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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

**Report of the Committee of Experts
presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter**

Seventh report

SWITZERLAND

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making recommendations for improving their 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. Subsequently, the evaluation report is made public, together with the comments 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.

CONTENTS

Executive Summary	4
Chapter 1 The situation of the regional or minority languages in Switzerland – Recent developments and trends	5
1.1 General developments in policies, legislation and practice concerning the regional or minority languages in Switzerland.....	5
1.2 The situation of the individual minority languages in Switzerland	15
Chapter 2 Compliance of Switzerland with its undertakings under the European Charter for Regional or Minority Languages and recommendations	19
2.1 Italian (Canton of Graubünden/Grischun/Grigioni).....	19
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	19
2.1.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of Italian.....	22
2.2 Italian (Canton of Ticino)	23
2.2.1 Compliance of Switzerland with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of Italian	23
2.2.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of Italian.....	26
2.3 Romansh (Canton of Graubünden/Grischun/Grigioni).....	27
2.3.1 Compliance of Switzerland with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of Romansh	27
2.3.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of Romansh.....	29
2.4 French (Canton of Fribourg/Freiburg).....	30
2.4.1 Compliance of Switzerland with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of French.....	30
2.4.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of French	30
2.5 German (Cantons of Bern, Fribourg/Freiburg, Jura, Neuchâtel, Ticino, Valais/Wallis, Vaud).....	32
2.5.1 Compliance of Switzerland with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of German	32
2.5.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of German	32
Chapter 3 [Proposals for] Recommendations of the Committee of Ministers of the Council of Europe.....	34
Appendix I: Instrument of Ratification	35
Appendix II: Comments from the Swiss authorities	37

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 cantons where they are minority languages, as well as to Ynish as a non-territorial language. There are strong indications that Romani is also a non-territorial language eligible for protection under the Charter. The Swiss federal and relevant cantonal authorities still need to clarify whether Francoprovençal and Jurassian can be considered languages in their own right, entitled to protection under the Charter.

Switzerland complies with all of the Charter undertakings regarding Italian in the Canton of Ticino and, as of this monitoring round, also with all of the undertakings concerning Romansh. However, the principle of territoriality and the 30% threshold in Swiss legislation, as well as the lack of cantonal or local language legislation, hamper a structured promotion of French and German in public life in those territories where they are non-official minority languages.

Italian and Romansh are used as a medium of instruction at all levels in municipalities where these languages are official or co-official. Education in French at pre-school, primary and secondary levels is available in all areas where French is a minority language. German is mainly taught as a subject in the areas where it is a minority language; education entirely in German is available in some municipalities.

Italian is an official and administrative language in the Cantons of Ticino and Graubünden/Grischun/Grigioni. Romansh is one of the official and administrative languages of Graubünden/Grischun/Grigioni. Italian and – to a lesser extent – Romansh are used before courts in judicial districts where these languages are official or co-official. Some shortcomings persist in the use of Italian in the cantonal administration and the public sector of Graubünden/Grischun/Grigioni. There is a general need to ensure that mergers of municipalities do not constitute an obstacle to the promotion of local minority languages.

The speakers of Ynish remain opposed to its use in public life and making it known in the majority population, but wish to promote Ynish within their group with the existing support by the federal authorities.

This seventh 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 June 2019.

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 on 8 October 1993 and ratified it on 23 December 1997. The Charter entered into force on 1 April 1998. It applies to French, German, Italian, Romansh and Yenish. Italian and Romansh are covered by Part III of the Charter, the other languages are covered only by Part II.

2. Article 15.1 of the Charter requires States Parties to submit three-yearly reports on the implementation of the Charter. The Swiss authorities submitted their seventh periodical report on 14 December 2018. This seventh evaluation report of the Committee of Experts is based on the information contained in the periodical report, replies received from the federal and relevant cantonal authorities to a questionnaire submitted by the Committee of Experts as well as statements made by representatives of the speakers of the minority languages during the on-the-spot visit which took place on 3-7 June 2019 and/or submitted in written form pursuant to Article 16.2 of the Charter (*inter alia* from Pro Grigioni Italiano, Pro svizra rumantscha, Forum Langues Partenaires/Partnersprachen, Sprachkreis Deutsch/Bubenberg-Gesellschaft Bern, Schweizerischer Verein für die deutsche Sprache). The Committee of Experts would like to thank the Swiss authorities for their excellent co-operation during the on-the-spot visit.

3. When preparing this report, the Committee of Experts had to address a questionnaire to the federal and relevant cantonal authorities asking for the information not contained in the periodical report. The Committee of Experts invites the Swiss authorities to include in their next periodical report information specifically on the implementation of the Charter undertakings by each of the cantons concerned, in accordance with the outline adopted by the Committee of Ministers on 2 May 2019.¹

4. Chapter 1 of this evaluation report focuses on the general developments and trends regarding the 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 sixth monitoring cycle and also highlights new issues. Chapter 2 provides a detailed overview of the state of implementation of each undertaking by 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 Swiss Government, as provided for in Article 16.4 of the Charter.

5. As far as the detailed presentation of its previous recommendations is concerned, the Committee of Experts refers to its sixth evaluation report on the application of the Charter in Switzerland (ECRML(2016)5).

6. This 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 June 2019. It was adopted by the Committee of Experts on 3 July 2019.

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

Italian, Romansh, French and German

7. The Charter applies to all official languages of Switzerland (German, French, Italian) and to the partial official language (*Teilamtssprache*) Romansh in particular territories.

8. 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 the Italian language in the Cantons of Ticino and Graubünden/Grischun/Grigioni and to Romansh in Graubünden/Grischun/Grigioni. Both Italian and Romansh are official languages of these cantons.

¹ 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

9. As far as French and German are concerned, Switzerland applies Part II of the Charter in territories where they are traditional minority languages. The Committee of Experts has examined the application of the Charter only in those territories where, as a result of the application of the principle of territoriality (see paras. 28-29), French and German are not official and traditionally in a minority situation. French and German are non-official minority languages in territories near and on the internal French-German language border where they have traditionally been used by more than 10% of the local population. This is the case for French in the municipality of Murten/Morat² (FR³) and for German, for example, in Sierre/Siders (VS), Fribourg/Freiburg (FR), Faoug (Pfauen, VD), Thielle (Häusern, NE), Ederswiler (JU) and Schelten (BE). German is also traditionally used in Bosco Gurin (TI).

Yenish

10. According to the periodical report and representatives of the Yenish speakers, this group remains opposed to measures promoting the use of Yenish in public life and making it known in the majority population. There is a discussion within the group aiming to achieve a consensus about the future use of Yenish in public. Representatives of the Yenish speakers have, however, stated that this is a longer process which requires care. At the same time, the Yenish umbrella association Radgenossenschaft der Landstrasse is organising activities to support the learning of Yenish and to raise its prestige within the group. For example, a dictionary for children and a fairy tale book have been published with the support of the federal authorities, and a language application is being prepared by the Yenish speakers. These materials may not be obtained by those who are not Yenish. The Committee of Experts was informed by representatives of the Yenish that they wish the federal authorities to fund language promotion activities within the group.

11. As it is currently not possible to apply the Charter to Yenish, which was conceived to promote the use of minority languages in public life and among the majority population, 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. While the Committee of Experts will not deal with Yenish in Chapter 2 of the present report, it may resume doing so once the language attitude of the speakers changes.

Francoprovençal and Jurassian

12. In the previous monitoring cycles, the Committee of Experts invited the Swiss authorities to clarify whether Francoprovençal and Jurassian⁴ constitute regional or minority languages in the sense of Article 1.a of the Charter. Since both Francoprovençal and Jurassian are obviously traditionally used by a minority of Swiss citizens, the clarification concerned only the question of whether Francoprovençal and Jurassian can be considered languages in their own right rather than dialects of the official language in the territories concerned, i.e. French. If Francoprovençal and Jurassian constitute languages, the criteria in Article 1.a are fulfilled and Part II of the Charter applies.

13. In 2018, the federal authorities carried out a consultation of the relevant Cantons of Fribourg/Freiburg, Jura, Valais/Wallis and Vaud as well as of representatives of the speakers. The cantonal and federal authorities agreed that Switzerland would apply only some provisions of Part II to Francoprovençal and Jurassian. In particular, the authorities do not consider Francoprovençal and Jurassian as languages in their own right, but as aspects of cultural heritage.⁵ As a result, they do not promote Francoprovençal and Jurassian in the framework of language policy, but only in the field of culture. During the on-the-spot visit, the authorities underlined *inter alia* that they neither wish to promote Francoprovençal and Jurassian in public life, nor teach it in regular education. The authorities also stress that the application of Part II would not create new obligations for the cantons concerned and that action by these cantons would be merely "subsidiary" to the activities of the associations representing the speakers.

14. As the Committee of Experts already underlined during the on-the-spot visit, the aforementioned limitations are not compatible with the purpose and letter of the Charter. First of all, the Committee of Experts reiterates that it is not possible to limit the application of the Charter to only some provisions of Article 7,

² This report uses traditional place names in minority languages as they appear in historical census documents of the Federal Statistical Office.

