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The protection and promotion of regional or minority languages in Europe

Report¹

Committee on Culture, Science, Education and Media

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Summary

The use of regional or minority languages represents the basis of individual and collective identity. Protection and promotion of these languages should be therefore an essential component of policies which are respectful of human dignity and fundamental rights, and of the value of cultural diversity.

The report urges member States to take the necessary steps to ratify the European Charter for Regional or Minority Languages, if they have not already done so. It recommends that the member States that have ratified the Charter ensure the effective implementation of the commitments they have already undertaken, through a structured approach involving all levels of governance and possibly by broadening the scope of these commitments, whilst taking account of the specific situation of the languages concerned.

The Committee of Ministers should encourage this process and support the implementation of the Charter by soft measures, including: setting up a special prize to be awarded annually; holding regional seminars on good practices; encouraging scientific co-operation between member States; and setting up working groups relating to the situation of regional or minority languages in national parliaments. The report also advocates co-operation with the relevant institutions and bodies of the European Union in this domain.

1. Reference to committee: [Doc. 14278](#), Reference 4288 of 28 April 2017.



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A. Draft resolution²

1. In European democracies, the use of regional or minority languages is critical in determining the personal and collective identity of all the European citizens concerned. Linguistic diversity is part of the common European cultural heritage; protection and support for the development of these languages is therefore a fundamental European value.
2. Once again, the Parliamentary Assembly confirms that the protection of the historical regional or minority languages of Europe, some of which are in danger of eventual extinction, contributes to the maintenance and development of Europe's cultural wealth and traditions. In this connection, the Assembly draws attention to [Recommendation 1201 \(1993\)](#), [Recommendation 1492 \(2001\)](#), [Resolution 1770 \(2010\)](#) and [Resolution 1985 \(2014\)](#), all of which concern the rights of national minorities.
3. The Assembly notes that language is in itself a value and one of our cultural assets. It is therefore fundamentally important that the use of language ensures a community's cultural reproduction, enables individuals and the community to take part in political and cultural life, and in this way become integrated into economic and social processes.
4. These objectives are the goals of the European Charter for Regional or Minority Languages (ETS No. 148), which has played a unique role in protecting and supporting regional or minority languages over the last two decades. The Assembly appreciates the work which the Committee of Experts of the Charter has carried out over the last two decades with this aim in mind.
5. The Assembly regrets that, to date, only 25 of the 47 member States have ratified the Charter and eight have signed it.
6. The Assembly is concerned about the fact that several States have still not submitted their reports on the application of the Charter; some States have even failed to carry out an entire monitoring cycle, which hinders the work of the Committee of Experts or the Committee of Ministers on protecting and promoting support for regional or minority languages.
7. In the light of these considerations, the Assembly calls on the member States to:
 - 7.1. sign and/or ratify the European Charter for Regional or Minority Languages, if they have not already done so, and refrain from acts which would go against the principles defined by the Charter, irrespective of their status with regard to the Charter;
 - 7.2. take the necessary steps to ensure that the right to use regional or minority languages is recognised in all aspects of the life of the community and, wherever possible, that those languages are raised to the status of second official language in the regions where such languages are traditionally used, bearing in mind the particular conditions and historical traditions specific to each region;
 - 7.3. submit the national report without further delay, in accordance with Article 15 of the Charter, and take a constructive part in the monitoring carried out by the Committee of Experts;
 - 7.4. adapt the commitments relating to each language provided for in the Charter to the socio-linguistic situation of the languages concerned;
 - 7.5. apply a structured approach to fulfilling these commitments, involving all levels of institutions, including local and regional authorities, and provide a clear definition of responsibilities and implementing powers;
 - 7.6. study and use States' best practices.
8. The Assembly invites the member States, pursuant to their commitments under the Charter, to:
 - 8.1. with regard to education:
 - 8.1.1. comply with paragraphs 10.4.2 to 10.4.5 of [Resolution 1985 \(2014\)](#) on the situation and rights of national minorities in Europe;
 - 8.1.2. evaluate, where possible before children begin school, what the child's mother tongue is and ensure that both the regional or minority language and the official language are taught by using appropriate methods;

2. Draft resolution adopted by the committee on 4 December 2017.

- 8.1.3. ensure that it is possible to study in the regional or minority language for the entire duration of schooling, from preschool, primary and secondary education through to vocational training and higher education, at least for pupils whose families so wish;
 - 8.1.4. ensure that those who speak a regional or minority language as their mother tongue have the opportunity to learn the official language sufficiently, by incorporating good practices from the teaching of foreign languages into the methodological approach adopted for teaching the official language;
 - 8.1.5. ensure that people living in widely scattered settlements receive appropriate education in the language in question;
 - 8.1.6. define preferential thresholds in the learning of regional or minority languages and apply them with the necessary flexibility in light of the interests of the community;
 - 8.1.7. guarantee that young people speaking regional or minority languages can sit exams in appropriate conditions, offering them the same opportunities as the majority in the public and higher education system;
 - 8.1.8. organise systems with suitable funding for training highly committed teachers, and apply specific incentives to ensure that pupils opt for the regional or minority languages in question or for training courses provided in these languages;
 - 8.1.9. endeavour in a proactive manner to produce textbooks that meet the requirements of the speakers of regional or minority languages, and – if that proves to be impossible – enable such people to use textbooks from other countries published in those languages, in co-operation with educational regulation bodies of the countries where regional or minority languages are used;
 - 8.1.10. ensure that education reforms do not impact on teaching in regional or minority languages or on the teaching of these languages in a disproportionately disadvantageous manner;
 - 8.1.11. allow communities which speak a regional or minority language to organise teaching in that language under their own authority and in their own institutional system, in the context of a given education system, as is already the case in several countries of Europe;
- 8.2. vis-à-vis the administrative authorities and public service organisations, allow the use of the language, irrespective of the language threshold, in the areas where its speakers are traditionally present and where there is an interest in using the language, in line with good practices in many countries, and in this context:
- 8.2.1. ensure that citizens are informed of the possibilities of using the language and to actively promote users' real exercise of this right;
 - 8.2.2. ensure that the employees of public administrations or services which communicate with users are able to provide information and services in the respective regional or minority languages;
 - 8.2.3. promote and encourage the use of regional or minority languages at local and regional level; with this aim in mind, actively encourage municipal authorities to ensure the use of the language in practice;
 - 8.2.4. ensure that place names and all topographical indications are written in their proper form, including on signs indicating entry into or exit from built-up areas and on all other road signs providing information;
 - 8.2.5. ensure that companies and bodies offering public services also use the regional or minority language in question; ensure, even in cases where the member State has made the weakest undertaking defined in Article 10.3 of the Charter, that a sufficient number of employees speak the language in question in the institution offering the service and that the necessary information for obtaining access to the service is also provided in the language in question; if none of the above-mentioned solutions is possible, the user should be offered the assistance of an interpreter;
- 8.3. with regard to the media:
- 8.3.1. promote the use of regional or minority languages by adopting legal and regulatory standards, as well as by means of appropriate incentives in their media policy;

8.3.2. refrain from prescribing restrictive legal and political measures, such as subtitling/ translation obligations and mandatory quotas for programmes in the official language, etc.;

8.3.3. ensure appropriate funding or grants for organisations or media which represent minorities to enhance the quality of content, so that they can draw the attention of the majority community to the identity, language, history and culture of the minority;

8.3.4. allow and promote the presence of regional or minority language media on online interfaces;

8.4. with regard to culture:

8.4.1. take into consideration the national and regional proportion of speakers and the number of communities of regional or minority languages when preparing the part of the budget allocated to culture and, depending on possibilities, also provide the necessary resources for developing the cultural life of the minority(ies) in question;

8.4.2. ensure that a reasonable proportion of places in national and regional bodies responsible for the cultural content of the media are allocated to representatives of regional or minority languages;

8.4.3. take into consideration, when drafting legal norms and other regulations concerning cultural grants, all artistic works written in the minority language and not make it compulsory for such publications to be translated into the national language;

8.4.4. ensure the availability of staff speaking the language in question in cultural institutions in areas where the speakers of regional or minority languages are traditionally present;

8.4.5. consider speakers of regional or minority languages as a factor enriching the national culture, and consequently take them into consideration and include them in decisions concerning the thrust of their foreign cultural policy.

