

# EIGHTH EVALUATION REPORT ON SWITZERLAND

Committee of Experts  
of the European Charter  
for Regional or Minority  
Languages



Adopted on 13 June 2022

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 improving its legislation, policy and practices. The central element of this procedure is the Committee of Experts, set up under Article 17 of the Charter. Its principal purpose is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15, paragraph 1, an outline for periodical reports that a Party is required to submit to the Secretary General. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under 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 of Experts' 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 periodical report shall be made public by the State in accordance with Article 15, paragraph 2.

The Committee of Experts' 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 of Experts gathers information from the respective authorities and from independent sources within the State, in order to obtain a fair and just overview of the real language situation. After a preliminary examination of a periodical report, the Committee of Experts submits, if necessary, a number of questions to each Party to obtain supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an on-the-spot visit by a delegation of the Committee of Experts to the State in question. 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. This information-gathering process is designed to enable the Committee of Experts to evaluate more effectively the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. Once adopted by the Committee of Experts, this evaluation report is submitted to the authorities of the respective State Party for possible comments within a given deadline. A confidential dialogue may, at this stage, be requested by this State Party. The final evaluation report is made public, together with the comments, if any, which the authorities of the State Party may have made. This document is then transmitted to the Committee of Ministers for the adoption of its recommendations to the State Party, on the basis of the proposals for recommendations contained in the evaluation report.

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## Executive Summary

The European Charter for Regional or Minority Languages entered into force in Switzerland in 1998 and applies to Italian and Romansh as less widely used official languages. Furthermore, it applies to French and German in territories where they are traditional minority languages, as well as to Yeshiva as a non-territorial language.

When drawing up their periodical report, the Swiss authorities consulted various bodies and associations representing the speakers of minority languages and reflected their views in the report.

Switzerland complies with all of the Charter undertakings regarding Italian in the Canton of Ticino.

The federal authorities provide financial assistance to the cantons of Bern/Berne, Fribourg/Freiburg, Graubünden/Grischun/Grigioni and Valais/Wallis for their measures in connection with multilingualism.

Italian and Romansh are used as a medium of instruction at all levels of education. However, delays occur in the publication of educational materials. New educational materials for Italian are currently being developed.

Italian and – to a quite limited extent – Romansh are used before courts. While the use of Italian by the cantonal administration of Graubünden/Grischun/Grigioni has improved, shortcomings persist in using this language on institutional websites. A new coordination unit "Multilingual Administration" has been set up to support the cantonal administration and municipalities. Furthermore, an action plan to promote Italian and Romansh has been drawn up.

Italian and Romansh are used on public radio and television as well as in the press. Romansh is also used in private television and radio programmes, but there is no private radio station broadcasting exclusively in Romansh as required by the obligation. In 2020, the state-funded Fundaziun Medias Rumantschas began operations whose task it is to provide the Romansh media with journalistic content in Romansh.

There is a diversified offer of cultural activities in Italian and Romansh in Graubünden/Grischun/Grigioni. Cultural activities in these languages have also been organised in other cantons.

Additional activities are needed to promote the use of Italian and Romansh in economic and social life inside and/or outside the areas where these languages are traditionally used.

As far as French and German are concerned, there is a need to adopt cantonal and/or local legislation as well as policies to promote their use in public life in the municipalities where these languages are non-official minority or majority languages.

Despite their recognition as cultural wealth, the status of Francoprovençal and Jurassian under the Charter remains unclear. A Charter Implementation Roundtable could help clarifying the different aspects of a possible application of the Charter to Francoprovençal and Jurassian.

This eighth evaluation report by the Committee of Experts is based on the political and legal situation prevailing at the time of the Committee of Experts' on-the-spot visit to Switzerland in May 2022.

## Chapter 1 The situation of the regional or minority languages in Switzerland – Recent developments and trends

1. The European Charter for Regional or Minority Languages (hereafter referred to as “the Charter”) is a treaty of the Council of Europe putting obligations on its States Parties to protect and promote the country’s traditional minority languages in all fields of public life: education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, and transfrontier exchanges. Switzerland signed the Charter in 1993 and ratified it in 1997. The Charter entered into force in Switzerland on 1 April 1998 and applies to the following languages: French, German, Italian, Romansh and Yenish.<sup>1</sup> Whereas Italian and Romansh receive protection under both Part II (Article 7, paragraphs 1-4) and Part III (Articles 8-14), French and German are covered by Part II (Article 7, paragraphs 1-4) only. Article 7.5 applies to Yenish.

2. Article 15.1 of the Charter requires States Parties to submit three-yearly reports<sup>2</sup> on the implementation of the Charter. On 4 October 2021, the Swiss authorities submitted a “combined report” on the implementation of the Charter and the Framework Convention for the Protection of National Minorities. Following the wishes of the Swiss authorities, the on-the-spot visit of the Committee of Experts was co-ordinated with the fifth monitoring visit of the Advisory Committee on the Framework Convention, which is preparing in parallel its fifth opinion on Switzerland. This eighth evaluation report of the Committee of Experts is based on the information contained in the combined report (hereafter referred to as “periodical report”), additional information received from the authorities and statements made by representatives of the speakers of the minority languages during the on-the-spot visit (2-5 May 2022) and/or submitted in written form pursuant to Article 16.2 of the Charter, *inter alia* Pro Grigioni Italiano, Lia Rumantscha, Forum Langues Partenaires Fribourg and Bund der angestammten deutschsprachigen Minderheiten in der Schweiz (BADEM).

3. Chapter 1 of this evaluation report focuses on the general developments and trends regarding the regional or minority languages in Switzerland and the situation of these languages. It examines in particular the measures taken by the Swiss authorities to respond to the recommendations made by the Committee of Experts and the Committee of Ministers at the end of the seventh monitoring cycle and also highlights new issues. Chapter 2 provides a detailed overview of the state of implementation of each undertaking of Switzerland in respect of the given language as well as the recommendations addressed to the Swiss authorities. On the basis of its evaluation, the Committee of Experts proposes, in Chapter 3, recommendations to the Committee of Ministers to be addressed to the Government of Switzerland, as provided for in Article 16.4 of the Charter.

4. As far as the detailed legal examination of each undertaking is concerned, the Committee of Experts refers to its seventh evaluation report on the application of the Charter in Switzerland (MIN-LANG (2019) 10).<sup>3</sup>

5. This evaluation report is based on the political and legal situation prevailing at the time of the Committee of Experts’ on-the-spot visit to Switzerland in May 2022. It was adopted by the Committee of Experts on 13 June 2022 and made public on 28 September 2022.

### 1.1 General developments in policies, legislation and practice concerning the regional or minority languages in Switzerland

#### *Italian, Romansh, French and German*

6. The Charter applies to all official languages of Switzerland (German, French, Italian) and to the partial official language Romansh (see paragraph 39) in particular territories.<sup>4</sup> As far as Italian and Romansh are concerned, Switzerland has made use of the possibility foreseen in Article 3.1 to apply Part III of the Charter to official languages which are less widely used on the whole or part of its territory. Therefore, the Charter applies to Italian in the Canton of Ticino as well as to Italian and Romansh in the Canton of

<sup>1</sup> The Yenish speakers remain opposed to measures promoting the use of Yenish in public life and making it known in the majority population. In line with its decision taken in the seventh evaluation report (see paras. 10-11), the Committee of Experts refrains from evaluating the implementation of the individual Charter provisions and from making recommendations on the use of Yenish in public life.

<sup>2</sup> Since 1 July 2019, new rules apply according to the Committee of Ministers decisions adopted on 28 November 2018 on the strengthening of the monitoring mechanism of the European Charter for Regional or Minority Languages whereby States Parties submit their periodical report every five years (instead of every three years) and information on the implementation of the recommendations identified by the Committee of Experts in its evaluation report as being for immediate action every two and a half years.

<sup>3</sup> <https://rm.coe.int/switzerlanddecrml7-en/168097e42e>.

<sup>4</sup> See initial periodical report by Switzerland, MIN-LANG/PR (99) 7, pp. 9-10.

Graubünden/Grischun/Grigioni. As far as French and German are concerned, Switzerland applies Part II of the Charter only. In line with its practice in the previous monitoring cycles, the Committee of Experts has examined the application of the Charter only in those municipalities where French and German are non-official languages and traditionally used by a significant minority or the majority.<sup>5</sup>

7. Considering that Switzerland continues to fulfil all its Charter undertakings concerning Italian in Ticino, the Committee of Experts will deal in Chapter 1 only with Italian in Graubünden/Grischun/Grigioni where some undertakings still need to be fully implemented.

### ***Reporting on the implementation of the Charter***

8. In its previous evaluation report, the Committee of Experts invited the Swiss authorities to include in their next periodical report specific information about the implementation of the Charter undertakings. However, the eighth periodical report does not deal with a number of undertakings, which has hampered the Committee of Experts' work. The Committee of Experts underlines again that, in order to examine the compliance of States Parties with their individual undertakings, it needs to receive comprehensive and precise information, including about the implementation in practice. It asks the Swiss authorities to include such information in their next periodical report.

### ***Information about the Charter and co-ordination of its implementation***

9. The cantonal competences in the field of language use and the large autonomy of local authorities, for example in Graubünden/Grischun/Grigioni, seem to encourage a delegation of initiative concerning the implementation of the Charter from the federal level to cantons and from the latter to local authorities. During the on-the-spot visit, the Committee of Experts observed that cantonal and local authorities lack awareness of the Charter provisions and the obligations arising for them. Cantonal authorities often do not provide specific guidance or support to local authorities concerning the implementation of the Charter and consequently lack an overview of the measures taken by the latter. This influences also the periodic reporting on the implementation of the Charter (see above).

10. In accordance with Article 6, the States Parties “undertake to see to it that the authorities, organisations and persons concerned are informed of the rights and duties established by [the] Charter.” The Committee of Experts therefore encourages the federal authorities to initiate and co-ordinate a comprehensive Charter implementation process engaging all stakeholders, including awareness-raising among authorities and institutions at all levels and legislative measures, and to support the cantons concerned in implementing the Charter, for example through the conclusion of multi-annual agreements (see paragraph 26). In this context, it could also be examined whether the revised Ordinance on the National Languages and Understanding between the Language Communities (hereafter: Federal Language Ordinance) could comprise provisions concerning the Charter implementation process. As far as guidance by cantonal authorities to local authorities is concerned, the Committee of Experts considers that the new coordination unit “Multilingual Administration” in the cantonal administration of Graubünden/Grischun/Grigioni (see paragraph 42) would be well suited to advise municipalities also on the implementation of the Charter and thus become an example for other cantons. The Committee of Experts stands ready to support the Swiss authorities in raising awareness of the Charter.

### ***Francoprovençal and Jurassian***

11. In 2018, Switzerland decided to apply Part II to Francoprovençal and Franc-Comtois (Jurassian).<sup>6</sup> However, the federal and cantonal authorities defined a “frame of recognition” whose parameters would have limited the implementation of Part II. In addition, it was unclear whether Francoprovençal and Jurassian had actually been recognised as languages in their own right rather than dialects of French. In the previous monitoring cycle, the Committee of Ministers therefore recommended Switzerland to “**clarify whether Francoprovençal and Jurassian can be considered languages in their own right, entitled to protection under Article 7, paragraphs 1-4**”. With regard to the application of Part II, the Committee of Experts underlined that, if Francoprovençal and Jurassian are regional or minority languages in the sense of the Charter, Switzerland would have to apply all provisions of Article 7, paragraphs 1-4 and promote Francoprovençal and Jurassian in different fields of public life, including media and compulsory education (*scolarité obligatoire*), and not only in cultural activities. The Committee of Experts also stressed that the Charter would create obligations for the authorities and that, therefore, their action could not be merely “subsidiary” to the activities of the associations representing the speakers.

<sup>5</sup> See seventh evaluation report, MIN-LANG(2019)10, para. 9.

<sup>6</sup> Following a consultation of the speakers in the previous monitoring cycle, the Committee of Experts uses the expression Jurassian.

12. While the Swiss authorities in the periodical report refer to their decision taken in 2018, the Committee of Experts notes that in policies, legislation and practice, Francoprovençal and Jurassian continue to be frequently referred to as *patois* or treated as dialects of French. The Cantons of Jura and Vaud are commonly referred to as “monolingual” French-speaking cantons (including in the periodical report) and are not considered to belong to the “multilingual cantons”, which is misleading outside the specific context of the official language of these cantons.<sup>7</sup>

13. As to the way in which the Charter might be applied to Francoprovençal and Jurassian, the authorities reiterate their view that the Charter leaves the States Parties discretion in implementing the objectives they undertake and that, therefore, the cantons' commitment would take place within the framework of their cultural promotion policy. Representatives of cantonal authorities also confirmed during the on-the-spot visit that they intend to promote Francoprovençal only in the field of culture rather than in all fields of public life. In addition, the authorities maintain their view that the cantons would not be obliged to implement new specific measures and that their activity would be subsidiary to that of private organisations and associations. The Committee of Experts, however, underlines that applying the Charter is an obligation under international law. Therefore, the Committee of Experts maintains its position that the action of authorities cannot be merely “subsidiary” to the activities of the associations representing the speakers.

