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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

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

SWITZERLAND

SUMMARY OF THE REPORT

Switzerland ratified the European Charter for Regional or Minority Languages (Charter) in 1997. The Charter came into force on 1 April 1998. Article 15 of the Charter requires states to present a report to the Secretary General of the Council of Europe on the policy and measures adopted by them to implement its provisions. Switzerland's first report was submitted to the Secretary General of the Council of Europe in September 1999. Since then, Switzerland has submitted reports at three-yearly intervals (December 2002 and May 2006) on developments in the implementation of the Charter, with explanations relating to changes in the language situation in the country, new legal instruments and implementation of the recommendations of the Committee of Ministers and the Council of Europe committee of experts. This document is the fourth periodical report by Switzerland.

The report is divided into a preliminary section and three main parts.

The preliminary section presents the historical, economic, legal, political and demographic context as it affects the language situation in Switzerland. The main changes since the third report include the enactment of the federal law on national languages and understanding between linguistic communities (Languages Law) (FF 2007 6557) and the new model for teaching the national languages at school ("HarmoS" intercantonal agreement). The Languages Law provides a binding legal framework ensuring equality between the country's languages and greater recognition of minority languages, and the "HarmoS" agreement regulates the teaching of national languages in cantonal schools, making it mandatory for the cantons to offer teaching of the three national languages.

Part One of the report describes the legal provisions and instruments used to implement the Charter in Switzerland. These include international legal instruments acceded to by Switzerland, national law having an impact on languages and cantonal provisions relating to languages. This section also describes the organisations active in Switzerland which contribute to implementation of the Charter through their work of promoting linguistic diversity and understanding between linguistic communities. Lastly, this section contains Switzerland's observations on the recommendations by the Council of Europe Committee of Ministers and committee of experts concerning Switzerland's third report. The main changes since the third report include the passing of the Languages Law and the new Federal Law on Broadcasting (with its implementing order), which highlights the role of the media in promoting linguistic diversity in Switzerland. The recommendations of the Committee of Ministers and the committee of experts concern the introduction of Rumantsch Grischun in school, the need to use Romansh in the public sphere in the canton of Graubünden and continued dialogue between the federal authorities and the representatives of Yenish speakers. The replies to the recommendations from the canton of Graubünden reveal that the introduction of Rumantsch Grischun in cantonal schools is still a pilot project in the early stages and that the majority of municipalities have yet to join the project. In those municipalities which have adopted it, the introduction of Rumantsch Grischun mainly concerns the written language and oral communication still takes place in the local dialects, thus ensuring overall protection of the Romansh language. The new language law adopted by the canton of Graubünden ensures equality between the canton's three official languages (German, Romansh and Italian). Lastly, dialogue is continuing with Yenish speakers thanks to the federal authorities' ongoing contacts with the Radgenossenschaft der Landstrasse and the foundation "A Future for Swiss Travellers" and the Confederation's support for these organisations and for plans to promote the Yenish language.

Part Two of the report concerns developments in the measures adopted by Switzerland to implement Article 7 of the Charter. In contrast to the previous reports, this section, as well as describing the new developments, also answers a series of questions put to Switzerland by the Council of Europe on the basis of the recommendations made by the committee of experts. The main topics raised are the situation of minority languages in the canton of Graubünden, the situation of German in the municipality of Bosco Gurin in Ticino, relations with the Yenish community and the language situation in the bilingual cantons.

Lastly, Part Three presents the reports of the cantons of Graubünden and Ticino on the application of the Charter to Romansh and Italian on their territories. It gives an account of developments in cantonal legislation (in particular, in Graubünden, the enactment of the cantonal law on languages and the plan to introduce Rumantsch Grischun in schools in some municipalities as a teaching language) and sets out the replies to the questions asked by the Council of Europe Committee of Ministers and committee of experts. The cantons offer their comments having regard, in particular, to their statutory duties and the recommendations received.

General information on language policy in Switzerland

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 present periodical reports to the Secretary General of the Council of Europe on the implementation of its provisions. This is the fourth report submitted by Switzerland. It has been drawn up on the basis of the 3rd report of 24 May 2006 and takes account of developments in language policy in the cantons and at the level of the Confederation. It comments on the recommendations of the Council of Europe Committee of Ministers and those contained in the 3rd report of the committee of experts published on 12 March 2008 and set out in a list of questions dated 20 June 2008.

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 geopolitical position. Switzerland's present territory has 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 the old 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:

“The national languages of the Confederation are the three main languages of Switzerland: German, French and Italian.”

The completely revised 1874 Constitution retained the wording of the article on languages (in Article 116). The new Article 107 required the three national languages to 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 regional language, to the rank of a national language, while 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 clause was initiated in 1985 on a motion from a Graubünden 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 read as follows:

- “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 Graubünden 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 Confederal relations with Romansh speakers. 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 Graubünden and Ticino to safeguard and promote Romansh and Italian.”

In view of the new legal framework, the federal government produced draft legislation on languages to give effect to this extension of the Constitution's language policy principles. On 28 April 2004 the Federal Council decided not to submit the draft languages legislation and the accompanying report to the Chambers, giving as one of its reasons the instructions received from Parliament to make financial savings. Following the “Levrat” parliamentary initiative (04.429. Federal law on national languages) of 7 May 2004, approved by both Chambers, the National Council's science, education and culture committee (CSEC-N) submitted, on the basis of the government's draft languages law, its own draft with an accompanying report. In a statement of 18 October 2006, the Federal Council again rejected the Bill for reasons related to federalism and budgetary policy. The “federal law on national languages and understanding between linguistic communities” (Languages Law, FF 2007 6557) was passed by Parliament on 5 October 2007 against the advice of the Federal Council. Its implementing order is currently in preparation. The languages law and its implementing order will probably come into force in January 2010.

1.2 The demographic and economic situation in the various region

Population growth

The current population count shows the population permanently resident in Switzerland (and gives figures that are slightly lower than in the census of the total resident population). The permanent resident population totalled 7.2 million in 2000; by the end of 2007, this figure had increased by 400 000, to 7.59 million. The permanent resident population thus increased by 5.5% in that period. By language region (as defined for the 2000 census), German-speaking Switzerland (4.8%) is slightly below the average, Italian-speaking Switzerland (5.4%) is around the average, and French-speaking Switzerland (7.8%) is significantly above the average. The permanent resident population of Rhaeto-Romanic Switzerland decreased (-0.8%) between 2000 and 2007. In Italian-speaking and Rhaeto-Romanic Switzerland, the number of deaths exceeded the number of births in that period. While the population decrease was more than offset by increased immigration in Italian-speaking Switzerland, this was not the case in the mainly Romansh-speaking municipalities, despite positive net migration here too.

For Switzerland as a whole, the growth in the permanent resident population between 2000 and 2007 resulting from a surplus of births was 1.1%. The highest rate of natural increase, ie population increase resulting from an excess of births over deaths, was recorded in French-speaking Switzerland (2%), followed by German-speaking Switzerland (0.9%). The rate of natural increase in the Italian-speaking region is close to zero (-0.1%), while it is distinctly negative in the Rhaeto-Romanic areas (-1.7%).

Migration

The main factor in the growth of the permanent resident population, other than surplus births, is a positive migration balance between 2000 and 2007. In that period, the proportion of permanent residents holding a foreign passport rose from 19.8% to 21.1%. The number of people of Italian origin continues to fall (return migration or naturalisation). In the same period, the number of German citizens in Switzerland almost doubled. At the end of 2007, nearly one fifth of the foreign population in Switzerland was from the countries of former Yugoslavia. Italians form the largest group, followed by German nationals and nationals of the present Federal Republic of Yugoslavia (Serbia and Montenegro); the Portuguese follow in fourth position. Nearly 13.5% of the permanent resident population is from non-European countries.

Economic situation

Switzerland's economic growth between 2004 and 2008 was slightly higher than the European average. Switzerland has hitherto been less hard-hit than other, larger countries by the recession resulting from the global financial crisis. Labour productivity increased by an average of 1.3% per year between 1992 and 2007. The labour market expanded considerably following the economic upturn, the introduction of freedom of movement for EU nationals having probably contributed to this; but it will not be possible to make a more accurate assessment until a full economic cycle has been completed. Germany and Portugal stand out as countries of recruitment. Income increased across all consumer sectors. However, this increase was based relatively heavily on the income of the financial sector, which has also been relatively harder hit by the ongoing recession. The austerity plans launched in 2003 to restore Switzerland's financial health, coupled with a favourable economic climate, resulted in a surplus on most public budgets in 2008.

The economy of the canton of Ticino grew between 2000 and 2007 in line with the national trend, while that of the canton of Graubünden fell slightly short. The unemployment rate in Ticino (4.4% in May 2009) is higher than the national average (3.4%), whereas it is only 2% in Graubünden. Added value per hour worked in 2007 (source: BAK Basel centre for economic research) was 29 in Graubünden (in US\$ PPP 1997 based on 2000 prices), or 84% of the national average (34.7), and in Ticino 33.7, or 97% of the national average. In 2000 the productivity figures for Graubünden and Ticino stood at 26.4 and 31.9, or 81% and 98% of the national average (32.4). The increase in the employment rate in Ticino can mainly be ascribed to the growth of the financial sector. In Graubünden, the slowdown in the growth of employment since 2000 is principally due to the fall in the number of jobs in the tourism sector.

The sources of per capita income and the corresponding value added per hour worked are very different in Graubünden and Ticino. Per capita income in the canton of Graubünden is 49 355 Sfr (2005, Federal Statistical Office [provisional figure]), ie 91% of the national average (54 031), and in Ticino 41 335 Sfr, ie 77% of the national average. Ten years previously, the figures for Graubünden and Ticino were still 89% and 85% of the national average. It should furthermore be noted that Ticino comes before Graubünden in terms of productivity, but lags behind in terms of per capita income. This reversal reflects not only the difference in the importance of economic sectors but also different population structures (age, labour force participation rate) and differences in the proportion of income deriving from outside the canton.

Within the canton of 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 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*).

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 environment –

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.

As a result of the educational effort, 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 onwards.

Nowadays only the towns of a certain size and the internationally famous (Alpine) tourist resorts offer a variety of employment to match the very diversified qualifications being acquired 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 and reforming the services and semi-public sectors (particularly by guaranteeing easier access to private enterprise).

Growth is also stimulated by the opening up of markets to competition, a development that is increasingly taking on 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, continued provision of adequate basic facilities is necessary, for example by combination of public services.

1.3 Constitutional and administrative structure of the state

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

It is the cantons which determine the status of the municipalities: Article 50.1 of the Constitution states that "municipal autonomy shall be guaranteed within the limits fixed by cantonal law". There is municipal autonomy in all the cantons, to varying degrees. Municipalities 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 municipal insolvency, but otherwise supervision of the municipalities 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 state decision-making process

In the cases specified in the Constitution, the cantons participate in the decision-making process at federal level, particularly in the drafting 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 affected (Article 45.2).

Main participation mechanisms:

- numerous informal consultations in intergovernmental conferences;
- requirement for the Confederation 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 (Article 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 certain urgent federal laws 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 co-operation between cantons. The federal councillor responsible for the particular field is regularly invited to attend the meetings of these conferences, thus ensuring vertical co-ordination as well.

State supervision of the work of regional authorities

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 its 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 46.3). All last-instance decisions of the cantonal authorities may be challenged in the Federal Court by means of a unified appeal or a constitutional appeal (Articles 72, 75, 78, 80, 82, 86 and 113 of the law of 17 June 2005 on 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 merger 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 the 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 establish. 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 organisation of cantonal government is governed mainly by cantonal law. There is a data bank on cantonal and municipal government in Switzerland (BADAC¹). 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, 47, 122.2 and 123.2 of the Constitution). They are, for example, free to set up their own constitutional courts. With the coming into force of the judicial reform, the cantons are required to set up courts to try disputes in the majority of cases (Articles 29a and 191b of the Constitution). The new law on the Federal Court lays down more requirements regarding the structure of the cantons' last-instance judicial bodies (Article 110). The federal codes of criminal and civil procedure due to come into force in 2011 will introduce further directives regarding the organisation of cantonal courts.

With the exceptions of the Federal Court, the Federal Administrative Court, the Federal Criminal Court, the Military Court and the future Federal Patents Court, all judicial authorities in Switzerland are based on cantonal law.

All the cantons have their own civil, criminal and public-law courts (cf. Article 191 of the Constitution). Civil cases are always heard 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 of First Instance. In the field of public law, cantonal administrative courts have jurisdiction to rule on 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

Financial autonomy is one of the cantons' 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 new financial equalisation and apportionment of functions between the Confederation and the cantons came into force on 1 January 2008, bringing a clearer separation of functions between the Confederation and the cantons in several fields, new forms of co-operation between the Confederation and the cantons (such as programme agreements) and improved intercantonal equalisation of financial burdens.

¹ In French and German. Internet access: www.badac.ch

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

The data derived from the 2000 federal census are still valid for language statistics. The information contained in Parts Two and Three is therefore based principally on the same statistical data as Switzerland's second and third reports on implementation of the Charter.

The census system as from 2010

Following a complete revision, the new law on federal population censuses came into force on 1 January 2008, leading to a re-organisation of the census system.² The new law does away with the exhaustive national surveys conducted every ten years for which the whole of the population was required to complete a questionnaire. These are to be replaced by data collection based on official registers and yearly sample surveys, the findings from which will, then be processed.

The *structural data collection* questionnaire will be comparable to the questionnaire used for the 2000 federal census. The section on "language, religion and culture" will contain questions on the main language(s) – "multilingual" will be included for the first time as a possible reply – the language(s) spoken in the workplace or at school, and the language(s) spoken at home or with close family members.

In addition to this, a *micro-census on "language, religion and culture"* conducted every five years starting in 2014 will provide information on the language issue in Switzerland. It will contain additional questions on languages and language skills, which had never before been studied. The cantons can supplement the samples used for structural data collection and the theme-based surveys and thus obtain detailed information on their region.³ The canton of Graubünden has included requirements in its cantonal law on languages (Article 16) relating to a special survey of multilingual municipalities (see Part Three, chapter I 2.1).

The first census under the new system is scheduled for 31.12.2010. The questionnaires to be introduced in 2010 and the survey method guarantee compatibility with the statistical data compiled in the last few decades at national and cantonal level, due allowance being made for sampling errors.

² Law of 22 June 2007 on federal population censuses ; RS 431.112, http://www.admin.ch/ch/f/sr/c431_112.html.

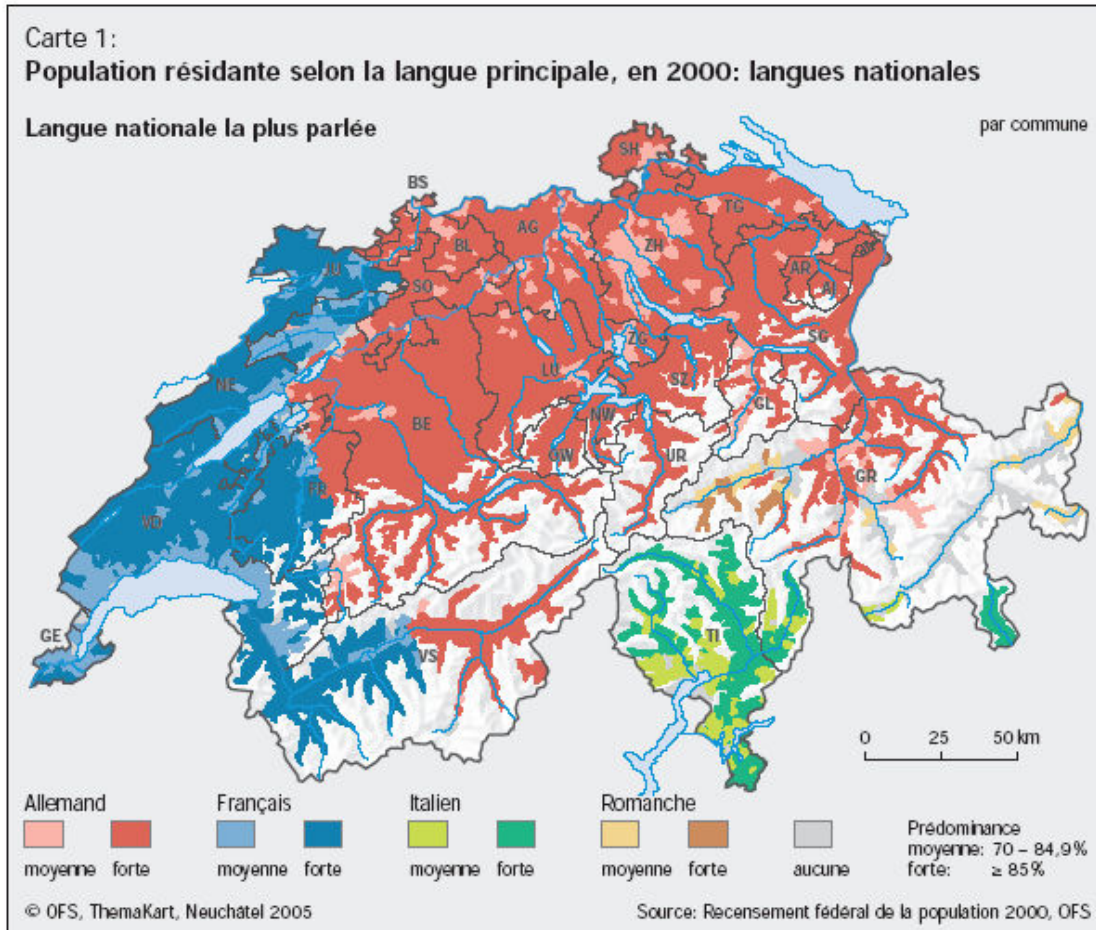
³ For more details see <http://www.bfs.admin.ch/bfs/portal/fr/index/news/00/03/01.html>.

2.1 Languages in Switzerland and their geographical distribution

2.1.1 National situation

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

Figure 1: Resident population by main language (national languages), 2000



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 municipality. 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.

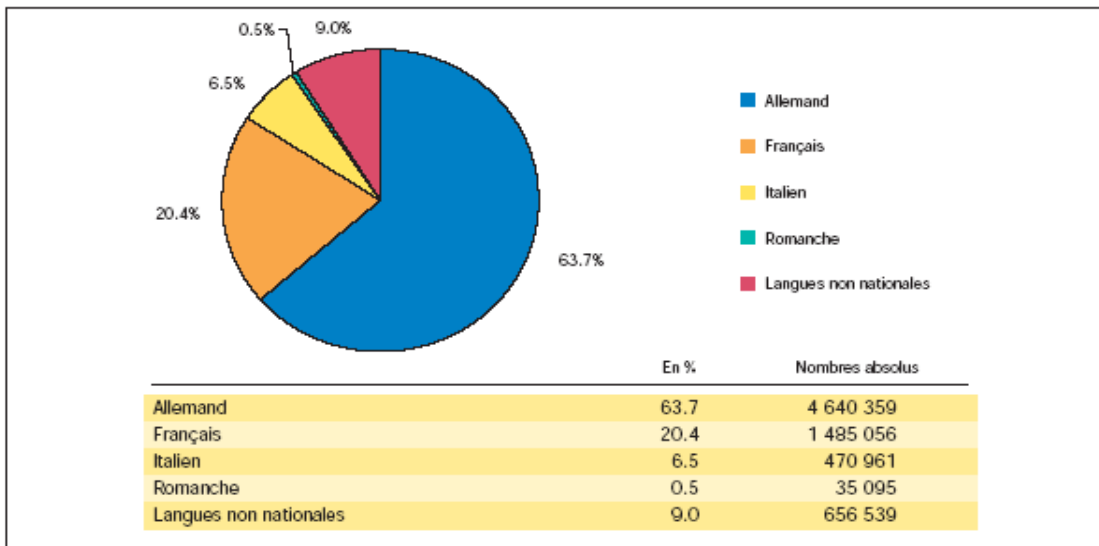
The following information, maps and tables are taken from the publications “Le paysage linguistique en Suisse” (2005)⁴ and “Die aktuelle Lage des Rätoromanischen” (2005)⁵, published by the Federal Statistical Office on the basis of the results of the 2000 census.

Since the mid-19th century this social multilingualism has been one of the basic features of Swiss identity. The population censuses provide updates on these four languages and on the non-national languages, which are called “other languages” in the census questionnaire. Traditionally the questionnaire covered only the main language (called “the mother tongue” until 1980). That meant that speakers of more than one language had to choose one of their languages. In the case of those who are equally at home in two or more languages, that amounted 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. Starting in 2010, annual structural data collection under the new census system will provide for the possibility of choosing more than one main language.

Nationally, the languages spoken as main languages are distributed as follows:

Figure 2: Percentage distribution of main languages, 2000

Graphique 1: Population résidante selon la langue principale (en % et en nombres absolus), en 2000



Source: Recensement fédéral de la population, OFS

These figures relate to 2000. They can be interpreted as the outcome of historical developments. Since 1950 the distribution of national languages has evolved as follows:

4

http://www.bfs.admin.ch/bfs/portal/fr/index/dienstleistungen/publikationen_statistik/publikationskatalog.html?publicationID=1738

5

http://www.bfs.admin.ch/bfs/portal/fr/index/dienstleistungen/publikationen_statistik/publikationskatalog.html?publicationID=1740

Table 1: Percentage distribution of languages (mother tongue, main language), 1950- 2000

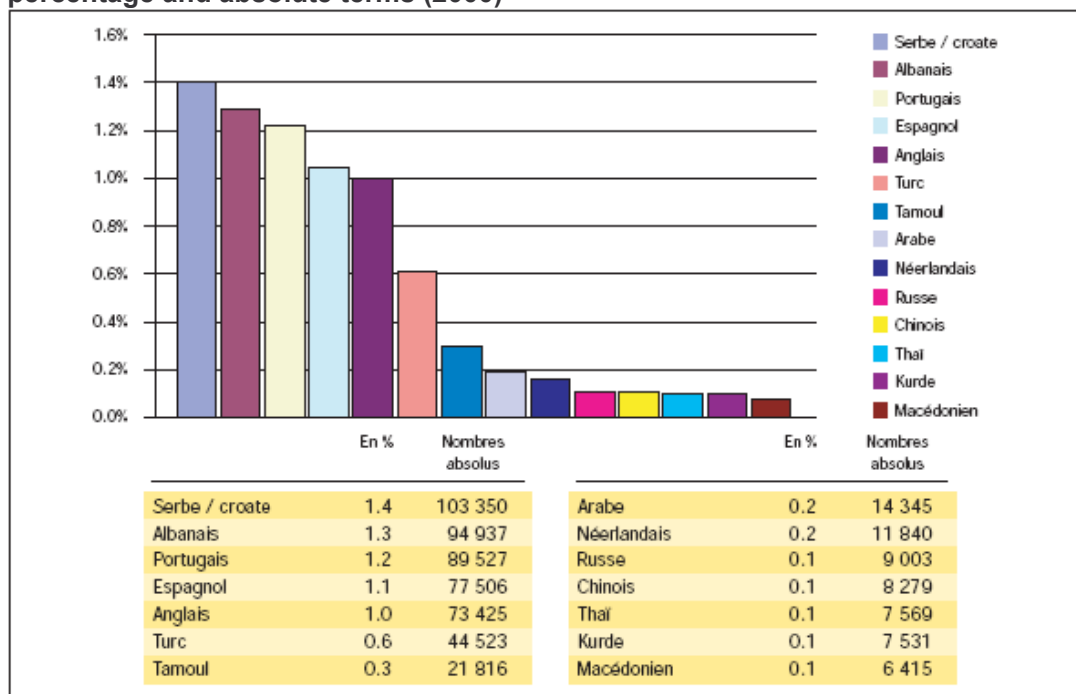
	1950	1960	1970	1980	1990	2000
German	72.1	69.4	64.9	65.0	63.6	63.7
French	20.3	18.9	18.1	18.4	19.2	20.4
Italian	5.9	9.5	11.9	9.8	7.6	6.5
Romansh	1.0	0.9	0.8	0.8	0.6	0.5
Non-national languages	0.7	1.4	4.3	6.0	8.9	9.0

Source : Recensement fédéral de la population, OFS

Although, at 7,288,010, the total population of Switzerland is 6% up on 1990, language distribution has remained remarkably stable. German is the main language of around two-thirds of the resident population, and French is the country's second language. The share of these two languages 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. The non-national languages have made little progress.

Since the mid-20th century the figures for *non-national languages* have been directly linked to growth of the foreign population and developments in its composition. It is important, therefore, to consider not only the number of people whose language is a foreign one but also the breakdown for the main foreign languages.

Figure 3: 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%), languages of former Yugoslavia (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 role 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.

The proportion accounted for by non-national languages 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 area. 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 strongly represented in the French-speaking area, and Spanish is more uniformly distributed. English is concentrated in the 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:

Table 2: Percentage distribution of national languages as main languages by language area, in 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 language most spoken as a main language – twice as much as French. In French-speaking Switzerland German is spoken nearly twice as much as Italian, whereas in Italian-speaking Switzerland German is spoken over five times more than 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 figure for French is insignificant.

Romansh, lastly, is little found outside Graubünden: 51.6% of Romansh speakers live in their language area and 25.5% in other language areas of Graubünden (together they total 27.038, or 77% of Romansh speakers in Switzerland).

Outside Graubünden 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 Graubünden (990). But their number in Zurich has decreased considerably compared with 1990 (1 257, or 0.3%).⁶ Chur is the municipality 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:

⁶ Stadt Zürich, Statistik, 18/2006, Die Vierte Landessprache in der Stadt Zürich.

Table 3: Percentage distribution of Romansh as a main language in the population with Swiss nationality, by language area, in 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

Nearly half of Romansh speakers live outside the Romansh-speaking area and nearly a quarter outside the canton of Graubünden.

In addition to the four territorial national languages recognised by the Constitution, Switzerland has two languages which do not have a specific territory – Yeshish and Yiddish (see chapter 4).

2.1.2 Situation in the cantons

Switzerland is composed of 22 monolingual cantons, three bilingual cantons (Bern, Fribourg and Valais), whose official languages are German and French, and the trilingual canton of Graubünden, whose official languages are German, Romansh and Italian.

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

Table 4: Main languages by canton (in percentage and absolute terms), in 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 Gallen	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
Multilingual cantons						
Bern	957 197	84.0	7.6	2.0	0.1	6.3
Graubünden	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 bilingual cantons: Bern, Fribourg and Valais

In the multilingual cantons, one of the two cantonal languages always accounts for over 60%. The figures have increased in relation to 1990. The three bilingual cantons (Bern, Fribourg and Valais) are clearly divided into two distinct language areas. The main exceptions are the cities of Biel/Bienne (55.4% German, 28.2% French) and Fribourg/Freiburg (21.2% German, 63.6% French). The cantons of Fribourg and Valais are predominantly French-speaking, while the French-speaking community in the canton of Bern is relatively small.