9. The Assembly calls on member States to ensure mutual comprehension between all linguistic groups in each country in order to foster the broadest possible co-operation and cohabitation among communities of member States.

B. Draft recommendation³

1. In accordance with the European principle “Unity in diversity”, the Parliamentary Assembly considers the protection and use of minority languages to be an integral part of the process for the extension of democracy.
2. With reference to Resolution ... (2018) on the protection and promotion of regional or minority languages in Europe, the Assembly considers it important to raise awareness of the fact that, in all countries, people belonging to regional or minority linguistic groups are citizens with the same rights as the speakers of the majority language.
3. The goal that should be achieved by the member States of the Council of Europe is to ensure that the speakers of regional or minority languages can freely use their mother tongue in individual or social communication without discrimination, and consequently that they receive all the support required during their schooling from official bodies and local communities.
4. The Assembly therefore calls on the Committee of Ministers to:
 - 4.1. encourage each member State to take the necessary steps to ratify the European Charter for Regional or Minority Languages (ETS No. 148), if they have not already done so, or in the event that they have already ratified the Charter, to ensure that it is put into practice and that they broaden the scope of their commitments;
 - 4.2. devise a procedure under which it authorises the Committee of Experts of the European Charter for Regional or Minority Languages to carry out, after issuing a preliminary warning, the monitoring procedure in respect of States which lag far behind in submitting the report provided for under Article 15 of the Charter;
 - 4.3. report to the Parliamentary Assembly on the procedure for monitoring the application of the Charter, paying particular attention to the execution of States’ obligation to present a report, as well as the results obtained;
 - 4.4. create a prize, to be awarded once a year by means of a competition, for countries which actively promote the use of regional or minority languages, with the conditions relating to the award of the prize being decided upon jointly by the Committee of Experts of the Charter and the Parliamentary Assembly;
 - 4.5. implement further solutions for the application of the Charter, hold regional seminars on good practices and obstacles to its effective use, promote scientific co-operation between national research workshops, and suggest that working groups specialising in issues relating to the situation of regional or minority languages be set up;
 - 4.6. co-operate with the relevant institutions and bodies of the European Union, in particular the Directorate-General for Neighbourhood and Enlargement Negotiations, the Directorate-General for Education, Youth, Sport and Culture and the European Parliament, on the subject of the protection and promotion of regional or minority languages within the European Union.

3. Draft recommendation adopted unanimously by the committee on 4 December 2017.

C. Explanatory memorandum by Ms Rózsa Hoffmann, rapporteur

1. Introduction

1. Experience has shown that equal treatment is essential in the case of communities with their own linguistic, ethnic and religious characteristics but that this requirement is in itself far from being sufficient for the protection of the ideals and principles that shape the common European heritage. The international community recognised the need to protect and support the protection of the identity of individuals and communities and subsequently, at Council of Europe level, and drew up in 1995 the European Charter for Regional or Minority Languages (ETS No. 148) (“the Charter”) and the Framework Convention for the Protection of National Minorities (ETS No. 157) (“the Framework Convention”), which are the most comprehensive, legally binding international treaties and are crucially important for a minority’s identity. While legally binding, they are not, however, enforceable, and this is not sufficient.

2. The disappearance of languages or their fall into disuse is a perceptible process in Europe that the States of our continent must take action to deal with, and the Charter serves this purpose at Council of Europe level. In accordance with the Parliamentary Assembly’s [Recommendation 1201 \(1993\)](#), “[t]he charter, on which legislation in our member States will have to be based, will also be able to give guidance to many other States on a difficult and sensitive subject”.⁴ This recommendation, which is considered pivotal in the work of the Assembly, is particularly important from the language point of view as it lays down the fundamental condition that “[e]very person belonging to a national minority shall have the right to express, preserve and develop in complete freedom his/her religious, ethnic, linguistic and/or cultural identity, without being subjected to any attempt at assimilation against his/her will”.⁵ The use of language is principally a cultural matter that is also linked to education, which explains the forwarding of the reference for report to the Committee on Culture, Science, Education and Media.

3. Regional or minority languages are increasingly important economic driving factors (for example, around the Italian-Slovenian and Franco-Spanish borders and elsewhere), which, apart from the cultural aspects, makes the subject under discussion even more important.⁶

4. The preamble to the Charter clearly states: “The protection of the historical regional or minority languages of Europe, some of which are in danger of eventual extinction, contributes to the maintenance and development of Europe’s cultural wealth and traditions.” Indeed, linguistic diversity is a valuable component of Europe’s cultural heritage. Each language represents particular historical, social and cultural knowledge, as well as a unique human experience and world view. However, a large number of languages spoken in Europe are threatened with or in severe danger of extinction in the course of this century unless measures are taken to reverse the process of language shift between speakers.

5. Confining itself to the Charter, this report deals only with historical regional or minority languages.

6. According to scientific studies, the number of living languages in the world is estimated at four or five thousand.⁷ At the same time, three quarters of languages are spoken by a very small number of people. Only about a thousand are spoken by more than 10 000 people. Globally, there are now only 138 languages with a million or more speakers.

7. More than 200 languages are spoken in Europe and fewer than half have official status at national or regional level.⁸ The languages that are spoken by small communities and have no official status are more exposed to the risk of extinction. They may become obsolescent extremely quickly and then completely disappear through lack of use.

8. This is particularly worrying in the case of regional or minority languages, which the Charter was drawn up to protect. The Charter’s principal aim is to prevent a regional or minority language from being an obstacle for those who speak it as their mother tongue to becoming successfully and actively integrated into the various areas of society. This situation concerns about 47 million people in Europe.

4. [Recommendation 1201 \(1993\)](#) of the Assembly on the Additional protocol on the rights of minorities to the European Convention on Human Rights, paragraph 2.

5. Article 3 of the Proposal for an additional protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning persons belonging to national minorities, contained in [Recommendation 1201 \(1993\)](#).

6. See the conclusions of the Conference “What is the role of regional or minority languages in the local economies of Europe”, Brussels, 27 October 2016.

7. C.F. Voegelin and F.M. Voegelin, *Classification and Index of the World’s Languages*, 1978.

8. www.nationsonline.org/oneworld/european_languages.htm.

9. At the same time, language is not only a means of communication but is also a key part of an individual's and community's cultural identity, the preservation of which is also required by the European legal rules and provisions that define fundamental human values.⁹

10. The right to human dignity, as a general "maternal right" that ensures equality and the protection of the personality, is a source of many other rights, including the identity of the person, and language is one of the key factors of that identity, especially in the case of national minorities.