³ In order to shorten the reference to cantons, this report uses the official abbreviations of their names: BE = Bern/Berne, JU = Jura, FR = Fribourg/Freiburg, NE = Neuchâtel, TI = Ticino, VD = Vaud, VS = Valais/Wallis.

⁴ The legislation of the Canton of Jura (constitution and the Law on the use of the French language) uses the expression "patois". Other expressions in use are "patois jurassien", "jurassien" and "franc-comtois". In the general population and in translations into other official languages of Switzerland, "patois" is often understood to mean "dialect". Having consulted the speakers' association, the expressions jurassien (in French) and Jurassian (English) are used in this report.

⁵ "Le patois ne constitue pas une langue minoritaire, mais un patrimoine historique" (quote from the reply by the Canton of Fribourg/Freiburg to the Committee of Experts' questionnaire).

paragraphs 1-4. In addition, the Charter's main purpose is to promote the use of minority *languages* in public life. While the promotion in public life should take place in accordance with the situation of the given language, it is also clear that it cannot be limited only to cultural activities. Moreover, the Charter creates obligations for the authorities which the latter need to implement in co-operation with the associations representing the speakers. Therefore, the implementation of the Charter is not primarily a "subsidiary" responsibility of the authorities.

15. In light of the information obtained from the cantonal authorities and representatives of the speakers, the Committee of Experts notes that Switzerland already complies with some Part II provisions in respect of Francoprovençal and Jurassian. All cantons concerned provide ad hoc support to associations organising courses of Francoprovençal and Jurassian, as required by Article 7.1.g. Furthermore, the Canton of Valais/Wallis has co-founded the "Fondation pour le développement et la promotion du patois" (Foundation for the development and the promotion of *patois*) as a body for the purpose of advising the authorities on all matters pertaining to Francoprovençal. The Committee of Experts considers this an exemplary way of complying with Article 7.4. In addition, the University of Neuchâtel (Centre de dialectologie et d'étude du français régional) carries out research on Francoprovençal and Jurassian in conformity with Article 7.1.h. On the other hand, the Committee of Experts observes that there are still some shortcomings. In particular, there is a need to promote Francoprovençal and Jurassian in different fields of public life, including the media. Moreover, Francoprovençal should be introduced into regular education (*scolarité obligatoire*) and the teaching of Jurassian should be extended in regular education (*scolarité obligatoire*).

16. The central question remains whether Francoprovençal and Jurassian can be considered languages in their own right. According to its Explanatory Report, the Charter "does not pronounce on the often disputed question of the point at which different forms of expression constitute separate languages. This question depends not only on strictly linguistic considerations, but also on psycho-sociological and political phenomena which may produce a different answer in each case. Accordingly, it will be left to the authorities concerned within each State, in accordance with its own democratic processes, to determine at what point a form of expression constitutes a separate language" (para. 32). Unlike in cases when the Committee of Experts decided whether a language has a traditional presence, it has always refrained from deciding whether a form of expression in a State Party is a language or a dialect of the official language. Rather, the Committee of Experts has invited the authorities and speakers to reach a consensus.⁶

17. The Committee of Experts encourages the Swiss authorities to clarify whether Francoprovençal and Jurassian can be considered languages in their own right, entitled to full protection under Article 7, paragraphs 1-4. If confirmed as such, it would be important that Swiss policies, legislation and practice treat Francoprovençal and Jurassian as languages and thus in a clearly different way than dialects of German and Italian in Switzerland. This would also imply not to refer to some of the respective cantons any longer as "monolingual cantons", which at present is a frequent practice in official documents.

Romani

18. According to the periodical report, the Federal Council has rejected the recognition of Romani as a non-territorial language as it does not correspond to the definition in Article 1 of the Charter. Considering that there are strong indications of a traditional presence of Romani in Switzerland, the Committee of Experts invites the Swiss authorities to review their decision and report in the next periodical report on Romani as a traditional non-territorial language in Switzerland.

Legal framework for the implementation of the Charter

19. In the previous monitoring cycles, the Committee of Experts encouraged the Swiss authorities to adopt cantonal or local legislation to support the implementation of the Charter. The Committee of Experts is reviewing this issue again.

20. The Charter requires its States Parties to recognise regional or minority languages as an expression of cultural wealth (Article 7.1.a) and stresses the need for resolute action to promote them (Article 7.1.c). As the Committee of Experts has pointed out on different occasions, Article 7.1.a aims at an explicit recognition and reference to the given language in the ratification instrument and/or national legislation⁷ while resolute

⁶ for example in the case of Elfdalian in Sweden

⁷ See e.g. 1st Report of the Committee of Experts on Croatia, ECRML(2001)2, para. 30; 1st Report of the Committee of Experts on Norway, ECRML(2001)6, para. 27-29; 4th Report of the Committee of Experts on Slovenia, ECRML(2014)5, para. 36; 3rd Report of the Committee of Experts on Serbia, ECRML(2016)1

action comprises *inter alia* the adoption of specific legislation on the promotion of that language.⁸ The need to adopt language legislation is also reflected in Article 70.2 of the Swiss Federal Constitution. This provision states that, in the context of the determination of their official language, the cantons shall respect the traditional linguistic composition of the territories and take into account the traditional linguistic minorities. This obligation requires the given canton to grant the traditional languages on its territory the status of (at least local) official languages or to delegate to the municipalities the competence to determine their official and school language(s).⁹ Due to the principle of territoriality (see paras. 28-29 below), the co-officiality of a language is a prerequisite in Switzerland for its systematic use in public life, including in education and cultural life.

21. In the Canton of Graubünden/Grischun/Grigioni, the German, Italian and Romansh languages are official at cantonal, regional and local levels. This canton is the only canton which has adopted a comprehensive language law and regulation. It has delegated certain competences to its municipalities to decide about their official and school languages and to adopt local language legislation. In the Canton of Ticino, Italian is the official language. In both cantons, language legislation has served as a basis for a structured policy promoting the use of Italian and Romansh in public life. As a result of the resolute action taken, the situation of Italian and Romansh is globally good and Switzerland's Charter undertakings in respect of both languages are almost all fulfilled. Furthermore, French is official or co-official in almost all areas where French speakers constitute a significant traditional linguistic minority.

22. The situation is different where no minority language policy as such exists due to the principle of territoriality and the lack of cantonal or local language legislation.

23. The constitution of the Canton of Fribourg/Freiburg (Article 6.3) provides that municipalities with a "significant traditional linguistic minority" can have two official languages (French and German). In the previous evaluation reports, the Committee of Experts urged the cantonal authorities to adopt a cantonal language law and local language legislation in municipalities which have a significant traditional linguistic minority. However, no cantonal legislation has been adopted so far.

24. In 2017, the City of Fribourg/Freiburg once again examined the introduction of German as the co-official language, acknowledging that the city's current bilingualism is "incomplete" due to a lack of legally binding elements. However, the local authorities eventually decided not to pursue the initiative at that time *inter alia* because there was no cantonal language law specifying the procedure. In the municipality of Murten/Morat, where French speakers constitute a significant traditional minority, there are no plans to designate French as the co-official language. At present, the municipality of Courtepin is the only municipality in this canton in which French and German are official. Representatives of both the French-speaking and German-speaking minorities in the Canton of Fribourg/Freiburg request the adoption of a cantonal language law.

25. With regard to the Canton of Jura, the Committee of Experts urged the authorities to adopt a specific legal text to formalise the status of German as the official language of the municipality of Ederswiler and to regulate the use of German in communication between inhabitants and the local authorities with the cantonal authorities and service providers. According to the periodical report, no measures have been taken. At present, only one legal text of limited scope (Decree on Civil Status) contains an explicit reference to German and Ederswiler. It does not, however, cover other municipalities where German is traditionally used.

26. In the Cantons of Bern/Berne (Administrative Region of Bernese Jura), Neuchâtel, Valais/Wallis and Vaud, there is no cantonal or local legislation on the use and promotion of German in municipalities where German is a traditional minority or majority language (see paras. 95, 97-99). Nevertheless, the cantonal authorities of Bern/Berne are planning to adopt a law on official languages. This positive initiative could be an opportunity to formalise the bilingualism of the Administrative Region of Bernese Jura. In Valais/Wallis, a revision of the constitution is underway and could be an opportunity to give German in Sion/Sitten and Sierre/Siders the status of minority language.

27. In the previous evaluation reports, the Committee of Experts also encouraged the authorities of the Canton of Ticino to adopt a legal text on the promotion of German in the municipality of Bosco Gurin. While no legal text has been adopted at cantonal level, steps were taken to implement this recommendation in local legislation. In 2018, the municipality assembly of Bosco Gurin, in consultation with the cantonal authorities, adopted a provision in the municipality's statute which states that German is the language traditionally used in Bosco Gurin and that the municipality protects and promotes its use in public and private life (Article 2b).

