisons. That clearly shows the importance, for preservation of Romansh, a minority language, that use of it outside its traditional area has taken on.

In addition to the four territorial national languages recognised by the Constitution, Switzerland has two languages which do not have a specific territory – Yenish and Yiddish (see section 4). There are no statistics for these two languages. In a statement issued on 10 October 2005 the Radgenossenschaft (Association of Travelling People) offered the following reason for this: “Many Yenish do not give their language on census returns for fear of discrimination. That fear could be overcome in the long or medium term by more and better awareness-raising efforts aimed at the general public.”

The cantons

The following table gives an overview of language distribution in the cantons.

Main languages by canton in percentage and absolute terms (year 2000)

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

Source : Recensement fédéral de la population, OFS

The most widely used language nationally, German, is in a minority position in the cantons of Fribourg and Valais; Italian is the only language of Ticino and a minority language in Grisons .

Jura and Ticino, which are considered to be monolingual cantons, both have a language enclave for historical reasons. The canton of Jura, which has only existed since 1979, contains the German-speaking commune of Ederswiler (2000: 129 inhabitants, of whom 109 spoke German as their first language), which had a majority of French-speakers until the early 19th century. Ederswiler had a common border with the canton of Bern until 1994, when the former Bern district of Laufon was incorporated into the canton of Basle-Rural. For the commune of Ederswiler the administrative language is German but French is used to communicate officially with the canton of Jura. From time to time the canton has documents translated into German specially for Ederswiler. Since 1993, when the village's German-speaking school was closed, parents in Ederswiler have had the choice of enrolling their children at the school in the French-speaking commune of Movelier (Jura) or the German-speaking school in Roggenburg (Basle-Rural). The Movelier school encourages bilingualism; pupils there have six periods of German a week.

In the canton of Ticino, the commune of Bosco-Gurin, founded in the 13th century by the Walsers from upper Valais, was German-speaking until 1990 (1990: 58 inhabitants, of whom 35 (60.3%) spoke German as their first language). The 2000 census showed that Bosco-Gurin now had an Italian-speaking majority (2000: 71 inhabitants, of whom 23 (32.4%) spoke German as their first language). The commune's administrative language is Italian. The dialect spoken in Bosco-Gurin, Gurin German, is one of the Walser dialects that are also found in upper Valais, Grisons, northern Piedmont, Liechtenstein and Vorarlberg. Although initially, when compulsory schooling was introduced in Ticino (1830), lessons were solely in Italian, an (optional) one period of German was introduced in 1886. Since 1942 German has been a compulsory subject, with two one-hour periods a week. In 2002 the village school was closed. The children now go to the Italian-speaking school in Cevio, but their two weekly periods of German have been kept on. In Switzerland various private organisations are involved in protecting and promoting Walser culture and dialects, including the Walsershaus association in Bosco-Gurin – which runs the local museum – and the Walservereinigung in Grisons (see the reply to the Committee of Experts' recommendation, Part One, section 5.2.1).

The traditional German dialects spoken in these two villages are tolerated in the cantons concerned, but standard German is neither officially recognised as an administrative language nor specifically supported. The language minorities there are legally protected by the cantons' constitutional requirement to "take indigenous language minorities into account" (Article 70.2 of the Constitution).

As a result of population movements within the country, the four national languages – especially Italian and Romansh – are also present outside their specific areas. Whereas, for Romansh, emigration from Grisons has been the decisive factor, in the case of Italian a large number of Italian speakers arrived from Italy in the 1960s and 1970s. Numerically, the largest movements during this period were of German speakers. Yet between 1980 and 1990 German as a first language lost ground extensively in French- and Italian-speaking areas, a fact principally explained by a decline in immigration and the greater assimilative capacity of these two language areas (cf. OFS [Swiss Federal Statistical Office] 1997, pp. 445ff.). In Romansh-speaking areas, on the other hand, German markedly gained ground as the first language owing to a large influx of economically active German speakers and the failure to assimilate them properly (cf. OFS 1996, p. 11). Section 3 below gives detailed statistics for 2000.

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 state has retained for this purpose.

3. Statistical and graphical presentation of data on Italian and Romansh

3.1 Italian

The following data on Italian are taken from the publication *Statistica e lingua, un'analisi dei dati del Censimento federale della popolazione 2000* (Ufficio statistica TI 2004, Osservatorio linguistico della Svizzera italiana).

The area of traditional Italian use takes in the whole of Ticino and four southern valleys in Grisons known as the *valli* (Mesolcina, Val Calanca, Val Bregaglia, Valposchiavo). These areas speak not only standard Italian but also Ticino dialect and Grisons Italian. A large proportion of the Italian speakers live outside the traditional Italian-speaking area and are immigrants.

The general situation regarding the main languages at the 1990 and 2000 censuses is as follows:

Main languages in Italian Switzerland, 1990 – 2000

Main language	Ticino			Italian speaking Grisons (including the commune of Bivio)			
	Total 2000	%	% variation 1990-2000	Total 2000	%	% variation 1990-2000	
Total	306 846	100	-	13 605	100	-	
Italian	254 997	83.1	0.3	11 793	86.7	-0.3	
German	25 579	8.3	-1.4	1 257	9.2	0.4	
French	5 024	1.6	-0.3	86	0.6	0.0	
Romansh	384	0.1	0.0	95	0.7	-0.1	
Other languages	20 862	6.8	1.4	374	2.7	0.0	

Source: *Recensement fédéral de la population, OFS*

3.1.1 Ticino

A comparison of figures from the 2000 and 1990 censuses points to three main trends: reinforcement of Italian (+0.3%), a slight retreat of German (-1.4%) and growth of extra-national languages as a result of immigration (+1.4%). These figures are unsurprising and essentially confirm the trends identified in evaluation of the findings of the 1990 census⁴.

For the first time since homogeneous statistics became available we see a reversal of the percentage decline in Italian as a main language (mother tongue until 1980), which had been a constant trend since 1880, as shown by the following table:

Italian as a main language in Ticino since 1880

	Absolute values	Relative values
1880	129 409	99.0
1890	124 502	98.2
1900	134 774	97.2
1910	149 424	95.7
1920	142 044	93.3
1930	145 347	91.3
1941	146 136	90.3
1950	155 609	88.9
1960	172 521	88.2
1970	210 268	85.7

⁴ Cf. S. Bianconi, C. Gianocca, *Plurilinguismo nella Svizzera italiana*, Bellinzona 1994; OFS, *Le paysage linguistique de la Suisse*, Berne, 1997, particularly S. Bianconi, F. Antonini, *L'italien dans la région de langue italienne*, 217-66.

1980	223 108	83.9
1990	233 710	82.8
2000	254 997	83.1

Source: Recensement fédéral de la population, OFS

To consider the variations within each of these languages, an additional 21,287 people gave Italian as their main language in 2000. That represents a 9.1% increase on the 1990 figures and shows clear reinforcement of Italian's dominant position in Ticino, whereas, in the same period, the other national languages clearly retreated there (German 7.1% down, French 7.9% down).

3.1.2 Italian-speaking Grisons

As regards the main languages, the situation in Grisons partly differs from the situation in Ticino: in comparison with 1990, Italian's position is much the same, German remains strong and extra-national languages hold their ground. Given the fragmentation of the Italian-speaking area of Grisons and the appreciable resultant geographical, economic and demographic differences, it is important to give figures for each part of it by district. The figures for 2000 are:

Main language by district in Italian-speaking Grisons (excluding Bivio), in absolute figures

	Total	Brusio	Poschiavo	Bregaglia	Calanca	Mesocco	Roveredo
Italian	11 733	1 111	2 917	1 127	656	1 934	3 988
German	1 144	64	255	297	117	175	236
Other languages	524	27	53	79	36	107	222
Total	13 401	1 202	3 225	1 503	809	2 216	4 446

Main language by district in Italian-speaking Grisons (in percentages)

	Total	Brusio	Poschiavo	Bregaglia	Calanca	Mesocco	Roveredo
Italian	87.6	92.4	90.4	75.0	81.1	87.3	89.7
German	8.5	5.3	7.9	19.8	14.5	7.9	5.3
Other languages	3.9	2.2	1.6	5.3	4.4	4.8	5.0

Source: Recensement fédéral de la population, OFS

In comparison with 1990 the most significant differences are: Italian increases by 580 (5.2%), German by 128 (12.6%) and other languages by 12 (2.3%).

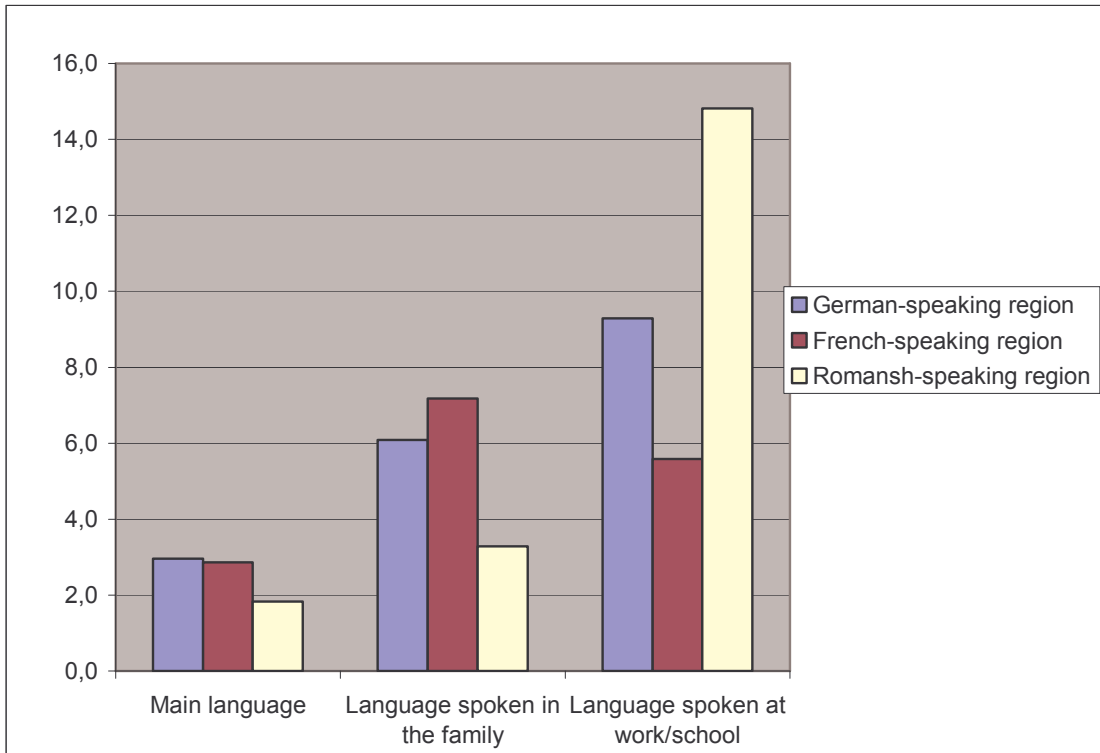
In comparison with 1990, Italian is slightly up at Poschiavo and Roveredo but some 2% down in other districts. In percentage terms, Italian continues, however, to strengthen in Italian-speaking Grisons than in Ticino – even in Bregaglia district, where Italian holds very steady in 2000 after a dip in 1990. German is progressing in all districts except Roveredo, with the largest increase in Calanca (+2.3%).

3.1.3 Italian outside its language area

Main language

In Switzerland as a whole 470,961 people gave Italian as their main language in 2000 as against 524,116 in 1990, ie 6.5% of the working population as against 7.6% in 1990. These figures confirm a weakening of Italian in diaspora areas: in 1990 Italian-speakers in the three non-Italian-speaking areas (279,273) outnumbered those in Italian-speaking Switzerland (244,843); the ratio was the reverse in 2000, with 204,231 (43.4%) people using Italian as their main language in diaspora areas and 266,730 (56.6%) in Italian-speaking Switzerland. The loss of 75,042 Italian-speakers outside the Italian-speaking area between 1990 and 2000 represents a drop of 26.9%. Italian's presence as a main language in German-speaking, French-speaking and Romansh-speaking Switzerland thus declined from 4.2% to 2.9% in the space of ten years. In the three non-Italian-speaking language areas the situation from 1990 to 2000 developed as follows:

Italian as main language spoken at home, work and school in the non-Italian-speaking areas (year 2000)



Source: Recensement fédéral de la population, OFS

Italian-speakers in the three non-Italian-speaking linguistic areas

	Absolute values		Relative values		Variation 1990-2000	
	1990	2000	1990	2000	abs.val.	%
German-speaking Switzerland	210 788	154 536	4.3	3.0	-56 252	-26.7
French-speaking Switzerland	67 919	49 213	4.2	2.9	-18 706	-27.5
Romansh-speaking Switzerland	556	482	2.1	1.8	-74	-13.3

Source: Federal population census, OFS

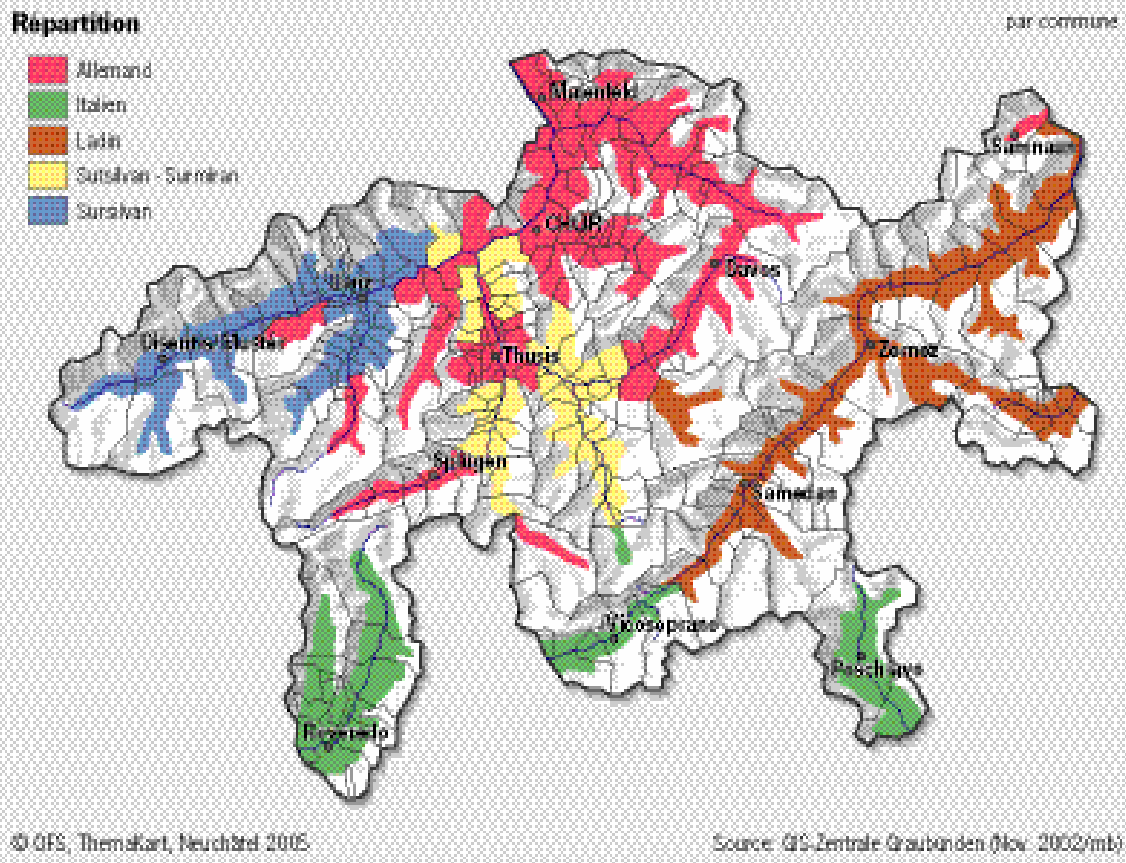
3.2 Romansh

Grisons

The following data are taken from *Die aktuelle Lage des Rätoromanischen*, Federal Statistics Office (OFS), 2005.

Leaving aside the many local variants, Romansh is divided into five main dialects, each spoken in a different part of the canton of Grisons: Sursilvan in the Vorderrhein valley (from Oberalp to Chur), Sutsilvan in the Hinterrhein valley, Surmiran in Oberhalbstein and the Albula valley, Puter in upper Engadine and the upper Albula valley, Vallader in lower Engadine and Val Müstair.

Les langues dans le canton des Grisons, en 2000



Between 1990 and 2000 the numbers giving Romansh as their main language fell by 8.9% (2,641) whereas the population of the canton increased by 7.6% in the same period. The Romansh-speaking population now accounts for only a seventh of the population of the canton. The fall is particularly notable in use of Romansh as the language spoken at home (- 3,015 or 8.2%) as the family, together with school, is a main vehicle for spreading a language. There is, however, a slight increase in use of Romansh in occupational settings.

Resident population of Grisons by language (absolute figures and percentages), 1990 and 2000

	Languages mentioned		Language of greatest proficiency		Language spoken (= LS) at home		LS at work		LS at school	
	1990	2000	1990	2000	1990	2000	1990	2000	1990	2000
Total population	173 890	187 058	173 890	187 058	173 890	187 058	88 953	99 243	22 490	26 678
Number of people replying	173 890	187 058	173 890	187 058	169 203	173 176	81 010	91 028	21 065	25 462
Romansh	41 067	40 168	29 679	27 038	36 722	33 707	13 178	15 715	4 731	5 940
%	23.62	21.47	17.07	14.45	21.7	19.46	16.2 7	17.2 6	22.4 6	23.3 3
Italian	39 089	42 901	19 190	19 106	25 858	25 829	22 244	25 478	2 675	3 687
%	22.48	22.93	11.04	10.21	15.28	14.91	27.4 6	27.9 9	12.7 0	14.4 8
French	14 122	14 842	847	961	3 533	3 295	9 212	10 054	2 391	2 348
%	8.12	7.93	0.49	0.51	2.09	1.90	11.3 7	11.0 4	11.3 5	9.22
German	144 439	157 824	113 611	127 755	125 379	130 535	69 011	81 324	17 813	22 214
%	83.06	84.37	65.33	68.30	74.1	75.38	85.1 9	89.3 4	84.5 6	87.2 4
English	11 869	18 445	626	699	2 923	4 000	8 617	13 794	1 207	2 189
%	6.83	9.86	0.36	0.37	1.73	2.31	10.6 4	15.1 5	5.73	8.60
Other	14 424	19 393	9 937	11 499	11 611	14 904	4 431	4 471	388	582
%	8.29	10.37	5.71	6.15	6.86	8.61	5.47	4.91	1.84	2.29

Source: federal census

Romansh as best language in the traditional Romansh-speaking area

Under the heading "Language" the 1990 census form asked several questions, one of which concerned the language of greatest proficiency or "best language". Here, 25,894 people out of 66,780 in the traditional Romansh-speaking area (ie 38.8% of the population) gave Romansh. In 2000 only 24,016 did (- 7.3%), even though the population increased by 9.6% in the same period. That means that even in the traditional Romansh-speaking area only just under a third of the population (32.8%) still gave Romansh as their best language.