11. The same approach is supported by the High Commissioner for Minorities of the Organisation for Security and Co-operation in Europe (OSCE), who states in the introduction to the Explanatory Note on the Oslo Recommendations regarding the Linguistic Rights of National Minorities that "respect for a person's dignity is intimately connected with respect for the person's identity and consequently for the person's language".¹⁰

12. Language is a value in itself and is also part of our cultural assets, so it is fundamentally important for language rights to ensure a community's cultural reproduction and enable the individual and the community to participate in political and cultural life and become integrated into economic and social processes.

13. The same approach is reflected in the design of the Charter, the objective of which is the preservation and development of Europe's diversity and cultural traditions with the aim of protecting and promoting the ideals and principles that shape the common heritage of the Council of Europe member States.¹¹ Accordingly, although it does not directly protect linguistic or national minorities, the Charter contributes to the global objectives of the international protection of minorities and to the protection and reproduction of minority communities as specific groups.

1.1. Aims of the report

14. The main aim of this report is to refocus member States' waning attention on the importance of and need to support regional or minority languages. The aim is also to point to the need to monitor compliance with and further expand the commitments entered into.

15. In the first instance, I shall endeavour to identify good practices, but I shall also highlight a number of existing problems.

1.2. Purpose of the report

16. After its adoption, the Charter had been ratified by 25 Council of Europe member States at the end of 2017 (see the list in Appendix 1 of document [AS/Cult/Inf \(2017\) 08 rev](#)).

17. The effective implementation of the Charter is overseen by the monitoring procedure relating to the country that has ratified the Charter, in the course of which the Committee of Experts of the European Charter for Regional or Minority Languages ("Committee of Experts"), comprising independent experts, examines how States have complied with their commitments. The procedure is initiated by the report presented by the States Parties. In the last few years, the fact that States are delaying the presentation of their report for longer and longer – even to the extent of allowing a full three-year monitoring cycle to pass – has become increasingly problematic.

18. In order to take account of this problem, Mr Bernd Fabritius and other Assembly members tabled a motion for a resolution¹² aimed at analysing the situation of regional or minority languages in central and eastern European States which are falling behind in their obligations. In this part of Europe, the situation of speakers of these languages is considered sensitive from the historical point of view, since millions of people belonging to the traditional minority "became minorities because borders changed after they had lived on the

9. The website of the United Nations Educational, Scientific and Cultural Organization (UNESCO) lists over 40 international documents relating to language rights (www.unesco.org/most/ln2int.htm).

10. First paragraph of the OSCE High Commissioner's Explanatory Note on the Oslo Recommendations regarding the Linguistic Rights of National Minorities (1 February 1998).

11. See the Preamble of the Charter, <https://www.coe.int/en/web/conventions/full-list/conventions/rms/090000168007c07e>.

12. [Doc. 13613](#). This motion for a resolution was superseded in April 2017 by a new motion for a resolution ([Doc. 14278](#)) with a title "The promotion and protection of regional and minority languages in Europe", which broadened the scope of the report to include all member States of the Council of Europe.

same territory for centuries. ... A copybook example of this is the fate of the people in Transcarpathia, where during the past ninety years on the basis of citizenship they were Austro-Hungarians, Hungarians, Czechoslovaks, Slovaks, Soviet citizens, Hungarians again, and now Ukrainians".¹³

19. Since the presentation of the initiative, several States have met their obligation to submit a report, but the problem persists (see the list in Appendix 2 of document [AS/Cult/Inf \(2017\) 08 rev](#)). The subject of the use of regional or minority languages affects and is of concern to all Council of Europe countries (for a list of regional or minority languages present in individual countries, see Appendix 3 of document [AS/Cult/Inf \(2017\) 08 rev](#)), so it was not appropriate to restrict this analysis to central and eastern Europe.

20. This applies all the more as the latter term is not precisely defined. The geographical location of some countries is still a subject of debate and, in certain cases, it is their political affiliation that may be the main criterion. Moreover, out of 26 countries considered as belonging geographically to central and eastern Europe (for the list, see Appendix 4 of document [AS/Cult/Inf \(2017\) 08 rev](#)), some have ratified the Charter while others have not. This situation is the same for all European countries.

21. This report thus covers all Council of Europe member States, whether or not they have ratified the Charter. At the same time, the emphasis of the analysis continues to be placed on the States of central and eastern Europe, and I will focus on the actual use of a language in education, the cultural field, the media and public administration, as well as in dealings with public service bodies and in the various areas of interpersonal interaction.

1.3. Sources and methods

22. Remaining within the framework of the Charter, I will analyse the situation of the regional or minority languages traditionally used and present for at least a hundred years in the country concerned.

23. In keeping with the Charter, the concept of a "regional or minority language" does not include the languages of migrants. At the same time, it is important to note that where a language may be brought within the scope of the Charter because of its traditional presence in the State, the rights specified not only belong to members of the national minorities but to everyone who uses the language in question, whether they use it as their mother tongue, their first language, their second language or as a foreign language.

24. In writing this report, I have employed the following methods and referred to the following sources:

- analysis and comparison of the national reports and the Committee of Experts' opinion;
- analysis of the replies to the questionnaires sent by the Secretariat to the member States and NGOs (see the lists in Appendices 5 and 6 of document [AS/Cult/Inf \(2017\) 08 rev](#));
- the expert report drawn up by Professor Stefan Oeter, former Vice-Chair of the Committee of Experts, debated in the Committee on Culture, Science, Education and Media in Paris on 9 December 2016 (see Appendix 7 of document [AS/Cult/Inf \(2017\) 08 rev](#));
- talks with Council of Europe and European Union parliamentarians, representatives and experts of the scientific world, and non-governmental organisations (NGOs);
- observations from the visit to the two countries chosen (Latvia and Italy – see Appendices 8 and 9 of document [AS/Cult/Inf \(2017\) 08 rev](#));
- information received during specific meetings with political figures and European NGOs;
- analysis of academic literature on the subject in question.

25. In view of the considerable length, in some cases over a hundred pages, of the Committee of Experts' reports on States' application of the Charter, I have generally relied on the reports of the most recent monitoring cycle. In this report, I draw attention to good practices and to the shortcomings and difficulties I consider the most characteristic and most relevant.

13. See Mr Ferenc Kalmár's report on "The situation and rights of national minorities in Europe", [Doc. 13445](#), and Assembly [Resolution 1985 \(2014\)](#) and [Recommendation 2040 \(2014\)](#).

2. Education

2.1. The use of the language in general

26. The environment created by the teaching of or teaching in the mother tongue plays a significant role in increasing the number of speakers and the survival of the community speaking the regional or minority language. The fact that the language used at school is directly associated with the individual's identity, the link to the mother tongue, and consequently the preservation of the language, can be considered self-evident. Support for a positive relationship with the mother tongue is especially important in the case of a community where the language constitutes a core element of its identity. I refer to Assembly [Recommendation 1740 \(2006\)](#) on the situation of Roma in Europe and relevant activities of the Council of Europe, which states that "types of education based on the mother tongue significantly increase the chances of educational success and can even give better results".

2.2. Commitments by levels of education

27. The commitments laid down in Article 8 of the Charter are the most important elements in the list if it is hoped to ensure the survival of regional or minority languages.¹⁴ According to the observations of Professor Stefan Oeter, the other measures laid down in the Charter only make sense if the State is clearly prepared to ensure that the language can be passed on from one generation to the next by implementing sound measures to protect and promote the language in educational establishments.¹⁵ If education is considered one of the means of supporting a language, the possibility of being taught in one's mother tongue throughout the education cycle and not only at nursery and/or primary school needs to be guaranteed.