⁸ See e.g. 2nd Report of the Committee of Experts on Germany, ECRML(2006)1, para. 24; 2nd Report of the Committee of Experts on Sweden, ECRML(2006)4, para. 28

⁹ See MIN-LANG/PR(99)7, p. 4; Regula Kägi-Diener: Art. 70, in: Bernhard Ehrenzeller/Benjamin Schindler/Rainer J. Schweizer/Klaus A. Vallender (eds.): Die schweizerische Bundesverfassung, St. Galler Kommentar, 3rd edition, Zürich/Basel/Geneva 2014, p. 1454

According to the periodical report, the municipality assembly also adopted a local charter for the promotion of German containing *inter alia* 20 undertakings of Part III of the Charter. The Committee of Experts welcomes the progress made. Given that not all matters relevant under the Charter fall within local competence, there remains a need to adopt complementary legislation at cantonal level.

28. The lack of legislation on minority languages is a result of a narrow application of the principle of territoriality. The aim of this legal principle is to protect the four national languages in their traditional core areas where they are used as the sole official and school language. Although this principle also protects traditional linguistic minorities present only in one or some municipalities, several cantons apply it only to their most widely used language(s). The narrow application of the principle of territoriality also makes it difficult for the authorities to comply with Article 7.1.b and 7.2 of the Charter.

29. As a limit to the principle of territoriality, the Federal Court has decided that the local use of a minority language in public life is only possible if at least 30% of the local population belong to the minority. This 30% threshold also applies to signage in minority languages pursuant to the (Federal) Signposting Regulation (Article 49). The Committee of Experts observed in previous evaluation reports on several other States Parties (concerning thresholds of 15% or more)¹⁰ that such a high threshold for the local use of minority languages in public life is incompatible with the Charter. There is a debate in Switzerland about lowering the threshold and defining how sizeable a group must be to qualify as a “*significant* traditional linguistic minority”. A threshold of 10% has been proposed in the Canton of Fribourg/Freiburg.¹¹ In Graubünden/Grischun/Grigioni, the Language Law (Article 20.3) already foresees a 10% threshold for minority language education. Based on the considerations above, the Committee of Experts calls on the Swiss authorities to lower the 30% threshold.

30. Bearing in mind the examples from Graubünden/Grischun/Grigioni and Ticino, the Committee of Experts notes that legal measures may also be taken at municipality level, depending on the situation of the language and canton concerned. As the periodical report also notes, the official recognition of a minority language at municipality level can have an impact on its prestige and the attitude of the speakers’ community towards it, and can contribute to maintaining it. In light of the above, the Committee of Experts encourages the Swiss authorities to adopt cantonal and/or municipal legislation on the local use and promotion of French and German in public life in the cantons where these languages constitute traditional local minority or majority languages (see paras. 92-100). Moreover, the Committee of Experts recalls that in previous monitoring cycles the Swiss authorities considered applying Part III to French and German as official less widely used languages. If so decided, this measure could also contribute to solving the aforementioned legal matters.

Policies and practice at federal and cantonal levels

31. Switzerland's language policy is closely linked to its cultural policy, which is the subject of a multi-annual policy approved by Parliament. In its information on promoting culture in the 2016-2020 funding period, the Federal Council has included the promotion of linguistic school exchanges as well as Italian and Romansh language and culture. With regard to the promotion of Italian, priority was given to supporting projects in education, in particular awareness-raising activities, cultural projects in schools, the creation of didactic materials and online learning portals, and the promotion of the bilingual school leaving certificate with Italian.

32. In 2018, the federal authorities commissioned an external evaluation of the effectiveness of the measures taken by the cantonal authorities and the language promotion organisations (Lia Rumantscha, Pro Grigioni Italiano, Agentura da Novitads Rumantschas) for the maintenance and promotion of the Romansh and Italian languages and cultures in Graubünden/Grischun/Grigioni. The evaluation aimed at making proposals on how the promotional measures can be further improved, taking challenges such as demographic change into account. The final report recommends *inter alia* ensuring continuity in the provision of education in Romansh at all levels and strengthening the use of Italian in the cantonal administration.

33. In the sixth evaluation report, the Committee of Experts encouraged the federal authorities and the cantonal authorities concerned to take financial and legislative measures to implement a structured policy on the promotion of French and German as minority languages. In addition, the authorities were encouraged to give

¹⁰ See e.g. 1st Report of the Committee of Experts on the Slovak Republic, ECRML(2007)1, para. 592-593; 1st Report of the Committee of Experts on Romania, ECRML(2012)3, para. 35, 37; 3rd Report of the Committee of Experts on Montenegro, ECRML(2015)3, para. 21; 2nd Report of the Committee of Experts on Poland, ECRML(2015)7, para. 91; 3rd Report of the Committee of Experts on Serbia, ECRML(2016)1, para. 15-17; 2nd Report of the Committee of Experts on Bosnia and Herzegovina, ECRML(2016)3, para. 24-31; 6th Report of the Committee of Experts on Hungary, ECRML(2016)6, para. 21; 4th Report of the Committee of Experts on Armenia, CM(2017)49, para. 14-15; 3rd Report of the Committee of Experts on Ukraine, CM(2017)97, para. 25

¹¹ Commission on the application of the language provision of the state constitution of Fribourg/Freiburg, see Dagmar Richter: Sprachenordnung und Minderheitenschutz im schweizerischen Bundesstaat, Heidelberg 2005, p. 686

substantial administrative and financial support to associations promoting bilingualism and multilingualism in the relevant cantons.

34. The periodical report states that the federal authorities continue to support the cantons of Bern/Berne, Fribourg/Freiburg, Graubünden/Grischun/Grigioni and Valais/Wallis in complying with the special tasks related to their bilingualism or multilingualism. The federal authorities have concluded a multi-annual agreement with each of these cantons. In the framework of these agreements, financial support can be granted to cultural awareness-raising projects, cultural exchanges between the linguistic communities, translations and terminology work, language training for officials and teachers, the purchase or development of didactic material and projects promoting bilingual education. The cantons have the possibility to define their priorities for the contract period. Furthermore, the federal authorities support associations promoting understanding between the linguistic communities. In bilingual and multilingual cantons, associations receive financial support for linguistic and cultural projects through the federal contribution to the bilingual and multilingual cantons or through the cantons themselves. The Committee of Experts welcomes the conclusion of multi-annual agreements and the substantial financial support granted (e.g. 1 million CHF¹² for the Canton of Bern/Berne). It encourages the Swiss authorities to take the necessary steps to also enable the conclusion of such agreements with the Cantons of Jura, Neuchâtel, Ticino and Vaud with a view to supporting the application of the Charter.

35. The Committee of Experts notes that, along the language borders in Switzerland, co-operation between cantons and municipalities on both sides of the border is a common practice, notably in the field of language learning.

36. As far as policies and practice in individual cantons are concerned, the Canton of Graubünden/Grischun/Grigioni has implemented projects promoting the use of Romansh and Italian within the cantonal administration, in communication with local authorities and the population, in education, media and publishing. The Committee of Experts welcomes these measures which implement the related recommendation made by the Committee of Ministers in the previous monitoring cycle.

37. In 2017, the Canton of Bern/Berne set up an expert commission with the task of evaluating the situation of German-French bilingualism in the canton and examining development opportunities. A final report comprising 46 measures was presented in 2018. The aim of these measures is to make better use of the potential of bilingualism, in particular in the areas covered by the Charter (*inter alia* education, judicial authorities, administrative authorities, media). In the context of this evaluation, representatives of the German speakers have expressed the wish to formalise the bilingualism of the Administrative Region of Bernese Jura, including the adoption of legal provisions on the promotion of their language and the official use of German in the municipalities with German-speaking majorities.

38. According to the cantonal authorities of Fribourg/Freiburg, no strategy as such exists on the promotion of French and German as (local) minority languages. In 2018, the canton nonetheless adopted the "Regulation on support of initiatives promoting bilingualism". This regulation provides for an annual amount of CHF100,000 to support initiatives by municipalities, associations, companies, media or churches using French or German. The Committee of Experts welcomes this decision and considers that an additional strategy on the promotion of French and German as local minority languages should be adopted. This strategy should focus on the respective municipalities where French and German speakers constitute significant traditional linguistic minorities and aim to promote these languages in different fields of public life. The aforementioned financial support could contribute to implement the strategy.

39. In the sixth evaluation report, the Committee of Experts encouraged the cantonal authorities of Jura to implement a structured policy for the promotion of German and to provide adequate financial support for its implementation. According to the cantonal authorities, however, there is still no policy to promote German in public life.

40. In the previous evaluation reports, the Committee of Experts encouraged the cantonal authorities of Ticino to take pro-active measures to promote German in the municipality of Bosco Gurin and provide for adequate financial support. In the periodical report, the authorities emphasise their willingness to support new approaches in language promotion. Against this background, the Committee of Experts encourages the authorities of Ticino to support the implementation of the local charter on the promotion of German adopted by this municipality (see para. 27).

