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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN SWITZERLAND

3rd monitoring cycle

- A. Report of the Committee of Experts on the Charter**
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Switzerland**

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making Recommendations for improvements in its legislation, policy and practices. The central element of this procedure is the Committee of Experts, established in accordance with Article 17 of the Charter. Its principal purpose is to examine the real situation of the regional or minority languages in the State, to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers has adopted, in accordance with Article 15.1, an outline for the periodical reports that a Party is required to submit to the Secretary General. The report shall be made public by the government concerned. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under its Part II and in more precise terms all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee's first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee's role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee gathers information from the respective authorities and from independent sources within the State, with a view to obtaining a just and fair overview of the real language situation. After a preliminary examination of a periodical report, the Committee submits, if necessary, a number of questions to the Party concerned on matters it considers unclear or insufficiently developed in the report itself. This written procedure is usually followed up by an "on-the-spot" visit of a delegation of the Committee to the respective State. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter may decide to address to the State Party.

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A. Report of the Committee of Experts on the application of the Charter in Switzerland

adopted by the Committee of Experts on 19 September 2007
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Chapter 1. Background information

1.1. The ratification of the Charter by Switzerland

1. Switzerland signed the European Charter for Regional or Minority Languages (hereafter referred to as “the Charter”) on 8 October 1993. The Federal Council decided to ratify it on 31 October 1997. Through this decision, the Charter became part of Swiss law. The Swiss authorities formally ratified it on 23 December 1997. The Charter entered into force in respect of Switzerland on 1 April 1998.
2. Article 15.1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers¹. The Swiss authorities presented their 3rd periodical report to the Secretary General of the Council of Europe on 24 May 2006.
3. In its previous report on Switzerland (ECRML (2004)6), the Committee of Experts of the Charter (hereafter referred to as “the Committee of Experts”) outlined particular areas where policies, legislation and practice could be improved. The Committee of Ministers took note of the report presented by the Committee of Experts and adopted recommendations (RecChL (2004)5), which were addressed to the Swiss authorities.

1.2. The work of the Committee of Experts

4. This 3rd evaluation report is based on the information obtained by the Committee of Experts from the 3rd periodical report of Switzerland and the replies to an additional questionnaire submitted to the Swiss authorities on 12 September 2006, as well as through interviews held with representatives of the regional or minority languages in Switzerland, practitioners working with/in such languages and governmental representatives during an on-the-spot visit (14 to 16 February 2007). In addition, two NGOs submitted written statements to the Committee of Experts pursuant to Article 16.2 of the Charter. The present report reflects the policies, legislation and practice prevailing at the time of the on-the-spot visit. Any changes will be taken into account in the next report of the Committee of Experts concerning Switzerland.
5. The present report focuses on the measures taken by the Swiss authorities to respond to the findings of the Committee of Experts in the 2nd monitoring cycle and to the recommendations addressed to the Swiss authorities by the Committee of Ministers. It also aims at highlighting new issues detected by the Committee of Experts during the 3rd monitoring cycle.
6. The report contains detailed observations which the Swiss authorities are urged to take into account in order to develop their policy on regional or minority languages. The Committee of Experts has, on the basis of its detailed observations, also established a list of general proposals for preparing a second set of recommendations to be addressed to Switzerland by the Committee of Ministers, as provided in Article 16.4 of the Charter (Chapter 3.3. of this report).
7. The present report was adopted by the Committee of Experts on 19 September 2007.

1.3 Presentation of the regional or minority language situation in Switzerland: up-date

8. The Committee of Experts has received up-dated information concerning the number of users of Gurin German, which is spoken in the municipality of Bosco-Gurin (Canton of Ticino). There are approximately 120 active and 100 passive users of this local form of the Walser variety of German.

¹ MIN-LANG (2002) 1 Outline for 3-yearly periodical reports as adopted by the Committee of Ministers of the Council of Europe.

Yiddish

9. As in the previous monitoring cycles, the Committee of Experts has no indication that a need for protecting the Yiddish language is expressed inside the Jewish community and thus continues to consider that there is no scope for the protection of Yiddish in Switzerland under the Charter.²

French and German

10. The Committee of Experts has been informed of some cases where French and German are in a minority language situation in some areas where they are traditionally spoken, but have no de facto official status. The Swiss authorities have also provided substantial information in this regard in the 3rd periodical report. These cases create some difficulties in the formal interpretation of the Charter. Nevertheless, since the cases have been raised by the Swiss authorities, and bearing in mind the spirit and purpose of the Charter, the Committee of Experts has decided to deal with them in this report.

11. In the bilingual Canton of Bern/Berne, two municipalities in the officially German-speaking districts of Erlach and Nidau have French-speaking minorities of 10% and 16% respectively. Furthermore, 27 municipalities of the officially French-speaking Bernese Jura have a German-speaking population share of 10% to 41%.

12. In the bilingual Canton of Fribourg/Freiburg, one officially German-speaking municipality has a French-speaking minority of 10%. In 17 officially French-speaking municipalities, 10% to 43% of the population speaks German. According to the new cantonal constitution, the cantonal and local authorities show regard for the traditional linguistic minorities (Article 6.2). "In municipalities with a significant traditional linguistic minority, French and German may be the official languages" (Article 6.3). The cantonal authorities have not yet implemented Article 6.3 as the definition of the concept of a "significant traditional linguistic minority" is pending.

13. The Swiss authorities referred in detail to the case of Ederswiler, which is the only municipality in the unilingual French-speaking Canton of Jura with a German-speaking majority (85%) and with German as an official language. The cantonal authorities apply certain measures in respect of Ederswiler (translation of tax declarations, ballots and complicated administrative texts; primary and secondary education in German six hours per week).³ The translations of widely-used documents are however not directly available to German-speakers from other municipalities in the Canton of Jura where German is traditionally used (up to 28% of the population). A person requesting such a document from the cantonal authorities will be asked to contact the local authority of Ederswiler.

Legislation

14. In 2004, the federal government decided, with a view to making budgetary savings, not to submit to parliament the Draft Federal Law on the National Languages and on Understanding between the Language Communities. However, the Canton of Graubünden adopted a Language Law in October 2006.

² 2nd Report of the Committee of Experts, paragraph 53; 3rd Periodical Report, p. 51

³ 3rd Periodical Report, p. 14-15

Chapter 2. The Committee of Experts' evaluation in respect of Part II and Part III of the Charter

2.1. The evaluation in respect of Part II of the Charter

15. Apart from the languages additionally covered by Part III of the Charter (Romansh, Italian in the Cantons of Graubünden and Ticino), Part II of the Charter applies to German in the municipality of Bosco-Gurin (Canton of Ticino) and in the municipality of Ederswiler (Canton of Jura) and to Yenish, which is a non-territorial language. The Committee of Experts will not comment again on Articles 7.1.e, 7.2 and 7.4, as no major issues arose in these areas during the 3rd monitoring cycle.

Article 7 - Objectives and principles

Paragraph 1

" In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

- a. **the recognition of the regional or minority languages as an expression of cultural wealth;"**

Draft Federal Language Law

16. The Committee of Experts notes that the federal government's decision not to submit to parliament the Draft Federal Language Law is problematical in view of the Committee of Ministers' Recommendation to "accelerate the efforts to adopt legislation implementing in particular paras. 1 and 3 of Article 70 of the Federal Constitution". The Committee of Experts refers to the recommendation 1 of the Committee of Ministers and underlines the great importance of the implementation of Article 70 .⁴

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.

Language Law of the Canton of Graubünden

17. The Canton of Graubünden adopted a Language Law in October 2006, which aims to strengthen the canton's trilingualism; increase individual, public and institutional awareness of multilingualism; improve mutual understanding between the linguistic groups; preserve and promote Romansh and Italian; and apply particular promotion measures to Romansh. The adoption of the Language Law is a remarkable step forward. The law was very disputed and a referendum was initiated against it. However, the law was confirmed in the referendum in June 2007 with a majority of 54% in favour.

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

18. The cantonal authorities informed the Committee of Experts that they do not envisage a formal recognition of German in Bosco-Gurin as this would contradict their aim to encourage the use of Italian in Ticino. On the other hand, the association *Walserhaus Gurin*, which represents the users of Gurin German, requested in its statement submitted in accordance with Article 16.2 of the Charter that the linguistic uniqueness of Bosco-Gurin be formally recognised.

Yenish

19. In the 2nd monitoring cycle, the Committee of Ministers recommended that the authorities of Switzerland "officially recognise Yenish as a regional or minority language traditionally spoken in Switzerland and as part of the Swiss cultural and linguistic heritage."

