

S W I T Z E R L A N D

SECTION A

Capital

Bern 127,469 (1994 est.)

Area

41,290 sq km (15,940 sq mi)

Form of government

Federal Republic, federal canton-based democracy with bicameral legislature

GDP—per capita

Purchasing power parity—\$27,100 (1999 est.)

Population

7,275,467 (July 1999 est.)

Ethnic composition

German	65%
French	18%
Italian	10%
Romansch	1%
Other	6%

(mostly foreign workers and other immigrants)

Official language

National languages are German, French, Italian and Romansh

Minority languages

Slavic languages (1.9%), Spanish (1.7%), Portuguese (1.4%), Turkish (0.9%), English (0.9%)

Legislation dealing with the use of languages

Swiss Language Legislation (Sprachenrecht) comprises both federal laws (i.e. laws applicable for the country as such) and bylaws applicable in particular cantons and districts (Gemeinde – an administration unit smaller than a canton). The following are valid at the federal level:

Constitution Of The Swiss Confederation (May 29, 1874, revised April 20, 1999)

The Federal Act on Financial Aid to Support and Protect Romansh and Italian Language and Culture (October 6, 1995) stipulates financial aid to the Canton of Graubünden to support and protect the Romansh and Italian language and culture and to the Canton of Ticino to support and protect the Italian language.

The Federal Act on Radio and Television Broadcasting (SR 784.40, stand am Oktober 14, 1997) proscribes that the Swiss Broadcasting services produce regional-language programs. The Swiss State Broadcaster RSG takes into account the unique character of the country and the requirements of its cantons to produce radio programs for all regions in their national languages.

The Publication Act (SR 170.512) proscribes publishing the Collection of Laws in three official languages. Art. 8 stipulates that internal and international agreements quoted or referred to in the Collection of Laws, which are only indirectly binding, do not have to be translated into all official languages or do not have to be translated at all based on the Federal Council decision.

The Federal Act on Administration Procedures, Article II, General Regulations (SR172.021) requires that the Federal Administration hold proceedings in the language in which an application by the parties has been made. Cantonal Administration apply the language required by the cantonal legislation.

The Federal Act on Civil Proceedings and Criminal Proceedings (SR 273) obliges the judge and parties to use one of the Swiss national languages. If required, the judge may order a translation.

The Act on Federal Legal Care (SR 173.110) stipulates that all legal documents are to be written in one of the national languages. Judgments

are usually written in the language of the Court. If the parties speak other official languages, the report may be prepared in these languages, as well. Direct litigation takes into account the languages of the participating parties.

Background notes

Switzerland's independence (August 1, 1291) and neutrality have long been honored by the major European powers and Switzerland did not participate in either World War I or II. The political and economic integration of Europe since World War II may be rendering obsolete Switzerland's concern for neutrality.

SECTION B

Where does one observe language to be a problem in the country?

There is no outstanding language problem. But neither is there an ideal situation.

Marginal interest in their national minorities by the Swiss and long-standing suspicion of the Swiss by the districts evidence the need to change collective awareness of other cultures, especially the minor ones. Many cultural regions in Switzerland are almost unknown, which is a paradox in these times of mass media and information provision.

The Romansh community is small, about 70,000 in Switzerland and 40,000 in Graubünden. This is too small a number to allow the use of the language in business etc.

More than 50% of the Italian-speaking population lives outside the Italian territories. The Italian language is not promoted outside them, however. Because the Swiss Confederation does not control education matters, both Italian and Romansh speaking people must learn German and French if they want to communicate with the other communities.

Pupils in the German and French part of Switzerland study Italian as a language in the Swiss confederation, but only at a basic level. Out of school, they rarely encounter Italian. Growing economic centralization, with its logical standardization tendencies, cannot be blamed entirely. Italian is disappearing from banking, trade, administration and the mail.

The balance amongst the (official) languages of the communities, which has been partially attained on their political and federal administration

levels, has been lost. There is a real threat that Swiss minority cultures will be marginalized, in respect to their language.