The present situation and trends regarding Romansh vary considerably from one area to another. The areas where the fall in numbers is smallest are those that speak Vallader (-2.0%) and Sursilvan (-5.0%); Romansh however, is 15.3% down in the Surmiran area, 16.3% down in the Puter area, and as much as 26.6% down in the Sutsilvan area. The current distribution of Romansh in the areas where the different variants of it are spoken is: Vallader 63.1%, Sursilvan 42.5%, Surmiran 30.2%, Puter 12.8% and Sutsilvan 7.9%.

Romansh as the language spoken at home in the traditional Romansh-speaking area

In 1990, when the population was first asked about the language spoken at home, 30,985 out of the 64,980 people in the traditional Romansh-speaking area gave Romansh (ie 47.7%). Although the population has risen by 9.6% since then, only 28,712 gave the local language as their answer in the 2000 census, a drop of 7.3%. Thus Romansh is now only spoken at home by 42.5% of the population in its traditional area.

Here too the situation regarding Romansh varies a great deal from place to place: the areas where the drop in numbers is least pronounced are the Vallader (-4.3%) and Sursilvan (-5.8%) ones, whereas the drop in numbers is greatest in the Surmiran (15.9%) and Sutsilvan (19.3%) areas. In the Puter area Romansh loses "only" 8.3% as the language spoken at home as compared with a drop of 16.3% as best language. The present distribution of Romansh in the areas where its variants are spoken is: Vallader 74.6%, Sursilvan 52.2%, Surmiran 38.8%, Puter 23.1% and Sutsilvan 13.8%.

Romansh as the language spoken at work in the traditional Romansh-speaking area.

In reply to the question about the language they spoke at work, 11,655 people carrying on occupations in the traditional Romansh-speaking area stated Romansh in the 1990 census. That represented 37.9% of people in that category who answered the question (30,739 people out of 33,514). In contrast to the trend found for best language and language spoken at home, the figures here were on the rise in the 1990-2000 period for use of Romansh at work. This is all the more remarkable in that the working population rose by one sixth, to 39,021 (36,007 of whom answered the census questionnaire). The number of Romansh-speakers occupationally even increased slightly more, in percentage terms, with 13,734 (38.1%) giving Romansh as the language spoken at work, a percentage approaching that for Romansh as the language spoken at home (42.5%).

As in the other settings, the situation regarding Romansh as the language spoken at work varies considerably from one area to another. In contrast, however, to the movement found for Romansh as best language or Romansh as the language spoken at home, Romansh here increased in absolute terms in its five variant areas (Vallader by 21.9%, Sursilvan by 17.3%, Puter by 16.7%, Surmiran by 16.3% and Sutsilvan by 10.9%). In percentage terms by area, that means 73.3% for Vallader (70.2% in 1990), 46.2% for Sursilvan (44.8%), 33.8% for Surmiran (35.7%), 23.3% for Puter (23.3%) and 10.8% for Sutsilvan (12.6%). In relative terms, Romansh thus lost a little ground in central Grisons.

Romansh in Switzerland

Nationally, between 1990 and 2000, Romansh contracted by 11.4%

Resident population by language in absolute figures and percentages (1990 and 2000)

	Languages mentioned		Language of greatest proficiency	
	1990	2000	1990	2000
Total population	6 873 687	7 288 010	6 873 687	7 288 010
Romansh	66 082	60 561	39 632	35 095
%	0.96	0.83	0.58	0.48
Italian	1 016 341	965 430	524 116	470 961
%	14.79	13.25	7.62	6.46
French	2 301 812	2 402 249	1 321 695	1 485 056
%	33.49	32.96	19.23	20.38
German	5 057 066	5 281 178	4 374 694	4 640 359
%	73.57	72.46	63.64	63.67
English	760 583	1 019 082	60 786	73 425
%	11.07	13.98	0.88	1.01
Others	842 438	1 088 299	552 764	583 114
%	12.26	14.93	8.04	8.00

Source: Federal census (Federal Statistics Office)

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

4. Non-territorial minority languages

In Switzerland two languages may be described as traditional non-territorial languages: Yenish, the language of travelling people in Switzerland, and Yiddish, the language of Swiss Jews. The federal census has no section explicitly for traditional languages with no particular home area. Although Yenish-speakers and Yiddish-speakers could mention their language under "Other", the Federal Statistics Office has no detailed data on the subject.

Yenish

The latest estimates put the Yenish-speaking population of Switzerland at between 30,000 and 35,000, around 3,000 of whom are still nomadic. In 1997, under the federal law of 7 October 1994 on the foundation "Assurer l'avenir des gens du voyage suisses" [A Future for Swiss Travelling People] (RS 449.1), the Confederation gave the new foundation a starting capital of one million Swiss francs and has since made it an annual operational grant "to safeguard and improve [travelling people's] living conditions and uphold their cultural identity". Swiss travelling people's umbrella organisation, Radgenossenschaft der Landstrasse, has been receiving annual federal subsidies since 1985.

Yiddish

In its first two reports on the European Charter for Regional or Minority Languages, the Confederation explained its position regarding Yiddish in Switzerland. Since Yiddish-speakers have not asked for any support from the Confederation to promote their language, there is no systematic provision for Yiddish in the Confederation's cultural and language policy⁵.

⁵ See Switzerland's second report, p.16.

5. Please provide recent general statements on the policy of your State concerning the protection of regional or minority languages where it may be of use to supplement the above four points.

5. Present language-policy measures

5.1. The Languages Bill

On 28 April 2004, on account, it said, of financial shortage and its instructions from Parliament to make savings, the Federal Council decided not to submit to the Chambers the preliminary draft legislation on languages and accompanying message. The National Council reacted to this announcement by tabling two motions calling on the Federal Council to submit the legislation to Parliament nevertheless, these two motions being followed on 7 May by a parliamentary initiative to similar effect (lv. pa. Levrat 04.429. Loi fédérale sur les langues nationales). The councils' two science, education and culture committees both approved the initiative, with the result that the National Council's committee began debating the Languages Bill on 24 June 2005. The committee will be finalising the dossier at second reading in July 2006. The National Council will then debate it, probably in autumn 2006.

5.2. Reform of language teaching in the cantons

Reform of language instruction during compulsory schooling has been under intense discussion for several years. Broadly, the aim is to intensify and improve the teaching of languages (the first language and foreign languages), to introduce foreign languages earlier (a first foreign language in Year 3) and to introduce a compulsory second foreign language (a second national language and English at primary school). Discussions have been based in particular on an expert report setting out a general language-teaching plan which was commissioned by the Swiss Conference of Cantonal Ministers of Education (CDIP) and published in 1997.

At their plenary assembly on 25 March 2004 the cantonal education ministers adopted a language-teaching development strategy with 24 votes for and 2 abstentions (Appenzell-Outer Rhodes and Lucerne). The CDIP is thus clearly in favour of retaining introduction of a second national language for all pupils at primary level (no later than Year 5). In a multilingual country, and for political reasons, a second national language is undoubtedly one of the languages requiring an early start. The CDIP also supports the objective of giving pupils the opportunity to develop their knowledge of further national languages.

The jointly agreed timetable (there may be differences in Ticino and Grisons on account of those cantons' special language situation) is:

- **Harmonisation of starting conditions by 2006/2007:** in all cantons it will be compulsory for a second national language to be taught to all pupils, starting in Year 5 at the latest, and English by Year 7 at the latest.
- **Attaining the long-term objective** (two foreign languages by Year 3 and Year 5 at the latest): a first foreign language from Year 3 onwards will have to have been introduced in all cantons by 2010 at the latest, and teaching of a second foreign language from Year 5 onwards by 2012 at the latest. In actual fact implementation has already begun, with teaching of English from Year 3 onwards in central Switzerland (school year 2005/2006). In 2004/2005 the canton of Zurich began staggered introduction of English from Year 2.
- **Order of introduction of languages:** the approach will be co-ordinated within the four regional conferences of the CDIP. Their decisions or stated intentions suggest the following plan:
 - in most of German-speaking Switzerland English will be the first foreign language taught (from Year 2 or Year 3), followed by French from Year 5 as at present (CDIP for central Switzerland, CDIP for eastern Switzerland plus Zurich);

- in French-speaking Switzerland German is already being taught from Year 3 of primary school and will remain the first foreign language taught, followed by English, whose introduction will be brought forward to Year 5 (statement by the Intercantonal Conference of Education Ministers for French-speaking Switzerland);
- in areas close to the language boundary (German-speaking parts of the cantons of Valais and Fribourg and probably other cantons), French will continue to be the first foreign language taught, followed by English, which in future will be introduced in Year 5. The position of the CDIP for north-east Switzerland is still awaited;
- in Ticino and Grisons the first foreign language taught will continue to be a national language.
- From the standpoint of intercantonal pupil mobility, the intended approach can be regarded as reasonable in that only two years will separate the introductions of the two foreign languages and the required proficiency standards will be clearly set out by the CDIP. In addition there will be a mobility clause encouraging cantons to introduce arrangements so that pupils who change cantons can bring their language knowledge up to scratch.

Compulsory language proficiency standards

The planned changes in language teaching will become compulsory under the CDIP HarmoS project (harmonisation of compulsory schooling). The CDIP's intention is that the project will set measurable proficiency standards for the first language and for foreign languages. The proficiency levels which pupils will be required to achieve through language instruction will thus be set for the whole of Switzerland as from 2007.

- In its decision the CDIP observes that the objectives will be attainable only if language teaching is constantly improved and language abilities are developed earlier. That will require investment in initial and in-service teacher training, development of methodology, and scientific evaluation. The cantons will be collaborating more closely in order to achieve these common aims.

The CDIP decision caused an outcry in a number of cantons in German-speaking Switzerland. The decision's opponents want only one foreign language at primary school. A first popular initiative was launched in the canton of Zurich, a canton which pioneered the learning of English before French at primary school. An intercantonal committee, "Only one foreign language at primary school", has since been set up. Debate is under way in eleven German-speaking cantons further to popular initiatives, parliamentary initiatives, consultations and other moves.

Under reform of language teaching in the canton of Grisons, Italian replaces French as the first foreign language for German-speakers. That measure strengthens the position of languages in the canton. However, in the communes which have a pronounced language mix, being close to the language boundary, Italian is partly in competition with Romansh. At secondary level, and this is a new development, English is being taught as an extra-cantonal foreign language. In the Grisons Grand Council a parliamentary group has called on the cantonal government to replace Italian by English as the first foreign language. The cantonal education department is working on appropriate model syllabuses.

The issue of teaching a second and third foreign language is also giving rise to political debate at federal level. The Berberat parliamentary initiative of 21 June 2000 (00.425. Enseignement des langues officielles de la Confédération) asks for a provision to be added to the federal Constitution (Art.70 al. 3bis Cst.) requiring the cantons to ensure that the second language taught, after the official language of the canton or area, is one of the Confederation's official languages. That initiative is being discussed as part of parliamentary debate on the Languages Bill.

In December 2005 the federal Chambers adopted a federal decree "amending the articles of the Constitution on education". The decree was in reply to two parliamentary initiatives tabled in 1997 ([97.419](#), Iv.pa. Zbinden) and 2003 ([03.452](#) Iv.pa. Plattner) and is the cornerstone of the future Swiss education area. The main purpose of this constitutional revision is to compel the Confederation and the cantons to co-ordinate their action and co-operate in education matters, from primary school to university. By this means the school entry age, the length and objectives of the different education levels, and recognition of qualifications will be harmonised throughout the country. If the cantons to

not succeed in reaching agreement, the Confederation will be able to make the necessary provision. The draft amendment was endorsed by the people and the cantons by an overwhelming majority, with an 86% yes vote.

Introduction of Romansh Grischun as the language of reading and writing at Romansh-speaking schools

By decision of 21 December 2004 the government of Grisons adopted an overall plan, "Rumantsch Grischun at school" (http://www.gr.ch/staka/doks/2005/MM_Rumantsch_Grischun_dt_12-01-05.doc) (see Part 3, Report of the canton of Grisons). Under the plan Romansh Grischun (RG) will gradually replace Vallader, Puter, Surmiran, Sutsilvan and Sursilvan as the language of reading and writing at compulsory school. The government of Grisons gives the following reasons for this important innovation:

- using RG for reading and writing is regarded as an effective way of safeguarding and promoting Romansh;
- it will allow human and financial resources to be concentrated;
- it will allow more book production to a higher standard;
- it will allow design of more attractive learning materials;
- it will reinforce language identity.

On 11 March 2003 the Grand Council (Parliament) of Grisons approved an initial proposal from the government that teaching/learning materials be printed solely in RG as from 2005. The organisation Lia Rumantscha, which has pressed for RG to be introduced as the language of reading and writing at primary school, is likewise entirely in favour of the general plan, while stressing the need to take utmost care in preparing the ground for it.

The canton did not officially consult the communes on its decision of 21 December 2004. The communes were however invited to hold ballots so that the community could express a view on the three variants put forward (for details, see Part 3). The plan received an explicit welcome from the six communes of Val Müstair, who decided to adopt RG as the language of instruction as from school year 2007. In mid-May 2006 the following communes of central Grisons and Suselva also came out in favour of the "pilot" variant: Lantsch/Lenz, Brienz/Brinzauls, Tiefencastel, Mon, Salouf, Riom-Parsonz, Savognin, Sur and Trin.

The government's RG plan has been sceptically received or rejected outright by many people as well as by many communes and regional institutions. At the instigation of the Young Christian Democrats in Surselva, referenda were held in 2004 in 28 of the 81 communes directly affected, where education is through the medium of Romansh at primary school. There was a clear rejection: 78% of the electorate who voted said they were opposed to introducing RG as the sole language of instruction at school.

The following is a sample of the main arguments put forward against the plan:

- introducing RG as the language of reading and writing has little chance of succeeding given the deficits to be made good and the present problems;
- the existing body of literature is mainly in the different variants, and literary output in RG is insufficient;
- as a minor language, Romansh increasingly tends to be a purely spoken language (see the census results). The plan would only accelerate the process. Teachers and the general public are unenthusiastic about the innovation;
-
- financing the plan would be at the expense of other important measures.

In 2005 the Grisons government asked the Confederation for increased federal aid to introduce RG at school and give more extensive support to organisations active in promoting the language. Following a refusal from the Confederation, on budget grounds, a delegation from the Grisons government, accompanied by representatives of the organisations concerned, went to Bern in September 2005 to make a renewed request to the Federal Department of Internal Affairs. When that meeting failed to produce any concrete result, the Grisons government again wrote, on 1 February 2006, to the head of

the Federal Department of Internal Affairs setting out its case for increased federal aid and declaring its willingness to make a larger cantonal grant. By letter of 27 February 2006 the department replied to the cantonal government that an increased federal grant was impossible on account of instructions from Parliament and the Federal Council to make savings. The Confederation is, however, endeavouring to maintain its grant at the present level despite the economy measures.

PART ONE

1. Please state the main legal act(s) and/or provisions that you consider essential for the implementation of the European Charter for Regional or Minority Languages in your country. Please provide :

- ***copies of those acts and/or provisions, in English or French, should your country not have done so in relation to the initial periodical report⁶ ;***
- ***details and copies of new legislation or policy documents with relevance to the regional or minority languages ;***
- ***details of case law or other legal or administrative developments in this field.***

1. Legal basis for implementing the European Charter for Regional or Minority Languages

The main provisions of international, national and cantonal law affecting Swiss language arrangements are explained below. At federal level mention will also be made of Federal Court judgments on language matters, illustrating the definitive interpretation of the law in actual cases.

We have decided not to append documents from the *Recueil systématique* (Systematic Collection of Swiss Law), which are available on the Federal Chancellery website <http://www.admin.ch/ch/f/rs/rs.html>.

1.1 International law relating to languages

Because Switzerland is a monist state, in legal terms the international treaties which it ratifies have the force of domestic law immediately. The ones cited below have a language dimension.

International Covenant on Civil and Political Rights (RS 0.103.2)

Article 2 of the International Covenant on Civil and Political Rights affords protection to language minorities. Linked with Article 2, Article 26 prohibits discrimination on various grounds, including language. Article 14.3, paragraphs (a) and (f), also states that any person charged with an offence is entitled to be informed of the charge against him in a language which he understands or to have the assistance of an interpreter.

European Convention on Human Rights (ECHR, RS 0.101)

The European Convention on Human Rights provides identical safeguards (see ECHR, Articles 5.2 and 6.3). Article 14 prohibits any discrimination based on language and discrimination infringing the rights guaranteed by the ECHR.

Convention on the Rights of the Child (RS 0.107)

Article 30 of the Convention on the Rights of the Child protects children belonging to linguistic minorities.

International Covenant on Economic, Social and Cultural Rights (RS 0.103.1)

⁶ The principal legal acts and/or provisions referred to are meant to facilitate the Committee of Experts' assessment and should reduce the number of supplementary questions the Committee has to address to state Parties. The Committee will however take due account of the specific problems of particular countries, especially those with complex administrative structures or numerous legislative bodies.

Articles 13 and 15 of the International Covenant on Economic, Social and Cultural Rights concerning the right to education and cultural life also apply to promotion of minority languages.

Council of Europe Framework Convention for the Protection of National Minorities (RS 0.441.1)

On 21 October 1998 Switzerland ratified the Council of Europe Framework Convention for the Protection of National Minorities, which entered into force on 1 February 1999. The Convention also contains a number of provisions relating to language freedom: the right of all persons belonging to a national minority to use freely and without interference their minority language, in private and in public, orally and in writing (Article 10), their right to use their surnames (patronyms) and first names in the minority language and to official recognition of them (Article 11), their right to learn their minority language (Article 14) and their right to set up and manage their own private educational and training establishments (Article 13).

1.2 Confederation law relating to languages

Constitutional provisions concerning language

The national languages, which are regarded as a constituent of the federal state, are listed in the general provisions (Article 4). Freedom of language is recognised as a basic right in article 18. The Confederation's and cantons' functions and powers regarding language policy are dealt with in Article 70.

Scope of Article 18 of the Constitution (freedom of language⁷)

“Freedom of language safeguards use of the mother tongue⁸. This must be taken to mean as much the spoken language as the written language and the dialects, and not only the first language learnt during childhood but also a second or third language of which the person has a good command ... The content of language freedom will vary depending on whether it has to do with relations between individuals or relations between individuals and the state. The former case relates to the right to speak the language of one's choice. The latter case involves a minimum right essentially safeguarding the use of a minority national language in a given geographical area – in other words, the right of historical national minorities not to have the one official language or the one language of state education imposed on them. The Federal Court allows restrictions of language freedom, based on the territoriality principle, in relations between individuals and the state.”⁹

“As applied by the Federal Court, the territoriality principle safeguards the country's traditional language make-up. In this judgment the Federal Court states that the territoriality principle limits freedom of language and allows the cantons to take measures to preserve traditional boundaries of language areas, even if this means restricting people's freedom to use their mother tongue¹⁰. Such measures must, however, be proportionate” (cf. Article 70.2 of the Constitution).