20. In the 3rd periodical report, the Swiss authorities reiterated their view that the recognition of the Yenish as a national minority under the Framework Convention for the Protection of National Minorities and the assistance provided by them represent an "official recognition of the cultural wealth of the travelling people in Switzerland".⁵ However, the representatives of the Yenish-speakers pointed out to the Committee

⁴ 3rd Periodical Report, p. 23; 1st Report of the Committee of Experts, paragraph 28

⁵ 3rd Periodical Report, p. 48

of Experts during the on-the-spot visit that they desire a recognition of the Yenish culture and appropriate assistance, for example in the media.

21. The Committee of Experts observes that the recognition of the Yenish as a national minority does not necessarily imply a recognition of the Yenish language. It therefore encourages the competent Swiss authorities to consult with the representatives of the users of Yenish on measures to protect and promote the language.

"b. the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;"

Romansh

22. The Committee of Experts received reports from Romansh-speakers that possible future mergers of mainly Romansh-speaking municipalities with German-speaking municipalities may, in the light of the linguistic composition of new municipalities, lead to a change of the school language (Language Law, Article 22.1).

23. The Committee of Experts therefore encourages the competent Swiss authorities 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.

German (Municipality of Bosco-Gurin, Ticino)

24. The Committee of Experts was also informed about the likely merger of Bosco-Gurin with the municipalities of the Vallemaggia. The local authority of Bosco-Gurin is concerned that the new administrative division could have negative repercussions on the promotion of German, for example its teaching at the primary school of Cevio.

25. The Committee of Experts encourages the competent Swiss authorities to ensure that new administrative divisions do not constitute an obstacle to the promotion of German in Bosco-Gurin, in particular in education.

"c. the need for resolute action to promote regional or minority languages in order to safeguard them;"

Language Law of the Canton of Graubünden

26. The new language law of Graubünden limits the autonomy of municipalities in determining the official language(s) and language(s) of instruction in schools at local level. If a traditional language community represents at least 40% (federal census) of the population, the municipality is considered "unilingual" and obliged to use that language orally and in writing in all domains of official language use. If the respective population share is at least 20%, the municipality is deemed "multilingual" and obliged to use the traditional language "adequately" (Article 16.2-3, Article 17.1-2). In the present demographical situation, the thresholds affect only Romansh and not Italian. If the population share falls below 40% or 20% respectively, a referendum may be held with a view to declaring a "unilingual" municipality "multilingual" (simple majority required) or a "multilingual" municipality "German-speaking" (two-thirds majority required).⁶

27. While acknowledging the Language Law and its ambitious aims, the Committee of Experts notes that the threshold of 20% might be problematical from the point of view of the Charter if municipalities where Romansh-speakers represent up to 20% of the population solely operate in the majority language. However, municipalities are free to apply measures in favour of the traditional language even where the speakers constitute less than 20% of the population. Under the Charter, this is required in any event in those cases where, although the speakers represent less than 20% of the local population, they are nevertheless present in sufficient numbers for the purpose of the undertakings entered into by Switzerland. The Committee of Experts also has certain concerns lest the vagueness of the concept of "adequate use of Romansh" should lead in the future to a situation where Switzerland's undertakings, in particular those under Article 10, might no longer be fulfilled in municipalities where Romansh-speakers represent up to 40% of the population. In addition, the Committee of Experts underlines that the Charter is based on flexibility rather than on rigid and partly arbitrary numerical requirements.

⁶ Sprachengesetz des Kantons Graubünden (SpG) vom 19. Oktober 2006, Kantonsamtsblatt, p. 4014-4022

German (Municipality of Bosco-Gurin, Ticino)

28. In view of the dramatic decline in the number of German-speakers in Bosco-Gurin and the absence of appropriate measures of the cantonal authorities to preserve the language, the Committee of Experts encouraged the Swiss authorities in the 2nd monitoring cycle "to take urgent measures" to support German.⁷

29. In the light of the information received from the cantonal authorities, it appears that no measures specifically devoted to the promotion of German in Bosco-Gurin were taken. The Committee of Experts welcomes the significant economic support provided by the cantonal authorities to Bosco-Gurin, which represents an indirect contribution to the safeguarding of German. Several projects envisaged by the users show that they are determined to safeguard the language (see under Article 7.1d, f, h). The Committee of Experts underlines the importance of the efforts to support the local projects of language maintenance in Bosco-Gurin and stresses that the authorities should take into consideration the wishes of the German-speakers in Bosco-Gurin in education.

Yenish

30. The Yenish language is mainly used by the approximately 2000 to 3000 travelling Yenish. Consequently, a majority of the speakers consider the authorities' provision of stopover facilities as the most effective means of preserving their language and, unlike the associations representing them, continue to oppose State action to promote Yenish outside that group. In the course of the 3rd monitoring cycle, this stance has prevented the implementation of projects for the promotion of Yenish which had been proposed to the federal authorities by the association *Schäft qwant*. One of the proposals was to draft a feasibility study with a view to clarifying whether co-operation with the State concerning the promotion of Yenish is desirable for the speakers and if so, how the Charter could be applied to Yenish.

The Committee of Experts encourages the competent Swiss authorities to pursue their dialogue with the Yenish-speakers with a view to identifying the fields of Article 7 that could be applied to Yenish.

"d. the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;"

German (Municipality of Bosco-Gurin, Ticino)

31. In the 2nd monitoring cycle, the Committee of Experts recommended that measures should be taken by the competent Swiss authorities to give German some degree of visibility in the public sphere in Bosco-Gurin.⁸

32. The association *Walserhaus Gurin* intends to launch a newsletter in 2007 which will be drafted in Gurin German and appear every six months. The Committee of Experts has, however, not been informed of steps taken by the authorities. It therefore reiterates its previous recommendation and urges the competent Swiss authorities to increase the public visibility of German in Bosco-Gurin, in particular in signage.

Yenish

33. During the 3rd monitoring cycle, the Swiss authorities approached representatives of the Yenish-speakers with a proposal for funding for radio broadcasting in Yenish. Notwithstanding a generally positive reply, the representatives of the Yenish have not concretely followed up this proposal. However, they pointed out during the on-the-spot visit that projects in the broadcast media, notably radio or internet radio, are more likely to be accepted by a majority of the Yenish-speakers than measures in other fields of public life.

34. The Committee of Experts notes that radio and internet radio broadcasting could represent one important field where action to facilitate and/or encourage the use of Yenish in public life could be taken with the greatest possible support by the speakers. It therefore encourages the competent Swiss authorities to pursue their dialogue with the representatives of the Yenish-speakers with a view to developing radio and internet radio broadcasting in Yenish.

⁷ 2nd Report of the Committee of Experts, paragraphs 43-44

⁸ 2nd Report of the Committee of Experts, paragraph 44

"f. the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;"

German (Municipality of Bosco-Gurin, Ticino)

35. In the 2nd monitoring cycle, the Committee of Experts encouraged the competent authorities to ensure that the teaching of German at the school of Cevio was "increased beyond .. two hours per week."⁹

36. No action has been taken to implement this recommendation. Instead, the Committee of Experts was informed by the local authority of Bosco-Gurin that the German classes in Cevio might be discontinued completely. However, the representatives of the users of German insist on the permanent provision of the teaching of (standard) German in Cevio. Furthermore, they intend to develop teaching materials for the complementary teaching of Gurin German in Bosco-Gurin as of 2007. The competent Swiss authorities should devise, in co-operation with the users, measures adapted to the particular situation of Bosco-Gurin.

The Committee of Experts urges the competent Swiss authorities to provide for appropriate permanent teaching of German at the school of Cevio.

Yenish

37. In the 2nd monitoring cycle, the Committee of Experts encouraged the authorities "to set up a permanent framework, actively involving the Yenish speakers themselves, aimed at the standardisation of the Yenish language" and "to plan the inclusion of the Yenish language in the ordinary teaching framework and the drawing up of the necessary teaching materials."¹⁰

38. The federal authorities considered the proposed feasibility study (see under Article 7.1c) as a basis for the standardisation of Yenish and its introduction into state schools. Due to the widespread opposition among the Yenish-speakers concerning State action to promote Yenish outside their group, the project of standardising and including Yenish in the ordinary teaching framework could not be pursued further. Despite these problems, the authorities reiterated their willingness to protect and promote Yenish if the speakers so desire. In particular, they proposed to produce, independently of standardisation, teaching materials for use *within* the Yenish-speaking group.