14. Apart from these formal matters, the Committee of Experts does not have comprehensive information about the application of the individual provisions of Article 7, paragraphs 1-4 to Francoprovençal and Jurassian at its disposal, except information about certain measures promoting Francoprovençal (e.g. Francoprovençal courses in the Canton of Fribourg/Freiburg). Moreover, the Committee of Experts has not received statements from representatives of the speakers. The Committee of Experts strongly recommends the Swiss authorities to clarify the different aspects of a possible application of the Charter to Francoprovençal and Jurassian at a Charter Implementation Roundtable that could be organised with the federal and cantonal authorities concerned and representatives of the speakers.

### **Romani**

15. In the seventh monitoring cycle, the Committee of Ministers recommended Switzerland to “**reconsider the official position as regards Romani as a non-territorial language under the Charter, in co-operation with the speakers**”.

16. In the periodical report, the Swiss authorities reiterate that Romani is not traditionally used in Switzerland in the sense of the Charter and thus cannot be recognised as a non-territorial language. This conclusion is *inter alia* based on the results of a survey commissioned by the Federal Office of Culture during which representatives of the Romani speakers were consulted.

17. The Committee of Experts is aware that in the period 1906-1972, the immigration of Sinti and Roma was prohibited in Switzerland<sup>8</sup>. Sinti and Roma have migrated to Switzerland after 1972. Nevertheless, the Committee of Experts considers that the authorities' position that Romani does not have a traditional presence needs to be further substantiated, given that there are scientific sources which claim that the presence of Sinti and Roma in Switzerland goes back to much earlier periods.<sup>9</sup> It asks the Swiss authorities to provide such information in the next periodical report.

18. As the traditional presence of Romani in Switzerland remains unclear, the Committee of Experts is not in a position to conclude that Romani complies with the definition of a “non-territorial language” in Article 1.c of the Charter. Irrespective of this aspect, the Committee of Experts notes that the Charter was conceived to promote the use of minority languages in private and public life and among the majority population.

19. As far as the views of the speakers are concerned, the Sinti use Romani exclusively in the family and refer to it as their “greatest treasure” and “secret”. For this reason, they reject the dissemination and communication of their language to other people. Considering the wish of the speakers concerning the use of their language, it would be difficult to apply most provisions of Part II to Romani.

<sup>7</sup> The “multilingual cantons” are listed in the Federal Act on the National Languages and Understanding between the Language Communities (hereafter: Federal Language Act), Article 21.2.

<sup>8</sup> See e.g. Stiftung Zukunft für Schweizer Fahrende (“Foundation Future for Swiss Travellers”), <https://www.stiftung-fahrende.ch/de/gesternheute/politik-und-recht/politik-gegenueber-den-fahrenden-51.html>.

<sup>9</sup> See e.g. Romafacts, [http://romafacts.uni-graz.at/pdf\\_view.php?t=history&s=h\\_2\\_0](http://romafacts.uni-graz.at/pdf_view.php?t=history&s=h_2_0).

### ***Legal framework for the implementation of the Charter***

20. Due to the “principle of territoriality” applied in Switzerland, the systematic use and promotion of a minority language in public life, including in education, requires a legal basis.<sup>10</sup> In the previous monitoring cycles, the Committee of Experts noted that cantonal or local language legislation in several cantons does not “take into account the local traditional linguistic minorities” and apply the principle of territoriality also to them as required by Article 70.2 of the federal constitution. In the case of French and German, this leads to a lack of a structured approach to promote these languages as local minority languages in public life, which hampers the application of the Charter. In the seventh monitoring cycle, the Committee of Ministers recommended Switzerland to “**adopt cantonal and/or local legislation on the public use of French and German in the municipalities where they are minority languages**”. The Committee of Experts adopted, regarding each language, a recommendation for immediate action asking for the same measures.

21. In the Canton of Fribourg/Freiburg, the State Council has confirmed its intention to launch a debate on possible implementing legislation for languages. During the on-the-spot visit, representatives of the French speakers stated that, in their view, laws in different fields should be supplemented by provisions to promote minority languages. Regarding the local level, the Committee of Experts was informed that the City of Fribourg/Freiburg will set up a commission for bilingualism to deal, among other things, with the implementation of the above-mentioned recommendations on German. However, the municipality of Murten/Morat, where French speakers constitute a significant traditional minority, does not currently intend to formalise the use and promotion of French. The Committee of Experts welcomes the fact that the cantonal authorities are open to examine the issue of cantonal language legislation and considers that the adoption of sectoral legislation could be a pragmatic step towards implementing the above recommendations. The Committee of Experts invites the cantonal authorities, in addition to adopting cantonal legislation, to approach all municipalities concerned by the recommendations, including Murten/Morat, and encourage them to implement the recommendations.

22. The Canton of Bern/Berne began preliminary work on a language law in 2019, but has put it on hold and will reconsider whether to pursue it at a later date. At the same time, the periodical report indicates that the authorities are examining the demand for better consideration of bilingualism in the Bernese Jura in dialogue with the umbrella association of the German-speaking minorities in Switzerland (BADEM). Moreover, the Committee of Experts was informed that a municipality in the Bernese Jura applied to the canton for the use of German in certain fields of public life in 2022. The Committee of Experts welcomes the dialogue with the speakers and invites the cantonal authorities to create a legal basis for the promotion of the bilingualism of the Bernese Jura as well as to encourage and support municipalities to do so at their level.

23. In the Canton of Valais/Wallis, the revision of the constitution is still in progress. The preliminary draft (December 2021) contains a provision on languages which, among other aspects, states that municipalities shall promote the learning of French and German. The Committee of Experts notes that this provision and/or implementing legislation could foresee that the canton supports the cities of Sion/Sitten and Sierre/Siders in taking measures to preserve and promote their traditional bilingualism.

24. Regarding the Canton of Ticino, the periodical report mentions again local legislation adopted by the municipality of Bosco Gurin in the previous monitoring cycle. However, as not all matters relevant under the Charter fall within local competence, there remains a need to adopt complementary cantonal legislation. In the Cantons of Jura, Neuchâtel and Vaud, no steps have been taken to implement the recommendations.

25. Considering also the statements made by representatives of the speakers, the Committee of Experts invites the Swiss authorities to adopt cantonal and/or local legislation to promote the use of French and German in public life in the municipalities where these languages are non-official minority or majority languages.

### ***Policies and practice at federal and cantonal levels***

26. The federal authorities continue to provide annual financial assistance to the officially multilingual cantons of Bern/Berne, Fribourg/Freiburg, Graubünden/Grischun/Grigioni and Valais/Wallis for their measures in connection with multilingualism. Multi-annual agreements have been concluded with each of these cantons. In the case of Graubünden/Grischun/Grigioni, support is granted for measures to preserve and promote the Italian and Romansh languages and culture, including general measures (teaching, translation, publications, production of educational materials, etc.), activities of organisations representing the speakers (Pro Grigioni Italiano, Lia Rumantscha) and the promotion of Romansh in the media (Fundaziun Medias Rumantschas). While the cantons are mainly competent in the field of language use, the federal authorities regularly organise

<sup>10</sup> See the more detailed observations and recommendations made in the seventh evaluation report, paras. 19-30.



meetings on specific language issues with stakeholders in the cantons (e.g. on school exchanges, promotion of the national languages in education, etc.). The Committee of Experts welcomes the conclusion of multi-annual agreements, the substantial financial support granted and the dialogue and co-operation with cantons on various issues of language policy. It considers that these instruments and activities should also be applied to support the Charter implementation process (see paragraphs 9-10).

27. In the seventh evaluation report, the Committee of Experts recommended the Swiss authorities to “prepare, in the context of the implementation of the ‘Regulation on support of initiatives promoting bilingualism’, a strategy on the promotion of French in Murten/Morat” (recommendation for immediate action). Representatives of the French speakers informed the Committee of Experts during the on-the-spot visit that such a strategy has not been prepared. In their view, it is necessary that the authorities of the Canton of Fribourg/Freiburg create incentives encouraging municipalities to introduce official bilingualism and support them in the implementation. The Committee of Experts refers to its observations above (see paragraph 21) and invites the cantonal and local authorities to adopt a strategy on the promotion of French in Murten/Morat.

### ***Use of the minority languages in education***

28. Italian and Romansh continue to be used as a medium of instruction at different levels in municipalities where these languages are official or co-official. While the general situation of both languages in education remains good, representatives of their speakers have informed the Committee of Experts of regular delays in the publication of educational materials. The cantonal authorities of Graubünden/Grischun/Grigioni are aware of this shortcoming and have stated that a series of teaching materials for Italian as a first language is currently being developed. The Committee of Experts welcomes these steps and invites the authorities to also establish, in co-operation with representatives of the Romansh speakers, the needs in the publication of educational materials in Romansh.

29. Regarding Italian and Romansh, Switzerland has undertaken to set up a supervisory body or bodies responsible for monitoring the progress achieved in minority language education and for drawing up public periodic reports of the findings (Article 8.1.i). According to the cantonal authorities of Graubünden/Grischun/Grigioni, the school inspectorate, which is a department of their Office for Compulsory School and Sport, acts as a supervisory authority concerning compliance with the language requirements at pre-school, primary and lower secondary levels. The school inspectorate carries out evaluations of education at these levels with a view to ensuring and developing the quality of teaching and provides didactic-methodical and pedagogical support to teachers. It also draws up evaluation reports. It is not clear, however, to what extent the school inspectorate monitors specifically language education, among other aspects of schooling. In addition, the Committee of Experts has not received any of its evaluation reports, which are not made public. Representatives of the Italian and Romansh speakers were not aware of the mechanism foreseen by Article 8.1.i. The Committee of Experts underlines the importance of regular monitoring of the effectiveness of minority language education and the publication of corresponding evaluation reports. It invites the competent authorities, if not yet done, to monitor the progress achieved in education in Italian and Romansh, to draw up periodic reports of the findings and to make them public. The required supervisory body could also monitor the availability of educational materials in Italian and Romansh (see paragraph 28).

30. Education in French continues to be available in Murten/Morat at all levels.

31. In the seventh evaluation report, the Committee of Experts recommended the authorities to “make available German language education from pre-school to secondary levels for those municipalities where German is a minority language.” Such an offer continues to be available only in some municipalities (e.g. Sion/Sitten). In most other municipalities or school districts concerned, German is not used at pre-school and lower primary levels and taught only as a foreign language. According to representatives of the speakers, the quality of teaching is in some cases poor. The Committee of Experts notes that this offer does not adequately meet the needs of the speakers, who traditionally make up a significant part or majority of the local population and are usually native speakers. The authorities of Ticino repeat their suggestion from the previous monitoring cycle that the possible merger of Bosco Gurin with other municipalities could initiate the introduction of additional German language education, as well as classes on local culture. However, the municipalities concerned already use the same schools, so that this proposal can be implemented regardless of their merger. Representatives of German speakers in different cantons have reiterated their interest in German language education at all levels and also suggested co-operation between cantons to jointly set up or use bilingual schools.<sup>11</sup> The Committee of Experts invites the competent authorities to provide German-language education

<sup>11</sup> For example, in the area of the Broye-Vully district (Canton of Vaud) and the Murten/Morat school district (Canton of Fribourg/Freiburg) as well as in the area of Seehof (Canton of Bern/Berne) and Val Terbi (Canton of Jura).

from pre-school to secondary levels for the municipalities concerned, e.g. by applying the respective educational model of Sion/Sitten.

32. Several cantons concerned by the Charter provide support to facilities enabling non-speakers (including adults) to learn minority languages, as required by Article 7.1.g. In some cases, the respective language courses are not offered close to the area where the minority language is used. The Committee of Experts asks the authorities concerned to ensure that access to such facilities is provided at a reasonable distance from the area where the minority language is used, so that non-speakers are encouraged to make use of the offer.

33. In some municipalities, the enrolment of a child in minority language education is only approved if, among other criteria, the minority language is the first language of at least one parent.<sup>12</sup> The Committee of Experts underlines that, based on the "value of interculturalism and multilingualism" (preamble), the Charter is also explicitly addressed to non-speakers of a minority language. In Switzerland, this aspect is particularly important in encouraging families from other language areas of the country or from abroad to learn a minority language. The Committee of Experts urges the competent authorities to allow the enrolment of a child in minority language education regardless of the first language(s) of the parents and the family language and to amend the relevant directives in this sense.

34. According to the authorities, the curricula contribute to raising awareness of multilingualism in Switzerland. The Committee of Experts invites the authorities to provide, in the next periodical report, more specific information about how education and training (curricula, teacher training, educational materials) raise awareness of the minority languages, in accordance with Article 7.3.

35. The Federal Council and Parliament have decided to strengthen the promotion of exchanges between the language regions of the country (e.g. exchanges of pupils, teachers or classes). Significant financial means are foreseen for this purpose. The Committee of Experts considers that these measures may promote understanding between the linguistic groups and invites the authorities to use this practice as a framework for the implementation of Article 7.1.e.