28. The Charter, which covers all levels of education, is also based on this principle: it contains provisions of differing degrees of stringency for preschool, primary and secondary education, technical and vocational education and university and higher education. A distinction has to be drawn between three procedures: a) when the regional or minority language is the just language of instruction; b) when it is partially the language of instruction; c) when the language in question is only one subject in the teaching of languages. The Charter supplements these three possibilities with a fourth, namely when the aforementioned options depend on parents' demands and a "sufficient" number of pupils. The most advantageous situation from the point of view of the objectives set by the Charter is when States choose the strongest commitments but the choice has to be adapted to the objective sociolinguistic situation of the language in question, as noted by Professor Oeter. When the regional or minority language is the first language of a considerable proportion of the population, children must learn to read and write it.

29. According to the replies to the questionnaire provided by bodies that represent the national minorities, teaching in the mother tongue is a problem to be resolved in Greece in the case of Macedonian,¹⁶ while in Italy there is no central government language policy to address the issue of the use of a language in formal education.¹⁷ Moreover, pupils must also acquire skills in the majority language during their school education. Nonetheless, I believe they should not be taught the majority language as their mother tongue, as is the case in Ukraine and Serbia, but according to a specially developed learning methodology adapted to the languages of their environment or to foreign languages. However, I welcome the efforts being made by Serbia to adjust the teaching of the national language to the particular needs of non-Serbian speaking pupils.¹⁸ In those cases where the sociolinguistic situation of the language in question is fragile, weak and threatened, it is effective to use that language as the principal and leading language of instruction from nursery school and preschool education onwards so that pupils acquire skills that ensure they are functionally bilingual.¹⁹

30. A reduction in the number of pupils and/or their language skills is not necessarily an irreversible phenomenon. The Committee of Experts believes that a proactive attitude could contribute to ensuring that the language in question is not taught only as a school subject but eventually becomes the language of

14. Stefan Oeter: The European Charter for Regional or Minority Languages, in: *Mechanisms for implementation of minority rights*, European Centre for Minority Issues, Council of Europe, 2004, p. 144.

15. *Ibid.*

16. Appendix 6 of document [AS/Cult/Inf \(2017\) 08 rev](#), paragraph 10.

17. *Ibid.*, paragraph 14.

18. Conference "Mother tongue versus state language?", 7 May 2017, European Parliament, Brussels.

19. As a matter of good practical, see the preschool curriculum organised by the Sami Education Council, report of the Committee of Experts on the application of the Charter in Sweden, ECRML(2015)1, paragraph 133.

instruction.²⁰ The *2Plus* programme employed in the case of Upper Sorbian in Germany is a good example of a scheme that has resulted in an improvement in pupils' performance as far their linguistic knowledge and relationship with the language are concerned.²¹

31. Relatively few States have made strong commitments regarding higher education. However, from the point of view of the development of regional or minority languages it is important for specialists who know the specialised terminology in all areas of life to be available, especially in those regions in which large numbers of speakers of the language concerned live in a single bloc. Higher education establishments that provide instruction in Swedish in Finland are a good example of this: the Higher Education Act states that the training of specialists who speak Swedish must be guaranteed in various areas of the sciences and the arts.²² Similarly, in the case of Catalan, Spain meets the strongest commitment not only in Catalonia but also in the Balearics Isles for example, where both Castilian and Catalan are the official languages. Conversely, the Târgu Mureş/Marosvásárhely/Neumarkt School of Medicine and Pharmacology in Romania refuses to organise instruction in Hungarian despite the clear provisions of the law.²³

2.3. Educational thresholds

32. States often link the possibility of starting a language class to specific thresholds based on the human and material resources available, which is also the case when it comes to using a language in public administration.²⁴ In this connection, it is important to stress that with respect to the commitments described in Article 8.1,²⁵ relating to higher-level undertakings, it is not necessary for parents or pupils to make their wishes known beforehand. In some cases, setting excessively high thresholds for regional or minority languages is an additional problem. In these instances, it is advisable to set preferential thresholds. As Professor Oeter points out, a flexible approach has to be adopted when establishing the number of speakers that justifies teaching in the language in question. Moreover, the State must provide appropriate teaching in a language not only for those living in a homogeneous area but also for those living in a sparsely populated region, especially if it has made a stronger commitment.²⁶

2.4. Teacher training and textbooks

33. The educational form chosen is considerably limited by the commitment in Article 8.1.h, which is one of the key difficulties for virtually every State Party because States undertake to provide teachers with the basic and further training necessary to implement the undertakings made for all levels of education (paragraphs a to g). Gaps may appear, especially in the teaching of specialised subjects. The Committee of Experts has pointed out in its reports that difficulties in this area arise in a large majority of States Parties. In Albania, for example, according to replies to the questionnaire given by bodies representing national minorities, there is no teacher training in Macedonian.²⁷ As a general rule, teachers of specialised subjects are trained in the majority language and, as speakers of the regional or minority language in question, must later call on their own language proficiency to acquire the teaching skills necessary to teach in their own language. It is therefore essential for States to set up suitably funded systems to train committed teachers and provide incentives to encourage pupils to opt for the regional or minority languages in question or for the training offered in those languages.

34. The teaching of and teaching in the regional or minority language are often impeded by the lack of suitable textbooks, so that teachers are frequently obliged to prepare their own materials, which requires considerable time and effort. States do not devote sufficient financial resources to producing and publishing textbooks and, at the same time, textbooks from the countries of origin in many cases do not comply with the curriculum demands of the State concerned. States must therefore proactively endeavour to produce

20. See for example the report of the Committee of Experts on the application of the Charter in Hungary, ECRML(2013)6, paragraph 193.

21. At the same time, the speakers' representatives say that clearer and unambiguous rules of application are necessary, see the report of the Committee of Experts on the application of the Charter in Germany, ECRML(2014)6, paragraph 107.

22. See for example the report of the Committee of Experts on the application of the Charter in Finland, ECRML(2012)1, paragraph 132.

23. See paragraphs 52-68 of the alternative report on the application of the Charter in Romania: http://rmdsz.ro/uploads/fileok/dok/Arnyekjelentes_Regionalis_Kisebbségi_Nyelvek_Europai_Kartaja_RMDSZ.pdf.

24. See for example the report of the Committee of Experts on the application of the Charter in Romania, ECRML(2012)3, paragraph 39; Austria, ECRML(2012)7, paragraph 168; Hungary, ECRML(2013)6, paragraph 68, and Poland, ECRML(2015)7, paragraphs 85-87.

25. Article 8.1.a.i, a.ii, b.i, b.ii, b.iii, c.i, c.ii, c.iii, d.i, d.ii and d.iii.

26. Report of the Committee of Experts on the application of the Charter in Romania, ECRML(2012)3, p. 159, point G.

27. See Appendix 6 of document [AS/Cult/Inf \(2017\) 08](#) rev, paragraph 12.

textbooks that meet the requirements of the speakers of regional or minority languages and, if that does not prove possible, to enable speakers to acquire the necessary knowledge using the textbooks available in the country of origin. In the Czech Republic, schools teaching in Polish use textbooks imported from the country of origin,²⁸ while in Montenegro textbooks from Albania are used in classes in Albanian.²⁹ Nonetheless, there are some examples of States not allowing textbooks used by specialists from the national minority. According to the Committee of Experts' report, that is the case for example in the Slovak Republic, where pupils in Hungarian schools are even forbidden to use their own textbooks and can study using only Slovakian textbooks translated into Hungarian.³⁰

35. In this connection, it is important to realise that, with the aim of promoting mutual understanding, pupils learning in a regional or minority language must acquire a knowledge of the majority nationality but those learning in the State language must also gain a closer knowledge of the history and specific culture of the national minorities living in the country.