39. The Committee of Experts welcomes this proposal, which seems to take due account of the concerns of many Yenish-speakers regarding the promotion of Yenish *outside* their group. In addition, such a measure, like radio and internet radio broadcasting in Yenish, would represent a pragmatic intermediary step towards overcoming the existing deadlock in the actual application of the Charter to Yenish. This deadlock persists despite good will on both sides. The Committee of Experts thus encourages the competent Swiss authorities to pursue their dialogue with the representatives of the Yenish-speakers with a view to producing teaching materials for use within the Yenish-speaking group.

"g. the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;"

Italian

40. The Committee of Experts noted in the 2nd monitoring cycle that "it [was] not clear how the competent Swiss authorities support the provision of facilities enabling non-speakers of Italian living in the area where it is used to learn it if they so desire" and encouraged the authorities to provide further information.¹¹

41. The 3rd periodical report referred again only to private institutions offering courses in Italian.¹² According to what the Committee of Experts learnt from representatives of the Italian-speakers during the on-the-spot visit, sufficient facilities exist in the Italian-speaking part of Graubünden (Grigionitaliano). In the absence of information concerning relevant state action, the Committee of Experts reiterates its previous recommendation and urges the competent Swiss authorities to provide information on how the authorities contribute to the implementation of this provision.

⁹ 2nd Report of the Committee of Experts, paragraph 44

¹⁰ 2nd Report of the Committee of Experts, paragraph 50

¹¹ 2nd Report of the Committee of Experts, paragraph 32

¹² 3rd Periodical Report, p. 50

"h. the promotion of study and research on regional or minority languages at universities or equivalent institutions;"

42. The cantonal authorities assist financially the *Walserhaus Gurin*, which is active in the study and research of Gurin German. The *Walserhaus Gurin* will soon publish the 2nd volume of its Gurin German Dictionary.

43. Regarding Yenish, no new measures were reported to the Committee of Experts. As far as the general problem of the promotion of Yenish outside the Yenish-speaking group is concerned, the Committee of Experts refers to its observations under Articles 7.1.c, d and f.

"i. the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States."

Italian

44. In the 2nd monitoring cycle, the Committee of Experts requested further information "on how appropriate types of transnational exchanges are concretely promoted in the fields covered by the Charter".¹³

45. Regrettably, the Swiss authorities have still not provided information on concrete activities within the *Commissione culturale consultiva italo-svizzera*. The Committee of Experts encourages the competent Swiss authorities to return to this issue with thorough information in the next periodical report.

German (Municipality of Bosco-Gurin, Ticino)

46. Bosco-Gurin and several Northern Italian municipalities where Walser German is equally used participate in the cultural Interreg 3B project *Walseralps*.¹⁴ The Committee of Experts considers this an original initiative and welcomes it.

"Paragraph 3

The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective."

Romansh and Italian

47. In the 2nd monitoring cycle, the Committee of Experts requested further 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. In addition, it "encourage[d] the competent Swiss authorities to pursue their efforts in this area and in particular to accelerate the adoption of a law to implement Article 70 para. 3 of the federal constitution."¹⁵

48. With regard to Romansh, the Committee of Experts has not received sufficient information to reach a conclusion.

49. In relation to Italian, the Committee of Experts received complaints that press reporting about Grigionitaliano is stereotyped and perpetuates the image among the German-speaking majority of Grigionitaliano as the "backward Italian-speaking valleys".

50. The Language Law of Graubünden implements Article 70.3 of the federal constitution according to which the federation and the cantons promote understanding and exchange between the linguistic communities. By virtue of Article 12.1b of the Language Law, the canton may assist measures and projects promoting mutual understanding between the linguistic groups of Graubünden. It may also, in co-operation with the municipalities, promote the exchange of pupils and teachers from Graubünden's different language regions (Article 15).

¹³ 2nd Report of the Committee of Experts, paragraph 36

¹⁴ 3rd Periodical Report, p. 42

¹⁵ 2nd Report of the Committee of Experts, paragraph 39

51. While welcoming these provisions, the Committee of Experts does not consider that such developments justify a change in its previous finding. It reiterates its previous recommendation and encourages the competent Swiss authorities to provide information on measures taken by the media and in the field of education to raise the awareness among the German-speaking population of Romansh and Italian in the Canton of Graubünden.

“Paragraph 5

The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall 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.”

52. In its appreciation of the situation of Yenish vis-à-vis Article 7 paragraphs 1-4 of the Charter, the Committee of Experts has kept in mind that those principles should be applied *mutatis mutandis*.

2.2. The evaluation in respect of Part III of the Charter

2.2.1 Preliminary remarks on the approach of the Committee of Experts in respect of Part III

53. The languages covered by Part III of the Charter are Romansh as well as Italian in the Cantons of Graubünden and Ticino.

54. The Committee of Experts will not comment on provisions in relation to which no major issues were raised in its 1st and 2nd reports and for which it did not receive any new elements requiring a revised assessment. It reserves, however, the right to evaluate the situation again at a later stage.

55. For Romansh, these provisions are the following:¹⁶

- Articles 8.1.a.iv (paragraphs 57-59); c.iii (paragraphs 67-68); e.ii; f.iii; g (paragraphs 71-76); i (paragraphs 75-77, 2nd Report of the Committee of Experts)
- Articles 9.1.a.iii (paragraphs 89-90); b.iii (paragraphs 93-94); 9.2.a (paragraphs 100-101);
- Articles 10.1.c (paragraphs 112-113); 2.a (paragraphs 114-115); c (paragraphs 119-120); g (paragraphs 124-127); 3.b (paragraphs 128-130); 4.c; 5 (paragraphs 133-136)
- Article 11.1.f.i (paragraphs 147-148);
- Articles 12.1.a; b; c; e; f; g; h; 2; 3 (paragraphs 151-167);
- Articles 13.1.d (paragraphs 168-169); 2.b (paragraphs 170-172);
- Article 14.b (paragraph 174).

56. For Italian in the Canton of Graubünden, these provisions are the following:

- Articles 8.1.a.i; b.i; c.i; d.i; e.ii; f.i; g; h (paragraphs 175-197); i (paragraphs 135-137, 2nd Report of the Committee of Experts)
- Articles 9.1 c.i; c.ii; d (paragraphs 140-141, 2nd Report of the Committee of Experts); 2.a; 3 (paragraphs 211-214);
- Articles 10.1.b; c; 2.a; d; g; 3.a; 4.a; b; c; 5 (paragraphs 219-226);
- Articles 11.1.a.i (paragraphs 227-228); e.i (paragraph 154, 2nd Report of the Committee of Experts); g; 2 (paragraphs 231-234);
- Articles 12.1.a; b; c; d; e; f; g; h; 2; 3 (paragraphs 237-244);
- Article 13.1.d; 2.b (paragraphs 245-249);
- Articles 14.a; b (paragraphs 250-253).

57. For Italian in the Canton of Ticino, these provisions are the following:

- Articles 8.1.a.i; b.i; c.i; d.i; e.ii; f.i; g; h; i (paragraphs 254-264);
- Articles 9.1.a.i; a.ii; a.iii; b.i; b.ii; b.iii; c.i; c.ii; d (paragraph 265); 3 (paragraphs 268-269);
- Articles 10.1.a.i; b; c; 2.a; b; c; d; e; f; g; 3.a; 4.a; b; c; 5 (paragraphs 270-278);
- Articles 11.1.a.i; e.i; g; 2 (paragraphs 279-286);
- Articles 12.1.a; b; c; d; e; f; g; h; 2 (paragraphs 289-295);
- Articles 13.1.d; 2.b (paragraphs 296-298);
- Articles 14.a; b (paragraphs 299-301).

2.2.2. Romansh

Article 8 - Education

Preliminary remarks on the introduction of Rumantsch Grischun in schools

58. With regard to the introduction of the Romansh standard language, Rumantsch Grischun, as the language of instruction in schools, the Committee of Experts stressed in the 2nd monitoring cycle “the importance of a gradual transition in order to ensure that the strengthening of the position of ... Rumantsch Grischun is carried out smoothly and with the greatest possible support by the speakers”.¹⁷

59. The decision as to whether Rumantsch Grischun or a variety of Romansh shall be the local school language falls within the competence of the local authority concerned. However, the cantonal authorities of Graubünden are responsible for the publication of the teaching materials for compulsory schools, vocational

¹⁶ If not indicated differently, the paragraphs in brackets refer to the 1st Report of the Committee of Experts.