Scope of Article 70 of the Constitution

Article 70.1 of the Constitution states that the official languages of the Confederation are German, French and Italian; Romansh is an official language for Confederal relations with Romansh-speakers. The former Article 116.4 made express provision for a law governing the use of Romansh.

Article 70.2, first sentence, states that it is for the cantons to decide their official language(s). As that has always been a cantonal responsibility this first sentence is purely rhetorical. Since the cantons themselves determine use of official languages on their territory, the provision has no impact on federal legislation. The second sentence of paragraph 2 requires the cantons to respect the traditional geographical distribution of languages and take indigenous language minorities into account.

Article 70.3 of the Constitution gives both the Confederation and the cantons responsibility for providing support. It requires the Confederation and the cantons to take new measures relating to

⁷ Federal Council message of 20 November 1996 on a new federal constitution, p. 163f.

⁸ ATF 116 Ia 345f.

⁹ ATF 91 I 486; 100 Ia 462; 106 Ia 302; 121 I 196.

¹⁰ ATF 122 I 236.

language policy and promotion of understanding between language communities. However, this in no way changes or restricts cantonal powers and responsibilities for education, culture or research, for example. The Confederation itself can only take measures in its own field of responsibility. It can only act in lieu of the cantons if the cantons fail to take the action required by the provision. It can, however, provide and fund support services, which the cantons are free to make use of or not.

Article 70.5 of the Constitution requires the Confederation to support the measures taken by the cantons of Grisons and Ticino to safeguard and promote Romansh and Italian. This requirement is given effect in the federal law of 6 October 1995 (RS 441.3) (see below).

Federal laws

Under the new constitutional language arrangements, the Confederation has enacted a series of legislative measures to safeguard and promote Italian and Romansh.

Federal law on financial aid for the protection and promotion of the Romansh and Italian languages and cultures (RS 441.3)

Under this federal law of 6 October 1995 the Confederation can grant financial aid to the cantons of Grisons and Ticino to support 1) general measures for protecting and promoting the Romansh and Italian languages and cultures, 2) organisations and institutions engaged in supraregional work to protect and promote the Romansh and Italian languages and cultures, and 3) publishing in Rhaeto-Romanic and Italian-speaking Switzerland. The law also allows the Confederation to support the Romansh press for the purpose of protecting and promoting the Romansh language. Ever since this financial aid to the cantons of Grisons and Ticino for the protection and promotion of the Romansh and Italian languages and cultures has existed, federal contributions have been regularly increased. In 2005 Grisons received 4 559 000SFr and Ticino 2 280 000SFr.

It is planned to incorporate the provisions of this law in the new languages legislation.

Official Publications Act (RS 170.512)

The law of 21 March 1986 on official publications was completely revised on 18 June 2004. Article 14 provides that publication in the official languages (German, French and Italian) must take place simultaneously. In the case of legal instruments all three versions are authentic. Publication in Romansh is dealt with in Article 15, under which Confederal measures of particular importance are separately issued in Romansh. It is specified that the Federal Chancellery decides which documents are to be published in this way after consulting the Grisons chancellery.

Order on translation in the general administrative services of the Confederation (RS 172.081)

The order of 19 June 1995 on translation in general confederal administration provides that official publications and other important documents are to be translated into all the official languages of the Confederation, with special arrangements for Romansh. These are included in the new Languages Bill.

Federal Radio and Television Act (RS 784.40)

The Federal Radio and Television Act of 21 June 1991 gave the Swiss Broadcasting Corporation (SRG SSR *idée suisse*, hereafter "SSR") a franchise to broadcast national and regional schedules in the German-, French-, Italian- and Romansh-speaking areas. SSR services thus take on exceptional importance for promoting national languages. The SSR caters for Switzerland's quadrilingualism and is a radio and television broadcaster in all the language regions and in all national languages. Under the banner of "idée suisse" ("the Swiss idea"), which has formed part of the corporation's name for some years now, The SSR seeks to assist social and cultural integration in Switzerland, for example by regularly producing supraregional programmes and by broadcasting information about other language regions.¹¹

The three television studios in Zurich, Geneva and Lugano each produce two programme schedules in their own language region which can be received throughout Switzerland via the terrestrial network and by satellite and cable. In addition, the Federal Council lays down rules ensuring that broadcasting

¹¹ In 2000 the SSR research service published a study confirming the integrator importance of radio and television in Switzerland.

output takes into account the needs of Rhaeto-Romanic Switzerland. SSR television schedules for French-, German- and Italian-speaking Switzerland devote corresponding airtime to the interests of the Romansh-speaking community, and the corporation broadcasts television programmes in Romansh via its German-language and French-language channels (SF1 and SFinfo).

The SSR has radio schedules in the four national languages and in the corresponding regions. A programme schedule is broadcast nationally in each of the three official languages (German, French and Italian). Coverage is governed by the directives of 27 October 2004 on the planning of the USW transmitter network: it must be possible to pick up the main radio station of each of the three main language regions in all towns and villages with over 200 inhabitants, in so far as frequency availability permits. The same applies to the Romansh radio station in the canton of Grisons .

Romansh radio can also be received by cable, satellite and a new network of digital transmitters (terrestrial digital audio broadcasting: T-DAB) in towns and cities outside the traditional Romansh area. Since 2002 Switzerland's sixteen radio stations have been receivable by satellite throughout the country.

The Radio and Television Act is currently being revised. The revised version should come into force on 1 January 2007.

Federal law on the Pro Helvetia Foundation (RS 447.1)

Under the Pro Helvetia Act of 17 December 1965, the public-law foundation Pro Helvetia has the function of protecting and promoting culture in Switzerland and maintaining cultural relations with foreign countries. Its main tasks are 1) to maintain Switzerland's spiritual heritage and preserve the original features of its culture, 2) to encourage Swiss cultural creativity in the cantons, the different language regions and the various cultural spheres, 3) to promote cultural exchanges between the different regions and these various spheres, and 4) to maintain cultural relations with countries abroad. Founded in 1939, Pro Helvetia and the Federal Culture Department (OFC) are the Confederation's main instruments of cultural involvement.

The Confederation makes Pro Helvetia an annual grant for carrying out its cultural functions in Switzerland and abroad. Financial aid for the 2004-2007 parliamentary term was set in the message of 28 May 2003 (FF 2003 4885). The Pro Helvetia Act is being revised (see preliminary draft at www.bak.admin.ch).

Federal Court decisions concerning languages

The Federal Court plays an important part in interpreting and ensuring compliance with cantonal and federal language law. The list below shows the relevant judgments since adoption of the new language article in 1996.

• **Corporaziun da vaschins da Scuol v. Regenza dal chantun Grischun**, judgment of 6 June 1996 (122 I 93). For the first time, a Federal Court judgment, requested by the commune of Scuol, had to be drafted in Romansh under the new language article adopted by referendum on 10 March 1996. This was the Federal Court's first judgment concerning the Romansh area since adoption of the article. It demonstrated that the Federal Court took seriously the recognition by the present Article 70.1 of the Constitution (former Article 116.4) of Romansh as the official language in certain cases and that it intended to apply it immediately.

• **Jorane Althaus v. the people of Mörigen and the Education Department of the canton of Bern**, judgment of 15 July 1996 (122 I 236). The Federal Court upheld the appeal, by parents who, although they lived in the German-speaking commune of Mörigen (canton of Bern), had enrolled their daughter in a French-speaking school in Biel and were paying the financial consequences themselves. Enrolment at the German-speaking school in Mörigen, as insisted on by the commune, was deemed to be a disproportionate restriction of language freedom.

• **Public-law appeal against the State Council of the canton of Fribourg**, judgment of 21 June 1999 (125 I 347). The Federal Court upheld an appeal against the State Council of the canton of Fribourg, which was proposing to allow only Protestant pupils to attend free of charge the Freie Öffentliche Schule (free German-speaking state school) in Fribourg. The Court stated that it was not ruling on the question of which of the communes concerned was constitutionally entitled to free education in German, but on the ground of denominational discrimination it refused to accept that the

canton should grant this privilege only to Protestant children in the catchment area of the free state school.

• **Public-law appeal of 15 August 2000 against Entreprises Electriques Fribourgeoises**, decision of 15 August 2000 (5P.242/2000). The Court decision could be delivered in the language of the person who had lodged the appeal (German in this case) although the proceedings were conducted in French in the bilingual canton of Fribourg, because the opposing party (a business established under public law) was required to be proficient in German, which was an official cantonal language.

• **Decision against the Examining Magistrates' Office of Jura Bernois / Seeland** of 11 October 2001 (1P.500/2001). The Federal Court delivered a decision concerning the restriction, under the territoriality principle in criminal proceedings, of the fundamental right to freedom of language.

• **Decision against the Administrative Court of the canton of Fribourg** of 2 November 2001 (2P.112/2001). The Federal Court recognised that the person lodging the appeal was entitled to send his children to a school using their mother tongue.

• **Administrative law appeal by Swisscom SA against a decision of the Appeals Board of the Federal Ministry for Environment, Transport, Energy and Communication**, 9 July 2003 (decision 1A.185/203, ATE 130 II 249). In proceedings concerning the cantonal authorities the federal authority was allowed to draft its enforceable decision in the cantonal authority's official language when the parties could be expected to have a command of it.

• **Appeal against the Confederation Prosecution Service (Lugano) and the Complaints Division of the Federal Criminal Court** (1S6/2004, judgment of 1 January 2005). The Confederation Prosecution Service could choose as the language of the preliminary investigation the official language which was that of the main accused. It must however issue decisions and important procedural instructions to persons directly concerned in the official language of the place where the coercive measure was to be carried out if those persons had until then corresponded with the Prosecution Service in that language.

1.3 Cantonal constitutions and regulations

The cantonal constitutions of certain monolingual cantons (Ticino, Vaud, Neuchâtel and Jura) and all the multilingual cantons (Bern, Fribourg, Grisons and Valais) include an article relating to languages:

• Constitution of the canton of **Bern** (6 June 1993)

Article 6 Languages

1 German and French shall be the national and official languages of the canton of Bern.

2 The official languages shall be:

- a) French in the Jura Bernois,
- b) French and German in the district of Biel,
- c) German in the other districts.

3 The canton and the communes may make allowance for special situations resulting from the bilingual nature of the canton.

4 Everyone may communicate in the official language of his or her choice with authorities whose jurisdiction covers the whole of the canton.

• Constitution of the canton of **Fribourg** (16 May 2004):

Article 6 Languages

1 French and German shall be the official languages of the canton.

2 Their use shall respect the principle of territoriality: the state and communes shall observe the traditional geographical distribution of languages and shall have regard to indigenous language minorities.

3 The official language of the cantons shall be French or German. In communes with a large indigenous language minority both French and German may be official languages.

4 The state shall foster understanding, good relations and exchange between cantonal language communities. It shall encourage bilingualism.

5 The canton shall foster relations between the national language communities.

• Constitution of the canton of **Grisons** (14 September 2003):

Article 3 Languages

1 The national and official languages of the canton shall be German, Romansh and Italian.

2 The canton and communes shall support and take the necessary steps to preserve and promote Romansh and Italian. They shall foster understanding and exchange between the language communities.

3 The communes and districts shall decide their official and school language or languages, regard being had to the traditional distribution of languages and to indigenous language minorities.

• Constitution of the republic and canton of **Ticino** (14 December 1997)

Article 1

Canton of Ticino

1 The canton of Ticino is a democratic republic of Italian language and culture.

The legislation of the canton of Ticino includes various provisions for settling language questions in the fields of education, justice and culture.

• Constitution of the canton of **Vaud** (14 April 2003)

Article 3

Official language

The official language of the canton shall be French.

A new cantonal constitution was adopted by referendum on 22 September 2002. It came into force on 14 April 2003.

• Constitution of the canton of **Valais** (8 March 1907)

Article 12

1 French and German are declared to be national languages.

• Constitution of the republic and canton of **Neuchâtel** (24 September 2000)

Article 4

The official language of the canton shall be French.

• Constitution of the republic and canton of **Jura** (20 March 1977)

Article 3 Language

French shall be the national and official language of the republic and canton of Jura.

2. Please indicate the bodies or organisations, legally established in your state, which further the protection and development of regional or minority languages. Please, list the names and addresses of such organisations.

2. Organisations associated with policy on languages and mutual understanding

The organisations and institutions listed below play an important part in promoting Italian and Romansh in their respective regions. While some are specifically dedicated to language promotion, others tend towards more general cultural, political and/or journalistic goals.

The three **language organisations** below receive subsidies for their work from the canton of Grisons and the Confederation:

Lia Rumantscha (LR)
Via da la Plessur 47
CH-7001 Cuiras

Tel.: +41 81 258 32 22
Fax: +41 81 258 32 23
Website: www.liarumantscha.ch

LR fosters Romansh language and culture in four ways: 1) by federating and supporting Romansh organisations, 2) by promoting and implementing projects in this field, 3) by studying language policy issues and 4) by representing the Romansh language community outside its traditional area. Its programme includes work in the following fields: linguistics, translation, publishing, textbook preparation, information, documentation and public relations.

Pro Grigioni Italiano (PGI)
Martinsplatz 8
CH-7000 Coira

Tel.: +41 81 252 86 16
Fax: +41 81 253 16 22
Website: www.pgi.ch

PGI promotes wider visibility for Italian-speaking Grisons and endeavours to improve both cultural climate and living standards for the Italian-speaking population of Grisons. It organises lectures, exhibitions, concerts and classes and publishes a number of periodicals. It also supports work aimed at protecting and spreading Italian in Grisons, as well as historical, linguistic, economic and social research. PGI has nine branches outside the Italian-speaking valleys of Grisons: Basle, Bern, Chiasso, Chur, Davos, Lugano, Suisse Romande, Sopraceneri and Zürich.

Agentura da Novitads Rumantscha (ANR)
Comercialstrasse 22
CH-7000 Cuiras

Tel.: +41 81 250 48 00
Fax: +41 81 250 48 03
E-mail: anr@spin.ch

Established in 1996, ANR is an independent press agency responsible for supporting the editorial offices of Romansh media by disseminating news items in Romansh. The services it provides constitute one of the measures to protect and promote Romansh, improving the dissemination of oral and written information in Romansh.

In the fields of **culture** and **the media**, the following organisations are also involved in promoting languages but without the support of the Confederation or the canton.

**Cuminanza Rumantscha
Radio e Televisiun (CRR)**
Via dal Teater 1
7002 Cuiras

Tel.: +41 81 255 75 75
Fax: +41 81 255 75 00
Website: www.rtr.ch

CRR is one of the four member organisations of the Swiss Broadcasting Corporation (SSR); it is also affiliated to Lia Rumantscha. It represents Romansh-speakers and ensures that there are radio and television schedules in Romansh. Through its output, CRR helps to convey Swiss identity and regional diversity. In addition to their mission – which is to inform, educate and entertain – CRR broadcasts do their best to protect and promote Romansh language and culture.

Pro Svizra Rumantscha (PSR)
7188 Sedrun

E-mail: psradmin@rumantsch.ch
Website: www.rumantsch.ch

The object of PSR is to protect and promote Romansh language and culture, especially in the press, in particular by providing basic and advanced training for Romansh-speaking journalists. It champions Swiss quadrilingualism and supports the efforts of Lia Rumantscha and its affiliated organisations.

Walservereinigung Grisons (WVG) Tel.: +41 81 664 14 42
Postfach 15 Fax: +41 81 664 19 41
7435 Splügen Website: www.walserverein-gr.ch

The WVG is the cultural and language association of the Grisons Walser. It is concerned mainly with protecting Alpine and Walser civilisation in the broadest sense. It is active, amongst other things, in preserving Walser dialects and encouraging writing in dialect; it supports scientific research on the language, history and ethnography of the Walsers.

Internationale Vereinigung für Walsertum (IVfW) Tel.: +41 27 923 11 18 (home)
+41 27 922 29 22 (work)
Bahnhofstr. 15 Fax: +41 27 922 29 25
CH-3900 Brig Website: www.wir-walser.ch

The IVfW has among its members the WVG as well as other Walser regions such as Bosco-Gurin, Pomatt (Val Formazza) and Vorarlberg. It publishes the half-yearly *Wir Walser* magazine, which contains articles on the ethnography, history and language of the entire Walser area.

Organisations to promote understanding

Other bodies and institutions working for understanding between the language communities are to be found on the website www.punts-info.ch. Below are the addresses of organisations subsidised by the Confederation for their work promoting understanding:

Schweizer Feuilleton-Dienst, Mr Andreas Iten, president,
Bödlstrasse 27,
6314 Unterägeri
kw@sda.ch

Forum du bilinguisme/für die Zweisprachigkeit, Ms Christine Beerli, president,
Case Postale 1180,
2501 Bienne – Biel
forum@bilinguisme.ch

Rencontres Suisses/Treffpunkt Schweiz, Mr Niklaus Lundsgaard-Hansen, president,
18, rue Beau-Séjour,
1003 Lausanne

Fondazione Lingue e Culture, Mr Gianni Ghisla, secretary,
Case Postale 120,
6949 Comano
gghisla@idea-ti.ch

Service de Presse Suisse, Mr Diego Salvatore, president,
26, rue de la Gare,
1820 Montreux
contact@culturactif.ch

Schweizerische Arbeitsgemeinschaft für Demokratie, Mr Ulrich Sigrist, president,
Himmelrych 8,
5600 Lenzburg
info@sad-ch.ch

Forum Helveticum, Prof. Arnold Koller, former member of the Federal Council, president,
Bleicherain 7,
5600 Lenzbourg 1
info@forum-helveticum.ch

Coscienza Svizzera, Mr Fabrizio Fazioli, president,
Case Postale 1559,
6501 Bellinzona
fabrizio.fazioli@rtsi.ch

ch Echange de Jeunes – Ms Silvia Mitteregger, coordinator,
Poststrasse 10
C.p. 358/
CH-4502 Solothurn
austausch@echanges.ch

3. Please indicate if any body or organisation has been consulted about the preparation of this periodical report or about the implementation of the recommendations of the Committee of Ministers addressed to your state. In the case of an affirmative answer, specify which one(s).

3. Collaboration in preparing this report

In preparing this report and implementing the recommendations of the Committee of Ministers of the Council of Europe, the Confederation has particularly endeavoured to collaborate with the cantons concerned, namely Grisons and Ticino, which have direct responsibility for acting on specific recommendations. The canton of Grisons in turn has consulted the organisations responsible for Italian and Romansh in its territory.

