



Official Language Policy of Industrialized Nations

Austria • Belgium • Finland • Germany • Greece
Italy • Netherlands • Portugal • Spain • Switzerland

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AUSTRIA

Article 8 of the Austrian Constitution¹ establishes German as the official language while ensuring the linguistic rights of ethnic minorities. Article 8 translates as follows:

German is the official language of the Federal Republic without prejudice to the rights provided by Federal law for linguistic minorities.²

Austria has four recognized minorities. These are the Croats in Burgenland, the Czechs in Vienna, the Magyars in Burgenland, and the Slovenes in Carinthia and Styria. These minorities are indigenous groups, except for the Czechs who came to Austria between 1850 and 1920. No minority legislation exists for the refugees and guest workers from Eastern Europe and Turkey who have come to Austria in large numbers in the last two decades.

The Austrian minority legislation is a relic of the multinational Austro-Hungarian Empire. When Austria lost the non-German speaking crown lands after World War I, small pockets of ethnic populations remained in some border areas of the newly defined Austrian territory. The Peace Treaty of St. Germain, which established the new Austrian borders, also obligated Austria to grant equal treatment, including certain linguistic rights, to the remaining minorities.³

The linguistic rights of the Slovenes and Croats were once again guaranteed, following World War II, in the State Treaty of Austria of 1955.⁴ Since then, the linguistic rights of the Slovenes in Carinthia have continued to create a certain amount of friction.⁵ This problem was alleviated, in part, by a Law on Ethnic Groups of 1976.⁶ This Law deals with street signs and the use of minority languages before courts and administrative authorities. It also provided the framework for establishing districts where the minority language is an official language in addition to German.

¹ Bundes-Verfassungsgesetz, repromulgated Jan. 1, 1930, *Bundesgesetzblatt* (BGBl., official law gazette of Austria) No. 1/1930, as amended.

² Translation from C. Kessler, *The Austrian Federal Constitution* 8 (Vienna, 1983).

³ Treaty of Peace, signed Sept. 10, 1919, at St. Germain-en-Laye, 226 *Consolidated Treaty Series* 9, arts. 62-69, included as *Appendix I*.

⁴ State Treaty for the Re-Establishment of an Independent and Democratic Austria, signed at Vienna, May 15, 1955, 6 UST 2369; TIAS 3298, art. 7, included as *Appendix II*.

⁵ T. Veiter, *Das österreichische Volksgruppenrecht seit dem Volksgruppengesetz von 1976* (Wien, 1979).

⁶ Bundesgesetz über die Rechtstellung von Volksgruppen in Österreich (Volksgruppengesetz), BGBl. No. 396/1976.

The issue of providing instruction in the Slovene language in the public schools in parts of Carinthia was not regulated in the law of 1976 because this issue was too controversial at the time.⁷ The establishment of school districts in which children are taught in Slovene was regulated in a Federal law of 1959.⁸ A 1988 amendment to this law that adhered to the bilingual school districts of 1959 was struck down as unconstitutional in 1989.⁹ Since then, the law has been amended to ensure that small numbers of Slovene children in German-speaking areas will also have the opportunity to be taught in Slovene.¹⁰

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⁷ A. Mölzer, *Kärntner Freiheit* 103 (Wien, 1990).

⁸ Minderheiten-Schulgesetz für Kärnten, Mar. 19, 1959, BGBl. No. 101/1959.

⁹ Decision of Verfassungsgerichtshof, Dec. 15, 1989, 54 *Erkenntnisse und Beschlüsse des Verfassungsgerichtshofes*, No. 12245 (1991).

¹⁰ Bundesgesetz, June 28, 1990, BGBl. No. 420/1990.

BELGIUM

There is no official language in Belgium. However, the country has four language regions: the region of French language, that of the Dutch language, the bilingual region of Brussels, and the region of the German language.

From the point of view of communities, Belgium has three: the French, the Flemish and the German. Each has rights which are conferred by the Constitution and the laws.

Detailed rules as to nationalities and the use of languages are embodied in the Constitution: articles 3-bis, 3-ter, 32-bis, 38, 59-bis, 59-ter, 107-quater, and 108-109.

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FINLAND

In Finland, both the Finnish and Swedish languages are officially recognized by the Instrument of the Government (Art. 50) and the Act of Parliament (Chs. 8:87 and 88) which is also a part of the Constitution. A copy of the relevant provisions is appended.

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GERMANY

German is the official language. This is expressed in section 23 of the Law on Administrative Procedure¹¹ and in section 184 of the Law on the Organization of the Courts.¹²

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¹¹ *Verwaltungsverfahrensgesetz*, May 25, 1976, *Bundesgesetzblatt* (BGBl., official law gazette of the Federal Republic of Germany) I 1253, as amended.

¹² *Gerichtsverfassungsgesetz*, repromulgated May 9, 1975, BGBl., I 1077.

GREECE

Even though the present Constitution of 1975 does not declare the Greek language as the official language of the country, as did the previous Constitutions of 1952 and 1968, Greek is considered to be the official language.

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ITALY

There is no provision in the Italian Constitution that makes Italian the official language of the country. On the contrary, Article 6 establishes that linguistic minorities shall be protected by appropriate regulations. This constitutional principle is implemented in the statutes of the three regions where linguistic and ethnic minorities for the most part reside (Trentino-Alto Adige, Valle d'Aosta, And Friuli-Venezia Giulia). These regions enjoy special autonomy.

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THE NETHERLANDS

In the Netherlands the principle language is Dutch. Frisian, a closely related Germanic language, is spoken in the Province of Friesland. There is no provision which makes Dutch the official language of the Netherlands.

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PORTUGAL

The Portuguese constitution includes provisions related to language. One of the fundamental principles states that no one shall be privileged, favored, injured, deprived of any right or exempt from any duty because of his or her ancestry, sex, race, language, etc.¹³ Within this context, the charter also states that the government is also charged with protecting and enhancing the cultural heritage of the Portuguese people and securing the training and constant enhancing of the Portuguese language to defend its use and promote its international circulation.¹⁴

In further support and defense of the language, it is also stated that it is the duty of the government to teach the Portuguese language and culture to the children of immigrants.¹⁵ A final reference made at the constitutional level is that the government is charged with the duty of developing cultural relations with Portuguese-speaking peoples around the world.¹⁶

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¹³ *Constitution of the Portuguese Republic*. Second Revision (Lisbon, Direcao Geral da Comunicacao Social, Assembleia da Republica, 1989), Art. 13, para. 2.

¹⁴ *Id.* Art. 9, §§ e. and f.

¹⁵ *Id.* Art. 74, para 3, § h.

¹⁶ *Id.* Art. 78, para 2, § d.

SPAIN

The national Spanish Constitution proclaims that Castilian is the official language of the state. All Spaniards have the duty to know it and the right to use it.¹⁷

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¹⁷ *Constitución Española, Boletín Oficial del Estado* (Madrid, 1979), art. 3.

SWITZERLAND

The official languages of Switzerland are German, French, and Italian (Constitution, art. 116).

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