36. The federal authorities also support the Research Centre Multilingualism in Fribourg/Freiburg, which carries out research on, for example, institutional and societal multilingualism. The Committee of Experts considers that the work of this research centre could make a useful contribution to the implementation of Article 7.1.h. For example, targeted research on the situation and history of the minority languages (e.g. place names, use of minority languages in health care and the judiciary) could support the development of a structured approach in legislation and policy on their promotion. Since 2019, research on minority languages has also been carried out at other research institutions.<sup>13</sup>

### ***Use of the minority languages by judicial authorities***

37. Italian and Romansh can be used before courts. During the reporting period, Italian has been used before the Cantonal Court and the Administrative Court of Graubünden/Grischun/Grigioni, which both have Italian-speaking staff. Representatives of the Italian speakers welcome the election of an Italian-speaking judge at the Cantonal Court. The Administrative Court also issues about two judgments in Romansh per year. However, Romansh is practically not used at the Cantonal Court (no applications or judgments in Romansh). Neither the authorities, nor representatives of the Romansh speakers have precise information as to whether Romansh was used in criminal or civil proceedings during the reporting period. The Committee of Experts invites the competent authorities to raise awareness of the possibility to use Romansh before judicial authorities and to keep statistics on cases of practical implementation.

### ***Use of the minority languages by administrative authorities***

38. The federal authorities have continued measures promoting multilingualism in their administration. This policy comprises *inter alia* the balanced representation of language communities among staff and improving their language skills. As far as the balanced representation of language communities is concerned, the

<sup>12</sup> See, for example, Decision of the Federal Court of 29 March 2022, 2C\_703/2021.

<sup>13</sup> E.g. Casoni, Matteo; Christopher, Sabine; Plata, Andrea; Moskopf-Janner, Maria Chiara (2021): La posizione dell'italiano in Svizzera. Uno sguardo sul periodo 2012-2020 attraverso alcuni indicatori. Rapporto di ricerca commissionato dal Forum per l'italiano in Svizzera. Bellinzona: Dipartimento dell'educazione, della cultura e dello sport. Divisione della cultura e degli studi universitari. Quaderno 07; Moretti, B.; Cassoni, M.; Pandolfi, E.M. (2021): Italian in Switzerland: Statistical Data and Sociolinguistic Varieties. In: Gragoatá, pp. 26, 54, 252-293; Eckhardt, Oscar (2021): Alemannisch in der Rumantschia. Die alemannischen Dialekte im romanischen Sprachraum von Trin, Ilanz, Trun und Scuol, Zeitschrift für Dialektologie und Linguistik (183).

proportions of speakers of Italian and Romansh are within the target values (6.5%-8.5% and 0.5%-1.0%, respectively) determined in Article 7 of the Federal Language Ordinance.

39. Italian is a working language of the federal authorities. With regard to Romansh, the federal authorities continue to use this language in their communication with Romansh speakers (partial official language), regardless of where the authority is located. In accordance with Article 11 of the Federal Language Act, texts of particular significance as well as documents for federal elections and votes are also published in Romansh. The Federal Chancellery determines these texts after consultation of the chancellery of the Canton of Graubünden/Grischun/Grigioni and the interested federal agencies. Representatives of the Romansh speakers have criticised that only selected documents of the federal authorities are available in Romansh. They request that the federal authorities use Romansh more consistently in federal information campaigns, in speeches of national importance and other communications to the Swiss population (e.g. in tweets). The Committee of Experts invites the federal authorities to consult the Romansh speakers as to which additional widely used federal administrative texts or forms should be made available in Romansh, in conformity with Article 10.1.b.

40. In the seventh monitoring cycle, the Committee of Ministers recommended Switzerland to “**continue promoting the use of Italian in cantonal administration ... in Graubünden/Grischun/Grigioni**”. In addition, the Committee of Experts adopted a recommendation for immediate action on the same matter.

41. According to the cantonal authorities, access to documents of their administration (e.g. media releases) and the cantonal parliament (e.g. parliamentary motions and the government's replies, draft laws, laws) in Italian continues to be guaranteed. Job advertisements of the cantonal administration are published also in Italian and state that “knowledge of Italian is desirable or an advantage”.

42. Representatives of the Italian speakers have confirmed that the availability of official documents in Italian has improved during the period under review. Nevertheless, they have pointed out that parts of the cantonal website are not yet translated into Italian. The cantonal authorities also state that improvements in the use of Italian are still needed in the case of institutional websites. In 2021, the cantonal government decided to create a new coordination unit “Multilingual Administration”. Its task is to support the cantonal administration in implementing the requirements of the language legislation and advise municipalities on such matters with regard to Italian and Romansh. Simultaneous interpretation in the cantonal parliament will be introduced in 2023, which was welcomed by representatives of the Italian speakers. Furthermore, a working group consisting of representatives of the cantonal administration and the organisations of the Italian and Romansh speakers has drawn up around 80 proposals for measures to promote these languages.

43. Romansh continues to be used within the framework of cantonal administration. Free language courses in Romansh are offered for all employees of the cantonal administration, the cantonal courts and cantonal institutions (social insurance, building insurance and pension fund) as part of the central continuing education programme.

44. Switzerland has ratified Articles 10.3.a (Italian), 10.3.b (Romansh)<sup>14</sup> and 13.2.b (Italian, Romansh) which concern the use of these languages in similar fields (public services and public sector in economic and social life). According to the cantonal authorities of Graubünden/Grischun/Grigioni, the public service providers concerned by Article 10.3 are *inter alia* hospitals, debt enforcement offices and civil registry offices. The municipalities and regions responsible for these institutions prescribe the use of Italian and Romansh.

#### *Place names*

45. As the Committee of Experts noted in the seventh evaluation report, the adoption and/or use of bilingual place names remains a rare occurrence. Owing to the principle of territoriality, relatively few municipalities have officially bilingual names and even fewer bilingual street names. The use of place names, including signage at railway stations, by the Swiss Federal Railways is also inconsistent. The Committee of Experts therefore invited the authorities concerned to encourage the use of place names in minority languages by amending the relevant legislation as well as approaching and supporting local authorities.

46. According to the periodical report, the legislation has not been amended. Article 49.1 of the (Federal) Signposting Regulation still states that the name of a locality shall be written in two languages if the smaller

<sup>14</sup> Switzerland has ratified also Article 10.3.b for Italian. However, Articles 10.3.a and 10.3.b constitute alternative options.

linguistic group comprises at least 30% of the inhabitants.<sup>15</sup> The 30%-threshold applies also to cantonal and municipal roads. The Committee of Experts underlined in its previous evaluation report that such a high threshold is incompatible with the Charter. In addition, it has pointed out, regarding many States Parties, that the adoption and use of traditional place names in minority languages is a relatively simple promotional measure increasing the visibility and prestige of a minority language, raising awareness among the majority population and maintaining the linguistic heritage.

47. Therefore, the Committee of Experts calls on the federal and cantonal authorities concerned to implement a structured approach to the adoption and use of place names in minority languages. With regard to the compulsory use of such place names on signs, this approach should comprise a significant lowering of the 30%-threshold in the relevant legislation. In this context, the Committee of Experts notes that Swiss language legislation contains thresholds far below 30% in other fields.<sup>16</sup> Apart from relative numbers (percentages), the authorities should also determine in the Signposting Regulation what absolute number of inhabitants who are users of a minority language is sufficient. Moreover, the voluntary use of place names in minority languages should be encouraged. To this effect, the federal authorities (Federal Roads Office) and cantonal authorities should approach relevant municipalities in a co-ordinated manner, encourage them to adopt place names in local minority languages irrespective of thresholds and support the implementation of these measures on national, cantonal and municipal roads with a specific funding scheme.

### *Mergers of municipalities*

48. In Graubünden/Grischun/Grigioni, in 2021 a bilingual (Romansh/German) and three German-speaking municipalities merged to form the new municipality of Muntogna da Schons. The merger agreement foresees that the official languages of the new municipality are Romansh and German and that the school language is Romansh. It also contains a commitment to the preservation and promotion of Romansh and to the adoption of a local language law.

49. In 2022, the municipality of Murten/Morat merged with three German-speaking municipalities. The measures previously taken by the municipality of Murten/Morat to promote French in administration and education have remained in place despite a lower share of French speakers in the new municipality.

50. In the seventh evaluation report, the Committee of Experts recommended the Swiss authorities to “ensure that, in the case of mergers of municipalities, local legislation and practice relating to German are maintained or introduced, e.g. for Bosco Gurin and Grand Fribourg/Grossfreiburg” (recommendation for immediate action). While the establishment of Grand Fribourg/Grossfreiburg has been abandoned, the merger affecting Bosco Gurin has been suspended. The cantonal authorities of Ticino confirm that the legal texts on the use of German adopted by the municipality of Bosco Gurin (dedicated provision in the municipality statute, voluntary application of Part III of the Charter) will have to be taken into account in the event of a merger.

51. The Committee of Experts commends the authorities for having ensured that, in the case of Muntogna da Schons and Murten/Morat, mergers of municipalities do not constitute obstacles to the promotion of Romansh and French respectively, in conformity with Article 7.1.b. It encourages the authorities to handle future mergers in the same manner.

### ***Use of the minority languages in the media***

52. Italian and Romansh continue to be used on public radio and television as well as in the press. Romansh is also used in private television and radio programmes. According to representatives of the Italian speakers, the translation service of the Canton of Graubünden/Grischun/Grigioni for media releases has improved compared to previous years. During the on-the-spot visit, representatives of the Romansh speakers stated that they are generally satisfied with the presence of Romansh in the broadcast media.

53. Radio and television programmes in the four national languages can be received throughout Switzerland. The public Swiss Broadcasting Corporation SRG has launched a new streaming platform which offers Swiss films, series and documentaries in the original version with subtitles in German, French, Italian and occasionally in Romansh.

<sup>15</sup> This threshold is also contained in the directives of the Federal Department of the Environment, Transport, Energy and Communications on the signposting of junctions and names of junctions on the national road network.

<sup>16</sup> For example, the Language Law of the Canton of Graubünden/Grischun/Grigioni (Article 20.3) foresees a 10% threshold for minority language education.

54. In 2020, the Fundaziun Medias Rumantschas began operations as the successor organisation to the Agentura da Novitads Rumantscha. Its task is to provide the Romansh media with journalistic content in Romansh. It is supported by the federal authorities and the Canton of Graubünden/Grischun/Grigioni. The Committee of Experts welcomes this measure, which is a practical and effective contribution to the maintenance of media in Romansh.

55. In accordance with its licence, the SRG promotes exchanges between the language regions by considering them in its information offer and in other offers with large audiences. Compliance with this obligation is monitored by the Federal Office of Communications which considers that the SRG fulfils the requirements of the licence, but could further strengthen its commitment. The Committee of Experts invites the authorities to provide, in the next periodical report, more specific information about how the mass media (including in journalist training) raise awareness of the minority languages, in accordance with Article 7.3.

### ***Use of the minority languages in cultural activities and facilities***

56. There is a diversified offer of cultural activities in Italian and Romansh in Graubünden/Grischun/Grigioni, in conformity with the undertakings under Article 12.1. The canton's new cultural promotion concept for the period 2021-2024 emphasises linguistic diversity with various measures aimed at strengthening the multilingualism of the cultural offer (translations of cultural projects and events, multilingual performances). Pro Grigioni Italiano has stated that it was involved in the elaboration of the concept by taking part in the group of experts. The association is of the opinion that the concept highlights the great potential that cultural activity in the canton holds in the social, economic and educational domains, taking into account and compensating the differences that peripheral regions have in contrast to urban ones.

57. Cultural activities in Italian and Romansh have also been organised in cantons other than Graubünden/Grischun/Grigioni and Ticino, as foreseen by Article 12.2.

58. In 2021, the Foreign Ministry, in co-operation with the Canton of Graubünden/Grischun/Grigioni, Romansh television and radio and the Lia Rumantscha, launched the first Romansh language week ("Emna Rumantscha") in Switzerland and abroad with the motto "Rumantsch: in ferm toc Svizra" ("Romansh: A strong piece of Switzerland"). In addition, Pro Helvetia has supported art and cultural projects abroad which have taken into account all national languages. The Committee of Experts welcomes these initiatives, which contribute to the implementation of Article 12.3.

### ***Use of the minority languages in economic and social life***

59. In order to encourage the use of Italian and Romansh in economic and social life in general (outside the public sector, Article 13.1.d), the Canton of Graubünden/Grischun/Grigioni intends to pay special attention to these languages in the context of digitisation projects. Few additional activities have been reported.

60. In the seventh monitoring cycle, the Committee of Ministers recommended Switzerland to "**continue promoting the use of Italian ... in the public sector under cantonal control in Graubünden/Grischun/Grigioni**". In addition, the Committee of Experts recommended the Swiss authorities organise activities to promote the use of Italian in economic and social life in the public sector (Article 13.2.b).

61. According to the cantonal authorities, the institutions relevant under Article 13.2.b include, among others, Rhätische Bahn (railway company), the Cantonal Bank, the Cantonal Hospital and Graubünden Tourism. The latter are independent but provide services on behalf of the public sector in the framework of agreements. The authorities do not prescribe the language use of these institutions as they do it concerning public service providers (see paragraph 44) but promote the use of Italian (and Romansh) through awareness-raising.

62. As mentioned above (paragraph 42), a working group consisting of representatives of the cantonal authorities and the organisations of the Italian and Romansh speakers has drawn up around 80 proposals for measures to promote these languages. As part of this action plan, the canton is planning measures to raise awareness of its trilingualism among companies. At the same time, the cantonal authorities state that improvements in the use of Italian are still needed in the case of websites of public companies, the Cantonal Bank and the hospital, as well as access to emergency services.