In the **canton of Bern**, 3 of the 26 districts are officially French-speaking: Courtelary, Moutier and La Neuveville; they account for 5.4% of the total population of the canton (51 408 inhabitants out of 957 197). Biel/Bienne is officially bilingual and comprises the municipalities of Biel/Bienne and Evilard/Leubringen. According to the 2000 census, the proportion of French speakers is greater than 10% in some municipalities in the districts of Erlach and Nidau (Gals, Gampelen, Nidau and Port).

In the three French-speaking districts, French is the main language for a large majority of the population:

Table 5: main languages in the three French-speaking districts of the canton of Bern (in %), 2000

District	Total	German	French	Italian	Romansh	Non-national languages
Courtelary	22 119	12.9	80.9	2.4	0.1	3.7
Moutier	23 224	7.2	84.9	2.9	0.0	5.0
La Neuveville	6 065	16.7	77.6	1.9	0.1	3.7
Total	51 408	10.8	82.3	2.5	0.1	4.3

Source : Recensement fédéral de la population, OFS

The tendency in these three districts of the Bernese Jura is towards greater linguistic segmentation: the proportion of French speakers is increasing while that of German speakers is virtually stable, in line with a trend observed for many years. Fears of latent Germanisation have therefore proved unfounded.

In the **canton of Fribourg**, the Sarine/Saane and See/Lac districts are bilingual:

Table 6: main languages in the two bilingual districts of the canton of Fribourg (in %), 2000

District	Total	German	French	Italian	Romansh	Non-national languages
Sarine/Saane	85 465	14.5	75.3	2.3	0.1	7.8
See/Lac	28 175	67.1	24.9	1.1	0.1	6.8

Source : Recensement fédéral de la population, OFS

In the Sarine district, only the city of Fribourg is bilingual (63.6% French-speaking and 21.2% German-speaking). At the level of the district as a whole, French speakers form a large majority, exceeding the cantonal average (63.2%). In the Lac district, German speakers are in the majority, accounting for roughly two-thirds, and a geographical division is found: the municipalities in the east of the district are German-speaking, while those in the west are French-speaking. As in the canton of Bern, there is also a marked tendency towards homogenisation of language areas. In both areas, the share of the majority has been increasing since 1990 while that of the minorities has decreased.

In the **canton of Valais**, there is a clear boundary between the two language areas. The Haut-Valais consists of the five districts of Brig, Goms, Loèche, Raron (divided into East and West Raron) and Viège. Except in the case of Viège, German is the main language of all these districts, with over 90%, while French accounts only for a very small proportion, ranging from 0.6 to 2.4%. The local language accounts for a high and even very high proportion in the eight French-speaking districts of the Bas-Valais: Conthey, Entremont, Hérens, Martigny, Monthey, Saint-Maurice, Sierre and Sion (from 80.2 to 95%). The only districts in which German (second cantonal language) is relatively well represented are Sierre and, to a lesser extent, Sion (8.1 and 5.1% respectively). The towns of Sierre and Sion were bilingual until the end of the 20th century; German now only accounts for 12.6% in Sierre and 5.6% in Sion.

Ederswiler and Bosco Gurin

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 municipality of **Ederswiler**. Ederswiler is one of the three Bernese municipalities which voted in 1974 against the creation of the canton of Jura; because it was not contiguous with the district of Laufon, it could not join it as the neighbouring municipality of Roggenburg did. Ederswiler has a permanent resident population of 125 (as of 4.8.2009). The 2000 federal census gave the following breakdown of the population by language spoken: 84.5% German, 10.1% French, 2.3% Spanish. According to the municipality's own figures, the current position is as follows: 66.4% German-speaking, 14.4% bilingual (German and French), 13.6% French-speaking, 5.6% other languages (Albanian, Spanish, Italian). At the level of the municipality, the administrative language is German, but official communications with the canton of Jura are in French. The canton occasionally has documents translated into German for the benefit of Ederswiler, eg documents concerning referendums and tax declarations. Article 10.1 of the Decree on the Civil Registry Service of 25 April 2001 gives French as the official language of the civil registry, but sub-paragraph 2 makes an exception for Ederswiler: "Upon prior request, extracts and communications sent to the authorities and citizens of the municipality of Ederswiler shall be drawn up in German". Article 56.5 of the Code of Administrative Procedure of 30 November 1978 provides that persons living in a non-French-speaking area of the canton and possessing an insufficient knowledge of French may obtain free translations for administrative procedures and decisions⁷. 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 municipality of Movelier (JU) or the German-speaking school in Roggenburg (BL). At the municipal assembly of 6 July 2009, the municipality of Ederswiler decided to join the new Ederswiler-Movelier-Soyhières school district. Parents may, however, ask to change districts, as provided for by law. Any such requests by parents living in Ederswiler are dealt with by their municipality on a case-by-case basis, the cost being borne by the canton. At present, one child from Ederswiler is attending the kindergarten in Movelier, two the primary school in Roggenburg and five the school in Movelier. The kindergarten and school in Movelier encourage bilingualism. Children there have two extra hours of German per week.

In the mountain village of **Bosco Gurin** in Ticino, four language varieties are spoken: 1. German, 2. Italian, 3. Ticino dialect, 4. Gurin dialect (Gurinerdeutsch); the first two are written languages, the other two spoken.⁸ Gurin dialect belongs to the Walser dialects, also spoken in Upper Valais, Graubünden, northern Piedmont, Liechtenstein and Vorarlberg, and dates back to the migration of the German-speaking Walser people in the 13th century.

The municipality of Bosco Gurin was German-speaking until 1990 (1990: 58 inhabitants, of whom 35 (60.3%) spoke German as their first language). The 2000 federal census showed that Bosco

⁷ See D. Richter, *Sprachenordnung und Minderheitenschutz im schweizerischen Bundesstaat*, Heidelberg 2005, p. 461. For other references in the legislation of the Canton of Jura, see <http://www.tlfq.ulaval.ca/axl/EtatsNsouverains/Jura-Ing-divers.htm>.

⁸ For details of Gurin dialect, see C.V.J. Russ, 2004, *Die Mundart von Bosco Gurin* (www.linguistik-online.de/20_04/russ.pdf)

Gurin now had an Italian-speaking majority (2000: 71 inhabitants, of whom 23 (32.4%) spoke German as their first language). This development is due to the immigration of Italian speakers and to the fact that standard German is not identity-forming and the inhabitants who speak Gurin dialect feel closer to Italian than to proper German.⁹ According to information provided by the canton of Ticino¹⁰, the population of Bosco Gurin at the beginning of 2006 was 55, including around 30 speakers of Gurin dialect.

The current population of the village is 52 (as of 3.9.2009). According to Gesellschaft Walserhaus Gurin, 50% of them, ie 26, speak Gurin dialect. Only four of these are under 20 years of age, and over half (14) are over 50.

The municipality's administrative language is Italian. Although initially, when compulsory schooling was introduced in Ticino (1830), lessons were solely in Italian, an (optional) period of German was introduced in 1886 and was financed until 1942 by the Deutschschweizerischer Schulverein. Since 1942 German has been a compulsory subject, with two one-hour periods a week. In 2002/2003 the village school was closed. Children from Bosco Gurin now go to school in Cevio. During the 2005/2006 school year, there was one pupil from Bosco Gurin in the 1st year and one in the 2nd year; the one in the 3rd year had two hours of German a week. Two children from Bosco Gurin currently attend the primary school in Cevio: one child from an Italian-speaking family is at the kindergarten and one who speaks Gurin dialect at home is in the 5th year. It was for this one pupil that special German classes were kept on at the Cevio school in the 2007/2008 school year. Middle school pupils from Bosco Gurin attend normal German classes, ie 3 hours a week from the 7th to the 9th years.

In Switzerland various private organisations are involved in protecting and promoting Walser culture and dialects, including the Walserhaus association in Bosco Gurin, which runs the local museum, the Walserverscheinigung in Graubünden and the Internationale Vereinigung für Walsertum in Brig.

⁹ See S. Bianconi / M. Borioli, *Statistica e lingue*, Ufficio di statistica 2004, p. 37ss.; J. Haldemann, *Das Tessiner Walserdorf Bosco Gurin*, Wien 2005/06 (www.wboe.at/homepages/jhBoscoGurin.pdf).

¹⁰ See 3rd Swiss report, p. 41.

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 Graubünden known as “Grigioni Italiano” (Mesolcina, Val Calanca, Val Bregaglia, Val Poschiavo). These areas speak not only standard Italian but also Ticino dialect and Graubünden 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:

Table 7: Main languages in Italian Switzerland (in absolute and percentage terms), 1990-2000

Main language	Ticino			Italian-speaking Graubünden (including the municipality 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 the evaluation of the findings of the 1990 census¹¹.

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:

¹¹ See 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.

Table 8: Italian as the main language of Ticino since 1880 (in absolute and percentage terms)

	Absolute values	As %
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
1980	223 108	83.9
1990	233 710	82.8
2000	254 997	83.1

Source: Recensement fédéral de la population, OFS

If we 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 a 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 Graubünden

As regards the main languages, the situation in Graubünden 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 Graubünden 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:

Table 9: Main language by district in Italian-speaking Graubünden (excluding Bivio), in absolute figures, 2000

	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

Table 10: Main language by district in Italian-speaking Graubünden (excluding Bivio), in percentage terms, 2000

	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 as follows: 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 the other districts. In percentage terms, however, Italian remains better represented in Italian-speaking Graubünden than in Ticino, even in Bregaglia district, where Italian was holding steady in 2000 after a dip in 1990.

German is progressing in all districts except Roveredo, with the largest increase in Calanca (+2.3%).

In the 2000 census, nearly 70% of Italian speakers in Graubünden indicated no other language routinely used in the family, at school and/or in working life. This relatively high figure for “monolingual” Italian speakers contrasts with the Romansh speakers in Graubünden, only 33% of whom said that they only use Romansh in these contexts.

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:

Figure 4: Italian as main language spoken at home, work and school in the non-Italian-speaking areas (as %), in 2000

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Source: Recensement fédéral de la population, OFS

Table 11: Italian speakers in the three non-Italian-speaking linguistic areas, 1990-2000

	Absolute figures		As%		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

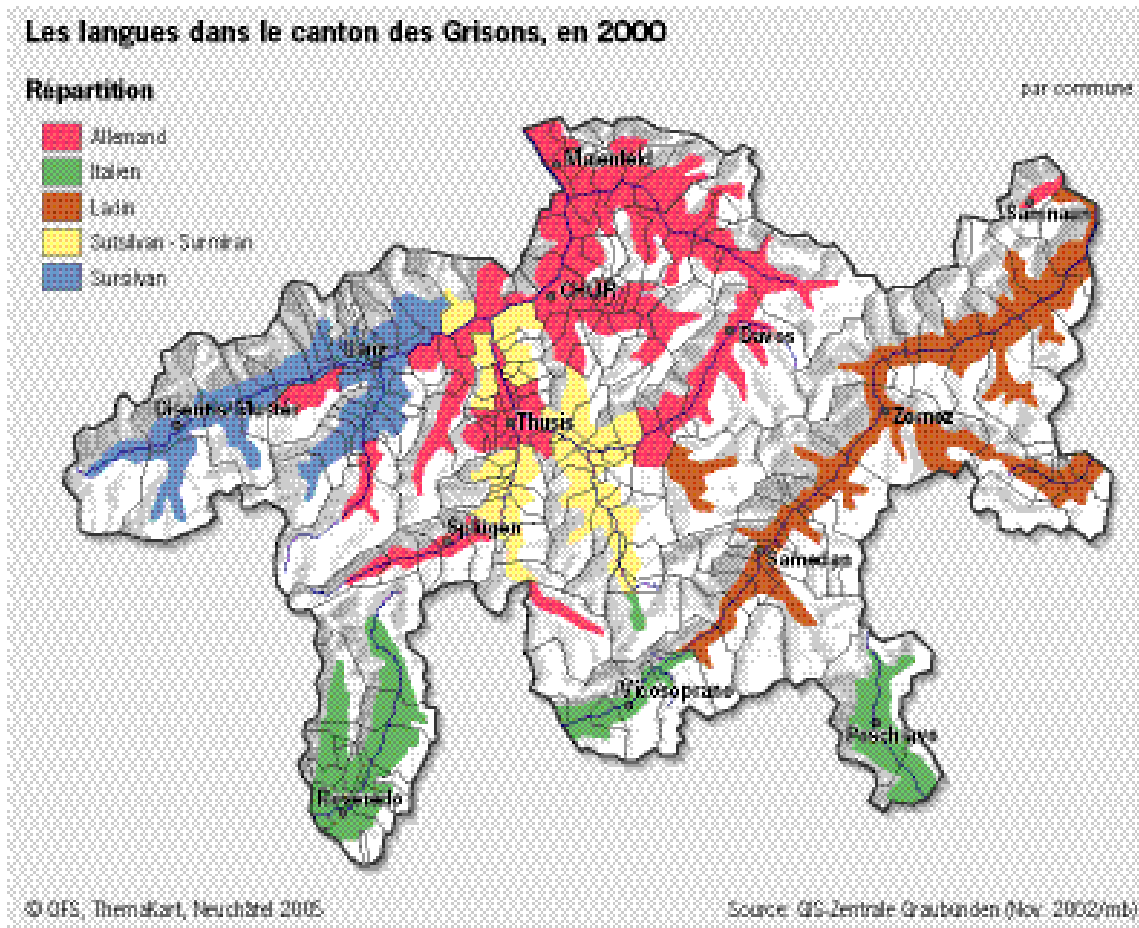
3.2 Romansh

3.2.1 Romansh in Graubünden

The following data are taken from *Die aktuelle Lage des Rätoromanischen*, Federal Statistics Office (OFS 2005), and *Das Funktionieren der Dreisprachigkeit im Kanton Graubünden* (M Grünert et al., Tübingen/Basel 2008).

Leaving aside the many local variants, Romansh is divided into five main dialects, each spoken in a different part of the canton of Graubünden: 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. Puter and Vallader are also referred to collectively as Ladin.



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%), the family being, together with school, an important medium for dissemination of a language. There is, however, a slight increase in use of Romansh in occupational settings and at school.

Table 12: Resident population of Graubünden 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	16.27	17.26	22.46	23.33
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	27.46	27.99	12.70	14.48
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	11.37	11.04	11.35	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	85.19	89.34	84.56	87.24
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	10.64	15.15	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

3.2.1.1 Romansh as main language in the traditional Romansh-speaking area¹²

Under the heading “Language”, the 1990 census form asked several questions, one of which concerned the “main language”, defined as the language of greatest proficiency. 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 main 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

¹² The data in Table 10 relate to Graubünden as a whole, while the following data apply to the traditional Romansh-speaking area. This comprises municipalities which had a Romansh majority at the time of the first census in 1860, including Fürstenu (see *Die aktuelle Lage des Rätoromanischen*, BFS 2005, p. 135).

Puter area, and as much as 26.6% down in the Sutsilvan area. The figures for the different areas where the main dialects are spoken are currently as follows: Vallader 63.1%, Sursilvan 42.5%, Surmiran 30.2%, Puter 12.8% and Sutsilvan 7.9%.

3.2.1.2 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%) areas, 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 main language. The figures for the different areas where the main dialects are spoken are currently as follows: Vallader 74.6%, Sursilvan 52.2%, Surmiran 38.8%, Puter 23.1% and Sutsilvan 13.8%.

3.2.1.3 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 working 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 main 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 people speaking Romansh in the workplace 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 trend found for Romansh as main language or Romansh as the language spoken at home, Romansh here increased in absolute terms in the five areas where the main dialects are spoken (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 Graubünden as the language spoken at work.

3.2.1.4 Trend in traditionally Romansh-speaking municipalities

Table 13: Romansh in traditionally Romansh-speaking municipalities, 1990 and 2000 (in absolute figures and %)

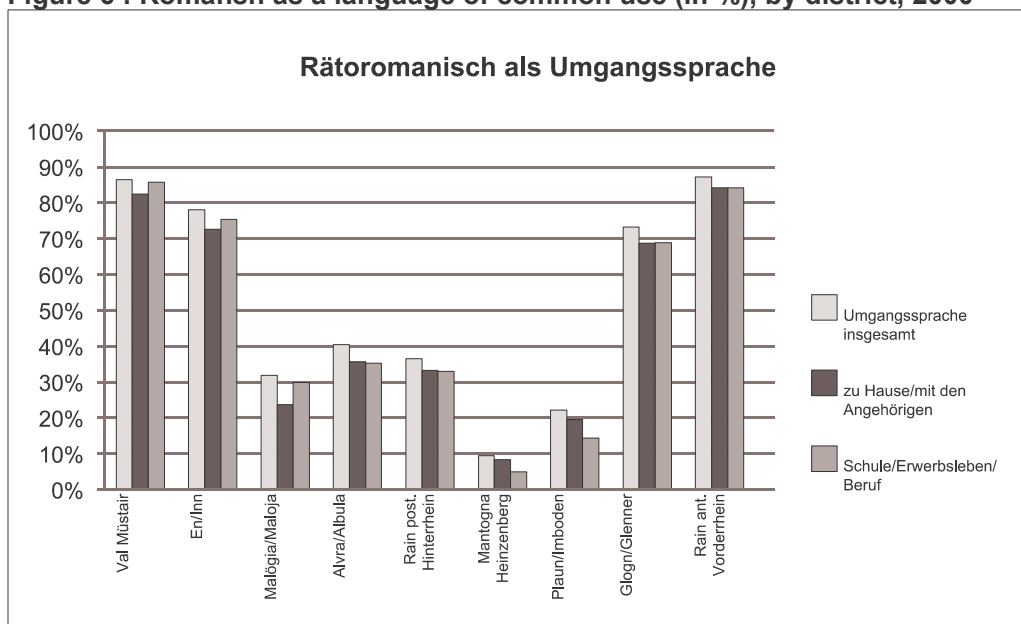
<i>Districts (up to 2000)</i>	Total pop. in the trad. Romansh speaking area 1990	Total pop. in the trad. Romansh speaking area 2000	Romansh ML 1990	Romansh ML 2000	Romansh ML and/or LU 1990	Romansh ML and/or LU 2000
<i>Val Müstair</i>	1632	1605	1266 77.6%	1190 74.1%	1448 88.7%	1387 86.4%
<i>Inn</i>	6124	6540	3977 64.9%	3948 60.4%	4857 79.3%	5061 77.4%
<i>Maloja</i>	14986	17310	2683 17.9%	2274 13.1%	5151 34.4%	5324 30.8%
<i>Albula</i>	7168	7890	2576 35.9%	2154 27.3%	3496 48.8%	3211 40.7%
<i>Hinterrhein</i>	1442	1594	434 30.1%	320 20.1%	661 45.8%	570 35.8%
<i>Heinzenberg</i>	5052	5611	344 6.8%	251 4.5%	655 13.0%	541 9.6%
<i>Imboden</i>	12528	13663	1774 14.2%	1346 9.9%	3463 27.6%	3004 22.0%
<i>Glenner</i>	9925	10901	6276 63.2%	6222 57.1%	7434 74.9%	7887 72.4%
<i>Vorderrhein</i>	7923	8081	6564 82.8%	6311 78.1%	7109 89.7%	7006 86.7%

ML = main language, ML and/or LU = main language and/or language of use

Sources : *Recensement fédéral de la population, OFS et M. Grünert et al. 2008:45-49*

Romansh as main language declined between 1990 and 2000 in all districts, in both absolute and percentage terms. The number of persons in the traditionally Romansh-speaking municipalities stating Romansh as main language and/or language of use increased in absolute terms in three districts, Inn, Maloja and Glenner, but declined as a proportion of the total population. The number of persons stating Romansh as main language decreased more than the number of persons stating it as main language and/or language of use. The smallest difference between speakers of Romansh as main language and users is found in the Lower Engadine/Val Müstair and Surselva areas, particularly in the most remote districts, where Romansh is still widely spoken. Here too, Romansh is still firmly entrenched as a language of common use.

Figure 6 : Romansh as a language of common use (in %), by district, 2000



Source: M. Grünert et al. 2008:52

Key: Title : Romansh as a language of common use

Right-hand column:

Language of common use, total
At home / with family members
At school/ in working life

3.2.2 Romansh in Switzerland

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

Table 14: Resident population by language (in absolute figures and percentages), 1990 and 2000

	Main language and/or language of use (languages mentioned)		Main language (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 languages not linked to a specific territory: Yenish, the language of travelling people in Switzerland, and Yiddish, the language of Swiss Jews. The federal census has no section providing explicitly for languages of this kind. Although Yenish speakers and Yiddish speakers can mention their language under "Other", the Federal Statistics Office has no detailed data on the subject. In its statement of 10 October 2005, the Radgenossenschaft der Landstrasse explains this situation as follows: "Even today, many Yenish people do not mention the Yenish language in the census for fear of discrimination. These fears could be dispelled in the medium or long term through better and more extensive information provision".

The annual structural data questionnaire (starting in 2010) has, in all, 9 reply categories for main language. These are the 9 most widely spoken languages in Switzerland (according to the 2000 census, including the 4 national languages). It also includes two additional text boxes in which other languages can be mentioned, such as Yenish and Yiddish. These two reply options are also included in the list of possible languages, which means that, if someone specifies them, there is a corresponding code.

Yenish

The traveller community in Switzerland numbers approximately 30 000 people. At present, between 3 000 and 5 000 people still have a semi-nomadic lifestyle. The number of mobile travellers remains constant at around 2 500; it is determined from records relating to the use of stopping places and transit areas existing in 1999.

Yenish is a spoken language and a protected language, for the most part used and transmitted solely within the group. The first Yenish dictionary was not published until 2001 (H Roth, *Jenisches Wörterbuch. Aus dem Sprachschatz Jenisher in der Schweiz*, Frauenfeld 2001). As a rule, Yenish is described as a "sociolect", a special language or a special vocabulary, or, on occasion, as an "ethnolect". In principle, Yenish speakers use the grammatical structure of German. In Switzerland, "Yenish uses the structure of the Swiss German sentence, within which it replaces the familiar dialect words having the greatest informative value (substantives, verbs, adjectives) with its own expressions". (H Roth, p 98).

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 1986.

When ratifying the Charter, the Federal Council declared Yenish as a non-territorial language in its message, but pointed out that the speakers of this language had never made any requests in this connection, which was why it was not yet covered by Swiss policy on languages (BBI 1997 I 1165, FF 1997 I 1105).

A year later, when ratifying the Framework Convention for the Protection of National Minorities (BBI 1998 1293, FF 1998 1033), the Federal Council stated explicitly that Swiss travelling people formed a minority within the meaning of the framework convention. Switzerland thus undertook to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture. Consequently, when adopting the 2nd Swiss report on the Charter, the Federal Council declared Yenish as a non-territorial regional or minority language and granted the Yenish people's request for measures to support their language.

Yiddish

In its previous 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 policy¹³.

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. Current language policy measures

5.1. Federal law on languages (FF 2007 6557)

As mentioned in chapter 1.1, the Federal Council rejected the federal government's preliminary draft of the Languages Law (28 April 2004) and the draft based on it submitted by the parliamentary committees for science, education and culture (18 October 2006). Among other things, it adduced reasons related to federalism and budgetary policy. However, on 5 October 2007 the parliament passed the "federal law on national languages and understanding between linguistic communities" (Languages Law). The implementing regulations are currently in preparation. The Federal Council will probably bring the Languages Law and its implementing regulations into force in 2010.

5.2. Language teaching in compulsory schooling

The moves in recent years towards more intensive language teaching during compulsory schooling have already entered the consolidation stage in some cantons while they are still at the planning stage in others. To develop language teaching, the cantons have set themselves the following common goals:

- at least two foreign languages (a second national language and English) from primary school onwards for all (in Years 3 and 5, at the latest). This means that the cantons are bringing forward, or have already brought forward, the start of language learning. The majority of pupils are already receiving instruction in two foreign languages. The first foreign language taught will be English in most of the German-speaking cantons. In a minority of German-speaking cantons (along the border with French-speaking Switzerland), in western Switzerland and in Ticino, the first foreign language studied remains a second national language. Regardless of when learning begins, the competences acquired at the end of compulsory schooling must be similar for both foreign languages. These competences are laid down in the form of standards. Teaching of the second national language is accompanied by a grounding in the culture.
- opportunities for pupils to improve their knowledge of other national languages by attending optional classes in a second national language from Year 7 onwards. In the majority of cases this would be Italian. In Ticino, study of two national languages in addition to English is compulsory.

The basic principles governing the development of language teaching are set out in the strategic decision on the development of language teaching adopted by the Swiss Conference of Cantonal Ministers of Education (CDIP) on 25 March 2004. The structural provisions of this strategy are included in the intercantonal agreement on the harmonisation of compulsory schooling (HarmoS agreement). This agreement is currently at the accession procedure stage and is binding in respect

¹³ See Switzerland's 2nd report, p.13, 3rd report, p. 21.

of the cantons which have signed it. It came into force on 1 August 2009 in the first ten cantons which had already acceded to it.

The goal pursued by the CDIP of teaching two foreign languages from primary school onwards and thus also partly strengthening the position of the national languages vis-à-vis English has met with a certain degree of opposition. The main argument is that this would overburden both pupils and teachers. In four cantons (ZH, ZG, TG and SH), referendums against the teaching of two foreign languages from primary school were held in 2006. They were both unsuccessful and the CDIP's strategy was confirmed.

Compulsory language proficiency standards

The basic standards and the accompanying proficiency models were developed by teams of specialists over a period of three years under the HarmoS agreement (they apply to maths and natural science, as well as to the language of schooling and foreign languages). After the basic standards have been adopted by the 2009-10 plenary assembly, they will form, together with the proficiency models, a binding basis for the development of regional language syllabuses (*plan d'études de la Suisse romande* for the French-speaking region and *Deutschschweizer Lehrplan* for the German-speaking region) and for teaching materials. The body responsible for monitoring education will determine whether these aims have been achieved and decide on the measures to be taken to enhance the quality of the education system. The CDIP's strategy and programme of activities already provide for language teaching to be improved and tailored to new circumstances. This will mean investing in pre- and in-service teacher training, developing educational theory and conducting scientific assessments.

Following the reform of language teaching in the canton of Graubünden, Italian replaces French as the first foreign language for German speakers. That measure strengthens the position of languages in the canton. However, in the municipalities 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. On 22 April 2008, the Grand Council of Graubünden approved the introduction of English as the second foreign language from Year 5. This reform should come into force from the 2012-13 academic year. The Grand Council also decided to bring forward the beginning of teaching of the first foreign language (Italian, Romansh or German) to Year 3 and to raise the level of proficiency of primary teachers in the first foreign language (Italian, Romansh or German). So as not to overburden teachers and ensure their replacement while they are in training, this raising of proficiency levels in the cantonal languages will begin in 2010, after further training in English. See also Part Three, chapter I 3.1, comments on §67.