There is an economic effect also, especially with regard to German. Cultural, political and economical differences as well as the language make communications between the French and German parts difficult. French speakers find the cantonal use of German awkward, because this is the Swiss German dialect and not the standard German taught in French canton schools. Speakers of German use one of approximately thirty Alemannic dialects of German, whose distance from standard German is quite considerable. Standard German is frequently perceived to be the “first foreign language”, a fact that has significant educational consequences.

Cantons are able to decide which language(s) shall be used within their territory. This unwritten principle is called the Territoriality Principle. In fact it conflicts with the right of the individual citizen to use his/her “mother tongue” in all spheres of life. This is particularly true in education and in courts of law, but it has been upheld a number of times by the Federal Court. This principle guarantees public education in the official language of the canton or community but prevents the individual from access to education in any other language beyond that which may be used in the foreign language-teaching classroom. An example of this sort of territorial problem is given in Appendix B.

With the respect to the migrant workers in Switzerland, there is no explicit federal language policy beyond the guarantee that speakers have the right to use their mother tongues in all beyond official situations. On the one hand, each child has the right to receive education in his/her mother tongue; where on the other hand, the Territoriality Principle constrains all children to receive public education in the declared official language of the community. Children may receive extra lessons in their own language to ensure that they acquire literacy in that language and to allow them to retain links with their home culture. However, such lessons are outside the normal school timetable, and children’s spare time must be utilized.

The use of language in everyday life e.g. education, broadcasting and other

Switzerland is a confederation, and its twenty-six cantons and half-cantons enjoy a large measure of independence. Seventeen are German-speaking; four French-speaking (Jura, Neuchâtel, Vaud and Geneva), one Italian-speaking (Ticino/Tessin) and four have more than one language (Berne, Fribourg, Valais, Graubünden). Three of these are bilingual in

French and German, whilst the fourth – Graubünden – is trilingual in German, Romansh and Italian.

Since each canton has its own education legislation, the definition of the aims of education differs throughout Switzerland. In Paragraph B above some of the problems of language study in the cantons are discussed. One of the problems also appears in the acquisition of literacy in German-speaking schools. Learning to read and write is only taught in standard German. However, most teachers continue to communicate orally, and particularly when not referring to the central concerns of the lesson, in the local dialect with children in the first two grades of primary school. Two types of linguistic frame are thus created and internationalized by the children. That which is serious, central to the learning process, often tedious and difficult, and also written, is carried out in standard German. That which is peripheral to the learning process, that which creates interpersonal contact, and is oral is carried out in the dialect. Children are exposed at school to forms of standard German, which are demonstrably Swiss, particularly in terms of their pronunciation. This is a very different type of standard form than that which is projected in the media. Disinclination to use standard German orally is also strengthened by an increasing perception of that language as being non-Swiss. Even though Switzerland kept itself out of two world wars against Germany during this century, attitudes towards that country continue to be largely negative and competitive.

As far as foreign language learning is concerned, in the German speaking part of the country, French is traditionally taught as the “national language 2” (LN2). In the French-speaking part of the country the LN2 is traditionally German. In the Italian-speaking part of the country the LN2 is French on the grounds that both Italian and French are Romance languages. In the case of the canton of Ticino, however, the next language before English is German, the reason being that connections with the German-speaking part of the country are more intensive in the case of Ticino than they are, say, for Geneva. Elsewhere the teaching of LN2 is followed either by LN3 (Italian in the French- and German-speaking cantons) or the first genuine “foreign” language, English.

Although Switzerland has been a multilingual country for a long time, most of the individuals living there are not bilingual or multilingual. The term “quadrilingual” can be applied only to the country not the people: it is a social phenomenon. The Romansh community is the only truly bilingual one (in Romansh and German) and many Rhaeto-Romance people also speak or understand at least the other two languages as well. For a long time, bilingualism was viewed as a threat – first of all to the purity of the first language, and second as a step towards “Germanization”.

English has joined other languages spoken in Switzerland very self-confidently. Some cantons have already decided to introduce English in primary schools instead of French. If the French-speaking part also were to introduce English instead of German, the two could perhaps better communicate in the future in English.

The use of English will doubtless gain ground, especially in business and research. But Government language working groups insist that four languages have to co-exist with English side by side. Their functions are different and English may not become the Swiss lingua franca. Further, multilingualism is not perceived as a burden at all, but an opportunity, a stream of inspiration for personal as well as collective enrichment.

