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## **Application of the European Charter for Regional or Minority Languages**

**Biennial Report by the Secretary General of the Council of Europe to the Parliamentary Assembly**

**Communication**  
Secretary General



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## 1. Introduction

Under the terms of Article 16, paragraph 5 of the European Charter for Regional or Minority Languages (ETS No. 148, hereinafter referred to as “the Charter”), the Secretary General is required to present a two-yearly report to the Parliamentary Assembly on the application of the Charter. This seventh Biennial Report covers the years 2012 and 2013 and addresses the main critical issues which arise from the functioning of the Charter system.<sup>1</sup>

During the last two years, the Council of Europe has continued to place emphasis on implementing the Council of Europe standards at national level. In the case of regional and minority languages we have sought to ensure not only their *de jure* but also their *de facto* protection and promotion. This is done by supporting member States, when requested, in aligning their national legislative framework with the standards set by the Charter and by providing capacity-building on applying its provisions.

Furthermore, the Organisation has intensified its efforts to optimise the functioning, to increase synergies and coordination of the Council of Europe’s monitoring mechanisms, as well as to encourage a better use of their conclusions, while fully respecting their independence.

The Parliamentary Assembly is to be congratulated for its active role in raising awareness about the Charter and encouraging member States to ratify. The recommendations of the Committee of Experts and the Committee of Ministers provide a good basis for action by members of the Parliamentary Assembly to promote the situation of regional or minority languages in individual member States. The continued support of the Parliamentary Assembly is vital to ensuring that regional and minority languages are protected throughout the Council of Europe member States without exception.

## 2. Application of the Charter

Since the Charter entered into force in 1998, the Committee of Experts of the Charter has adopted 80 evaluation reports. The recommendations that the Committee of Ministers has addressed to the States Parties have in most cases corresponded to the proposals made by the Committee of Experts in its evaluation reports. The Committee of Ministers is encouraged to continue to follow, as in the early years of the application of the Charter, the proposals of the independent Committee of Experts in order to strengthen the monitoring mechanism.

### 2.1. Impact of the Charter

The Charter and its monitoring mechanism continue to have positive effects on the situation of regional or minority languages in Europe. Examples of the Charter’s impact<sup>2</sup> comprise Sweden’s Act on National Minorities and National Minority Languages which puts an obligation on the public sector to protect and promote the languages of the national minorities. In Spain, Aranese has been granted the status of a co-official language in the whole territory of Catalonia. Ukraine has adopted the Law “On the Principles of State Language Policy”, replacing the former Soviet language law of 1989. The Free State of Saxony (Germany) implements an action plan to encourage the use of the Sorbian language in public life. In the Netherlands, Frisian speakers have the right to use their language in court even outside the Province of Friesland. The high legal status that Serbia has granted to Romani under the Charter (Part III) has contributed to improving the largely negative public image of this language and prepares its co-official use by municipalities.

### 2.2. Compliance of States Parties with the Charter

#### 2.2.1. Reporting obligations of States Parties

The impact of the Charter could certainly have been even greater if all States Parties had adopted a structured approach for the application of all the undertakings they had entered into under this Convention. As pointed out in the previous Biennial Report, the lack of a structured implementation of the Charter and of the monitoring recommendations contributes to delays in the submission of periodical reports to the Council of

1. The first Biennial Report was presented to the Parliamentary Assembly in 2000 (Doc. 8879), the second report in 2002 (Doc. 9540), the third in 2005 (Doc. 10659), the fourth in 2007 (Doc. 11442), the fifth in 2009 (Doc. 12300) and the sixth in 2011 (Doc. 12881). These reports are available at [www.coe.int/minlang](http://www.coe.int/minlang) in English, French, German, Italian and Russian.

2. For a more detailed overview, see: Practical Impact of the Council of Europe monitoring mechanisms in improving respect for human rights and the rule of law in member States, Council of Europe, 2014

Europe. Pursuant to Article 15 (1) of the Charter, periodical reports shall be presented at three-yearly intervals after the due date of the first report. It is of great concern that delays in reporting have become dramatic, as some States Parties have already missed an entire monitoring cycle.

During its 46th meeting in November 2013, the Committee of Experts discussed measures that could be taken to address this problem. It decided *inter alia* to propose to the Committee of Ministers in 2014 two new procedures which already exist in a similar format concerning the Framework Convention for the Protection of National Minorities.

Firstly, in situations of a serious delay in the submission of a periodical report to the Council of Europe, the Committee of Experts proposes that it should, in the future, have the possibility to begin the monitoring of the application of the Charter before the actual receipt of the periodical report from the State Party.

Secondly, the Committee of Experts proposes that it should become possible to make evaluation reports public before the Committee of Ministers has adopted its own recommendations to the given State Party. This proposal takes account of the fact that the Committee of Ministers may obviously amend proposals received from the Committee of Experts for its own recommendations, but not the content of the evaluation report to which the Committee of Ministers recommendations are appended. Indeed, there have been cases during recent years where, owing to amendments made, the consultations about the Committee of Ministers recommendations have lasted up to 18 months. In accordance with the current practice, the evaluation reports concerned were made public only after the adoption of the Committee of Ministers recommendations. It is evident that such delays have a very negative impact on the monitoring mechanism of a Convention whose implementation is monitored at three-yearly intervals.

### **2.3. Overview of the observations and recommendations of the Committee of Experts**

During the reporting period covering 2012-2013, 18 evaluation reports have been considered by the Committee of Ministers. The following overview reflects the main issues raised in the recommendations of the Committee of Experts and the Committee of Ministers in the context of these reports.<sup>3</sup>

#### **2.3.1. Montenegro (second monitoring cycle<sup>4</sup>)**

Compared with the first evaluation report, there has been a lot of improvement in both the legal set-up and the situation of minority languages in Montenegro. The territorial application of the Charter concerning the Albanian language has been clarified. However, it is still not defined with regard to Romani. The Charter now also covers Croatian and Bosnian, which is in line with the wishes of the speakers of these languages, as expressed during the on-the-spot visit. However, the level of protection of Bosnian and Croatian should be clarified. Although Serbian is the most widely used language in Montenegro, its status under the Charter needs still to be clarified. The Albanian language remains, in general, well protected and supported. Education in Albanian is offered on all levels in all the areas where Part III of the Charter applies. Media coverage in Albanian is considered to be sufficient. Despite promising developments with regard to the use of Romani in education additional measures are necessary with respect to teacher training and the provision of adequate teaching materials. Efforts to codify Romani should also be intensified.

#### **2.3.2. Cyprus (third monitoring cycle<sup>5</sup>)**

The Cypriot authorities continue to have a positive attitude towards the needs and wishes of the speakers of the regional or minority languages. However, a more structured approach targeting specifically the Armenian and the Cypriot Maronite Arabic languages is necessary. In the case of Cypriot Maronite Arabic, the quick adoption and implementation of an action plan is vital. Financial support of the print media of the minority groups continues to be offered, but there is an obvious need for a presence on television for both Armenian and Cypriot Maronite Arabic. While Armenian education at pre-school and primary school level is satisfactory, secondary education remains in a delicate position, and teacher training in Armenian is still not available.

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3. The presentation follows the chronological order of publication by the Committee of Ministers. All the evaluation reports and the related recommendations by the Committee of Ministers are available at [www.coe.int/minlang](http://www.coe.int/minlang). The third evaluation report on Luxembourg is not dealt with in this chapter as the Committee of Experts has not made any recommendations regarding Luxembourg.

4. Second Report on the Application of the Charter in Montenegro, made public by the Committee of Ministers on 12 January 2012

5. Third Report on the Application of the Charter in Cyprus, made public by the Committee of Ministers on 14 March 2012

Decisive efforts still need to be made to further strengthen Cypriot Maronite Arabic education on all appropriate levels and to produce teaching materials and offer teacher training possibilities. In addition, more awareness needs to be raised among the majority about Cyprus' regional or minority languages as an integral part of the country's cultural heritage.

### 2.3.3. Finland (fourth monitoring cycle<sup>6</sup>)

The language laws in Finland provide high protection, but their implementation remains challenging in some cases. There is a need to raise awareness among the majority population about Finland's minority languages. In particular, speakers of Russian and Romani face discrimination. The situation of the second official language, Swedish, is becoming fragile. The willingness of the majority to learn Swedish and the ability of administrative staff to provide services in that language have decreased after a reform of the matriculation examination. Difficulties in using Swedish in health care services or in court proceedings still persist. Sami education requires a more structured policy, language planning and long-term financing. Teaching Sami to the numerous Sami pupils outside the Sami Homeland remains problematic. Special efforts are needed for Romani and Karelian education. As for Inari Sami and Skolt Sami, urgent support measures are needed for keeping the languages alive. Also, there should be clearer instructions to municipalities and schools to make them aware of their obligations vis-à-vis teaching in and of Russian.