The Confederation has ongoing contact with travelling people through their umbrella organisation, Radgenossenschaft der Landstrasse, which was consulted during drafting of this response (see section 5).

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

4. Language Charter Information Service

The 2nd report by the Committee of Experts of the Council of Europe (dated 22 September 2004) and the recommendations of the Committee of Ministers of the Council of Europe were forwarded to the cantons of Grisons and Ticino and the travelling people. The canton of Grisons in turn informed the organisations concerned. For this third report collaboration was sought with the Grisons Cantonal Office of Culture and the canton of Ticino Divisione della Cultura.

The 3rd Swiss report on implementation of the Languages Charter has been translated into the four national languages and was made public at a press conference after its approval by the Federal Council. It can be consulted on the Internet (www.bak.admin.ch).

5. It is understood that full details of the measures taken to implement the recommendations of the Committee of Ministers will appear in the body of the report. Nevertheless, please summarise those measures for each recommendation.

5. Implementation of the recommendations

Switzerland has carefully examined the recommendations in the experts' report and from the Committee of Ministers of the Council of Europe. In view of the federalist structure described above and the cantons' sovereignty with regard to language, we shall distinguish below between the

recommendations applying to the Confederation and those devolving on the cantons of Grisons and Ticino.

5.1 Recommendations 1 to 5 of the Council of Europe Committee of Ministers, appended to the experts' 2nd report, dated 22 September 2004

The OFC has already responded to the recommendations from the Committee of Ministers, in a letter to the Council of Europe dated 29 June 2004.

Recommendation 1: the Committee of Ministers recommends that the Swiss authorities accelerate the efforts to adopt legislation implementing in particular paras. 1 et 3 of Article 70 of the Federal Constitution.

Federal law on national languages (Languages Bill)

In Switzerland's 2nd report we referred to the adoption of draft legislation on languages for the precise purpose of implementing Recommendation 1. On 28 April 2004 the Federal Council decided not to submit to the Chambers the preliminary draft languages legislation and accompanying message, giving as its reasons financial shortage and its instructions from Parliament to make financial savings. The National Council reacted to this announcement by tabling two motions asking the Federal Council to submit the legislation to Parliament despite the financial difficulties. On 7 May Christian Levrat tabled a parliamentary initiative to similar effect (Iv. pa. Levrat 04.429. Loi fédérale sur les langues nationales). The science, education and culture committees (CSECs) of the two councils both approved the initiative. The National Council's CSEC began discussing the draft legislation on 24 June 2005, the federal Council having expressed no further view on the matter. The committee will give the dossier a second and final reading in early July 2006 and it will then be debated by the National Council in autumn 2006.

Recommendation 2: the Committee of Ministers recommends that the Swiss authorities take the necessary measures to remove practical obstacles to the use of Romansh in court.

(See statements by the canton of Grisons in Part Three of this report)

Recommendation 3: the Committee of Ministers recommends that the Swiss authorities take the necessary measures to strengthen the use of Romansh in dealings with the cantonal administration, in debates in the cantonal parliament and in dealings with the administration of bilingual municipalities in the Canton of Grisons.

(See statements by the canton of Grisons in Part Three of this report)

Recommendation 4: the Committee of Ministers recommends that the Swiss authorities take resolute action to improve the provision for Romansh on television and radio in the private sector.

Swiss law on radio and television broadcasting contains provisions on the use of Romansh in radio and television schedules. The provisions are addressed in the first instance to the SSR, the public service broadcaster. The SSR, which is three-quarters financed from radio and television tax, has a remit from the Federal Council to put out a full radio schedule in Romansh and television programmes in Romansh.

Private broadcasters such as Radio Engiadina, Radio Grischa and Tele Südostschweiz are required only to have regard to the interests of the Romansh-speaking population within appropriate limits and to maintain collaboration with Lia Rumantscha, the organisation that promotes Romansh language and culture. Services provided by private media on behalf of Romansh are thus merely auxiliary to the universal service provided by the SSR. It would be financially impossible for private broadcasters to meet any additional obligations placed on them.

This approach is basic to Switzerland's media arrangements whereby language services of national interests are mainly provided by the public service body, which accordingly receives money for that purpose.

Observations on the various statements in the experts' report:

§117: *Radio Rumantsch*

Radio Rumantsch broadcasts Monday to Friday from 6am to 9pm. On Saturdays and Sundays the programmes start at 8am (www.rtr.ch). When it moves to the new media centre in Chur in 2006 Radio Rumantsch will put out a twenty-four-hour schedule as against fourteen hours at present. Despite financial difficulties the SSR has acknowledged the need to develop Radio Rumantsch both quantitatively and qualitatively. The details of the new round-the-clock scheduling are not yet known.

§118 – 120: *Televisiun Rumantscha*

Since 1 April 2005 *Televisiun Rumantscha* has expanded its output: its airtime has increased and it is putting out additional programmes on SF DRS. For example, the television news bulletin *Telesguard* first goes out on SF1 at 5.45pm, then again on SFinfo from 6pm to 7.30pm (alternating with the German-language news), and then has a final edition of the day at 9.50pm. Another innovation is that *Telesguard* is now also shown on Saturdays. The programme now lasts ten minutes instead of six. *Telesguard* is shown in recorded version on *Télévision Suisse Romande* (TSR) and *Televisione Svizzera di lingua italiana* (TSI). It has thus doubled its broadcasting time. The programme *Cuntrasts* now goes out on Sundays from 5.30pm to 6pm and is repeated on SF1 on Saturdays at 5.15pm.

§ 120: the SSR takes advantage of new technology to improve its services. More of its output is now available on Internet – its Romansh radio schedule live and some of its programmes on demand; its Romansh television programmes are likewise broadcast on Internet. The relevant Internet sites provide additional news in Romansh and contain useful links.

§ 124: the Federal Radio and Television Broadcasting Act and the broadcasting licence under which it operates require the SSR to provide a universal radio and television service to the Romansh-speaking community. The use of Romansh on private radio and television channels is designed purely as an adjunct to SSR output. As matters stand at present the federal Council sees no legal and financial possibility of granting a licence to a private radio station for a broadcasting schedule in Romansh. Financing such a service by means of the radio reception tax would be highly inefficient in such a context.

§ 126: the SSR endeavours to cater for the Romansh-speaking community's interests by broadcasting Romansh-language programmes on SF DRS. The possibility of providing more Romansh television programmes on the rebroadcasting channel SF DRS (SFinfo) or bringing a new satellite channel into service to develop Romansh-language output is being looked into.

§ 131: the Committee of Experts states that « it did not find any evidence that the Swiss authorities had taken measures to ensure that the interests of users of Romansh were taken into account within the bodies responsible for guaranteeing the freedom and pluralism of the media ». We would insist in this connection that Switzerland complies with Article 1.1 of the Charter. In the Broadcasting Bill Parliament makes clear its resolve to improve media provision for the Romansh-speaking community. Article 26.2 of the bill, which should come into force in early 2007, reads:

“The SSR shall broadcast at least one radio programme schedule for Romansh-speaking Switzerland. The Federal Council shall lay down the principles governing provision to meet the specific radio and television needs of the Romansh-speaking.”

Article 34 states that the Federal Council is to implement Article 26.2 by arranging for the Romansh-language programme schedule to be broadcast throughout Switzerland.

Once the legislation is in force (it will probably be enacted in 2007) thought will be given to how to develop the SSR's Romansh output in order to meet the new provisions.

Article 11.1.d: Production and distribution of audio and audiovisual works

Radio e Televisiun Rumantscha produces its own programmes and works. It also occasionally produces and distributes CDs and DVDs.

Article 11.1.g: Training

For the time being there are no training courses specifically for Romansh-speaking journalists. In-service training is however available to Radio e Televisiun Rumantscha editorial staff in exactly the same way as for other SSR staff.

§ 132: Body responsible for representing the interests of Romansh-speakers:

Within the SSR, which is contractually required to provide a public service throughout Switzerland and in the four languages, the interests of Romansh-speaking Switzerland are autonomously looked after by Cuminanza Rumantscha Radio e Televisiun (CRR), the institution for promoting the electronic media in Romansh, and Radio e Televisiun Rumantscha RTR, which is a unit of the SSR. CRR has overall charge of the RTR, supervising its activities through the Managing Board, the Users' Council and the Mediation Body. The RTR meets the SSR's statutory requirement, and obligation under its broadcasting licence, to provide a broadcasting service in Romansh.

Recommendation 5: the Committee of Ministers recommends that the Swiss authorities officially recognise Yenish as a regional or minority language traditionally spoken in Switzerland and as part of the Swiss cultural and linguistic heritage.

In its message in support of ratifying the Charter the federal Council mentioned Yenish as a language without a specific territory and stated that it was not yet covered by national language policy because there had not been any demand for such support from its speakers (FF 1997 1118).

A year later, in the message requesting ratification of the Framework Convention for the Protection of National Minorities (FF 1998 1033), the Federal Council expressly said that Swiss travelling people were a national minority within the meaning of the convention. Switzerland is thus committed to creating conditions allowing national minorities to preserve and develop their culture. In the 2nd Swiss report the Federal Council accordingly granted Yenish non-territorial regional or minority language status and recognised Yenish-speakers' right to measures for promoting their language. The Confederation is thus in no doubt that Yenish is officially recognised as an integral part of Switzerland's cultural heritage. On promotion of Yenish, see the explanations in section 5.2.2.

5.2 Measures relating to other recommendations in the expert report dated 22 September 2004

5.2.1 Walser in the commune of Bosco-Gurin

In section 2.1.3 of its report the Committee of Experts gives a detailed statement on Walser in the commune of Bosco-Gurin. In paragraph 44 they encourage the Swiss authorities to take urgent measures in support of German (Walser) in Bosco-Gurin and promote links with other Walser-speaking groups in Switzerland and neighbouring countries.

Under Article 1. a. ii of the Charter dialects of official languages are not regarded as "regional or minority languages". Walser is a dialect of German. It is a manifestation of Walser culture, a culture which, in the Alps, is to be found in the canton of Grisons, Vorarlberg and northern Italy. It is one of the many variants of the Swiss German dialects spoken in German-speaking Switzerland, which are a significant component of the country's linguistic and cultural diversity.

In totally revising its constitution, Ticino stated its resolve to treat the special situation in Bosco-Gurin with respect. It decided, however, that there was no point in including an explicit provision on the subject in the basic legislation as German and Italian had always co-existed at Bosco-Gurin without the slightest problem (see the legal opinion by A. Macheret and A. Previtali concerning the languages article, 25 April 2000, p.13, footnote 71). The Ticino constitution defines the canton of Ticino as a democratic republic of Italian language and culture (for the precise wording, see Part One, section 1.3).

The canton of Ticino has made the following detailed statement on the Council of Europe Committee of Experts' recommendations concerning Walser at Bosco-Gurin:

“The Committee of Experts’ concerns are fully justified from the standpoint of the European Charter. The view may, however, be taken that, like biological species, languages in danger of extinction have a minimum population size below which survival is impossible. Our firm belief, which the population of Bosco-Gurin would seem to share, is that Gurin Walser is now definitively below that level. The erosion of the spoken language is linked to the irreversible collapse of the economy which underpinned it. In other words, advocacy of language protection is meaningful only if it is part of a much larger project aimed at economic regeneration of outlying regions. The predominant mood in the village is one of resignation and the local people have few illusions about the possibility of saving Walser at Gurin. They give priority to language-protection projects at the transregional level. An initial meeting, which may be followed by others, has been held to agree and implement concrete measures. The findings of our investigation in the commune are as follows:

a) Walser-users at Gurin:

The number of speakers mentioned in the report (preliminary section, sub-section 2.1) takes into account only actual residents of Bosco-Gurin. It needs supplementing as follows for a proper overview:

- approx. 30 residents speak Walser (out of a total commune population of 55). The age breakdown is 0-20 10%; 20-40 20%; 40-60 35%; over 60 35%;
- to these should be added a large number of speakers not living in the village who bring the total to 120 (residents plus non-residents), with the age breakdown 0-20 5%; 20-40 20%; 40-60 35%; over 60 40%;
- in addition there are fifty or so people (resident in the commune and non-resident) who no longer speak the language but understand it perfectly.

b) *How do people in Bosco-Gurin see the erosion of their language?*

They appear resigned to its inexorable decline. They are somewhat sceptical about the possibilities of rescuing it in an interregional context (in other words, through joint action with other Walser communities), not least because there is no single variety of Walser. The people want to preserve their language and culture in a way that has as little to do with folklore as possible. In particular they do not want to be turned into a ‘living museum’ (*sic*).

c) *What action is being taken to preserve the language?*

The Walserhaus museum is working on a dictionary of Gurin dialect and is involved in the Interreg 3B *Walseralps* project, with which most of the other Walser communities are also associated. The project is considering whether a language common to all Walsers can safely be hypothesised. Bosco-Gurin is taking part in the *Walseralps* project through a Bosco-Gurin landscape-management programme focused on preserving and promoting the commune’s rural, cultural, natural and architectural landscape.

d) *Canton involvement*

The Education Department’s dialectology and ethnography centre is acting as adviser to the Bosco-Gurin Walser glossary project.

- The Walserhaus ethnographic museum at Bosco-Gurin, which collects, preserves and showcases evidence of the village’s Walser culture, is financed by the canton of Ticino through a contract under the Regional Ethnographic Museums Act of 18 June 1990.
- In school year 2005/2006 two children from Bosco-Gurin are attending primary school at Cevio: one is in first year, the other in third year. The third-year pupil (middle cycle of primary school) has two periods of German per week.”

5.2.2 Yenish

The OFC adopted an initial stance on Committee of Ministers recommendation 5 in a letter to the Committee of Experts dated 29 June 2004. The stance was drafted in consultation with Swiss travelling people’s umbrella association, the Radgenossenschaft der Landstrasse. In its letter the OFC stated that the travelling people would also have an opportunity to express a view on the recommendation in paragraph 50 of the experts’ report at a conference on promotion of Yenish in Switzerland to be held in 2004. As will be seen from the following observations, it proved impossible to hold the conference.

Before considering the Committee of Experts’ recommendations point by point we reproduce an extract from the Federal Council draft report on the position regarding travelling people in Switzerland

(http://www-bak.root.admin.ch/fahrende/files/vl/f_teilbericht1.pdf). The extract contains various information directly relevant to the Committee of Experts' recommendations:

"The Yenish language, which a large proportion of the travelling people view as an important symbol of their collective identity and which is handed on within the group, had never been written down until recently. The first Yenish dictionary only appeared in 2001. Yenish is based on the grammar of German and is generally described as a 'sociolect', 'ethnic dialect of German' or 'ethnolect'. One of its uses was to distinguish the travellers from the sedentary population, and many Yenish-speakers still regard it as something of a secret language.

In connection with implementing the European Charter for Regional and Minority Languages the Confederation is currently looking at practical ways of preserving and promoting Yenish in collaboration with representatives of the travelling people. Switzerland is thus responding to a demand from the Council of Europe Committee of Ministers in recommendations issued on 22 September 2004. As many travelling people do not want the sedentary population to have access to Yenish, how the Confederation should promote it is still under discussion with the travelling community.

At any rate, there is currently no demand from travelling people for their children to learn Yenish at state schools. Because of the decades of systematic forced assimilation of Yenish-speakers by the authorities, which meant that many travellers' children did not acquire Yenish in infancy, use of Yenish is undoubtedly greatly reduced. Countering that trend or turning it around will probably be the objective of future promotion measures by the Confederation.

In addition the Confederation has already begun updating the history of the Oeuvre d'entraide pour les enfants de la grand-route [Foundation for Children of the Open Road] which, in the not too distant past, played a crucial role in national policy towards the travelling people. In 1998 the Federal Ministry of Internal Affairs published a historical study on the subject. In its opinion on the study the Federal Council referred to the Confederation's liability and to compensation for victims and stated its resolve to give Switzerland's travelling people a secure present and future. When the cantons were consulted on the study they stated their willingness to play a part 'not only in developing critical understanding of the past but also in improving travelling people's circumstances'. The Federal Council then produced a layman's version of the study for schools and colleges and decided to encourage and co-ordinate research on the subject in agreement with the cantons.

This has given rise to a national research programme (PNR 51) entitled 'Integration and exclusion'. The programme, which is made up of 37 projects, will run from 2002 to 2006 and has a budget of 12 million SFr. Three of the projects being aided are devoted to the history of the Yenish-speaking community, the Sinti and the Roma. On 22 January 2003 the Federal Council issued a remit to the National Science Research Foundation to conduct PNR 56 ('Diversity of languages and language abilities in Switzerland'). Projects were invited in July 2004. Among other things PNR 56 will provide a scientific basis for realising Switzerland's language-policy objectives, being able to take into account all demand from Switzerland's recognised language minorities."

The Committee of Experts encourages the Swiss authorities to grant Yenish official recognition as a regional or minority language traditionally spoken in Switzerland;

Switzerland recognised Yenish when it ratified the Framework Convention for the Protection of National Minorities (see section 5.1, Committee of Ministers recommendation 5) and publicly confirmed that recognition in a press release which it issued when Switzerland's 2nd report to the Council of Europe was adopted¹². The Federal Council's draft report on the situation regarding travelling people unequivocally restates that Switzerland recognises the travelling people not only for purposes of the Charter but as a cultural community possessing its own language. The Confederation endeavours, in co-operation with the cantons, to take measures for appreciably improving travelling people's lot in Switzerland.

The Committee of Experts encourages the Swiss authorities to set up a permanent framework, actively involving the Yenish-speakers themselves, aimed at the standardisation of the Yenish language, preferably in co-operation with the other European states where the Yenish language is spoken;

¹² Press conference of 20 December 2002 concerning the 2nd Charter report.

On the basis of the observations in paragraph 50 of the experts' report, minimum standardisation of the language could prepare the ground for measures to introduce Yenish at school.

In the OFC's view, such standardisation would, for instance, involve producing a dictionary, spelling rules and a grammar. The goal would be to prepare the way for bringing Yenish into compulsory schooling and making it available to persons not belonging to the community, which would be in the spirit of the recommendation below.

As the recommendation makes clear, such a project would have to be prepared for and carried out in close co-operation with the Yenish-speaking community itself. However, the internal conference of the nomadic community which was planned for 2004, which would have been a chance to take stock of language-development needs and allowed the travelling people to give their views on the Committee of Experts' recommendations, ultimately did not take place, as already stated. On 26 January 2005 the Radgenossenschaft der Landstrasse stated in a letter to the OFC that a large number of members of the Yenish-speaking community did not agree with the "Jenisch" project. "The project in itself," they said, "has aroused such criticism ... that we cannot support it as matters stand".