¹⁷ 2nd Report of the Committee of Experts, paragraph 65

and further training of teachers and entrance exams at secondary schools. The cantonal parliament decided in 2005 to publish all new teaching materials only in Rumantsch Grischun.

60. Furthermore, the cantonal authorities adopted a strategy for the medium term introduction of Rumantsch Grischun as the standard written form to be taught in schools as of 2007.¹⁸ It is planned to complete the respective replacement of written teaching material in the regional varieties (*Idiome*) Vallader, Puter, Surmiran, Sutsilvan and Sursilvan in about ten years, which corresponds to the lifespan of the latest teaching materials published in these varieties. The question of the oral use of the varieties and literature in the varieties has not yet been decided upon.

61. While the *Lia Rumantscha*, the umbrella association of the Romansh-speakers, supports the voluntary introduction of Rumantsch Grischun, the canton's strategy has so far only been endorsed at regional and local level by the Val Müstair, Surmeir and some municipalities in the Surselva. By contrast, a majority of the municipalities oppose the replacement of the regional varieties, to which many people are strongly attached. They are concerned that this may deter people from using the language, thus increasing its decline. In addition, the Committee of Experts was informed of concerns that the canton's earlier decision to publish new teaching materials only in Rumantsch Grischun, which is official at cantonal (and federal) level, could lead to a situation where the majority speakers qualify Rumantsch Grischun as being the generally official language and impose it on the local authorities in the Romansh-speaking area which thus far only use varieties of Romansh. Against this background, the Committee of Experts welcomes the fact that the cantonal authorities' strategy envisages a mediation procedure for 2008/2009 with a view to strengthening mutual understanding and finding a consensual solution.

62. The Committee of Experts notes with appreciation that the first part of its recommendation, i.e. the emphasis on a gradual introduction of Rumantsch Grischun in schools, has been taken into consideration by the cantonal authorities. On the other hand, it observes that the second part of the recommendation, i.e. the achievement of "the greatest possible support by the speakers", has not yet been implemented, which may put the success of the enterprise at serious risk.

The Committee of Experts urges the competent Swiss authorities to intensify their dialogue with the Romansh-speakers with a view to achieving the greatest possible support for the introduction of Rumantsch Grischun as the standard written form to be taught in schools as well as building confidence in the continued protection and promotion of the regional varieties of Romansh.

"Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

Primary Education

"b.i. to make available primary education in the relevant regional or minority languages;"

63. In the 1st and 2nd monitoring cycles, the Committee of Experts considered this undertaking fulfilled.¹⁹ It nevertheless looked forward to being informed on how Article 3.3 of the new Constitution of the Canton of Graubünden is implemented, according to which the municipalities must pay due attention to the traditional linguistic situation in their territory and must determine their official and school languages in co-operation with the canton.

64. According to the Language Law, the canton, the municipalities and their associations, districts, counties and public bodies take the traditional linguistic composition of the regions into account and respect traditional language communities (Article 1.2). As noted above (see under 1.3), the Language Law sets criteria for the determination of the official language and the school language. In both "unilingual" and "multilingual" municipalities, the traditional language/Romansh is the school language. Romansh and Italian have to be offered as subjects in municipalities where these languages have a traditional presence and are used by at least 10% of the population (Article 20.3).

¹⁸ *Grobkonzept "Rumantsch Grischun in der Schule"*; 3rd Periodical Report, p. 25-27, 54-56

¹⁹ 1st Report of the Committee of Experts, paragraph 66; 2nd Report of the Committee of Experts, paragraph 67

65. The Committee of Experts was informed during the on-the-spot visit that in many municipalities in the Romansh-speaking area a growing number of pupils come from migrant families. This creates a serious challenge for the linguistic integration of these pupils. As the Committee of Experts did not receive sufficient information on this issue, it asks the competent Swiss authorities to inform it whether a strategy exists or is being developed to cope with this challenge.

66. In 2004, the cantonal parliament decided to introduce English as the first foreign language at primary school (*Frühenglisch*). A working group is currently clarifying what implications this will have for the teaching of Romansh, Italian and German as foreign languages in the different language areas of Graubünden.²⁰ It is noteworthy in this context that at present, English is not yet taught through the medium of Romansh.

67. The Committee of Experts considers this undertaking fulfilled. It encourages the competent Swiss authorities to provide, in the next periodical report, information concerning the impact of *Frühenglisch* on the teaching of Romansh.

Technical and vocational education

“d. iii. to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;”

68. In the 2nd monitoring cycle, the Committee of Experts could not conclude on the fulfilment of this undertaking and “encourage[d] the competent Swiss authorities to provide, in the next periodical report, a detailed picture of the amount of teaching of Romansh in vocational schools as well as up-dated information on the current plans to introduce a final vocational school-leaving examination in Romansh.”²¹

69. The Committee of Experts has been informed that four schools provide technical and vocational education in Romansh. Firstly, the Vocational School of Chur, which had unsuccessfully offered optional teaching in Romansh, now teaches specialized subjects in German but co-operates with the Vocational School of Ilanz where the general subjects are taught in Romansh. Secondly, the Surselva Vocational School teaches general subjects partly in Romansh, which is also the language of the final examinations. Thirdly, at the Surselva Trade School, Romansh is the medium of instruction of three courses in the first year and two courses in the second and third years. The final examinations are held in Romansh. Training in commerce and salesmanship is also carried out in Romansh (one course per week). Finally, the Samedan Vocational School teaches mainly in German while Romansh and Italian may be equally used in classes. Depending on demand and feasibility, one subject may be taught exclusively in Romansh in the first two years.²²

70. The Committee of Experts now considers this undertaking fulfilled.

Basic and further education of teachers

“h. to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;”

71. This undertaking was considered fulfilled in the 1st and 2nd monitoring cycles. Nevertheless, the Committee of Experts encouraged the competent Swiss authorities in its 2nd evaluation report to ensure a gradual introduction of Rumantsch Grischun in schools “allowing the time needed to train the teachers to use the new teaching materials”. It also encouraged them “to ensure that students who have not passed the bilingual maturity exam including Romansh receive the additional training necessary to make up for their lack of linguistic skills in this language and to fully equip them to teach in Romansh.”²³

72. The Committee of Experts has been informed that the teacher training at the Pedagogical University in Chur has been adapted to the timetable of the three models according to which Rumantsch Grischun will be gradually introduced in schools. During a transition period, teacher training will also take the varieties of Romansh into account. Teaching materials in Rumantsch Grischun will be available as from the school year

²⁰ 3rd Periodical Report, p. 60; see also the 1st Opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Switzerland, paragraph 61

²¹ 2nd Report of the Committee of Experts, paragraph 70

²² 3rd Periodical Report, p. 60-61

²³ 2nd Report of the Committee of Experts, paragraph 74

2007/2008. The Committee of Experts also received confirmation during its on-the-spot visit that students who did not attend the bilingual secondary school in Chur receive additional training in Romansh at the Pedagogical University.

73. During the on-the-spot visit, the Committee of Experts received information from teachers that significant steps to improve further teacher training have been taken due to the introduction of Rumantsch Grischun.

74. The Committee of Experts considers this undertaking fulfilled.

Article 9 - Judicial authorities

“Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

In criminal proceedings:

“a.ii. to guarantee the accused the right to use his/her regional or minority language;”

In civil proceedings:

“b.ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; - if necessary by the use of interpreters and translations; ”

In proceedings before courts concerning administrative matters:

“c. ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense;”

75. In the 2nd monitoring cycle, the Committee of Experts considered these undertakings only formally fulfilled and “encourage[d] the competent Swiss authorities to take the necessary measures to ensure that the formal possibility to use Romansh in court proceedings is implemented in practice.”²⁴ In particular, it recommended positive action such as training courses in legal Romansh and terminology for judges and the administrative staff of the courts as well as for lawyers and their assistants. The Committee of Ministers in its Recommendation 2 accordingly asked the Swiss authorities to “take the necessary measures to remove practical obstacles to the use of Romansh in courts.”

76. The Swiss authorities informed the Committee of Experts that they intend to consider these recommendations in the context of an ongoing justice reform.²⁵ During the on-the-spot visit, it was pointed out by judges that the courts in Graubünden have probably never used Romansh during the last 20 years. The main reason why the speakers prefer to use German is that there is no tradition of using Romansh before judicial authorities. Lawyers working in the Romansh-speaking area occasionally draft legal texts in Romansh but have to improvise the terminology. If such texts were used before judicial authorities, it would be difficult for other Romansh-speakers (legal practitioners and parties to proceedings) to totally understand them.