63. With regard to Romansh, the Swiss Post, the Swiss Air-Rescue and the cantonal agricultural advisory centre intend to include texts in this language into inscriptions (e.g. "La Posta") or logos.

64. The Committee of Experts observes that an average citizen is in contact with economic and social activities every day. The relevance of this domain to daily life is comparable to that of media and education. It is therefore of utmost importance that users of minority languages feel encouraged to use their language in, for example, shops or social care facilities and that the latter provide the conditions for this. The fact that authorities have little direct influence in economic and social life is a particular reason why a structured approach to the implementation of Articles 13.1.d and 13.2.b has to be developed by them. The Committee of Experts therefore invites the authorities to design additional activities encouraging and facilitating the use of Italian and Romansh in economic and social life inside and outside the areas where these languages are traditionally used.

### ***Use of the minority languages in transfrontier exchanges***

65. Since Switzerland is a multilingual federal state, the exchanges between cantons play a bigger role for the promotion of minority languages than exchanges with other countries. Some co-operation exists with Italy concerning the promotion of the Italian language. Romansh is not used abroad, but occasional exchanges are organised with speakers of Ladin (South Tyrol) and Friulian in Italy, which are similar to Romansh. In general, however, no systematic approach to the promotion of transnational exchanges exists in the fields covered by the Charter in conformity with Articles 7.1.i and 14.

### ***Consultation***

66. The authorities grant institutional funding *inter alia* to the organisations Pro Grigioni Italiano and Lia Rumantscha which represent Italian and Romansh speakers in Graubünden/Grischun/Grigioni, respectively. This institutional funding is guaranteed by law. The authorities consult these organisations on matters relating to the respective languages, as required by Article 7.4.

67. In the seventh evaluation report, the Committee of Experts recommended the authorities to “establish a body for the purpose of advising the cantonal authorities of Fribourg/Freiburg on matters pertaining to French as a minority language.” In addition, it recommended to “establish a body for the purpose of advising the federal and cantonal authorities concerned on matters pertaining to German as a minority language.”

68. The Committee of Experts has not received any information that in the Canton of Fribourg/Freiburg an advisory body for matters pertaining to French as a minority language has been established. Regarding the federal level, the authorities state that they do not create their own advisory bodies for issues relating to minority languages, but may, on the basis of the Federal Language Act (Article 18.b), support organisations whose activities contribute to the promotion of understanding and multilingualism. The federal authorities plan to issue a new call for supporting language organisations in 2022. The requirements and criteria will be defined by the Federal Council as part of the revision of the Federal Language Ordinance. Associations representing German-speaking minorities in different cantons have formed an umbrella association (Bund der angestammten deutschsprachigen Minderheiten in der Schweiz, BADEM) which, as stated in its statute, shall also perform the function of the advisory body foreseen by Article 7.4. In 2022, this association applied to the federal authorities for institutional funding.

69. The Committee of Experts notes that the establishment of BADEM may support the implementation by Switzerland of Articles 7.4 and 7.1.e as it advises on language promotion and develops links between the German-speaking groups in different cantons. Considering that the federal authorities do not create their own advisory body, the Committee of Experts invites the authorities to support this association so that it can effectively perform these tasks. A comparable solution could be found in the Canton of Fribourg/Freiburg for a body advising the cantonal authorities on matters pertaining to French as a minority language.

70. When drawing up the periodical report, the authorities have consulted various bodies and associations representing the speakers of minority languages, including Pro Grigioni Italiano, Lia Rumantscha, Forum Langues Partenaires Fribourg and BADEM, and reflected their views in the report. The Committee of Experts thanks the Swiss authorities for this inclusive approach which it considers good practice.

### ***Use of minority languages during the Covid-19 pandemic***

71. Representatives of the Italian speakers stress that during the Covid-19 pandemic, there was a delay between official information provided in German and in Italian by the Canton of Graubünden/Grischun/Grigioni, since there is a lack of Italian-speaking cantonal employees. The association Pro Grigioni Italiano provided the translations of the relevant website from German into Italian. The new coordination unit "Multilingual Administration" within the cantonal administration will contribute to avoiding similar shortcomings in the future.

According to representatives of the Romansh speakers, an anti-pandemic commercial that had initially been recorded in all four national languages was shortened by omitting the Romansh part, which provoked their criticism. The Committee of Experts reiterates that during emergencies it is more necessary than ever that all official documents related to emergency measures taken by the state are made available also in all minority languages. It welcomes practical measures that would prevent the unavailability of important information in the minority languages.

## 1.2 The situation of the individual minority languages in Switzerland

### **Italian**

72. Italian is the only official language of the Canton of Ticino. Consequently, Italian is used by the population and the authorities of Ticino in all fields of public life. Since 2007, all undertakings concerning Italian in this canton have been fulfilled.

73. In the Canton of Graubünden/Grischun/Grigioni, Italian is traditionally spoken in four southern valleys (Mesolcina, Val Calanca, Val Bregaglia, Valposchiavo) where it is the everyday language of the population. Italian is used as the language of instruction in Italian-speaking municipalities at kindergarten, primary and lower secondary levels. In Maloja (municipality of Bregaglia), the primary school is run bilingually (partial immersion). Italian is also the language of instruction in vocational education (Scuola professionale, Poschiavo). Pro Grigioni Italiano, the organisation of the Italian speakers, organises language courses. Courses of adult and continuing education are also conducted in Italian. The training of Italian-speaking teachers for the kindergarten and primary levels is ensured by the University of Teacher Education (Pädagogische Hochschule Graubünden/Scola auta da pedagogia dal Grischun/Alta scuola pedagogica dei Grigioni) in Chur.

74. Italian is an official language of the Canton of Graubünden/Grischun/Grigioni and the official language of municipalities in *Grigioni italiano*. This language is also used before courts.

75. Radiotelevisione svizzera di lingua italiana (RSI) is the public radio and television broadcaster in Italian. Two weekly newspapers ("Il Grigione italiano", "La Voce del San Bernardino") as well as internet portals (ilbernina.ch, ilmoesano.ch and labregaglia.ch) are published in Italian. However, it is not clear how the training of television and radio journalists using Italian is organised in Graubünden/Grischun/Grigioni. The interests of the Italian speakers are represented in the Swiss Media Commission.

76. Cultural activities in Italian are organised in the Italian-speaking areas, but also outside the area where Italian is traditionally used (e.g. PGI Centro regionale in Chur, cultural activities in Bern). The activities of Pro Helvetia and the Istituto Svizzero contribute to present the Italian language and culture of Switzerland abroad.

77. Italian is used in economic and social life, but needs additional promotion, including in the public sector in Graubünden/Grischun/Grigioni as well as in other cantons of Switzerland.

78. Cross-border cooperation with Italy is promoted through the Commissione culturale Consultiva (Consulta) whose activities include the promotion of Italian, co-operation in higher education (chairs in Italian literature and linguistics at some Swiss universities) and cultural exchanges. However, there is a lack of cross-border co-operation between regional or local authorities in whose territory Italian is used.

### **Romansh**

79. In Romansh-speaking municipalities in Graubünden/Grischun/Grigioni, pre-school education takes place in Romansh. In primary education, there are both bilingual and Romansh-language schools. In the latter, all subjects are taught in Romansh, with the exception of German. In secondary education, Romansh is taught as a subject. Romansh is *inter alia* taught at the technical vocational school in Surselva and occasionally offered as a subject in adult and continuing education. The University of Teacher Education in Chur offers courses for training as kindergarten and primary school teachers. Teacher training for secondary levels I and II takes place outside the canton at teacher training colleges and universities. The Canton of Graubünden/Grischun/Grigioni contributes to the cost of the chairs for Romansh at the Universities of Zürich and Fribourg/Freiburg.

80. While Romansh may be used before judicial authorities, its speakers make only seldom use of this possibility.

81. Romansh speakers have the right to address any request in their language to federal authorities which have also translated important documents into Romansh. Furthermore, Romansh is one of the official languages of the Canton of Graubünden/Grischun/Grigioni. Several municipalities have Romansh as the only official language. In other municipalities, Romansh is co-official. Romansh is used by the cantonal and the respective local authorities both orally (e.g. among staff, debates of the local parliament) and in writing (e.g. official documents).

82. As regards public television, Radiotelevisiun Svizra Rumantscha (RTR) broadcasts, *inter alia*, daily news in Romansh (Telesguard), an information programme (Sil punct, Monday-Friday), short documentary films (Cuntrasts, once a week), a children's programme (Minisguard, once a week) and music (RTR musica). Romansh is also used on private television (TV Südostschweiz, programme "Baterlada"). On radio, RTR broadcasts, for instance, news and music programmes which are also freely available online. The private radio station Radio Südostschweiz broadcasts the daily programme "Las minutas rumantschas". However, there is no private radio station broadcasting exclusively or mainly in Romansh, as required by Article 11.1.bi. A daily newspaper ("La Quotidiana") appears in Romansh. The Fundaziun Medias Rumantschas provides Romansh media with journalistic content in Romansh. The interests of the Romansh speakers are *inter alia* taken into account by the Publikumsrat SRG.R (Audience Council).

83. There is a wide offer of cultural activities and facilities in Romansh. The Lia Rumantscha carries out cultural activities in this language also outside the area where it is traditionally used (e.g. literary events).

84. In economic and social life, the use of Romansh is limited.

85. The Lia Rumantscha occasionally organises exchanges and encounters with Ladin speakers (South Tyrol) and Friulian speakers in Italy.

### **French**

86. French speakers constitute a significant traditional linguistic minority in the municipality of Murten/Morat (Canton of Fribourg/Freiburg). However, French is not co-official in Murten/Morat. Based on informal arrangements, the local authorities use French in communication with the population. However, the website of the municipality is entirely in German. To enable the local administrative staff to develop their language knowledge and skills, twinning arrangements with other municipalities have been introduced. In general, public visibility of French in Murten/Morat is limited.

87. Cultural activities using also French are organised (e.g. publications and exhibitions by the Museum Murten/Musée de Morat, Murten Licht-Festival/Morat Festival des Lumières). In addition, education in French at pre-school, primary and secondary levels is available.

88. French is official or co-official in all other areas of Switzerland where French speakers constitute a significant traditional linguistic minority (Administrative Regions of Bernese Jura and Seeland as well as Administrative District of Biel/Bienne, Canton of Bern/Berne).

### **German**

89. In several municipalities where German is not an official language,<sup>17</sup> German has been traditionally used by a significant minority or the majority. The respective cantons and – with the exception of Bosco Gurin (Ticino) – municipalities have not adopted specific legislation and policies to promote the use of German in public life in these municipalities, resulting in restrictions on the use of this language in some fields.

90. In most of the municipalities (including mainly German-speaking ones) or school districts concerned, German is not used in pre-school and lower primary education and is only taught as a foreign language, at some levels less than three hours per week. German language education at all compulsory school levels is available in some municipalities of the Canton of Fribourg/Freiburg as well as in Sierre/Siders and Sion/Sitten (Valais/Wallis).

<sup>17</sup> Cantons of Bern/Berne: Bernese Jura; Fribourg/Freiburg: e.g. Corminboeuf, Fribourg/Freiburg, Givisiez (Siebenzach), Granges-Paccot (Zur Schüren), Marly (Mertenlach), Matran, Pierrafortscha (Perfetschied), Villars-sur-Glâne (Wiler); Graubünden: e.g. Scuol (Schuls); Jura: e.g. Ederswiler, Movelier/Moderswiler, Pleigne/Pleen, Soyhières/Saugern including Rièdes-dessus/Oberriederwald, Val Terbi including Envelier/Wyler; Neuchâtel: Thielle (Häusern)-Wavre; Ticino: Bosco Gurin; Valais/Wallis: Sion/Sitten, Sierre/Siders; Vaud: e.g. Faoug (Pfauen), Avenches (Wiflisburg), Cudrefin, Vully-les-Lacs; see periodical report, pp. 35, 39f., 42, 93, 7th evaluation report, paras. 93-100.



91. The Canton of Ticino supports the Walserhaus museum in Bosco Gurin. There are no comparable cultural institutions using German in other cantons. Some cultural activities in German have been supported by authorities (e.g. Mennonite choir in Moron, Bernese Jura), but there is no policy specifically promoting this.