### 2.3.4. Romania (first monitoring cycle<sup>7</sup>)

Romania has a long tradition of promoting minority languages and shows best practice in a number of cases. However, no structured approach exists for the application of the Charter, involving the different levels of institutions and clarifying their responsibilities for its implementation. The educational offer in the Bulgarian, Croatian, Czech, Serbian, Slovak, Tatar, Turkish and Ukrainian languages should be developed. Regarding Hungarian and German, there is a shortage of teachers which significantly hampers the continuity between the different levels of education. Romania supports a high number of projects to the benefit of Romani, but there is a need to continue developing a comprehensive offer of Romani teaching in dialogue with the speakers. Romania takes commendable steps in promoting Yiddish. The authorities should, however, reconsider the thresholds for official use of minority languages in administration and improve the offer of radio and television broadcasts in several minority languages. More efforts are needed to promote knowledge about the history and culture of Romania's national minorities in mainstream teaching materials.

### 2.3.5. Netherlands (fourth monitoring cycle<sup>8</sup>)

Improvements have been made in education, especially concerning Limburgish and Frisian. However, there is no structured dialogue with the representatives of the regional or minority language speakers about the implementation of the Charter. The number of Frisian-speaking, bilingual and trilingual schools has increased, but in the meantime the studies of Frisian language and literature at the University of Groningen are in a critical situation. Furthermore, the training for pre-school teachers of Frisian is insufficient. Teaching Limburgish depends on initiatives of individual teachers and is practically non-existent in pre-schools and at the lower grades of primary school. There is currently no structured approach for the teaching of Low Saxon at all relevant levels. Low Saxon is also absent in the field of administrative authorities. The authorities have made efforts to improve co-ordination between the Sinti and Roma organisations, but they still do not consult these organisations regarding the promotion of Romanes, which is not taught in Dutch schools. There is an urgent need for funding projects in the educational and cultural fields to the benefit of Yiddish.

### 2.3.6. Spain (third monitoring cycle<sup>9</sup>)

Spain has a high level of commitment in protecting and promoting its regional or minority languages. However, there is a need for a coherent and systematic policy and a strategic approach to services in these languages so that users are not discouraged to use their language. Catalan has excellent support by

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6. Fourth Report on the Application of the Charter in Finland, made public by the Committee of Ministers on 14 March 2012

7. First Report on the Application of the Charter in Romania, made public by the Committee of Ministers on 13 June 2012

8. Fourth Report on the Application of the Charter in the Netherlands, made public by the Committee of Ministers on 24 October 2012

9. Third Report on the Application of the Charter in Spain, made public by the Committee of Ministers on 24 October 2012

authorities in Catalonia. Some deficiencies nevertheless still exist in the field of health services where further efforts are needed to train medical staff in Catalan. The same applies to Basque in the Basque Autonomous Community and Navarra. Catalan-language education on the Balearic Islands does not correspond to the undertakings chosen under the Charter. Education in Valencian and Galician needs improvement. There is still no agreement on a written form of Aragonese, which hampers its public use, especially in the field of education. The implementation of the Charter to Aranese has started, but Leonese still remains unprotected. Official statistics regarding the number of users of regional or minority languages that are not co-official in Spain is still lacking and should be collected.

### *2.3.7. Austria (third monitoring cycle<sup>10</sup>)*

There is an increasing interest from pupils also from the majority for education in Burgenland-Croatian, Hungarian and Slovenian. This positive development also creates a problem of capacity and challenge to address the diversity in language competence among pupils. Furthermore, there is a concerning drop-out rate between primary and secondary school regarding the learning of Burgenland-Croatian. The legislation governing the right to use Slovenian before administrative authorities and public services in Carinthia is extremely complex and incoherent. There have been overall positive developments regarding the Romani language in Burgenland, most notably in the field of education. Austria should establish a system for monitoring the measures taken for education in regional or minority languages. The teaching of the history and the culture which is reflected by the regional or minority languages should be promoted in all schools and at different education levels. There is a need to increase the offer of broadcasts in regional or minority languages targeted at children and adolescents.

### *2.3.8. Norway (fifth monitoring cycle<sup>11</sup>)*

The Norwegian authorities continued their efforts to improve the implementation of the Charter. However, there is still a lack of reliable statistical data on the users of regional or minority languages. With respect to court proceedings and local and regional administration, efforts are still needed to train or to recruit staff who master the relevant terminology in North Sami. The Norwegian authorities are encouraged to continue with the work enabling the use of all Sami names in their original form in all public registers. In the health sector and social services in the Sami administrative area there is a general difficulty in recruiting necessary staff. The Kven language is still in a precarious situation and therefore resolute efforts are needed to protect and promote it. It needs a structured policy, improved teaching in/of Kven and more presence in the media. Lule and South Sami are in a difficult position and more efforts are needed especially in the field of education. Their presence in broadcasting should also be increased. There is a continuous need to develop positive attitudes towards Romani and Romanes in order to remove prejudices against these varieties.

### *2.3.9. Czech Republic (second monitoring cycle<sup>12</sup>)*

Despite an overall well developed legislative and financial framework, shortcomings affecting the promotion of the regional or minority languages still remain. Decisive and concrete measures need to be taken immediately if most of these languages are to survive in the Czech Republic. There is no structured language policy for German and resolute action is needed to promote it, in particular, in education and the broadcasting media. There is also no structured policy with respect to Romani, whose situation is affected by the history of social exclusion, the negative public perception, including in the media, and the low prestige as a language. Moreover, there are still reports that children are prohibited from speaking Romani at certain schools, and a disproportionate number of Roma children attend practical schools. The situation of Polish remains good on the whole, but there is no structured policy on its use in administration and bilingual signs cause tensions. The offer of Polish programmes on television is inadequate. More targeted efforts are needed to raise awareness and promote tolerance vis-à-vis all the minority languages in the country.

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10. Third Report on the Application of the Charter in Austria, made public by the Committee of Ministers on 28 November 2012

11. Fifth Report on the Application of the Charter in Norway, made public by the Committee of Ministers on 28 November 2012

12. Second Report on the Application of the Charter in the Czech Republic, made public by the Committee of Ministers on 30 January 2013

### 2.3.10. Slovak Republic (third monitoring cycle<sup>13</sup>)

Despite legal changes, the Slovak legislation still contains restrictive provisions hampering the implementation of some of the Charter's provisions. The 20% threshold continues to limit the use of minority languages in administration in municipalities where the persons belonging to a national minority do not reach 20% of the local population. With the exception of Hungarian, which has a strong position in education and is used to a certain degree before courts, in administration and in the media, the minority languages are in a weak position in the Slovak Republic. Much remains to be done for Ruthenian, Ukrainian, German, Bulgarian, Croatian and Polish in education, in the judiciary, in administration, as well as in the media. There have been no attempts to teach Romani on a wide scale and unjustified enrolments of Roma children in separate schools or classes still occur. The German, Hungarian and Romani speakers are particularly affected by prejudices and more decisive action is needed to raise awareness and to ensure respect of national minorities within the majority population.

### 2.3.11. Serbia (second monitoring cycle<sup>14</sup>)

Although legislation concerning minority languages is highly developed, there are frequent weaknesses in its implementation. The use of Albanian in relations with administrative authorities should be improved. Both the presence of Bosnian in schools and Bulgarian-medium education need to be strengthened. Bunjevac has not yet been introduced in official use in any municipality. Croatian has a weak presence in education considering the number of its speakers. Despite demand, Czech is not yet taught within the models of minority language education. For German, the allocation of TV broadcasting time at RTV Vojvodina is still pending. Higher-level undertakings under the Charter could be applied to Hungarian. Macedonian continues to have a good media presence. The level of protection of Ruthenian remains high, and Romani has an impressive presence in the media. Too few pupils follow education in Romanian and Slovak, and Ukrainian-language education is insufficient. There exists no structured policy to promote Vlach. The presentation of certain national minorities in a stereotyped way should be eliminated from school books.

### 2.3.12. Bosnia and Herzegovina (first monitoring cycle<sup>15</sup>)

In Bosnia and Herzegovina, the 17 languages covered by the ratification enjoy a high level of recognition in the minority laws at national and entity levels. However, the number of speakers of most minority languages is low and, at present, the infrastructure necessary to ensure implementation of the Charter does not exist. With the exception of teaching German, Italian and Ukrainian at some levels of education, the minority languages of Bosnia and Herzegovina are absent from the regular educational system. As to the use of the minority languages before judicial and administrative authorities, the domestic legal set-up is not in conformity with the Charter. Television and radio programmes use the minority languages only to a limited extent and a dedicated scheme providing regular and stable financial support to cultural activities and facilities relating to the minority languages does not exist. There is no discrimination against the use of minority languages in economic and social settings. A number of activities involving kin-states also take place with some support by the authorities of Bosnia and Herzegovina.