77. Given that the cantonal statute book has been translated into Rumantsch Grischun (see under Article 9.3 below), the Committee of Experts notes, however, that a solid basis for the development of legal Romansh already exists. Furthermore, it takes note of the fact that pursuant to the Language Law (Article 9.3) Romansh will be the language of proceedings at district courts which are located in unilingual districts. Consequently, there exists a further concrete need for the development of legal Romansh.

²⁴ 2nd Report of the Committee of Experts, paragraph 83

²⁵ 3rd Periodical Report, p. 59

78. The Committee of Experts considers these undertakings still only formally fulfilled. It recalls²⁶ that their fulfilment requires a certain degree of practical implementation, beyond the mere existence of the relevant provisions in the domestic legislation. The Committee of Experts therefore encourages the competent Swiss authorities to clarify, in co-operation with the speakers of Romansh, how the formal possibility of using Romansh in proceedings before judicial authorities can be implemented in practice and what structural measures (development of a legal terminology in Romansh and training of legal practitioners in that terminology) need to be taken. The authorities could also actively encourage the Romansh-speakers to use Romansh when appearing before courts.

The Committee of Experts urges the competent Swiss authorities to take the necessary measures to ensure that the formal possibility to use Romansh in court proceedings is implemented in practice.

“Paragraph 3

The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.”

79. In the 2nd monitoring cycle, the Committee of Experts considered this undertaking only partly fulfilled and “encourage[d] the competent Swiss authorities to provide for the translation of the legal texts necessary to make the use of Romansh in the courts a realistic option, to be identified in cooperation with the representatives of the speakers and of the legal professions concerned.”²⁷

80. In 2006, the cantonal authorities completed the translation of the *cantonal* statute book (*Cudesch da dretg grischun*) into Rumantsch Grischun, which they have also made available on the internet. The Committee of Experts welcomes this achievement as an important contribution to the development of legal Romansh. However, it observes that some of the most important *national* statutory texts have not yet been translated.

81. The Committee of Experts considers this undertaking fulfilled at cantonal level, but only partly fulfilled at federal level.

The Committee of Experts urges the competent Swiss authorities at federal level to provide for the translation of legal texts necessary to further facilitate the use of Romansh before courts.

Article 10 - Administrative authorities and public services

State Administration

“Paragraph 1

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

a. i. to ensure that the administrative authorities use the regional or minority languages;”

82. In the 2nd monitoring cycle, the Committee of Experts considered that insofar as the cantonal administration performs State tasks the present undertaking was not fulfilled in practice. The Committee of Experts “encourage[d] the competent Swiss authorities to take the necessary structural measures to encourage the use of Romansh in the relations of the speakers with the cantonal administration” and to provide specific information about the use of Romansh by the federal authorities which are present at cantonal level.²⁸

²⁶ Cf. 3rd Report of the Committee of Experts on Hungary, paragraph 107; 2nd Report of the Committee of Experts on Germany, paragraph 120

²⁷ 2nd Report of the Committee of Experts, paragraph 86

²⁸ 2nd Report of the Committee of Experts, paragraph 92

83. In the 3rd periodical report, the Swiss authorities stated that they intend to make more systematic use of Romansh in the future.²⁹ While the Language Law will oblige the cantonal authorities to promote staff members' knowledge of the cantonal languages (Article 5.3), the Committee of Experts has no indication that concrete measures have been taken which would have had an impact during the 3rd monitoring cycle. In addition, the preferential treatment of applicants speaking "two or possibly three official languages" (Article 6) is relatively vague compared to, for example, the introduction of a quorum for Romansh-speakers in the cantonal administration, as suggested in the 2nd evaluation report.³⁰

84. The border guard, which is the only federal authority present in Graubünden, uses Romansh (a 'partial official language' at federal level) only orally and in inscriptions on buildings and uniforms. In general, the eight Romansh-speaking staff members work in German.

85. The Committee of Experts considers this undertaking partly fulfilled regarding both the cantonal and federal authorities which are present in Graubünden. It reiterates its previous recommendation and encourages the competent Swiss authorities to take the necessary structural measures to encourage the use of Romansh in the relations of the speakers with both the cantonal authorities and the federal authority which is present at cantonal level.

"b. to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;"

86. In the 2nd monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled. It "encourage[d] the competent Swiss authorities to ensure the translation into Romansh of widely used administrative texts and forms for the population, to be identified in cooperation with the speakers", and to provide information concerning federal authorities present in Graubünden.³¹

87. As far as the cantonal authorities are concerned, due to lack of information, the Committee of Experts is not in a position to conclude whether any positive development has taken place in practice during the 3rd monitoring cycle. As for the federal authority present in Graubünden, the Committee of Experts has not been made aware that any administrative texts or forms exist in Romansh.

88. The Committee of Experts considers this undertaking partly fulfilled regarding the cantonal authorities and not fulfilled concerning the federal authority which is present at cantonal level. It urges the Swiss authorities concerned to make available widely used administrative texts and forms for the population in Romansh or in bilingual versions and to report about the measures taken in the next periodical report.

Local and regional authorities

"Paragraph 2

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

b. the possibility for users of regional or minority languages to submit oral or written applications in these languages;"

89. In the 2nd monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled with regard to the local authorities and not fulfilled in practice regarding the cantonal authorities, insofar as they perform duties which relate exclusively to their regional dimension.³²

90. In the 3rd monitoring cycle, the Committee of Experts received confirmation during the on-the-spot visit that the present undertaking is currently fulfilled at local level and that Romansh-speakers actually submit oral and written applications in Romansh. However, the problem of municipalities with Romansh-speaking minorities but large German-speaking majorities and German as the only official language still

²⁹ 3rd Periodical Report, p. 59

³⁰ 2nd Report of the Committee of Experts, paragraph 91

³¹ 2nd Report of the Committee of Experts, paragraphs 95-96

³² 2nd Report of the Committee of Experts, paragraphs 98, 101

remains unsolved. Even if there is a sizeable portion of Romansh-speakers within the municipalities, there may not exist any possibility for Romansh-speakers to submit oral or written applications in their language. This problem would not be solved with the entry into force of the Language Law due to the rather high threshold of 20% for the co-official use of Romansh.³³

91. As far as the cantonal administration is concerned, the observations made by the Committee of Experts concerning Article 10.1a.i apply accordingly.

92. The Committee of Experts considers this undertaking fulfilled concerning the local authorities and partly fulfilled regarding the cantonal authorities. It encourages the competent Swiss authorities to take positive measures so that Romansh-speakers may in practice submit applications in Romansh when dealing with the cantonal authorities.

“d. the publication by local authorities of their official documents also in the relevant regional or minority languages;”

93. In the 2nd monitoring cycle, the Committee of Experts considered this undertaking partly fulfilled and “encourage[d] the competent Swiss authorities to step up their efforts towards [its] implementation”.³⁴

94. The Committee of Experts has not received sufficient information as to how the Swiss authorities have ensured the implementation of this undertaking in the 3rd monitoring cycle.

95. The Committee of Experts considers this undertaking still only partly fulfilled.

“e. the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;”

96. In the 2nd monitoring cycle, the Committee of Experts considered this undertaking not fulfilled and “encourage[d] the competent Swiss authorities to take the necessary measures to encourage the use of Romansh in debates in the cantonal parliament, in particular through the systematic provision of simultaneous interpretation.”³⁵ The Committee of Ministers in its Recommendation 3 encouraged the Swiss authorities to “take the necessary measures to strengthen the use of Romansh ... in debates in the cantonal parliament”.

97. The provision of simultaneous interpretation in the cantonal parliament was one of the issues which were discussed by the cantonal authorities and the representatives of the Romansh-speakers when the Language Law was drafted. It was agreed within the Parliament in the end not to provide simultaneous interpretation. Instead, the Language Law allows the members of parliament to express themselves in their mother tongue (Article 4.1). In practice, however, the use of Romansh remains, apart from introductory remarks, largely non-existent. The Committee of Experts underlines that the provision of simultaneous interpretation is one suitable way to encourage the use of Romansh in debates in the cantonal parliament. If the Swiss authorities prefer not to make use of this option, other positive measures need to be considered.

98. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts urges the competent Swiss authorities to take the necessary measures to encourage the use of Romansh in debates in the cantonal parliament.