## Chapter 2 Compliance of Switzerland with its undertakings under the European Charter for Regional or Minority Languages and recommendations

### 2.1 Italian (Cantons of Graubünden/Grischun/Grigioni and Ticino)

#### 2.1.1 Compliance of Switzerland with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of Italian (Canton of Graubünden/Grischun/Grigioni)

Symbols used to mark changes in the evaluation compared to the previous monitoring cycle: ↗ improvement ↘ deterioration = no change

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Switzerland concerning Italian (Canton of Graubünden/Grischun/Grigioni) <sup>18</sup>	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
<b>Part II of the Charter</b> <i>(Undertakings which the state must apply to all regional or minority languages within its territory)</i>						
<b>Art. 7 – Objectives and principles</b>						
7.1.a	recognition of Italian as an expression of cultural wealth	=				
7.1.b	ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of Italian	=				
7.1.c	resolute action to promote Italian	=				
7.1.d	facilitation and/or encouragement of the use of Italian, in speech and writing, in public life (education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, transfrontier exchanges) and private life	=				
7.1.e	<ul style="list-style-type: none"> <li>• maintenance and development of links, in the fields covered by this Charter, between groups in the State using Italian</li> <li>• establishment of cultural relations with other linguistic groups</li> </ul>	=				
7.1.f	provision of forms and means for the teaching and study of Italian at all appropriate stages	=				
7.1.g	provision of facilities enabling (also adult) non-speakers of Italian to learn it	=				
7.1.h	promotion of study and research on Italian at universities or equivalent institutions	=				
7.1.i	promotion of transnational exchanges, in the fields covered by this Charter, for the benefit of Italian	=				
7.2	eliminate any unjustified distinction, exclusion, restriction or preference relating to the use of Italian	=				
7.3	<ul style="list-style-type: none"> <li>• promote mutual understanding between all the linguistic groups of the country</li> <li>• promote the inclusion of respect, understanding and tolerance in relation to Italian among the objectives of education and training</li> <li>• encourage the mass media to include respect, understanding and tolerance in relation to Italian among their objectives</li> </ul>	=				
7.4	<ul style="list-style-type: none"> <li>• take into consideration the needs and wishes expressed by the group which uses Italian</li> <li>• establish a body for the purpose of advising the authorities on all matters pertaining to Italian</li> </ul>	=				
<b>Part III of the Charter</b> <i>(Additional undertakings chosen by the state for specific languages)</i>						
<b>Art. 8 – Education</b>						
8.1.ai	make available pre-school education in Italian	=				
8.1.aiv	favour and/or encourage the provision of pre-school education in Italian or a substantial part of pre-school education in Italian <sup>19</sup>					
8.1.bi	make available primary education in Italian	=				
8.1.ci	make available secondary education in Italian	=				
8.1.cii	make available a substantial part of secondary education in Italian <sup>20</sup>					
8.1.di	make available technical and vocational education in Italian	=				
8.1.diii	provide, within technical and vocational education, for the teaching of Italian as an integral part of the curriculum <sup>21</sup>					

<sup>18</sup> In order to facilitate readability, the provisions of the Charter appear here in a shortened and simplified form. The complete version of each provision can be consulted on the website of the Treaty Office: <http://www.coe.int/en/web/conventions/> (treaty No. 148).

<sup>19</sup> As Articles 8.1.ai and 8.1.aiv constitute alternative options, the Committee of Experts will not evaluate the implementation of Article 8.1.aiv.

<sup>20</sup> Articles 8.1.ci and 8.1.cii constitute alternative options (see footnote 19).

<sup>21</sup> Articles 8.1.di and 8.1.diii constitute alternative options (see footnote 19).

<b>The Committee of Experts considers the undertaking*:</b>						
<b>Article</b>	<b>Undertakings of Switzerland concerning Italian (Canton of Graubünden/Grischun/Grigioni)<sup>18</sup></b>	<b>fulfilled</b>	<b>partly fulfilled</b>	<b>formally fulfilled</b>	<b>not fulfilled</b>	<b>no conclusion</b>
8.1.eii	provide facilities for the study of Italian as a university and higher education subject	=				
8.1.fi	provision of adult and continuing education courses taught mainly or wholly in Italian	=				
8.1.fiii	favour and/or encourage the offering of Italian as a subject of adult and continuing education <sup>22</sup>	=				
8.1.g	ensure the teaching of the history and the culture which is reflected by Italian	=				
8.1.h	provide the basic and further training of the teachers teaching (in) Italian	=				
8.1.i	set up a supervisory body responsible for monitoring the progress achieved in the teaching of Italian and for drawing up public periodic reports of its findings					✓
<b>Art. 9 – Judicial authorities</b>						
9.1.ai	provide that the courts, at the request of one of the parties, shall conduct the criminal proceedings in Italian, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned	=				
9.1.aii	guarantee the accused the right to use Italian in criminal proceedings, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned	=				
9.1.aiii	provide that requests and evidence, whether written or oral, shall not be considered inadmissible in criminal proceedings solely because they are formulated in Italian, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned	=				
9.1.bi	provide that the courts, at the request of one of the parties, shall conduct the civil proceedings in Italian, if necessary by the use of interpreters and translations	=				
9.1.bii	allow, whenever a litigant has to appear in person before a court, that he or she may use Italian in civil proceedings without thereby incurring additional expense, if necessary by the use of interpreters and translations	=				
9.1.biii	allow documents and evidence to be produced in Italian in civil proceedings, if necessary by the use of interpreters and translations	=				
9.1.ci	provide that the courts, at the request of one of the parties, shall conduct the proceedings concerning administrative matters in Italian, if necessary by the use of interpreters and translations	=				
9.1.cii	allow, whenever a litigant has to appear in person before a court, that he or she may use Italian in proceedings concerning administrative matters without thereby incurring additional expense, if necessary by the use of interpreters and translations	=				
9.1.d	with regard to the conduct of civil and/or administrative proceedings in Italian and the related use of documents and evidence in Italian, ensure that the use of interpreters and translations does not involve extra expense for the persons concerned	=				
9.2.a	not to deny the validity of legal documents solely because they are drafted in Italian	=				
9.3	make available in Italian the most important national statutory texts and those relating particularly to users of Italian	=				
<b>Art. 10 – Administrative authorities and public services</b>						
10.1.ai	ensure that local branches of the national and cantonal authorities use Italian	↗				
10.1.b	make available widely used national and cantonal administrative texts and forms in Italian or in bilingual versions	=				
10.1.c	allow the national and cantonal authorities to draft documents in Italian	=				
10.2.a	use of Italian within the framework of the regional or local authority	=				
10.2.b	possibility for users of Italian to submit oral or written applications in Italian to the regional or local authority	=				
10.2.c	publication by regional authorities of their official documents also in Italian	=				
10.2.d	publication by local authorities of their official documents also in Italian	=				
10.2.e	use by regional authorities of Italian in debates in their assemblies	=				
10.2.f	use by local authorities of Italian in debates in their assemblies	=				
10.2.g	use or adoption, if necessary in conjunction with the name in the official language, of place names in Italian	=				
10.3.a	ensure that Italian is used in the provision of public services	=				
10.3.b	allow users of Italian to submit a request to and receive a reply from public service providers in Italian <sup>23</sup>					
10.4.a	provide translation or interpretation	=				
10.4.b	recruitment and training of officials and public service employees speaking Italian	=				

<sup>22</sup> Articles 8.1.fi and 8.1.fiii constitute alternative options (see footnote 19).

<sup>23</sup> Articles 10.3.a and 10.3.b constitute alternative options (see footnote 19).

<b>The Committee of Experts considers the undertaking*:</b>						
<b>Article</b>	<b>Undertakings of Switzerland concerning Italian (Canton of Graubünden/Grischun/Grigioni)<sup>18</sup></b>	<b>fulfilled</b>	<b>partly fulfilled</b>	<b>formally fulfilled</b>	<b>not fulfilled</b>	<b>no conclusion</b>
10.4.c	comply with requests from public service employees having a knowledge of Italian to be appointed in the territory in which that language is used	=				
10.5	allow the use or adoption of family names in Italian	=				
<b>Art. 11 – Media</b>						
11.1.ai	ensure the creation of at least one public radio station and one public television channel in Italian	=				
11.1.ei	encourage and/or facilitate the creation and/or maintenance of at least one weekly or daily newspaper in Italian	=				
11.1.g	support the training of journalists and other staff for media using Italian					✓
11.2	<ul style="list-style-type: none"> <li>• guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in Italian</li> <li>• do not oppose the retransmission of radio and television broadcasts from neighbouring countries in Italian</li> <li>• ensure the freedom of expression and free circulation of information in the written press in Italian</li> </ul>	=				
11.3	ensure that the interests of the users of Italian are represented or taken into account within bodies guaranteeing the freedom and pluralism of the media	=				
<b>Art. 12 – Cultural activities and facilities</b>						
12.1.a	encourage production, reproduction and dissemination of cultural works in Italian	=				
12.1.b	foster access in other languages to works produced in Italian by aiding and developing translation, dubbing, post-synchronisation and subtitling	=				
12.1.c	foster access in Italian to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling	=				
12.1.d	ensure that the bodies organising or supporting cultural activities incorporate the knowledge and use of the Italian language and culture in the undertakings which they initiate or for which they provide backing	=				
12.1.e	ensure that the bodies organising or supporting cultural activities have at their disposal staff who have a full command of Italian	=				
12.1.f	encourage direct participation by representatives of the users of Italian in providing facilities and planning cultural activities	=				
12.1.g	encourage and/or facilitate the creation of a body responsible for collecting, keeping a copy of and presenting or publishing works produced in Italian	=				
12.1.h	create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing administrative, commercial, economic, social, technical or legal terminology in Italian	=				
12.2	In territories other than those in which Italian is traditionally used, allow, encourage and/or provide cultural activities and facilities using Italian	=				
12.3	make provision, in cultural policy abroad, for Italian and the culture it reflects	=				
<b>Art. 13 – Economic and social life</b>						
13.1.d	facilitate and/or encourage the use of Italian in economic and social life		✓			
13.2.b	in the public sector, organise activities to promote the use of Italian in economic and social life		=			
<b>Art. 14 – Transfrontier exchanges</b>						
14.a	apply bilateral and multilateral agreements with the States in which Italian is used in identical or similar form, or conclude such agreements, to foster contacts between the users of Italian in the States concerned in the fields of culture, education, information, vocational training and permanent education	=				
14.b	for the benefit of Italian, facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory Italian is used in identical or similar form				✓	

\* The Committee of Experts of the European Charter for Regional or Minority Languages evaluates the compliance of States Parties with their undertakings under the Charter as follows:

**Fulfilled:** Policies, legislation and practice are in conformity with the Charter.

**Partly fulfilled:** Policies and legislation are wholly or partly in conformity with the Charter, but the undertaking is only partly implemented in practice.

**Formally fulfilled:** Policies and legislation are in conformity with the Charter, but there is no implementation in practice.

**Not fulfilled:** No action in policies, legislation and practice has been taken to implement the undertaking.

**No conclusion:** The Committee of Experts is not in a position to conclude on the fulfilment of the undertaking as no or insufficient information has been provided by the authorities.

## Changes in the evaluation compared to the previous monitoring cycle

92. With regard to the supervisory body foreseen by Article 8.1.i, it is not clear to what extent the cantonal school inspectorate of Graubünden/Grischun/Grigioni monitors specifically language education. In addition, the Committee of Experts has not received any of the school inspectorate's evaluation reports, which are not made public. Therefore, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking.

93. Italian is one of the official languages of the Canton of Graubünden/Grischun/Grigioni and a working language of its administration. The availability of official documents in Italian has improved during the period under review. A new coordination unit "Multilingual Administration" has been set up to support the official use of Italian. In addition, the cantonal authorities have prepared a catalogue of practical measures to improve the use of Italian (and Romansh). While the Committee of Experts is aware that some shortcomings in the use of Italian persist, it notes that these concern in particular public companies (e.g. Cantonal Bank, hospital, emergency services). Nevertheless, the Committee of Experts considers Article 10.1.a fulfilled; Article 13.2.b (public sector) remains only partly fulfilled.

94. The Committee of Experts has received unclear information from the authorities and representatives of the Italian speakers concerning the training of Italian-speaking journalists. It is therefore not in a position to conclude on the fulfilment of Article 11.1.g. The Committee of Experts asks the authorities to provide information on how journalist training is organised concerning Italian in the next periodical report.

95. As far as Article 13.1.d is concerned, the authorities have reported *inter alia* about their intention to pay special attention to Italian (and Romansh) in the context of digitisation projects. The Committee of Experts considers that additional activities in different fields are needed to fulfil Article 13.1.d, which is therefore partly fulfilled.

96. According to the cantonal authorities of Graubünden/Grischun/Grigioni and representatives of the Italian speakers, no activities in conformity with Article 14.b have been carried out during the reporting period. Therefore, this undertaking is considered not fulfilled.

### 2.1.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of Italian (Canton of Graubünden/Grischun/Grigioni)

The Committee of Experts recommends that the Swiss authorities comply with all undertakings under the European Charter for Regional or Minority Languages which are not considered "fulfilled" (see under 2.1.1 above), as well as continue to comply with those that are fulfilled. In doing so, the authorities should take particular account of the recommendations set out below. The recommendations by the Committee of Ministers of the Council of Europe on the application of the Charter in Switzerland<sup>24</sup> remain valid in their own right. Recommendations made in the monitoring procedure of the Charter aim to support the authorities in the implementation process.

#### I. Recommendations for immediate action

- a. **Take additional measures promoting the use of Italian in economic and social life, including in the public sector.**
- b. **Clarify to what extent the school inspectorate of the Canton of Graubünden/Grischun/Grigioni carries out the tasks foreseen by Article 8.1.i and, if needed, extend its mandate accordingly.**

#### II. Further recommendation

- c. For the benefit of Italian, facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory Italian is used.

<sup>24</sup> [CM/RecChL\(2019\)6](#); [CM/RecChL\(2016\)6](#); [CM/RecChL\(2013\)4](#); [CM/RecChL\(2010\)7](#); [CM/RecChL\(2008\)2](#); [CM/RecChL\(2004\)5](#); [CM/RecChL\(2001\)6](#).