### 2.3.13. Hungary (fifth monitoring cycle<sup>16</sup>)

Hungary is to be commended on both the system of minority self-government and the supplementary minority education put in place if the statutory requirement of eight pupils cannot be met. However, the structural deficits in education remain, and the offer of minority language education at regular secondary schools is very limited. The Hungarian authorities should take proactive measures instead of relying on the initiative of the national minorities. They should also develop a structured long-term policy and plan for education in Croatian, German, Romanian, Serbian, Slovakian and Slovenian and set up a dedicated monitoring mechanism. Furthermore, the offer of minority language programmes on television should be improved and a comprehensive scheme for the training of journalists and other media staff using minority languages should

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13. Third Report on the Application of the Charter in Slovakia, made public by the Committee of Ministers on 30 January 2013

14. Second Report on the Application of the Charter in Serbia, made public by the Committee of Ministers on 11 June 2013

15. First Report on the Application of the Charter in Bosnia and Herzegovina, made public by the Committee of Ministers on 10 July 2013

16. Fifth Report on the Application of the Charter in Hungary, made public by the Committee of Ministers on 10 July 2013

be developed and financed. Moreover, the percentage of Roma who speak Romani or Beás is declining, and the lack of qualified teachers of both languages remains a fundamental problem. Ruthenian continues to be in a precarious situation.

#### 2.3.14. Switzerland (fifth monitoring cycle<sup>17</sup>)

Switzerland has taken significant steps to improve the situation of its minority languages. The adoption of the federal language law and the entry into force of Graubünden's cantonal language law in 2010 significantly improves the legislative protection of Romansh and Italian in Graubünden. The overall provision of education in Romansh remains good and the use of the language with the authorities is fairly good at local level. Romansh is, however, rarely used in practice before courts. The amount of Romansh language radio broadcasting is exemplary and there is also a satisfactory offer of television programmes. The situation of the Italian language in Graubünden is, overall, satisfactory, although problems remain regarding the use of Italian in connection with the delivery of public services by cantonal entities. In respect of the Italian language in the Canton of Ticino all undertakings chosen from the Charter are fulfilled. There is a lack of structured approach with regard to the protection and promotion of German in those municipalities of the Cantons of Fribourg/Freiburg, Jura and Ticino where German is a minority language.

#### 2.3.15. Armenia (third monitoring cycle<sup>18</sup>)

Armenia has developed a legal and institutional framework for the protection and promotion of its minority languages. However, the implementation of this legal framework is incomplete in a number of areas covered by the Charter. Structured policies are needed to ensure the use of minority languages, in practice, in the fields of education, judiciary, administrative authorities, and social and economic life. In the field of education, the situation of Russian seems to be satisfactory. New teaching materials have been published in certain minority languages. Concerning the use of minority languages in court proceedings, interpretation and translation is provided free of charge. The unsatisfactory situation of broadcasting in minority languages has not improved. Minority languages are also very marginally used in economic and social life. Russian, however, is widely used. An increase in the financial support provided to cultural activities is necessary. Regarding the Charter's scope of application, the Committee of Experts considers that Ukrainian and German are regional or minority languages in the sense of the Charter and covered by its Part II.

#### 2.3.16. Ukraine (second monitoring cycle<sup>19</sup>)

The protection of national minorities and their languages is highly recognised legally in Ukraine, and the scope of the newly adopted Law "On the Principles of State Language Policy" goes beyond the substance of the Charter. However, the procedural requirements provided for by the law may severely limit the possibilities of smaller language groups to benefit from its protection. In the field of education, there is a lack of adequate teaching materials and of teacher training in many languages. While the use of Russian before judicial authorities seems to be on the whole satisfactory, the respective undertakings are not implemented in practice for Belarusian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, Moldovan, Polish, Romanian, Slovak and Yiddish. In addition, the broadcasting time in minority languages has generally decreased, which for most of the languages had been very limited in any case. Furthermore, there is a lack of long-term subsidies in the field of culture. In general, the Ukrainian authorities should adopt, for each language, a structured approach for the implementation of the Charter undertakings.

#### 2.3.17. United Kingdom (fourth monitoring cycle<sup>20</sup>)

The Welsh Assembly Government continues to show a strong commitment to the promotion of Welsh. Recent census figures have revealed a drop in the number and percentage of Welsh speakers, including a worrying decline in some of the traditional strongholds. In Scotland, the increased support from the authorities towards both Scottish Gaelic and Scots has continued. However, Scottish Gaelic remains an endangered language. In

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17. Fifth Report on the Application of the Charter in Switzerland, made public by the Committee of Ministers on 10 July 2013

18. Third Report on the Application of the Charter in Armenia, made public by the Committee of Ministers on 15 January 2014

19. Second Report on the Application of the Charter in Ukraine, made public by the Committee of Ministers on 15 January 2014

20. Fourth Report on the Application of the Charter in the United Kingdom, made public by the Committee of Ministers on 15 January 2014

Northern Ireland, the difficulties regarding the promotion of Irish and Ulster Scots observed in the previous monitoring round have continued, especially in the case of Irish. There is still no legislative basis for the use of Irish due to the lack of political support. The Ulster-Scots and Cornish languages are still largely absent from public life. The Manx language continues to be strongly supported by the Manx government, in particular in the fields of education and media. In general, there is still a need to raise the awareness of the English-speaking majority population about the regional or minority languages as an integral part of the United Kingdom's cultural heritage, especially in education and media.

#### **2.4. Acceptance of additional obligations under the Charter**

On 29 October 2013, at the sixth meeting of the Ad hoc Committee of Experts on Roma Issues (CAHROM), Croatia announced that it will withdraw the reservation that it had made to Article 7 (5) of the Charter when ratifying the treaty in 1997. Croatia thereby follows recommendations that the Committee of Experts has made since 2000.

### **3. Preparations for Ratification of the Charter in Council of Europe member States**

The Charter and the Framework Convention for the Protection of National Minorities constitute the European standards in the field of national minority protection. Both treaties are a frame of reference regularly referred to by the European Union (EU) and the Organization for Security and Co-operation in Europe (OSCE).

Therefore, as it has been stated on various occasions, it is regrettable that so far only 25 member States of the Council of Europe have ratified the Charter<sup>21</sup> and that no state has ratified it during the period under review. The Framework Convention (39 States Parties<sup>22</sup>) has not been ratified either by all those member States having national minorities on their territory. Consequently, the protection of national minorities is still not fully achieved in all the Council of Europe member States.

On the other hand, more States than in the previous reporting period have taken concrete preparatory measures concerning ratification of the Charter. The Secretary General regularly encourages ratification of the Charter during visits to relevant countries, and it is encouraging to note that the EU is increasingly raising the issue of pending ratifications in its bilateral relations with countries that are under post-accession commitments to the Council of Europe to sign and ratify the Charter. This support has had concrete effects in some cases and is highly appreciated.

Member States preparing instruments of ratification should request Council of Europe legal expertise to support this process. Such advice may notably support States in developing tailored solutions for specific concerns they may have by taking full advantage of the Charter's flexibility, as well as to share experience with other States.

#### **3.1. States under a post-accession commitment to the Council of Europe to ratify the Charter**

Six States that committed themselves to signing and ratifying the Charter when acceding to the Council of Europe have not yet done so. Of these, two States (Albania and Georgia) have not even signed the Charter:

<b>Member State</b>	<b>Parliamentary Assembly Opinion</b>	<b>Deadline for signing and ratifying the Charter</b>	<b>Date of signature</b>
<b>Albania</b>	189(1995)		
<b>Azerbaijan</b>	222(2000)	25/01/2002	21/12/2001
<b>Georgia<sup>23</sup></b>	209(1999)	27/04/2000	
<b>Republic of Moldova<sup>24</sup></b>	188(1995)	13/07/1996	11/07/2002
<b>Russian Federation</b>	193(1996)	28/02/1998	10/05/2001

21. See Appendix 1

22. See Appendix 4. The member States that have ratified the Framework Convention, but not yet the Charter are: Albania, Azerbaijan, Bulgaria, Estonia, Georgia, Ireland, Italy, Latvia, Lithuania, Malta, Moldova, Portugal, Russian Federation, San Marino and "the former Yugoslav Republic of Macedonia".

23. Ratification of the Charter was also specified as a commitment of Georgia in the Individual Partnership Action Plan with NATO (2004).

24. Ratification of the Charter was also specified as a commitment of Moldova in the Individual Partnership Action Plan with NATO (2006).

"the former Yugoslav Republic of Macedonia"	191(1995)	09/11/1996	25/07/1996
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Even taking account of the complex nature of the issues that a State may have to deal with when approaching ratification, the countries concerned are strongly encouraged to make all the necessary efforts so that the ratification process can be completed without further delay.

In the aforementioned States, the following relevant developments have or have not occurred, as the case may be, during the reporting period:

### 3.1.1. Albania

During a Council of Europe conference on the Charter on 9 December 2013 (see under III.3 below), a representative of the Albanian authorities announced that the signing of the Charter is on the agenda of the government.