In a stance adopted on 10 October 2005 the Radgenossenschaft added: "Many Yenish-speakers are clearly reluctant to use the language for fear of being identified as Yenish-speakers and undergoing further persecution as a result. This fear of using Yenish is a result of the Pro Juventute operation. The Yenish-speaking community is looking to society to restore a climate of trust by means of measures which give them back a sense of their own worth and by which they feel encouraged to speak their language."

As the association *schäfft qwant*, the instigator of the "Jenisch" project, had given the OFC a further assurance that it was keen to continue with the project, the OFC wrote to both organisations on 8 March 2005 informing them that the Confederation was still prepared to give financial help for promoting Yenish on condition that the travelling people themselves, through their umbrella association the Radgenossenschaft der Landstrasse, approved and gave their backing to a project for that purpose. The requirements for Confederation commitment have not yet been met as the Radgenossenschaft was not prepared to support *schäfft qwant's* "Jenisch" project.

When the present report was being prepared the Radgenossenschaft declared its firm intention of continuing its efforts to promote Yenish with a view to intra-community communication but that it would reject any measure aimed at promoting use of the language outside the community.

The Committee of Experts encourages the Swiss authorities to plan the inclusion of the Yenish language in the ordinary teaching framework and the drawing up of the necessary teaching materials;

One result of the systematic assimilation policy to which the state subjected the Yenish-speaking community for decades was that children were unable to acquire and speak Yenish in infancy, and this caused a marked decline of the language. The Confederation is keen to continue its efforts to promote Yenish through appropriate measures introduced in consultation with the travelling people themselves, such as producing instruction materials for the Yenish-speaking community independently of the standardisation efforts referred to in the above recommendation.

The Committee of Experts encourages the Swiss authorities to take the necessary measures, particularly in the fields of education and the media, to raise the awareness of the Swiss population about the Yenish language and culture as part of the Swiss cultural and linguistic heritage;

In its statement of 10 October 2005, the Radgenossenschaft said: "The present [OFC] report ... only partly meets this requirement. None of the measures referred to by the Committee of Experts to raise public awareness has been implemented or even contemplated, whether in the media field or education."

The Radgenossenschaft, which the Confederation has supported since 1986, is very active in public relations and raising public awareness of the needs of nomadic communities. Its quarterly magazine, "Scharotl Die Zeitung des jenischen Volkes", informs the association's membership and interested circles about current issues of concern to travelling people. On 7 November 2003 it opened a

documentation centre at its headquarters (Hermetschloostrasse 73, 8048 Zurich), in a ceremony attended by representatives of numerous cantons, towns and institutions which had financially supported establishment of the centre. The centre has an exhibition and a large amount of written material about travelling people's life, culture and history. It is aimed at a wide public, particularly schools, as well as the academic community.

The Foundation holds regular seminars primarily for relevant departments of communes, cantons and the Confederation. It attaches great importance to awareness, in administrative and policy-making circles, of travelling people's needs and concerns. It promotes exchange of ideas and experiences in order to broaden minds, overcome prejudice and deal with travelling people's day-to-day problems more effectively. The Foundation supports awareness-raising projects and made a substantial financial contribution to setting up the documentation centre in Zurich.

Mention should be made here of the draft Federal Council report on the situation regarding travelling people in Switzerland, in particular the second part of the report, drafted in response to a motion of 7 July 2003 (03.3426, on eliminating discrimination towards travelling people in Switzerland) from the National Council Social Security and Public Health Committee. This part of the report suggests a range of measures which might be adopted at federal level to combat the discrimination which travelling people encounter. It focuses on setting up appropriate long-stay and stopover facilities, which are a crucial requirement if Swiss travelling people are to be better able to organise their way of life and preserve their culture and language. The problems of setting up and operating facilities of this kind are viewed as a priority concern, not only by the aforementioned parliamentary motion but also by travellers themselves and the general public.

Part I of the report evaluates the implications, as far as Swiss travelling people are concerned, of ratifying International Labour Organisation (ILO) Convention No. 169 concerning indigenous and tribal peoples. It examines the situation regarding travelling people in terms of various issues explicitly raised in the parliamentary motion, in particular vocational training, crafts and traditional activities (section 5.8 of Part I), social security and health (section 5.9), and education and culture (section 5.10). The analysis in Part I is as full as the patchy information about travelling people in Switzerland permits. Part II of the report is based essentially on the findings and analysis in Part I, supplementing and clarifying them with regard to certain points of particular importance.

By means of this draft report on the situation regarding travelling people, Switzerland is looking to improve their living conditions and develop public awareness as recommended by the Committee of Experts.

For National Research Programme 56, "Diversity of languages and language abilities in Switzerland", the OFC wrote to Radgenossenschaft der Landstrasse and Avenir des gens du voyage suisses on 8 July 2004 informing them that they could submit research projects. In particular the OFC encouraged them to evaluate and state their present research needs and let it know if specific researchers had already been contacted. At a public event attended by some 200 academics and researchers, the Confederation co-ordinator made it clear that PNR 56 needed research projects on Yenish. Neither of the organisations expressed a view, and of the 90 research projects which the National Fund has received following its call for projects none has to do with Yenish.

The Committee of Experts encourages the Swiss authorities to promote the establishment of links between the Yenish-speakers in Switzerland and the Yenish-speakers living in other European states.

In a letter of 30 January 2003 the OFC informed the Radgenossenschaft that it was willing to support certain cross-border activities in the languages field by way of encouragement to "language communities and understanding". Having considered the various proposals in that direction, the travelling people came to the conclusion that it was preferable to give priority to projects within Switzerland. Those projects, it will be remembered, have unfortunately not met with the Radgenossenschaft's approval.

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6. Indicate what steps your state has taken to inform the following of the recommendations :

- ***all levels of government (national, federal, local and regional authorities or administrations) ;***
- ***judicial authorities ;***
- ***legally established bodies and associations.***

6. Information Service concerning the recommendations

Recommendations 1 and 5 (implementing the provisions of Article 70.1 and Article 70.3 of the Constitution and official recognition of Yenish) are essentially matters for the Federal Culture Office (OFC), which is the Confederation department responsible for implementing the constitutional mandate and promoting Yenish. When preparing its first statement of 29 June 2004 the OFC wrote to the Radgenossenschaft informing it of the Committee of Experts' recommendations and inviting it to express its views. The OFC also has regular contact with the travelling people through the Radgenossenschaft and the travelling people's foundation. In particular it worked closely with the two bodies on the draft Federal Council report on travelling people in Switzerland. Lastly, the travelling people were consulted on the present report.

7. Please explain how your state has involved the above, in implementing the recommendations.

7. Co-operation in implementing the recommendations

The OFC is in permanent contact with the cantonal authorities of Grisons and Ticino, which have direct responsibility for implementing some of the recommendations. The relevant cantonal departments played an active part in preparing this report. The two cantons respond in detail to the recommendations concerning them in Part Three of this report.

The OFC drafted the statement on the recommendations concerning Yenish in collaboration with Radgenossenschaft der Landstrasse.

PART TWO

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 1 and 3 of part I above, specifying the different levels of government responsible.

1. Measures to implement Article 7 of the Languages Charter

This section summarises the legal and political measures taken by the Confederation to implement Article 7 of the European Charter for Regional and Minority Languages.

Article 7.1.a

“Recognition of regional or minority languages as an expression of cultural wealth” already appears in the federal constitution: all the languages traditionally spoken in Switzerland which have an area of their own are recognised as national and official languages, with all that this implies for their use in public and private life, education, training and research. When enacted, the Languages Bill will further strengthen the quadrilingualism which is one of Switzerland's basic features. The constitution of each multilingual canton also designates the languages spoken in the canton as national languages and recognises them as official languages. The constitutions of some monolingual cantons also contain an article relating to languages.

As we have seen, the Confederation grants financial aid to various institutions and organisations campaigning for cultural and language diversity and in particular on behalf of language minorities in Switzerland. The Yenish, a national minority with no territorial base, are also supported by the Confederation. The establishment of the foundation “Assurer l'avenir des gens du voyage suisses” [A Future for Swiss Travelling People] marks official recognition of the cultural wealth of travelling people in Switzerland.

Article 7.1.b

“Respect for the geographical area of each regional or minority language” is the responsibility of both federal and cantonal levels.

In its relations with authorities and institutions, the Confederation uses the language of the area concerned. Users of the national languages communicate with the Confederation in their own languages.

The Constitution requires the cantons to respect the traditional geographical distribution of languages and take indigenous language minorities into account (Article 70.2). The cantons enforce both the fundamental right of language freedom and the principle of territoriality, especially in education, training, the judicial system, government administration and signs. The two minority languages (Romansh and Italian) are official languages of the cantons where they are spoken.

The constitutional division of Switzerland into sovereign cantons prevents arbitrary alteration of existing administrative structure. The Confederation has no influence over the organisation of cantonal government.

Article 7.1.c

The Confederation insists on the “need for resolute action to promote regional or minority languages” by supporting Romansh and Italian by all available means and to the best of its ability. Use of the official languages and promotion of quadrilingualism occurs in all fields for which the Confederation has responsibility, including federal administration, political institutions, the federal courts, higher education, vocational schools and research. The Confederation is committed to promoting multilingualism both among individuals and within institutions.

Federal support for the multilingual cantons (Bern, Fribourg, Grisons and Valais) in the fulfilment of their particular tasks (Article 70.4) as well as for Romansh and Italian in the cantons of Grisons and Ticino (Article 70.5) is provided for in the Constitution. The Languages Bill takes account of the

Confederation's and the cantons' parallel responsibility for promoting exchange and understanding between language communities. The bill is currently at the parliamentary stage.

Article 7.1.d

The foundations of "facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life" are already laid in the Constitution, which expressly recognises the four national languages (Article 4) and establishes the fundamental right of language freedom (Article 18). Constitutional and statutory provisions enable minority languages to be promoted and cultural and linguistic diversity to be strengthened. The state also has a duty to establish the legal basis governing the use of regional or minority languages. In private life, freedom to a regional or minority language is unreservedly guaranteed by freedom of language (Article 18 of the Constitution). In relations with the state, and to some extent also in public life, freedom of language is limited by the territoriality principle. The cantons – and sometimes even the communes – themselves determine the languages used in administration, the judicial system and education/training and lay down the rules for promoting these languages.

Article 7.1.e

In Switzerland "maintenance and development of links ... between groups using a regional or minority language and other groups in the state" is the responsibility of a range of organisations and institutions, some of which are funded by the Confederation.

Italian speakers in Switzerland have various organisations of their own and maintain links with each other and the relevant regions of Ticino and Grisons. Romansh-speakers also cultivate their links, both in Grisons and the rest of Switzerland. The Lia Rumantscha and its affiliated regional organisations (Romania, Uniun dals Grischs, Uniun Rumantscha da Surmeir) are active mainly in the canton of Grisons, but some branches maintain links with Romansh-speakers outside the traditional area. The Writers' Union (Uniun da Scripturas e Scripturs Rumantschs, USR), for instance, has a number of members outside Grisons, while the Uniun da Rumantschas e Rumantschs en la Bassa (URB) brings together all Romansh associations defending their language and culture outside Grisons and maintaining links between Romansh speakers. In a number of places in Switzerland, for example, there are choirs which have a Romansh repertory.

Encouraging understanding and exchange between language communities is a central concern of Swiss language policy (Article 70.3 of the Constitution). However, it does not form a separate policy field but is one of a number of federal tasks which must be taken into consideration as far as possible in all important policy decisions. It is a clearly cross-sectoral function. The Languages Bill makes provision for practical language measures. For the time being the Confederation is supporting a range of organisations working for understanding (see Part One, section 2).

In Switzerland school exchanges are organised by the cantons and co-ordinated mainly by the Swiss Foundation for Confederal Collaboration (Youth Exchange Division). Various federal departments, including the OFC since 2004, and the Swiss Conference of Cantonal Ministers of Education pay a share of the costs.

The Intermundo organisation is an umbrella association for promoting international out-of-school exchanges. In addition to its advisory and co-ordination role it offers exchange years, language courses and work and solidarity placements outside Switzerland. Together with the Federal Social Insurance Office and the Federal Office for Education and Science, it manages the European Union YOUTH programme.

Article 7.1.f

"Provision of appropriate forms and means for the teaching and study of regional or minority languages" is above all a matter for the cantons, which are responsible for teacher training and textbook production at virtually all levels of education. Teachers are trained at the cantonal teacher training colleges (Hautes Écoles Pédagogiques (HEPs)) and the cantonal universities.

Article 7.1.g

Romansh courses are provided, particularly by Lia Rumantscha, regional organisations active in the language regions and some private adult-education organisations. Italian courses are also available throughout Switzerland from various private adult-education institutions.

Article 7.1.h

In Switzerland's universities "promotion of study and research" in the fields of Italian and Romansh is provided in various ways: the universities of Fribourg and Zurich have their own chairs in Romansh. Courses, lectures and seminars on Romansh language and literature can also be attended at the universities of Bern, Geneva and St. Gall. Italian is offered by virtually all Swiss universities: Basle, Bern, Fribourg, Geneva, Lausanne, Neuchâtel and Zurich have degree courses in Italian language and culture. In Lugano the University of Italian Switzerland offers optional Italian courses in its three faculties (Architecture, Economics and Communication Sciences).

Through the Swiss National Science Foundation (FNRS) the Confederation also supports research on Italian and Romansh in Switzerland. The FNRS research council has approved twenty-five projects under PNR 56 ("Diversity of languages and language abilities in Switzerland"). The projects concentrate on language, law and politics, language and school, language abilities, language and identity, and lastly language and the economy. They are due for completion by the end of 2008. The Confederation has allocated 8 million Sfr to them in all. It also pays a contribution to the Verein für Bündner Kulturforschung, which studies Grisons linguistic culture in various projects. An FNRS project on the functioning of trilingualism in Grisons is under way and should be completed in 2005.

Article 7.1.i

Promotion of "transnational exchanges" between Romansh-speakers in Grisons, the Dolomites and Friuli is mainly handled by Lia Rumantscha. At university level, contact is by means of seminars and conferences on the Retho-Romansh language. There is regular exchange of culture-policy information between Italy, the Confederation and the cantonal authorities of Grisons and Ticino within the "Consulta"¹³. The main role in promotion of intercultural exchange falls to the Pro Helvetia cultural foundation.

Article 7.2

Chapter 1 of the Federal Constitution, devoted to fundamental rights, prohibits discrimination (Article 8.2), including on grounds of language. Freedom of language is guaranteed under Article 18 of the Constitution.

Implementation of special measures for Romansh and Italian, which, under the terms of the Charter, do not constitute discrimination against the more widely used languages in Switzerland, is also provided for in the Constitution (Article 70.5). To achieve fair language representation at every level of federal administration, positive discrimination in favour of minority language users is permitted if candidates are equally qualified.

Article 7.3

The Languages Bill currently under scrutiny in Parliament contains various measures for greater understanding between Switzerland's language communities. In this the electronic media also play a key part. The Confederation likewise kept this objective in mind in revising the Radio and Television Broadcasting Act. The Swiss Broadcasting Corporation's licence from the Confederation requires it, as a national and regional broadcaster, to produce and broadcast radio and television programme schedules in the four national languages, taking account of Switzerland's cultural and linguistic diversity (see Part One, 1.2).

Article 7.4

In view of their respective powers, close collaboration between the Confederation, the cantonal authorities and the relevant organisations is imperative. Democratic processes such as consultation procedures and referenda also ensure that the needs and wishes of groups using minority languages are adequately taken into consideration in Swiss language policy.

Article 7.5

In Switzerland Yiddish is a language which does not have a specific geographical base (preliminary section, sub-section 4). The Swiss Federation of Jewish Communities takes the view that Yiddish had a role as a minority language in Switzerland and that it is not characterised by the autonomy which the Charter requires.

¹³ The Commissione culturale consultiva italo-svizzera, founded in 1982 by an agreement between the Swiss Federal Council and the Italian government to promote cultural exchanges between Italian-speaking Switzerland and the adjacent Italian regions.

The Confederation recognises and promotes the wealthy cultural heritage possessed by travelling people in Switzerland and encourages its development. For the detailed statements on promotion of Yenish see Part One, sections 5.1 and 5.2.

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

2. Other measures planned

From 16 February to 29 May 2005 the Swiss National Museum held a Special exhibition, "La dolce lingua", highlighting Italian's eminent place in history, art and music. The exhibition had previously run at the Uffizi, Florence, from 13 March to 30 September 2003 under the title "Dove il si suona". The exhibition's Swiss run is an example of the splendid collaboration that exists both at official level and between the Società Dante Alighieri and the Swiss National Museum (Zurich). The cantons of Ticino and Grisons both helped set up the exhibition, Ticino in particular playing a crucial part in the negotiations with the Italian authorities. In Zurich the exhibition was augmented with various sections illustrating the presence of Italian and Italian culture in Switzerland. It attracted over 25,000 visitors, including 7,500 schoolchildren. Several events on literary and cultural topics and language questions were held alongside the exhibition, which undoubtedly helped raise awareness, especially in the German-speaking part of the country, of issues relating to Italian language and culture in Switzerland.

PART THREE

I Report by the canton of Grisons on implementation of the European Charter for Regional or Minority languages

1. General information

1.1 Entry into force of the new cantonal constitution

In a referendum held on 18 May 2003, Grisons's electors approved the new cantonal constitution. It came into force on 1 January 2004. The new languages article reads:

Article 3

1 The national and official languages of the canton shall be German, Romansh and Italian.

2 The canton and communes shall support and take the necessary steps to preserve and promote Romansh and Italian. They shall foster understanding and exchange between the language communities.

3 The communes and districts shall decide their official and school language or languages, regard being had to the traditional distribution of languages and to indigenous language minorities.

Article 2. 4 states: "It [the canton of Grisons] shall encourage understanding and exchange between the parts of the country and language communities in Switzerland."

1.2 Romansh at school

Since the second Swiss report on implementation of the European Charter for Regional or Minority Languages the introduction of Romansh at school has taken on fresh impetus. Below we trace the main stages which Romansh has gone through as an official and school language.

1982 The origins of Rumantsch Grischun

At Lia Rumantscha's instigation Heinrich Schmid, a professor of Romance languages at Zurich University, devises a standard version of Romansh, Rumantsch Grischun. The project is funded by the National Science Research Foundation. The standard draws on the various Romansh dialects, according to speaker numbers.

1986 Romansh as a language for official federal publications

The Federal Council issues guidelines for translations into Romansh issued by the federal authorities. Systematic use to be made of Rumantsch Grischun.

1991 public opinion

A petition is launched opposing the use of Rumantsch Grischun in federal publications; the advocates of Rumantsch Grischun riposte. At cantonal level a parliamentary question (the "interpellation Morell") suggests consulting the people about introducing Rumantsch Grischun.

1992 the Grisons government commissions a study

In response to the parliamentary question the Grisons government commissions a study from a Zurich institute on the extent of popular acceptance of Rumantsch Grischun. Over a thousand people in all the Romansh-speaking areas are surveyed.