The issue of teaching a second and third foreign language has also given rise to political debate at federal level. The Berberat parliamentary initiative of 21 June 2000 (00.425. Enseignement des langues officielles de la Confédération) asked for a provision to be added to the federal Constitution (Art.70 al. 3bis) requiring the cantons to ensure that the second language taught, after the official language of the canton or area, was one of the Confederation's official languages. That initiative was discussed as part of parliamentary debate on the Languages Bill. In the National Council, the majority were in favour of including regulations in the Languages Law promoting the teaching of a national language as the first foreign language. The State Council, however, supported the CDIP's strategy of 25 March 2004 on language teaching in compulsory education, which recommends that a national language and English should be taught from Year 3 and Year 5 and that the cantons themselves should determine the order. The two Chambers finally agreed on a paragraph of the Languages Law of 5 October 2007: "The Confederation and the cantons undertake, within the limits of their respective powers and responsibilities, to promote language teaching which, by the end of compulsory schooling, ensures proficiency in a second national language at least, as well as in another foreign language" (Article 15.3 of the Languages Law). The CDIP'S strategy is thus confirmed.

Introduction of Rumantsch Grischun as the language of literacy at Romansh-speaking schools
By a decision of 21 December 2004 the government of Graubünden adopted an overall plan, “Rumantsch Grischun at school”

(http://www.gr.ch/staka/doks/2005/MM_Rumantsch_Grischun_dt_12-01-05.doc). Under the plan Romansh Grischun (RG) is to be introduced as the language of literacy instruction at compulsory school (see Part Three, chapter I 1.3.1). The reasons for this major innovation are as follows:

- 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 more attractive learning materials to be designed;
- it will reinforce language identity.

The canton invited municipalities to organise ballots to allow the population to vote on the three alternatives proposed. So far, 40 municipalities have organised a ballot on the introduction of RG as the language of literacy instruction and have all accepted this principle by a large majority. In 2007-2008, 23 municipalities introduced RG as the language of literacy instruction from the first year of primary school: all the municipalities with a Romansh-speaking primary school in Val Müstair and Surmeir and the municipalities of Trin, Laax and Falera in the Surselva district. In 2008-2009, another eleven municipalities followed suit (in the Ilanz sub-district, where a bilingual German – Rumantsch Grischun school has been set up). Another six municipalities around Ilanz will be implementing this reform next year.¹⁴

According to the federal census in 2000, these 40 municipalities have a combined population of 14 198 (of whom 7 077 have Romansh as their main language and 9 478 have it as their main language and language of common use). The other 46 municipalities (according to the territorial division at the time of the 2000 census) possessing a Romansh-speaking or bilingual Romansh-German-speaking primary school and which teach children to read and write in the regional dialect have twice the number of inhabitants and twice the number of Romansh speakers: 29 469 (including 14 736 who have Romansh as their main language and 19 459 who have it as their main language and language of common use). The municipalities of Upper Engadine and the still predominantly Romansh-speaking municipalities of the (upper) Surselva and Lower Engadine teach in the local written dialect. At the instigation of the Young Christian Democrats in Surselva, referenda were held in 2004 in 28 of the 81 municipalities 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.

The introduction of RG as the language of literacy continues to encounter resistance. For example, in February 2009 some teachers in Engadine boycotted a compulsory induction course on a new textbook for the “nature – man – environment” branch of study, published in RG and not in the local

¹⁴ See Part 3, section I 1.3. For the results of the ballots in the 40 municipalities, see www.gr.ch/DE/institutionen/verwaltung/ekud/avs/Volksschule/RG_Zwischenbericht_2009_de.pdf

dialect. After the decision by the Grand Council of Graubünden in 2003 to publish the new teaching material in RG and given that the municipalities are empowered to choose their language of schooling and official language, a conflict of interests emerged between the canton and the municipalities which did not wish to switch to literacy instruction in RG and to keep their teaching material in the local dialect.

The Graubünden authorities commissioned an evaluation of the “pioneering municipalities” from the Multilingualism Institute of the University of Fribourg and the University of Teacher Education in Fribourg. The first evaluation report in February 2009 has not been published. The institute has merely published a few charts with a commentary and a few figures. To form a detailed picture of the evaluation one would need to have access to the full report.

In view of the opposition from the predominantly Romansh-speaking areas of the Surselva and Lower Engadine and from Upper Engadine, and given that the municipalities are responsible for choosing the language of literacy instruction, in 2008-2009 the canton launched a mediation procedure with the municipalities which had chosen their own dialect. It is not yet known how these municipalities will manage teaching materials in their own dialect in future. Part Three, chapter I 1.3.4 looks at the evaluation and the ongoing mediation procedure in greater detail.

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 report ;*
- *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, reference will also be made to 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 at <http://www.admin.ch/ch/f/rs/rs.html>.

1.1 International law relating to languages

The international conventions below have a language dimension.

International Covenant on Civil and Political Rights (RS 0.103.2)

Article 27 of the International Covenant on Civil and Political Rights affords protection to linguistic minorities. Articles 2 and 24 prohibit 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.

Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) (ECHR, RS 0.101)

The above rights are also set out in the European Convention on Human Rights (see Article 6.3 and Article 5.2). 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. Article 2.1 prohibits discrimination on the grounds of language and affecting the rights set forth in the convention. The States Parties are required to encourage the mass media to have particular regard to the linguistic needs of children who belong to minority groups (Article 17(d)). In the education of children, emphasis must be placed on respect for their own language and cultural values (Article 29.1(c)).

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

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 contains a number of provisions relating to language freedom: the right of all persons belonging to national minorities to maintain and develop their culture and language as essential elements of their identity (Article 5), 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).

Convention for the Safeguarding of the Intangible Cultural Heritage (RS 0.440.6)

Convention on the Protection and Promotion of the Diversity of Cultural Expressions (RS 0.440.8)

On 16 July 2008, Switzerland ratified the Convention for the Safeguarding of the Intangible Cultural Heritage and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. The two conventions entered into force on 16 October 2008. Among other things, the Convention for the Safeguarding of the Intangible Cultural Heritage concerns “oral traditions and expressions, including language as a vehicle of the intangible cultural heritage” (Article 2.2). It therefore also encourages the preservation of linguistic diversity in its various forms of expression such as storytelling and singing. The Convention on the Protection and Promotion of the Diversity of Cultural Expressions states that linguistic diversity is a fundamental element of cultural diversity and reaffirms the fundamental role that education plays in the protection and promotion of cultural expressions (preamble). In particular, it provides that political and cultural measures may be taken for the creation, production, dissemination, distribution and enjoyment of cultural activities, goods and services, “including provisions relating to the language used for such activities, goods and services” (Article 6.2(b)).

1.2 Confederation law relating to languages

Constitutional provisions concerning language

The national languages, which are regarded as a constituent element 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 language)

“Freedom of language safeguards use of the mother tongue (ATF 116 Ia 345 f.). 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” (ATF 91 I 486; 100 Ia 462; 106 Ia 302, 121 I 196).

“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 tongue (ATF

122 I 236). Such measures must, however, be proportionate”¹⁵ (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 relations between the Confederation and 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 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 70.4 of the Constitution requires the Confederation to support the multilingual cantons in the fulfilment of their special duties.

Article 70.5 of the Constitution requires the Confederation to support the measures taken by the cantons of Graubünden 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 National Languages and Understanding between Linguistic Communities (Languages Law, LLC) (FF 2007 6557)

The Languages Law gives effect to the language provisions of the Federal Constitution, placing emphasis on the equality of the national languages and on understanding between the language communities. It provides for the free choice of working language for federal employees, the publication of official documents in the three official languages (hence the need for translation) and the representation of the four language communities within the federal authorities. The measures to promote exchanges and understanding involve increased support for exchanges of young people and teachers between the language regions for the purpose of learning the country's national languages, support for a national skills centre on multilingualism and measures to foster the teaching of the national languages in schools. Organisations working in the field of understanding and news agencies of national importance may also receive support for their activities to promote understanding in the country's four language regions. The law also provides for support for multilingual cantons in the fulfilment of their special duties so as to ensure their internal bi/multilingualism. Lastly, the Federal law on financial aid for the protection and promotion of the Romansh and Italian languages and cultures is incorporated in the Languages Law. The Languages Law therefore provides a legal framework for ensuring the equality of the national languages and balanced representation within the federal authorities. It also makes for

¹⁵ Citation from the Federal Council message of 20 November 1996 on a new federal constitution, p. 162.

improvements in exchanges and understanding, a key element of national cohesion. The implementing order is under preparation.

Under the Languages Law, the sum available to Ticino and Graubünden to promote Italian and Romansh will remain unchanged. The organisations promoting understanding will continue to receive funding, which totalled 818 000 Swiss francs in 2009. An additional 5 million francs will be available for the implementation of the other measures set out in the order on languages.

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 Graubünden and Ticino to support general measures for protecting and promoting the Romansh and Italian languages and cultures, organisations and institutions involved in supraregional work to protect and promote the Romansh and Italian languages and cultures and publishing in Rhaeto-Romanic and Italian-speaking Switzerland. The law also enables the Confederation to support the Romansh press for the purpose of protecting and promoting the Romansh language. In 2009, Graubünden received 4 662 000 francs and Ticino 2 331 500 francs. The provisions of this law have been incorporated in the new Languages Law which will enter into force at the beginning of 2010.

Law on Official Publications (RS 170.512)

The law of 21 March 1986 on official publications was revised on 18 June 2004. Article 14 provides that publication of legal instruments in the federal law collections (RO, RS) and the Federal Gazette (FF) in the official languages of 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 Confederation measures of particular importance are issued separately in Romansh. It is specified that the Federal Chancellery decides which documents are to be published in this way after consulting the Graubünden chancellery. The Confederation legal instruments of particular importance translated into Graubünden Romansh and revised by the Graubünden chancellery are now available on the Internet at www.admin.ch/ch/r/rs/rs.html.

The provision of Article 15 has been incorporated in the new Languages Law and will be rescinded when the latter enters into force.

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

The order of 19 June 1995 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 Law.

Federal Law on Broadcasting (RS 784.40)

The new Federal Law on Broadcasting (LRTV) of 24 March 2006 entered into force on 1 April 2007. Under the law, the Swiss Broadcasting Corporation (SRG SSR idée Suisse (SRG SSR)) and other, private broadcasters are granted franchises to broadcast radio and/or television programmes. With the new legislation, the share in licence fee revenues which goes to private operators holding service-provision contracts entitling them to receive such shares is much higher than before.

In the programming mandate of the SRG SSR, the law provides that the corporation must provide the population with full radio and television programme schedules of equal value in the three official languages (Article 24.1(a)), promote understanding, cohesion and exchanges between the various regions of the country, language communities, cultures and social groups (Article 24.1(b)) and broadcast at least one radio programme schedule for Romansh-speaking Switzerland. The Federal Council lays down the principles governing provision to meet the specific radio and television needs of that language region (Article 24.2). Other provisions cover the language regions' needs in terms of SRG SSR programme production (Article 27), geographical coverage (Article 30) and organisation of the corporation (Article 31.1(c)). Further details are covered in the SRG SSR idée suisse franchise of 28 November 2007.

Under the new broadcasting law, Swiss private radio and television broadcasters receive a higher share of licence fee revenues. The relevant financial support goes to a small number of private broadcasters holding service-provision contracts. The franchises involving service-provision mandates and conferring entitlement to a share of licence fee revenues are allocated to broadcasters of local and regional programmes which cover regions with inadequate funding possibilities, take account of specific local and regional characteristics in the information they broadcast and help promote cultural life in the areas covered (Article 38.1(a)). Franchises may also be granted to non-profit radio stations which contribute to fulfilment of the constitutional service-provision mandate in urban areas (Article 38.1(b)). Only one franchise conferring entitlement to a share of licence fee revenues is granted for each transmission area (Article 38.3).

Order on broadcasting (RS 784.401)

The order on broadcasting of 9 March 2007 sets out the implementing provisions for the broadcasting law of 24 March 2006. Under Article 7.1 of the order, the SRG SSR is required gradually to increase to one third of total broadcasting time the proportion of subtitled television programmes broadcast in each language region's own scheduling. Article 36 of the order provides that non-profit alternative radio stations may only be granted franchises if they differ in thematic, cultural and musical terms from other franchise holders broadcasting in the same area. In particular, they must take account of the linguistic and cultural minorities living in their transmission area.

The special broadcasting of foreign channels by cable/wire networks provided for in Article 59.2 of the broadcasting law is restricted under Article 52 of the order to programmes broadcast in a national language of Switzerland. The requirement to broadcast applies to the first public-service channels of neighbouring countries (hence including "Rai Uno"); likewise, Euronews, which broadcasts in the language of each region (Italian, French and German) is available on the Swiss cable network. When appointing the members of the independent complaints authority, the Federal Council seeks to ensure proper representation of the different language regions. The independent complaints authority appoints and oversees the three regional mediation bodies (Article 91 of the broadcasting law, Article 76 of the order).

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. Alongside the Federal Culture Department (OFC), Pro Helvetia, which was founded in 1939, is the Confederation's main instrument of cultural promotion. The Confederation makes Pro Helvetia an annual grant for carrying out its cultural functions in Switzerland and abroad. The Pro Helvetia law is being revised.

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 the 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, in an appeal by the municipality 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 municipality of Mörigen (canton of Bern), had enrolled their daughter in a French-speaking school in Biel and were meeting the resulting costs themselves. Enrolment at the German-speaking school in Mörigen, as insisted on by the municipality, 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 municipalities 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 right only to Protestant children in the catchment area of the free state school.
- **Public-law appeal of 15 August 2000 against Entreprises Electriques Fribourgeoises**, judgment of 15 August 2000 (5P.242/2000). The Federal Court judgment could be delivered in the language of the person who had lodged the appeal (German in this case) although the proceedings had been 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.
- Judgment against **the Examining Magistrates' Office of the Bernese Jura / Seeland** of 11 October 2001 (1P.500/2001). The Federal Court delivered a judgment concerning the restriction, under the territoriality principle in criminal proceedings, of the fundamental right to freedom of language.
- **Judgment 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 her children to a school using their mother tongue.
- **Judgment against the invalidity insurance office of the canton of Geneva** of 27 February 2002 (I 321/01). The Federal Court dismissed an appeal against a request for a translation from Italian into French of a medical report by the medical observation centre of Bellinzona invalidity insurance office. Under the territoriality principle, it was legitimate for the judicial authorities in the canton of Geneva to require a translation into the official language of the canton, ie French.
- **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 (judgment 1A.185/203, ATE 130 II 249). In proceedings concerning 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 command of it.
- Judgment in an **administrative-law appeal against the invalidity insurance office for insured persons living abroad** of 7 November 2003 (I 25/03). The Federal Court dismissed an appeal against the suspension of an invalidity pension. The appellant maintained that a medical report drafted in French was not admissible because her mother tongue was Italian and she did not understand French. However, the Federal Court held that she had not requested a medical report in German-speaking or Italian-speaking Switzerland beforehand and had not made it sufficiently clear that comprehension difficulties had hampered the smooth conduct of the relevant specialist medical examinations.
- Judgment in an **administrative-law appeal against the Federal Social Insurance Office** of 30 December 2003 (I 245/00). With regard to entitlement to have medical assessment measures conducted in the mother tongue of the person concerned in invalidity insurance proceedings, the case-law of the Federal Insurance Court in force to date held that it was up to the insured person to apply to the authorities or the courts in due time.
- Judgment in an **administrative-law appeal against the invalidity insurance office for insured persons living abroad** of 22 December 2004 (I 292/03). In accordance with the

agreement on freedom of movement of individuals and with European social legislation, the institutions and authorities of the member states could not refuse applications or other documents on the grounds that they were drafted in the official language of another member state. There was also no requirement entitling insured persons to a translation into their language (a language of a member state).

- **Appeal against the Confederation Prosecution Service (Lugano) and the Complaints Division of the Federal Criminal Court** (1S6/2004, judgment of 11 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.

Other Federal Court judgments, in particular concerning the language of judicial proceedings, are available (in French) at: www.bger.ch/fr/index.htm => *Jurisprudence (gratuit)* => *Autres arrêts dès 2000* (also available in German and Italian):

2A.247/2004 of 10.2.2005

2P.63/2004 of 3.3.2005

1P.162/2005 of 12.5.2005

6S.358/2005 of 17.3.2006

4P.134/2006 of 7.9.2006

1E.8/2006 of 18.10.2006

6S.479/2006 of 4.7.2007

4A_392/2007 of 4.3.2008

4A_506/2007 of 20.3.2008

6B_190/2008 of 20.5.2008

8C_687/2008 of 18.11.2008

2C_559/2008 of 17.12.2008

1B_70/2009 of 7.4.2009

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, Graubünden and Valais) include an article relating to languages:

The articles relating to languages (and other relevant articles) of the various cantonal constitutions are as follows:

- Constitution of the canton of **Bern** (6 June 1993), RS 131.312):

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 administrative region of the Bernese Jura;
- b. French and German in the administrative region of Seeland and in the administrative district of Biel/Bienne;
- c. German in the other administrative regions and in the administrative district of Seeland.

³ The official languages of the municipalities in the administrative districts of the administrative region of Seeland shall be:

- a. French and German in the municipalities of Biel/Bienne and Evilard;
- b. German in the other municipalities.

⁴ The canton and the municipalities may make allowance for special situations resulting from the bilingual nature of the canton.

⁵ Everyone may communicate in the official language of his or her choice with authorities whose jurisdiction covers the whole of the canton.

Article 15 Freedom of language

The freedom to use any language is guaranteed.

The following constitutional articles also concern the right of linguistic groups in the canton of Bern (in particular, in the Bernese Jura):

Article 4 Minorities

¹ The needs of linguistic, cultural and regional minorities shall be taken into account.

² To this end, such minorities may be accorded special powers.

Article 5 Bernese Jura

¹ The Bernese Jura, comprising the districts of Courtelary, Moutier and La Neuveville, is accorded special status. This is intended to enable it to preserve its identity, to maintain its linguistic and cultural character and to take an active part in cantonal politics.

² The canton shall take measures to strengthen the ties between the Bernese Jura and the rest of the canton.

Article 92 Central administration

¹ The central administration of the canton is divided into directorates.

- ² The Cantonal Chancellery is the secretariat and liaison office for the Cantonal Parliament and the Cantonal Government.
- ³ An appropriate number of the staff shall be French speakers.

Art. 84 Composition

- ¹ The Cantonal Government comprises seven members.
- ² The Bernese Jura is guaranteed one seat. Any French-speaking person who is eligible to vote and who is resident in one of the three districts of Courtelary, Moutier or La Neuveville is eligible for election to that seat.

- Constitution of the canton of **Fribourg** (16 May 2004, RS 131.219):

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 municipalities shall observe the traditional geographical distribution of languages and shall have regard to indigenous language minorities.
- ³ The official language of the municipalities shall be French or German. In municipalities with a large indigenous language minority, both French and German may be official languages.
- ⁴ The state shall foster understanding, good relations and exchanges between cantonal language communities. It shall encourage bilingualism.
- ⁵ The canton shall foster relations between the national language communities.

Article 17 Language

- ¹ The freedom to use any language is guaranteed.
- ² Everyone may communicate in the official language of his or her choice with authorities whose jurisdiction covers the whole of the canton.

Article 64.3 provides that the other official language is the first foreign language taught:

Article 64 Education

a. Elementary education

[...]

- ³ The other official language shall be the first foreign language taught.

- Constitution of the canton of **Graubünden** (14 September 2003, RS 131.226):

¹ Article 3 Languages

- ¹ The national and official languages of the canton shall be German, Romansh and Italian.
- ² The canton and municipalities shall support and take the necessary steps to preserve and promote Romansh and Italian. They shall foster understanding and exchanges between the language communities.
- ³ The municipalities 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.

The law on languages (19 October 2006, 492.100) and the order on the languages of the canton of Graubünden (11 December 2007, 492.110) entered into force on 1 January 2008 (see Part Three).

- Constitution of the republic and canton of **Ticino** (14 December 1997, RS 131.229):
 - Article 1
 - ¹ The canton of Ticino is a democratic republic of Italian language and culture.

- Constitution of the canton of **Vaud** (14 April 2003, RS 131.231)
 - Article 3
 - Official language
 - The official language of the canton shall be French.

- Constitution of the canton of **Valais** (8 March 1907, RS 131.232):
 - Article 12
 - ¹ French and German are declared to be national languages.
 - ² Equal treatment of the two languages shall be observed in legislation and administration.

In accordance with Article 62.2, cantonal judges must have command of both languages:

Article 62

[...]

² The members of the Cantonal Court shall have command of both national languages.

- Constitution of the republic and canton of **Neuchâtel** (24 September 2000, RS 131.233):
 - Article 4
 - The official language of the canton shall be French.
 - Article 24
 - The freedom to use any language is guaranteed.

- Constitution of the republic and canton of **Jura** (20 March 1977, RS 131.235):
 - Article 3 Language
 - French shall be the national and official language of the republic and canton of Jura.

Article 42 Culture and adult education

- ¹ The state and the municipalities shall support cultural activities in the creative sector, research, events and dissemination.
- ² They shall ensure and contribute to the conservation, enrichment and enhancement of the Jura heritage, in particular the dialect.
- ³ They shall foster the promotion of the French language.

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 funding for their work from the canton of Graubünden and the Confederation:

Lia Rumantscha (LR)

Via da la Plessur 47
CH-7001 Cuira

Tel.: +41 81 258 32 22

Fax: +41 81 258 32 23

Website: www.liarumantscha.ch

LR, which was established in 1919, fosters Romansh language and culture in four ways: 1) by grouping together and supporting Romansh organisations, 2) by promoting and implementing projects, 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, textbook preparation for out-of-school education, information, documentation and public relations.

Pro Grigioni Italiano (PGI)

Martinsplatz 8
CH-7000 Cuira

Tel.: +41 81 252 86 16

[Fax:](mailto:info@pgi.ch) +41 81 253 16 22

Website: www.pgi.ch

PGI, which was established in 1918, seeks to foster Italian language and culture in Graubünden, protect the cultural heritage of the Italian-speaking population of Graubünden, support their cultural activities and improve the cultural climate. It organises lectures, exhibitions, concerts and classes and publishes a number of periodicals. It also supports work aimed at protecting and spreading Italian in Graubünden, as well as historical, linguistic, economic and social research. PGI has nine branches outside the Italian-speaking valleys of Graubünden: Basle, Bern, Chiasso, Chur, Davos, Lugano, Suisse Romande, Sopraceneri and Zurich.

Agentura da Novitads Rumantscha (ANR)

Via da Masans 2
CH-7002 Cuira

Tel.: +41 81 250 48 00

Fax: +41 81 250 48 03

Website: www.anr.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:

SRG SSR idée suisse
Svizra Rumantscha (SRG.R)
Via da Masans 2
7002 Cuira

Tel.: + 41 81 255 75 75
E-mail: srg.r@rtr.ch
Website: www.crr.ch

Established in 1946, SRG.R (previously known as Cuminanza Rumantscha Radio e Televisiun, CRR) is one of the four member organisations of the Swiss Broadcasting Corporation (SRG SSR); it is also affiliated to the Lia Rumantscha. It represents Romansh speakers and ensures that there is radio, television and multimedia output in Romansh. Through its output, it helps to convey Swiss identity and regional diversity. In addition to their specific mission – which is to inform, educate and entertain – SRG.R broadcasts do their best to protect and promote Romansh language and culture.

Uniun Pro Svizra Rumantscha (PSR)
7188 Sedrun

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

The aim of PSR, which was established in 1992, 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 the Lia Rumantscha and its affiliated organisations.

Uniun da las Rumantschas e dals Rumantschs da la Bassa (URB)
President: Jon Carl Tall
Hertistrasse 2
6300 Zug

Tel.: 041 710 10 40
Website: www.quartalingua.ch

URB, which was established in 1991 and is a member of LR, promotes contacts between Romansh and Graubünden associations outside Graubünden and between Rhaeto-Romance speakers of different dialects and age groups. It initiates and supports projects to promote Romansh outside the canton of Graubünden, as well as projects to teach Romansh to young people. It also organises meetings of Romansh speakers.

Quarta Lingua (QL)
Neptunstrasse 2
8032 Zurich

Tel./Fax: 044 362 61 26
Website: www.quartalingua.ch

Established in 1972, QL regards itself as the ambassador of the fourth national language in the rest of the country, starting with German-speaking Switzerland. It aims to promote knowledge of and support for Romansh throughout Switzerland and to support exchanges between Romansh and the other three national languages. QL supports projects which make Romansh culture accessible in the other language regions. Since 2003, QL has been affiliated to the Lia Rumantscha.

Walservereinigung Graubünden (WVG)
Dischmattstrasse 73
7260 Davos Dorf

Tel.: + 41 81 664 14 42
Fax: + 41 81 664 19 42
Website: www.walserverein-gr.ch

The WVG is the cultural and language association of the Graubünden Walsers. 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)**
Postfach 674
CH-3900 Brig

Tel.: + 41 27 923 12 54 (President)
+ 41 79 432 53 15
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 Ulrich E Gut, President

Sihlquai 253
Postfach 1801
8021 Zurich

E-mail: kw@sda.ch
Website: www.feuilletondienst.ch

Forum du bilinguisme/für die Zweisprachigkeit, Ms Christine Beerli, President

Faubourg du Lac 45
Case postale 566
2502 Bienne-Biel

E-mail: forum@bilinguisme.ch
Website: www.bilinguisme.ch

Nouvelle société helvétique – Rencontres suisses, RS-NSH, Ms Christiane Langenberger, President

Av. des Sports 28
1400 Yverdon-les-Bains

E-mail: rsts@bluewin.ch
Website: www.dialoguesuisse.ch

Fondazione Lingue e Culture, Mr Georges Lüdi, President

Cp 120
6949 Comano

E-mail: gghisla@idea-ti.ch
Website: www.babylonia-ti.ch

Service de Presse Suisse, Mr Jean Richard, President

Rue de la Barre 11
1005 Lausanne

Website: www.culturactif.ch

Forum Helveticum, Mr Roy Oppenheim, President

Bleicherain 7
5600 Lenzburg 1

E-mail: info@forum-helveticum.ch
Website: www.forum-helveticum.ch

Coscienza Svizzera, Mr Remigio Ratti, President

Casella postale 1559
6501 Bellinzona

E-mail: segretariato@coscienzassvizzera.ch
Website: www.coscienzassvizzera.ch

ch Echange de Jeunes, Ms Silvia Mitteregger, Co-ordinator

Poststrasse 10
Postfach 358
CH-4502 Solothurn

Tel.: 032 625 26 80
Fax: 032 625 26 88
E-mail: 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 Graubünden and Ticino, which have direct responsibility for acting on specific recommendations. The canton of Graubünden in turn has consulted the organisations responsible for Italian and Romansh in its territory (Lia Rumantscha, Pro Grigioni Italiano, contact details in Part One, chapter 2).

The Confederation has ongoing contact with travelling people through their umbrella organisation, the Radgenossenschaft der Landstrasse, so the necessary exchange of information is ensured.