¹² 1 CHF = approximately 0.90 EUR

41. In conclusion, the Committee of Experts notes that structured policies with respect to French and German (except Bosco Gurin) exist neither at federal nor at cantonal levels in accordance with Articles 7.1.c and d. However, certain measures such as the funding of initiatives promoting bilingualism in Fribourg/Freiburg are important components of a structured policy which should be developed further. The Committee of Experts therefore encourages the federal authorities to initiate and co-ordinate the implementation of a structured policy for the promotion of French and German in public life in the cantons concerned (see paras. 92-100), including financial and legislative measures, and to support the cantonal authorities.

Use of the minority languages in education

42. Italian and Romansh are used as a medium of instruction at all levels in municipalities where these languages are official or co-official.

43. In the sixth evaluation report, the Committee of Experts encouraged the federal authorities and the cantonal authorities concerned to take financial and legislative measures in order to implement a dedicated education policy (especially concerning teacher training) for French and German as minority languages.

44. Education in German is available in the City of Fribourg/Freiburg. In the other municipalities of the Sarine/Saane district with a German-speaking minority, German is taught as a subject. The school district of Murten/Morat is bilingual. Therefore, pupils from the French-speaking minority in the municipality of Murten/Morat and from German-speaking minorities in relevant municipalities¹³ can attend pre-school, primary and secondary education in French or German respectively.

45. In the adjacent municipalities of the Broye-Vully district (VD)¹⁴, there is no specific educational offer for the German speakers. German is taught only as a foreign language. Nevertheless, students in upper secondary schools may choose a bilingual (French-German) school leaving certificate. Moreover, there are plans to strengthen teaching of German in vocational education. Representatives of the German speakers have proposed that these municipalities grant a financial aid to parents who would like to enrol their children in a German-speaking school in the Murten/Morat school district.

46. In Sierre/Siders and Sion/Sitten (VS), education entirely in German (except for French as a subject) and bilingual education (50% of the teaching time in French, 50% in German) is offered from the first class of pre-school (age four) until lower secondary school (age 15). There is also a bilingual business school in Sierre/Siders.

47. The municipality of Ederswiler (JU) forms a school district with neighbouring municipalities¹⁵ where German is taught as a foreign language from the beginning of primary education to the end of lower secondary education (two to four hours/week from grades 3-9). Extended German-language education is organised only in Delémont in primary education (grades 1-6), consisting of teaching German (three hours) and mathematics in German (one hour). Immersion teaching in three subjects (physical education, design and crafts, nutritional science¹⁶) may be organised in lower secondary education. Representatives of the German speakers have expressed the wish to develop the extended German-language education organised in Delémont further and to make available pre-school and primary education in German for the pupils from Ederswiler and bilingual education (50% in French, 50% in German) in the other municipalities with larger German-speaking minorities.¹⁷

48. In 2018, the last school teaching in German in Bernese Jura (BE) was closed in Schelten. The pupils from Schelten now have a lengthy commute to German-speaking schools in the cantons of Basel-Landschaft and Solothurn. In Bernese Jura, German is taught only as a subject in primary education, including for the pupils from municipalities with German-speaking majorities. Secondary education in German or bilingual education (50% in French, 50% in German) is available in Biel/Bienne in the neighbouring region. Representatives of the German speakers have proposed to make available pre-school and primary education in German for the pupils from places with German-speaking majorities and bilingual education in the other municipalities, suggesting also local co-operation with the Canton of Jura (Seehof BE and Envelier [Wiler], Val Terbi JU). During the on-the-spot visit, the cantonal authorities confirmed that education in German could be exceptionally approved for historical reasons (Article 9a, Law on Primary School).

¹³ Courgevaux/Gurwolf and Cressier (Grissach); Mont-Vully (Wistenlacherberg) only concerning secondary education (pre-school and primary education is in French)

¹⁴ Avenches (Wifflisburg), Cudrefin, Faoug (Pfauen), Vully-les-Lacs and Missy

¹⁵ Movelier (Moderswiler), Soyhières (Saugern)

¹⁶ «Education physique et sportive», «Activités manuelles» and «Education nutritionnelle»

¹⁷ Mettembert (Mettemberg), Movelier (Moderswiler), Soyhières (Saugern), Val Terbi

49. In the municipality of La Tène (NE), which comprises the traditionally German-speaking former municipality of Thielle (Häusern)-Wavre, German is taught as a foreign language in primary education (grades 3-6) and lower secondary education (grades 7-9) with the option of immersion teaching in German (subjects: home economics, citizenship and contemporary world) at grade 9. With the financial support of the federal authorities, the canton is piloting bilingual pre-school education in French and German (50% of the teaching time respectively) for two years from age four and extended German-language education (15%-30%) during the two first years of primary education. This project (called "PRIMA") is not yet implemented in La Tène.

50. The secondary school in Cevio (TI), which covers Bosco Gurin, teaches German as a foreign language (grades 6-9, 2-3 hours/week) like all secondary schools in the canton. In their periodical report, the Swiss authorities state that the envisaged merger of Bosco Gurin with Cevio and other municipalities could initiate the reintroduction of additional German-language education as well as teaching about the local history and culture, which would benefit the whole population in the area. The Committee of Experts welcomes this positive approach and, in line with recommendations made in the previous monitoring cycles, encourages the authorities to make available German-language education as of pre-school.

51. The Committee of Experts welcomes the provision of education in German at all levels in Fribourg/Freiburg, Sierre/Siders and Sion/Sitten. However, the offer in the other aforementioned municipalities (foreign language teaching, no use in pre-school education) does not adequately correspond to the traditionally high local population share of the German speakers. Furthermore, teaching German as first foreign language does not target mother tongue or bilingual learners who would need specific goals and methodology to meet their particular situation. The Committee of Experts encourages the authorities concerned to improve the offer of German-language education from pre-school to secondary levels, applying the educational models of Fribourg/Freiburg, Sierre/Siders and Sion/Sitten.

52. All cantons concerned by the Charter provide ad hoc support to facilities enabling adult non-speakers to learn minority languages, as required by Article 7.1.g.

53. The federal and cantonal authorities have increased their financial support to school exchanges between the linguistic areas of the country as an instrument to promote understanding between the linguistic communities. A dedicated foundation and a promotion agency work in this field. The Committee of Experts considers that these measures support the application of Articles 7.1.e and welcomes them.

54. In addition, the federal authorities support the Research Centre on Multilingualism in Fribourg/Freiburg, which carries out research on, for example, institutional and social multilingualism. The Committee of Experts considers that the work of this research centre can 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 could support the development of a structured approach in legislation and policy on their promotion.

Use of the minority languages by judicial authorities

55. Italian and Romansh can be used before courts in judicial districts where these languages are official or co-official. During the on-the-spot visit, representatives of the Italian speakers informed the Committee of Experts that an Italian-speaking judge at the Cantonal Court of Graubünden/Grischun/Grigioni was elected at the end of the last monitoring cycle and that it is possible to hold court proceedings in Italian. Furthermore, there have been cases where Romansh was used before judicial authorities, but this is rarely the case.

Use of the minority languages by administrative authorities

56. The federal authorities have continued measures promoting multilingualism in their administration. The number of staff attending language training in the national languages (German, French, Italian, Romansh) has considerably increased during recent years. Moreover, an evaluation of language competencies of the federal staff has been requested with a view to identifying potential needs. Specific measures were taken to train management staff in Italian.

57. In 2016, the territorial reform of the Canton of Graubünden/Grischun/Grigioni entered into force, introducing eleven regions as an administrative level between the municipalities and the canton. The Language Law has been amended, putting an obligation on the regions to have due regard to the languages traditionally used on their territories.

58. As far as Italian is concerned, in the previous monitoring cycle the Committee of Ministers recommended the Swiss authorities to continue promoting the use of this language in the cantonal administration and in the public sector under cantonal control in Graubünden/Grischun/Grigioni. In the periodical report, the authorities indicate that, when recruiting management staff and staff who will be in contact with the public, preference is given to applicants mastering several official languages. Furthermore, the cantonal administration organises internal language courses in Italian.

59. With regard to the use of Romansh in the cantonal administration, in the previous monitoring cycle the Committee of Experts urged the Swiss authorities to strengthen the cantonal translation service. The cantonal authorities have informed the Committee of Experts that they provide translation or interpretation into Romansh in conformity with Article 10.4.a. because Romansh is an official language of the canton. Furthermore, the canton organises internal language courses in Romansh and is extending the number of cantonal websites using Romansh.