### 3.1.2. Azerbaijan

In spite of the Council of Europe's repeated offer to support Azerbaijan during the ratification process, no request has been made by the Azerbaijani authorities.

### 3.1.3. Georgia

The Council of Europe and Georgia have jointly organised several information seminars on the Charter since 1999 which, however, have not resulted in follow-up steps towards ratification by the authorities.

This approach changed in 2013 when the authorities set up a high-level inter-ministerial commission on Georgia's commitment regarding the Charter and initiated dialogue with the media and the public about this Convention. In June 2013, the Minister for Reintegration asked the Council of Europe for expert support to the commission in identifying undertakings for a draft instrument of ratification, thereby following the encouragement made in the previous Biennial Report to accept legal expertise by our Organisation.

Georgia is to be commended on the progress made by setting up the commission, which is strongly encouraged to continue its work with a view to preparing the signing and ratifying of the Charter. In this perspective it is promising that the Council of Europe Action Plan for Georgia (2013-2015), which was approved by the Committee of Ministers on 16 October 2013<sup>25</sup>, contains the project proposal "Civic Integration of National Minorities in Georgia and the European Charter for Regional or Minority Languages" whose purpose it is to support the ratification and subsequent implementation of the treaty.

### 3.1.4. Republic of Moldova

In 2011, the Moldovan authorities set up a new working group on ratification of the Charter comprising representatives of relevant ministries, some national minorities and Moldovan experts. In February 2012, this working group prepared, with the financial and expert support of the Council of Europe, a draft ratification instrument. Although this document<sup>26</sup> constitutes a milestone in the preparations for ratification undertaken and discontinued several times since 1995, the Moldovan government has not submitted it to Parliament for ratification and *de facto* suspended all preparatory work on ratification and related co-operation with the Council of Europe. The Republic of Moldova is strongly urged to resume the preparations towards ratification and to ratify this treaty without further delay.

### 3.1.5. Russian Federation

From 2009 to 2012, the Council of Europe, the EU and the Russian Federation implemented a Joint Programme "Minorities in Russia: Developing Languages, Culture, Media and Civil Society" which aimed, *inter alia*, at providing assistance to different public authorities that would be involved in the future ratification and implementation of the Charter. For that purpose, a Joint Working Group was established which discussed, at

25. Document CM/Del/Dec(2013)1181

26. Set out in Appendix 3

experts' level, the legal, political and inter-ethnic aspects related to this issue. A proposal for a draft instrument of ratification prepared by independent experts was discussed at meetings of the Joint Working Group in 2011 and published afterwards.<sup>27</sup>

### 3.1.6. "The former Yugoslav Republic of Macedonia"

The Council of Europe is not aware of any additional steps that have been taken by the authorities of "the former Yugoslav Republic of Macedonia" to prepare ratification of the Charter.

## 3.2. Other non-States Parties to the Charter

### 3.2.1. France

The Charter was signed by France in 1999, and its ratification was part of President François Hollande's commitments during the presidential election campaign (commitment 56: "*Je ferai ratifier la Charte européenne des langues régionales ou minoritaires.*"). In January 2014, with a large majority, the National Assembly adopted a constitutional amendment permitting ratification of the treaty. While the approval by the Senate and the Congress as well as the actual ratification are still pending, the French government is to be thanked for its intention to complete the ratification process after almost 15 years of stalemate.

During the ratification debate, the government reiterated that certain Charter provisions already, prior to ratification, comply with the French legal order and may constitute the basis of a public policy promoting regional languages. Against this background, several municipalities in Brittany, including the City of Rennes, have expressed their interest in applying the Charter. At a conference about the Charter in May 2013, the Council of Europe encouraged French local and regional authorities to apply Charter provisions according to their competences, possibly in the framework of partnerships with the Council of Europe. Following this, the City of Saverne (Alsace) announced its efforts to sign a local charter containing Charter provisions. Such local initiatives help to prepare the future implementation of the Charter.

### 3.2.2. Italy

Italy signed the Charter in 2000. In the course of 2012 and 2013, preparations for ratification have resumed. The government agreed on a draft law which was submitted to Parliament on 9 May 2012. However, ratification was prevented by both the dissolution of Parliament in December 2012 and legal and political obstacles. Following the elections in February 2013, three draft laws have been presented in the new Parliament. The discussion about them in the competent Constitutional Affairs Committee and the Foreign Affairs Committee is scheduled for the beginning of 2014.

### 3.2.3. Lithuania

Lithuania has neither ratified nor signed the Charter, notwithstanding resolutions by the Parliament's Committee of Human Rights calling for ratification and the strong interest of the national minorities in Lithuania's accession to the treaty. Further to a proposal made by the Council of Europe to the Lithuanian authorities in 2012, the first official information event on the Charter and its possible ratification took place in Lithuania in 2013. A hearing in Parliament and meetings with representatives of various ministries and state bodies demonstrated that Lithuania is open to consider launching the ratification process, given that its legislation is already largely in conformity with the Charter. Lithuania is encouraged to ratify the Charter so as to further consolidate its minority legislation and enable the country to play an active role in the Charter mechanism at European level.

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The Council of Europe has not been made aware of any steps taken towards ratification of the Charter by the following member States: Andorra, Belgium, Bulgaria, Estonia, Greece, Iceland, Ireland, Latvia, Malta, Monaco, Portugal, San Marino and Turkey.

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27. See Alexey Kozhemyakov/Sergey Sokolovskiy (eds), *The European Charter for Regional or Minority Languages in Russia: Analysis, Reports and Recommendations in the framework of the Joint Programme 'Minorities in Russia: Developing Languages, Culture, Media and Civil Society'*, Moscow 2012 [published in English and Russian]

## **4. Co-operation within the Council of Europe**

### **4.1. Framework Convention for the Protection of National Minorities**

On 18 June 2013, the first joint plenary meeting of the Committee of Experts of the Charter, the Advisory Committee of the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance was held. During this meeting, the three committees discussed matters of common concern and held an exchange of views with Ms Ilze Brands Kehris, the Director of the Office of the OSCE High Commissioner on National Minorities, who presented 'The Ljubljana Guidelines on Integration of Diverse Societies'. The joint meeting was preceded by a meeting of the Bureaux of the three mechanisms.

The celebration of the 15th anniversary of the entry into force of the Framework Convention on 25 November 2013 confirmed that national minority issues and matters related to tolerance and dialogue still occupy a core position and are of importance in Europe. The purpose of this event was to raise awareness in member States about the achievements and remaining challenges in minority protection in Europe at the beginning of the fourth monitoring cycle and to engage state representatives in a debate on practical issues of the implementation of the Framework Convention and its monitoring process. Therefore, on 25 November 2013 the Advisory Committee organised, in the margins of its regular session, a one-day event for the national officials dealing with minority issues and representatives from other international organisations and representatives of minority organisations. Ms Astrid Thors, the newly-appointed OSCE High Commissioner on National Minorities, enriched the discussion with perspectives for future co-operation between the Council of Europe and the OSCE.

### **4.2. European Commission against Racism and Intolerance (ECRI)**

The rights of linguistic minorities also form part of ECRI's mandate. ECRI is not a mechanism for the protection of separate linguistic minority identities, but is more concerned with non-discrimination and promoting integration in general, for example of migrant populations. Having said this, the protection of historical national minorities is also essential for creating tolerant societies. In some cases, the recognition of a specific linguistic identity can be a key factor in the fight against racism and discrimination. In certain countries, ECRI was made aware of allegations of linguistic discrimination as a result of which individuals enjoyed fewer rights or had limited access to public services. These cases are a good example of the complementarity of efforts of ECRI and the Charter, which to a lesser extent addresses questions of discrimination.

The Bureaux of ECRI and the Committee of Experts of the Charter met in November 2012 and, as already mentioned above, during the trilateral Bureaux meeting of June 2013 (alongside the Bureau of the Advisory Committee on the Framework Convention). These meetings strengthened the coordination between the three monitoring mechanisms, for example concerning joint follow-up country visits and round table conferences.

### **4.3. Congress of Local and Regional Authorities**

The secretariats of the Congress and the Charter intensified their co-operation in 2013. On 9-10 December 2013, the Congress organised, in co-operation with the Charter Secretariat, a conference called "Regional or Minority Languages in Europe Today" in Paris. The conference presented an overview of recent developments concerning the protection of regional or minority languages in Europe and preparations for ratifications of the Charter and highlighted the role of regional and local authorities in these fields.