There are television programs and radio programs for each language and region.

It is estimated that around 60% of live or locally produced television programs in Switzerland are in dialect. News broadcasts, documentaries (either originally in German or dubbed into standard German), serials (often detective stories) produced for and by one of the two German national broadcasting companies, the German-speaking Swiss section of the Swiss broadcasting company and the Austrian broadcasting company, and imported (generally dubbed) films are in some variant of standard German.

Did the country ratify any international treaty dealing with the protection of minorities?

The European Charter for Regional or Minority Languages signed on October 8, 1993, ratified on December 23, 1997 and enacted on April 1, 1998. The Framework Convention for the Protection of National Minorities signed on February 1, 1995, ratified on October 21, 1998 and enacted on February 1, 1999.

What else can be found about languages and minorities?

The Federal Council (government) has started drafting a new series of Laws relating to Article 70 of the Constitution (which deals with language) on official languages and the understanding between communities. These are scheduled for ratification in the second half of 2000. Whilst there are still obstacles, the new Federal Language Laws should include: language support and the development of understanding among various language communities; definition as to how languages should be used in Federal Institutions and in their communications and organization of the services stipulated by Article 70 of the Federal Constitution and other related legislation.

According to the working group compiling the drafts, the intent of the new legislation is to preserve Switzerland as a country of four languages. They do not see any reason why this vision should be re-defined. The multilingual phenomenon is too tightly connected with heritage, the federal structure and the national consciousness.

Conclusion

Switzerland is not the only officially multilingual state in Europe, but it is possibly the only one in which a high degree of multilingualism is practiced, within and beyond the framework established by the Federal Parliament. The language question has not yet become a political problem, nor is one ethno-linguistic group so dominant that the marginalized group is expected to learn and use language of majority. It is not a nation-state like France, Britain or Germany in which the standard national language functions as a symbolic rallying point for national sentiment but it is a state in which there are strong shared elements which can be gathered together to form a “national identity”.

It would be a tragedy if Switzerland were not able to find its place in a united Europe, to which it could give its rich experience of relatively harmonious coexistence and resulting prosperity among four different ethno-linguistic groups. In order to do so, however, it must first recognize its enormous cultural and political capital. This can only be accomplished by each ethno-linguistic group recognizing and learning to respect the wishes and fears of the others.

SECTION C

Legislation dealing with the use of languages

Updated (December 2002)

PRELIMINARY TEXT OF THE LAW ON LANGUAGES

Aiming to overcome the contents of the constitutional provisions on languages and their role within the Swiss Confederation, in 1998, a joint federal and cantonal working party was set up to prepare a Law on Languages. This law should implement the mandates of the Constitution (mainly Article 4), lay down the principles of the Confederation as regards language policy, regulate the use of the official languages and promote a multilingual education in order to facilitate the mutual knowledge of these languages.

The draft law includes, as laid down in the new Swiss Constitution (1999, Article 70), the declaration of Romansh as the official language in the community when dealing with the administration. Similarly, it also incorporates the contents of the Law on the Special Promotion of this language alongside Italian.

Provided that the Confederation does not have powers in educational matters, it is up to the cantons to implement the law when it comes into force. According to the last census (2000), both French and German gained ground with respect to the other languages whereas Romansh was ranked the tenth language according to the number of speakers, behind such languages as Serbo-Croatian, Albanian, English or Turkish.

Source: Mercator News, November 2002,
<http://www.ciemen.org/mercator/index-gb.htm>

What else can be found about languages and minorities?

Updated (November 2001)

In November, the Council of Europe Committee of Ministers adopted recommendations for Switzerland on their applications of the Charter for Regional or Minority Languages. The Committee recommended that federal, cantonal and municipal authorities ensure that the Romansh-speaking community fully benefit from the protection provided by the Charter. It calls for the removal of legal and practical obstacles to the use of Romansh and Italian languages before judicial authorities in the Canton of Grisons and for the improvement of their use at the level of the federal administration.