Radgenossenschaft der Landstrasse
Hermetschloostrasse 73
CH-8048 Zurich

Tel.: + 41 1 432 54 44
Fax: + 41 1 432 54 87
info@radgenossenschaft.ch

In responding to the committee of experts' questions concerning the application of Part II of the Charter to French and German and the possible application of paragraphs 1 and 2 of Article 3 to the two languages as "less widely used official languages", the Confederation consulted the state chancelleries of the three bilingual cantons of Bern, Fribourg and Valais.

The latest developments in language teaching in compulsory schooling were updated in co-operation with the Swiss Conference of Directors of Education (CDIP).

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 3rd report by the committee of experts of the Council of Europe and the recommendations of the Committee of Ministers of the Council of Europe (dated 12 March 2004) were forwarded to the cantons of Graubünden and Ticino, the representatives of travelling people, the bilingual cantons of Bern, Fribourg and Valais, Südostschweiz Radio/TV AG and the Gesellschaft Walserhaus Gurin. The canton of Graubünden in turn informed the organisations concerned. For this fourth report, collaboration was sought with the Graubünden Cantonal Office of Culture and the canton of Ticino Divisione della Cultura.

The 4th Swiss report on implementation of the Languages Charter has been translated into the four national languages and will be made public at a press conference following its approval by the Federal Council. Along with the previous reports, it can be consulted on the Internet (www.bak.admin.ch > *Langues et minorités culturelles* > *Politique des langues*).

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' third 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 pertaining to the cantons of Graubünden and Ticino.

5.1 Recommendations 1 to 3 of the Council of Europe Committee of Ministers, appended to the experts' 3rd report, dated 12 March 2008

The OFC has already responded to the recommendations from the Committee of Ministers, in a letter to the Council of Europe dated 3 December 2007.

Recommendation 1: ensure that the introduction of Rumantsch Grischun in schools is done in a way which has a positive impact on the protection and promotion of Romansh as a living language;

The canton of Graubünden stresses that Rumantsch Grischun has been introduced and is used as a written language and that teaching focuses on the acquisition of active listening, reading and writing skills. Oral teaching takes place in the local dialects. The introduction of Romansh is evaluated by the Multilingualism Institute of the University of Fribourg and the teachers concerned receive language and teacher-training support.

Detailed responses from the canton of Graubünden regarding Recommendation 1 are set out in Part Three, chapter I 1.4.1.

Recommendation 2: take the necessary measures to strengthen the use of Romansh in dealings with Romansh-speakers by the cantonal administration and by municipalities in which there is a German-speaking majority and a Romansh-speaking minority;

The canton of Graubünden refers to the cantonal languages law and languages order, according to which correspondence with the cantonal authorities takes place in the language chosen by the individual concerned and hence also in Romansh.

The canton of Graubünden also refers to the free choice of official language in parliament and in the government, the translation of official texts into the various official languages and the promotion of the language skills of its staff.

A survey of municipalities conducted in 2009 regarding Romansh and multilingualism will provide further information about the use of Romansh at municipal level.

Detailed responses from the canton of Graubünden regarding Recommendation 2 are set out in Part Three, chapter I 1.4.2.

Recommendation 3: pursue the dialogue with the representatives of the Yenish-speakers with a view to identifying the fields of Article 7 that could be applied to Yenish with the greatest possible support by the speakers.

The Confederation has ongoing contact with travelling people through their umbrella organisation, the Radgenossenschaft der Landstrasse, and with the foundation Assurer l'avenir des gens du voyage suisses.

The promotion of Yenish was highlighted by the committee of experts' first report in 2001. In recent years, a project to support Yenish has been developed in close co-operation with Yenish speakers. The project is implemented by and for them, in keeping with their wishes. The aim is to survey and enrich the existing Yenish vocabulary and publish it in French, German and Italian. Yenish speakers have also conducted a series of interviews in Yenish with the support of media professionals. The interviews cover various themes from the work, social and cultural environment of Yenish speakers. The themes and content were chosen in co-operation with the travelling people. The interviews were recorded in DVD format, with the text transcribed in an accompanying booklet. The vocabulary and the DVD will probably be made available free of charge to Yenish speakers in 2010 so that they can use it to revive and expand their language.

Part Two of the report will look in detail at the recommendations by the Council of Europe committee of experts on implementation of Article 7 of the Charter.

5.2 Question by the committee of experts concerning the situation in the bilingual cantons

Chapter 1.3 (paragraphs 10 to 12) of the third evaluation report refers to municipalities in the bilingual cantons of Bern and Fribourg where the official language is German or French but the main language of 10% to over 40% of the inhabitants is not the official language of the municipality but is nevertheless one of the canton's two official languages. The committee of experts requested clarification on this matter in its questionnaire of 20 June 2008:

French and German

10.

- *What measures have been taken to apply Part II of the Charter to French and German (cf. 1st Periodical Report of Switzerland, p. 9/10)?*
- *Are there plans to apply paragraphs 1 and 2 of Article 3 of the Charter to French and German as "less widely used official languages"?*

German is the main language of 63.7% of the population resident in Switzerland and French that of 20.4%. These figures are up for both languages (see introduction, chapter 2.1.1). German is the only official language in 17 cantons and French in four (Jura, Neuchâtel, Vaud and Geneva). The language policy situation varies in the three bilingual cantons: in Fribourg and in Valais, the minority language at Swiss level (French) is in the majority; in Bern, the language breakdown is the same as at national level (see introduction, chapter 2.1.2). The laws and language policy instruments of these cantons (see Part One, chapter 1.3) take account of the language minorities traditionally present in a language area and seek to foster understanding and exchanges between cantonal and national linguistic communities. French and German are official languages with equal status at federal level and in the three bilingual cantons (Bern, Fribourg and Valais). Official documents are available in both languages to the citizens of these cantons, who can communicate in either language with the federal and cantonal authorities. Moreover, all children in these cantons learn the other language as their first foreign language.

The principles of the Swiss Constitution and the objectives and principles of Article 7 of the Charter are therefore respected.

The bilingual cantons were asked to respond to the committee of experts' questions:

In its response of 9 July 2009, the chancellery of the **canton of Bern** referred to the principle of linguistic territoriality enshrined in the cantonal constitution, which provides for exceptions in favour of the linguistic minority (French speakers). Under the current administrative set-up, dealings between citizens of the districts of Erlach and Nidau and their municipal and district authorities are conducted in German. In the districts of Courtelary, Moutier and La Neuveville, they are conducted in French. With effect from 1 January 2010, the existing 26 districts will be divided into five administrative regions. One of these regions, the Bernese Jura, will have French as its official language. The Seeland administrative region, which includes the former districts of Erlach and Nidau, will be bilingual, and the other three regions will be German-speaking. At the same time, co-operation between municipalities will be stepped up through regional conferences. One of the latter will comprise the Bernese Jura and Seeland regions. It will be regarded as bilingual. These new arrangements will have the following consequences in linguistic terms:

- French will remain the only official language for dealings between the public and the municipal and regional authorities in the Bernese Jura; however, it will be possible to use both languages in the regional conference.
- Up to now, the inhabitants of the districts of Erlach and Nidau have had to use German in dealings with the municipal and district authorities. In future, there will be no change at municipal level, but French may also be used in dealings with the regional authorities. The same principle will apply to the regional conference.

Compared with the situation when the third Swiss report was drafted, things have therefore changed somewhat, to the benefit of the minority languages (French in the bilingual administrative region of Seeland, German in the French-speaking administrative region of the Bernese Jura), in particular for the population of the districts of Erlach and Nidau and, to a lesser extent, for the German-speaking population in the three districts of the Bernese Jura. The territoriality principle will continue to be applied strictly in the Bernese Jura. Making exceptions to the principle would jeopardise the programme of measures adopted to enable the canton's French minority, which accounts for 5.4% of the population (Bernese Jura), to preserve its identity, maintain its linguistic and cultural character and take an active part in cantonal politics (Article 5 of the cantonal constitution).

In the **canton of Fribourg**, the regulations on the use of the two official cantonal languages (French and German) also take account of the territoriality principle and of the language minorities. The municipalities choose their official language(s) themselves. In the late 1980s and early 1990s, various reports and studies concluded that a proportion of between 25% and 40% was sufficient for a municipality to be regarded as bilingual. In view of the complex relations in the French-German linguistic boundary region and of the related sensitivities, it was decided not to legislate on the matter, not least at the request of the leaders of the municipalities concerned.¹⁶

The third evaluation report (paragraph 12) refers specifically to paragraph 2 of the article on languages of the Fribourg cantonal constitution, which provides that the cantonal and local authorities show regard for the traditional linguistic minorities (Article 6.2) and that "in municipalities with a significant traditional linguistic minority, French and German may be the official languages" (Article 6.3). With regard to the definition of the concept of a "significant traditional linguistic minority" and the arrangements for official languages at municipal level, which were two points raised in the third evaluation report, the directorate of institutions, agriculture and forestry of the canton of Fribourg confirmed in a letter dated 28 August 2009 that it gave priority to practical and pragmatic measures to promote understanding between the language communities: "As far as implementation of the languages article in the constitution (Article 6) is concerned, the cantonal government did not deem it necessary at present to enact implementing provisions. On the basis of longstanding practice and experience to date, the State Council believes it is preferable to promote understanding between the

¹⁶ B Altermatt, *La politique du bilinguisme dans le canton de Fribourg/Freiburg (1945-2000)*, Fribourg 2003, p. 180 f.

language communities with practical and pragmatic measures. Account has also been taken of the fact that this option has not generated any situations of conflict, especially since the devolved public authorities (municipalities) also support it. The legal determination of linguistic status at municipal level in particular brings little progress in achieving the overall objective of fostering bilingualism.”

With regard to the application of Part II of the Charter to French and German, reference should be made to the government programme for the period from 2007 to 2011, which places emphasis on bilingualism as an important aspect and asset for the canton. In particular, the directorate of education, culture and sport of the canton of Fribourg has drawn up a cantonal language teaching plan for compulsory schooling.¹⁷ It makes provision for promoting learning of the partner language and other foreign languages. The corresponding proposals will be introduced in the cantonal parliament shortly.

The establishment on 15 November 2007 of the Foundation for Multilingualism Research and Development and the Research Institute for Multilingualism and Multilingual Education, run jointly by Fribourg University and Teacher Training College, marks out the canton and its efforts to promote bilingualism and multilingualism.

The **canton of Valais** has also enshrined cantonal bilingualism in its constitution. The latter does not, however, cover the official languages of the municipalities, which are determined instead by the division of the districts (Upper Valais, Mid Valais, Lower Valais) into two distinct language regions.

In its reply of 26 August 2009, the chancellery of the canton of Valais underlines that German and French are both official languages (Article 12 of the cantonal constitution). To implement this principle of equality of the two official languages at administrative level, all official documents are issued in both languages. At parliamentary level, simultaneous interpretation is provided in all sittings of the Grand Council and all documents (reports, members' statements, etc) are issued in both languages. In terms of education, children in Valais can attend bilingual courses for the entire duration of schooling (from nursery to upper secondary). In the final years of junior secondary and at upper secondary, they may do part of their schooling in the other language of the canton. Many pupils take advantage of this possibility. Students at the Teacher Training College must spend one semester in the other language region of the canton.

Given the current legal situation, the bilingual cantons do not believe that there is any reason to extend the obligations under Article 3.2 of the Charter. The situation might, however, be reviewed following the entry into force of the federal languages law, under Article 21 of which multilingual cantons will receive financial support for specific tasks.

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

To communicate the recommendations by the Committee of Ministers, the Confederation contacted the cantons of Graubünden and Ticino (see Part One, chapter 3). The canton of Graubünden in turn informed the Lia Rumantscha and Pro Grigioni. The OFC, which is the Confederation department responsible for implementing the constitutional mandate and promoting

¹⁷ Cf: http://admin.fr.ch/cha/de/pub/laufende_vernehmlassungen.htm
(http://admin.fr.ch/fr/data/pdf/cha/090202_concept_langues_projet_fr.pdf)

Yenish, also has regular contact with the travelling people through the Radgenossenschaft and the travelling people's foundation.

In communicating the other recommendations by the committee of experts, the Confederation contacted all the bilingual cantons and asked them to comment on the application of the Charter to French and German in their cantons. The information was also forwarded to the representatives of the Walserhaus Gurin association, the authorities in the municipality of Ederswiler and private electronic media operators in Graubünden.

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 Graubünden 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 response on the recommendations concerning Yenish in collaboration with the 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 Charter

This section summarises the legal and political measures taken by the Confederation to implement Article 7 of the Charter. It also looks at a few specific problems which the committee of experts noted with regard to the implementation of certain provisions of Article 7, and which were brought to the attention of the Swiss authorities in the 3rd expert report of 12 March 2008 and in the list of questions dated 10 June 2008. These issues will be dealt with below.

1.1 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 and 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. The new Languages Law, which looks set to come into force in 2010, will further strengthen the quadrilingualism that is a key feature of Switzerland. 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 likewise contain an article relating to languages (see Part One, chapter 1.3).

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 (in 2010, Travellers will receive 400 300 francs in financial aid from the Confederation). The establishment of the foundation “Assurer l’avenir des gens du voyage suisses” [A Future for Swiss Travellers] marks official recognition of the cultural wealth of the Yenish, both sedentary and nomadic, and of their language in Switzerland.

§16 The committee of experts urges the Swiss federal authorities to adopt legislation which would ensure the practical implementation of Article 70 of the Federal Constitution.

As we saw in the preliminary section, in chapters 1.1 and 5.1, on 5 October 2007 the federal chambers passed the federal law on national languages and understanding between language communities (the Languages Law). The Federal Council is expected to bring the law into force in January 2010. The implementing order is currently being prepared.

German (municipality of Bosco-Gurin, Canton of Ticino)

§18 What steps have been taken to formally recognise German in Bosco-Gurin?

Under Article 1, paragraph a (ii) of the Charter, dialect forms of official languages do not constitute “regional or minority languages”. Walser is deemed to be a dialect of standard German and is the language of an extensive Alpine civilisation. Walser is one of the many dialect variants spoken throughout German-speaking Switzerland and which form an essential element of the country's cultural and linguistic wealth. Official recognition of German in Bosco-Gurin would confer official status on standard German, but not on Gurin German. Members of the local population who speak Gurin German, however, display a greater attachment to standard Italian than to standard German (see preliminary section, chapter 2.1.2).

The canton of Ticino has already commented in detail on the committee of experts' recommendations concerning Walser in Bosco-Gurin in the 3rd Swiss report (p. 37). The salient points are summarised in the present report (see Part Three, chapter II 1.2.1). Although the canton certainly intends to respect the particular needs of Bosco-Gurin, it deliberately refrained from making any reference to it in the cantonal constitution, which defines the canton of Ticino as a democratic republic of Italian culture and language. Details of the canton of Ticino's position on this issue can be found in Part Three, chapter II 1.2.2.

In their statement, representatives of the Walserhaus Gurin association ask that the Ticino authorities officially recognise the linguistic uniqueness of Bosco-Gurin. Given the small number of young people who still speak Gurin German, they feel the situation is critical and that it would be difficult, if not impossible, to prevent or even slow the decline of “Ggurijnartitsch”, a process that has been under way for some generations now and amounts to an erosion of culture.

Yenish

§21 What steps have been taken to consult with the representatives of the users of Yenish on measures to protect and promote the Yenish language?

The Federal Office for Culture (OFC) has regular contact with representatives of the Yenish, and in particular with the Radgenossenschaft der Landstrasse, the umbrella association for Travellers. The OFC worked closely with this association on the Federal Council report on Travellers.

The said report on Travellers in Switzerland was published in October 2006¹⁸: Part I looks at the implications for Switzerland of ratifying ILO Convention No. 169 concerning indigenous and tribal peoples, while Part II looks at ways in which the Confederation could create stopping places and transit sites for Travellers. Representatives of the Yenish were invited to comment on the draft as part of a consultation exercise, before the final version was published.¹⁹

After intensive discussions with and among the Yenish (see 3rd report, p. 39), on 26 April 2007 the Radgenossenschaft der Landstrasse presented the OFC with a plan to record existing Yenish vocabulary and encourage the dissemination and use of this language in the Yenish community, by setting up and recording interviews in Yenish. The project is currently under way and is expected to conclude in 2010 with members of the Yenish community being given free copies of the material compiled.

1.2 Article 7.1.b

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

In its dealings 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.

¹⁸ www.bak.admin.ch/bak/themen/sprachen_und_kulturelle_minderheiten/00507/01414/index.html?lang=fr

¹⁹ www.bak.admin.ch/bak/themen/sprachen_und_kulturelle_minderheiten/00507/01413/index.html?lang=de

The Constitution requires the cantons to respect the traditional geographical distribution of languages and to 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 structures. The Confederation has no say in how cantonal government is organised.

Romansh

§23 What steps have been taken to ensure that new administrative divisions do not constitute an obstacle to the promotion of Romansh, and that Romansh-medium education is still available at least to the same extent after re-organisation?

See reply from the canton of Graubünden in Part Three, chapter I 2.1.

German (municipality of Bosco-Gurin, Ticino)

§25 What steps have been taken to ensure that new administrative divisions do not constitute an obstacle to the promotion of German in Bosco-Gurin, in particular in education?

See reply from the canton of Ticino in Part Three, chapter II 1.2.3.

Representatives of the Walserhaus Gurin association believe that cantonal and local authorities should take account of their German culture whenever municipalities are merged.

1.3 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, Graubünden and Valais) in the fulfilment of their particular tasks (Article 70.4) as well as for Romansh and Italian in the cantons of Graubünden and Ticino (Article 70.5) is provided for in the Constitution. The new Languages Law makes appropriate provision in this area. It also takes account of the Confederation’s and the cantons’ parallel responsibility for promoting interaction and understanding between language communities.

The setting up of a Romansh publishing house is the most recent example of the efforts to promote the least widely-spoken national language. The cultural foundation Pro Helvetia, the canton of Graubünden and the Lia Rumantscha are each giving 60 000 francs a year to Chasa Editura Rumantscha (CER) over a period of three years. The new publishing house plans to promote Romansh literature by providing professional services and publishing literature, specialist works and related products such as audiobooks.

German (municipality of Bosco-Gurin, Ticino)

§29 What steps have been taken to support the local projects of language maintenance in Bosco-Gurin and to take into consideration the wishes of the German-speakers in Bosco-Gurin in education?

See reply from the canton of Ticino in Part Three, chapter II 1.2.4.

In their statement, representatives of the Walserhaus Gurin association describe their efforts to protect their dialect: courses in “Ggurijartitsch”²⁰, storytelling evenings at Christmas time, including “Tales in Ggurijartitsch”, contact with other Walser communities (in particular Pomatt), publication of a “Guriner Wörterbuch. Teil I: Substantive” (E. Gerstner Hirzel).

Bosco-Gurin is also involved in “Walser Alps, modernity and tradition in the heart of Europe”, an international project set up by Walser organisations under the European Union’s INTERREG III B programme. The project looks at ways of using culture to ensure the long-term viability of local communities in the Alpine region. Part of the project deals with Walser and its oral tradition, which provides the basis for the dissemination, acquisition and study of Walser culture. In addition, the “Bosco-Gurin regional development scheme” aims to protect and promote the rural, cultural, natural and architectural landscapes of Bosco-Gurin.

Yenish

§30 What steps have been taken to pursue the dialogue with the Yenish-speakers with a view to identifying the fields of Article 7 that could be applied to Yenish?

Article 7.5 of the Charter states that the principles listed in paragraphs 1 to 4 apply, *mutatis mutandis*, to non-territorial languages, but asks that the nature and scope of the measures to be taken be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.

Switzerland recognises and supports Swiss Travellers as a national minority²¹, and Yenish as a non-territorial language²² (Art. 7.1.a). It endeavours to ensure that the Yenish, whether sedentary or nomadic, are in a position to protect and preserve their own language and culture, notably through the provision of sufficient numbers of stopping places and transit sites (Article 7.1.b). “Assurer l’avenir des gens du voyage suisses” [A Future for Swiss Travellers], on whose governing board Travellers hold five of the eleven seats, is working to improve the position of Travellers in Switzerland, again by drawing attention to the ongoing problem of preserving existing stopping places and transit sites and creating new ones²³.

The Confederation encourages and supports the Yenish in their efforts to preserve and promote their language. A scheme to promote Yenish has been set up in consultation with the Radgenossenschaft (see reply to the third recommendation of the Committee of Ministers, Part One, chapter 5.1). Introduced in response to a specific request from their representatives, this is a scheme run by and for the Yenish. With the publication of a Yenish dictionary (with translations in German, French and Italian) and the release of a DVD in Yenish on topics drawn from the occupational, social and cultural environment of the Yenish, it is hoped to increase the use of the language (Article 7.1.d) and to foster exchanges and understanding between Switzerland’s Yenish community and those living in neighbouring countries (Article 7.1.e. and 7.1.i). Appealing, appropriate media are accordingly used to disseminate Yenish (Article 7.1.f) wherever the Radgenossenschaft sees fit.

The Confederation encourages and supports research projects on the history of the Yenish, their language and culture, including through national research programmes (PNRs) supported by the Swiss National Science Foundation (Article 7.1.h). In 2008, the Graubünden Cultural Research Institute brought out a publication on the canton’s Yenish population, compiled under PNR 51, and

²⁰ www.walserhaus.ch/bilder/Veranstaltungskalender%202009%20Calendario%20manifestazioni%202009.pdf

²¹ Council of Europe Framework Convention for the Protection of National Minorities of 1 February 1995 (RS 0.441.1) and Federal Council message of 19 November 1997 to Parliament (BBI 1998 1293, FF 1998 1033).

²² European Charter for Regional or Minority Languages of 5 November 1992 (RS 0.441.2), Federal Council message of 25 November 1996 to Parliament (BBI 1997 I 1165, FF 1997 I 1105) and 2nd report, p. 36.

²³ Cr.: www.stiftung-fahrende.ch

staged an exhibition (2008-2009) on the subject²⁴. A “café scientifique” was held in Bern in April 2008 on “the Yenish, a Swiss minority”, again under PNR 51.²⁵

Such events help to raise public awareness about the issues facing the Yenish, whether sedentary or nomadic, and about the Yenish language and are instrumental in combating prejudice and preconceived ideas (Article 7.3). Recently, Swiss television has been devoting a section of its website to “Sinti, Roma and Travellers” in an effort to educate the public²⁶. Also worth mentioning in this context are the extensive awareness-raising efforts made by the Radgenossenschaft der Landstrasse, the Yenish umbrella association, which has been receiving federal support since 1986 (see 3rd report, p. 39).

1.4 Article 7.1.d

The foundations for “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, therefore, 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 for the use of regional or minority languages. In private life, freedom to use 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 municipalities – themselves determine the languages used in government, the justice system and education/training and lay down the rules for promoting these languages.

German (municipality of Bosco-Gurin, Ticino)

§32 What steps have been taken to increase the public visibility of German in Bosco-Gurin, in particular in signage?

Bosco-Gurin organises activities through two projects, INTERREG III B “Walseralps” and INTERREG III A “Paesaggio culturale rurale alpino Walser”, which are part of the Locarno national park scheme and are designed to support a possible bid from various Walser municipalities seeking UNESCO recognition for intangible heritage. In 2005 Bosco-Gurin presented a programme aimed at enhancing its architectural, natural and cultural potential. Various interest groups contributed, including the Walserhaus Gurin association. The official website of the municipality of Bosco-Gurin (www.bosco-gurin.ch) is now available in Italian and German. The Walserhaus museum has been extended and the exhibits, both cultural and natural, have been labelled.

According to information provided by the Walserhaus Gurin museum, signs and notices in the museum are always in two languages: German followed by Italian.

One of the trails created by the “Vallemaggia pietraviva” working group to highlight the beauty of the valley is centred on Bosco-Gurin and the Walser people. A booklet in Italian and German provides information and also a map of the trail.

According to the municipal authorities, maps of Bosco-Gurin show place names in Gurin German but there are no signs in the village itself. Only the community centre bears an inscription in German: “Schul- und Gemeindehaus”.

See comments by the canton of Ticino in Part Three, chapter II 2.6.

²⁴ G. Dazzi, S. Galle, A. Kaufmann, T. Meier: *Puur und Kessler. Sesshafte und Fahrende in Graubünden*. Published by Institut für Kulturforschung Graubünden ikg, Baden 2008.

²⁵ „Aktenuführung und Stigmatisierung. Institutionelle Ausschlussprozesse am Beispiel der Aktion 'Kinder der Landstrasse' 1926-1973“; versch. Publikationen dazu von R. Sablonier, T. Meier und S. Galle (siehe: <http://193.175.239.23/ows-bin/owa/r.einzeldok?doknr=39359>).

²⁶ www.sf.tv/sfwissen/dossier.php?docid=17298&navpath=men

Yenish

§34 What steps have been taken to pursue the dialogue with the representatives of the Yenish-speakers with a view to developing radio and internet radio broadcasting in Yenish?

The Confederation supports radio broadcasting in the various minority languages through grants funded by the licence fee. The franchise awarded to the Zurich-based broadcaster LoRa on 7 July 2008 comes with a mandate, Article 5 of which requires the operator to have regard to “the interests of linguistic, social and cultural minorities” (paragraph 2) and to regularly broadcast “programmes in several languages” (paragraph 3). Mention is also made of the possibility of putting broadcasts online (paragraph 4). Radio LoRa accordingly receives a share of the licence fee in the amount of 329 532 francs per annum. Once a week, it puts out an hour-long programme (LoRa Romanes) “Zur Kultur von Roma und Sinti” (Wednesdays from 9 to 10 pm), which then remains available to listeners online.

On the website of the Radgenossenschaft der Landstrasse, the Travellers’ umbrella association, there are various links to other sites created by or focusing on the Yenish (www.radgenossenschaft.ch/links_faq.htm), including a Yenish chat site (<http://jenischer-chat.mainchat.de>).

1.5 Article 7.1.e

In Switzerland, the “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 both with each other and with the relevant groups in Ticino and Graubünden.

Pro Grigioni Italiano and its 9 extra-cantonal branches support Italian language and culture and exchanges between the Italian-speaking parts of Graubünden and other interested parties both in the canton of Graubünden and beyond. Pro Ticino and its 33 branches in Switzerland and 19 abroad seek to preserve the language and culture of Italian-speaking Switzerland and to maintain relations between Ticino and the other cantons.

Romansh speakers also cultivate ties, both in Graubünden and the rest of Switzerland. The Lia Rumantscha and its affiliated regional organisations (Surselva Romantscha (SR), Uniun dals Grischs (UdG), Uniun Rumantscha Grischn Central (URGC)) are active mainly in the canton of Graubünden, but some branches maintain links with Romansh speakers outside the traditional area, including the Uniun da Rumantschas e Rumantschs en la Bassa URB. The Writers' Union (Uniun per la Litteratura Rumantscha, ULR) likewise has a number of members outside Graubünden, while another organisation affiliated to the Lia Rumantscha, the Romansh youth organisation, Giuventetgna Rumantscha GiuRu, reaches out to Romansh speakers all over Switzerland through its magazine “Punts” (Bridges). Quarta Lingua QL seeks to promote contact between Romansh and German speakers outside Graubünden.