“f. the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;”

99. In the 2nd monitoring cycle, the Committee of Experts considered this undertaking not fulfilled and “encourage[d] the competent Swiss authorities to clarify, in the next periodical report, the nature and the functions of the so-called ‘regional associations’”.³⁶

³³ 2nd Report of the Committee of Experts, paragraph 99

³⁴ 2nd Report of the Committee of Experts, paragraph 105

³⁵ 2nd Report of the Committee of Experts, paragraph 108

³⁶ 2nd Report of the Committee of Experts, paragraphs 113-114

100. Only local councils of municipalities with a large Romansh-speaking majority use Romansh. As far as other municipalities are concerned, the Committee of Experts noted during the on-the-spot visit that the situation had not improved in the 3rd monitoring cycle and that no measures had been taken to actively encourage the use of Romansh in debates of local councils. At present, such meetings are held, and the minutes drafted, in German as soon as one member does not speak Romansh. Considering that this undertaking has so far only been implemented in municipalities with large majorities of Romansh-speakers, the Committee of Experts is concerned that the Language Law will lead to a decrease in the use of Romansh in debates in the assemblies of municipalities with a minority of Romansh-speakers of up to 40%.

101. Municipalities may set up regional associations to perform responsibilities which have a regional dimension. The Committee of Experts was informed during its on-the-spot visit that the regional association of Surselva uses Romansh as an internal language.

102. The Committee of Experts considers this undertaking partly fulfilled. It urges the competent Swiss authorities to promote the actual use of Romansh by local authorities in the Romansh-speaking area in debates in their assemblies.

"Paragraph 4

With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

a. translation or interpretation as may be required;"

103. In the 2nd monitoring cycle, the Committee of Experts found that the translation capacity at the cantonal level was clearly insufficient and considered this undertaking partly fulfilled.³⁷

104. The cantonal translation service for Romansh has not been strengthened in the 3rd monitoring cycle (2.9 full-time equivalent posts). Given the small size of municipalities in the Romansh language area, most local authorities lack translation services of their own. In such cases, the *Lia Rumantscha* provides translations.

105. In the absence of progress, the Committee of Experts considers this undertaking partly fulfilled. It urges the competent Swiss authorities to strengthen the cantonal translation service and to provide for linguistic training of local officials, where necessary.

Article 11 - Media

"Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

a. to the extent that radio and television carry out a public service mission:

iii. to make adequate provision so that broadcasters offer programmes in the regional or minority languages;"

106. In the 2nd monitoring cycle, the Committee of Experts considered this undertaking fulfilled. However, it noted that "a higher level of commitment might be necessary in the future for it to remain fulfilled."³⁸

107. The Committee of Experts welcomes with appreciation the fact that the broadcasting time of *Radio Rumantsch* has been extended from 14 to 24 hours per day. It also notes significant improvements concerning *Televisiun Rumantscha*. For example, the broadcasting time of the news bulletin *Telesguard*

³⁷ 2nd Report of the Committee of Experts, paragraph 116

³⁸ 2nd Report of the Committee of Experts, paragraph 120

doubled during the period under review. The Romansh radio and television programmes are also available on the internet.³⁹

108. The Committee of Experts considers this undertaking fulfilled.

“b. i. to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages;”

109. In the 2nd monitoring cycle, the Committee of Experts considered this undertaking not fulfilled. It “encourage[d] the competent Swiss authorities to take measures to encourage and/or facilitate the creation of at least one radio station in Romansh and to take interim measures to ensure that licensing laws are implemented with regard to the amount of programming in Romansh on the existing private radio stations.”⁴⁰

110. The Committee of Experts notes that the situation has not changed. Private broadcasters such as *Radio Engiadina* and *Radio Grischa* are only required to have regard to the interests of the Romansh-speakers within appropriate limits and to co-operate with the *Lia Rumantscha*, which exerts a monitoring function regarding the broadcasting time in Romansh. However, already in the last report the Committee of Experts noted that the licensing laws concerning the existing private radio stations were not implemented as far as the Romansh language requirements are concerned. No changes have been reported in this respect. The Swiss authorities consider private broadcasts in Romansh as merely complementary to the public service offer and see no legal and financial possibility of granting a licence to a private radio station for broadcasts in Romansh.⁴¹ On the contrary, the Committee of Experts stresses that, for the safeguarding of regional or minority languages, private broadcast media can play a role in their own right, which goes beyond merely complementing the public service offer. Apart from that, the Committee of Experts reiterates that the present undertaking obliges the Swiss authorities to encourage and/or facilitate the creation of at least one private radio station in Romansh. However, it has not been informed of any such measure of encouragement or facilitation.

111. The Committee of Experts considers this undertaking not fulfilled.

“c. ii. to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;”

112. In the 2nd monitoring cycle, the Committee of Experts considered this undertaking not fulfilled and “encourage[d] the competent Swiss authorities to take urgent measures with a view to encouraging and/or facilitating the broadcasting of programmes in Romansh by private television companies.”⁴²

113. No “urgent measures” in the 3rd monitoring cycle have been reported to the Committee of Experts. In these circumstances, it welcomes the fact that the Swiss authorities are looking into possibilities of launching a satellite channel to broadcast television programmes in Romansh. It has, however, not been informed how concrete these plans are.⁴³

114. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts urges the competent Swiss authorities to encourage and/or facilitate the broadcasting of programmes in Romansh by private television companies.

³⁹ 3rd Periodical Report, p. 38-39

⁴⁰ 2nd Report of the Committee of Experts, paragraph 124

⁴¹ 3rd Periodical Report, p. 39

⁴² 2nd Report of the Committee of Experts, paragraph 128

⁴³ 3rd Periodical Report, p. 39

“e. i. to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;”

115. In the 2nd monitoring cycle, the Committee of Experts considered this undertaking fulfilled but underlined that its fulfilment appeared to be at risk. It “encourage[d] the competent Swiss authorities to look into ways of ensuring that one newspaper in Romansh continues to exist.”⁴⁴

116. According to the Language Law, the cantonal authorities may assist any Romansh press agency, newspapers and magazines (Article 12). There are at present no indications that the existence of the main Romansh newspaper (*La Quotidiana*) is at risk.

117. The Committee of Experts considers this undertaking fulfilled.

“Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.”

118. In the 1st and 2nd monitoring cycles, the Committee of Experts was not in a position to conclude that this undertaking was fulfilled. In its 2nd report, it encouraged the competent Swiss authorities to clarify how concretely the interests of Romansh-speakers are represented or taken into account within the Swiss Radio and Television Company (SRG) and to provide information on any other relevant body.⁴⁵

119. The Committee of Experts was informed that within the SRG, the interests of the users of Romansh are looked after by the *Cuminanza Rumantscha Radio e Televisiun*, an institution promoting electronic media in Romansh, and *Radio e Televisiun Rumantscha*, which is the Romansh branch of the SRG.

120. The Committee of Experts considers this undertaking fulfilled.

Article 14 - Transfrontier exchanges

“The Parties undertake:

- a. to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;”***

121. In the 1st and 2nd monitoring cycles, the Committee of Experts considered this undertaking not fulfilled and encouraged the competent Swiss authorities “to clarify this issue.”⁴⁶

122. There exists intense regional and local transfrontier co-operation between the Romansh-speakers and the Ladins of South Tyrol. Contact groups of the parliaments, regional authorities, language institutions and media meet several times per year. The participation of the Region of Friuli-Venezia Giulia is under consideration.⁴⁷

123. The Committee of Experts now considers this undertaking fulfilled.

⁴⁴ 2nd Report of the Committee of Experts, paragraph 130

⁴⁵ 2nd Report of the Committee of Experts, paragraph 132

⁴⁶ 2nd Report of the Committee of Experts, paragraphs 133-134

⁴⁷ 3rd Periodical Report, p. 68

2.2.3. Italian

A. Canton of Graubünden

Article 9 - Judicial authorities

“Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

In criminal proceedings:

- a.i. to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or”***
- a.ii. to guarantee the accused the right to use his/her regional or minority language; and/or”***
- a.iii. to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language”.***

In civil proceedings:

- b.i. to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or***
- b.ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or***
- b.iii. to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters or translations.”***

124. In the 2nd monitoring cycle, the Committee of Experts considered this undertaking fulfilled, with the exception of the Maloja District Court, which did not employ professional Italian-speaking lawyers.⁴⁸

125. During the on-the-spot visit, the Committee of Experts was informed that an Italian-speaking vice-president was appointed to the District Court of Maloja during the 3rd monitoring cycle and that Italian can now be used during proceedings.