### **4.4. Commissioner for Human Rights**

In his monitoring work, the Commissioner has referred to recommendations made in the monitoring mechanism of the Charter, for example with regard to Ukraine.<sup>28</sup> Furthermore, he has raised the pending ratification of the Charter by "the former Yugoslav Republic of Macedonia"<sup>29</sup> and welcomed the work of the Italian Parliament on a draft ratification law.<sup>30</sup>

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28. Ukraine, CommDH(2012)11, CM/RecChL(2010)6

29. Comm(2013)4, § 11

30. Italy, CommDH(2012)26, § 70

#### **4.5. European Court of Human Rights**

The European Commission of Human Rights and the European Court of Human Rights have referred to the Charter in the context of minority protection and language use.<sup>31</sup>

#### **4.6. Children's Rights Strategy**

As a contribution to the implementation of the Council of Europe's Children's Rights Strategy, the Committee of Experts of the Charter has increasingly encouraged States Parties to see to it that children can also use regional or minority languages outside of the family and school, especially in the media (e.g. television programmes and print media in such languages for children) and cultural life (e.g. cinema).

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### **5. Conclusion**

On 7 October 1981, the Parliamentary Assembly adopted Recommendation 928 calling upon States to support the use of minority languages in public life. This Recommendation subsequently led to the drafting process of the European Charter for Regional or Minority Languages. The relationship between the Charter and the Parliamentary Assembly has remained exceptional, as testified by this report, the only one of its kind to be presented to the Parliamentary Assembly by the Secretary General. Each biennial report therefore gives an opportunity to Europe's parliamentarians to review the state of implementation of the Charter and the monitoring recommendations as well as the state of ratifications, and to play an active role in improving the protection and promotion of regional and minority languages in Europe.

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31. Admissibility of application no. 23450/94 by Nicoletta Polacco and Alessandro Garofalo against Italy (European Commission of Human Rights, 15 September 1997); Fifth Section, Decision on the admissibility of application no. 39426/06 by Sabrina Birk-Levy against France (21 September 2010)

**Appendix 1 – Signatures and ratifications of the European Charter for Regional or Minority Languages**

Framework Convention for the Protection of National Minorities CETS No.: 148

Treaty open for signature by the member States and for accession by non-member States

**Opening for signature**

Place: Strasbourg

Date: 5/11/1992

**Entry into force**

Conditions: 5 ratifications

Date: 1/3/1998

**Status as of: 1/1/2014**

Member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania										
Andorra										
Armenia	11/5/2001	25/1/2002	1/5/2002			X				
Austria	5/11/1992	28/6/2001	1/10/2001			X				
Azerbaijan	21/12/2001					X				
Belgium										
Bosnia and Herzegovina	7/9/2005	21/9/2010	1/1/2011			X				
Bulgaria										
Croatia	5/11/1997	5/11/1997	1/3/1998		X	X				
Cyprus	12/11/1992	26/8/2002	1/12/2002			X				
Czech Republic	9/11/2000	15/11/2006	1/3/2007			X				
Denmark	5/11/1992	8/9/2000	1/1/2001			X			X	
Estonia										
Finland	5/11/1992	9/11/1994	1/3/1998			X				
France	7/5/1999					X				
Georgia										
Germany	5/11/1992	16/9/1998	1/1/1999			X				
Greece										
Hungary	5/11/1992	26/4/1995	1/3/1998			X				
Iceland	7/5/1999									
Ireland										
Italy	27/6/2000									
Latvia										
Liechtenstein	5/11/1992	18/11/1997	1/3/1998			X				
Lithuania										
Luxembourg	5/11/1992	22/6/2005	1/10/2005							
Malta	5/11/1992									
Moldova	11/7/2002									
Monaco										
Montenegro	22/3/2005	15/2/2006	6/6/2006	56						
Netherlands	5/11/1992	2/5/1996	1/3/1998			X		X		
Norway	5/11/1992	10/11/1993	1/3/1998			X				
Poland	12/5/2003	12/2/2009	1/6/2009			X				
Portugal										

Romania	17/7/1995	29/1/2008	1/5/2008			X					
Russia	10/5/2001										
San Marino											
Serbia	22/3/2005	15/2/2006	1/6/2006	56		X					
Slovakia	20/2/2001	5/9/2001	1/1/2002			X					
Slovenia	3/7/1997	4/10/2000	1/1/2001			X					
Spain	5/11/1992	9/4/2001	1/8/2001			X					
Sweden	9/2/2000	9/2/2000	1/6/2000			X					
Switzerland	8/10/1993	23/12/1997	1/4/1998			X					
"The former Yugoslav Republic of Macedonia"	25/7/1996										
Turkey											
Ukraine	2/5/1996	19/9/2005	1/1/2006			X					
United Kingdom	2/3/2000	27/3/2001	1/7/2001			X		X			

## Non-member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
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Total number of signatures not followed by ratifications:	8
Total number of ratifications/accessions:	25

**Notes:** (56) Dates of signature and ratification by the state union of Serbia and Montenegro. a: Accession – s: Signature without reservation as to ratification – su: Succession – r: Signature "ad referendum". R.: Reservations – D.: Declarations – A.: Authorities - T.: Territorial Application – C.: Communication - O.: Objection.

Source: Treaty Office on <http://conventions.coe.int>

## Appendix 2 – Regional or minority languages and non-territorial languages in States Parties of the European Charter for Regional or Minority Languages

Status as of: 1 January 2014

Language	State Party	Level of protection under the Charter (Articles applying to the language concerned)
Albanian	Bosnia and Herzegovina	Part II (Article 7) and Part III (Articles 8-14)
	Montenegro	Part II (Article 7) and Part III (Articles 8-14)
	Romania	Part II (Article 7)
	Serbia	Part II (Article 7) and Part III (Articles 8-14)
Arabic	Spain	Part II (Article 7)
Aragonese	Spain	Part II (Article 7)
Aranese	Spain	Part II (Article 7) and Part III (Articles 8-14)
Armenian	Cyprus	Part II (Article 7.5)
	Hungary	Part II (Article 7.5)
	Poland	Part II (Article 7) and Part III (Articles 8-14)
	Romania	Part II (Article 7)
Assyrian	Armenia	Part II (Article 7) and Part III (Articles 8-14)
Asturian	Spain	Part II (Article 7)
Basque	Spain	Part II (Article 7) and Part III (Articles 8-14)
Beás/Boyash	Croatia	Charter not currently applied due to reservation
	Hungary	Part II (Article 7) and Part III (Articles 8-14)
Belarusian	Poland	Part II (Article 7) and Part III (Articles 8-14)
	Ukraine	Part II (Article 7) and Part III (Articles 8-14)
Berber	Spain	Part II (Article 7)
Bosnian	Montenegro	Part II (Article 7)
	Serbia	Part II (Article 7) and Part III (Articles 8-14)
Bulgarian	Hungary	Part II (Article 7.5)
	Romania	Part II (Article 7) and Part III (Articles 8-14)
	Serbia	Part II (Article 7) and Part III (Articles 8-14)
	Slovakia	Part II (Article 7) and Part III (Articles 8-14)
	Ukraine	Part II (Article 7) and Part III (Articles 8-14)
Bunjevac	Serbia	Part II (Article 7)
Caló	Spain	Part II (Article 7)
Catalan	Spain	Part II (Article 7) or Part II (Article 7) and Part III (Articles 8-14)* <sup>32</sup>
Cornish	United Kingdom	Part II (Article 7)
Crimean Tatar	Ukraine	Part II (Article 7) and Part III (Articles 8-14)
Croatian	Austria <sup>33</sup>	Part II (Article 7) and Part III (Articles 8-14)
	Czech Republic <sup>34</sup>	Part II (Article 7)
	Hungary	Part II (Article 7) and Part III (Articles 8-14)
	Montenegro	Part II (Article 7)
	Romania	Part II (Article 7) and Part III (Articles 8-14)
	Serbia	Part II (Article 7) and Part III (Articles 8-14)
	Slovakia	Part II (Article 7) and Part III (Articles 8-14)
	Slovenia	Part II (Article 7)
Cypriot Maronite Arabic	Cyprus	Part II (Article 7)

32. In some parts of the State, the given language is covered only by Part II while in other parts also by Part III. In the present table, such cases are marked by an asterisk (\*).