Encouraging understanding and exchanges between language communities is a central plank of Swiss language policy (Article 70.3 of the Constitution). It does not form a separate policy field, however, and is one of a number of federal tasks which must be taken into consideration as far as possible in all major policy decisions. It is clearly a cross-sectoral function, therefore. 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 Federal 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. With the entry into force of the Languages Law, the Confederation will be in a position to significantly increase its support. The Swiss Foundation, for

example, will be able to double the number of people participating in exchange projects and develop the necessary infrastructure.

The Intermundo organisation is an umbrella association for promoting international out-of-school exchanges. In addition to its advisory and co-ordination role, it organises year-long exchanges, language courses and work and solidarity placements outside Switzerland. On instructions from the State Secretariat for Education and Research (SER) and together with the youth department of the Federal Social Insurance Office, it runs the Swiss office of the European Union's Youth in Action programme which encourages international youth exchanges outside school.

1.6 Article 7.1.f

“Provision of appropriate forms and means for the teaching and study of regional or minority languages” is primarily 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) and the cantonal universities.

Italian or Romansh is taught outside the language area proper in German-speaking schools in the canton of Graubünden, as the first foreign language; in the canton of Bern, pupils can choose between Italian and English as their second foreign language from Year 8. With the entry into force of the Languages Law, the Confederation will be able to award cantons grants to create a conducive environment for the teaching of a second and third national language (Article 16.a). It is quite possible that we will see increased support for the teaching of Italian and Romansh therefore. Bilingual maturity exams are an important means of improving pupils' knowledge of Italian and Romansh; in the cantons of Zurich and Graubünden, pupils can sit these exams in German and Italian (situation as at 2007) while in Graubünden they can sit them in German and Romansh²⁷. A bilingual maturity exam in French and Italian has been introduced in Geneva.

German (municipality of Bosco-Gurin, Ticino)

§36 What steps have been taken to provide for appropriate permanent teaching of German at the school of Cevio?

See reply from the canton of Ticino in Part Three, chapter II 1.2.5.

In its statement, the Walserhaus Gurin association regrets to report that German language teaching has been discontinued in the primary school in Cevio, where there is only one German-speaking pupil left.

Yenish

§39 ***What steps have been taken to pursue the dialogue with the representatives of the Yenish-speakers with a view to producing teaching materials for use within the Yenish-speaking group?***

Under the above-mentioned project run by and for the Yenish (see reply to the 3rd recommendation of the Committee of Ministers, Part One, chapter 5.1; see above Article 7.1.c) involving the publication of a multilingual Yenish dictionary and the release of a DVD, appropriate teaching materials, produced by the Yenish for the Yenish, enable individuals to become more deeply immersed in their own language and culture.

²⁷ Cf. D. Elmiger, Die zweisprachige Maturität in der Schweiz, Bern 2008 (www.sbf.admin.ch/hfm/dokumentation/publikationen/bildung/bilingue_matur_de.pdf)

1.7 Article 7.1.g

People who do not speak a regional or minority language, but who live in the region where it is used and wish to learn it, have various options open to them.

In Graubünden, newcomers who do not speak Romansh can attend courses run mainly by the Lia Rumantscha and regional organisations active in the language regions, but also by private adult education organisations.

Italian

§41 Please provide information on how the authorities contribute to the implementation of this provision.

As the canton of Graubünden explains in Part Three (chapter I 2.2), the pressure to assimilate is greater in the Italian-speaking part of Graubünden than in the Romansh-speaking part; private individuals, among others, offer courses in Italian, which may qualify for financial support under Article 12.f of the Graubünden languages law.

Italian courses for newcomers who do not speak Italian and students are run on a regular basis in Ticino, as explained in detail in Part Three (chapter II 2.1.4).

Support is also available for federal government staff who wish to learn Italian; the Confederation has always run language courses for its staff in an effort to improve language skills in the civil service. The languages taught are German, French, Italian and English and the courses are open to all federal government staff members.

Various Swiss universities and higher education institutions offer Italian and Romansh courses. Across Switzerland, private adult education organisations likewise offer courses in Italian and, sometimes too, in Romansh. The students tend to be people who visit the language region regularly or for long periods, or who have moved there permanently.

1.8 Article 7.1.h

In Switzerland's universities "the promotion of study and research" in the fields of Italian and Romansh is achieved in various ways. The universities of Fribourg and Zurich have their own chairs in Romansh. In Fribourg, following the reorganisation of the department of Romance languages and literature, Romansh will be taught under "Multilingualism" from the autumn of 2010. In Geneva and St. Gallen, the universities organise events centred around Romansh language and literature.

Italian is offered by virtually all Swiss universities: Basle, Bern, Fribourg, Geneva, Lausanne and Zurich have bachelor's and master's degree courses in Italian language and culture. The University of Lugano (USI) has been offering a master's degree in Italian language and culture since 2007, the first of its kind in Italian-speaking Switzerland. All students at USI can also attend Italian classes on an optional basis. By contrast, in Neuchâtel, the Italian Institute closed for good in 2007. At Zurich federal polytechnic (ETH), no one has been permanently appointed to the chair of Italian language and culture since the last incumbent retired in 2002. In 2007, however, the ETH began offering this chair, which has great symbolic significance, to a series of distinguished guest lecturers, thus ensuring that Italian literature and culture retain a foothold in Zurich. Overall, the provision in terms of Italian language teaching in Switzerland's higher education institutions has remained unchanged.

See comments by the canton of Ticino in Part Three, chapter II 1.1.

Through the Swiss National Science Foundation (FNRS), the Confederation also supports research on the Italian, Romansh and Yenish languages in Switzerland. The twenty-five or so

projects supported under PNR 56 (“Diversity of languages and language skills in Switzerland”) are almost all finished. The focus is on language, law and politics, language and school, language skills, language and identity and language and the economy. The final report on the various projects and information about the public events marking their conclusion are available online (www.nfp56.ch). The Confederation also pays a contribution to the Verein für Bündner Kulturforschung, which studies the linguistic culture of Graubünden through various projects. The National Foundation project *Il funcziunament da la trilinguitad en il chantun Grischun/ Il funzionamento del trilinguismo nel cantone dei Grigioni/Das Funktionieren der Dreisprachigkeit im Kanton Graubünden* has been completed and published. The recommendations arising from it will first be presented to the organisations involved in the project (see Part Two, chapter 3). Other projects focusing, for example, on Italianisms in Romansh, on Peter Linsel, writer and champion of Romansh, on Romansh folk songs or on cultural change in Graubünden, are still in progress.

Once the Languages Law comes into force, as it is expected in 2010, the Confederation, together with the cantons, will be able to support a skills centre. The task of this centre is to co-ordinate and direct applied interdisciplinary research, scientific documentation and publishing in the field of languages and multilingualism. As well as initiating and conducting research projects itself, the centre receives commissions from the Confederation, the cantons and third parties. It issues guidelines and produces assessments on language learning issues and related pedagogical and educational issues which are of vital interest to the cantons.

The centre is also capable of handling a whole range of subjects related to language policy and understanding in multilingual Switzerland. These issues are of paramount importance for the Confederation, which may commission the centre to look into certain matters relating to the development of multilingualism at individual and institutional level within federal government, or the effects of promoting, or the need to promote, languages at federal level. The centre is also capable of tackling politically important issues relating to trends in language policy and policy on understanding, mainly on the basis of regular public surveys.

Providing services means developing and maintaining a professionally-run documentation bureau. That in turn means linking up all the relevant research institutes in the four language regions of Switzerland and beyond. A national reference point, the centre represents Switzerland in international research networks, in the form of a permanent representation in scientific bodies, or delegations from the SER and/or CDIP at selected events and in specific projects.

The official decision to affiliate a skills centre on multilingualism with a university is still pending.

Yenish

§43 Please provide information on the application of this provision to Yenish.

As already stated in the 3rd report (p. 38), the Federal Council has produced an update of the history of the Oeuvre d’entraide des enfants de la grand-route [Foundation for Children of the Open Road]²⁸, for schools and educational institutions. It had decided to support and co-ordinate future research efforts in this area.

In two national research programmes – “Integration and exclusion” (PNR 51) and “Diversity of languages and language abilities in Switzerland” (PNR 56) - the Confederation expressly called for scientific projects focusing on Yenish. Three of the 37 or so projects supported under PNR 51 deal with the history of the Yenish, Sinti and Roma (see Article 7.1.c). None of the 90 projects submitted under PNR 56, however, had to do with Yenish, despite encouragement from the Confederation (see 3rd report, p. 40).

²⁸ „Kinder zwischen Rädern“. Kurzfassung des Forschungsberichtes „Das Hilfswerk für die Kinder der Landstrasse“ – herausgegeben im Auftrag des Bundesamtes für Kultur. Nr. 67 der Publikationsreihe <undKinder> des Marie Meierhofer-Instituts in Zürich, Zürich 2001 (zu beziehen bei: Marie Meierhofer-Institut, Schulhausstr. 64, CH- 8002 Zürich, Tel. 01 205 52 20, Fax 01 205 52 22 oder Internet www.mmizuerich.ch zum Preis von Fr. 17.-).

“Enfants dans la tourmente”. Summary of the study “L’Oeuvre d’entraide pour les enfants de la grand-route” [Foundation for Children of the Open Road], commissioned by the Federal Office for Culture from the EESP, Ecole d’études sociales et pédagogiques, Lausanne 2003 (available in bookshops, price 17 francs).

1.9 Article 7.1.i

The task of promoting “transnational exchanges” between Romansh speakers in Graubünden, Ladin speakers in the Dolomites and Friulians is handled mainly by the Lia Rumantscha. At university level, contacts are maintained through regular seminars on the Romansh language. The primary role in promoting intercultural exchange between Switzerland and Italy falls to the Pro Helvetia cultural foundation. The Swiss Institute of Rome (founded in 1947), the *Centro culturale svizzero* of Milan (1997), the *Spazio culturale svizzero* of Venice (2002) and the *Centro di studi italiani* (now the *Istituto italiano di cultura*) in Zurich (1950) play a major part in promoting cultural exchanges. Numerous branches of the *Società Dante Alighieri* have sprung up in Switzerland. The Italian-Swiss cultural advisory commission *Consulta* was set up in 1982 (see below) and since the establishment of the *Università della Svizzera italiana* (USI) in 1996, while it is still customary for students from Ticino to go to university in Italy, there has been an increasing amount of traffic in the opposite direction.

Transfrontier exchanges have been significantly boosted by the many Italian government-sponsored teachers offering courses in “language and culture of origin” for Italian-speaking children, and who are thus helping to promote Italian in Switzerland. In the 2008-2009 academic year, “language and culture of origin” courses in Italian were available in all the Swiss cantons except Ticino.

Italian

§45 Please provide information on how activities within the *Commissione culturale consultiva italo-svizzera* contribute to implement this provision for Italian.

The Italian-Swiss joint commission *Consulta* was set up in 1982 under an agreement between the Federal Council and the Italian government to promote cultural exchanges between the two countries and between Italian-speaking regions on both sides of the border. It organises occasional exchanges of information on cultural policy issues between Italy and the authorities of the cantons of Graubünden and Ticino and the Confederation, with the focus on measures to promote and raise awareness of Italian language and culture, inter-university co-operation, mutual recognition of qualifications and cultural co-operation between Italy and Switzerland.

The last meeting was held in Bern on 7 July 2006. Focusing specifically on linguistic issues, it included a presentation of the sixth *Settimana della lingua italiana nel mondo*, organised in association with Swiss institutions such as Pro Helvetia. The Federal Department of Foreign Affairs has been supporting this event since 2004. At this last meeting, participants shared information about the progress of the Languages Law, Italian language and culture courses and qualifications, bilingual and multilingual teaching models, teaching Italian as a foreign language and the activities of the Dante Alighieri society in Switzerland. Other topics discussed were electronic media, cinema and the protection of cultural heritage.

The cantons of Graubünden and Ticino are also involved in another forum for international exchanges, *Arge Alp*, the working community of Alpine countries founded in 1972, which seeks via transfrontier co-operation to address common concerns and problems, whether cultural, environmental, social or economic, and to foster mutual understanding between the inhabitants of Alpine regions. Among its activities in the cultural field, the organisation seeks to protect cultural heritage and in particular to preserve regional languages and indigenous culture, and to encourage people to become better acquainted with neighbouring cultures and learn another language spoken in the Arge Alp community.

1.10 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 government, “positive discrimination” in favour of minority language users is also permitted if candidates are equally qualified. The Federal Council instructions of 22 January 2003 on promoting multilingualism in the federal government (www.admin.ch/ch/ff/2003/1441.pdf) and regular evaluation reports (www.epa.admin.ch/dokumentation/zahlen/00273/index.html?lang=de) highlight weaknesses and help to reduce any inequality in the treatment of linguistic minorities within the federal government.

1.11 Article 7.3

Romansh and Italian

§51 Please provide information on measures taken by the media and in the field of education to raise the awareness among the German-speaking majority population of Romansh and Italian in the Canton of Graubünden.

As regards training, the recommendation is directed at the canton of Graubünden (see statement in Part Three, chapter I 2.3 (Article 7.3)).

For information about the service mandate of private regional broadcasters, see Part Two, 2.3 (Article 11.1).

Article 24 of the Law on Broadcasting (RS 784.40, LRTV) sets out the mandate of SSR, requiring it to promote understanding, cohesion and interchange between the different parts of the country, between language communities, cultures and the different social groups and to take account of the specific features of the country and of the needs of the cantons (Article 24.1.B, LRTV). Under the terms of the franchise awarded on 28 November 2007, SSR broadcasts, on its first channel, short regional news bulletins on current events in the canton of Graubünden (Article 4). In this way, the German-speaking population is kept informed about what is happening in the other language regions. The German-language print media cover the entire canton and the key concerns of the canton’s Romansh- and Italian-speaking population also get a national airing via SSR’s radio and television schedules.

Pro Grigioni Italiano has indicated that there is a need for Italian-language news from Graubünden, which could be broadcast in the local media, and which would deal with political and social topics of supra-regional interest. The creation of an Italian-speaking correspondent’s post in Chur, with financial assistance from the relevant media outlets, is under discussion.

1.12 Article 7.4

The division of powers and responsibilities demands that the Confederation work closely with the cantonal authorities and the relevant organisations (see preliminary section, chapter 1.3). Democratic processes such as consultation procedures and referendums further ensure that the needs and wishes of the groups which use minority languages are adequately addressed in Swiss language policy.

1.13 Article 7.5

In Switzerland Yiddish is a language which does not have a specific geographical base (see preliminary section, chapter 4). The Swiss Federation of Jewish Communities takes the view that Yiddish has never had a role as a minority language in Switzerland and that it is not characterised by the kind of autonomy which the Charter requires. In the case of Yeshiva, the situation is very different. The Confederation recognises and promotes the rich heritage possessed by Travellers in Switzerland (see reply to the recommendation § 30, chapter 1.3).

2. Recommendations relating to other articles of the Charter concerning the federal authorities

Three other recommendations relating to Article 9 (judicial authorities), Art. 10 (administrative authorities and public services), and Article 11 (media) also concern matters within the federal domain.

The canton of Graubünden's explanations about the kind of action that it is within its power to take on these three recommendations appear in Part Three.

2.1 Article 9.3

§81 What steps have been taken to provide for the translation of legal texts necessary to further facilitate the use of Romansh before courts?

As the committee of experts itself points out in its 2nd report, produced in 2004 (§85), the application at federal level of Article 9.3 of the Charter on Languages is somewhat hampered by the fact that Romansh is not an official language of the Confederation except in its dealings with Romansh speakers. Only documents of particular importance and documents for referendums and federal elections are translated into Romansh. Federal acts are legally valid in the three official languages of the Confederation, German, French and Italian, so there is no requirement to translate all federal acts into Romansh.

The Federal Chancellery co-ordinates translations and ensures that acts translated into Romansh and the relevant updates are accessible to the public. It publishes the Systematic Compendium of Federal Law, which includes all Romansh translations of federal acts (see www.admin.ch/ch/r/rs/rs.html). The Federal Constitution, the Code of Obligations and some important federal laws are already available in Romansh, and the Swiss Civil Code, the Criminal Code, the law on vocational training and its implementing decree are due to be translated next. Acts put to referendum and which must be translated because they are cited in the Federal Council's explanations are now published in Romansh²⁹.

Article 54 of the new law on the federal court of 17 June 2005 (RS 173.110) states that "proceedings shall be conducted in one of the official languages (German, French, Italian, Romansh Grischun), usually in the language of the decision being challenged". Because only a small number of people speak it, however, Romansh is seldom used as a legal language at federal level.

The canton of Graubünden's response to §81 appears in Part Three, chapter I 3.2.

²⁹ z. B. Explicaziuns dal cussegl federal, 26.11.2006 auf Internet: www.bk.admin.ch/themen/pore/va/20061126/index.html?lang=rm&download=M3wBPgDB_8ull6Du36WenojQ1NTTjaXZnqWfVqrThmfhnapmmc7Zi6rZnqCkkIR6e3eBbKbXrZ6lhuDZz8mMps2gpKfo

2.2 Article 10.1

In §85 and §88 the committee of experts recommends taking measures to ensure that the federal authorities operating in the canton of Graubünden use Romansh as a working language and in forms and administrative documents intended for widespread use. The only federal authority which operates in the canton of Graubünden is the Swiss Border Guard Corps, referred to in §84, and which, as part of the Federal Customs Administration, is attached to the Federal Department of Finance. Graubünden belongs to Border Guard Region III (SG/GR/FL) whose headquarters are in Chur. The Federal Customs Administration has a few offices in the Romansh- and Italian-speaking parts of Graubünden.

Federal Customs Administration forms and documents issued to the country's eight border guard regions are drafted in the three official languages of the Confederation (German, French and Italian), and in some cases also in English. Forms that relate specifically to Graubünden are in German and Italian. No provision has been made for them to be translated into Romansh, as Romansh is not an official language of the Confederation and the administrative documents dealing with customs, security and migration are not among the "documents of special importance" (see Art. 15, LPubl, RS 170.512) that it is recommended be translated into Romansh.

Where possible, Border Guard Region III caters to the needs of Romansh speakers, in both written and oral communication. The new version of the recruitment documents has been translated into Romansh. In Lower Engadine, one of the response vehicles bears an inscription in Romansh and at the regional command centre in Chur, signs are in three languages, namely German, Italian and Romansh. Since 2007, ie since it was established, Border Guard Region III has received no letters in Romansh from members of the public or outside agencies.

Border Guard Region III has a staff of 230. Of these, 13 in Graubünden, 4 in the canton of St. Gallen and 2 in Liechtenstein speak Romansh as their mother tongue. The working language is mainly German but depending on the language region and where the staff are from, communication may also take place in Italian or Romansh. There is support for the use of Romansh in dealings with the press, with a Romansh-speaking member of staff being assigned, where possible, to help with interviews and news reports.

The Border Guard Corps attaches considerable importance to language learning in in-service training. In the canton of Graubünden, communicating in three national languages poses a major challenge for staff. On top of that, there is the growing importance of English in the context of Schengen and the need for short missions outside the Schengen area. Learning Romansh is not a priority therefore, although some recommendations have been made to staff.

The Graubünden canton's response to §85 and §88 appears in Part Three, chapter I 3.3.

2.3 Article 11. 1

In the Council of Europe experts' 3rd report, the authorities are asked, with reference to Article 11.1 of the Charter, to facilitate the creation of a private radio station in Romansh, to ensure that the laws are implemented with regard to the amount of programming in Romansh on private radio stations (§109, §110) and to encourage and/or facilitate the broadcasting of programmes in Romansh by private television companies (§112, §114).

Service contracts and share of the licence fee paid to private broadcasters

Under the new broadcasting law (LRTV, see Part One, chapter 1.2), the Confederation has given private regional radio and television broadcasters new franchises and new service mandates which carry with them certain obligations regarding language and culture.

On 7 July 2008, the Federal Department of the Environment, Transport, Energy and Communication (DETEC) awarded a franchise to Südostschweiz Radio/TV AG (Chur) to operate a regional television station, together with a service contract and the right to a share of the licence fee. Tele Südostschweiz's share comes to 2 910 485 francs per annum. Article 10 of its franchise agreement ("Multilingualism") requires the operator to have regard to the multilingual nature of the area served, "that is to say, take due account of the local minority languages, Italian and Romansh".

On 31 October 2008, DETEC also awarded a franchise to Südostschweiz Radio/TV AG (Chur) to set up a radio broadcaster, OUC, together with a service contract and the right to a share of the licence fee. Owing to an appeal filed by a rival company with the Federal Administrative Court, this new franchise had not yet come into effect at the time of writing. Radio Grischa receives a share in the amount of 2 227 712 francs per annum. Under the terms of the franchise, the operator is required to broadcast daily programmes produced in the region and aimed at the Maloja, Bernina and Inn districts. Article 10 ("Special provisions") states that the operator must take due account in its schedules of the multilingual nature of the area served, ie. the minority languages Italian and Romansh, and requires it to co-operate with the Lia Rumantscha and Pro Grigioni Italiano and to give them a seat on the programme committee.

Monitoring performance of the service contract

The question of how the requirement laid down in both franchises for the south-east of Switzerland to take due account of the multilingual nature of the area served, notably Romansh and Italian, is to be met in practice is left to the operator. Responsibility for the general monitoring of the franchise, however, lies with OFCOM, while *l'Autorité indépendante d'examen des plaintes en matière de radio et de télévision* [Independent Broadcasting Complaints Authority] deals with complaints about the editorial content of programmes (Article 86.1, LRTV). The operator is further required to file an annual report with OFCOM, explaining how it is meeting its obligations under its franchise agreement (Article 27.2.e, ORTV), and to draw up a set of operating rules, a charter and guiding principles (Article 41.1, LRTV, Article 41.1, ORTV). Every other year, it must also arrange for its quality management system to be reviewed by a recognised institution³⁰.

How Südostschweiz Radio/TV AG is meeting its service mandate

In a letter dated 13 July 2009, the head of Südostschweiz TV AG (Tele Südostschweiz) explained how the station was fulfilling its obligations under its franchise agreement. Tele Südostschweiz is currently putting out a twice-monthly 5-minute programme in Romansh, which is basically a commentary on the news with German and Italian subtitles ("Corv & Co."). Together with the Lia Rumantscha and Pro Grigioni Italiano, it is proposed to hold a round table at which Romansh-, Italian- and German-speaking participants will discuss linguistic diversity (sub-titling in three languages, six-monthly or quarterly broadcasts) and there are also plans to produce a Romansh Grischun language course for TV and on DVD (in association with the Lia Rumantscha). At the same time, Tele Südostschweiz is hoping to form a partnership with Televisiun Rumantscha and Tele Ticino. This amounts to roughly 20% of a full-time equivalent post for programmes in Romansh and Italian (and 30 to 35% if we count the technical staff).

Since 2003, Tele Südostschweiz has had a programme committee to oversee scheduling. Its members include government officials and interested parties, including representatives of the Lia Rumantscha and Pro Grigioni Italiano.

In its application for a franchise for Radio Grischa, the application being a crucial and binding document (see Article 4 of the franchise awarded by DETEC to Südostschweiz Radio/TV AG on 31 October 2008), Südostschweiz Radio/TV AG refers to two weekly 2-hour programmes, in Italian and Romansh, as part of its evening schedule. Radio Grischa aims to act as a link, promoting understanding of the different language regions and building bridges. It currently has an office in Rätia and a studio in Samedan.

³⁰ www.bakom.ch/dokumentation/medieninformationen/00471/index.html?lang=fr&msg-id=25373

As has already been stated, the new franchise awarded to Radio Grischa had not yet come into effect at the time of writing. Radio Grischa puts out a number of broadcasts in Italian and Romansh. “Serenata”, an hour-long Sunday music programme in Italian, provides news from the Italian-speaking valleys of Graubünden, while “Sapperlot”, a weekly, hour-long programme, serves as a platform for the Romansh community. In addition, a short feature in Romansh goes out twice a week, at peak listening times, with a commentary in German for the benefit of German-speaking listeners. Radio Grischa has roughly 30% of a full-time equivalent post working on programmes in Romansh and nearly 20% on programmes in Italian.

Südostschweiz Radio/TV AG fosters understanding between the different language groups in Graubünden by producing mono- or bilingual programmes in Romansh, Italian and/or German. It transmits programmes with subtitles (Tele Südostschweiz), or leaves it to the presenter to provide translation (Radio Grischa). Its reports cover all the language regions in the canton of Graubünden. One highlight of 2009 was the media coverage of the canton’s Grand Council meeting in Poschiavo from 15 to 18 June.

Private stations broadcasting in Romansh

In its last two reports, published in 2004 (§124) and 2008 (§110), the committee of experts urged Switzerland to encourage and/or facilitate the creation of a private, Romansh-language radio station. The Swiss authorities agree with the committee of experts that private media have a major role to play in safeguarding minority languages. The fact is, however, that no Romansh-language stations responded to the call for tenders issued to private broadcasters. The franchises awarded in 2008 to private broadcasters in the south-east of Switzerland contain certain stipulations regarding language and culture (see above); the broadcasters have pledged to expand their Romansh-language output.

The Romansh-language programmes broadcast by Radio Rumantsch and the private radio broadcaster Grischa, which is required to take account of the needs of Romansh speakers, have a strong foothold in the south-east of Switzerland and attract large numbers of listeners. Radio Grischa is very popular in the Romansh-speaking parts of Graubünden. Thanks to this provision, the needs of the Romansh-speaking population in terms of Romansh-language radio broadcasts are being adequately met. A private Romansh-language station would be unlikely to attract many listeners therefore. Makers of programmes for minorities must follow the same business rules as anyone else, otherwise they will struggle to find an audience. Such projects involve significant costs which cannot be met through advertising alone, even if the broadcaster also receives a large share of the licence fee.

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

3. Other measures

Recommendations made by research staff working on the “Das Funktionieren der Dreisprachigkeit im Kanton Graubünden“ project

The authors of a long-term research project (see the bibliographical details in the preliminary section, chapter 3.2) have published recommendations for the authorities and administration of the canton of Graubünden, public institutions and organisations concerned with language protection, and other agencies in the canton of Graubünden. These recommendations propose measures that would allow more emphasis to be given to Italian and Romansh and raise public awareness of

trilingualism in the canton.³¹ Some of these recommendations overlap with those made by the committee of experts, especially as regards taking account of the language skills of staff in cantonal institutions and competitions for posts (p. 7), developing and distributing technology in Romansh for municipal authorities (p. 7s.), expanding the Italian and Romansh translation department in the State Chancellery (p. 11 ss.), preserving the status of the Romansh language in government whenever municipalities are merged (p. 15) and organising more school exchanges between language groups (p. 24s). These recommendations will be presented to the authorities, institutions and organisations concerned, and discussions held to see how they might be implemented.