60. In general, the bilingual areas of Switzerland have a rich heritage of place names in different languages, including less widely used minority languages. Nevertheless, the adoption and/or use of bilingual names is a rare occurrence. Relatively few municipalities have officially bilingual names (e.g. Domat/Ems) and even fewer bilingual street names (e.g. Biel/Bienne). The application of the principle of territoriality in conjunction with the Signposting Regulation (30% threshold) often results in a rigid toponymic monolingualism. The use of place names, including signage at railway stations, by the Swiss Federal Railways, which usually receives a lot of attention from the linguistic groups, is also patchy. As the Committee of Experts has pointed out regarding many States Parties, 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. Given that the use of place names falls within the competence of each individual municipality, the Committee of Experts invites the federal and cantonal authorities concerned to approach relevant municipalities in a co-ordinated manner, encourage them to adopt place names in local minority languages and to support the implementation of these measures with a specific funding scheme. As a first step, the Swiss authorities could request the compilation of an inventory of the traditional place names in the minority languages covered by the Charter.

Mergers of municipalities

61. In the previous monitoring cycle, the Committee of Experts and the Committee of Ministers recommended the Swiss authorities to take measures ensuring that mergers of municipalities in Graubünden/Grischun/Grigioni do not hamper the use of Romansh, as required by Article 7.1.b. The periodical report states that if a merger takes place at the language border, the merger agreement between the merging municipalities must contain provisions concerning the minority language(s) and be submitted to the canton for approval. In the reporting period, three relevant mergers took place: Surses (Oberhalbstein), Obersaxen Mundaun (both 2016) and Bergün Filisur (2018). In Surses (Oberhalbstein), Romansh is the official language. Consequently, the existing Romansh-language schools are maintained and obligatory for all pupils in the area concerned. The local authorities remain obliged to use Romansh in contacts with citizens as well as internally. The population of the locality of Bivio may also use Italian in contacts with the authorities. Moreover, the new municipality shall provide sustainable financial support to the traditional languages and may have to adopt a local language law. Similar provisions apply in Obersaxen Mundaun and Bergün Filisur, where the official languages are Romansh and German. The Committee of Experts welcomes the measures taken, which respect the geographical areas of Romansh and Italian, and it encourages the authorities to handle future mergers in the same manner.

62. In the sixth evaluation report, the Committee of Experts also encouraged the Swiss authorities to ensure that the envisaged merger of the municipality of Bosco Gurin (TI) with Italian-speaking municipalities will not constitute an obstacle to the promotion of German in Bosco Gurin and that this aspect is taken into account in a legal text regulating the use of German. In the periodical report, the authorities refer to the fact that German speakers also reside in the other municipalities and that the higher total number of speakers in the new municipality could lead to improvements in German-language education. The Committee of Experts welcomes this positive approach and is confident that the new municipality will maintain the legal texts on the use of German (statute, local charter) adopted by the municipality of Bosco Gurin in 2018 (see para. 27).

63. In the previous monitoring cycle, a merger of the municipality of Ederswiler (JU) with neighbouring municipalities was under consideration. In this monitoring cycle, the Committee of Experts was informed that at present no mergers are planned which could affect the use of German notably in Ederswiler and in Riedes-Dessus (Oberriederwald), Soyhières municipality. The Committee of Experts invites the cantonal and local

authorities concerned to ensure that a possible future merger of Ederswiler or Soyhières will not affect the use and promotion of German in public life.

64. In 2019, the constitutive assembly of Grand Fribourg/Grossfreiburg, which is working on the merger of Fribourg/Freiburg with, *inter alia*, six other municipalities with German-speaking minorities, proposed to designate French and German as official languages of the new municipality. The Committee of Experts welcomes this initiative which would constitute a considerable improvement of the situation of German in the Sarine/Saane district.

65. In 2016, the municipality of Murten/Morat (FR) merged with other German-speaking municipalities. During the on-the-spot visit, the local authorities informed the Committee of Experts that the use of French has been maintained despite a lower share of French speakers in the new municipality. It is possible that Murten/Morat will also merge with the officially French-speaking municipality of Courgevoux/Gurwolf in the near future. This merger could be an opportunity to formalise the use of French in Murten/Morat in the framework of an officially bilingual municipality.

Use of the minority languages in the media

66. According to the periodical report, the federal authorities support national press agencies which provide information on the four language regions of Switzerland. In 2017, the national press agency launched a news service for the Italian-speaking part of Graubünden/Grischun/Grigioni. This service makes available news to Italian-language media in the canton free of charge and is financially supported by the federal and cantonal authorities. The Committee of Experts welcomes this measure, which is a useful and effective contribution to the maintenance of media in Italian.

67. In 2017, the federal authorities, the cantonal authorities of Graubünden/Grischun/Grigioni and Lia Rumantscha launched the project “Medias rumantschas 2019“, which aims at the promotion and further development of media in Romansh. It covers the Romansh daily newspaper “La Quotidiana” and the public broadcaster Radio Television Rumantscha (RTR). The project had been launched following financial difficulties of “La Quotidiana”. During the on-the-spot visit, representatives of the Romansh speakers confirmed that this newspaper will be maintained.

68. The public Swiss Broadcasting Corporation supports exchanges between the linguistic regions through the nationwide broadcasting of regional programmes. It plans to offer a digital multilingual platform that will allow access to almost all its productions, accompanied by subtitling in the national languages. These measures are part of the concession that it has been granted by the federal authorities. Radio and television programmes in the four national languages can be received throughout Switzerland.

Use of the minority languages in cultural activities and facilities

69. There is a diversified offer of cultural activities in Italian and Romansh. This applies also to French in Murten/Morat (FR) and to German in the City of Fribourg/Freiburg, but to a lesser extent in the other municipalities where French and German are minority languages. The authorities are encouraged to play a more active role in initiating cultural activities in French and German in the municipalities concerned.

Use of the minority languages in economic and social life

70. In the sixth evaluation report, the Committee of Experts urged the cantonal authorities of Graubünden/Grischun/Grigioni to take the necessary measures to promote the use of Italian in the public sector. During the on-the-spot visit, representatives of the Italian speakers stated that the cantonal bank now also has a website in Italian. Moreover, the authorities informed the Committee of Experts that several public companies (e.g. Rhätische Bahn) have significantly improved the presence of Italian (and Romansh) on their websites. Additional institutions (e.g. cantonal hospital) are currently examining the matter. While acknowledging that additional measures are needed, the authorities underline the autonomous position of these institutions. The Committee of Experts welcomes the new measures taken. However, with reference to Article 13.2.b, the Committee of Experts invites the authorities to be directly and actively involved in the promotion of Italian in the economic and social sectors directly under their control.

71. In the sixth evaluation report, the Committee of Experts encouraged the Swiss authorities, in consultation with the cantons concerned, to take co-ordinated financial and legislative measures in order to implement a targeted policy on the training of health care personnel in French and German. According to the periodical report, some cantons support efforts of the cantonal hospitals to strengthen the ability of their staff

to use French or German in contacts with patients. During the on-the-spot visit, representatives of the German speakers mentioned difficulties using German in hospitals in Sierre/Siders and Sion/Sitten (VS).

Use of the minority languages in transfrontier exchanges

72. There seems to be a practice of promoting Italian and Romansh in the framework of cross-border exchanges with Italy. Furthermore, several cantons support exchange programmes for pupils, students and teachers with French-speaking or German-speaking countries and regions. In general, however, no systematic approach to the promotion of transnational exchanges exists in the fields covered by the Charter in conformity with Article 7.1.i.

Consultation

73. In the case of the Italian and Romansh speakers in Graubünden/Grischun/Grigioni, the authorities grant institutional funding *inter alia* to the organisations Pro Grigioni Italiano and Lia Rumantscha. This institutional funding is guaranteed by law. The Swiss authorities consult these organisations and institutions on matters relating to the respective languages, as required by Article 7.4. For example, when drawing up their periodical report on the implementation of the Charter, the authorities contact these organisations in parallel and reflect their views in the report. Similarly, the authorities inform them of the publication of the evaluation report and the recommendations made by the Committee of Experts and the Committee of Ministers.

74. French in the Canton of Fribourg/Freiburg and German lack comparable institutions. The Committee of Experts has noted that the Swiss authorities are not at all in contact with some of the associations representing minority language speakers and consult others only on some aspects of language policies. Given that some languages are used in different cantons and that the situation in these cantons differs, it would support a structured application of the Charter if the links within the same linguistic group could also be developed, as foreseen by Article 7.1.e. Therefore, the Committee of Experts invites the Swiss authorities to take steps to ensure that each minority language has a dedicated body or co-ordination structure at federal level facilitating links within the linguistic group and advising the relevant cantonal and federal authorities on all matters pertaining to the given language.

1.2 The situation of the individual minority languages in Switzerland

Italian

75. Italian is the only official language of the Canton of Ticino. Consequently, Italian is used by the population and the authorities in all fields of public life. Since 2007, this canton has been fulfilling all its Charter obligations concerning Italian.

76. In the Canton of Graubünden/Grischun/Grigioni, Italian is traditionally spoken in four southern valleys (Mesolcina, Val Calanca, Val Bregaglia, Valposchiavo) which form *Grigioni italiano*. Italian is an official language of the canton (alongside German and Romansh) as well as at regional and local levels.