33. Burgenlandcroatian

34. Moravian Croatian

Language	State Party	Level of protection under the Charter (Articles applying to the language concerned)
Czech	Austria	Part II (Article 7)
	Bosnia and Herzegovina	Part II (Article 7) and Part III (Articles 8-14)
	Croatia	Part II (Article 7) and Part III (Articles 8-14)
	Poland	Part II (Article 7) and Part III (Articles 8-14)
	Romania	Part II (Article 7) and Part III (Articles 8-14)
	Serbia	Part II (Article 7)
	Slovakia	Part II (Article 7) and Part III (Articles 8-14)
Danish	Germany	Part II (Article 7) and Part III (Articles 8-14)
Finnish	Sweden	Part II (Article 7) and Part III (Articles 8-14)
French	Switzerland	Part II (Article 7)
Frisian	Netherlands	Part II (Article 7) and Part III (Articles 8-14)
Gagauz	Ukraine	Part II (Article 7) and Part III (Articles 8-14)
Galician	Spain	Part II (Article 7) <i>or</i> Part II (Article 7) and Part III (Articles 8-14)*
German	Armenia	Part II (Article 7)
	Bosnia and Herzegovina	Part II (Article 7) and Part III (Articles 8-14)
	Croatia	Charter not currently applied due to reservation
	Czech Republic	Part II (Article 7)
	Denmark	Part II (Article 7) and Part III (Articles 8-14)
	Hungary	Part II (Article 7) and Part III (Articles 8-14)
	Poland	Part II (Article 7) and Part III (Articles 8-14)
	Romania	Part II (Article 7) and Part III (Articles 8-14)
	Serbia	Part II (Article 7)
	Slovakia	Part II (Article 7) and Part III (Articles 8-14)
	Slovenia	Part II (Article 7)
Switzerland	Part II (Article 7)	
Ukraine	Part II (Article 7) and Part III (Articles 8-14)	
Greek	Armenia	Part II (Article 7) and Part III (Articles 8-14)
	Hungary	Part II (Article 7.5)
	Romania	Part II (Article 7)
	Ukraine	Part II (Article 7) and Part III (Articles 8-14)
Hungarian	Austria	Part II (Article 7) <i>or</i> Part II (Article 7) and Part III (Articles 8-14)*
	Bosnia and Herzegovina	Part II (Article 7) and Part III (Articles 8-14)
	Croatia	Part II (Article 7) and Part III (Articles 8-14)
	Romania	Part II (Article 7) and Part III (Articles 8-14)
	Serbia	Part II (Article 7) and Part III (Articles 8-14)
	Slovakia	Part II (Article 7) and Part III (Articles 8-14)
	Slovenia	Part II (Article 7) and Part III (Articles 8-14)
	Ukraine	Part II (Article 7) and Part III (Articles 8-14)
Inari Sami	Finland	Part II (Article 7) and Part III (Articles 8-14)
Irish	United Kingdom	Part II (Article 7) and Part III (Articles 8-14)
Istro-Romanian	Croatia	Part II (Article 7)
Italian	Bosnia and Herzegovina	Part II (Article 7) and Part III (Articles 8-14)
	Croatia	Part II (Article 7) and Part III (Articles 8-14)
	Romania	Part II (Article 7)
	Slovenia	Part II (Article 7) and Part III (Articles 8-14)
	Switzerland	Part II (Article 7) and Part III (Articles 8-14)
Karaim	Poland	Part II (Article 7) and Part III (Articles 8-14)
	Ukraine	Part II (Article 7)
Karelian	Finland	Part II (Article 7.5)
Kashub	Poland	Part II (Article 7) and Part III (Articles 8-14)

Language	State Party	Level of protection under the Charter (Articles applying to the language concerned)
Krimchak	Ukraine	Part II (Article 7)
Kurdish	Armenia	Part II (Article 7) and Part III (Articles 8-14)
Kven	Norway	Part II (Article 7)
Ladino	Bosnia and Herzegovina	Part II (Article 7) and Part III (Articles 8-14)
Lemko	Poland	Part II (Article 7) and Part III (Articles 8-14)
Limburgish	Netherlands	Part II (Article 7)
Lithuanian	Poland	Part II (Article 7) and Part III (Articles 8-14)
Low German	Germany	Part II (Article 7) or Part II (Article 7) and Part III (Articles 8-14)*
Lower Saxon	Netherlands	Part II (Article 7)
Lower Sorbian	Germany	Part II (Article 7) and Part III (Articles 8-14)
Lule Sami	Norway Sweden	Part II (Article 7) Part II (Article 7) and Part III (Articles 8-14)
Macedonian	Bosnia and Herzegovina Romania Serbia	Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) Part II (Article 7)
Manx Gaelic	United Kingdom	Part II (Article 7)
Meänkieli	Sweden	Part II (Article 7) and Part III (Articles 8-14)
Moldovan	Ukraine	Part II (Article 7) and Part III (Articles 8-14)
Montenegrin	Bosnia and Herzegovina	Part II (Article 7) and Part III (Articles 8-14)
North Frisian	Germany	Part II (Article 7) and Part III (Articles 8-14)
North Sami	Finland Norway Sweden	Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) or Part II (Article 7) and Part III (Articles 8-14)* Part II (Article 7) and Part III (Articles 8-14)
Polish	Bosnia and Herzegovina Czech Republic Hungary Romania Slovakia Ukraine	Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) Part II (Article 7) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14)
Portuguese	Spain	Part II (Article 7)
Romani (Romany, Romanes, Romani Chib, Roma language)	Austria Bosnia and Herzegovina Croatia Czech Republic Finland Germany Hungary Montenegro Netherlands Norway Poland Romania Serbia Slovakia Slovenia Spain Sweden Ukraine	Part II (Article 7) Part II (Article 7) and Part III (Articles 8-14) Charter not currently applied due to reservation Part II (Article 7) Part II (Article 7.5) Part II (Article 7) or Part II (Article 7) and Part III (Articles 8-14)* Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7.5) Part II (Article 7) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7.5) Part II (Article 7) Part II (Article 7.5) Part II (Article 7)

Language	State Party	Level of protection under the Charter (Articles applying to the language concerned)
Romanian	Bosnia and Herzegovina Hungary Serbia Ukraine	Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14)
Romansh	Switzerland	Part II (Article 7) and Part III (Articles 8-14)
Russian	Armenia Finland Poland Romania Ukraine	Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7.5) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14)
Ruthenian	Bosnia and Herzegovina Croatia Hungary Romania Serbia Slovakia Ukraine	Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) Part II (Article 7) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7)
Sater Frisian	Germany	Part II (Article 7) and Part III (Articles 8-14)
Scots	United Kingdom	Part II (Article 7)
Scottish-Gaelic	United Kingdom	Part II (Article 7) and Part III (Articles 8-14)
Serbian	Croatia Hungary Romania Slovenia	Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7)
Skolt Sami	Finland Norway	Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7)
Slovakian	Austria Bosnia and Herzegovina Croatia Czech Republic Hungary Poland Romania Serbia Ukraine	Part II (Article 7) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14)
Slovenian	Austria Bosnia and Herzegovina Croatia Hungary	Part II (Article 7) <i>or</i> Part II (Article 7) and Part III (Articles 8-14)* Part II (Article 7) and Part III (Articles 8-14) Charter not currently applied due to reservation Part II (Article 7) and Part III (Articles 8-14)
South Sami	Norway Sweden	Part II (Article 7) Part II (Article 7)
Swedish	Finland	Part II (Article 7) and Part III (Articles 8-14)
Tatar	Finland Poland Romania	Part II (Article 7.5) Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7)
Turkish	Bosnia and Herzegovina Romania	Part II (Article 7) and Part III (Articles 8-14) Part II (Article 7) and Part III (Articles 8-14)

Language	State Party	Level of protection under the Charter (Articles applying to the language concerned)
Ukrainian	Armenia	Part II (Article 7)
	Bosnia and Herzegovina	Part II (Article 7) and Part III (Articles 8-14)
	Croatia	Part II (Article 7) and Part III (Articles 8-14)
	Hungary	Part II (Article 7.5)
	Poland	Part II (Article 7) and Part III (Articles 8-14)
	Romania	Part II (Article 7) and Part III (Articles 8-14)
	Serbia	Part II (Article 7) and Part III (Articles 8-14)
	Slovakia	Part II (Article 7) and Part III (Articles 8-14)
Ulster Scots	United Kingdom	Part II (Article 7)
Upper Sorbian	Germany	Part II (Article 7) and Part III (Articles 8-14)
Valencian	Spain	Part II (Article 7) <i>or</i> Part II (Article 7) and Part III (Articles 8-14)*
Vlach	Serbia	Part II (Article 7)
Welsh	United Kingdom	Part II (Article 7) and Part III (Articles 8-14)
Yenish	Switzerland	Part II (Article 7)
Yezidi	Armenia	Part II (Article 7) and Part III (Articles 8-14)
Yiddish	Bosnia and Herzegovina	Part II (Article 7) and Part III (Articles 8-14)
	Finland	Part II (Article 7.5)
	Netherlands	Part II (Article 7.5)
	Poland	Part II (Article 7) and Part III (Articles 8-14)
	Romania	Part II (Article 7)
	Slovakia	Part II (Article 7)
	Sweden	Part II (Article 7.5)
	Ukraine	Part II (Article 7) and Part III (Articles 8-14)
<b>Total: The Charter covers 83 languages...</b>	<i>...used by 204 national minorities or linguistic groups of which...</i>	<i>...74 are concerned by Part II only and 122 by Parts II and III. The languages of 8 linguistic groups belong to both aforementioned categories, depending on the region.</i>

**Note:** In its Declaration of 30 November 2009, “Finland declare[d], referring to Article 7, paragraph 5, that it undertakes to apply, *mutatis mutandis*, the principles listed in paragraphs 1 to 4 of the said Article to the Romanes language, to the Karelian language [emphasis in original] and to the other non-territorial languages in Finland.” However, Finland has not designated “the other non-territorial languages in Finland”.