Promoting Romansh language and culture in the diaspora

According to the 2000 federal census, a large proportion of Romansh speakers live outside the Romansh language region (48.4%) and the canton of Graubünden (23%). Such people tend to be fully Germanised by the third generation, if not before. In an effort to stem this process, individuals and Romansh organisations are trying to keep the Romansh language and culture alive among children of Romansh parents living outside the language region.

Two summer camps for families, children and young people from diaspora areas were held in 2009. In the village of Vignogn in Surselva, the Lia Rumantscha organised a camp at which eight bilingual and Romansh families and their 21 children spent one week immersed in Romansh language and culture. In Tschlin, in Lower Engadine, 19 children and youngsters attended a Romansh-language theatre camp organised by Pro Svizra Rumantscha.

The organisation Quarta Lingua has been trying for some considerable time to organise a “language and culture of origin” course in Romansh in the Zurich region (which has the largest number of Romansh speakers outside Graubünden).

PART THREE

I. Report from the canton of Graubünden on the application of the European Charter of Regional or Minority Languages

1. General information

1.1 Entry into force of the Cantonal Languages Law, 01.01.2008

The new cantonal constitution, which came into force in 2004, placed German, Romansh and Italian on the same footing as official and cantonal languages (see 3rd Swiss report). Detailed regulations are set out on general language rights, and the canton and municipalities are required to make an active contribution to protecting and promoting Romansh and Italian and conserving the territoriality principle (see Cant. Const., Art. 3 Languages).

The new cantonal and federal constitutions constitutionalise language rights for the first time. The Languages Law, which was drawn up in response to the constitutional mandate, is geared to reinforcing cantonal trilingualism and raising public awareness of its importance, protecting and promoting Romansh and Italian and supporting Romansh by means of special measures (Art. 1, para. 1 Cantonal Languages Law).

I. General provisions

Art. 1 Aim

This law is intended to:

1.

³¹ M. Grünert, M. Piconi, R. Cathomas, T. Gadmer, Das Funktionieren der Dreisprachigkeit im Kanton Graubünden. Empfehlungen des Forschungsteams, Chur 2009.

- a) *reinforce trilingualism, which is one of the characteristics of the canton;*
 - b) *consolidate individual, public and institutional awareness of cantonal multilingualism;*
 - c) *improve mutual understanding between the cantonal linguistic communities;*
 - d) *preserve and promote Romansh and Italian;*
 - e) *apply specific promotion measures to Romansh in order to counter the threats to its existence;*
 - f) *establish conditions in the canton conducive to setting up an institute on multilingualism.*
2. *The canton, municipalities, regional and cantonal associations, districts, sub-districts and public bodies take the traditional linguistic composition of the regions into account in the exercise of their duties and respect the indigenous language community.*

The Graubünden electorate adopted the Cantonal Languages Law on 17.06.2007 on a 54% majority (22 582 for and 19 334 against). The law came into force on 01.01.2008. In addition to financial support for language minorities (III, Arts. 11 to 15, previously in the Law on the promotion of culture), it also regulates the use of the cantonal official languages by the cantonal authorities and the courts (II, Arts. 3 to 10), assigns the municipalities and sub-districts to the various linguistic regions and defines co-operation activities between the canton and the municipalities, regional and municipal associations, districts, sub-districts and other public bodies in choosing their school and official languages (IV, Arts. 16 and 17: official languages; Arts. 18 to 21: school languages; and Arts. 22 to 25).

The key parts of the law are “School and official languages” and “Promotion of Romansh and Italian/Exchanges among the language communities”. The regulations on school and official languages in the municipalities are one of the law’s major innovations. For the first time the canton sets out the criteria for assigning municipalities to the individual linguistic regions (see Arts. 16 to 18 Cantonal Languages Law). The fact that the law sets the percentage for monolingualism at 40% (20% for multilingualism) primarily benefits Romansh as a minority language. No decision can be taken automatically to change a municipality into either a bilingual or monolingual (German-speaking) community: such decisions are subject to a referendum on a simple or two-thirds majority (see Art. 24).

IV. School and official languages of municipalities and sub-districts

Art. 16 Municipalities

1. Official languages

a) Provision

1. *The municipalities shall decide on the official languages in their municipal statutes in accordance with the principles set out in this law.*
2. *Municipalities with **at least 40%** members of an **indigenous linguistic community** are considered **monolingual municipalities**. The **indigenous language** is the **official language of the municipality**.*
3. *Municipalities with at least 20% members of an **indigenous linguistic community** are considered **multilingual municipalities**. The **indigenous language** is **one of the official languages of the municipality**.*
4. *Percentages of linguistic communities shall be determined on the basis of the latest federal census. The Romansh or Italian-speaking community comprises any person having answered “Romansh” or “Italian” to at least one question regarding his/her language affiliation.*

Art. 17 b) Scope

1. *Monolingual municipalities are required to use their official language in meetings of the municipal assembly, municipal referendums, communications or publications for the municipality, in official relations with the population and on signs for official premises. The official language must be appropriately taken into account on private signposts for the public.*
2. *Bilingual municipalities **must** make **appropriate use** of the **indigenous official language**.*
3. *Municipalities shall lay down provisions on the field of application of their official languages in co-operation with the Cantonal Government.*

Art. 18.2 School languages

a) General provisions

1. Municipalities shall establish in their municipal statutes the language used in compulsory schooling, in accordance with the principles of this law.
2. The distinction between monolingual and bilingual municipalities shall be effected by analogy with the provisions on official languages.
3. For the purposes of protecting a minority cantonal language, the government may, at the initiative of the municipality in question, authorise exceptions vis-à-vis the choice of school language.

Art. 23.4 Mergers/groupings of municipalities

1. For the purposes of groupings of monolingual and bilingual municipalities, the provisions of this law on the use of official and school languages shall apply mutatis mutandis. Percentages of linguistic communities shall be determined on the basis of the total numbers of residents of the new municipality.
2. Regional and municipal associations shall include in their statutes regulations on the use of official languages and, where appropriate, of school languages. They shall take appropriate account of the linguistic situation of each individual municipality.

Art. 24.5 Change of linguistic status

1. Changing from the status of a monolingual municipality to that of a multilingual municipality, and vice-versa, from that of a multilingual municipality to a German-speaking one, **is subject to referendum**. Any such proposal presupposes that, in order to change status from that of a monolingual municipality to that of a multilingual municipality, the percentage of members of the indigenous linguistic community has fallen **below 40%**, and in order to change status from that of a multilingual municipality to that of a German-speaking municipality, the percentage of members of the indigenous linguistic community has fallen **below 20%**.
2. A change of linguistic status is deemed adopted where, when the status changes from that of monolingual municipality to that of multilingual municipality, **the majority of the voters**, and when the status changes from that of multilingual municipality to that of German-speaking municipality, **two-thirds of the voters, approve the change of status**, not counting blank and invalid votes.
3. All decisions to change linguistic status are subject to the approval of the cantonal government.

Art. 27 Transitional provisions

Municipal provisions on official and school languages shall not be applicable to municipal decisions taken prior to the date of entry into force of this law, or to de facto situations occurring before this date.

Art. 28 Adaptation of municipal decisions

Decisions issued by the municipalities and sub-districts and the statutes of associations of municipalities must **be adapted to the new regulations within three years following the entry into force of this law**.

The substantive principles governing the promotion of minority languages and exchanges among linguistic communities are the same as those set out in the old law on the promotion of culture. The provisions on language promotion have been transferred into the Languages Law. On the other hand, the four-year service provision contracts concluded with the linguistic institutions Lia Rumantscha and Pro Grigioni Italiano and the press agency Agentura da Novitads Rumantscha constitute a new approach (see Art. 11.1, Institutions, para. 2 Cantonal Languages Law).

Art. 11 Canton

1. Institutions

[...]

2. *The granting of cantonal contributions is subject to compliance with service provision contracts concluded between the canton and the institutions for a four-year period.*

The contracts for 2009-2012 were drawn up in 2008 and have been in force since 01.01.2009. The implementing order, which came into force at the same time as the law, lays down in detail the allocating criteria and the totals allocated to the linguistic institutions and third-party projects (cf. Arts. 9 to 15, Languages Law implementing order).

The other articles of the Languages Law on questions specific to the Charter are dealt with in the corresponding chapters (see 2.1/3.1 school languages: Languages Law, Arts. 18 to 21; 2.2/3.2; judicial languages: Arts. 7 to 10, 25; 2.3/3.3 Official languages: Arts. 3 to 6, 16 and 17, 25; 23.4 Media: Arts. 12 and 13; 2.5/3.5 Promotion of culture: Arts. 11 to 14).

The Languages Law and its implementing order are available on line:

www.erlasse.ch/link.php?s=gr&g=492.100 (Languages Law) and www.erlasse.ch/link.php?s=gr&g=492.110 (implementing order). For a detailed commentary on the main points of the Languages Law, see the 3rd report by Switzerland.

1.2 Changes in the financial contributions of the Confederation and the canton following the implementation of the Cantonal Languages Law

With the entry into force of the Languages Law and its implementing order (01.01.2008), the canton increased by 10% its financial contributions to the linguistic institutions Lia Rumantscha and Pro Grigioni Italiano and the *Agentura da Novitads Rumantscha*. The federal contributions to the canton, and consequently to the linguistic institutions, were slightly higher in 2008 and 2009 than in previous years.

1.3 Rumantsch Grischun at School

The project *Rumantsch Grischun en scola* (Rumantsch Grischun at School) has continued expanding since the publication of the 3rd Swiss report. In the first pioneer municipalities, Rumantsch Grischun has become a language of literacy instruction. Below we shall briefly outline developments since May 2006 (for details concerning the major stages in the progress of Rumantsch Grischun in the field of official and school languages, see the relevant passages in the 3rd Swiss report). Further information can be found on the subject on the website of the Office for Public Education and Sport, www.rumantsch-grischun.ch.

1.3.1 Mandate and organisation

In its decision of 21 December 2004 (PV No. 1843), the government adopted the main lines of the project Rumantsch Grischun at School, and mandated the Department of Public Education, Culture and Environmental Protection to implement it. Its priorities were set out in detail in the 3rd Swiss report (pp. 54 to 56).

In the first phase, the department responded by structuring the project appropriately and apportioning the relevant tasks (management: teaching and administration; teaching facilities, training and support measures).

1.3.2 Political awareness-raising

The transition from the Passive Rumantsch Grischun (RG) phase to Active RG is the key moment for each of the three variants defined in the main lines of the project (Pioneer, Standard and Consolidation). From this point onwards, in the first few classes, Romansh is written in RG rather than in dialect. Municipalities wishing to reach this stage as quickly as possible (pioneer municipalities from the 2007/8 school year onwards) were required to present positive results in referendums by the end of 2006. A six-month trial period was, and is, needed to ensure that sufficient care is taken with teacher training and the other preparatory stages.

The government project leaves the municipalities free either to organise referendums on introducing Rumantsch Grischun or to wait until a later juncture. So far 40 municipalities (almost half of the municipalities with Romansh schools) have held referendums, and all the results have been positive. In 2005/6 some 23 municipalities in Münstertal, Mittelbünden and Surselva voted to introduce the project, opting for the “Pioneer” variant for the school year. Eleven municipalities in the Ilanz region (referendums in 2007/8) did the same for the 2008/9 school year; and six further municipalities decided to make RG the language of literacy instruction from the 2009/10 school year onwards (referendums in 2008).

Overview of pioneer municipalities (at December 2008)

Pioneer municipalities launching the teaching of Rumantsch Grischun in the 2007/8 school year (in blue):

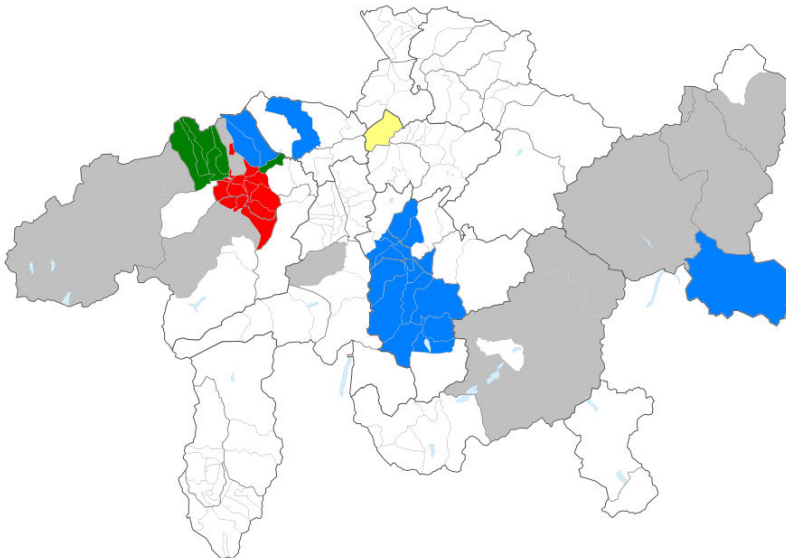
Münstertal municipalities (*commune de Val Müstair* from 01.01.2009 onwards): Müstair, Sta, Maria, Valchava, Fuldera, Tschier, Lü; central Graubünden municipalities: Lantsch, Brinzauls, Tiefencastel/Casti, Alvaschein, Mon, Stierva, Salouf, Cunter, Riom-Parsonz, Savognin, Tinizong-Rona, Mulegns, Sur, Marmorera; Surselva municipalities: Trin, Laax, Falera.

Pioneer municipalities launching the teaching of Rumantsch Grischun in the 2008/9 school year (in red):

Ilanz/Glion, Schnaus, Flond, Schluein, Pitasch, Riein, Sevgein, Castrisch, Surcuolm, Luven, Duvin. (Flond and Surcuolm merged to become the municipality of Mundaun on 01.01.2009.)

Pioneer municipalities planning to launch the teaching of Rumantsch Grischun in the 2009/10 school year (in green):

Sagogn, Rueun, Siat, Pigniu, Vuorz, Andiast.



1.3.3 Further teacher training and production of teaching materials

Under the project, in the event of a positive result from the referendum, the municipality moves on to the second phase centring on the school. According to the main lines of the programme, the four fields to be considered are Rumantsch Grischun at school, RG outside school, and Romansh variants spoken at school and outside school.

We shall look first of all at “Rumantsch Grischun at School”. This centres on *further teacher training and production of teaching materials*.

Further teacher training courses are organised on request by the Graubünden Teacher Training College. Teachers receive four weeks' language and teacher training (three weeks before the training practice period and one week after the first year of teaching in RG). A course is held during the first year, and extra linguistic and teaching support is provided on request.

Teaching materials have been produced for the first pioneer municipalities. This means that teaching tools were produced for the first class for the 2007/8 school year, and for the second class for the 2008/9 school year. Since the 3rd Swiss report, the canton has produced the following RG facilities: "Passins" (a reading book, 1st primary class, 2007), "Puntinas" (language learning, 2nd primary class, 2008), "Vocabulari per la scola primara" (2007), "Matematica 2" and "Matematica 3" (2nd and 3rd primary classes, 2008), and "Sco l'aura" (man and his environment, primary level, 2008). Some teaching tools are not confined to the pioneer municipalities: "Filtric" (teaching needlework, intermediate level, 2007), "Viver en il Grischun", Vol. 1 (regional culture, intermediate level, 2008) and "Biologia" (for the higher level, 2006).

The teaching tools and other materials in Rumantsch Grischun (books, press articles, other publications, audio media, TV broadcasts, etc) are presented in the form of an online database for participants in the project, teachers, and also parents, students and other interested persons. The database is regularly updated and is accessible at www.chatta.rumantsch-grischun.ch.

In addition to the usual language courses for parents there are also courses in Rumantsch Grischun presenting the teaching tools and describing the possibilities for helping with homework. These courses are provided by the Lia Rumantscha and the regional linguistic organisations as part of their regular training programme.

In connection with the spoken variants, there is a collection of audio/video materials tailored to all the dialects. A detailed list of sources where the materials can be obtained is also to be found on www.rumantsch-grischun.ch. Municipalities can get on-the-spot advice about specific measures to support the dialects spoken in their areas.

1.3.4 Continuing the work of supporting pioneer municipalities – the mediation phase

After the political awareness campaign, the organisation of further teacher training and the provision of teaching tools, the first pioneer municipalities are moving on to the third educational support phase, which involves assessing experiments already conducted and proposing extra modules, adaptations and specific methods of quality control. Such measures may vary from region to region and may target different groups, depending on needs.

The Department of Public Education, Culture and Environmental Protection (EKUD) has commissioned a **study of the Rumantsch Grischun introductory phase** from the Multilingualism Institute of Fribourg University, with a view to assessing the current situation of the pioneer municipalities (tolerance of the new teaching languages, quality of teaching tools, etc) and planning possible measures for this third phase. The results of the first assessment phase are now available on www.rumantsch-grischun.ch (consultation of parents, teachers, school authorities and students on their perception of the project, on communication and procedures for implementation, on in-service teacher training, the quality of the teaching tools and measures to promote spoken dialects). However, it should be noted that the results of the study only refer to the first year of functioning of Rumantsch Grischun as a language of literacy instruction and that it would therefore be premature to draw conclusions at this stage.

Furthermore, the government project provides for a **mediation procedure** with those municipalities which have not yet held referendums (Engadine, Val Schons, Cadi and Lumnezia). The government has adopted a plan along these lines (PV No. 1836) which basically provides for two discussion groups (in Engadine and Valladas dal Rain) dealing with specific local issues in an attempt to pinpoint consensual solutions. The Engadine group began its work some time ago, and has held a number of meetings. The Regional Teachers' Conference (CGL) and the linguistic organisation (UDG) have appointed their representatives to these mediation talks. The group members have expressed their wishes and drawn up a list of subjects which they would like to address. The discussions are proceeding in a constructive atmosphere, and the positions would seem to be converging. The results will probably be presented in autumn 2009 (for inclusion in the 5th Swiss report in 2012).

Among the other major elements we ought to mention the experiments and ideas emerging in the pioneer municipalities and the scientific support for the project from Fribourg University (second assessment period 2009-2011: quantitative language testing to complement the quantitative examinations conducted during the first assessment period). The Lia Rumantscha institution welcomes these assessments and is offering to co-operate with the canton (by participating in working groups, round tables, etc). To the extent that it is able, it is also providing support for the canton in the field of teacher training and production of new education materials in Rumantsch Grischun (mainly via linguistic work).

1.4 Implementing the Committee of Ministers' recommendations

The canton of Graubünden consulted the linguistic institutions Lia Rumantscha and Pro Grigioni Italiano before the 4th Swiss report was drawn up. It also secured the requisite information from the cantonal administration. The Swiss reports and the Council of Europe's opinions on them are widely reported by the press on their publication.

1.4.1 1st Committee of Ministers recommendation

When introducing Rumantsch Grischun into the education system, the national and cantonal authorities must ensure that this is done in such a way as to protect and promote of Romansh as a living language.

Rumantsch Grischun has been introduced and is used as a **written language**; the teaching method prioritises the acquisition of active listening, reading and writing abilities. Oral teaching is still effected in the **dialects** (exception: reading or recitation of texts in Rumantsch Grischun). The Multilingualism Institute in Fribourg will be conducting a six-year assessment of the experiment in and results of introducing Rumantsch Grischun as a language of literacy instruction. It will be considering how this teaching has been received and the quality of the teaching and the teaching tools (first assessment phase from 2006 to 2009, second phase from 2009 to 2011). The teachers involved receive linguistic and teaching support during the Rumantsch Grischun introductory phase (before and during the practical implementation); see chapter 1.3.

1.4.2 2nd Committee of Ministers recommendation

Measures should be adopted to strengthen the use of Romansh in dealings with Romansh speakers by the cantonal administration and by municipalities in which there is a German-speaking majority and a Romansh-speaking minority.

The citizens choose the language they wish to use in official contacts with the canton, in this case Romansh (see Art. 3 Languages Law and Arts. 6 and 7 of the implementing order).

Where the authorities contacted lack the requisite linguistic knowledge, the translation department of the cantonal chancellery prepares the documents requested (see Arts. 2 and 3 of the implementing order).

Every member of the Grand Council and the government is free to use the official language of his/her choice. The official texts are available in the various official languages (Arts. 4 and 5 Languages Law). The canton is also legally obliged to promote the linguistic knowledge of cantonal staff (Art. 5 (3)).

The Department of Cultural Affairs is responsible for general matters relating to languages and the promotion thereof during the implementation of the Cantonal Languages Law (see Art. 4 of the implementing order); it maintains contact with all Graubünden municipalities and sends out detailed questionnaires on their management of Romansh and multilingualism.

2. Recommendations concerning Art. 7 of the Charter for the attention of the canton of Graubünden

2.1 Art. 7 para. 1 b)

- Reply to question §23 [What steps have been taken to ensure that new administrative divisions do not constitute an obstacle to the promotion of Romansh, and that Romansh-medium education is still available at least to the same extent after re-organisation?]

The Languages Law (which came into force on 01.01.2008) contains new provisions on the choice of school language(s). This choice depends on the municipality's official language.

- Municipalities with at least 40% members of an indigenous linguistic community are considered monolingual and must offer first-language teaching in the municipality's official language.
- Municipalities with at least 20% members of an indigenous linguistic community are considered multilingual and must offer first-language teaching in the indigenous language. In municipalities which are both multilingual and German-speaking, the government may authorise the running of a bilingual primary school. In municipalities with under 10% members of an indigenous linguistic community, Romansh and Italian must be offered as teaching options.

The results of the latest federal population census are decisive for establishing the percentage of a given linguistic community (cf. explanations in the final paragraph). Romansh or Italian speakers are persons who answered "Romansh" or "Italian" to a question concerning their linguistic affiliation (see Art. 16 (4) Languages Law).

Beyond purely mathematical considerations, a further aspect is decisive for the official and school language. Regard must be had to legal realities prevailing in Graubünden municipalities prior to 01.01.2008: the provisions of the Languages Law *apply neither* to municipal decisions taken before the date of entry into force of the law *nor* to pre-existing *de facto* situations. Accordingly, a municipality with 22% Romansh speakers which made German its official school language before the entry into force of the law cannot rescind this decision.

These provisions apply *mutatis mutandis* to municipalities which merged or which will merge after the entry into force of the law (Art. 23 (1)):

Art. 23.4 Mergers/groupings of municipalities

1. *When monolingual and bilingual municipalities are grouped together, the provisions of this law on the use of official and school languages shall apply mutatis mutandis. The **percentage** of a linguistic community shall be **determined** on the basis of the **total numbers of the resident population of the new municipality.***

Municipalities grouped/merged before the entry into force of the Languages Law come under the transitional provisions (Art. 27). The provisions of the Law on official and school languages are not applicable.

Article 3 of the cantonal constitution provides for dynamic, rather than static application of the territoriality principle to the old administrative divisions as well as to the new divisions resulting from municipal mergers. This means that changes specifically relating to language, for both the past and the future, are taken into account. The law therefore has an awareness-raising effect which curbs certain developments. There is no provision for municipalities which have fallen below the 40% or 20% minimum levels to continue their commitment to promoting Romansh as intensively as before.

For the exact content of the articles of the law in the field of "school languages", see the explanations provided in Part Two of this report, chapter 1.1, Entry into force of the Cantonal Languages Law, and Article 8 of the latter on "School languages".

The canton of Graubünden is considering (in co-operation with the Lia Rumantscha) the attitude of the various administrative divisions to the issues of official and school languages, providing them with advice and drawing their attention to any incorrect procedures noted.

Obtaining statistics on the linguistic status of municipalities

The Graubünden Cantonal Languages Law establishes the school and official language(s) of a given municipality on the basis of statistical data (Art. 16 (4)). The entry into force of the overhauled version of the Law on the Federal Population Census on 01.01.2008 (Census Act RS 431.112) marked the reorganisation of the ten-yearly Federal census. The new method is based on standardised registers, annual transcriptions from the official registers and annual population sampling. The cantons defray the costs of any additional programmes (Arts. 8 and 14 of the Federal Census Law). The canton of Graubünden is currently debating a law on population registers and *inter alia* considering the possibility of including the language used in the registers. The EKUD is co-operating with the “Economic Bases” sector of the Office for Economy and Tourism (AWT) on the possible means of collecting the necessary data. The work is centred on establishing the percentage of Romansh-speaking inhabitants, and will mandatorily involve the municipalities which are being considered for a change of category (from a monolingual Romansh municipality to a multilingual municipality, or from a multilingual municipality to a monolingual German-speaking municipality).

The 2010 federal census will be organised for the first time in accordance with the new law. Comments on Graubünden’s registration methods in connection with languages will be included in the 5th Swiss report (publication scheduled for 2012).

2.2 Art. 7 (1) g)

Reply to question **§41** [information on measures taken by the authorities to help newcomers and non-Italian-speaking inhabitants to learn Italian]:

There is greater pressure for linguistic assimilation in the Italian-speaking areas of Graubünden than in the Romansh areas. Private language courses are available, which Graubünden can support, as appropriate, under Art. 12 Languages Law.

2.3 Art. 7 para. 3

- Additional information on **§50 of the 3rd monitoring cycle report by the committee of experts** [exchanges among the linguistic communities in pursuance of Art. 12 (1) b) and Art. 15 Languages Law]:

Proposed exchanges among the linguistic communities (see Art. 15 Languages Law)

In the 2008/9 school year, five German-speaking and five Italian-speaking schools organised a week of language exchanges attended by 202 students. The canton provided funding for this event.

Other measures and projects for promoting understanding among the cantonal linguistic communities (see Art. 12 (1) b) Languages Law)

During the 2008/9 school year, six bilingual schools (five Romansh/German and one Italian/German) received contributions for linguistic promotion. Two German-speaking schools have bilingual classes: Chur (German/Italian and German/Romansh), Ilanz (German/Romansh) (for the establishment and management of bilingual schools, see Part Three, chapter I.3.1, paragraph on education).

- Reply to question **§51** [Information on measures taken by the media and in the field of education to raise awareness among the German-speaking population of Romansh and Italian]

The *Barat da cultural triling museum e scola* project is being jointly run in the schools sector by the Lia Rumantscha, Pro Grigioni Italiano, Walser Verein and Region Plus Museum. Under the

project, each participant team must implement a project or exhibition in a local museum. After the inauguration of the exhibitions (between 28.2 and 15.6.2009), the seven participating classes (three from the German-speaking area: Schiens, Safien and Arosa; two Romansh classes from Müstair and Ilanz, and two Italian-speaking classes from Poschiavo and San Vittore) visited or are visiting the other teams, or have been or are being visited by at least two teams from other cultural/linguistic regions. The project is geared to ensuring that the inhabitants visit other linguistic regions in the canton, thus promoting mutual understanding and knowledge and developing a sense of cultural and linguistic diversity.

In 2008, the canton of Graubünden published a new regional history and geography book entitled *Leben in Graubünden/Viver en il Grischun/Vivere nei Grigioni* Vol. I, intended for use from the 4th to 6th years of compulsory schooling. Volume II is scheduled to be published in 2010 (two volumes, including back-up material). This work is compulsory for the three types of school (German, Romansh and Italian) and addresses the subject of linguistic and cultural diversity in Graubünden on the basis of practical examples (Vol. I Chapters 2 to 16, Cantonal Trilingualism, Vol. II, Chapters 5 and 6, Linguistic Diversity).