1996 the Grisons government approves Rumantsch Grischun

The study is published in book form. On the basis of its findings the government decides to introduce Rumantsch Grischun, which becomes the language used in official documents issued for the whole Romansh-speaking community. The government set up a working party to prepare a plan for familiarising schoolchildren with Rumantsch Grischun.

1999 first report on Rumantsch Grischun at school

The working party submits its report, which also contains a survey of teaching staff. For each school level the report describes the type of contact with Rumantsch Grischun: at compulsory school the emphasis is to be on passive understanding, at upper-secondary level on active understanding. The working party further suggests that, for pedagogical reasons, only one written version of Romansh should be taught. The government take the first concrete steps to introduce Rumantsch Grischun at school.

2001 Rumantsch Grischun becomes an official language of the canton

The people of Grisons approve the revised Article 23 of the law on exercise of political rights; the statute book and voting material are now to be issued in Rumantsch Grischun as well. On the strength of the referendum result the Grisons government introduce Rumantsch Grischun as an official language in all the cantonal authorities' correspondence.

2003 Grand Council decision to publish instruction material in Rumantsch Grischun

At its August session the Grand Council, on a government proposal, decides to publish all new Romansh teaching material solely in Rumantsch Grischun. The council instructs the government to draw up a master plan for introducing Rumantsch Grischun at school.

2004 Government master plan

On instructions from the government an education, culture and environment department working party prepares a draft master plan; the draft plan gives rise to wide-ranging discussion, some of it heated. On 21 December 2004 the government approve the master plan and set implementation in motion.

2005 Pilot communes

In mid-May 2006 the following communes in central Grisons and Suselva opt for the Pioneer variant of Rumantsch Grischun: Lantsch/Lenz, Brienz/Brinzauls, Tiefencastel, Mon, Salouf, Riom-Parsonz, Savognin, Sur and Trin.

Master plan for Rumantsch Grischun at school – summary of the government decision of 21 December 2004

A. Introduction with three variants

Three variants are central to the master plan: Pioneer, Standard and Consolidation. The three variants, which are preliminary to the medium-term goal of large-scale introduction of Rumantsch Grischun, differ from one another not so much in content as in time allocated. They incorporate the

teaching and learning approach agreed for Rumantsch Grischun and at the same time allow the pace of introduction it to be adapted to the language characteristics of the particular commune.

Each of the three variants has three phases: passive RG, active RG and pedagogical support:

- passive RG: this phase is preliminary to full introduction of Rumantsch Grischun. Its length differs according to the particular variant (Pioneer 2 years, Standard 4 years, Consolidation 6 years). The objective is to provide initial passive (comprehension) contact with Rumantsch Grischun for pupils of all levels, simultaneously with instruction in the Romansh dialect;

- active RG: introduction to and use of Rumantsch Grischun as a written language. The emphasis is on active skills in listening to, reading and writing Rumantsch Grischun. Speaking is to be mainly in the dialects of Romansh. In subject areas where Rumantsch Grischun is to be used as a spoken language, speaking (recitation, short talks interviews, formal activities, etc) will reinforce the learning of Rumantsch Grischun as a written language;

- pedagogical support: this phase will provide the necessary theoretical and methodological support to classroom experience with Rumantsch Grischun. The arrangements will be agreed as introduction proceeds. The local dialect will be used in kindergarten. During the transition to active use of Rumantsch Grischun in vocational schools, upper-secondary schools and higher education, account will be taken of the timetable set for the three variants at compulsory school.

If they opt for Pioneer or Standard, communes are not required to start teaching them in the actual launch year. Teaching of the Pioneer variant, for example, can start in school year 2005/06 or 2006/07 or 2007/08 etc., though that will mean shortening, or entirely doing away with, the Passive RG phase.

B. Support measures

We shall briefly comment on the various support measures planned.

- Standardisation of the language: substantial foundations for this are already in place (an electronic database / Pledari Grond) or on the assembly line (a dictionary for schools, a grammar). Rumantsch Grischun presents a greater degree of standardisation than the dialects as regards vocabulary (more differentiated terminology, new glossaries). Further advances are currently under consideration regarding syntax and grammar. This work takes priority during the first phase of the project. The main language problems will have been clarified by the time Rumantsch Grischun is actively introduced.

- Training: training for teachers (in upper-secondary schools and teacher training college) will be geared to the timetable set for the three variants at compulsory school. During a transition phase training institutions will take the dialects into account.

- Teaching material: meeting teaching needs and producing teaching material are, in principle, geared to the Pioneer variant. That means that material will be available for Year 1 in school year 2007/08, for Year 2 in school year 2008/09 and so on. Initially the material will be available in electronic form (CD ROM, Internet). It will be evaluated in the light of classroom experience with it. This will allow us to make linguistic or methodological adjustments flexibly, introduce new types of up-to-date material and see how the material performs in practice. Pending the decision on decision-making authority the new teaching material in Rumantsch Grischun is compulsory only for the communes which opt for either Pioneer or Standard. That in no way affects the Grand Council's decision that as from 2005 Romansh teaching material is to be produced solely in Rumantsch Grischun.

- In-service training: the first step will be to train teacher-trainers. In-service training for teachers will be staggered in accordance with arrangements for the three variants. It comprises a language component and a teaching component. The basic training will be followed by various more advanced courses.

- Communication: to begin with there will be awareness-raising. The information drive must stress the basic reason why it is imperative to introduce a standard language (Rumantsch Grischun): preserving and promoting Romansh requires more and better textbooks in Romansh. Communes, teachers, parents and other interested parties will in due course receive full information about the different stages in the decision-making process and in actual introduction of Rumantsch Grischun.

- Language and teaching support: the introduction of Rumantsch Grischun will receive specialist support. There will be ongoing analysis of instruction; it must be possible to introduce suggested adjustments immediately, and language and teaching support will be available to teachers.

- Promotion of spoken varieties of Romansh: the spoken forms of Romansh will be given targeted assistance measures (language integration for parents and small children, the local dialect spoken in kindergarten, special pedagogical measures at compulsory school and for logopedic assistance). The specific tasks in teaching of the first language – developing and broadening the oral code and inculcating a written code – can be performed on this basis. In the case of Romansh as a second language, regard will be had to the language situation in the particular commune in deciding what the emphasis should be as far as encouragement of traditional dialect is concerned.

- Out-of-school promotion measures: alongside the introduction of Rumantsch Grischun at school, support will have to be provided for use of the standardised language so that it has due prominence in daily life. Media and culture projects will be organised for that purpose.

C. Legal questions

Under the law in force it is for the canton to publish educational materials for compulsory school, basic and in-service training of teachers and examinations for entry to upper-secondary school. It is for the communes to decide the school language, and use of a dialect or Rumantsch Grischun. This creates a dilemma which the government intends addressing as follows.

- Because of the present legal situation a stage-by-stage introduction of Rumantsch Grischun will take place in the coming decade or so only if the particular commune wants it. That is how long the last generation of textbooks and materials on dialect will continue in use, since major new publications have appeared in the last five years.

- A mediation effort will take place in 2008-2009 with the object of promoting mutual understanding between all parties concerned and arriving at a consensus solution.

1.3 Draft cantonal legislation on languages

Article 104 of the new cantonal constitution states: “1. If the new constitution makes it necessary to replace or adjust existing law the changes shall be made as soon as possible. 2. Within three years from entry into force of the present Constitution the government shall lay proposals for adapting the law before the Grand Council.”

In this context, on instructions from the government, the education, culture and environment department prepared draft legislation on languages which the government sent out for consultation on 14 June 2005. The consultation period expired on 15 September 2005. The Grand Council (parliament of Grisons) will be debating the bill at its October 2006 session.

Broadly, the bill governs the following matters:

- the canton's official languages, in particular their use by the cantonal authorities and the courts;
- measures for preserving and promoting the minority cantonal languages (Romansh and Italian);
- the official and school languages of the communes and districts, and canton collaboration with these authorities in that sphere.

Achieving these objectives and applying these principles will be done with the following emphasis:

- the regulations will be as flexible as possible: repetition of rules already contained in ordinary law will be avoided as far as possible;
- each provision will be concise and in intelligible language;
- acceptance by all concerned: the legislation is to take present legal realities into account as far as possible;
- respect for communal autonomy: assigning a commune to a particular language region will be done in the light of the present situation;
- respect for communes' previous decisions: communes' decisions concerning choice of official language and school language will be interfered with as little as possible;
- the territoriality principle will be applied pragmatically: the territoriality principle enshrined in the federal constitution and the cantonal constitution will be applied in accordance with each commune's predominant say in the matter and the current language situation in the commune.

Summary of the bill's priorities

A. Official cantonal languages and the language of the courts

- The “Official languages” section regulates use of the three official cantonal languages – German, Romansh and Italian – by the Grand Council, the government and administrative authorities.
- The aim is not to introduce a new area of regulation but to officially establish practice which existed before the cantonal constitution came into force. Trilingualism will have to be applied more generally and more systematically, in accordance with Article 3.1 of the cantonal constitution (“National and official languages enjoying equal status”).
- Under new provision in Article 10 appointments to posts in cantonal administration must take sufficient account of the canton's trilingualism.
- The bill's passages concerning Rumantsch Grischun are confined to use of the canton's official languages. The bill does not alter the status quo: the concern is to reflect the result of the 2001

referendum on revision of the law on exercise of political rights. The bill is silent about Rumantsch Grischun in matters of official or school languages, for which the communes have responsibility. The government master plan of December 2004 still provides the general frame for the introduction of Rumantsch Grischun at school – regardless of the cantonal languages bill.

- The rules concerning the language of the courts deal specifically, and in accordance with the territoriality principle, with use of the three cantonal languages at all levels of the judicial system. For reasons of pragmatism it was decided to allow, rather than impose, provision for minority languages. Exceptions to the rules are always possible provided that they are decided in consultation with the parties concerned.

B. Promotion of minority languages / exchanges between language communities

- Language promotion currently comes under the cantonal law on promoting cultural activity. These two questions will now be separated, with language promotion being brought under the new languages legislation.

- There is no substantive change to the established principles (as regards the subsidiarity principle and institutions qualifying for support). Performance contracts will be the new arrangement on offer to institutions regularly receiving grant aid.

- Exchanges between language communities are a new regulatory field, introduced in Article 3.2 (Language communities in the canton) and Article 2.4 (Language communities in Switzerland) of the cantonal constitution.

C. Official and school languages in communes and districts

- The regulations on official and school languages in the communes are completely new.

- The Federal Constitution requires the cantons to abide by the traditional language distribution among the regions and take indigenous language minorities into account.

- For the first time the cantonal legislature will set the criteria for assigning communes to the different language regions. In doing so it will have regard to the present situation and will base its decisions on legal status which the communes themselves have determined.

- A commune is regarded as monolingual when over 50% of the population belongs to a cantonal language minority, and as bilingual when the proportion is between 10 and 50%. This classification approach to a large extent matches the present legal reality. From now on the classification decision will be based on the results of the latest federal census.

- If the proportion of the population accounted for by the indigenous language minority is found to have fallen below 10% (on the basis of the census), the procedure for changing the official language and the education language will be set in motion.

- This process (changing the official and the education language) requires that the community take a clear, democratic decision. A two-thirds majority is required in order to protect language minorities' interests appropriately.

1.4 Requests for increased grant aid from the Confederation and the canton

In 2004 Agentura da Novitads Rumantscha (the Romansh news agency), Lia Rumantscha and Pro Grigioni Italiano applied to the canton for increased grant aid from the Confederation and the canton. The canton in turn informed the Confederation of additional financial needs in connection with introducing Rumantsch Grischun and submitted four applications to it. So far the negotiations have not had the desired success. Consultations at the highest political level were held between Grisons, the organisations concerned and the Confederation on 12 September 2005.

1.5 Action on Committee of Ministers recommendations

Before work started on Switzerland's third report on the European Charter for Regional or Minority Languages, the canton of Grisons consulted Lia Rumantscha, Pro Grigioni Italiano and Agentura da Novitads Rumantscha. Information was also collected from cantonal authorities, in particular the education department, the justice department and the cantonal chancellery. Leading cantonal bodies and institutions were contacted (district courts, associations of communes, and some individual communes). Swiss reports and Council of Europe assessments will be widely disseminated via press releases as soon as they are published.

First Committee of Ministers recommendation

As with the languages article at federal level, exchanges between language communities have been incorporated in the new Grisons constitution at Article 2.4 (Understanding and exchanges between parts of the country and Switzerland's language communities) and Article 3.2 (Understanding and exchanges between parts of the country and the canton's language communities). Legal provision in this area is one concern of current legislative work on national and official languages. The relevant provisions of the cantonal languages bill read:

Article 16

1. The canton and communes shall encourage pupil, class and teacher exchanges between language communities.
2. For that purpose the canton may allocate funding to organisations dealing with school exchanges.

There are already projects in this area which receive grant aid (for example, a course module in German, French, Italian and English devoted to Romansh and how it is faring; a scheme for school exchanges, "zemä – ensemble – insieme – ensemen"; workshops on trilingualism in the canton as part of the celebrations marking Grisons' bi-centenary; the "Trilingualism in operation" project of the Grisons Cultural Research Institute).

2nd Committee of Ministers recommendation

The Justice Reform 2 project is under way at the cantonal justice department. It takes into account the changes brought about by the new cantonal constitution. The government has until the end of 2006, under the new constitution, to submit proposals to the Grand Council (parliament) on the legal changes deemed necessary. Justice Reform 2 will probably be completed before that date. Putting the project into effect will be an opportunity to include the measures which the Committee of Experts suggests (terminology courses for judges and lawyers, translations of documents/decisions/legislation).

3rd Committee of Ministers recommendation

As part of putting the new cantonal constitution into effect, action is already being taken here. As a first step the government has made preserving and promoting the canton's three languages one of the priorities of its programme for 2005-2008. In practice that means that cantonal departments and services will make more systematic use of Romansh and Italian in their dealings with the Romansh- and Italian-speaking communities. We have high hopes of the Internet as a means of encouraging the public to make more use of Romansh in communicating with the cantonal authorities.

4th Committee of Ministers recommendation

Licensing and supervision of private and public radio and television stations are matters for the Confederation. For more detailed explanations, see the 2nd report by the canton of Grisons. Overall we endorse the observations on the question by the Committee of Experts.

2. Measures to promote Romansh provided for in the Charter

2.1 Article 8: Education

a. Applicable provisions

Paragraph 1.a.iv, b.i, c.iii, d.iii, e.ii, f.iii, g, h and i

b. Implementation measures

Paragraph 1.a.iv: preschool education

No significant change since the 2nd report.

Sub-paragraph b.i: primary education

Since the 2nd report some communes close to language boundaries have opened bilingual schools.

On Rumantsch Grischun at school see the explanations at 1.2.

For teacher training the canton's new Haute école pédagogique has replaced the former institutions.

In April 2004 the radical group in the Grand Council requested the introduction of English as the first foreign language. The government recommended rejecting the request but was defeated in the final vote. A working party of the education, culture and environment protection department is looking into the scope for and implications of early teaching of English within the bilingual system operating in the canton. The findings are not yet available.

Sub-paragraph c.iii: secondary education

The new languages master plan came into force as from school year 2002/03 (second cantonal language and English). It allows teaching of the second language at primary school.

In training of secondary-school teachers it is planned to reinforce co-ordination and standardisation as regards introducing Rumantsch Grischun.

Sub-paragraph d.iii: vocational education

The Committee of Experts asked for additional information on Romansh arrangements in vocational schools (section 70):

Chur vocational school

Romansh was unsuccessfully offered as an option before the split-site model (general education at Ilanz, specialist instruction at Chur) was introduced. At that point the option was definitively abandoned. There is currently no organisational or timetabling obstacle to attending classes at the two sites.

Surselva vocational school

The split-site model is extensively used and is proving its worth. A third of the teaching of general culture takes place in Romansh (one period a week). Part of the final examinations is also taken in Romansh. There has been an increase in pupil numbers since 2002 (38 in 2002, 48 in 2003, 61 in 2004). Mother-tongue Romansh, place of residence and place of apprentice training are the key pupil allocation factors. When the place of residence and the place of apprentice training are in a Romansh-speaking area, teaching of general culture is based at Ilanz.

Surselva commercial school

Upper-secondary level commercial school

Three periods a week in the first year and two periods a week in the second and third years are taught in Romansh. The final examinations (both oral and written) are in Romansh. As mother-tongue, Romansh counts for 50% of the final mark.

Commercial training

One period a week is taught in Romansh in the E (*élargi* – broader) track and in the M (vocational baccalaureate) track. There is a written and an oral examination. As mother tongue, Romansh counts for 50% of the final mark.

Salesmanship

One period a week is taught in Romansh.

Samedan vocational school

Vocational instruction and general instruction are often given in three languages (German, Romansh and Italian).

Apprentices have to produce their general written work in Romansh (eg correspondence, essays, language exercises) and to deliver oral exposes in Romansh. The written papers in the final examinations are similarly in Romansh.

If enough pupils are interested, and if organisationally possible, one subject is taught exclusively in Romansh (for a seven-week period) in the first two years.

Oral and written use of Romansh by apprentices is optional. For organisational reasons it is not possible for teaching to be entirely in Romansh.

The Romansh programme is proving very successful and the overall plan for bringing in Romansh has worked very well.

Sub-paragraph e.ii: universities

No significant change since the 2nd report.

Sub-paragraph f.iii: adult education

No significant change since the 2nd report.

Sub-paragraph g: teaching the history and culture of regional or minority languages

Two important reference works on Romansh language and culture have been published in recent years: "Istorgia Grischuna", a history of Grisons on similar lines to the "Handbuch der Bündner Geschichte" (handbook of Grisons history), but with emphasis on certain aspects of Romansh language and culture, and the first articles of the "Lexicon Istoric Retic", equivalent to the "Dictionnaire historique de la Suisse" (Swiss historical dictionary), are now on line.

Sub-paragraph h: teacher training

See the explanations concerning the different educational sectors.

Sub-paragraph i:

No significant change since the 2nd report.

The cantonal languages bill contains the following provisions concerning school:

Article 20

¹ In its communal constitution each commune shall specify the language used during compulsory schooling.

² The classification of communes as monolingual or bilingual communes shall have regard to the provisions concerning official languages.

³ In the interests of preserving a minority cantonal language the government may, on a proposal from the commune concerned, authorise exceptions regarding the choice of school language.

⁴ When monolingual and bilingual communes group together schooling shall have due regard to the traditional languages of minorities.

Article 21

¹ In monolingual communes the first language taught shall be the official language of the commune. The communes shall ensure that the first language receives special attention at all school levels.

² The second language shall be decided in accordance with the principles set out in the cantonal Schools Act.

Article 22

¹ In bilingual communes where more than 20% of the population belong to an indigenous language minority the language of the minority shall be taught as a first language.