### 2.1.3 Compliance of Switzerland with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of Italian (Canton of Ticino)

Symbols used to mark changes in the evaluation compared to the previous monitoring cycle: ↗ improvement ↘ deterioration = no change

<b>The Committee of Experts considers the undertaking*:</b>						
Article	Undertakings of Switzerland concerning Italian (Canton of Ticino) <sup>25</sup>	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
<b>Part II of the Charter</b>						
<b>(Undertakings which the state must apply to all regional or minority languages within its territory)</b>						
<b>Art. 7 – Objectives and principles</b>						
7.1.a	recognition of Italian as an expression of cultural wealth	=				
7.1.b	ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of Italian	=				
7.1.c	resolute action to promote Italian	=				
7.1.d	facilitation and/or encouragement of the use of Italian, in speech and writing, in public life (education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, transfrontier exchanges) and private life	=				
7.1.e	<ul style="list-style-type: none"> <li>• maintenance and development of links, in the fields covered by this Charter, between groups in the State using Italian</li> <li>• establishment of cultural relations with other linguistic groups</li> </ul>	=				
7.1.f	provision of forms and means for the teaching and study of Italian at all appropriate stages	=				
7.1.g	provision of facilities enabling (also adult) non-speakers of Italian to learn it	=				
7.1.h	promotion of study and research on Italian at universities or equivalent institutions	=				
7.1.i	promotion of transnational exchanges, in the fields covered by this Charter, for the benefit of Italian	=				
7.2	eliminate any unjustified distinction, exclusion, restriction or preference relating to the use of Italian	=				
7.3	<ul style="list-style-type: none"> <li>• promote mutual understanding between all the linguistic groups of the country</li> <li>• promote the inclusion of respect, understanding and tolerance in relation to Italian among the objectives of education and training</li> <li>• encourage the mass media to include respect, understanding and tolerance in relation to Italian among their objectives</li> </ul>	=				
7.4	<ul style="list-style-type: none"> <li>• take into consideration the needs and wishes expressed by the group which uses Italian</li> <li>• establish a body for the purpose of advising the authorities on all matters pertaining to Italian</li> </ul>	=				
<b>Part III of the Charter</b>						
<b>(Additional undertakings chosen by the state for specific languages)</b>						
<b>Art. 8 – Education</b>						
8.1.ai	make available pre-school education in Italian	=				
8.1.aiv	favour and/or encourage the provision of pre-school education in Italian or a substantial part of pre-school education in Italian <sup>26</sup>	=				
8.1.bi	make available primary education in Italian	=				
8.1.ci	make available secondary education in Italian	=				
8.1.cii	make available a substantial part of secondary education in Italian <sup>27</sup>	=				
8.1.di	make available technical and vocational education in Italian	=				
8.1.diii	provide, within technical and vocational education, for the teaching of Italian as an integral part of the curriculum <sup>28</sup>	=				
8.1.eii	provide facilities for the study of Italian as a university and higher education subject	=				
8.1.fi	provision of adult and continuing education courses taught mainly or wholly in Italian	=				
8.1.fiii	favour and/or encourage the offering of Italian as a subject of adult and continuing education <sup>29</sup>	=				
8.1.g	ensure the teaching of the history and the culture which is reflected by Italian	=				
8.1.h	provide the basic and further training of the teachers teaching (in) Italian	=				
8.1.i	set up a supervisory body responsible for monitoring the progress achieved in the teaching of Italian and for drawing up public periodic reports of its findings	=				

<sup>25</sup> In order to facilitate readability, the provisions of the Charter appear here in a shortened and simplified form. The complete version of each provision can be consulted on the website of the Treaty Office: [http://www.coe.int/en/web/conventions/\(treaty No. 148\)](http://www.coe.int/en/web/conventions/(treaty%20No.%20148)).

<sup>26</sup> As Articles 8.1.ai and 8.1.aiv constitute alternative options, the Committee of Experts will not evaluate the implementation of Article 8.1.aiv.

<sup>27</sup> Articles 8.1.ci and 8.1.cii constitute alternative options (see footnote 19).

<sup>28</sup> Articles 8.1.di and 8.1.diii constitute alternative options (see footnote 19).

<sup>29</sup> Articles 8.1.fi and 8.1.fiii constitute alternative options (see footnote 19).

<b>The Committee of Experts considers the undertaking*:</b>						
<b>Article</b>	<b>Undertakings of Switzerland concerning Italian (Canton of Ticino)<sup>25</sup></b>	<b>fulfilled</b>	<b>partly fulfilled</b>	<b>formally fulfilled</b>	<b>not fulfilled</b>	<b>no conclusion</b>
<b>Art. 9 – Judicial authorities</b>						
9.1.ai	provide that the courts, at the request of one of the parties, shall conduct the criminal proceedings in Italian, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned	=				
9.1.aii	guarantee the accused the right to use Italian in criminal proceedings, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned	=				
9.1.aiii	provide that requests and evidence, whether written or oral, shall not be considered inadmissible in criminal proceedings solely because they are formulated in Italian, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned	=				
9.1.bi	provide that the courts, at the request of one of the parties, shall conduct the civil proceedings in Italian, if necessary by the use of interpreters and translations	=				
9.1.bii	allow, whenever a litigant has to appear in person before a court, that he or she may use Italian in civil proceedings without thereby incurring additional expense, if necessary by the use of interpreters and translations	=				
9.1.biii	allow documents and evidence to be produced in Italian in civil proceedings, if necessary by the use of interpreters and translations	=				
9.1.ci	provide that the courts, at the request of one of the parties, shall conduct the proceedings concerning administrative matters in Italian, if necessary by the use of interpreters and translations	=				
9.1.cii	allow, whenever a litigant has to appear in person before a court, that he or she may use Italian in proceedings concerning administrative matters without thereby incurring additional expense, if necessary by the use of interpreters and translations	=				
9.1.d	with regard to the conduct of civil and/or administrative proceedings in Italian and the related use of documents and evidence in Italian, ensure that the use of interpreters and translations does not involve extra expense for the persons concerned	=				
9.2.a	not to deny the validity of legal documents solely because they are drafted in Italian	=				
9.3	make available in Italian the most important national statutory texts and those relating particularly to users of Italian	=				
<b>Art. 10 – Administrative authorities and public services</b>						
10.1.ai	ensure that local branches of the national and cantonal authorities use Italian	=				
10.1.b	make available widely used national and cantonal administrative texts and forms in Italian or in bilingual versions	=				
10.1.c	allow the national and cantonal authorities to draft documents in Italian	=				
10.2.a	use of Italian within the framework of the regional or local authority	=				
10.2.b	possibility for users of Italian to submit oral or written applications in Italian to the regional or local authority	=				
10.2.c	publication by regional authorities of their official documents also in Italian	=				
10.2.d	publication by local authorities of their official documents also in Italian	=				
10.2.e	use by regional authorities of Italian in debates in their assemblies	=				
10.2.f	use by local authorities of Italian in debates in their assemblies	=				
10.2.g	use or adoption, if necessary in conjunction with the name in the official language, of place names in Italian	=				
10.3.a	ensure that Italian is used in the provision of public services	=				
10.3.b	allow users of Italian to submit a request to and receive a reply from public service providers in Italian <sup>30</sup>	=				
10.4.a	provide translation or interpretation	=				
10.4.b	recruitment and training of officials and public service employees speaking Italian	=				
10.4.c	comply with requests from public service employees having a knowledge of Italian to be appointed in the territory in which that language is used	=				
10.5	allow the use or adoption of family names in Italian	=				
<b>Art. 11 – Media</b>						
11.1.ai	ensure the creation of at least one public radio station and one public television channel in Italian	=				
11.1.ei	encourage and/or facilitate the creation and/or maintenance of at least one weekly or daily newspaper in Italian	=				

<sup>30</sup> Articles 10.3.a and 10.3.b constitute alternative options (see footnote 19).

<b>The Committee of Experts considers the undertaking*:</b>						
<b>Article</b>	<b>Undertakings of Switzerland concerning Italian (Canton of Ticino)<sup>25</sup></b>	<b>fulfilled</b>	<b>partly fulfilled</b>	<b>formally fulfilled</b>	<b>not fulfilled</b>	<b>no conclusion</b>
11.1.g	support the training of journalists and other staff for media using Italian	=				
11.2	<ul style="list-style-type: none"> <li>• guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in Italian</li> <li>• do not oppose the retransmission of radio and television broadcasts from neighbouring countries in Italian</li> <li>• ensure the freedom of expression and free circulation of information in the written press in Italian</li> </ul>	=				
11.3	ensure that the interests of the users of Italian are represented or taken into account within bodies guaranteeing the freedom and pluralism of the media	=				
<b>Art. 12 – Cultural activities and facilities</b>						
12.1.a	encourage production, reproduction and dissemination of cultural works in Italian	=				
12.1.b	foster access in other languages to works produced in Italian by aiding and developing translation, dubbing, post-synchronisation and subtitling	=				
12.1.c	foster access in Italian to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling	=				
12.1.d	ensure that the bodies organising or supporting cultural activities incorporate the knowledge and use of the Italian language and culture in the undertakings which they initiate or for which they provide backing	=				
12.1.e	ensure that the bodies organising or supporting cultural activities have at their disposal staff who have a full command of Italian	=				
12.1.f	encourage direct participation by representatives of the users of Italian in providing facilities and planning cultural activities	=				
12.1.g	encourage and/or facilitate the creation of a body responsible for collecting, keeping a copy of and presenting or publishing works produced in Italian	=				
12.1.h	create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing administrative, commercial, economic, social, technical or legal terminology in Italian	=				
12.2	In territories other than those in which Italian is traditionally used, allow, encourage and/or provide cultural activities and facilities using Italian	=				
12.3	make provision, in cultural policy abroad, for Italian and the culture it reflects	=				
<b>Art. 13 – Economic and social life</b>						
13.1.d	facilitate and/or encourage the use of Italian in economic and social life	=				
13.2.b	in the public sector, organise activities to promote the use of Italian in economic and social life	=				
<b>Art. 14 – Transfrontier exchanges</b>						
14.a	apply bilateral and multilateral agreements with the States in which Italian is used in identical or similar form, or conclude such agreements, to foster contacts between the users of Italian in the States concerned in the fields of culture, education, information, vocational training and permanent education	=				
14.b	for the benefit of Italian, facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory Italian is used in identical or similar form	=				

\* The Committee of Experts of the European Charter for Regional or Minority Languages evaluates the compliance of States Parties with their undertakings under the Charter as follows:

**Fulfilled:** Policies, legislation and practice are in conformity with the Charter.

**Partly fulfilled:** Policies and legislation are wholly or partly in conformity with the Charter, but the undertaking is only partly implemented in practice.

**Formally fulfilled:** Policies and legislation are in conformity with the Charter, but there is no implementation in practice.

**Not fulfilled:** No action in policies, legislation and practice has been taken to implement the undertaking.

**No conclusion:** The Committee of Experts is not in a position to conclude on the fulfilment of the undertaking as no or insufficient information has been provided by the authorities.

#### 2.1.4 Recommendations by the Committee of Experts on how to improve the protection and promotion of Italian (Canton of Ticino)

All undertakings are fulfilled and the Committee of Experts has therefore no recommendations at present.



## 2.2 Romansh (Canton of Graubünden/Grischun/Grigioni)

### 2.2.1 Compliance of Switzerland with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of Romansh (Canton of Graubünden/Grischun/Grigioni)

Symbols used to mark changes in the evaluation compared to the previous monitoring cycle: ↗ improvement ↘ deterioration = no change

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Switzerland concerning Romansh (Canton of Graubünden/Grischun/Grigioni) <sup>31</sup>	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
<b>Part II of the Charter</b> <i>(Undertakings which the state must apply to all regional or minority languages within its territory)</i>						
<b>Art. 7 – Objectives and principles</b>						
7.1.a	recognition of Romansh as an expression of cultural wealth	=				
7.1.b	ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of Romansh	=				
7.1.c	resolute action to promote Romansh	=				
7.1.d	facilitation and/or encouragement of the use of Romansh, in speech and writing, in public life (education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, transfrontier exchanges) and private life	=				
7.1.e	<ul style="list-style-type: none"> <li>• maintenance and development of links, in the fields covered by this Charter, between groups in the State using Romansh</li> <li>• establishment of cultural relations with other linguistic groups</li> </ul>	=				
7.1.f	provision of forms and means for the teaching and study of Romansh at all appropriate stages	=				
7.1.g	provision of facilities enabling (also adult) non-speakers of Romansh to learn it	=				
7.1.h	promotion of study and research on Romansh at universities or equivalent institutions	=				
7.1.i	promotion of transnational exchanges, in the fields covered by this Charter, for the benefit of Romansh	=				
7.2	eliminate any unjustified distinction, exclusion, restriction or preference relating to the use of Romansh	=				
7.3	<ul style="list-style-type: none"> <li>• promote mutual understanding between all the linguistic groups of the country</li> <li>• promote the inclusion of respect, understanding and tolerance in relation to Romansh among the objectives of education and training</li> <li>• encourage the mass media to include respect, understanding and tolerance in relation to Romansh among their objectives</li> </ul>	=				
7.4	<ul style="list-style-type: none"> <li>• take into consideration the needs and wishes expressed by the group which uses Romansh</li> <li>• establish a body for the purpose of advising the authorities on all matters pertaining to Romansh</li> </ul>	=				
<b>Part III of the Charter</b> <i>(Additional undertakings chosen by the state for specific languages)</i>						
<b>Art. 8 – Education</b>						
8.1.aiv	favour and/or encourage the provision of pre-school education in Romansh or a substantial part of pre-school education in Romansh	=				
8.1.bi	make available primary education in Romansh	=				
8.1.ciii	provide, within secondary education, for the teaching of Romansh as an integral part of the curriculum	=				
8.1.diii	provide, within technical and vocational education, for the teaching of Romansh as an integral part of the curriculum	=				
8.1.eii	provide facilities for the study of Romansh as a university and higher education subject	=				
8.1.fiii	favour and/or encourage the offering of Romansh as a subject of adult and continuing education	=				
8.1.g	ensure the teaching of the history and the culture which is reflected by Romansh	=				
8.1.h	provide the basic and further training of the teachers teaching (in) Romansh	=				
8.1.i	set up a supervisory body responsible for monitoring the progress achieved in the teaching of Romansh and for drawing up public periodic reports of its findings					✓
<b>Art. 9 – Judicial authorities</b>						

<sup>31</sup> In order to facilitate readability, the provisions of the Charter appear here in a shortened and simplified form. The complete version of each provision can be consulted on the website of the Treaty Office: <http://www.coe.int/en/web/conventions/home> (treaty No. 148).