3. Measures taken in the canton of Graubünden to promote Romansh in pursuance of the provisions of the Charter

3.1 Art. 8 - Education

a. Applicable provisions

Para. 1 a) iv, b) i, c) iii, d) iii, e) ii, f) iii, g, h, i

b. Implementing measures

Para. 1 a) iv: pre-school education

No major change since the 2nd report.

b) i: primary education

This aspect is now covered by the Cantonal Languages Law. For the establishment and management of monolingual and multilingual schools after the entry into force of the Languages Law, see the explanations provided on “school languages” at the end of the chapter (Arts. 18 to 21 of the Law).

Information on bilingual schools complementing the 3rd Swiss report:

Following the publication of the 2nd Swiss report, various municipalities located along the language borders opened bilingual schools (Pontresina, Samedan, Trin and Maloja (municipal school); see comments in §50 of the 3rd report by the committee of experts, chapter 2.3). For some years now Fribourg University has been conducting scientific monitoring of the Samedan bilingual school (bilingual since 1996). At the end of the 2006/7 school year this monitoring system was for the first time extended to cover the whole duration of compulsory schooling. In its report on the 2001-2007 evaluation period, the authors deemed the students’ competences in Romansh stable and sound, and even noted improvements in a number of fields (oral and reading comprehension) as compared with 2003. Only in reading were the Romansh students less proficient than the German-speaking reference group. German is the dominant language for communication among students. At nursery school level, the researchers noted a predominance of German in lexicometrical terms.

New financial equalisation (NPF) in Graubünden /repercussions for primary schools:

During its April 2009 session the Grand Council debated the new financial equalisation in Graubünden, which provides for clear apportionment of duties between the canton and the municipalities and is to come into force on 01.01.2010 (59 fields will be reapportioned and 23 will come under municipal jurisdiction). Primary schools are also affected: municipalities are now responsible for schooling up to the 8th year. Such general duties as running schools, *Frühenglisch* (introducing English at primary school), schooling from the 9th year onwards and the funding of

vocational colleges are shouldered by the canton. The latter also helps defray the extra costs arising from bilingual schools.

The Lia Rumantscha is critical of the NPF on the grounds that it could pose major financial problems for the smaller municipalities. It is concerned that financial pressures might force such municipalities to step up their co-operation with other municipalities, which, although it would have the positive result of improving the supply in terms of schooling, might have other negative consequences, particularly in cases where Romansh municipalities merged with German-speaking ones. The Lia Rumantscha considers that the pressure exerted on these schools is problematical because many of the Romansh schools are located in small municipalities.

In connection with Rumantsch Grischun at School, see explanations in chapter 1.3.

- Reply to question **§62** [Information requested by the committee of experts on the steps which have been taken to intensify dialogue with Romansh speakers with a view to achieving the greatest possible support for the introduction of Rumantsch Grischun in primary schools and building confidence in the protection and promotion of regional dialects]:
See comments on the continued work of supporting pioneer communities/mediation phase, para. 1.3.4.

- Reply to question **§65** [Information requested by the committee of experts on existing or planned strategies and measures for the linguistic integration of non-Romansh-speaking students in Graubünden Romansh municipalities]:

In the Guidelines on support for foreign-language-speaking children in Graubünden (December 2001, Art. 18 of the Cantonal Law on Schools and Art. 1 (2) of the Cantonal Law on Kindergartens), Chapter 4 governs support and integration in the first year of schooling (see http://www.gr.ch/DE/Institutionen/verwaltung/ekud/avs/Volksschule/Richtlinien_fremdsprachige_kinder_de.pdf). The canton provides two models tailored to the child's particular level, viz "support teaching for foreign-language-speaking children" (kindergarten and school) and "the first year for foreign-language-speaking children". The municipality and canton defray the costs of teaching for foreign-language-speaking children.

- Reply to question **§67** [Information requested by the committee of experts on the influence of introducing *Frühenglisch* on the teaching of Romansh]:

On 24 May 2009 the Graubünden Government held a referendum on the proposed overhaul of the Law on Primary Schools in the Canton of Graubünden (Law on Schools). This will transform the legislation on schools in terms of both form and substance. The introduction of English at primary level (*Frühenglisch* – "early English") was included in the first partial revision of the Law on Schools as approved by the Grand Council at its April 2008 session. It is geared to establishing, with the help of the school administrations, the requisite structural conditions for future reform and introducing English at primary level as a compulsory foreign language.

Under the title *Kernprogramm Bündner Schulen 2010*, a whole series of proposed reforms, including introducing two foreign languages at primary level, were presented to the public. A majority came down in favour of introducing a cantonal language as the first foreign language from the 3rd year onwards and English as the second foreign language from the 5th year onwards. This new solution includes setting aside two lessons a week for the first foreign language (the cantonal language) and three lessons a week for the second foreign language (English).

The proposed overhaul of the Graubünden Law on Schools (draft Law on Schools, 2009, Art. 30) lays down the following regulations on foreign language teaching at the primary level:

Art. 30

1. *At the primary level, at least one cantonal language and English must be offered as foreign languages, in the form of compulsory subjects.*
2. *German is the first foreign language in Romansh and Italian-speaking primary schools. Italian is the first foreign language in German-speaking primary schools.*
3. *Teaching of the first foreign language shall begin in the 3rd primary year, and teaching of English shall begin in the 5th primary year.*

4. The directors of German-speaking primary schools may decide that
- a) Romansh should be taught instead of Italian;
 - b) Romansh and Italian should be proposed as optional subjects.
5. School directors may also decide that in such cases the teaching of Romansh should begin in the first primary year.

The Lia Rumantscha has expressed reservations about introducing *Frühenglisch* on the grounds that it intensifies the pressure on Italian and Romansh.

Introducing English at primary school does not reduce the number of hours of lessons in the first language, Romansh or Italian (from the first to the 6th years); it rather decreases the time spent on such subjects as needlework or handwriting. Moreover, the number of hours of German, the second language, increases slightly, by one or two weekly lessons (see http://www.gr.ch/DE/institutionen/verwaltung/ekud/avs/Volksschule/Lehrplan_Primar_Lektionentafel_201011_de.pdf).

The canton is currently considering purchasing a new teaching tool for *Frühenglisch*, which can be used by students in all the linguistic regions because it does not use any specific access language (German, Romansh or Italian) and contains a vocabulary register in all three cantonal languages.

c) iii: secondary education

No major change since the 3rd report.

d) iii: Vocational training

No major change since the 3rd report.

The “splitting model” used in the Chur and Surselva commercial schools was finally authorised from the 2008/9 school year onwards. Bilingual teaching (in Romansh and German) has been expanded and improved to ensure a high educational standard (see RB No. 1093, 2007).

e) iii: Universities

No major change since the 2nd report.

f) iii: Adult education

No major change since the 2nd report.

Additional information on the state of the translation of the European Language Portfolio:

The European Language Portfolio ESP I (for 7- to 11-year-olds) and EPS II (for 11- to 15-year-olds) is now available in the three cantonal languages. EPS III (for young people from 15 years onwards and adults) was designed in 2001 in quadrilingual version (German, French, Italian and Romansh), although the Romansh version was not published. The idea of subsequently renovating ESP III was abandoned. On the other hand, important sections of ESP III were incorporated into the Language portfolio site www.sprachenportfolio.ch, and information texts were translated into Romansh.

g: teaching of history and culture in regional and minority languages

In 2008, in addition to the reference works mentioned in the Third Report on Romansh history and culture, an extra teaching tool was added, viz *Leben in Graubünden/Viver en il Grischun/Vivere nei Grigioni* Vol. I (including educational materials), published by the Graubünden cantonal educational publishing house in the three cantonal languages, targeting students from the 4th to the 6th years (see 1.3.3 for the other new publications in Rumantsch Grischun for other subjects).

A Romansh version of Wikipedia (www.Wikipedia.org) has been available for some years now; it has undergone considerable expansion, with financial support from the canton of Graubünden (Office for Cultural Affairs, language promotion). The platform currently comprises almost 3 100 articles, including a wide range of texts and images on historical and cultural subjects (as at spring 2009).

h: Teacher training

For teacher training see comments on the corresponding training fields (teacher training college, university).

i: Supervisory bodies

No major change since the 2nd report.

The Cantonal Languages Law comprises the following provisions on “school languages” (for the distinction between monolingual and multilingual municipalities see 1.1):

Art. 18.2 School languages

a) General provisions

1. *Municipalities shall establish in their municipal statutes the language used during compulsory schooling in accordance with the principles of this Law.*
2. *The distinction between monolingual and bilingual municipalities shall be effected by analogy with the provisions on official languages.*
3. *For the purposes of protecting a minority cantonal language, the Government may, at the initiative of the municipality in question, authorise exceptions to the choice of school language.*

Art. 19 b) Monolingual municipalities

1. *In monolingual municipalities, the first language shall be taught in the municipality’s official language. The municipalities shall ensure that particular regard is had to the first language at all educational levels.*
2. *The second language shall be chosen in accordance with the principles of the Cantonal Law on Schools.*

Art. 20 c) Multilingual and German-speaking municipalities

1. *In multilingual municipalities, the first language shall be taught in the indigenous language.*
2. *In multilingual and German-speaking municipalities, the Government may, at the municipality’s request, authorise the running of a bilingual school in the interests of protecting an indigenous language.*

In municipalities with a minimum of 10% members of an indigenous linguistic community, Romansh and Italian must be included in the compulsory schooling programmes.

Art. 21 d) Regional bilingual schools

At the request of the regional association, the Government may authorise the opening of a bilingual school, drawing on a definite educational programme. The canton may grant appropriations to such schools.

3.2 Art. 9 - Judicial authorities

a. Applicable provisions

Para. 1 a) ii, a) iii, b) ii, b) iii, c) ii, para. 2 a), para. 3

b. Implementing measures

Para. 1 a) ii and iii: criminal proceedings

b) ii and iii: civil proceedings

c) ii: proceedings before courts concerning administrative matters

The Cantonal Languages Law covers these aspects. See the corresponding articles in the “Judicial languages” section of the Cantonal Languages Law at the end of the chapter.

Para. 2 a): Validity of legal documents

The Cantonal Languages Law covers these aspects. See the corresponding articles in the “Judicial languages” section of the Cantonal Languages Law at the end of the chapter.

Para. 3: Legal texts

The whole Graubünden Statute Book (five volumes) has been available in Rumantsch Grischun since 2006, and it is also accessible in digital form on the canton website. The volume *Documentaziuns publicas – documents da model* has been available since 2008; it contains a series of model texts in Rumantsch Grischun intended for legal use (see also Art. 2 Languages Law implementing order).

- Reply to question §78 [(Structural) measures taken to implement the possibility of using Romansh in court; measures to encourage Romansh speakers to use their language in court]:

Thanks to the many translations effected over the last two decades, notably by the translation department of the Cantonal Chancellery, major high-quality administrative and legal terminology is now available (see also para. 3 : legal texts).

Romansh speakers are not specifically encouraged to use their language in court. They often prefer to speak German because they do not feel confident using specialist Romansh. The same applies to lawyers and barristers (see also Art. 5 Languages Law implementing order).

The Lia Rumantscha provides regular courses for municipal court registrars to improve their knowledge of terminology. Users of these courses have not expressed a wish for a more extensive range of courses (see explanations on §98 and §134).

- Reply to question §81 [Measures to provide for the translation of vital legal texts]:

The Graubünden Statute Book has been available in Rumantsch Grischun since 2006 (see para. 3, Legal texts). The Lia Rumantscha is currently holding discussions with the Cantonal Chancellery and the Federal Chancellery in order to identify the texts which must be translated into Romansh (legal texts of immediate practical use to Romansh speakers) and those which do not need to be translated (technical texts read only by a few specialists). The Lia Rumantscha is advocating translating and drafting legal texts within a framework that takes account of the specific requirements of a minority language.

The Cantonal Languages Law contains the following provisions in the “judicial language” field:

Art. 7 Courts

1. General provisions

1. *The President of the Court shall establish the language of proceedings on the basis of the provisions of this Law.*

2. *The members of the court shall speak the official language of their choice during hearings.*

3. *Findings, formal orders and decisions shall be drafted in the official language used during proceedings.*

4. *Where a party only understands one of the other official languages, the President of the Court shall, on request, order the translation of proceedings or of the findings free of charge.*

5. *A derogation to the provisions of this Law shall be authorised with the consent of the parties.*

Art. 8

2. Cantonal courts

1. *The parties may use the official cantonal language of their choice for their pleadings and applications to the cantonal courts.*
2. *The language of proceedings is in general that used for drafting the decision challenged or that understood by the party challenged.*

Art. 9

3. District courts

a) Monolingual districts

1. *Districts made up of monolingual areas with the same official languages are considered as monolingual districts. The official language of a monolingual district is that of its constituent areas.*
2. *Pleadings and applications are drafted in the district official language.*
3. *Proceedings take place in the district official language.*

Art. 10 b) Multilingual districts

1. *Districts made up of monolingual areas with different official languages are considered as multilingual districts. The official languages of a multilingual district consist of all the official languages of its constituent areas.*
2. *Parties may use any of the district official languages for their pleadings and applications.*
3. *As a general rule, judicial proceedings take place in the official language used by the party challenged or the accused.*

See also the commentary on Art. 25 on sub-district judicial languages.

Art. 25 Sub-districts

1. *Sub-districts consisting of monolingual municipalities with the same official languages are considered monolingual. The official language of these sub-districts is the official language of their constituent municipalities.*
2. *Sub-districts consisting of municipalities with different official languages or multilingual municipalities are considered multilingual. The official languages of such sub-districts shall consist of all the official languages of their constituent municipalities.*
3. *The provisions governing district courts shall apply mutatis mutandis to civil and criminal proceedings conducted in sub-district courts.*
4. *Sub-districts shall establish the procedure for implementing their official languages in co-operation with the Government.*

3.3 Article 10: Administrative authorities and public services

a. Applicable provisions

Para. 1 a) i, b), c), para. 2 a), b), c), d), e), f), g), para. 3 b), para. 1 a), c), para. 5

b. Implementing measures

Para. 1 a) i: Cantonal authorities

This aspect is covered by the Cantonal Languages Law. See the corresponding articles in the "Official languages" section of the Cantonal Languages Law at the end of the chapter.

Following the transformation and standardisation of the Graubünden cantonal website, the whole portal **is now (2009) available in three languages (German, Romansh and Italian)**. The citizen portal (www.gr.ch) came on line at the end of February; the sites for the thirty or so services will migrate to the new layout in 2009.

b) and c): Administrative texts and forms

This aspect is covered by the Cantonal Languages Law. See the corresponding articles in the “Official languages” section of the Cantonal Languages Law and the Languages Law implementing order at the end of the chapter.

Para. 2 a)-f): Use of regional or minority languages by local and regional authorities

This aspect is covered by the Cantonal Languages Law. See the corresponding articles in the “Official languages” section of the Cantonal Languages Law at the end of the chapter.

[No major change since the 3rd report vis-à-vis the duties of regional associations].

g): Place-names

No major change since the 2nd report.

In connection with signposting, the Languages Law implementing order adds that official cantonal buildings, other accessible public buildings and cantonal schools must be signposted in the official language of the municipality in which they are located. In Chur, these buildings are signposted in German, Romansh and Italian. Signposts for towns and villages, directions and cantonal street signs are also in the local official language (see Art 8 Languages Law implementing order).

Para. 3 b): Service provision

This aspect is covered by the Cantonal Languages Law (in force since 1 January 2008). See the corresponding articles in the “Official languages” section of the Cantonal Languages Law at the end of the chapter.

Para. 4 a): Translations

No major change since the 2nd report.

See also the corresponding explanations in the Languages Law, “Official languages” section, and Art. 2 Languages Law implementing order.

c): Knowledge of a regional or minority languages

See corresponding explanations in the Languages Law, “Official languages” section (Art. 6).

Para. 5: Family names

No major change since the 2nd report.

- Reply to question **§85** [Cantonal measures to encourage the use of Romansh in correspondence with cantonal and regional authorities]:

The Office for Cultural Affairs (responsible for language promotion) is planning to introduce an intranet site in 2009 for cantonal administrative staff, providing information and aids (model texts, presentations, etc) geared to promoting trilingualism in the canton.

See the corresponding articles in the “Official languages” section of the Cantonal Languages Law and its implementing order at the end of the chapter.

- Reply to question **§88** [Availability of widely used administrative forms and texts in regional or minority languages or in bilingual version]:

See explanations on §85 and the corresponding articles in the “Official languages” section of the Cantonal Languages Law and its implementing order at the end of the chapter.

- Reply to question **§92** [Measures to ensure that applications can be submitted in Romansh]:

See the corresponding articles in the “Official languages” section of the Cantonal Languages Law at the end of the chapter (Art. 3-5 of the Law).

- Reply to question **§94** [Official municipal documents in regional and minority languages]:

Language use in the municipalities will be included in the survey to be carried out in Graubünden municipalities in 2009 by the Office for Cultural Affairs (analysing municipal attitudes; municipalities

will be encouraged to bring the relevant documents into line with the Languages Law [Art. 28; see also explanations in 1.4]).

Reply to question **§98** [Measures to encourage the use of regional and minority languages in parliamentary debates]:

No specific measures have been taken. All members of the Grand Council and its committees are entitled to speak in the official language of their choice and can request the translation of motions into this language (see Art. 4 Languages Law and Art. 6 Languages Law implementing order). Parliamentarians see no immediate need to change the current situation, nor have they expressed any wish for a simultaneous interpretation service in the Grand Council. Whenever a request for such a service has been submitted in the past (eg in the debate on the Bianchi motion concerning simultaneous interpretation of votes in the Grand Council [see Protokoll Grosser Rat 1989/90, p. 167, 329 ff]), the introduction of simultaneous interpretation has been rejected on the grounds that it would reduce the goodwill shown by members in ensuring mutual understanding: translation would drive the languages apart rather than bringing them together. In addition to these doubts in terms of principles, the Government were also rather sceptical about the cost and the practical implementation of such a measure.

As the Government considers that introducing simultaneous interpretation would have little effect in terms of language promotion, it decided not to include this measure in the Cantonal Languages Law (see Botschaft der Regierung an den Grossen Rat, Heft Nr. 2/2006-2007, S. 83, Nicht berücksichtigte Anliegen). The parliamentarians did not reconsider this request in the ensuing Grand Council debates on the Languages Law (October 2006).

Reply to question **§102** [Measures to promote the use of Romansh in municipal assembly sessions]:

At the end of the 1990s, in the wake of a study by the “Graubünden linguistic landscape” working group advising against a full-scale Languages Law (see Final Report 1994), various Romansh-speaking municipalities signed “official language orders”. These documents govern the official and school languages in the municipalities and provide for using Romansh during municipal council and assembly sessions.

The language used in municipal council sessions (at 1 January 2008) will be included in the surveys conducted by the cultural affairs department in 2009 in Graubünden municipalities (if need be, the local authorities will be asked to bring the language used for municipal assemblies into line with the new “official language orders”, with reference to the Cantonal Languages Law).

Reply to question **§105** [Measures to strengthen the cantonal translation service and to provide for linguistic training for local authorities]:

The Cantonal Languages Law is currently at the implementation stage, which will show whether the Law will increase the workload of the cantonal Romansh translation department and therefore necessitate the recruitment of additional staff.

The applied linguistics section of the Lia Rumantscha advises municipal offices simply and directly by telephone or email, provides assistance for more complicated translations and runs courses tailored to the needs of local authority staff. These services are part-financed from federal and cantonal funds (SLING central service).

The Cantonal Languages Law comprises the following provisions on official languages:

II. Cantonal Official Languages

Art. 3 Principles

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

2. *Everyone may communicate with the cantonal authorities in the language of his/her choice.*
3. *The cantonal authorities shall reply in the official language used. They shall use the official languages of the municipalities, regional associations, associations of municipalities and sub-districts with which they correspond. In appeal proceedings, the language used is that used in the appealed decision.*
4. *In their correspondence, the cantonal authorities and courts shall use the standard form of the official languages.*
5. *Rumantsch Grischun is the standard form of Romansh used by the cantonal authorities and courts. Romansh speakers may use either Rumantsch Grischun or their own particular dialects in relations with the cantonal authorities.*

Art. 4 Grand Council

1. *Every member of the Grand Council and/or its committees can speak in the language of his/her choice during proceedings.*
2. *Every member of the Grand Council may request the translation of motions into an official language which he/she understands.*
3. *Official texts designed for publication in the Systematic Compendium of Graubünden Cantonal Law must be available in all official languages for the proceedings of the Grand Council and its committees.*

Art. 5 Government

1. *The members of the Government shall work in the official language of their choice.*
2. *The Government shall regulate by special decree the translation into Romansh and Italian of official texts, publications, press releases, Internet pages, documents and correspondence, as well as signposts for public buildings and streets.*
3. *The canton shall support its staff's linguistic skills in the official languages.*

Art. 6 Staff recruitments

In principle, in filling cantonal administrative posts, priority shall be given to applicants, otherwise equally qualified, who have knowledge of two or three official languages.

IV. Official and school languages in municipalities and sub-districts

Art. 16 Municipalities

Official languages

a) Choice

1. *The municipalities shall decide on the official languages in their municipal statutes in accordance with the principles set out in this Law.*
2. *Municipalities with at least 40% members of an indigenous linguistic community are considered monolingual municipalities. The indigenous language shall be the official language of the municipality.*
3. *Municipalities with at least 20% members of an indigenous linguistic community are considered multilingual municipalities. The indigenous language shall be one of the official languages of the municipality.*
4. *Percentages of linguistic communities shall be determined on the basis of the latest federal census. The Romansh or Italian-speaking community comprises any person having stated Romansh or Italian in reply to at least one question on his/her language affiliation.*

Art. 17 b) Scope

1. *Monolingual municipalities are required to use their official language in meetings of the municipal assembly, municipal referendums, communications or publications for the municipality, in official relations with the population and on signs for official premises. The official language must be appropriately taken into account on private signposts for the public.*
2. *Multilingual municipalities must make appropriate use of the indigenous official language.*
3. *Municipalities shall lay down provisions on the field of application of their official languages in co-operation with the Government.*

Art. 25 Sub-districts

1. *Sub-districts consisting of monolingual municipalities with the same official languages are considered monolingual. The official language of these sub-districts shall be the official language of their constituent municipalities.*
2. *Sub-districts consisting of municipalities with different official languages or multilingual municipalities are considered multilingual. The official languages of such sub-districts shall consist of all the official languages of their constituent municipalities.*
3. *The provisions governing district courts shall apply mutatis mutandis to civil and criminal proceedings conducted in sub-district courts.*
4. *Sub-districts shall establish the procedure for implementing their official languages in co-operation with the Government.*

The Cantonal Languages Law implementing order comprises the following provisions on official languages:

II. Official Cantonal languages

Art. 5 Publications

1. *The following shall be published in the three official languages:*
 - a) *laws, inter-cantonal agreements and Grand Council decisions, as well as orders intended for publication in the Graubünden Systematic Compendium;*
 - b) *explanations for referendums and ballot papers;*
 - c) *publications in the official bulletin, press releases and other important communications from the Grand Council, the Government, departments and services, to the extent that they concern the whole population;*
 - d) *directives and circulars intended for all municipalities, other public law communities and organisations present throughout the canton;*
 - e) *preliminary draft decrees submitted for consultation;*
 - f) *replies to parliamentary requests for information from the Grand Council;*
 - g) *departmental letter headings, envelopes and Internet homepages;*

h) forms intended for the public.

2. The competent department may authorise derogations for communications and forms which are intended for a specific group of persons or which are of secondary importance.

Art. 6 Translations

1. The following are, in principle, translated into Romansh and/or Italian:

a) publications in the official bulletin specifically aimed at the Romansh- and/or Italian-speaking population(s);

b) governmental and administrative decisions and orders aimed at Romansh- and/or Italian-speaking individuals or municipalities. Decisions and orders relating to questions submitted in German are not translated.

c) directives and circulars intended for municipalities, other public law communities and organisations present in the Romansh- and/or Italian-speaking area;

d) letters to Romansh- and/or Italian-speaking staff of the cantonal administration, at the latter's explicit request;

2. Reports, expert opinions, descriptions and other technical documents are not subject to compulsory translation.

Art. 7 Correspondence

1. The cantonal authorities shall reply to written requests and questions in the official language used.

2. Replies to requests in Romansh shall be in Rumantsch Grischun.

Art. 8 Inscriptions

1. Inscriptions on administrative buildings, other public buildings and schools in the canton shall be in the official language of the municipality in question; in Chur, inscriptions shall be in all three official languages.

2. Entrance and exit signs for towns and villages and general signposting on cantonal streets and roads shall be in the official language of the town or village in question.

3. Otherwise the provisions of the Federal Order on Signposting of 5 September 1979 shall apply.

3.4 Art. 11: Media

a. Applicable provisions

Para. 1 a) iii, b) i, c) ii, e) i, f) i, para. 3

b. Implementing measures

Para. 1 a) iii: programmes in the regional or minority languages

No major changes since the 3rd report.

b) i and c) ii: radio station and television channel in the regional or minority languages

Information complementing the 3rd Swiss report

In 2008, following a number of radical changes in the previous years, Romansh radio and television underwent a phase of consolidation, seeking above all to improve their programmes and organisational aspects, as well as to increase their audiences. In 2008, *Radio Rumantsch* broadcast 24-hour news, entertainment and music programmes from the Chur media centre and the various regional studios. News bulletins were broadcast in Romansh from 6 am to 11 pm and Rumantsch Grischun was introduced as a “read language” for the news.

On the other hand, the *Televisiun Rumantscha* programming has remained unchanged (news programme *Telesguard* six times per week, *Cuntrasts* once a week, *Istorgina* once a week, *In pled sin via* occasionally on Sunday – always during the SF1 programme and in repeats on SFinfo or RSI-2). A new Romansh channel or national cultural channel incorporating SF, TSR and RSI is currently under negotiation (see Part Two, chapter 1.11).

Furthermore, since June 2006 *Radio e Televisiun Rumantscha* (RTR) has had a multimedia daily news site which is being constantly improved: www.rtr.ch. In October 2006 a new improved site layout made it easier to surf through the items. New contents were introduced such as podcasting and thematic dossiers. Since June 2007 www.rtr.ch has also had a newsletter and SMS service with prior information on programmes, results of elections and referendums, news items, etc. Election results are accompanied with maps of Graubünden facilitating result analysis from cantonal down to district and municipal level.

On 26 July 2007, RTR complemented these multimedia news facilities with a wide-ranging on-line programme primarily aimed at young people, known as *Battaporta* (www.battaporta.rtr.chr). This programme provides young Romansh speakers with a multimedia platform where they can obtain and exchange information on music and other topical subjects. Since Easter 2008 the *Simsalabim* platform (www.simsalabim.rtr.ch) has been providing youngsters with a wide range of games, music and stories, etc. Every year, in order to supplement the limited facilities for children (*Istorgina* and online platform), RTR publishes several CDs and DVDs with fairytales, stories and songs.

e) i and f) i: press

See Arts. 11 and 12 Languages Law.