² In bilingual communes where fewer than 20% of the population belong to an indigenous language minority the government may, on a proposal from the commune, authorise a bilingual compulsory school.

³ In communes where between 5 and 10% of the population belong to an indigenous language minority Romansh or Italian shall be available on an optional basis in compulsory subjects during compulsory schooling.

Article 23

In monolingual communes where Romansh or Italian are official languages and in bilingual communes where Romansh or Italian are languages of the indigenous minority, the commune shall ensure that those who speak another language shall have the opportunity to acquire or develop their language skills in the traditional languages.

Article 24

¹ Any change in the official language or school language of the commune shall be the subject of a referendum in the commune. Due regard shall be had to directives or provisions of higher law.

² Any change in the official language or school language shall be regarded as approved if two thirds of the electors, not counting blank or invalid voting papers, have voted in favour of it.

³ Any decision to change the official language or school language of the commune shall require the approval of the government; it shall take effect on issue of the decree approving it.

⁴ The government shall give its approval if the requirements of higher law have been met, in particular the rules for holding referendums.

2.2 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. Implementation measures

Paragraph 1.a.ii and iii: criminal proceedings

Sub-paragraph b.ii and iii: civil proceedings

Sub-paragraph c.ii: appearance in court in administrative cases

See, above, the explanations regarding the 2nd Committee of Ministers recommendation. See also, below, the explanations on the provisions in the languages bill on the language of the courts.

Paragraph 2.a: validity of legal documents

Statement regarding the recommendation in paragraph 83 of the experts' report:

As mentioned in the 2nd report, the translation into Rumantsch Grischun of the Grisons Charter Book has been delayed for various reasons: firstly, important legislative projects have been set in train (eg Justice Reform 2 – see the explanations concerning the 2nd Committee of Ministers recommendation – and the languages bill). Secondly, for reasons of staffing policy, it will not be possible to make a start on the project until 2005/2006.

See, below, the explanations about the provisions in the languages bill on the language of the courts.

Paragraph 3: statutory texts

Statement on the recommendation in paragraph 86 of the experts' report:

After the 2001 referendum (see the explanations in the 2nd report), the cantonal translation service is engaged in translating the official compendium of laws into Rumantsch Grischun. The work is due for completion in 2006. In addition to the paper version, all the material, as with German and Italian, will be available on-line via the canton's home page.

The cantonal languages bill contains the following provisions on the language of the courts:

Article 6

¹ The president of the court shall decide which official language is used in proceedings on the basis of the provisions in the present act.

² The members of the court may speak in the proceedings in whichever official language they choose.

³ Judgments and decisions shall be in the official language in which the proceedings took place.

⁴ If one of the parties speaks only another official language the president of the court, if requested, shall order that the proceedings and/or judgment be translated free of charge.

⁵ An exception may be made to the provisions of the present act, subject to the agreement of the parties.

Article 7

¹ The parties may use an official cantonal language in submissions and applications to the cantonal courts.

² In first-instance civil and criminal cases the proceedings shall generally be conducted in the official language of which the defendant has a command. Appeal proceedings shall generally be conducted in the official language in which the contested judgment was drafted.

³ In public-law cases the proceedings shall be conducted in the official language in which the contested judgment was drafted or which the defendant speaks.

Article 8

¹ Districts made up of monolingual sub-districts using the same official language shall be treated as monolingual districts. The official language of a monolingual district is that of the sub-districts.

² Submissions, applications and proceedings shall be in the official language.

Article 9

¹ Districts made up of monolingual sub-districts using different official languages or of plurilingual areas shall be treated as plurilingual districts. The official languages of a plurilingual district are all the official languages of the sub-districts.

² Parties may use any official language of the district for their submissions and applications.

³ Proceedings shall generally be conducted in the official language spoken by the defendant.

Article 10

When posts in administrative cantonal services are to be filled, preference shall generally be given, qualifications being equal, to candidates with knowledge of two or three of the official languages.

2.3 Article 10: Administrative authorities and public services

a. Applicable provisions

Paragraph 1.a.i, b, c; paragraph 2.a, f, g; paragraph 3.b; paragraph 4.a and c; paragraph 5

b. Implementation measures

Paragraph 1.a.i: cantonal authorities

Statement on the recommendation in paragraph 93 of the experts' report: see the explanations concerning the 3rd Committee of Ministers recommendation and, below, those concerning the provisions in the languages bill about official languages.

Statement on the recommendation in paragraph 108 of the experts' report: see, below, the explanations about the provisions in the languages bill on official languages.

Sub-paragraphs b and c: administrative texts

Statement on the recommendation in paragraph 96 of the experts' report:

See, above, the explanations concerning the 3rd Committee of Ministers recommendation and, below, those concerning provisions in the languages bill on official languages.

Paragraph 2.a and f: use of regional or minority languages by regional or local authorities

Additional information, as requested by the Committee of Experts, concerning the functions of regional associations (paragraph 114): regional associations derive from groupings of communes which band together to perform regional functions (Article 69 of the cantonal constitution). They perform functions entrusted to them by the communes. A specifically language remit is exceptional. Such a remit has been given neither in Suselva nor central Grisons. Pro Engiadina Bassa has, however, received one.

Statement on the recommendation in paragraph 105 (and the recommendation in paragraph 109) of the experts' report: see, below, the explanations concerning provisions in the languages bill on official languages.

Sub-paragraph g: place names

No significant change since the 2nd report.

Paragraph 3.b: provision of services

See, below, the explanations on provisions in the languages bill on official languages.

Paragraph 4.a: translation service

No significant change since the 2nd report.

Sub-paragraph c: knowledge of a regional or minority language

See the explanations on provisions in the languages bill on official languages.

Paragraph 5: family names

No significant change since the 2nd report.

The cantonal languages bill contains the following provisions on official languages:

Official cantonal languages

Article 3

¹ The official languages of the canton shall be used in legislation, in applying the law and in case-law.

² Citizens may address the cantonal authorities in whichever language they choose.

³ In written reports the authorities and the cantonal courts shall use the official languages in their standard form.

⁴ Rumantsch Grischun shall be the standard form of Romansh used by the cantonal authorities. Romansh-speakers may address the cantonal authorities in their dialect or in Rumantsch Grischun.

Article 4

¹ Each member of the Grand Council or of any of its committees may speak whichever language he or she chooses in debates and discussions.

² Each member of the Grand Council may request that proposals or motions be translated into one of the official languages which he or she understands.

³ Official documents for publication in the compendium of Grisons law shall be available in all the official languages for debates and discussions of the Grand Council and its committees.

Article 5

¹ Members of the government may work in whichever official language they choose.

² The government shall regulate by special decree the translation into Romansh and Italian of statutes, publications, documents, correspondence and signs on public buildings.

³ The canton shall provide support for the linguistic skills of its staff in the official cantonal languages.

Official languages of sub-districts and communes

Article 17

¹ Each commune shall specify its official languages in its communal constitution.

² Communes where more than 50% of the population belong to an indigenous language minority shall be treated as monolingual communes. In such communes the language of persons belonging to the cantonal language minority is the official communal language.

³ Communes where between 10 and 50% of the population belong to an indigenous language minority shall be treated as bilingual communes.

⁴ The results of the latest federal census shall be decisive for establishing the percentage of speakers of each official cantonal language.

Article 18

¹ Monolingual communes shall use their official language in matters within their purview, in particular in the communal assembly, communal referendums, communications or publications intended for the commune and official dealings with the community, as well as on signs designating official premises. The official language shall be appropriately reflected on private signs for the general public.

² In bilingual communes appropriate use shall be made of the two official languages.

³ Communal entities, organisations and institutions shall appropriately take into account the commune's specific language situation.

⁴ In co-operation with the relevant cantonal services the communes shall lay down rules as to the matters in which their official languages are to be used.

Article 19

¹ Sub-districts made up of monolingual communes speaking the same official language shall be treated as monolingual sub-districts. The official language in such sub-districts shall be the official language of the communes of which they are made up.

² Sub-districts made up of communes speaking different official languages, or of plurilingual communes, shall be treated as plurilingual sub-districts. The official languages of such sub-districts shall be all the official languages of the communes of which they are made up.

³ The provisions governing the district courts shall apply *mutatis mutandis* to civil and criminal proceedings before the president of the sub-district.

⁴ In co-operation with the relevant cantonal services the sub-districts shall lay down rules as to the matters in which their official languages are to be used.

2.4 Article 11: Media

a. Applicable provisions

Paragraph 1.a.iii, b.i, c.ii, e.i and f.i; paragraph 3

b. Implementation measures

Paragraph 1.a.iii: programmes in the regional or minority language

Statement on the recommendations in paragraphs 124 and 128 of the experts' report: see, above, the explanations concerning the 4th Committee of Ministers recommendation.

Sub-paragraphs b.i and c.ii: radio stations and television channels in the regional or minority language
At the start of 2006 Radio e Televisiun Rumantscha moved into the new media centre in Chur. This centralisation, and technological upgrading of facilities, will make it possible to increase airtime.

Sub-paragraphs e.i and f.i: print media
The languages bill provides as follows:

Article 12

¹ To protect and promote the Romansh media the canton may make annual grants to:

a) any Romansh press agency;
b) Romansh newspapers and magazines, as compensation when they have performed important services for the preservation of Romansh and return on those services does not cover their cost.

² Grant aid shall depend on the fulfilment of performance contracts between the canton and those institutions entitled to such aid.

³ Such performance contracts, the budget, the annual report and the annual accounts shall be submitted to the government for approval.

Paragraph 3:

Additional information requested by the Committee of Experts regarding provision for the Romansh-speaking population in matters of media freedom and pluralism (paragraph 132): see explanations contained in Part One, section 1.2 and section 5.

2.5 Article 12: Cultural activities and facilities

a. Applicable provisions

Paragraph 1.a, b, c, e, f, g and h; paragraph 2; paragraph 3

b. Implementation measures

No significant change since the 2nd report. The relevant provisions in the cantonal languages bill are much the same as those currently in force in the cantonal law on promotion of cultural activity:

Article 11

¹ The canton shall allocate regular annual grant aid to institutions which perform supra-regional functions as regards preserving and promoting Romansh and Italian.

² Grant aid shall depend on the fulfilment of performance contracts between the canton and those institutions entitled to such aid.

³ Such performance contracts, the budget, the annual report and the annual accounts shall be submitted to the government for approval.

Article 13

¹ The canton may allocate grant aid to:

a) measures or projects undertaken by communes, public or private institutions or individuals for the preservation and promotion of Romansh and Italian and of cantonal trilingualism;
b) measures or projects to foster understanding between the cantonal language communities;
c) production, translation and publication of specialist studies on plurilingualism or on policy for promoting languages and understanding;
d) translation of literary works into Romansh;
e) Romansh or Italian courses to enable speakers of other languages to integrate.

² Cantonal grant aid shall depend, in particular, on the quality of the intended measure or project, its importance for the language region and how effectively it will help to preserve and promote the language.

Article 14

¹ Cantonal grant aid shall depend on appropriate performance by the commune, public or private institution or individual concerned.

² No cantonal grant aid shall be allocated to projects which are essentially profit-making.

Article 15

The communes shall take appropriate measures to preserve and promote the language of their indigenous language minority.

2.6 Article 13: Social and economic life

a. Applicable provisions

Paragraph 1.d and paragraph 2.b

b. Implementation measures

No significant change since the 2nd report.

2.7 Article 14: Transfrontier exchanges

a. Applicable provisions

Sub-paragraphs a and b

b. Implementation measures

Sub-paragraphs a and b:

Additional information requested by the Committee of Experts concerning transfrontier exchanges between Romansh-speakers in Grisons and Ladin-speakers in South Tirol/Friuli (paragraph134): contact with Ladin-speakers in South Tirol has intensified in recent years. The contact groups, which meet several times a year, are composed of representatives of the respective parliaments, culture departments, language institutions and media. Various cultural exchange projects have been launched. A joint Internet site will be appearing shortly. Eventual participation by Friuli in the existing arrangements is under consideration.

3. Italian-promotion measures and Charter provisions

In principle : as for Romansh, the cantonal languages bill lays down the main arrangements for promoting Italian in the short term. We shall recap on explanations already given, consider the Committee of Experts' recommendations and take into account the requirement to keep it informed.

3.1 Article 8: Education

a. Applicable provisions

Paragraph 1.a.iv, b.i, c.ii, d.iii, f.iii, g, h and i

b. Implementation measures

The cantonal languages bill contains the following provisions concerning school:

Article 20

¹ In its communal constitution each commune shall specify the language used during compulsory schooling.

² The classification of communes as monolingual or bilingual communes shall have regard to the provisions concerning official languages.

³ In the interests of preserving a minority cantonal language the government may, on a proposal from the commune concerned, authorise exceptions regarding the choice of school language.

⁴ When monolingual and bilingual communes group together schooling shall have due regard to the traditional languages of minorities.

Article 21

¹ In monolingual communes the first language taught shall be the official language of the commune. The communes shall ensure that the first language receives special attention at all school levels.

² The second language shall be decided in accordance with the principles set out in the cantonal Schools Act.

Article 22

¹ In bilingual communes where more than 20% of the population belong to an indigenous language minority the language of the minority shall be taught as a first language.

² In bilingual communes where fewer than 20% of the population belong to an indigenous language minority the government may, on a proposal from the commune, authorise a bilingual compulsory school.

³ In communes where between 5 and 10% of the population belong to an indigenous language minority Romansh or Italian shall be available on an optional basis in compulsory subjects during compulsory schooling.

Article 23

In monolingual communes where Romansh or Italian are official languages and in bilingual communes where Romansh or Italian are languages of the indigenous minority, the commune shall ensure that those who speak another language shall have the opportunity to acquire or develop their language skills in the traditional languages.

Article 24

¹ Any change in the official language or school language of the commune shall be the subject of a referendum in the commune. Due regard shall be had to directives or provisions of higher law.

² Any change in the official language or school language shall be regarded as approved if two thirds of the electors, not counting blank or invalid voting papers, have voted in favour of it.

³ Any decision to change the official language or school language of the commune shall require the approval of the government; it shall take effect on issue of the decree approving it.

⁴ The government shall give its approval if the requirements of higher law have been met, in particular the rules for holding referendums.

3.2 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. Implementation measures

Statement on the recommendation in paragraph 138 of the experts' report: see Article 9 of the languages bill.

The cantonal languages bill contains the following provisions on the language of the courts:

Article 6

¹ The president of the court shall decide which official language is used in proceedings on the basis of the provisions in the present act.

² The members of the court may speak in the proceedings in whichever official language they choose.

³ Judgments and decisions shall be in the official language in which the proceedings took place.

⁴ If one of the parties speaks only another official language the president of the court, if requested, shall order that the proceedings and/or judgment be translated free of charge.

⁵ An exception may be made to the provisions of the present act, subject to the agreement of the parties.

Article 7

¹ The parties may use an official cantonal language in submissions and applications to the cantonal courts.

² In first-instance civil and criminal cases the proceedings shall generally be conducted in the official language of which the defendant has a command. Appeal proceedings shall generally be conducted in the official language in which the contested judgment was drafted.

³ In public-law cases the proceedings shall be conducted in the official language in which the contested judgment was drafted or which the defendant speaks.

Article 8

¹ Districts made up of monolingual sub-districts using the same official language shall be treated as monolingual districts. The official language of a monolingual district is that of the sub-districts.

² Submissions, applications and proceedings shall be in the official language.

Article 9

¹ Districts made up of monolingual sub-districts using different official languages or of plurilingual areas shall be treated as plurilingual districts. The official languages of a plurilingual district are all the official languages of the sub-districts.

² Parties may use any official language of the district for their submissions and applications.

³ Proceedings shall generally be conducted in the official language spoken by the defendant.

Article 10

When posts in administrative cantonal services are to be filled, preference shall generally be given, qualifications being equal, to candidates with knowledge of two or three of the official languages.

Le projet de loi cantonale sur les langues contient les dispositions suivantes relatives à la « langue judiciaire » :

3.3 Article 10: Administrative authorities and public services

a. Applicable provisions

Paragraph 1.a.i, b, c; paragraph 2.a, f, g; paragraph 3.b; paragraph 4.a and c; paragraph 5

b. Implementation measures

Statement on the recommendation in paragraph 150 of the experts' report: see Article 4 of the languages bill.

Additional information, as requested by the Committee of Experts, concerning the functions of regional associations (paragraph 114): regional associations derive from groupings of communes which band together to perform regional functions (Article 69 of the cantonal constitution). They perform functions entrusted to them by the communes. We do not know if there is any specifically language remit in Italian-speaking Grisons.

The cantonal languages bill contains the following provisions on official languages:

Official cantonal languages

Article 3

¹ The official languages of the canton shall be used in legislation, in applying the law and in case-law.

² Citizens may address the cantonal authorities in whichever language they choose.

³ In written reports the authorities and the cantonal courts shall use the official languages in their standard form.

⁴ Rumantsch Grischun shall be the standard form of Romansh used by the cantonal authorities. Romansh-speakers may address the cantonal authorities in their dialect or in Rumantsch Grischun.

Article 4

¹ Each member of the Grand Council or of any of its committees may speak whichever language he or she chooses in debates and discussions.

² Each member of the Grand Council may request that proposals or motions be translated into one of the official languages which he or she understands.

³ Official documents for publication in the compendium of Grisons law shall be available in all the official languages for debates and discussions of the Grand Council and its committees.

Article 5

¹ Members of the government may work in whichever official language they choose.

² The government shall regulate by special decree the translation into Romansh and Italian of statutes, publications, documents, correspondence and signs on public buildings.

³ The canton shall provide support for the linguistic skills of its staff in the official cantonal languages.

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Article 17

¹ Each commune shall specify its official languages in its communal constitution.

² Communes where more than 50% of the population belong to an indigenous language minority shall be treated as monolingual communes. In such communes the language of persons belonging to the cantonal language minority is the official communal language.

³ Communes where between 10 and 50% of the population belong to an indigenous language minority shall be treated as bilingual communes.

⁴ The results of the latest federal census shall be decisive for establishing the percentage of speakers of each official cantonal language.

Article 18

¹ Monolingual communes shall use their official language in matters within their purview, in particular in the communal assembly, communal referendums, communications or publications intended for the commune and official dealings with the community, as well as on signs designating official premises. The official language shall be appropriately reflected on private signs for the general public.

² In bilingual communes appropriate use shall be made of the two official languages.

³ Communal entities, organisations and institutions shall appropriately take into account the commune's specific language situation.

⁴ In co-operation with the relevant cantonal services the communes shall lay down rules as to the matters in which their official languages are to be used.

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¹ Sub-districts made up of monolingual communes speaking the same official language shall be treated as monolingual sub-districts. The official language in such sub-districts shall be the official language of the communes of which they are made up.