2.5. Impact of educational reforms and institutional questions

36. The last Parliamentary Assembly report on the rights of national minorities³¹ notes that traditional national minorities have been particularly affected by the economic and financial crisis.³² According to the Committee of Experts' report, educational reforms rarely benefit teaching in or the teaching of regional or minority languages. Reductions in budget grants and allocations generally lead to closures of schools or sections, for example in the case of the "school rationalisation" programme in the Slovak Republic.³³ In some cases, there is at the same time a positive impact (for example, an increase in subsidies) and a negative impact (changes in the activities schools are obliged to provide),³⁴ and it is also possible to find particularly positive examples (provision of a grant for the operation of low-enrolment schools, such as in Poland,³⁵ Hungary,³⁶ etc.). The State must make teaching in the mother tongue available in low-population communities situated a long way from the centre and in sparsely populated areas where the speakers of the language live.

37. In his expert report, Professor Oeter also says he believes that when any reforms are carried out, schools teaching or teaching in the regional or minority language cannot be treated as a secondary matter low down in the majority society's list of priorities. Apart from the effects of reforms, I think it is essential for the State authorities not to prevent the operation of institutions that teach in the regional or minority language. At the conference held at the European Parliament, the representative of the Transylvanian Hungarians³⁷ emphasised that the Romanian authorities had not authorised the introduction of classes at the start of the school cycle at the Târgu Mureş/Marosvásárhely/Neumarkt Roman Catholic high school. That decision means they are restricting, if not doing away with, teaching in the mother tongue of the pupils, who are unable to continue their studies at their chosen theological college with effect from the following school year. At the start of the school year 2016-2017 the school's situation was still uncertain and the pupils began their studies in different schools. In early September 2017, the meeting between the President of the Romanian Chamber of Deputies and the Prime Minister of Hungary seemed to be an encouraging development, with the promise that the Romanian Parliament would find a solution to the situation of the Târgu Mureş/Marosvásárhely/Neumarkt Roman Catholic high school. I believe it is necessary that, after the report has been finalised and our recommendations have been adopted, the Council of Europe and international public opinion in general monitor this issue closely, to ensure that the promised solution does in the long term guarantee the efficient functioning of this school.

38. A system in which the organisation and adjustment of teaching practices is entrusted to minority rights groups could be one solution. The Danish school in the *Land* of Schleswig-Holstein may be taken as an example of a good practice. I would like to add that similar good practices can be found even in central Europe. In Serbia, Hungary, Croatia and Slovenia, minority communities have their own minority municipalities with considerable powers, such as the right to set up a body even in the field of education. In

28. Report of the Committee of Experts on the application of the Charter in the Czech Republic, ECRML(2015)6, paragraph 122.

29. Report of the Committee of Experts on the application of the Charter in Montenegro, ECRML(2015)3, paragraph 59.

30. Report of the Committee of Experts on the application of the Charter in Slovakia, ECRML(2016)2, paragraphs 92-93.

31. Report "The situation and rights of traditional national minorities in Europe" (Doc. 13445).

32. *Ibid.*, paragraph 75.

33. Report of the Committee of Experts on the application of the Charter in Slovakia, ECRML(2016)2, paragraph 81.

34. Report of the Committee of Experts on the application of the Charter in Denmark, ECRML(2014)9, paragraphs 49-50.

35. Report of the Committee of Experts on the application of the Charter in Poland, ECRML(2015)7, paragraph 81.

36. Report of the Committee of Experts on the application of the Charter in Hungary, ECRML(2016)6, paragraphs 619-623.

37. Conference "Mother tongue versus state language?", 7 May 2017, European Parliament, Brussels.

Serbia, the national minorities exercise their rights together through their own national council in the fields of education, culture, information and the use of their language in administration. The national, regional and local authorities are obliged to consult the council when a decision on the areas mentioned is taken.³⁸ According to the Committee of Experts' report, the system of minority municipalities in Hungary generally has a favourable and beneficial impact on the protection and promotion of minority languages.³⁹ In its replies to the questionnaire, the Serbian National Council mentions the good practices employed in the field of informal education (workshops, summer university).⁴⁰ From the teaching point of view, I believe the regions with defined autonomy are in the most favourable situation.

39. Finally, I should mention a new event which took place towards the end of my work, particularly as it underlines why it is necessary that Council of Europe bodies monitor the situation of regional or minority languages in member States. In early September 2017, after the adoption of the experts' reports on the outcome of the monitoring of the Charter and the Framework Convention in Ukraine, the Supreme Council of Ukraine enacted a new education reform which restricts teaching in regional or minority languages to the first four classes of primary school. Subsequently, education in the official language becomes compulsory and the law allows for only a very limited number of exceptions to the teaching of the languages of the communities living in Ukraine. As a more detailed analysis of legal issues concerning the new law does not come within the scope of this report, I will only refer to the most important factors.

40. This issue has already been addressed by the Assembly, which declared in [Resolution 2189 \(2017\)](#) "The new Ukrainian law on education: a major impediment to the teaching of national minorities' mother tongues" that "the new law entails a heavy reduction in the rights previously recognised to 'national minorities' concerning their own language of education. These national minorities, who were previously entitled to have monolingual schools and fully fledged curricula in their own language, now find themselves in a situation where education in their own languages can be provided (along with education in Ukrainian) only until the end of primary education. For the Assembly, this is not conducive to 'living together'".

41. The Committee of Experts of the Charter and the Advisory Committee on the Framework Convention advocated in a general manner, and even explicitly during the monitoring visit to Ukraine, that education in minority languages should be strengthened and not weakened. When the first monitoring exercise took place in Ukraine, the Committee of Ministers, in its recommendation, urged Ukraine to "develop in close consultation and co-operation with the representatives of minority language speakers a structured education policy for regional or minority languages and secure the right of minority language speakers to receive education in their languages, while preserving the achievements already attained and the existing best practices in this field".

42. I would underline that the new Ukrainian education law basically treats the language spoken by national minorities as a foreign language. It makes it compulsory to use the official language in teaching and only certain subjects may potentially be studied in the official languages of the European Union, as of the fifth class, according to conditions which are still uncertain and have not been clarified. This is a fundamental conceptual difference: teaching in German, Polish, Hungarian, Romanian, Bulgarian, Slovakian or Greek is not justified by the fact that they are European languages but by the fact that they are the mother tongues of minorities living in Ukraine. The commitments entered into by a country when ratifying the Charter for Regional or Minority Languages and the Framework Convention cannot be substituted by the teaching of the official languages of the European Union, at certain levels or under additional conditions. Such a solution does not take account of minority languages which are not official languages of the European Union. I firmly believe that in adopting the new legislation, the country is not complying with its international commitments and Council of Europe standards.