77. Italian is a language of instruction at pre-school, primary and lower secondary levels in the Italian-speaking areas. Bilingual education is offered in Maloja. The training of teachers of Italian in pre-school and primary education is organised at the University of Teacher Education in Chur.

78. Italian is used before courts in judicial districts where it is official. Furthermore, Italian is used by the local branches of the federal administration in Graubünden/Grischun/Grigioni.

79. The knowledge of Italian among the staff in some sectors of the cantonal administration of Graubünden/Grischun/Grigioni is insufficient. According to the periodical report, applicants for positions in the cantonal administration who have knowledge of several official languages are given priority in recruitment. The report also states that Italian courses are offered for officials of the cantonal administration.

80. A weekly newspaper ("Il Grigione italiano") and two on-line newspapers ("Il Moesano", "Il Bernina") are published in Italian. In 2017, the national press agency launched a news service for the Italian-speaking part of Graubünden/Grischun/Grigioni. This service makes news available to the Italian-language media in the canton free of charge and is financially supported by the federal and cantonal authorities. The representatives of the Italian speakers have informed the Committee of Experts that the new service functions well.

81. According to the Italian speakers, some cantonal institutions have no documents in Italian. The authorities state that several public companies (e.g. Rhätische Bahn) have significantly improved the presence of Italian on their websites.

Romansh

82. Romansh is one of the official languages of the Canton of Graubünden/Grischun/Grigioni and also official at regional and local levels.

83. In Romansh-speaking municipalities, pre-school education takes place mostly in Romansh. In primary education, there are both bilingual and Romansh-language schools. In Romansh-speaking schools, all subjects are taught in Romansh except German which is taught as a subject from the third grade onwards (and English as of the fifth grade). In secondary education, Romansh is taught as a subject and one subject is taught in Romansh.

84. At the beginning of the school year 2018-2019, the Canton of Graubünden/Grischun/Grigioni introduced a new curriculum (*Lehrplan 21*). It foresees that schools teaching in varieties (*idioms*) of Romansh will introduce the standard form Rumantsch Grischun (reading and listening to texts in Rumantsch Grischun) only in lower secondary education.

85. While primary school teachers are trained at the University of Teacher Education of Graubünden/Grischun/Grigioni, the training of secondary school teachers is organised at the University of Teacher Education in Zürich and the University of Fribourg/Freiburg. In 2018, the Teacher Training College Graubünden created a special chair for integrated didactics of plurilingualism. This chair, which is co-funded by the canton, is, *inter alia*, charged with the training of Romansh teachers for lower and upper secondary education. Romansh can be studied at the universities of Fribourg/Freiburg and Zürich. According to representatives of the Romansh speakers, the Romansh skills of teachers and students (especially in writing) are sometimes too weak as they do not acquire sufficient skills in school.

86. As an official language, Romansh may be used before judicial authorities. However, the Romansh speakers make only seldom use of this possibility.

87. Romansh is a national language and a partial official language of Switzerland. Important legal documents are translated into Romansh. Romansh speakers have the right to address any request in Romansh to federal authorities. However, the local branches of the federal authorities in the canton use Romansh only to a limited extent as an internal working language. Romansh is effectively used by the cantonal and several local authorities both orally and in writing. Several municipalities have Romansh as the only official language. In other municipalities, Romansh is co-official. Against the background of these high legal standards, the authorities reportedly have difficulties in recruiting staff having good Romansh skills, especially written skills. Although Romansh is taught in vocational education, there seems to be a need to improve the Romansh skills in specific professional fields, including administration. The Lia Rumantscha offers translations and further training to municipalities.

88. On public television (RTR), there is a ten-minute programme in Romansh on weekdays and a 30-minute programme on Saturdays. Public radio (RTR) broadcasts 24 hours every day in Romansh. A private radio station (Radio Südostschweiz) broadcasts in Romansh for one hour per week. Romansh is also used by private television (TV Südostschweiz, programme "Baterlada", once per month, approximately 25 minutes). The daily newspaper (Monday-Friday) "La Quotidiana" appears in Romansh. Two weekly newspapers use Romansh: "La Pagina da Surmeir" and "Engadiner Post/Posta Ladina" (bilingual, three times per week). There is a news agency working in Romansh (Agentura da Novitads Rumantschas).

89. There is a wide offer of cultural activities and facilities in Romansh.

90. Romansh is used in the economic life in Romansh-speaking municipalities, but mainly orally. According to representatives of the speakers, there are few job seekers who master Romansh at a sufficient level in writing, and those who master it work in fields directly related to this language (e.g. staff of Radiotelevision Rumantscha, Lia Rumantscha, Dicziunari Rumantsch Grischun).

91. According to representatives of the Romansh speakers, there are occasionally projects in the field of language promotion organised in the framework of cross-border exchanges with Italy.

French

92. In the Canton of Fribourg/Freiburg, French is the official language alongside German. French speakers constitute a significant traditional linguistic minority in the municipality of Murten/Morat,¹⁸ capital of the officially bilingual See/Lac district. However, French is not co-official in Murten/Morat. As part of local custom, however, the local authorities use French in communication with the population and translate most of their official documents into French. The municipal magazine, website, letterheads, logos, inscriptions at and inside public buildings and on public vehicles are bilingual. The Swiss Federal Railways use the bilingual name “Murten/Morat”. In addition, education in French at pre-school, primary and secondary levels is available. 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

93. German has been traditionally used in cantons and municipalities with French or Italian as official languages.¹⁹ In most of the municipalities concerned (see paras. 94-100), German is taught only as a foreign language and is not used in pre-school education. Teaching in German is available in Fribourg/Freiburg, Sierre/Siders and Sion/Sitten, bilingual education (French-German) in Sierre/Siders and Sion/Sitten.

94. In the Canton of Fribourg/Freiburg, German speakers constitute a significant traditional linguistic minority in officially French-speaking municipalities of the Sarine/Saane and See/Lac districts.²⁰ The City of Fribourg/Freiburg uses German to some extent (local council, certain documents, newsletter, website, place name signs, some street name signs). The Swiss Federal Railways use the bilingual name “Fribourg/Freiburg”. The constitutive assembly of Grand Fribourg/Grossfreiburg, which is preparing the merger of Fribourg/Freiburg with *inter alia* six other municipalities²¹ with German-speaking minorities, has proposed to designate French and German as official languages of the new municipality. There is no structured approach to the promotion of German in public life in the other relevant municipalities of the Sarine/Saane and See/Lac districts.

95. In the municipalities of Avenches (Wiflisburg), Cudrefin, Faoug (Pfauen), Vully-les-Lacs and Missy (Canton of Vaud), which are located near the border with the bilingual See/Lac district (FR), German speakers constitute a traditional minority of up to 38 % (2000). The municipality of Faoug (Pfauen) uses German to a certain extent (website, flyers, information meetings for the population).

96. In the Canton of Jura, German is the majority and *de facto* official language of the municipality of Ederswiler. German is also the traditional majority language of Envelier (Wiler), Val Terbi municipality, and Riedes-Dessus (Oberriederwald), Soyhières municipality, as well as a traditional minority language in other places.²² The canton grants the municipality of Ederswiler CHF 5,000 per year to cover the cost of translations. Its State Chancellery communicates with the local authorities in German. The authorities and citizens of Ederswiler may request documents on civil status in German.²³ Tax declarations as well as documents concerning cantonal votes and elections are available in German and may be obtained from any municipality. In several municipalities, German or bilingual locality names (*lieux-dits*) are official (e.g. Pleenhof-du-Bas in Pleigne [Pleen]).

97. In the Administrative Region of Bernese Jura (Canton of Bern/Berne), German speakers have a traditional presence in all municipalities, constituting in most cases more than 10% of the population. The minority consists partly of Mennonites who have been settled in the Bernese Jura since the 16th century. Four municipalities have a German-speaking majority²⁴ of which two (Schelten and Seehof) have German as a *de facto* (not a *de iure*) official language.

¹⁸ In light of the census results of 1888, 1910 and 2000, French speakers have traditionally constituted a significant (more than 10%) linguistic minority in Murten/Morat.

¹⁹ In light of the census results of 1888, 1910 and 2000, German speakers have traditionally constituted a significant (more than 10%) linguistic minority or a majority in the respective places mentioned in paragraphs 94-100.

²⁰ Sarine/Saane district: Fribourg/Freiburg, Givisiez (Siebenzsch), Granges-Paccot (Zur Schüren), Hauterive (Altenryf), Marly (Mertenlach), Pierrafortscha (Perfetschied), Villars-sur-Glâne (Wiler); localities of Autafond (Belfaux municipality), Chésopelloz (Corminboeuf municipality), Cormagens (Cormafing; La Sonnaz municipality). See/Lac district: Courgevau/Gurwolf (German-speaking majority), Cressier (Grissach), Mont-Vully (Wistenlacherberg)

²¹ Belfaux, Corminboeuf, Givisiez (Siebenzsch), Granges-Paccot (Zur Schüren), Marly (Mertenlach), Villars-sur-Glâne (Wiler)

²² including Movelier (Moderswiler), Pleigne (Pleen), Soyhières (Saugern), Undervelier and Vermes (Pferdmund)

²³ pursuant to Article 10 (2) of the Decree of 25 April 2001 on civil status (RSJU 212.121)

²⁴ Mont-Tramelan (Bergramlingen), Rebévelier, Schelten, Seehof and the localities of Châtelat (Petit-Val [Kleintal] municipality) and Chavannes/Schafis (La Neuveville [Neuenstadt] municipality)

98. In the Canton of Neuchâtel, the municipality of La Tène comprises the traditionally German-speaking former municipality of Thielle (Häusern)-Wavre. German has been the majority language of Thielle (Häusern)-Wavre until the census of 1980 and is currently used by a minority.