126. The Committee of Experts considers this undertaking fulfilled.

Article 10 - Administrative authorities and public services

“Paragraph 1

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:”

- a.i. to ensure that the administrative authorities use the regional or minority languages;”***

127. In the 1st and 2nd monitoring cycles, the Committee of Experts pointed to problems concerning the use of Italian at the level of federal authorities. The Committee of Experts noted that the use did not satisfy the requirements of the Charter, due to a lack of Italian-speakers within the federal administration and the fact that Italian versions of documents could be delayed or were not available at all.⁴⁹

⁴⁸ 2nd Report of the Committee of Experts, paragraph 139

⁴⁹ 1st Report of the Committee of Experts, paragraph 215; 2nd Report of the Committee of Experts, paragraph 141

128. In the 2nd monitoring cycle, the Committee of Experts considered this undertaking fulfilled regarding the cantonal authorities. However, with regard to the federal authorities present in Graubünden, it “encourage[d] the competent Swiss authorities to provide specific information in the next periodical report.”⁵⁰

129. As far as the cantonal authorities are concerned, the Committee of Experts was informed during its on-the-spot visit that they do not always use Italian when communicating with municipalities, regional associations and schools in Grigionitaliano.

130. Regarding the federal authority present in Graubünden, the Swiss authorities stated that unlike in the case of Romansh, Italian is used by the border control as an internal working language. Instructions, regulations, software and terminology are available in Italian. The 15 staff members concerned draft internal texts in Italian and are trained in the Canton of Ticino.

131. The Committee of Experts considers this undertaking partly fulfilled with respect to the cantonal authorities and fulfilled concerning the federal authority which is present at cantonal level. It encourages the cantonal authorities to systematically use Italian when communicating orally or in writing with Italian-speaking local authorities and citizens.

“Paragraph 2

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

“e. the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;”

132. In the 2nd monitoring cycle, the Committee of Experts considered this undertaking not fulfilled and “encourage[d] the competent Swiss authorities to take the necessary measures to encourage the use of Italian in debates in the cantonal parliament, in particular through the provision of simultaneous interpretation.”⁵¹

133. With regard to the 3rd monitoring cycle, the Committee of Experts refers to the observations made concerning Romansh (paras...above), which also apply to Italian.

134. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts urges the competent Swiss authorities to take the necessary measures to encourage the use of Italian in debates in the cantonal parliament.

“f. the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;”

135. In the 2nd monitoring cycle, the Committee of Experts considered this undertaking fulfilled but encouraged the competent Swiss authorities to clarify the extent to which Italian is used during the assemblies of regional associations.⁵²

136. The Committee of Experts was informed during the on-the-spot visit that Italian is the only working language of the regional associations in Grigionitaliano.

137. The Committee of Experts considers this undertaking fulfilled.

⁵⁰ 2nd Report of the Committee of Experts, paragraph 147

⁵¹ 2nd Report of the Committee of Experts, paragraph 150

⁵² 2nd Report of the Committee of Experts, paragraph 152

Article 11 - Media

“Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.”

138. In the 1st and 2nd monitoring cycles, the Committee of Experts was not in a position to conclude that this undertaking was fulfilled and encouraged the competent Swiss authorities to clarify how the interests of Italian-speakers were concretely represented or taken into account within the SRG. The competent Swiss authorities were also encouraged to provide information on any other body specifically entrusted with the responsibility of guaranteeing the freedom and pluralism of the media.⁵³

139. During the on-the-spot visit, the Committee of Experts received confirmation that, by means of a quota, the interests of the Italian-speakers are adequately taken into consideration within the SRG. There are no other bodies “guaranteeing the freedom and pluralism of the media”.

140. The Committee of Experts considers this undertaking fulfilled.

B. Canton of Ticino

Article 10 - Administrative authorities and public services

“Paragraph 1

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:”

a.i. to ensure that the administrative authorities use the regional or minority languages;”

141. In the 2nd monitoring cycle, the Committee of Experts considered this undertaking fulfilled insofar as the cantonal administration performs State duties. However, as to the federal authorities present in Ticino, the Committee of Experts encouraged the competent Swiss authorities to provide specific information.⁵⁴

142. In the 3rd monitoring cycle, the cantonal authorities confirmed that the Federal Tribunal in Bellinzona uses also Italian as an internal language. The language of proceedings, however, depends on each individual case. In addition, a branch office of the Federal Chancellery’s translation service for Italian is located in Bellinzona.

143. The Committee of Experts considers this undertaking fulfilled.

Article 11 - Media

“Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.”

144. In the 1st and 2nd monitoring cycles, the Committee of Experts was not in a position to conclude that this undertaking was fulfilled. It encouraged the competent Swiss authorities to clarify how the interests of Italian-speakers were concretely represented or taken into account within the SRG. They were also encouraged to provide information on any other body specifically entrusted with the responsibility of guaranteeing the freedom and pluralism of the media.⁵⁵

⁵³ 2nd Report of the Committee of Experts, paragraphs 155-156

⁵⁴ 2nd Report of the Committee of Experts, paragraph 161

⁵⁵ 2nd Report of the Committee of Experts, paragraphs 162-163

145. The Committee of Experts refers to its observations made concerning the Italian language in the Canton of Graubünden (para 139 above) and considers this undertaking fulfilled.

Chapter 3 Conclusions

3.1. Conclusions of the Committee of Experts on how the Swiss authorities have reacted to the recommendations of the Committee of Ministers

Recommendation no. 1:

“accelerate the efforts to adopt legislation implementing in particular paras. 1 and 3 of Article 70 of the Federal Constitution;”

146. In 2004, the federal government decided for budgetary reasons not to submit to parliament the Draft Federal Law on the National Languages and on Understanding between the Language Communities. The draft law was supposed to implement *inter alia* paragraph 1 of Article 70 of the Federal Constitution according to which Romansh is used as a federal official language in dealings with Romansh-speakers.

147. The Canton of Graubünden has adopted a Language Law aiming *inter alia* at improving mutual understanding between the linguistic groups of Graubünden (Article 70.3 of the Federal Constitution).

Recommendation no. 2:

“take the necessary measures to remove practical obstacles to the use of Romansh in courts;”

148. The Canton of Graubünden has taken the initiative to translate the entire cantonal statute book into Romansh thus creating the necessary precondition for improving the use of Romansh in courts. Translations of the major national statutory texts, however, are still lacking. Other obstacles also remain. Because of the lack of tradition to use Romansh before judicial authorities, the speakers overwhelmingly use German. Significant measures to overcome the existing obstacles have not been taken.

Recommendation no. 3:

“take the necessary measures to strengthen the use of Romansh in dealings with the cantonal administration, in debates in the cantonal parliament and in dealings with the administration of bilingual municipalities in the Canton of Graubünden;”

149. There are no indications that measures of encouragement have been taken to strengthen the use of Romansh in dealings with the cantonal administration of Graubünden. The use of Romansh in the cantonal parliament has not been encouraged, with the consequence that it remains absent from debates. There has been no reinforcement of the cantonal translation service for Romansh, which is a crucial prerequisite for strengthening its use in dealings with the administration of municipalities where it is spoken. As far as dealings with the administration of municipalities with German-speaking majorities and Romansh-speaking minorities are concerned, the Language Law would give Romansh co-official status as soon as at least 20% of the population speaks Romansh.

Recommendation no. 4:

“take resolute action to improve the provision for Romansh on television and radio in the private sector;”

150. Regarding the broadcasting of programmes in Romansh on private television, the information available does not point to positive forms of encouragement. In addition, although programmes in Romansh on private radio exist, no measures have been taken to establish a Romansh private radio station. However, the situation of public broadcasts in Romansh has significantly improved.

Recommendation no. 5:

“officially recognise Yenish as a regional or minority language traditionally spoken in Switzerland and as part of the Swiss cultural and linguistic heritage.”

151. The Swiss authorities reiterated their view that the recognition of the Yenish as a national minority under the Framework Convention for the Protection of National Minorities and the assistance provided by them represent an “official recognition of the cultural wealth of the travelling people in Switzerland”. It remains to be seen what concrete measures are going to be taken by the Swiss authorities to promote and protect Yenish as part of the Swiss cultural and linguistic heritage.

3.2. Findings of the Committee of Experts in the 3rd monitoring cycle

A. The Committee of Experts expresses its sincere gratitude to the Swiss authorities for their exemplary and smooth co-operation in the 3rd monitoring cycle, in particular with respect to the organisation of the on-the-spot visit. Switzerland has taken some significant steps towards improving the situation of the regional or minority languages spoken on its territory. Particular mention needs to be made of the extension of the broadcasting time of public radio and television programmes in Romansh and the translation of Graubünden's statute book into Romansh.

B. While there has been no progress with respect to the adoption of federal language legislation, the Canton of Graubünden has enacted a comprehensive Language Law with a view to preserving and promoting Romansh and Italian. The law sets criteria for the determination of the official language and school language at local level and thus helps to prevent municipalities from making an arbitrary choice.