3. Use of a language in public administration

43. Article 10 of the Charter provides for three categories with respect to the use of a language:

- State administrative bodies (it is important to point out that the provision concerns local administrations and agencies irrespective of the seat of the body in question, even when the authority or its agency is located outside the language area concerned⁴¹);
- regional or local authorities;

38. Report of the Committee of Experts on the application of the Charter in Serbia, ECRML(2016)1, paragraph 95.

39. Report of the Committee of Experts on the application of the Charter in Hungary, ECRML(2013)6, point A, p. 128.

40. Appendix 6 of document [AS/Cult/Inf \(2017\) 08 rev.](#)

41. Report of the Committee of Experts on the application of the Charter in Germany, ECRML(2014)6, paragraph 134.

– institutions that offer a public service.

44. According to a commentary on the Charter, the article has two objectives: It is intended to resolve problems of communication in cases where the citizen does not speak the majority language with sufficient ease and it expresses the importance and role of the regional or minority language while at the same time recognising its use in relations between citizens and the public administration.⁴² This last point is particularly important as the majority of speakers of regional or minority languages speak the official language, the country's majority language, with sufficient ease, so ensuring their linguistic rights is not necessarily or exclusively a practical necessity. However, it does enable these speakers to communicate with the administrative authorities in their mother tongue, which is also a precondition for exercising their civic rights and obligations. States therefore undertake in the Charter to ensure the use of a regional or minority language in the areas of public administration and public services irrespective of the extent to which the speakers of the language in question are proficient in the majority language.

45. At the same time, States do not have to ensure the use of the language in all cases and under all conditions but only where "the number of users of regional or minority languages" justifies the measures spelled out by the Charter, which is reasonable. It is impossible to find a universal solution applicable to all situations in order to determine that number, but some solutions already tried out can be put forward. One of the most widespread is the application of a language threshold.

3.1. Language threshold

46. A language threshold is not the only solution but, especially in central and eastern Europe, is proving to be a general solution to define the areas where the State ensures the use of regional or minority languages in public administration. A language threshold denotes the proportion of the total population of an area necessary for a language to be used in public administration.⁴³ States have laid down different thresholds, such as one third of the population (Croatia),⁴⁴ 20% (Poland, Romania, Slovak Republic),⁴⁵ 15% (Serbia),⁴⁶ 10% (Ukraine, Czech Republic).⁴⁷ In many cases, the Committee of Experts has commented on the problems associated with thresholds. According to its now clear guidelines, thresholds above 20% are too high from the point of view of ensuring the use of a language,⁴⁸ whereas a 10% solution can be accepted if it is not subject to a specific request or collection of signatures.⁴⁹ In cases where the State recognises a minority language as an official language irrespective of its speakers' proportion of the population in a given area traditionally inhabited by speakers of the minority language, as in the case of Slovenia for example,⁵⁰ it is possible to speak of a favourable solution, but even in that case there may be shortcomings when it comes to implementation.⁵¹

47. In my opinion, there should be a positive approach to the question of a language threshold. For example, its primary aim consists in the State determining, together with the national minorities, the areas in which it will ensure the use of the regional or minority languages. The language threshold cannot be used as justification in a case where the State does not ensure the use of a language in the territory concerned. This is particularly important in cases where the results of the last census show that the number of speakers of a language has fallen below the language threshold. According to the survey by the Cluj-Napoca/Kolozsvár/

42. Jean-Marie Woehrling: *The European Charter for Regional or Minority Languages – A critical commentary*, Council of Europe, 2006, p.178.

43. Similar thresholds are applied for example in the field of education.

44. See for example the report of the Committee of Experts on the application of the Charter in Croatia, ECRML(2015)2, paragraphs 23-28.

45. See for example the report of the Committee of Experts on the application of the Charter in Poland, ECRML(2015)7, paragraph 91 (but the report mentions that it is foreseen to reduce the threshold to 10%); Romania, ECRML(2012)3, paragraphs 30-37; and Slovakia, ECRML(2016)2, paragraphs 26-33.

46. See for example the report of the Committee of Experts on the application of the Charter in Serbia, ECRML(2016)1, paragraph 3; and Slovakia, ECRML(2016)2, paragraphs 26-33.

47. See for example the report of the Committee of Experts on the application of the Charter in Ukraine, ECRML(2014)3, paragraphs 16-19; and the Czech Republic, ECRML(2015)6, paragraph 156.

48. See for example the report of the Committee of Experts on the application of the Charter in Slovakia, ECRML(2007)1, paragraphs 592-593; Romania, ECRML(2012)3, paragraphs 35 and 37; and Montenegro, ECRML(2015)3, paragraph 21.

49. See for example the report of the Committee of Experts on the application of the Charter in Ukraine, ECRML(2014)3, paragraphs 16-19.

50. See for example the report of the Committee of Experts on the application of the Charter in Slovenia, ECRML(2004)3, paragraphs 47-48.

51. See for example the report of the Committee of Experts on the application of the Charter in Slovenia, ECRML(2014)5, paragraph 133.

Klausenburg Institute for Studying Problems of National Minorities, contained in the appendix to the report by the Committee of Experts, the proportion of minority communities has fallen below the 20% threshold in around 29 administrative entities according to the first data from the 2011 census.⁵²

48. I consider particularly important the Committee of Experts' recommendation calling on States to enable the use of a language irrespective of the language threshold in areas where its speakers are traditionally present and there is an interest in using it.⁵³ This is above all important in cases where the local authorities can install bilingual or multilingual place-name signs whatever the language threshold. Displaying a place name and additional names is a relatively simple measure to make these languages better known and can have an extremely positive impact on the prestige of the regional or minority language and on public awareness.⁵⁴

3.2. State administrative bodies

49. Article 10.1.a provides for obligations of decreasing intensity, from the most to the least stringent. According to sub-paragraph *i*, which refers to the most stringent obligation, the language must be used in the daily work of the public administration, not only in communications with the public but also in internal business. Sub-paragraphs *ii* to *v* provide for the use of the regional or minority language in oral and/or written communications with the public.

50. The State's obligation is not to allow or tolerate the use of the language in question but to ensure that employees can actively speak it in communications with users.⁵⁵ To this end, legal and practical measures are necessary, such as the development of appropriate human resources policies, the organisation of continuing training and the application of other motivating factors.

3.3. Local and regional authorities

51. Article 10.2 provides for the use of regional or minority languages in dealings with local and regional authorities as the entities closest to the citizens. The use of a language at local and regional level is particularly important as languages often constitute a significant aspect of a region's historical and cultural identity, thereby strengthening local and regional democracy in a manner also recognised by the Council of Europe.⁵⁶ Local and regional municipalities cannot refer to the fact that they are not subject to the Charter, as it has been ratified by the central authorities. The national authorities must expressly promote and encourage the use of the regional or minority languages at local and regional level. It is not possible to leave this task to the discretion of the municipalities, as a permissive legal environment is insufficient for the commitment to be met and the State must actively encourage the municipalities to guarantee the use of the language in practice.⁵⁷ Failing that, interpreters must be provided. (For example, in the Italian province of South Tyrol, conference interpreters provide a multilingual service in sessions of municipal bodies, whereas in Romania, elected representatives can speak in only Romanian, despite the fact that the *județ* of Covasna/Kovászna has a large Hungarian population.)