<b>The Committee of Experts considers the undertaking*:</b>						
<b>Article</b>	<b>Undertakings of Switzerland concerning Romansh (Canton of Graubünden/Grischun/Grigioni)<sup>31</sup></b>	<b>fulfilled</b>	<b>partly fulfilled</b>	<b>formally fulfilled</b>	<b>not fulfilled</b>	<b>no conclusion</b>
9.1.a.ii	guarantee the accused the right to use Romansh in criminal proceedings, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned			✓		
9.1.a.iii	provide that requests and evidence, whether written or oral, shall not be considered inadmissible in criminal proceedings solely because they are formulated in Romansh, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned			✓		
9.1.b.ii	allow, whenever a litigant has to appear in person before a court, that he or she may use Romansh in civil proceedings without thereby incurring additional expense, if necessary by the use of interpreters and translations			✓		
9.1.b.iii	allow documents and evidence to be produced in Romansh in civil proceedings, if necessary by the use of interpreters and translations			✓		
9.1.c.ii	allow, whenever a litigant has to appear in person before a court, that he or she may use Romansh in proceedings concerning administrative matters without thereby incurring additional expense, if necessary by the use of interpreters and translations	=				
9.2.a	not to deny the validity of legal documents solely because they are drafted in Romansh	=				
9.3	make available in Romansh the most important national statutory texts and those relating particularly to users of Romansh	=				
<b>Art. 10 – Administrative authorities and public services</b>						
10.1.a.i	ensure that local branches of the national and cantonal authorities use Romansh	=				
10.1.b	make available widely used national and cantonal administrative texts and forms in Romansh or in bilingual versions	=				
10.1.c	allow the national and cantonal authorities to draft documents in Romansh	=				
10.2.a	use of Romansh within the framework of the regional or local authority	=				
10.2.b	possibility for users of Romansh to submit oral or written applications in Romansh to the regional or local authority	=				
10.2.c	publication by regional authorities of their official documents also in Romansh	=				
10.2.d	publication by local authorities of their official documents also in Romansh	=				
10.2.e	use by regional authorities of Romansh in debates in their assemblies	=				
10.2.f	use by local authorities of Romansh in debates in their assemblies	=				
10.2.g	use or adoption, if necessary in conjunction with the name in the official language, of place names in Romansh	=				
10.3.b	allow users of Romansh to submit a request to and receive a reply from public service providers in Romansh	=				
10.4.a	provide translation or interpretation	=				
10.4.c	comply with requests from public service employees having a knowledge of Romansh to be appointed in the territory in which that language is used	=				
10.5	allow the use or adoption of family names in Romansh	=				
<b>Art. 11 – Media</b>						
11.1.a.iii	make provision so that public broadcasters offer radio and television programmes in Romansh	=				
11.1.bi	encourage and/or facilitate the creation of at least one private radio station in Romansh		✓			
11.1.c.ii	encourage and/or facilitate the broadcasting of private television programmes in Romansh on a regular basis	=				
11.1.ei	encourage and/or facilitate the creation and/or maintenance of at least one weekly or daily newspaper in Romansh	=				
11.1.fi	cover the additional costs of those media which use Romansh	=				
11.3	ensure that the interests of the users of Romansh are represented or taken into account within bodies guaranteeing the freedom and pluralism of the media	=				
<b>Art. 12 – Cultural activities and facilities</b>						
12.1.a	encourage production, reproduction and dissemination of cultural works in Romansh	=				
12.1.b	foster access in other languages to works produced in Romansh by aiding and developing translation, dubbing, post-synchronisation and subtitling	=				
12.1.c	foster access in Romansh to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling	=				
12.1.e	ensure that the bodies organising or supporting cultural activities have at their disposal staff who have a full command of Romansh	=				
12.1.f	encourage direct participation by representatives of the users of Romansh in providing facilities and planning cultural activities	=				

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Switzerland concerning Romansh (Canton of Graubünden/Grischun/Grigioni) <sup>31</sup>	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
12.1.h	create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing administrative, commercial, economic, social, technical or legal terminology in Romansh	=				
12.2	In territories other than those in which Romansh is traditionally used, allow, encourage and/or provide cultural activities and facilities using Romansh	=				
12.3	make provision, in cultural policy abroad, for Romansh and the culture it reflects	=				
<b>Art. 13 – Economic and social life</b>						
13.1.d	facilitate and/or encourage the use of Romansh in economic and social life		✓			
13.2.b	in the public sector, organise activities to promote the use of Romansh in economic and social life	=				
<b>Art. 14 – Transfrontier exchanges</b>						
14.a	apply bilateral and multilateral agreements with the States in which Romansh is used in identical or similar form, or conclude such agreements, to foster contacts between the users of Romansh in the States concerned in the fields of culture, education, information, vocational training and permanent education			✓		
14.b	for the benefit of Romansh, facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory Romansh is used in identical or similar form	=				

\* The Committee of Experts of the European Charter for Regional or Minority Languages evaluates the compliance of States Parties with their undertakings under the Charter as follows:

**Fulfilled:** Policies, legislation and practice are in conformity with the Charter.

**Partly fulfilled:** Policies and legislation are wholly or partly in conformity with the Charter, but the undertaking is only partly implemented in practice.

**Formally fulfilled:** Policies and legislation are in conformity with the Charter, but there is no implementation in practice.

**Not fulfilled:** No action in policies, legislation and practice has been taken to implement the undertaking.

**No conclusion:** The Committee of Experts is not in a position to conclude on the fulfilment of the undertaking as no or insufficient information has been provided by the authorities.

### Changes in the evaluation compared to the previous monitoring cycle

97. With regard to the supervisory body foreseen by Article 8.1.i, it is not clear to what extent the cantonal school inspectorate of Graubünden/Grischun/Grigioni monitors specifically language education. In addition, the Committee of Experts has not received any of the school inspectorate's evaluation reports, which are not made public. Therefore, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking.

98. Neither the authorities, nor representatives of the Romansh speakers have precise information as to whether Romansh was used in criminal or civil proceedings during the reporting period. Considering that the use of this language in criminal or civil proceedings is legally possible, the Committee of Experts still considers Articles 9.1.a.ii, 9.1.a.iii, 9.1.b.ii and 9.1.b.iii formally fulfilled.

99. The authorities have indicated that there is no private radio station broadcasting exclusively or mainly in Romansh. This language is only used in a daily programme of the private radio station Radio Südostschweiz ("Las minutas rumantschas"). Consequently, the Committee of Experts considers Article 11.1.bi partly fulfilled.

100. As far as Article 13.1.d is concerned, the authorities have reported about their intention to pay special attention to Romansh (and Italian) in the context of digitisation projects. The Committee of Experts considers that additional activities in different fields are needed to fulfil Article 13.1.d, which is therefore partly fulfilled.

101. Article 14.a is considered not fulfilled. According to the authorities, bilateral and multilateral agreements as foreseen by Article 14.a have not been concluded as Romansh is not used abroad. However, the Committee

of Experts notes that such agreements could be concluded with Italy covering the existing co-operation with Ladin and Friulian speakers.

### **2.2.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of Romansh (Canton of Graubünden/Grischun/Grigioni)**

The Committee of Experts recommends that the Swiss authorities comply with all undertakings under the European Charter for Regional or Minority Languages which are not considered “fulfilled” (see under 2.2.1 above), as well as continue to comply with those that are fulfilled. In doing so, the authorities should take particular account of the recommendations set out below. The recommendations by the Committee of Ministers of the Council of Europe on the application of the Charter in Switzerland<sup>32</sup> remain valid in their own right. Recommendations made in the monitoring procedure of the Charter aim to support the authorities in the implementation process.

#### **I. Recommendation for immediate action**

- a. **Take additional measures promoting the use of Romansh in economic and social life.**
- b. **Clarify to what extent the school inspectorate of the Canton of Graubünden/Grischun/Grigioni carries out the tasks foreseen by Article 8.1.i and, if needed, extend its mandate accordingly.**

#### **II. Further recommendations**

- c. Explore, in co-operation with the representatives of the Romansh speakers, the creation of a private radio station in Romansh.
- d. Take measures encouraging Romansh speakers to use their language before judicial authorities.

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<sup>32</sup> [CM/RecChL\(2019\)6](#); [CM/RecChL\(2016\)6](#); [CM/RecChL\(2013\)4](#); [CM/RecChL\(2010\)7](#); [CM/RecChL\(2008\)2](#); [CM/RecChL\(2004\)5](#); [CM/RecChL\(2001\)6](#).

## 2.3 French (municipality of Murten/Morat, Canton of Fribourg/Freiburg)<sup>33</sup>

### 2.3.1 Compliance of Switzerland with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of French (municipality of Murten/Morat, Canton of Fribourg/Freiburg)

Symbols used to mark changes in the evaluation compared to the previous monitoring cycle: ↗ improvement ↘ deterioration = no change

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Switzerland concerning French (municipality of Murten/Morat, Canton of Fribourg/Freiburg) <sup>34</sup>	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
<b>Part II of the Charter</b>						
<b>(Undertakings which the state must apply to all regional or minority languages within its territory)</b>						
<b>Art. 7 – Objectives and principles</b>						
7.1.a	recognition of French as an expression of cultural wealth	=				
7.1.b	ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of French	=				
7.1.c	resolute action to promote French		=			
7.1.d	facilitation and/or encouragement of the use of French, in speech and writing, in public life (education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, transfrontier exchanges) and private life		=			
7.1.e	<ul style="list-style-type: none"> <li>• maintenance and development of links, in the fields covered by this Charter, between groups in the State using French</li> <li>• establishment of cultural relations with other linguistic groups</li> </ul>		=			
7.1.f	provision of forms and means for the teaching and study of French at all appropriate stages	=				
7.1.g	provision of facilities enabling (also adult) non-speakers of French to learn it	=				
7.1.h	promotion of study and research on French at universities or equivalent institutions	=				
7.1.i	promotion of transnational exchanges, in the fields covered by this Charter, for the benefit of French	=				
7.2	eliminate any unjustified distinction, exclusion, restriction or preference relating to the use of French		=			
7.3	<ul style="list-style-type: none"> <li>• promote mutual understanding between all the linguistic groups of the country</li> <li>• promote the inclusion of respect, understanding and tolerance in relation to French among the objectives of education and training</li> <li>• encourage the mass media to include respect, understanding and tolerance in relation to French among their objectives</li> </ul>	=				
7.4	<ul style="list-style-type: none"> <li>• take into consideration the needs and wishes expressed by the group which uses French</li> <li>• establish a body for the purpose of advising the authorities on all matters pertaining to French</li> </ul>		=			

<sup>33</sup> See paras. 6, 86-88.

<sup>34</sup> In order to facilitate readability, the provisions of the Charter appear here in a shortened and simplified form. The complete version of each provision can be consulted on the website of the Treaty Office: [http://www.coe.int/en/web/conventions/\(treaty No. 148\)](http://www.coe.int/en/web/conventions/(treaty%20No.%20148)).

### **2.3.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of French (municipality of Murten/Morat, Canton of Fribourg/Freiburg)**

The Committee of Experts recommends that the Swiss authorities comply with all undertakings under the European Charter for Regional or Minority Languages which are not considered “fulfilled” (see under 2.3.1 above), as well as continue to comply with those that are fulfilled. In doing so, the authorities should take particular account of the recommendations set out below. The recommendations by the Committee of Ministers of the Council of Europe on the application of the Charter in Switzerland<sup>35</sup> remain valid in their own right. Recommendations made in the monitoring procedure of the Charter aim to support the authorities in the implementation process.