Art. 11 Canton

1. Institutions

1. *The canton shall grant regular annual contributions to the Lia Rumantscha, Pro Grigioni Italiano and the Agentura da Novitads Rumantscha in order to protect and promote the Romansh and Italian languages and cultures.*

2. *The granting of cantonal contributions is subject to compliance with service provision contracts concluded between the canton and the institutions for a four-year period.*

3. *Budgets, annual reports and annual accounts must be submitted to the Government for approval.*

4. *The amount of cantonal subsidies may range from 10 to 50% of the costs actually incurred in the service provision contract.*

5. *The Grand Council shall decide on the appropriations earmarked for cantonal subsidies.*

Art. 12.2 Projects and special incentives

a) Fields and criteria for assessment

1. *The canton may grant contributions to the municipalities, other public law communities and individuals, including [...]*

c) *newspapers and magazines in Romansh and Italian in compensation for their services in protecting the language, to the extent that such services fail to cover their overheads.*

Reply to question **§110** [Measures to encourage and/or facilitate the creation of at least one private radio station in Romansh]

No major changes since the 3rd report.

Reply to question **§114** [Measures to encourage and/or facilitate the broadcasting of programmes in Romansh by private television companies]

No fresh measures have been taken in recent years (see §110 and 3rd report).

3.5 Art. 12: Cultural activities and facilities

a. Applicable provisions

Para. 1 a), b), c), e), f), g), h); para. 2; para. 3

b. Implementing measures

No major changes since the 2nd report. The provisions of the new Cantonal Languages Law relating to the “Cultural activities and facilities” field replace those of the Cantonal Law on the promotion of culture (Arts. 11-14 Languages Law; see also 1.1).

Art. 11 Canton

1. Institutions

1. *The canton shall grant regular annual contributions to the Lia Rumantscha, Pro Grigioni Italiano and the Agentura da Novitads Rumantscha in order to protect and promote the Romansh and Italian languages and cultures.*
2. *The granting of cantonal contributions is subject to compliance with service provision contracts concluded between the canton and the institutions for a four-year period.*
3. *Budgets, annual reports and annual accounts must be submitted to the Government for approval.*
4. *The amount of cantonal subsidies may range from 10 to 50% of the costs actually incurred in the service provision contract.*
5. *The Grand Council shall decide on the appropriations earmarked for cantonal subsidies.*

Art. 12.2 Projects and special incentives

a) Fields and criteria for assessment

1. *The canton may grant contributions to the municipalities, other public law communities and individuals, including:*
 - a) *measures and projects geared to protecting and promoting the Romansh and Italian languages and cantonal trilingualism;*
 - b) *measures and projects geared to promoting understanding among the cantonal linguistic communities;*
 - c) *newspapers and magazines in Romansh and Italian in compensation for their services in protecting the language, to the extent that such services fail to cover their overheads;*
 - d) *the drafting, translation and publication of scientific works on the national languages, their idioms and dialects, multilingualism and on language and communication policy;*
 - e) *translation of literary works into Romansh;*
 - f) *Romansh and/or Italian courses geared to the integration of individuals speaking other languages;*
 - g) *an institute for multilingualism in the canton of Graubünden;*
 - h) *the setting up of bilingual schools or classes in German-speaking municipalities.*
2. *The granting of cantonal subsidies shall depend on the quality of the planned measure, its importance to the linguistic region and its effectiveness in terms of protecting and promoting the language.*

Art. 13

b) Criteria for eligibility

1. *The granting of cantonal subsidies is subject to provision of appropriate services by beneficiaries.*
2. *No cantonal contribution may be granted to projects to be implemented mainly for profit-making purposes.*

Art. 14 Municipalities

The municipalities shall take steps to protect and promote their indigenous languages.

3.6 Art. 13: Economic and social life

a. Applicable provisions

Para. 1 d); para. 2 b)

b. Implementing measures

No major changes since the 2nd report.

3.7 Art. 14: Transfrontier exchanges

a. Applicable provisions

a) and b)

b. Implementing measures

a) and b)

No major changes since the 2nd report.

Information complementing the 3rd Swiss report

The transfrontier contacts between Romansh speakers from Graubünden and Ladin speakers from Trentino-Alto-Adige and Friuli mentioned in the 3rd report are continuing at irregular intervals (exchanges of information and joint projects). The joint Internet portal mentioned in the 3rd report, ie the *Fil Cultural* platform (www.filcultural.info) is particularly noteworthy. This site, developed by the Graubünden Romansh speakers and the Dolomite Ladin speakers (Trentino-Alto-Adige and Veneto regions), was completed in 2008 and presented to the media at the beginning of 2009. It is geared to promoting exchanges of information between the linguistic regions with regard to history, culture, the current (linguistic) situation and current projects. *Fil Cultural* is also aimed at persons outside the Romansh-speaking area who are interested in minority languages.

4. Measures to promote Italian and provisions of the Charter

As in the case of Romansh, the Cantonal Languages Law also describes the main instruments for promoting Italian. We shall be referring to the relevant passages of the Federal Languages Law below, which have already been quoted in the previous chapter, and replying to the questions and recommendations from the committee of experts.

4.1 Art. 8 - Education

a. Applicable provisions

Para. 1 a) iv, b) i, c) iii, d) iii, e) ii, f) iii, g, h, i

b. Implementing measures

These matters are covered by the Languages Law (see articles concerning school languages [Arts. 18-21]).

4.2 Art. 9 - Judicial authorities

a. Applicable provisions

Para. 1 a) ii, a) iii, b) ii, b) iii, c) ii, para. 2 a), para. 3

b. Implementing measures

These matters are covered by the Languages Law (see articles concerning judicial languages [Arts. 7-10, 25]).

4.3 Art. 10: Administrative authorities and public enterprises

a. Applicable provisions

Para. 1 a) i, b), c); para. 2 a)-g); para. a), b); para 4 a)-c); para. 5

b. Implementing measures

The relevant matters are covered by the Languages Law (see articles on official languages [Arts. 3-5, 17-19]).

No major changes since the 3rd report where the tasks of the regional organisations are concerned.

Reply to question **§131** [Steps taken by the cantonal authorities to systematically use Italian when communicating orally or in writing with Italian-speaking local authorities and citizens]

Drawing on a study published in 2008 (M. Grünert and others, *Das Funktionieren der Dreisprachigkeit im Kanton Graubünden*), the *Pro Grigioni Italiano* association points out that only two thirds of all cantonal forms have been translated into Italian. It also deems insufficient the level of translation of various cantonal websites of public interest. These shortcomings will virtually all be made good as the Languages Law is implemented, and in fact some of them have already been corrected (see the considerations on the new, completely trilingual cantonal portal for the general public [www.gr.ch], chapter 3.3).

For 2009, the cultural affairs department (language promotion section) is planning a new Intranet service for cantonal administrative staff providing specific advice and assistance (model texts, documents, etc) in relation to implementing cantonal trilingualism.

See also the articles on official languages in the Languages Law and its implementing order.

Reply to question **§134** [Steps taken to encourage the use of Italian in debates in the Grand Council]

No specific steps have been taken. All the members of the Grand Council and the parliamentary committees can speak in the official language of their choice and request translation of motions into an official language which they understand (Art. 4 Languages Law, Art. 6 Languages Law implementing order). Parliamentarians have not expressed any particular wish to change the current situation.

For instance, no one wants simultaneous translation in the Grand Council. Despite a number of requests for such a facility (particularly during the debate on the Bianchi motion concerning simultaneous translation of statements made in the Grand Council [see proceedings of the Grand Council 1989/90, pp. 167, 329 ff]), its introduction has always been rejected on the grounds that it would undermine the parliamentarians' desire to ensure mutual understanding. Instead of bringing the languages together, translation alienates them from each other. Apart from these substantive objections, the Government has also been forced to oppose the measure on the grounds of problems of practical implementation and cost.

The Government, considering that the introduction of simultaneous translation would not particularly help promote languages, decided not to incorporate this measure into the Languages Law (see Message from the Graubünden Government to the Grand Council, Vol. 2/2006-2007, p. 83, shelved cases). In subsequent Grand Council discussions on the Languages Law (October 2006) the parliamentarians did not go back to this matter, although they did reconsider other requests that had been rejected.

4.4 Art. 11: Media

a. Applicable provisions

Para. 1 a) i, e) i, g; para. 2; para. 3

b. Implementing measures

No major changes since the 3rd report.

4.5 Art. 12: Cultural activities and facilities

a. Applicable provisions

Para. 1 a)-h); para. 2; para. 3

b. Implementing measures

The provisions of the new Cantonal Languages Law relating to cultural activities and facilities (Arts. 11-14) replace those of the Cantonal Law on the promotion of culture see also 1.1).

4.6 Art. 13: Economic and social life

a. Applicable provisions

Para. 1 d); para. 2 b)

b. Implementing measures

No major changes since the 2nd report.

4.7 Art. 14: Transfrontier exchanges

a. Applicable provisions

a) and b)

b. Implementing measures

No major changes since the 2nd report.

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

1. General information

Article 1.1 of the constitution of the Republic and Canton of Ticino of 14 December 1997 states that: “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: “As well as referring to its democratic nature and the Italian language as characteristics of the canton, Article 1, paragraph 1 now makes explicit reference to Italian culture: the fact that the canton of Ticino belongs not only to the Italian language region but also to the Italian cultural region is an important aspect of its history and a fundamental component of its identity. Furthermore, that clear reference to Italian language and culture is not mere rhetoric: it reflects a significant commitment which the Ticino authorities and people must make to ensure that their identity is promoted in an increasingly effective manner.”

The implementing regulation on Ticino citizenship of 10 October 1995, pursuant to Article 9.2 of the Law of 8 November 1994 on Ticino citizenship (Article 3 in the case of Swiss nationals and Article 7 in the case of foreign nationals) provides 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 the federal administration remains an extremely sensitive issue. (See for example the Simoneschi-Cortesi motions 05.3186 and 05.3672 reporting cases of discrimination against Italian speakers). The feeling of frustration caused by the absence of Italian speakers in the federal administration is exacerbated when Italian-speaking senior officials leave their posts, as the Federal Council Vice-Chancellor or the Director of the Federal Statistics Office recently did. The fact that Italian speakers were appointed Secretary of State and Director of the Federal Office for the Environment (OFEV), although welcomed, did not make up for the disappointment felt when no Italian speakers were elected to the Federal Council (2009).

The canton is worried about the adverse effects which the economic measures applied by the federal administration could, almost automatically, have on minority languages, particularly Italian. It is also concerned at the fact that texts are not systematically translated or are often translated much later.

In addition to the shortage of Italian-speaking staff, the lack of texts drafted directly in Italian, the delays in translation, if not the total failure to have texts translated into Italian, there are further problems relating to new means of communication: Internet websites of national interest generally exist only in German and French (or English). There is often no Italian version, or only an Italian version of the homepage. 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 other sectors.

Italian in the non-Italian-speaking regions

On the basis of the above-mentioned values, the canton considers it legitimate to provide for 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 aforementioned institutions, 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 federal law on national languages and understanding between language communities enacted on 5 October 2007 is encouraging although less incisive than might have been hoped as far as support for minority languages and multilingualism is concerned (see Part Two, chapter 1. Measures to implement Article. 7. 3 of the Languages Charter).

Italian in higher education

There appears to have been a stabilisation of the situation with regard to chairs in Italian language and literature in Swiss universities since the much-regretted abolition of the prestigious chair at the Federal Polytechnic in Zurich, which had a strong symbolical value, the abolition of the chair at Neuchâtel university and the reduction in the number of chairs in Basle. The following universities still have chairs in Italian language and literature: Geneva 3, Lausanne 2, Fribourg 1, Bern 2, Basle1 and Zurich 4. There are also courses available such as the one on offer at the EPFZ, a chair in Italian language and literature for *Visiting Professors*, which gives alternating classes in literature, culture, history and philosophy; reference should also be made to the class given in German at the *Kulturwissenschaftliche Abteilung* in St Gallen and that given at the *Maison de la littérature* at Neuchâtel university. The Università della Svizzera italiana in Lugano has added a *Master of Arts in Lingua, letteratura e civiltà italiana* to its range of degree subjects.

1.2 Position adopted with regard to the Walser dialect spoken in Bosco Gurin

1.2.1 Introduction

According to the information obtained in the 2000 federal population census, the number of German speakers is decreasing in Bosco Gurin. This is a recent phenomenon as German was still the main majority language in the 1990 federal population census. The proportions have been reversed in the space of ten years as there are now 37 Italian speakers and 23 German speakers in 2000 compared to 35 German speakers and 20 Italian speakers in 1990. This reflects a socio-structural change in the village, with the arrival of Italian speakers and speakers of other languages in the second half of the nineteen nineties. It should be noted that German is still the main majority language spoken by people between the ages of 50 and 70 whereas people in the 0-40 age mainly group speak Italian. German is no longer spoken by young people in the 0-20 age group.

All references to the special linguistic status of Bosco Gurin has been removed from legislation.

(Source: Sandro Bianconi – Matteo Borioli, *Statistica e lingue. Un'analisi dei dati del Censimento federale della popolazione 2000*, Bellinzona 2004 and unpublished data provided by the Cantonal Statistics Office and drawn up by Matteo Borioli).

The special linguistic situation of Bosco Gurin reflects a specific social and economic situation that is in transition and which cannot be ignored. The village was founded in 1244 by the Walsers who had moved into the area to farm on inhospitable land in a side valley of the Val Maggia, at 1506 metres above sea level, making it the highest village in Ticino. The Walsers have always lived at high altitudes and had little contact with people living on the plain. This extreme isolation explains why Bosco Gurin has, until recently, remained a German-speaking pocket in the Southern Alps. The typical Walser architecture of the village has remained untouched and the village depends entirely on subsistence farming. Bosco Gurin has survived depopulation and changes in both the language and socio-economic situation. The main activity is now tourism, which has brought about some problems. Its status as a German-speaking village therefore reflects a social and cultural situation, which is in itself closely linked to its economic structure; when the latter changed, the number of German speakers automatically declined.

The protection of Guriner German is almost (if not completely) a lost cause in the absence of any solid basis for the dialect spoken in Bosco Gurin to remain a living language capable of reflecting the present-day situation. As a means of communication, dating far back to the middle ages, Guriner German no longer has the necessary critical mass to merit giving it fresh impetus, even if it were capable of expressing modern concepts.

1.2.2 Position with regard to § 18

The cantonal authorities have not adopted any special measures to promote official recognition of Guriner German as there have been no positive developments in the linguistic situation of this Walser village in the high Maggia valley. On the contrary it is continuing to deteriorate to such an extent that Guriner German, as a spoken language, is likely to disappear. It would not only be an anachronism to officially recognise Guriner German (as it is impossible to imagine how a language which is no longer even the main language used in the village could be given fresh impetus) but would also be contradictory in a canton which is receiving subsidies from central government to safeguard its language (Italian), which is not only a minority language in the Confederation but is going through a difficult period owing to the decline in the number of speakers and is insufficiently recognised compared to the weight it should have as the third component of Swiss multilingualism.

However, this does not mean that the cantonal authorities have lost interest in the specific linguistic situation of Bosco Gurin, which has never asked for its language to be recognised as an official language of Ticino, as it could have done when the Constitutional Charter of the Republic and Canton of Ticino was amended in 1997.

1.2.3 Position with regard to §25

No special measures have been taken as a merger of Bosco Gurin with its neighbouring villages is still only a hypothesis. Moreover, it is difficult to see what specific obstacles this would create for the speakers of Guriner, who are already all bilingual. A possible merger with the villages in the Val Rovana would not bring about any changes compared to the current situation as regards proficiency in Italian.

1.2.4 Position with regard to §29

The canton of Ticino has not taken any specific steps to protect the Walser dialect spoken in Bosco Gurin. However, it is prepared to take steps insofar as it deems it appropriate to support publications or cultural activities relating to the language, history and culture of the Walser inhabitants of Bosco and of the Walser population in general.

The canton of Ticino has established formal ties with the Walserhaus, the Bosco ethnographic museum, which – it is worth underlining – is also in some ways a museum of the Guriner language, making it different from other ethnographic museums in the canton.

It is recording the gradual disappearance of the Guriner language by means of an illustrated dictionary. In this dictionary the Guriner language is illustrated and made understandable through the objects presented and the relevant explanations. Audio guides are also available to visitors to listen to examples of expressions and explanations on the Guriner language.

Like other ethnographic museums focusing on a particular Ticino dialect, the Walserhaus bears witness to a language and culture of past times. The museum's academic advisers therefore decided that it would bear witness to a heritage now considered to belong to the past.

1.2.5 Position with regard to §36

Pupils and students who speak Walser dialect have been offered the possibility of two extra hours of German a week. The village school has been closed for some time now and the children of Bosco attend primary and secondary school in Cevio, down in the valley. The possibility of extra lessons in German was abandoned because the Guriner themselves were sceptical about this option and because of the limited number of speakers.

Moreover, the inhabitants of Bosco obviously did not speak official German but a variant of an old Valais dialect. If Guriner were to be taught, it would first have to be decided which variant should be taught and to find someone who knows the language or variant and has appropriate training. There is obviously very little chance of fulfilling all these requirements.

1.2.6 Conclusions

Promoting and protecting minority languages is a duty, with a view both to preventing inequality in the way citizens are treated and to preserving the precious cultural background reflected by languages. However, bold words and high sentiments are not enough. What is needed are practical measures from which the citizens will genuinely benefit. For such measures to have a chance of being successful, certain conditions must be met: firstly, the speakers of the language must be determined to preserve their linguistic heritage; secondly there must be a minimum number of speakers, for whom it is a genuine means of communication; and thirdly the socio-economic fabric must be strong enough to give life to the community.

In conclusion, the various specialists consulted were of the opinion that, given the extreme economic, demographic and linguistic fragility of the village, there was very little chance that such measures would produce concrete results.

Finally, there remains the question of whether it is not really up to the federal government rather than Ticino to take the necessary steps.

2. *Measures to promote Italian and Charter provisions*

2.1 Article 8: Education

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

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

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

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

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:

- a) Teaching in Italian: as a rule all non-language subjects in all schools are taught in Italian, which was the mother tongue of 81% of the pupils attending Ticino schools in the school year 2007/2008 (see *Scuola ticinese in cifre*, 2008);

- b) -consolidation of Italian teaching: in the context of the “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 hours of Italian per week.
- A system has been introduced for monitoring the quality of the Ticino school system with the aid of specific indicators and parameters (see: *Scuola a tutto campo. Indicatori del sistema educativo ticinese*, Attar Liliana, Cattaneo Angela, Faggiano Enrico, a cura di: berger E., Guidotti C., Repubblica e Cantone Ticino: 2005).

2.1.2 Familiarising non-Italian-speaking young persons living in the canton with Italian language and culture

The Law on Schools 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 9 b of the law of 4 February 1998 on educational and vocational guidance and on vocational and further training) are also available. In addition, the Department of Education, Culture and Sport 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 may apply to use facilities in state establishments (see the Law on Schools of 1 February 1990, section 17, governing the use of school premises belonging to the state). In special cases, these 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, particularly those whose previous level of pre-school education is substantially lower or very different from that expected in Ticino schools or those who are so far behind in their education that it is objectively difficult for them to catch up (as is often the case of speakers of other languages who have had a very different schooling), Article 48 of the regulation of 18 September 1996 stipulates that the curriculum may be adjusted and that pupils may be exempted from some subjects, which shall be replaced by others.

In 2001 the Swiss Conference of Cantonal Ministers of Education (CDIP) published the Swiss version of the European Language Portfolio (ELP) (<http://www.sprachenportfolio.ch>) for young adults (in French, German, Italian and English). 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, and provides recognition of multilingual pupils' language proficiency.

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 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..

A reform aimed at strengthening the teaching of Italian and multilingualism has been gradually implemented since the 2003/2004 school year and was generally applied in 2006/2007. It provides for the following measures:

- For French: compulsory classes from the third year of primary school to the second year of secondary school; then in the form of options (7th year of schooling) in the third and fourth years of secondary education (immersion courses, exchanges, etc.); possibility of studying French in post-compulsory education as well.
- For German: compulsory classes from the second year of secondary school and extension of German teaching to all vocational schools.
- For English: compulsory classes from the third year of secondary school; continuation guaranteed in post-compulsory education.

The canton of Ticino is the only Swiss canton 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 (in English, German, Spanish, advanced Italian, Russian, modern Greek and French).

The Fondazione della Svizzera italiana per la ricerca scientifica e gli studi universitari di Lugano, F.SIRSSU, was set up on 5 July 1979 by the students of Ticino-Università and with the help of the working group set up in this connection in 1976. The aim of the foundation, which is answerable to the Swiss Confederation, is to promote scientific research and promote university studies in Italian-speaking Switzerland. It can also support students from our region working elsewhere as well as related research.

L'ILI-Istituto di lettere italiane

Since 1981, the F.SIRSSU has been concerned with the issue of cultural roots, which it seeks to strengthen through its development programme; the Istituto di lettere italiane (ILI) project was initiated in this context. Language courses were first provided in 1984. The *Scuola ILI di lingua e cultura italiana* was subsequently established in 1992 as the first part of a project which should have comprised two parts (the original idea was also to set up a *Seminario ILI di italianistica*).

Under an agreement drawn up with the former Dipartimento ticinese dell'istruzione e della cultura (now the DECS) on 19.12.1995, the F.SIRSSU devised a programme to promote the admission of non-Italian-speaking students to the USI, and subsequently to the SUPSI, with the aim of opening up to speakers of other languages and promoting the international contacts of universities in Italian-speaking Switzerland. It is with this in mind the *Fondo ILI-USI, SUPSI*, which is financed by contributions from the F.SIRSSU, offers grants to these students. This fund has existed since 1996.

- In addition to these language-teaching measures, the canton encourages language learning in various ways:
 - by promoting individual and class exchanges;
 - by encouraging bilingual teaching initiatives and other innovations. Article 13 of the Law on Schools of 1 February 1990 allows innovation and experiment such as bilingual education;
 - by subsidising language courses in other parts of Switzerland and abroad;
 - 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 there are also exchanges with other language regions in fields outside education. For instance, the Police Regulation of 6 March 1996 (Article 36.3) stipulates that: "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 is very precarious – with the notable exception of Graubünden, a trilingual canton which is partly Italian-speaking. Since 1991, 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 has run methodology and language courses for all Uri teachers plus courses on teaching Italian as a foreign language.

The canton of Uri has meanwhile 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 Minimum Curriculum in Italian (CMI)

The idea derives from a Swiss National Fund for Scientific Research project entitled “Per una nuova posizione dell'italiano nel quadrilinguismo elvetico. Strumenti e strategie per l'elaborazione di un curriculum minimo di italiano”, which was part of national research programme 56 (PNR 56).

The CMI has a dual objective:

- to find ways and means of encouraging young people to learn Italian;
- to explore new methods for teaching and learning languages (in particular Italian).

This project initially took the form of an intensive Italian course of short-duration, set up in collaboration with the Alta Scuola Pedagogica, Locarno. The course has already been tried out in a dozen classes and specific training courses are planned for teachers.

2.2 Article 9: Justice

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

The provisions of the following laws are particularly relevant:

- Code of Civil Procedure of 17 February 1971;
- Code of Criminal Procedure of 19 December 1994 (Articles 23 and 25);
- Law of 27 April 1992 on procedure in matters pertaining to proceedings and insolvency (Article 31.1);
- Cantonal Law of 12 March 1997 applying the Federal Law on proceedings for debt and insolvency (Article 21);
- Law of 23 June 2008 on procedure for cases brought before the Cantonal Insurance Court (Article 1a);
- Law of 15 March 1983 on the Profession of Lawyer, Article 8: "In all correspondence, annexes and oral proceedings before the Ticino authorities, lawyers shall use Italian";
- Law of 23 February 1993 on Notaries; this law provides that in order to be admitted to the notaries' examination candidates must "have a knowledge of Italian" (Article 17

paragraph 1) and that public measures are to be drawn up in Italian or in another language, provided that the notary and the parties know that language (Article 47).

Reference is made once again to the recommendation set out in the experts' report (§210), which was commented on in Part One, chapter 5.1.

2.3 Article 10: Administrative authorities and public services

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

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

2.4 Article 11: Media

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

The existence and functioning of the Italian-language Swiss radio and television network are wholly consistent with the provisions of Article 11 paragraph (a)(i) of the Charter (see also the Federal Broadcasting Law of 24 March 2006). Three daily newspapers in Italian are published in the canton of Ticino (before 1995 there were still five). In addition, there is a large number of bi-weekly, tri-weekly, weekly, bi-monthly and monthly publications in Italian, while very few titles are published in other languages (there is one tri-weekly publication in German). Ticino is one of the regions of Europe with the greatest density of press publications!

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

2.5 Article 12: Cultural activities and facilities

The Department of Education, Culture and Sport's annual reports to the Federal Office for Culture describe the canton's numerous cultural activities and facilities, as well as how Ticino uses the financial aid it receives from the Confederation to protect 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. For example, the Lessico dei dialetti della Svizzera Italiana, published by the Centro di Dialettologia e Ethnografia in October 2004, was extremely successful. Despite being voluminous and expensive, it sold out in a matter of weeks and had to be quickly reprinted.

2.6 Article 13: Economic and social life

Law and practice in the canton of Ticino satisfy the requirements of Article 13, paragraphs (1)(d) and (2)(b) of the Charter.

Article 59 paragraph 1 of the Law of 21 December 1994 on Public Establishments provides as follows: "A list of the prices of the main dishes and beverages and any supplementary charges, in Italian, must be displayed outside public establishments".

The village of Bosco Gurin was explicitly exempted from a cantonal provision requiring that public signs and notices be in Italian. The Law on Public Signs and Notices of 29 March 1954 (see 2nd report, p. 63s.) was replaced by the Law on Outdoor Advertising of 28 February 2000 and 26 February 2007. The use of Italian is prescribed but translation into other languages is authorised, provided that the characters are neither bigger nor more visible than the original text.

(See also Article 4.1 of the regulation of 16 October 1988 implementing the Law on Public Signs and Notices: "They shall not be subject to authorisation if they are in Italian").

2.7 Article 14: Transfrontier exchanges

In the spheres of economic and social life, training and culture and in other sectors, there are very active transfrontier exchanges between the canton of Ticino and Italy, especially with the adjoining Italian provinces, which, with the canton of Ticino, form the Regio Insubrica. Cooperation between Ticino and local and provincial Italian authorities is gradually being established in numerous spheres.

The Legislative Decree of 10 March 1998, which takes account of the Framework Agreement on Transfrontier Cooperation concluded between the Italian Republic and the Swiss Confederation in 1993, regulates the age-old special relations that have grown up between the canton of Ticino and municipality of Campione in Italy.