**Appendix 3 – List of provisions of the European Charter for Regional or Minority Languages to be included in the instrument/law of ratification of the Republic of Moldova, as agreed during the national experts' meeting of 2-3 February 2012, with the participation of experts of the Council of Europe and the European Centre for Minority Issues (English translation)**

**Russian**

**Article 8 – Education**

Paragraph 1 a.i; b.i; c.i; d.i; e.i; f.i; g; h.

Paragraph 2.

**Article 9 – Judicial authorities**

Paragraph 1.a.i; a.ii; a.iii; a.iv; b.i; b.ii; b.iii; c.i; c.ii; c.iii.

Paragraph 2.a.

**Article 10 – Administrative authorities and public services**

Paragraph 1.a.i; b; c.

Paragraph 2.a; b; c; d; e; f; g.

Paragraph 3.a.

Paragraph 4.a; b; c. Paragraph 5.

**Article 11 – Media**

Paragraph 1.a.iii; b.ii; c.ii; d; e.i; f.ii; g.

Paragraph 2.

Paragraph 3.

**Article 12 – Cultural activities and facilities**

Paragraph 1.a; b; c; d; e; f; h.

Paragraph 2.

Paragraph 3.

**Article 13 – Economic and social life**

Paragraph 1.a; b; c; d.

Paragraph 2.a; b; c; d; e.

**Article 14 – Transfrontier exchanges**

Paragraph a.

Paragraph b.

**Gagauz**

**Article 8 - Education**

Paragraph 1.a.i; ii; b.i; ii; iii; c.i; ii; iii; d.i; ii; iii; e.ii; iii; f.i; ii; iii; g; h.

Paragraph 2.

**Article 9 – Judicial authorities**

Paragraph 1.a.ii; a.iii; a.iv; b.ii; iii; c.ii; iii.

**Article 10 – Administrative authorities and public services**

Paragraph 1.a.i; a.ii (in Gagauzia) / a.iii (outside Gagauzia); b; c.

Paragraph 2.a; b; c; d; e (in Gagauzia); f (outside Gagauzia); g.

Paragraph 3.a (in Gagauzia) / 3.b (outside Gagauzia).

Paragraph 4.a; b; c; d. Paragraph 5.

**Article 11 – Media**

Paragraph 1.a.iii; b.i; ii; c.i; ii; d.ii; e.i; ii; f.i; ii; g. Paragraph 2.

Paragraph 3.

**Article 12 – Cultural activities and facilities**

Paragraph 1.a; b; c; d; e; f; h; g.

**Article 13 – Economic and social life**

Paragraph 1.a; b; c; d.

Paragraph 2.a; b; c; d; e.

**Article 14 – Transfrontier exchanges**

Paragraph a.

Paragraph b.

**Ukrainian**

**Article 8 – Education**

Paragraph 1.a.ii; b.ii; c.ii; d.ii; e.i; f.i; g; h.

Paragraph 2

**Article 9 – Judicial authorities**

Paragraph 1.a.ii; a.iii; a.iv; b.ii; c.ii.

**Article 10 – Administrative authorities and public services**

Paragraph 1.a.ii; b; c.

Paragraph 2.a; b; c; d; e; f; g.

Paragraph 3.b.

Paragraph 4.c. Paragraph 5

**Article 11 – Media**

Paragraph 1.a.iii; b.ii; c.ii; d; e.i; f.ii; g.

Paragraph 2.

Paragraph 3.

**Article 12 – Cultural activities and facilities**

Paragraph 1.a; b; c; d; e; f; h.

Paragraph 2.

Paragraph 3.

**Article 13 – Economic and social life**

Paragraph 1.a; c; d.

Paragraph 2.b; c; d.

Article 14 – Transfrontier exchanges

Paragraph a.

Paragraph b.

## **Bulgarian**

### **Article 8 – Education**

Paragraph 1.a.ii; b.ii; c.ii; d.iii; e.i; f.i; g; h.

Paragraph 2.

**Article 9 – Judicial authorities** Paragraph 1.a.ii; a.iii; a.iv; b.ii; c.ii.

### **Article 10 – Administrative authorities and public services**

Paragraph 1.a.iii; b; c.

Paragraph 2.a; b; c; d; g.

Paragraph 3.b.

Paragraph 4.c.

Paragraph 5.

### **Article 11 – Media**

Paragraph 1.a.iii; b.ii; c.i; d; e.i; f.i; g.

Paragraph 2.

Paragraph 3.

### **Article 12 – Cultural activities and facilities**

Paragraph 1.a; b; c; d; e; f; h.

Paragraph 2.

Paragraph 3.

### **Article 13 – Economic and social life**

Paragraph 1.a; b.

Paragraph 2.b; c; d.

### **Article 14 – Transfrontier exchanges**

Paragraph a.

Paragraph b.

The situation of non-territorial languages: German, Yiddish, Polish and Romani

According to Article 1.c of the Charter:

*“non-territorial languages* means languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof”.

In line with this definition, German, Yiddish, Polish and Romani may be considered non-territorial languages in the Republic of Moldova. These languages are used in private by a number of citizens in various regions of the country.

As it appears from the requirements of the Charter, “as the as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned”, according to Article 7 of Part II of the Charter.

For the ratification of the Charter, the following is proposed:

- The provisions of the Charter shall be on the whole applied to eight minority languages used on the territory of the Republic of Moldova, which are, in accordance with the “international rule”<sup>35</sup>, traditionally present in our country for more than one hundred years:

Bulgarian

Gagauz

German

Yiddish

Polish

Romani

Russian

Ukrainian.

- In the Republic of Moldova Russian, Ukrainian, Gagauz and Bulgarian may be defined as regional or minority languages. Our state will have to apply to these languages the provisions of Part III of the Charter.
- German, Yiddish, Polish and Romani may be considered non-territorial languages in the Republic of Moldova. These languages are used in public and in private in various regions of the country. Our state will have to apply to these languages the provisions of Part II of the Charter.

#### **Original version:**

**Lista prevederilor Cartei Europene a Limbilor Regionale și Minoritare pentru includerea în proiectul instrumentului/legii de ratificare**, coordonată în cadrul reuniunii grupului de experți naționali din 2-3 februarie 2012 cu participarea experților din partea Consiliului Europei și Centrului European pentru Problemele Minorităților

#### **Limba rusă**

##### **Articolul 8 - Învățământ**

Paragraful 1 a.i; b.i; c.i; d.i; e.i; f.i; g; h.

Paragraful 2

##### **Articolul 9 – Autorități judiciare**

Paragraph 1.a.i; a.ii; a.iii; a.iv; b.i; b.ii; b.iii; c.i; c.ii c.iii.

Paragraph 2.a.

##### **Articolul 10 – Autorități administrative și servicii publice**

Paragraful 1.a.i; b; c.

Paragraful 2.a; b; c; d; e; f; g.

Paragraful 3.a.

Paragraful 4.a; b; c. Paragraful 5.

##### **Articolul 11 – Mijloace de informare în masă**

Paragraful 1.a.iii; b.ii; c.ii; d; e.i; f.ii; g.

Paragraful 2.

Paragraful 3.

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35. Ratification of the European Charter for Regional or Minority Languages by the Republic of Moldova: Proposal for an instrument of ratification, prepared by the European Centre for Minority Issues, 2012

**Articolul 12 – Activități și facilități culturale**

Paragraful 1.a; b; c; d; e; f; h.

Paragraful 2.

Paragraful 3.

**Articolul 13 – Viață economică și socială**

Paragraful 1.a; b; c; d.

Paragraful 2.a; b; c; d; e.

**Articolul 14 – Schimburi transfrontaliere**

Paragraful a.

Paragraful b.

**Limba găgăuză**

**Articolul 8 - Învățământ**

Paragraful 1.a.i; ii; b.i; ii; iii; c.i; ii; iii; d.i; ii; iii; e.ii; iii; f.i; ii; iii; g; h.

Paragraful 2.

**Articolul 9 – Autorități judiciare**

Paragraful 1.a.ii; a.iii; a.iv; b.ii; iii; c.ii; iii.

**Articolul 10 – Autorități administrative și servicii publice**

Paragraful 1.a.i; a.ii (în Găgăuzia) / a.iii (în afara Găgăuziei); b; c.

Paragraful 2.a; b; c; d; e (în Găgăuzia); f (în afara Găgăuziei); g.

Paragraful 3.a (în Găgăuzia) / 3.b (în afara Găgăuziei).

Paragraful 4.a; b; c; d.

Paragraful 5.