#### **I. Recommendations for immediate action**

- a. **Adopt cantonal and/or local legislation on the use of French in public life in the municipality of Murten/Morat (Canton of Fribourg/Freiburg).**
- b. **Prepare, in the context of the implementation of the “Regulation on support of initiatives promoting bilingualism”, a strategy on the promotion of French in Murten/Morat.**

#### **II. Further recommendation**

- c. Support bodies for the purpose of advising the cantonal authorities of Fribourg/Freiburg on matters pertaining to French as a minority language.

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<sup>35</sup> [CM/RecChL\(2019\)6](#); [CM/RecChL\(2016\)6](#); [CM/RecChL\(2013\)4](#); [CM/RecChL\(2010\)7](#); [CM/RecChL\(2008\)2](#); [CM/RecChL\(2004\)5](#); [CM/RecChL\(2001\)6](#).

## 2.4 German (in the municipalities where German is a non-official language traditionally used by a significant minority or the majority<sup>36</sup>)

### 2.4.1 Compliance of Switzerland with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of German (in the municipalities where German is a non-official language traditionally used by a significant minority or the majority)

Symbols used to mark changes in the evaluation compared to the previous monitoring cycle: ↗ improvement ↘ deterioration = no change

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Switzerland concerning German (in the municipalities where German is a non-official language traditionally used by a significant minority or the majority) <sup>37</sup>	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
<b>Part II of the Charter</b>						
<b>(Undertakings which the state must apply to all regional or minority languages within its territory)</b>						
<b>Art. 7 – Objectives and principles</b>						
7.1.a	recognition of German as an expression of cultural wealth	=				
7.1.b	ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of German	↗				
7.1.c	resolute action to promote German		=			
7.1.d	facilitation and/or encouragement of the use of German, in speech and writing, in public life (education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, transfrontier exchanges) and private life		=			
7.1.e	<ul style="list-style-type: none"> <li>• maintenance and development of links, in the fields covered by this Charter, between groups in the State using German</li> <li>• establishment of cultural relations with other linguistic groups</li> </ul>		=			
7.1.f	provision of forms and means for the teaching and study of German at all appropriate stages		=			
7.1.g	provision of facilities enabling (also adult) non-speakers of German to learn it	=				
7.1.h	promotion of study and research on German at universities or equivalent institutions	=				
7.1.i	promotion of transnational exchanges, in the fields covered by this Charter, for the benefit of German	=				
7.2	eliminate any unjustified distinction, exclusion, restriction or preference relating to the use of German		=			
7.3	<ul style="list-style-type: none"> <li>• promote mutual understanding between all the linguistic groups of the country</li> <li>• promote the inclusion of respect, understanding and tolerance in relation to German among the objectives of education and training</li> <li>• encourage the mass media to include respect, understanding and tolerance in relation to German among their objectives</li> </ul>	=				
7.4	<ul style="list-style-type: none"> <li>• take into consideration the needs and wishes expressed by the group which uses German</li> <li>• establish a body for the purpose of advising the authorities on all matters pertaining to German</li> </ul>		=			

#### Change in the evaluation compared to the previous monitoring cycle

102. As far as Article 7.1.b is concerned, no relevant mergers of municipalities affecting German have occurred during the reporting period. Consequently, the Committee of Experts considers Article 7.1.b fulfilled.

<sup>36</sup> See paras. 89-91. In 2018, the municipality of Bosco Gurin (Canton of Ticino) undertook to apply 20 undertakings of Part III of the Charter (Articles 8.1.aiv, biii, ciii, g; 10.2 a, b, d, f, g, 4 a, b, c; 11.1 d; 12.1 a, b, f, g; 13.2 b, d; 14 b; Charter of the municipality of Bosco Gurin for the promotion of the German language), see periodical report, paras. 93, 99. The Committee of Experts has taken the related measures into consideration in its evaluation of the implementation of Part II.

<sup>37</sup> In order to facilitate readability, the provisions of the Charter appear here in a shortened and simplified form. The complete version of each provision can be consulted on the website of the Treaty Office: <http://www.coe.int/en/web/conventions/> (treaty No. 148).

## **2.4.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of German (in the municipalities where German is a non-official language traditionally used by a significant minority or the majority)**

The Committee of Experts recommends that the Swiss authorities comply with all undertakings under the European Charter for Regional or Minority Languages which are not considered “fulfilled” (see under 2.4.1 above), as well as continue to comply with those that are fulfilled. In doing so, the authorities should take particular account of the recommendations set out below. The recommendations by the Committee of Ministers of the Council of Europe on the application of the Charter in Switzerland<sup>38</sup> remain valid in their own right. Recommendations made in the monitoring procedure of the Charter aim to support the authorities in the implementation process.

### **I. Recommendations for immediate action**

- a. **Adopt cantonal and/or local legislation on the use of German in public life in the municipalities where German is a non-official minority or majority language.**
- b. **Make available German language education from pre-school to secondary levels for those municipalities where German is a non-official minority or majority language.**

### **II. Further recommendation**

- c. Support bodies for the purpose of advising the federal and cantonal authorities concerned on matters pertaining to German as a minority language.

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<sup>38</sup> [CM/RecChL\(2019\)6](#); [CM/RecChL\(2016\)6](#); [CM/RecChL\(2013\)4](#); [CM/RecChL\(2010\)7](#); [CM/RecChL\(2008\)2](#); [CM/RecChL\(2004\)5](#); [CM/RecChL\(2001\)6](#).



### Chapter 3 [Proposals for] Recommendations of the Committee of Ministers of the Council of Europe

The Committee of Experts, while acknowledging the efforts the Swiss authorities have undertaken to protect the regional or minority languages spoken in the country, has in its evaluation chosen to concentrate on some of the most important deficiencies in the implementation of the Charter. The recommendations forwarded by the Committee of Experts to the Committee of Ministers should not, however, be interpreted as diminishing the relevance of the other, more detailed observations contained in the report, which remain valid in their own right. The recommendations proposed by the Committee of Experts are drafted accordingly.

The Committee of Experts of the European Charter for Regional or Minority Languages, in accordance with Article 16 (4) of the Charter, proposes on the basis of the information contained in this report, that the Committee of Ministers makes the following recommendations to Switzerland.

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 deposited by Switzerland on 23 December 1997;

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

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

Having taken note of the comments submitted by the Swiss authorities on the content of the report of the Committee of Experts;

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

1. adopt cantonal and/or local legislation on the use of the French and German languages in public life in the municipalities where they are non-official minority or majority languages;
2. take additional measures promoting the use of the Italian and Romansh languages in economic and social life.

The Committee of Ministers invites the Swiss authorities to submit the information on the recommendations for immediate action by 1 June 2023 and the next periodical report by 1 December 2025.<sup>39</sup>

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<sup>39</sup> See Committee of Ministers' Decisions [CM/Del/Dec\(2018\)1330/10.4e - CM-Public](#), and "Outlines for the periodical reports on the implementation of the European Charter for Regional or Minority Languages to be presented by the States Parties", [CM\(2019\)69 final](#).

## 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: 01/04/1998 -**

Articles concerned: 10, 11, 12, 13, 14, 2, 3, 8, 9

## Appendix II: Comments from the Swiss authorities

The Swiss authorities welcome the co-operation with the Council of Europe Committee concerning the implementation of the European Charter for Regional or Minority Languages (Charter). They drafted the periodical report carefully, consulting and including all the parties involved – among them the cantons -, and provided the Committee of Experts with numerous opportunities for dialogue during its visit.

As a matter of policy, they will examine the Committee of Experts' findings in detail in the Swiss Confederation's ninth report, under Article 15 (1) of the Charter. They thank the Committee of Experts for its report and wish to make the following comments in this connection.

### General comments

Multilingualism is an iconic feature of Switzerland. For that reason special emphasis, grounded in the Federal Language Act, is placed on individual and societal multilingualism and on understanding between the language communities. This culture of dialogue is supported by language teaching measures, linguistic exchanges, language awareness activities and networking between actors, all of which are key elements of Swiss language policy.

That is why, in its language policy and in all its measures to promote languages, including under the European Charter, **Switzerland prioritises and nurtures this dialogue between the language communities.**

It will be recalled that Swiss federalism is based on a clear and strict division of powers and tasks between the Confederation, the cantons and the municipalities. As already stated in each monitoring round, the cantons alone have the power to regulate language policy and language law within their territory. The question of whether and how the principle of territoriality should be applied is a matter for the cantons therefore.

The fundamental right to freedom of language is enshrined in the Federal Constitution (Art. 18). It is a minimal right whose basic purpose is to ensure the use of a language by a national minority within a given territory. Cases can be brought before the courts if this right is not respected. The Federal Supreme Court allows restrictions, based on the principle of territoriality, on freedom of language in dealings between individuals and the state. Its case law (cited in §33) shows that **disputes are settled in favour of linguistic minorities and by analogy with the principle of territoriality.**

From the point of view of the Swiss authorities, freedom of choice concerning the language of schooling as called for by the Committee of Experts not only disregards the context and actual demand, but would also jeopardise the implementation of the current measures to promote and protect Romansh and Italian in Graubünden canton, which are based on the territorial distribution of schools.

Switzerland being a direct democracy, furthermore, its inhabitants and citizens have numerous means of making proposals (petitions, initiatives and referendums). Associations of minority groups and their projects are encouraged and can be supported by the public authorities. **Every citizen and every association has the right and the means to participate in the political debate, including where linguistic issues are concerned.**

### French and German

As regards the committee of experts' recommendations for immediate action concerning French and German, the measures must be in line with needs and reflect the actual situation with respect to the language. The recommendations concerning the use of these languages in municipalities where they are minority languages make no allowance for the notion of territoriality.

While it is true that the two majority languages are, in one canton or another, in the position of an historically and traditionally minority language and, as such, merit the application of the principles and the observance of the objectives laid down in Article 7, it is generally accepted that both of these languages have the advantage of a sufficiently large population area and a sufficiently strong hinterland (France in one case, Germany and Austria in the other) for special State support to be unnecessary. From the point of view of the Swiss authorities, for example, it would make no sense to take special measures to promote the majority language in an area where a minority language is traditionally used, such as in the French-speaking Bernese Jura or in the Romansh-speaking municipality of Scuol. **A weighing of interests in favour of the linguistic minorities is required, with due consideration being given to the context.**

### Francoprovençal and Jurassian

The status of these two minority languages still seems to raise questions in the recommendations (§11). Switzerland reiterates its position as detailed in its comments in connection with the 7th report: Francoprovençal and Jurassian have been recognised as languages. **The Swiss authorities consider that the measures to promote and protect Francoprovençal and Jurassian are appropriate to the status of and actual situation with regard to these two idioms and are compatible with the Charter.** The cantons and the Confederation will study the proposal (§14) to hold a Charter Implementation Roundtable following the dissemination of the findings of the *Centre de dialectologie de Neuchâtel* study, supported by the Confederation within the framework of the research programme being conducted by the *Centre du plurilinguisme de Fribourg*.

### Italian and Romansh

The protection and promotion of the Romansh and Italian languages and cultures are central to Swiss language policy. The situation with regard to Romansh is particularly critical, and is exacerbated by other phenomena such as the exodus from the mountain regions and the mergers of municipalities. **Measures must be taken as a matter of priority to protect the language, in particular in the area of education.**

The only specific recommendation in the Committee of Experts evaluation concerns the creation of a private radio station broadcasting in Romansh. Radio broadcasters do not need a licence to broadcast a programme. A simple declaration to the relevant office is sufficient. So far, however, no broadcaster broadcasting exclusively in Romansh has come forward. The reason for this is probably that the market is too small to enable a private radio programme of this type to be financed from commercial revenues.

Broadcasters who hold the new local radio and regional television licences with a service mandate and the right to a share of the licence fees in the South-East Switzerland - Glarus coverage area are required to broadcast a minimum of Romansh and Italian programmes. The final decision concerning the award of the licences is expected in the last quarter of 2023.

It should also be noted that Radio RTR, which has been in existence since 1925 and was integrated into SSR in 1954, has steadily increased its broadcasting time over the decades. Radio RTR broadcasts 24 hours a day in Romansh.

**Additional measures promoting the use of Italian and Romansh in economic and social life will be explored and discussed** with the relevant authorities and associations and documented in the next report.

We hope to have clarified certain aspects and concerns of Switzerland in its implementation of the Charter for Regional or Minority Languages and to have confirmed our commitment to the greatest possible linguistic diversity in Switzerland. Observance of the Charter and co-operation with its experts will guide us in these endeavours.

The Committee of Experts of the European Charter for Regional or Minority Languages is an independent body that evaluates the compliance of the States Parties with their undertakings and, where appropriate, encourages them to gradually reach a higher level of commitment.

The European Charter for Regional or Minority Languages, adopted by the Committee of Ministers of the Council of Europe on 25 June 1992 and entered into force on 1 March 1998, is the European convention for the protection and promotion of regional and minority languages. It is designed to enable speakers to use them both in private and public life and obliges the States Parties to actively promote the use of these languages in education, courts, administration, media, culture, economic and social life, and cross-border co-operation.

Regional or minority languages are part of Europe's cultural heritage and their protection and promotion contribute to the building of a Europe based on democracy and cultural diversity.

*The text of the Charter is available in over 50 languages.*

**[www.coe.int/minlang](http://www.coe.int/minlang)**

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.