99. In the Canton of Valais/Wallis, where German is an official language alongside French, the municipality of Sierre/Siders is officially considered to be traditionally bilingual.²⁵ Its authorities use German to some extent (translation of the local council's rules of procedure, articles in the municipal magazine); requests in German are accepted and answered in French. The Swiss Federal Railways use the bilingual name "Sierre/Siders". In Sion/Sitten, tax declarations and information relating to referenda may be obtained in German.

100. In 2018, the municipality of Bosco Gurin (Canton of Ticino) undertook to apply 20 undertakings²⁶ of Part III of the Charter which formalise the customary use of German in public life. Bosco Gurin has an officially bilingual name; the other local topographic names are in German. The municipality website is available in Italian and German. German inscriptions on private and public buildings contribute to the visibility of this language. The Walserhaus museum presents the local history and culture and receives regular annual as well as project-based financial support from the canton. In Ticino, the "Tessiner Zeitung" newspaper is published on a weekly basis in German.

²⁵ e.g. by the Federal Court, see BGer 2C_1063/2015 of 16 March 2017

²⁶ Article 8.1 a (iv), b (iii), c (iii), g; Article 10.2 a, b, d, f, g, 4 a, b, c; Article 11.1 d; Article 12.1 a, b, f, g; Article 13.2 b, d; Article 14 b; "Charter of the municipality of Bosco Gurin for the promotion of the German language (Gurin German and standard German)"

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

2.1 Italian (Canton of Graubünden/Grischun/Grigioni)

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

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) ²⁷	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
Part II of the Charter <i>(Undertakings which the state must apply to all regional or minority languages within its territory)</i>						
Art. 7 – Objectives and principles						
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"> • maintenance and development of links, in the fields covered by this Charter, between groups in the State using Italian • establishment of cultural relations with other linguistic groups 	=				
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"> • promote mutual understanding between all the linguistic groups of the country • promote the inclusion of respect, understanding and tolerance in relation to Italian among the objectives of education and training • encourage the mass media to include respect, understanding and tolerance in relation to Italian among their objectives 	=				
7.4	<ul style="list-style-type: none"> • take into consideration the needs and wishes expressed by the group which uses Italian • establish a body for the purpose of advising the authorities on all matters pertaining to Italian 	=				
Part III of the Charter <i>(Additional undertakings chosen by the state for specific languages)</i>						
Art. 8 – Education						
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 ²⁸					
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 ²⁹					
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 ³⁰					
8.1.eii	provide facilities for the study of Italian as an university and higher education subject	=				

²⁷ 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).

²⁸ 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.

²⁹ Articles 8.1.ci and 8.1.cii constitute alternative options (see footnote 28).

³⁰ Articles 8.1.di and 8.1.diii constitute alternative options (see footnote 28).

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Switzerland concerning Italian (Canton of Graubünden/Grischun/Grigioni)²⁷	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
8.1.fi	provision of adult and continuing education courses taught mainly or wholly in Italian	=				
8.1.iii	favour and/or encourage the offering of Italian as a subject of adult and continuing education ³¹	=				
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	=				
Art. 9 – Judicial authorities						
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.a.ii	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.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 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.b.ii	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.b.iii	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.c.ii	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	=				
Art. 10 – Administrative authorities and public services						
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 ³²	=				
10.4.a	provide translation or interpretation	=				
10.4.b	recruitment and training of officials and public service employees speaking Italian	=				

³¹ Articles 8.1.fi and 8.1.iii constitute alternative options (see footnote 28).

³² Articles 10.3.a and 10.3.b constitute alternative options (see footnote 28).

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Switzerland concerning Italian (Canton of Graubünden/Grischun/Grigioni) ²⁷	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
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	=				
Art. 11 – Media						
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"> • guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in Italian • do not oppose the retransmission of radio and television broadcasts from neighbouring countries in Italian • ensure the freedom of expression and free circulation of information in the written press in Italian 	=				
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	=				
Art. 12 – Cultural activities and facilities						
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	=				
Art. 13 – Economic and social life						
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		=			
Art. 14 – Transfrontier exchanges						
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

101. Italian is one of the official languages of the Canton of Graubünden/Grischun/Grigioni and a working language of its administration. In the periodical report, the authorities indicate that, when recruiting management staff and staff who will be in contact with the public, preference is given to applicants who master several official languages. Furthermore, the canton organises internal language courses in Italian. However, in 2018, the federal authorities commissioned an external evaluation of the effectiveness of the measures taken for the promotion of, *inter alia*, Italian in Graubünden/Grischun/Grigioni. The final report concluded that deficits in the use of Italian in the cantonal administration persist. In light of this information, Article 10.1.a is considered partly fulfilled.

2.1.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of Italian

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 Switzerland³³ 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. Promote the use of Italian in the cantonal administration of Graubünden/Grischun/Grigioni.
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II. Further recommendation

b. In the public sector, organise activities to promote the use of Italian in economic and social life.

³³ CM/RecChL(2016)6 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806cad72);
 CM/RecChL(2013)4 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c8459);
 CM/RecChL(2010)7 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805cdb4e);
 CM/RecChL(2008)2 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805d3da2);
 CM/RecChL(2004)5 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805dc0d7);
 CM/RecChL(2001)6 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016804dd377);

2.2 Italian (Canton of Ticino)

2.2.1 Compliance of Switzerland with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of Italian

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 Ticino) ³⁴	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
Part II of the Charter						
<i>(Undertakings which the state must apply to all regional or minority languages within its territory)</i>						
Art. 7 – Objectives and principles						
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"> • maintenance and development of links, in the fields covered by this Charter, between groups in the State using Italian • establishment of cultural relations with other linguistic groups 	=				
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"> • promote mutual understanding between all the linguistic groups of the country • promote the inclusion of respect, understanding and tolerance in relation to Italian among the objectives of education and training • encourage the mass media to include respect, understanding and tolerance in relation to Italian among their objectives 	=				
7.4	<ul style="list-style-type: none"> • take into consideration the needs and wishes expressed by the group which uses Italian • establish a body for the purpose of advising the authorities on all matters pertaining to Italian 	=				
Part III of the Charter						
<i>(Additional undertakings chosen by the state for specific languages)</i>						
Art. 8 – Education						
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 ³⁵	=				
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 ³⁶	=				
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 ³⁷	=				
8.1.eii	provide facilities for the study of Italian as an 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 ³⁸	=				
8.1.g	ensure the teaching of the history and the culture which is reflected by Italian	=				

³⁴ 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)).

³⁵ 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.

³⁶ Articles 8.1.ci and 8.1.cii constitute alternative options (see footnote 28).

³⁷ Articles 8.1.di and 8.1.diii constitute alternative options (see footnote 28).

³⁸ Articles 8.1.fi and 8.1.fiii constitute alternative options (see footnote 28).

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Switzerland concerning Italian (Canton of Ticino)³⁴	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
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	=				
Art. 9 – Judicial authorities						
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.iiiii	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	=				
Art. 10 – Administrative authorities and public services						
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 ³⁹	=				
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	=				
Art. 11 – Media						

³⁹ Articles 10.3.a and 10.3.b constitute alternative options (see footnote 28).

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Switzerland concerning Italian (Canton of Ticino)³⁴	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
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"> • guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in Italian • do not oppose the retransmission of radio and television broadcasts from neighbouring countries in Italian • ensure the freedom of expression and free circulation of information in the written press in Italian 	=				
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	=				
Art. 12 – Cultural activities and facilities						
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	=				
Art. 13 – Economic and social life						
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	=				
Art. 14 – Transfrontier exchanges						
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.

2.2.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of Italian

I. Recommendations for immediate action

The Committee of Experts has no recommendations for immediate action at present.

II. Further recommendations

The Committee of Experts has no further recommendations at present.