C. The Swiss federal authorities and the associations representing the speakers of Yenish remain in principle committed to protecting and promoting it. By contrast, a majority of the speakers continue to oppose State action to promote Yenish outside their group. This has so far prevented the implementation of provisions of Part II of the Charter in respect of Yenish. It nonetheless appears that radio and internet radio broadcasting in Yenish and the teaching of Yenish within the Yenish group would receive sufficient support from the majority of the speakers.

D. The provision of education in Romansh remains good. Rumantsch Grischun is gradually being introduced in schools and the necessary new teaching materials are being produced. The canton's strategy, which is supported by Lia Rumantscha, has so far been endorsed at regional and local level by the Val Müstair, Surmeir and some municipalities in the Surselva. At present a majority of the municipalities opposes the introduction of Rumantsch Grischun because of a strong attachment to local varieties.

E. The lack of a tradition to use Romansh before judicial authorities is the main reason why it is not used in practice. However, the translation of the cantonal statute book into Rumantsch Grischun provides a basis for developing Romansh as a working language before courts. Measures are needed to encourage and facilitate the practical use of Romansh before courts.

F. Difficulties persist with regard to the use of Romansh by administrative authorities. For example, the cantonal translation service for Romansh has not been strengthened and administrative texts and forms are still not systematically available in Romansh. Romansh is not used in debates of the cantonal parliament. The situation is better at local level where Romansh is regularly used in local council debates of a number of municipalities with large Romansh-speaking majorities. Also, citizens regularly submit oral and written applications in Romansh to local authorities.

G. The broadcasting time of public radio and television programmes in Romansh has been significantly extended. The amount of Romansh language television and radio is exemplary, taking into consideration the overall size of the Romansh-speaking community. However, there is no private radio station in Romansh nor are there Romansh programmes on private television.

H. The awareness of the existence of Grigionitaliano is low throughout Switzerland. The cantonal authorities do not always use Italian when communicating with Italian-speaking local authorities, regional associations and schools. Italian is rarely used in debates in the cantonal parliament. Nevertheless, the overall situation of the Italian language in Graubünden remains good. At local and regional level, Italian is well-established in education, administration and the judiciary.

I. The Canton of Ticino now fulfils all provisions of the Charter in respect of Italian. There remain deficits in the use of Italian by the federal authorities.

The Swiss government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Switzerland. At the same time it emphasised the need for the Swiss authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1021st meeting on 12 March 2008, the Committee of Ministers adopted its Recommendation addressed to Switzerland, which is set out in Part B of this document.

Appendix I: Instrument of Ratification

SWITZERLAND

Declaration contained in the instrument of ratification deposited on 23 December 1997 - Or. Fr.

The Swiss Federal Council declares, in accordance with Article 3, paragraph 1, of the Charter, that in Switzerland Romansh and Italian are the less widely used official languages to which the following paragraphs chosen in accordance with Article 2, paragraph 2, of the Charter, shall apply:

a. Romansh

Article 8 (education)

Paragraph 1, sub-paragraphs a (iv), b (i), c (iii), d (iii), e (ii), f (iii), g, h, i

Article 9 (judicial authorities)

Paragraph 1, sub-paragraphs a (ii), a (iii), b (ii), b (iii), c (ii)

Paragraph 2, sub-paragraph a

Paragraph 3

Article 10 (administrative authorities and public services)

Paragraph 1, sub-paragraphs a (i), b, c

Paragraph 2, sub-paragraphs a, b, c, d, e, f, g

Paragraph 3, sub-paragraph b

Paragraph 4, sub-paragraphs a, c

Paragraph 5

Article 11 (media)

Paragraph 1, sub-paragraphs a (iii), b (i), c (ii), e (i), f (i)

Paragraph 3

Article 12 (cultural activities and facilities)

Paragraph 1, sub-paragraphs a, b, c, e, f, g, h

Paragraph 2

Paragraph 3

Article 13 (economic and social life)

Paragraph 1, sub-paragraph d

Paragraph 2, sub-paragraph b

Article 14 (transfrontier exchanges)

Sub-paragraph a

Sub-paragraph b

b. Italian

Article 8 (education)

Paragraph 1, sub-paragraphs a (i), a (iv), b (i), c (i), c (ii), d (i), d (iii), e (ii), f (i), f (iii), g, h, i

Article 9 (judicial authorities)

Paragraph 1, sub-paragraphs a (i), a (ii), a (iii), b (i), b (ii), b (iii), c (i), c (ii), d

Paragraph 2, sub-paragraph a

Paragraph 3

Article 10 (administrative authorities and public services)

Paragraph 1, sub-paragraphs a (i), b, c

Paragraph 2, sub-paragraphs a, b, c, d, e, f, g

Paragraph 3, sub-paragraphs a, b

Paragraph 4, sub-paragraphs a, b, c

Paragraph 5

Article 11 (media)

Paragraph 1, sub-paragraphs a (i), e (i), g

Paragraph 2

Paragraph 3

Article 12 (cultural activities and facilities)

Paragraph 1, sub-paragraphs a, b, c, d, e, f, g, h

Paragraph 2

Paragraph 3

Article 13 (economic and social life)

Paragraph 1, sub-paragraph d

Paragraph 2, sub-paragraph b

Article 14 (transfrontier exchanges)

Sub-paragraph a

Sub-paragraph b.

Period covered: 01/04/98 -

The preceding statement concerns Article(s): 10, 11, 12, 13, 14, 2, 3, 8, 9

Appendix II: Comments by the Swiss authorities

European Charter for Regional or Minority Languages
Comments by Switzerland on the Report of the Committee of Experts of 10 October 2007

Switzerland thanks the Committee of Experts for having forwarded the report of 10 October 2007 and given it the opportunity to adopt a position. It has only a few remarks to make on recommendations 1 and 4 of the Committee of Experts and on paras. 20 and 21 of the experts' report. The competent authorities of Grisons canton concerned by recommendations 2 and 3 decline to comment.

- *The Committee of Ministers recommends that (1) the Swiss authorities accelerate the efforts to adopt legislation implementing in particular paras. 1 and 3 of Article 70 of the Federal Constitution.*

On 5 October 2007 the Federal Parliament passed the Federal Act on national languages and on understanding among language communities. Work in preparation for the implementation of the measures and for the Act's entry into force has commenced.

- *The Committee of Ministers recommends that (4) the Swiss authorities maintain dialogue with the representatives of Yenish speakers in order to determine which points of Article 7 could apply to Yenish, with the greatest possible support from the speakers.*

As the body responsible for measures to promote Yenish language and culture, the Federal Office for Culture (OFC) is in permanent contact with the representatives of travellers, particularly with the *Radgenossenschaft der Landstrasse*, their umbrella association. On 26 April 2007, the travellers presented the OFC with a scheme on the Yenish language, with the object of recording existing Yenish vocabulary and encouraging the dissemination and use of this language in the Yenish community.

- *Remark concerning paras. 20 and 21 of the experts' report (rpp. 6-7) :*

In ratifying the Framework Convention for the Protection of National Minorities, Switzerland recognised travellers as a national minority. With the ratification of the Charter, Switzerland grants Yenish the status of a non-territorial language of Switzerland. In the light of these facts, we propose that paras 20 and 21 of the experts' report be worded as follows:

[20. *In the 3rd periodical report, the Swiss authorities stated their view that the recognition of travellers as a national minority...*]

[21. *The Committee of Experts observes that the recognition of travellers as a national minority does not necessarily imply a recognition of the Yenish language.*]

Switzerland will make a detailed pronouncement on the current projects in the 4th periodical report.

OFC, 3.12.2007/CP,MM

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Switzerland

**COUNCIL OF EUROPE
COMMITTEE OF MINISTERS**

**Recommendation RecChL(2008)2
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages by Switzerland**

*(Adopted by the Committee of Ministers on 12 March 2008
at the 1021st meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the instrument of ratification submitted by Switzerland on 23 December 1997;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Switzerland;

Having taken note of the comments made by the Swiss authorities on the contents of the Committee of Experts' report;

Bearing in mind that this evaluation is based on information submitted by Switzerland in its third periodical report, supplementary information provided by the Swiss authorities, information submitted by bodies and associations legally established in Switzerland and the information obtained by the Committee of Experts during its on-the-spot visit,

Recommends that the authorities of Switzerland take account of all the observations of the Committee of Experts and, as a matter of priority:

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;
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;
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.