APPENDIX A

MAP OF SWITZERLAND



APPENDIX B

SWITZERLAND - CONSTITUTION

(Adopted by parliament on December 18, 1998)

(Adopted by referendum on April 14, 1999)

(In force since January 1, 2000)

(Document Status January 1, 2000)

(Editor's Note:

The new constitution has been formally adopted by referendum on 14 April 1999 (59% yes, 41% no) and is in force since 1 Jan 2000)

Preamble May 29, 1874: Adoption of the Constitution

1996: Publication of the draft of a new Constitution

April 20, 1999: Revision of the Constitution

Article 4 (National Languages)

National languages are German, French, Italian and Romansh.

Article 18 (The Free usage of Languages)

The freedom of language is guaranteed.

Article 69 (Culture)

(1) The field of culture is a cantonal matter.

(2) The Confederation may support cultural activities of national interest, and encourage art and music, in particular in the field of education.

(3) In accomplishing its tasks, it shall take into account the cultural and linguistic diversity of the country

Article 70 (Languages)

(1) The official languages of the Confederation are German, French and Italian. Romansh shall be an official language for the Confederation's dealings with persons speaking Romansh.

(2) The Cantons shall designate their official languages. In order to preserve harmony between linguistic communities, they shall respect the traditional territorial distribution of languages, and take into account the indigenous linguistic minorities.

(3) The Confederation and the cantons shall encourage understanding and exchanges among the linguistic communities.

(4) The Confederation shall support multilingual Cantons in the fulfillment of their particular tasks

(5) The Confederation shall support measures taken by the Cantons Graubünden and Tessin to maintain and to promote the Rhaeto-Romance and Italian languages.

APPENDIX C

“The Derung case”

The village of St. Martin used to have 60 inhabitants, most of whom spoke German, while a 20% minority spoke Romansh. There was a teacher in the German school whose mother tongue was Romansh. Two neighboring villages had Romansh schools. The Derungs, a Romansh family, lived on a traditional Romansh farm. They sent their children to a Romansh school in the next village and then attempted to get the tuition and other expenses reimbursed under Federal Education provision, but failed.

The Cantonal Court concluded that a small village such as St Martin with a German majority is not obliged to provide both German and Romansh classes. In the Cantonal Court’s opinion, the expense incurred by attending a Romansh school in the next village is not a violation of the language freedom:

“The children had an opportunity to attend the school in St. Martin free of charge, while the teacher whose mother tongue was Romansh would teach in both languages, Romansh and German, until children were capable of understanding. Thus, their mother tongue was sufficiently represented. Language minority rights have not been violated and, therefore, there are no justifiable grounds for claiming tuition and other expenses to be reimbursed where the parents decided their children should attend a school in a neighboring village”.

In accordance with federal education law, children may be entitled to attend a state school in a neighboring village, should it be easier to travel

there than to the village to which they belong administratively. The village where the child lives usually covers the costs. However, where a child attends a school in the next village for other (perhaps personal) reasons, the family must cover the cost.

The canton authority rejected the Derungs' claim in this case because their children had no serious language reasons for not attending the German-language school. The Federal Court has not set a precedent for whether a minority mother tongue (i.e., if a teacher's mother tongue is a minority language) is a personal or justifiable reason. It accepted the Cantonal Court's explanation as "justified".

The Federal Court is however on record that the preservation of Romansh is in the interest of Switzerland:

"We should not be neglecting certain facts. Romansh children have to learn German anyway, from a practical point of view, so it is acceptable that they have classes in German from their early school days... In Romansh villages, most pupils study in German. It is not justifiable to claim that this approach, adopted for practical reasons, threatens language freedom (Sprachenfreiheit)".

Thus, the father of a Romansh family has to cope with the fact that in a mostly German village his children will attend a German school.

In their appeal, the Derungs claimed that the Canton of Graubünden violated their right to free elementary education. They did not succeed. The Federal Council, stressing its limited jurisdiction, averred:

"The territorial principle is in this case a hurdle in obtaining elementary education and puts the local school language in the role of an assimilating and integrating factor. Accepting the claim as justified would be in contradiction with the territorial principle, and the result would be that the option could be chosen "by everyone". Education in a language other than the mother tongue does not mean it is insufficient if, otherwise, it meets all demands."

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