52. One important aspect of language rights, namely visible bilingualism, is also a task of the local and regional authorities. It is important, even from the point of view of the above-mentioned regional cultural identity, for the authorities to display traditional and correct forms of place names. An important observation of the Committee of Experts is that, according to the article, the term "place name" signifies not only the name of the municipality but also all the topographical names officially used in the municipality, for example in local authority instruments and notices (documents, forms, factsheets, sites) and on signs (for example street names, road signs, tourist signs).⁵⁸ It is not enough for town entrance and exit signs to be bilingual (which is the practice in the entirely Hungarian-speaking areas of Romania), it is necessary also to include traffic signs

52. Report of the Committee of Experts on the application of the Charter in Romania, ECRML(2012)3, pp. 178-179.

53. The Advisory Committee on the Framework Convention for the Protection of National Minorities refers essentially to the same obligation and makes the same recommendation. See Part VII of the Fourth Thematic Commentary.

54. See for example the report of the Committee of Experts on the application of the Charter in Romania, ECRML(2012)3, paragraph 33; and Croatia, ECRML(2005)3, paragraph 152.

55. Report of the Committee of Experts on the application of the Charter in Slovakia, ECRML(2016)2, paragraph 122.

56. Jean-Marie Woehrling: *The European Charter for Regional or Minority Languages – A critical commentary*, Council of Europe, 2006.

57. See for example the report of the Committee of Experts on the application of the Charter in Austria, ECRML(2012)7, paragraph 27.

58. See for example the report of the Committee of Experts on the application of the Charter in Slovakia, ECRML(2016)2, paragraph 145; Romania, ECRML (2012) 3, paragraph 156; and the Czech Republic, ECRML(2015) 6, paragraph 156.

and all road signs containing information, as in the case of the Italian province of South Tyrol. In this connection, it is desirable for the State to address the matter of town entrance and exit signs, but this task can be assigned to the roads and transport authority.⁵⁹

3.4. Public service providers

53. Article 10.3 concerns the public institutions or private bodies that provide public services: water, gas or electricity suppliers, pension or health insurance funds, transport services, telephone providers or refuse collection companies. In this case, too, the Charter provides for obligations of varying intensity, the most stringent being the use of the regional or minority language for the entire duration of the service and the least stringent consisting in enabling clients to submit a request in the language in question.

54. As a general rule, States do not provide the monitoring body with enough information on the fulfilment of these undertakings so it is hard to make specific observations and it is only possible to issue general recommendations. In my opinion, even in the case of the least stringent undertaking it is necessary to guarantee that the language concerned is spoken by a sufficient number of staff in the institution that provides the service and to ensure that the necessary information (for example office names) to be able to benefit from the service is also indicated in the language concerned. Although it is essential, in the light of the obligations entered into, for these measures to be implemented at least in those municipalities that reach the language threshold determined by the State, there are many places in which that is not the case. In this connection, the ministerial initiative proposed in the Slovak Republic for signs in the minority language to be positioned near the Slovakian name of the office in 55 municipalities where the proportion of the linguistic minority rights is or is above 20% is to be welcomed. From the point of view of respect for human dignity, which is a priority European value, a guarantee of the ability to communicate in one's mother tongue is particularly important in hospitals and the health-care system.

3.5. General observations

55. In the three areas, the actual use of a language is linked to certain preconditions.⁶⁰ Among them, the most important is to have at the disposal of the administrative authorities and public service bodies a sufficient number of employees who actually speak the languages in question. Moreover, the administrative authorities must inform the citizens about the possibilities of using the language and encourage the opportunity for users to derive real benefits from their language rights. Incentives are particularly necessary where speakers of the minority language are not accustomed to using it in dealings with the authorities. Among these measures mention should be made of the need to strengthen employees' language skills through suitable recruitment or training, the possibility of registering in the regional or minority language (even on websites), information in the regional or minority language on the obligations deriving from the Charter, and the display of administrative notices in these languages.⁶¹

56. Apart from the need to provide translations, the Committee of Experts has drawn attention on several occasions to the need to employ staff who speak the language concerned and to the importance⁶² of continuing training. In this regard, I wish to point out that the provision of an interpreter during administrative proceedings is only a practical solution in exceptional cases because clients who speak the majority language tend in practice to transact their business with the authorities without this type of intermediary. That is why it is essential for staff who speak the language concerned to be made available to them and why they should not have to request the assistance of a separate interpreter.

57. States should develop specialised structured policies that promote in practice the use of the regional or minority language in all areas of public administration, which might be termed an overall requirement.⁶³ In addition to structured policies, it is essential to develop a predictable legal environment, not only at administrative level but also with regard to all other matters relevant to the use of a language. In Ukraine for example, the Constitutional Court is in the process of reviewing the law that was in force when the report was

59. See for example the report of the Committee of Experts on the application of the Charter in Hungary, ECRML(2013)6, paragraphs 271, 401, 653, 777, 901 and 1030.

60. Article 10.4 lays down the ancillary commitments necessary for States to meet for the full implementation of Article 10.

61. See for example the report of the Committee of Experts on the application of the Charter in Poland, ECRML(2015)7, paragraph 99; Armenia, ECRML (2014) 2, paragraphs 94-95; and Ukraine, ECRML (2014) 3, paragraph 131.

62. For example, the report of the Committee of Experts on the application of the Charter in Spain, ECRML(2016)7, paragraphs 234-234, 307-308 and 398.

63. Report of the Committee of Experts on the application of the Charter in Germany, ECRML(2014)6, paragraphs 198, 201 and 204.

being drawn up. Three other draft language laws are also on the parliament's agenda, and this is creating an uncertain situation in which it is possible that no law on language use will be in force in the country, to the detriment of its minority languages.⁶⁴

58. As a positive example of the above-mentioned developments, mention might be made of the cases of South Tyrol, where authority staffing is based on local ethnic proportions, and Serbia, where the imminent introduction of the above practice is set out in the Minority Action Plan.

4. Media

59. Media broadcast or printed in a regional or minority language are playing a growing role in the survival of languages.⁶⁵ Radio and television broadcasts, as well as the internet, are important means of communication today and considered major identification and cultural factors, so it is crucial for regional or minority languages to appear in the modern means of mass communication, which can make an effective contribution to the preservation of the cultural identity of both the individual and the community, to the exercise of freedom of expression and to the possibility for speakers of the language in question to procure general information and information of public interest in their mother tongue. The existence or presence of media in the mother tongue is closely linked to the exercise of other rights, because the possibility of the individual being able to receive and pass on information in a language he/she fully understands and in which he/she is capable of communicating is a precondition for equal and effective participation in public, economic, social and cultural life.⁶⁶ The media also have an interest in having listeners and viewers among the speakers of the State's minority languages.⁶⁷ The link between these two points is strikingly shown in the Charter's principles and general objectives, which include among other things the Parties' commitment to encourage means of mass communication to foster mutual understanding between all of a country's linguistic groups, especially with regard to respect, understanding and tolerance towards regional or minority languages, while at the same time transforming the objectives of education in this direction.⁶⁸

60. The Charter regulates the operation of mass communication media in three areas:

- it lays down national commitments with the aim of ensuring and encouraging the operation of mass communication media that use regional or minority languages;
- it provides for a guarantee of the freedom to receive radio or television broadcasts directly in a regional or minority language;
- it provides for the representation of the interests of the speakers of regional or minority languages as well as for the presence of their representatives on bodies that guarantee the freedom and plurality of the mass media.

61. In the following section, I will go into the first point in detail as it is considered the most important, but I will also briefly discuss the second and third points.