² Sub-districts made up of communes speaking different official languages, or of plurilingual communes, shall be treated as plurilingual sub-districts. The official languages of such sub-districts shall be all the official languages of the communes of which they are made up.

³ The provisions governing the district courts shall apply *mutatis mutandis* to civil and criminal proceedings before the president of the sub-district.

⁴ In co-operation with the relevant cantonal services the sub-districts shall lay down rules as to the matters in which their official languages are to be used.

3.4 Article 11: Media

a. Applicable provisions

Paragraph 1.a.i and e.i; paragraph 3

b. Implementation measures

The additional informations requested by the Committee of Experts concerning provision for the Italian-speaking population as regards media freedom and media diversity (paragraph 156) will be found in Part One, section 5.1.

3.5 Article 12: Cultural activities and facilities

a. Applicable provisions

Paragraph 1.a, b, c, e, f, g and h; paragraph 2; paragraph 3

b. Implementation measures

The relevant provisions in the cantonal languages bill are much the same as those currently in force in the cantonal law on promotion of cultural activity:

Article 11

¹ The canton shall allocate regular annual grant aid to institutions which perform supra-regional functions as regards preserving and promoting Romansh and Italian.

² Grant aid shall depend on the fulfilment of performance contracts between the canton and those institutions entitled to such aid.

³ Such performance contracts, the budget, the annual report and the annual accounts shall be submitted to the government for approval.

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¹ The canton may allocate grant aid to:

- a) measures or projects undertaken by communes, public or private institutions or individuals for the preservation and promotion of Romansh and Italian and of cantonal trilingualism;
- b) measures or projects to foster understanding between the cantonal language communities;
- c) production, translation and publication of specialist studies on plurilingualism or on policy for promoting languages and understanding;
- d) translation of literary works into Romansh;
- e) Romansh or Italian courses to enable speakers of other languages to integrate.

² Cantonal grant aid shall depend, in particular, on the quality of the intended measure or project, its importance for the language region and how effectively it will help to preserve and promote the language.

Article 14

¹ Cantonal grant aid shall depend on appropriate performance by the commune, public or private institution or individual concerned.

² No cantonal grant aid shall be allocated to projects which are essentially profit-making.

Article 15

The communes shall take appropriate measures to preserve and promote the language of their indigenous language minority.

3.6 Article 13: Social and economic life

a. Applicable provisions

Paragraph 1.d and paragraph 2.b

b. Implementation measures

No significant change since the 2nd report.

3.7 Article 14: Transfrontier exchanges

a. Applicable provisions

Sub-paragraphs a and b

b. Implementation measures

No significant change since the 2nd report.

II Report by the canton of Ticino on implementation of the European Charter for Regional or Minority Languages

1. General information

The constitution of the Republic and Canton of Ticino of 14 December 1997 provides (Article 1.1): "The canton of Ticino shall be a democratic republic of Italian language and culture."

In the message of 20 December 1984 concerning total revision of the cantonal constitution of 4 July 1830 the commentary on this article of the constitution reads: "In addition to the reference to democracy and the Italian language as being characteristic of our canton, an explicit reference has been introduced to Italian culture: that the canton of Ticino belongs to both the Italian-speaking area and the Italian cultural area is a prime factor in its history and an essential component of its identity. The explicit reference to Italian language and culture is not mere rhetoric, but reflects an important commitment which the authorities and people of Ticino must meet in order to promote their own identity ever more effectively."

The implementing regulation on Ticino citizenship of 10 October 1995, further to Article 9.2 of the law of 8 November 1994 on Ticino citizenship, provides (Article 3 in the case of Swiss nationals and Article 7 in the case of foreign nationals) that “as part of these checks the applicant shall undergo an oral examination of his or her knowledge of Italian”.

1.1 The canton’s comments on the Confederation’s language policy

Italian in administration. In Ticino language discrimination in competitions for posts in confederal administration remains an extremely sensitive issue. The Simoneschi-Cortesi motion (05.3186. Language discrimination in job offers), which called on the Federal Council to eliminate all discrimination against Italian in job offers concerning federal administration posts was the nth reaction to a problem which has become chronic and which acutely resurfaced in the fierce controversy over appointing the Federal Council vice-chancellor and spokesperson. The canton intends fighting on, by all means at its disposal, for equal treatment of Italian-speakers whenever a situation of this kind arises. It considers the general situation in the Confederation’s translation services to be fairly satisfactory and positive. Occasional lapses by committee chairs or holders of equivalent positions do not impact on existing and widely recognised legal practice. In the years ahead the canton sees the main problem as the economy measures which the federal authorities are applying. It is worried about the adverse effect of this cost-cutting on the minority languages, particularly Italian. We would stress here the need to maintain current practice regarding translation, and to avoid endangering it by economy measures.

The fact that use of Italian by the federal authorities is not always consistent with the Charter’s provisions is mainly due to the shortage of Italian-speaking staff in the federal administrative services, whose main result is delay in document translation (such as it is).

In addition there is a development which is partly new: Internet websites of national interest generally exist only German and French (or English). There is often no Italian version, or only an Italian version of the home page. A study by the Osservatorio linguistico della Svizzera italiana (Matteo Casoni, *L’italiano nei siti web*, OLSI, 2003), while finding balanced use of official languages in federal administration, pointed to glaring shortcomings in this area on the part of many public and private suppliers of information.

Italian in the non-Italian-speaking regions. Given the information provided in section 3.1.1 concerning the language spoken in the home, the canton is required to support provision for studying Italian as an option in all state schools in non-Italian-speaking regions. The concern here is for everyone’s right to acquire at least basic knowledge of Italian. Great proficiency in the language makes for better representation of Italian in the institutions already mentioned, which in turn promotes communication between the different language regions. That is why we are keen to see federal-level support for wide dissemination of the national languages in state schools, as a way of ensuring that the principle of cantonal autonomy does not hinder Confederation language policy, which is supportive of language minorities. The outcome of the parliamentary consultations on the draft federal legislation on national languages and understanding between language communities (the Languages Bill) is therefore of prime importance, particularly as the bill contains very useful measures to encourage language minorities (see Part Two, section 1, “Measures to implement Article 7 of the Languages Charter”).

Italian in higher education. At present the Swiss universities have precisely 15.5 chairs in Italian language and literature (2 at Geneva, 3 at Lausanne, 2 at Fribourg, 2 at Bern, 1.5 at Basle, 4 at Zurich, and 1 at St Gall). In Geneva the procedure for advertising the third chair was completed recently, and Fribourg is inviting applications for a new chair of Italian philology (after reorganisation of the Romance Philology department). In recent years, however, the chairs at Neuchatel and the Federal Polytechnic, Zurich, have been abolished, while at Basle capacity has been halved. Equally, a new chair of Italian linguistics has been created at Bern, so that with the chair currently being advertised at Fribourg and the third chair at Geneva (which had long been vacant) there should be 17.5 chairs in two years’ time (subject to any further changes). Concerns recently expressed therefore need qualifying.

2. Italian-promotion measures and Charter provisions

2.1 Article 8: Education

In the canton of Ticino all the provisions of Article 8.1 of the Charter (Article 8.1.a.i., 8.1.b.i, 8.1.c.i, 8.1.d.i, 8.1.f.i, 8.1.g and 8.1.h) are fully implemented by the current school legislation. Article 1.3 of the Schools Act of 1 February 1990 provides: "Education shall be provided in Italian with due regard for freedom of conscience".

With the establishment of the University of Italian Switzerland, we may now add to the above-mentioned provisions Article 8.1.e.i (university and other higher education in regional or minority languages).

Section 1.4 of the law of 3 October 1995 on the University of Italian Switzerland and the University of Applied Sciences of Southern Switzerland provides that "the official language of the University shall be Italian".

In the field of education the canton of Ticino is focusing its efforts in the following directions:

2.1.1 Strengthening the position of Italian in schools in the canton of Ticino

The position of Italian in the canton's schools is being strengthened through the following measures:

- teaching in Italian: as a rule all non-language subjects in all schools are taught in Italian, which is the mother tongue of 80.6% of the pupils attending Ticino schools (school year 2001/2002);
- consolidation of Italian teaching: as of this year, in accordance with "riforma 3" in secondary education, the curriculum for Years 3 and 4 provides for an extra hour of Italian, giving 6, 5, 6 and 5 weekly periods of Italian in the four years of lower-secondary school;
- introduction of specialist committees to assess developments and implement any measures in connection with the findings of the 2003 Pisa enquiry.

2.1.2 Familiarisation with Italian language and culture for young non-Italian-speakers living in the canton

The Schools Act of 1 February 1990 provides the legal basis for measures aimed at pupils who do not speak Italian. Section 72.1 states: "In schools of all levels and all standards it shall be possible to organise Italian-language classes for pupils speaking another language who have difficulty keeping up in class; steps may be taken in particular to assist mainstreaming of pupils from non-Italian-speaking countries whilst safeguarding their cultural identity".

The arrangements for Italian-language classes and mainstreaming activities are laid down in the regulation of 31 May 1994 on Italian-language classes and mainstreaming.

The classes are mainly for pupils who have recently arrived in Ticino and have no knowledge of Italian at all or only very basic knowledge. In addition to these classes (which last two years), pupils speaking other languages usually attend normal Italian classes together with their classmates.

Preliminary classes for mainstreaming young people aged over 15 who have not been living in the canton long and who need to familiarise themselves with Italian language and culture (see Article 35 of the regulation implementing the law of 20 October 1998 on educational and vocational guidance and on vocational and further training) are also available.

In addition, the education, culture and sport department organises between 10 and 15 adult-education classes a year in Italian as a foreign language.

2.1.3 Safeguarding the cultural identity of young non-Italian-speakers living in the canton

Various communities of foreign nationals can attend classes in the language and civilisation of the country of origin, which are usually organised by the relevant consulate. For such classes they can be provided on request with facilities in state establishments (see Schools Act of 1 February 1990, section 17, which governs the use of school premises belonging to the state). In special cases the communities also qualify for financial aid, again on application. Many schools (especially primary and lower-secondary schools) encourage contact between teachers at state schools and teachers giving classes organised by foreign communities (or, in many cases, consulates). To help non-Italian-

speaking pupils integrate into the Ticino school system, Article 51.4 of the regulation of 18 September 1996 on lower-secondary schools provides that “in special cases French or German classes can be replaced by English classes for pupils whose mother tongue is not Italian. Any decision in the matter is for the board of governors”.

In 2001 the Swiss Conference of Cantonal Ministers of Education published the Swiss version in French, German, Italian and English of the European Language Portfolio (ELP) (<http://www.sprachenportfolio.ch>) for young adults. The ELP, a Council of Europe project, is both a tool and a record. It comprehensively documents the language proficiency acquired at and outside school in a transparently and internationally comparable manner. It provides recognition of multilingual pupils' language proficiency. The ELP is now also beginning to become widespread in Ticino schools.

2.1.4 Making the canton's young Italian-speakers receptive to other languages and cultures and encouraging the learning of other national and foreign languages

Mention should here be made of the considerable efforts that the canton has made, and is still making, to give pupils in Ticino schools high-quality language teaching.

French is compulsory from the third year of primary school and German from the second year of secondary school (the seventh year of compulsory schooling); English is at present taught as an option in the fourth year of secondary school (currently under consideration are possible changes in order to extend the teaching of English during compulsory schooling). By the end of their compulsory schooling all pupils at Ticino schools have therefore studied French for seven years and German for three, and a large number have studied English for at least one year.

In October 2002 the State Council approved a reform designed to strengthen multilingualism and the teaching of Italian.

It will be introduced step by step from the 2003/2004 school year to become general by 2006/2007. It includes the following measures:

- French: compulsory from the third year of primary school to the second year of secondary school; availability of other forms of teaching (immersion courses, exchanges, etc.) in the third and fourth years of secondary education; possibility of studying French in post-compulsory education as well;
- German: compulsory from the second year of secondary school and extension of German teaching to all vocational schools;
- English: compulsory from the third year of secondary school; continuation possible in post-compulsory education.

The canton of Ticino is one of only two Swiss cantons (the other being Grisons) to make classes in two other national languages compulsory for all pupils.

The adult-education classes established by the canton of Ticino also offer over 250 annual language courses every year (in English, German, Spanish, advanced Italian, Russian, modern Greek and French).

In addition to these language-teaching measures, the canton encourages language learning in various ways:

- by promoting class exchanges in the cultural field;
- by encouraging bilingual teaching initiatives and other innovations. The Schools Act of 1 February 1990 allows innovation and experiment such as the bilingual-education project in the third and fourth years of the cantonal business school at Bellinzona (an initiative it is not yet possible to assess on the basis of currently available data);
- by subsidising language courses in other parts of Switzerland and abroad (2 to 3 million Sfr per annum);
- by supporting private initiatives such as “Languages and Sport”, which for over twenty years has been organising sport plus language courses (in German, French and English) during the summer holidays; these very successful courses, originally for secondary school pupils, have now been extended to primary-school level.

But exchanges with other language regions also involve fields outside education. For instance, the Police Regulation of 6 March 1996 (Article 36.3) provides: “A chief constable may enter into

agreements on temporary exchange of officers with other cantons for the purposes of language learning and instruction”.

2.1.5. Promoting Italian language learning/teaching outside Italian-speaking Switzerland

The position of Italian in the school systems of other cantons – with the notable exception of Grisons – is very precarious.

Since 1970 the Department of Education, Culture and Sport has been organising courses in Italian language and culture with its counterpart in the canton of Aargau for teachers at all education levels. In all, over 1000 German-speaking Swiss teachers have attended the summer schools.

The Department of Education, Culture and Sport has helped to introduce Italian in compulsory schooling in the canton of Uri by providing technical assistance and financial support; it has collaborated in producing teaching materials, for example, and (going back to 1991) has run methodology and language courses for all Uri teachers (intensive Italian-language courses – two 4-week summer schools for each of the 190 teachers – plus courses on teaching Italian as a foreign language).

The canton of Uri has dropped the teaching of Italian as a second foreign language in favour of English.

In fact, the growing importance of English makes it harder to promote and spread Italian at federal level. The weakening of Italian language and civilisation departments at the Zurich Federal Polytechnic (which is symbolic as a prestigious institution) and in Swiss universities is a revealing sign.

2.2 Article 9: Judicial authorities

The legislation of the canton of Ticino complies with Article 9 of the Charter.

The following are the key pieces of legislation:

- the Code of Civil Procedure of 17 February 1971;
- the Code of Criminal Procedure of 19 December 1994;
- the Federal Debt Enforcement and Bankruptcy Act of 27 April 1992;
- the cantonal law of 12 March 1997 implementing the Federal Debt Enforcement and Bankruptcy Act (section 21);
- the Procedure Act of 6 April 1961 governing cases before the cantonal insurance court (section 1a);
- the Legal Practitioners Act of 15 March 1983, Section 8: “In correspondence, annexes and oral statements to the Ticino authorities, the legal practitioner shall use the Italian language”;
- the Notaries Act of 23 February 1983; this provides that to be eligible for a notary examination candidates must “be familiar with the Italian language” (section 17.1) and that official documents must be drafted in Italian, or in another language provided that the notary and the parties concerned are familiar with it (section 47).

Mention is again made here of the recommendation in the experts' report (paragraph 210). See Part One, 5.1.

2.3 Article 10: Administrative authorities and public services

Existing law in the canton of Ticino fully complies with the measures provided for by Article 10, paragraphs 1.a.i, 1b, 1c, 2a-g, 3a, 4b and 5, of the Charter. The Procedure Act of 19 April 1966 governing administrative cases constitutes the legal basis for use of Italian in official relations with the cantonal and communal authorities. Section 8 of the Act provides that “applications, appeals, complaints and, in general, all allegations that can be decided by cantonal, communal, borough or parish authorities or by other similar public bodies must be drafted in Italian”.

2.4 Article 11: Media

In matters for which the canton of Ticino has responsibility existing law and practice comply with Article 11 of the Charter.

The existence and operation of Italian Swiss Radio and Television (which in 1997 broadcast 26,294 hours of radio and 6,510 hours of television) fully comply with Article 11.a.i of the

Charter (see also the Federal Radio and Television Act of 21 June 1991).

Since autumn 2002 four daily newspapers in Italian have been published in Ticino (before 1995 there were five). To these may be added numerous Italian-language publications appearing two or three times a week or daily, weekly, bi-monthly or monthly. Very few titles are published in other languages (a German-language newspaper appears three times a week). Ticino is one of the European regions with the highest press density.

The Vocational Schools Act of 2 October 1991 provides (section 21) for a journalism course at an advanced vocational training institution as preparation for careers in journalism (see also the regulation on the journalism course in Italian-speaking Switzerland of 27 April 1997). In this connection, mention should be made of training and research at the Faculty of Communication Sciences of the University of Italian Switzerland, established by the 1995 Act.

2.5 Article 12: Cultural activities and facilities

The Department of Education, Culture and Sport's annual reports to the OFC describe the canton's numerous cultural activities and facilities, as well as how Ticino uses the financial aid it receives from the Confederation for protecting its language and culture. In particular the aid finances the work of the Osservatorio Linguistico della Svizzera Italiana and various other research projects. Some Ticino research arouses interest outside the academic community, being favourably received by a large proportion of Ticino society. The *Lessico dei dialetti della Svizzera Italiana*, published by the Centro di Dialettologia e Ethnografia in October 2004, was extremely successful, for example. Despite its bulk and price it sold out in a matter of weeks and speedily had to be reprinted.

2.6 Article 13: Economic and social life

Existing law and practice in the canton of Ticino comply with the provisions of Article 13.1.d and 2b of the Charter.

Section 59.1 of the Public Establishments Act of 21 December 1994 states: "A price list for the main dishes and beverages and any supplementary charges shall be displayed in Italian outside public establishments".

Section 5 of the Public Signs and Notices Act of 29 March 1954 provides: "Signs, whether permanent or temporary, shall be in Italian. To these signs may be added, in characters no larger and no more prominent than the original text, a translation into one or more national or foreign languages, presented in such a way as to make it clear that it is a translation. This section shall not apply to the commune of Bosco-Gurin." (See also Article 4.1 of the regulation of 16 October 1988 implementing the Public Signs and Notices Act: "They shall not be subject to authorisation if they are in Italian.")

2.7 Article 14: Transfrontier exchanges

Economically, socially, educationally, culturally and in other ways there are extremely active exchanges between Ticino and Italy, especially the Italian border provinces, which are associated with Ticino in the Regio Insubrica cross-border community. Co-operation in many fields is starting to be established between Ticino and Italian local and provincial bodies.

The legislative decree of 18 August 1980 on a credit line for transfrontier co-operation allocates an annual credit line of Sfr3 million for funding cross-border co-operation activities.

The legislative decree of 10 March 1998, under the 1993 framework agreement between the Swiss Confederation and Italy on transfrontier co-operation, regulates Ticino's age-old special relationship with the commune of Campione d'Italia.

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