**Articolul 11 – Mijloace de informare în masă**

Paragraful 1.a.iii; b.i; ii; c.i; ii; d.ii; e.i; ii. f.i; ii; g.

Paragraful 2.

Paragraful 3.

**Articolul 12 – Activități și facilități culturale**

Paragraful 1.a; b; c; d; e; f; h; g.

**Articolul 13 – Viață economică și socială**

Paragraful 1.a; b; c; d.

Paragraful 2.a; b; c; d; e.

**Articolul 14 – Schimburi transfrontaliere**

Paragraful a.

Paragraful b.

**Limba ucraineană**

**Articolul 8 – Învățământ**

Paragraful 1.a.ii; b.ii; c.ii; d.ii; e.i; f.i; g; h.

Paragraful 2.

**Articolul 9 – Autorități judiciare**

Paragraful 1.a.ii; a.iii; a.iv; b.ii; c.ii.

**Articolul 10 – Autorități administrative și servicii publice**

Paragraful 1.a.ii; b; c.

Paragraful 2.a; b; c; d; e; f; g.

Paragraful 3.b.

Paragraful 4.c. Paragraful 5.

**Articolul 11 – Mijloace de informare în masă**

Paragraful 1.a.iii; b.ii; c.ii; d; e.i; f.ii; g.

Paragraful 2.

Paragraful 3.

**Articolul 12 – Activități și facilități culturale**

Paragraful 1.a; b; c; d; e; f; h.

Paragraful 2.

Paragraful 3.

**Articolul 13 – Viață economică și socială**

Paragraful 1.a; c; d.

Paragraful 2.b; c; d.

**Articolul 14 – Schimburi transfrontaliere**

Paragraful a.

Paragraful b.

**Limba bulgară**

**Articolul 8 – Învățământ**

Paragraful 1.a.ii; b.ii; c.ii; d.iii; e.i; f.i; g; h.

Paragraful 2.

**Articolul 9 – Autorități judiciare**

Paragraful 1.a.ii; a.iii; a.iv; b.ii; c.ii.

**Articolul 10 – Autorități administrative și servicii publice**

Paragraful 1.a.iii; b; c.

Paragraful 2.a; b; c; d; g.

Paragraful 3.b.

Paragraful 4.c. Paragraful 5.

**Articolul 11 – Mijloace de informare în masă**

Paragraful 1.a.iii; b.ii; c.i; d; e.i; f.i; g. Paragraful 2.

Paragraful 3.

**Articolul 12 – Activități și facilități culturale**

Paragraful 1.a; b; c; d; e; f; h.

Paragraful 2.

Paragraful 3.

### **Articolul 13 – Viață economică și socială**

Paragraful 1.a; b.

Paragraful 2.b; c; d.

### **Articolul 14 – Schimburi transfrontaliere**

Paragraful a.

Paragraful b.

Situația limbilor non-teritoriale: germană, idiș, poloneză și romani

Conform Art. 1, al. c. al Cartei:

“prin “limbi non-teritoriale” se înțeleg limbile folosite de cetățenii unui stat care sunt diferite de limba (-ile) folosită (-e) de restul populației statului, dar care, deși folosite în mod tradițional pe teritoriul statului, nu pot fi asociate cu anumită arie geografică a acestuia”.

Conform acestei definiții ca limbi non-teritoriale în Republica Moldova pot fi considerate limbile germană, idiș, poloneză, romani. Limbile acestea sunt folosite în sfera privată de un număr de cetățeni în diferite regiuni ale țării.

Reieșind din cerințele Cartei, “...în cazul acestor limbi, natura și cuprinderea măsurilor ce urmează a fi luate pentru a da efect prezentei Cartei, vor fi determinate într-o manieră flexibilă, ținând seama de necesități și dorințe și respectând tradițiile și caracteristicile grupurilor care folosesc limbile respective”, conform Art. 7 din Partea a II-a din Carta.

În procesul de ratificare a Cartei se propune:

- Prevederile Cartei se aplică, în general, pentru 8 limbi minoritare folosite pe teritoriul Republicii Moldova și care sunt prezente în mod tradițional, conform „regulii internaționale”<sup>36</sup> în țara noastră mai mult de 100 de ani:

limba bulgară;

limba găgăuză;

limba germană;

limba idiș;

limba poloneză;

limba romani;

limba rusă;

limba ucraineană.

- În Republica Moldova drept limbi regionale sau minoritare pot fi definite limbile *rusă, ucraineană, găgăuză și bulgară*. Referitor la aceste limbi statul nostru va trebui să aplice prevederile Părții III a Cartei.
- Drept limbi non-teritoriale în Republica Moldova pot fi considerate limbile *germană, idiș, poloneză și romani*. Limbile acestea sunt folosite în sfera publică și privată în diferite regiuni ale țării. Referitor la aceste limbi statul nostru va trebui să aplice prevederile Părții II a Cartei.

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36. Ratificarea Cartei Europene a Limbilor Regionale sau Minoritare de către Republica Moldova. Propunere de instrument de ratificare. Elaborat de Centrul European pentru Problemele Minorităților, 2012.

**Appendix 4 – Signatures and ratifications of the Framework Convention for the Protection of National Minorities**

Framework Convention for the Protection of National Minorities CETS No.: 157

Treaty open for signature by the member States and up until the date of entry into force by any other State so invited by the Committee of Ministers

**Opening for signature**

Place: Strasbourg

Date: 1/2/1995

**Entry into force**

Conditions: 12 ratifications

Date: 1/2/1988

**Status as of: 1/1/2014**

Member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	29/6/1995	28/9/1999	1/1/2000							
Andorra										
Armenia	25/7/1997	20/7/1998	1/11/1998							
Austria	1/2/1995	31/3/1998	1/7/1998			X				
Azerbaijan		26/6/2000 a	1/10/2000			X				
Belgium	31/7/2001				X					
Bosnia and Herzegovina		24/2/2000 a	1/6/2000							
Bulgaria	9/10/1997	7/5/1999	1/9/1999			X				
Croatia	6/11/1996	11/10/1997	1/2/1998							
Cyprus	1/2/1995	4/6/1996	1/2/1998							
Czech Republic	28/4/1995	18/12/1997	1/4/1998							
Denmark	1/2/1995	22/9/1997	1/2/1998			X				
Estonia	2/2/1995	6/1/1997	1/2/1998			X				
Finland	1/2/1995	3/10/1997	1/2/1998							
France										
Georgia	21/1/2000	22/12/2005	1/4/2006							
Germany	11/5/1995	10/9/1997	1/2/1998			X				
Greece	22/9/1997									
Hungary	1/2/1995	25/9/1995	1/2/1998							
Iceland	1/2/1995									
Ireland	1/2/1995	7/5/1999	1/9/1999							
Italy	1/2/1995	3/11/1997	1/3/1998							
Latvia	11/5/1995	6/6/2005	1/10/2005			X				
Liechtenstein	1/2/1995	18/11/1997	1/3/1998			X				
Lithuania	1/2/1995	23/3/2000	1/7/2000							
Luxembourg	20/7/1995					X				
Malta	11/5/1995	10/2/1998	1/6/1998		X	X				
Moldova	13/7/1995	20/11/1996	1/2/1998							
Monaco										
Montenegro		11/5/2001 a	6/6/2006	54						
Netherlands	1/2/1995	16/2/2005	1/6/2005			X		X		
Norway	1/2/1995	17/3/1999	1/7/1999							

Poland	1/2/1995	20/12/2000	1/4/2001		X						
Portugal	1/2/1995	7/5/2002	1/9/2002								
Romania	1/2/1995	11/5/1995	1/2/1998								
Russia	28/2/1996	21/8/1998	1/12/1998		X						
San Marino	11/5/1995	5/12/1996	1/2/1998								
Serbia		11/5/2001 a	1/9/2001	54							
Slovakia	1/2/1995	14/9/1995	1/2/1998								
Slovenia	1/2/1995	25/3/1998	1/7/1998		X						
Spain	1/2/1995	1/9/1995	1/2/1998								
Sweden	1/2/1995	9/2/2000	1/6/2000		X						
Switzerland	1/2/1995	21/10/1998	1/2/1999		X						
"The former Yugoslav Republic of Macedonia"	25/7/1996	10/4/1997	1/2/1998		X						
Turkey											
Ukraine	15/9/1995	26/1/1998	1/5/1998								
United Kingdom	1/2/1995	15/1/1998	1/5/1998								

## Non-member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
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Total number of signatures not followed by ratifications:	4
Total number of ratifications/accessions:	39

**Notes:** (54) Date of accession by the state union of Serbia and Montenegro. a: Accession - s: Signature without reservation as to ratification - su: Succession - r: Signature "ad referendum". R.: Reservations - D.: Declarations - A.: Authorities - T.: Territorial Application - C.: Communication - O.: Objection.

Source: Treaty Office on <http://conventions.coe.int>