2.3 Romansh (Canton of Graubünden/Grischun/Grigioni)

2.3.1 Compliance of Switzerland with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of Romansh

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 ⁴⁰	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
Part II of the Charter						
<i>(Undertakings which the state must apply to all regional or minority languages within its territory)</i>						
Art. 7 – Objectives and principles						
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"> • maintenance and development of links, in the fields covered by this Charter, between groups in the State using Romansh • establishment of cultural relations with other linguistic groups 	=				
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"> • promote mutual understanding between all the linguistic groups of the country • promote the inclusion of respect, understanding and tolerance in relation to Romansh among the objectives of education and training • encourage the mass media to include respect, understanding and tolerance in relation to Romansh among their objectives 	=				
7.4	<ul style="list-style-type: none"> • take into consideration the needs and wishes expressed by the group which uses Romansh • establish a body for the purpose of advising the authorities on all matters pertaining to Romansh 	=				
Part III of the Charter						
<i>(Additional undertakings chosen by the state for specific languages)</i>						
Art. 8 – Education						
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 an 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	=				
Art. 9 – Judicial authorities						

⁴⁰ 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)).

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Switzerland concerning Romansh⁴⁰	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
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	=				
Art. 10 – Administrative authorities and public services						
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	=				
Art. 11 – Media						
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	=				
Art. 12 – Cultural activities and facilities						
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 ⁴⁰	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
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 Romansh	=				
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	=				
Art. 13 – Economic and social life						
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	=				
Art. 14 – Transfrontier exchanges						
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

102. The cantonal authorities of Graubünden/Grischun/Grigioni confirmed during the on-the-spot visit that they provide translation or interpretation into Romansh because Romansh is one of the official languages of the canton. Considering this information and that all other undertakings under Article 10 are fulfilled, the Committee of Experts also considers Article 10.4.a fulfilled.

2.3.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of Romansh

I. Recommendations for immediate action

The Committee of Experts has no recommendations for immediate action at present.

II. Further recommendations

The Committee of Experts has no further recommendations at present.

2.4 French (Canton of Fribourg/Freiburg⁴¹)

2.4.1 Compliance of Switzerland with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of French

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 ⁴²	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
Art. 7 – Objectives and principles						
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"> • maintenance and development of links, in the fields covered by this Charter, between groups in the State using French • establishment of cultural relations with other linguistic groups 		=			
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"> • promote mutual understanding between all the linguistic groups of the country • promote the inclusion of respect, understanding and tolerance in relation to French among the objectives of education and training • encourage the mass media to include respect, understanding and tolerance in relation to French among their objectives 	=				
7.4	<ul style="list-style-type: none"> • take into consideration the needs and wishes expressed by the group which uses French • establish a body for the purpose of advising the authorities on all matters pertaining to French 		=			

2.4.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of French

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 Switzerland⁴³ remain valid in their own right. Recommendations made in the monitoring procedure of the Charter aim to support the authorities in the implementation process.

⁴¹ Municipality of Murten/Morat, see paras. 9 and 92

⁴² 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)).

⁴³ CM/RecChL(2016)6 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806cad72);
 CM/RecChL(2013)4 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c8459);
 CM/RecChL(2010)7 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805cdb4e);
 CM/RecChL(2008)2 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805d3da2);
 CM/RecChL(2004)5 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805dc0d7);
 CM/RecChL(2001)6 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016804dd377);

I. Recommendations for immediate action

- | |
|---|
| <ul style="list-style-type: none">a. Adopt cantonal and/or local legislation on the public use of French 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. Establish a body for the purpose of advising the cantonal authorities of Fribourg/Freiburg on matters pertaining to French as a minority language.

2.5 German (Cantons of Bern, Fribourg/Freiburg, Jura, Neuchâtel, Ticino, Valais/Wallis, Vaud⁴⁴)

2.5.1 Compliance of Switzerland with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of German

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 ⁴⁵	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
Art. 7 – Objectives and principles						
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	• maintenance and development of links, in the fields covered by this Charter, between groups in the State using German • establishment of cultural relations with other linguistic groups		=			
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	• promote mutual understanding between all the linguistic groups of the country • promote the inclusion of respect, understanding and tolerance in relation to German among the objectives of education and training • encourage the mass media to include respect, understanding and tolerance in relation to German among their objectives		=			
7.4	• take into consideration the needs and wishes expressed by the group which uses German • establish a body for the purpose of advising the authorities on all matters pertaining to German		=			

2.5.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of German

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 2.5.1 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 Switzerland⁴⁶ remain valid in their own right. Recommendations made in the monitoring procedure of the Charter aim to support the authorities in the implementation process.

⁴⁴ in municipalities with French or Italian as official languages where German speakers have traditionally constituted a significant linguistic minority or a majority, see paras. 94-100

⁴⁵ 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)).

⁴⁶ CM/RecChL(2016)6 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806cad72);
CM/RecChL(2013)4 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c8459);
CM/RecChL(2010)7 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805cdb4e);
CM/RecChL(2008)2 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805d3da2);
CM/RecChL(2004)5 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805dc0d7);
CM/RecChL(2001)6 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016804dd377);

I. Recommendations for immediate action

- a. **Adopt cantonal and/or local legislation on the public use of German in the municipalities where German is a minority language.**
- b. **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.**

II. Further recommendations

- c. Make available German language education from pre-school to secondary levels for those municipalities where German is a minority language.
- d. Establish a body for the purpose of advising the federal and cantonal authorities concerned on matters pertaining to German as a minority language.

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 and minority languages spoken in their 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;

Bearing in mind 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 seventh 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 Switzerland 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 public use of French and German in the municipalities where they are minority languages;
2. continue promoting the use of Italian in cantonal administration and in the public sector under cantonal control in Graubünden/Grischun/Grigioni;
3. clarify whether Francoprovençal and Jurassian can be considered languages in their own right, entitled to protection under Article 7, paragraphs 1-4;
4. reconsider the official position as regards Romani as a non-territorial language under the Charter, in co-operation with the speakers.

The Committee of Ministers invites the Swiss authorities to submit their eighth periodical report by 1 December 2020.

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 have studied the comments made by the Committee of Experts of the European Charter for Regional or Minority Languages. The Swiss authorities would like at this stage to make some initial comments concerning the four recommendations proposed by the Committee of Experts for ratification by the Committee of Ministers and give their overall assessment of the purpose of the report.

The lack of recommendations concerning the situation of the Romansh language in the canton of Graubünden/Grischun/Grigioni is surprising. An expert report mentioned below in the comments on recommendation 2 (which was forwarded to the Committee of Experts upon publication) found that the situation of Romansh is critical and that steps need to be taken as a matter of priority to protect the language, in particular in the area of education.

The official position on the recommendations will be presented in Switzerland's next periodical report.

Recommendation 1: Adopt cantonal and/or local legislation on the use of French and German in municipalities on the language border

The Committee's recommendation seeks to introduce special rules for areas where there are German or French-speaking minorities along the language border in bilingual cantons or in cantons which do not have official bilingual status (in particular, Neuchâtel and Vaud). This recommendation concerns a very thorny question, as it involves identity issues that are sometimes very sensitive.

The Federal Constitution provides that the cantons are responsible for determining their official languages. In order to preserve harmony between linguistic communities, the cantons must respect the traditional territorial distribution of languages and take account of indigenous linguistic minorities (Article 70(2)). Only the cantons of Bern/Berne, Fribourg/Freiburg, Graubünden/Grischun/Grigioni and Valais/Wallis have the status of plurilingual cantons and are therefore entitled to support from the Confederation for the fulfilment of their special duties (Article 70(4)). It will therefore be up to the cantons concerned to analyse the recommendation on the basis of the situation on the ground and turn it to the best account. The federal authorities will consult them to prepare a joint position on the recommendation.

Recommendation 2: Promoting the use of Italian in the cantonal administration in Graubünden/Grischun/Grigioni

The Committee's recommendation is in line with the conclusions of an expert report from 2019 commissioned by the Federal Office of Culture to analyse the situation of Italian and Romansh in the canton of Graubünden/Grischun/Grigioni.

Recommendation 3: Clarify the status of Francoprovençal and Jurassian

During the 7th round of monitoring of the application of the Charter in Switzerland, the Swiss authorities recognised Francoprovençal and Jurassian as *minority languages* within the meaning of Article 7 of the Charter. This entails full recognition of the two idioms as languages.

In its report, Switzerland indicated that the cantons concerned are going to continue their efforts to promote and protect the two languages on the basis of a cultural promotion policy. To this end, the cantons are already successfully supporting many projects and initiatives by associations of the languages' speakers on the basis of cantonal cultural legislation. There are no plans to introduce language legislation, as such a measure is neither necessary nor relevant for the promotion or status of Francoprovençal and Jurassian as languages. This approach is compatible with the European Charter, which does not require the introduction of legislation.

Recommendation 4: status of Romani under the Charter

The European Charter for Regional or Minority Languages (the Charter) recognises languages that are traditionally used within the territory of a state. It does not include either dialects or the languages of migrants (Article 1(a) of the Charter).

Romani is the language of the Roma. In 2018, the Federal Council rejected the application by Swiss Roma to be recognised as a national minority under the Framework Convention for the Protection of National Minorities. It found that the criteria for recognition were not met; in particular, the criterion of longstanding ties with Switzerland was not met. In these circumstances, Romani cannot be considered a language traditionally used

in Switzerland. The Swiss authorities will provide more detailed information in this regard in the next periodical report.