4.1. Importance of the creation of a favourable legal environment and favourable specialised policies

62. In all States, the authorities play a key role in developing media regulation, through which it is important to create a favourable legal environment while at the same time complying with the principle of media independence and autonomy. It is mainly in its media policies that the State must promote the use of regional or minority languages through incentives, which is harder to achieve even in the case of the public service media⁶⁹ since the cultural market for these languages is limited. This applies all the more as the electronic media need considerable resources and a well-trained workforce, as Professor Oeter points out. The difference between commitments and their implementation is particularly obvious in the case of television broadcasts. In this case, States must refrain from introducing statutory measures and restrictive specialised policies (see the next paragraph). The situation is more favourable in the case of radio programmes, which

64. This problem was raised at the conference "Mother tongue versus state language?" held at the European Parliament (7 May 2017, Brussels).

65. Woehrling, *op. cit.*, p. 200, explanatory report to the Charter, paragraph 107.

66. Advisory Committee on the Framework Convention, Thematic Commentary on Linguistic Rights, paragraph 4.

67. Cormack, Mike: "Minority Languages, Nationalism and Broadcasting: The British and Irish Examples", in: *Nations and Nationalism* 6(3), 383-398, 2000.

68. Charter, Article 7.3.

69. Explanatory report to the Charter, paragraph 107.

are less costly to produce and broadcast. Many States provide regular radio broadcasts in a regional or minority language, thereby offering a basic service, but there are also examples of radio stations that broadcast in the minority language around the clock (see Switzerland⁷⁰ Serbia,⁷¹ etc.).

63. In addition to ensuring the appropriate duration of broadcasts, it is important to establish a media environment in which operators are able to provide quality content and which enables content produced in regional or minority languages to be transmitted to the widest possible audience. I wish to point out that the opinions of the Committee of Experts show that the Charter's requirements apply to both public and commercial media.⁷² In States, even media outlets that (also) broadcast programmes in regional or minority languages have to contend with numerous restrictions, including compulsory national-language quotas (for example Ukraine)⁷³ and obligations regarding subtitling and translations (for example the Slovak Republic).⁷⁴ These restrictions lead to a considerable competitive disadvantage for providers of programmes broadcast in minority languages. These subtitling/translation obligations result in significant additional costs for service providers and prevent them from producing live or interactive transmissions because of this type of restriction. In my opinion, in the case of minority languages, national regulations and the national media policy should ensure that media providers actually have a competitive advantage with the aim of creating a properly functioning minority media environment.

64. In this connection, the underfunding of media outlets that (also) broadcast in regional or minority languages is a general problem. States should enable and promote access by these providers to funds and general grants programmes and should, according to their means, create funds and grants programmes specifically for this purpose. I agree with and still consider it necessary to implement the proposals contained in Assembly [Resolution 1985 \(2014\)](#) and the explanatory report, namely that States should increase their grants to organisations or media outlets representing minorities in order to bring their identity, language, history and culture to the attention of the majority. Particular attention should accordingly be paid to rural and remote areas in which individuals belonging to national minorities traditionally live or live in large numbers. I would like to reiterate the call made in paragraph 10.4.6 of the resolution for States to take national minorities into account when privatising public services, including the media.

4.2. Transfrontier broadcasting and representation of interests

65. Furthermore, according to an important provision of the Charter, States must guarantee freedom to receive television and radio broadcasts directly from neighbouring countries in a language used in identical or similar form to a regional or minority language, and they must not oppose the retransmission of radio and television broadcasts from neighbouring countries in that language.⁷⁵ In addition to the States Parties, the European Union plays an important role, and I am firmly of the opinion that it should draw up its specific policies relating to the territory in such a way that member States and broadcasters are unable to apply content restrictions on the basis of the territory concerned because such restrictions constitute obstacles, especially for viewers who want to watch sports programmes in a regional or minority language.

66. The European Citizens' Initiative (ECI) Minority Safepack, financed by the Federal Union of European Nationalities (FUEN) has made similar proposals for action, calling on the European Union to adopt a set of legal acts to improve the protection of people belonging to national and linguistic minorities and strengthen cultural and linguistic diversity in the Union. In the context of audiovisual policy, an amendment has been proposed which ensures freedom of reception of audiovisual services and broadcast content in regions inhabited by national minorities, even in the case of analogical and digital broadcasts, on-demand content, and terrestrial and satellite broadcasting. Legislation should also include political measures in the field of regional or minority languages, education and culture, regional policy, participation, equality and regional (State) support. Moreover, it is important to draw attention to the fact that the possibility of receiving television and radio broadcasts from neighbouring countries in a regional or minority language does not relieve the State of its undertakings. Accordingly, irrespective of that reception it should encourage the production and broadcasting of programmes in the language in question of its own motion.⁷⁶

70. Report of the Committee of Experts on the application of the Charter in Switzerland, ECRML(2010)8, paragraph 83.

71. Report of the Committee of Experts on the application of the Charter in Serbia, ECRML(2009)2, paragraph 221.

72. Report of the Committee of Experts on the application of the Charter in Switzerland, ECRML(2010)8, paragraph 103.

73. See for example the report of the Committee of Experts on the application of the Charter in Ukraine, ECRML(2014)3,

74. See for example the report of the Committee of Experts on the application of the Charter in Slovakia, ECRML(2016)2.

75. Article 11.2 of the Charter.

76. See the report of the Committee of Experts on the application of the Charter in Germany, CRML(2014)6, paragraph 86.

67. As far as Article 11.3 of the Charter is concerned, shortcomings can be seen in many States with regard to the representation of the interests of users of regional or minority languages within the relevant bodies; for example, there is no body, programme creator or provider or a person responsible for representing those interests on bodies that determine the cultural content of programmes broadcast.⁷⁷

4.3. New technologies, internet

68. Over the last twenty years, we have witnessed wide-ranging technological developments even in the media field, which has considerably influenced the broadcasting of programmes in regional or minority languages. For example, the digital switchover may cause serious problems for the reception of certain channels⁷⁸ but it also provides new opportunities: in Scotland, the fact that the digital TV channel broadcasting in Scottish Gaelic has been made available on the Freeview platform has led to a big increase in the number of viewers and been considered a great success.⁷⁹

69. When the Charter was being drawn up, in the early 1990s, its drafters could not have foreseen the direction of technological development. There is no mention in the Charter of today's key medium, namely the galaxy of websites. In the field of information, web-based interfaces are playing an ever-growing role, so it is important for State and media service providers to ensure the presence of regional or minority languages on this delivery vehicle too. There are many radio or television programmes that can be received on web-based interfaces, and newspapers can also be consulted with no territorial limitation, but this does not replace the need for content specifically produced for the language community in question.

70. Of the many advantages provided by the new technologies,⁸⁰ I would stress the considerable flexibility they offer, even from the language point of view. Citizens can choose from various subscriptions the one that suits them best (for example, in the case of cable packages). In the case of some programmes, this also enables them to choose from the languages available. I believe it is important that not only the State but also commercial market players recognise the opportunities provided by the new technologies and that they enable a choice to be made between different language variations.

5. Culture

71. Cultural activities and events are one of the most important areas for preserving the identity of national minorities. The preservation of the traditions of minorities, the expression of artistic values in the mother tongue, the use of theatres and cinemas and the presentation of the historical traditions of minority language groups are particularly important when it comes to preserving European diversity. The appropriate use of the mother tongue is essential, even in this area, and given the fact that numerous cultural events or institutions are not financially viable because they are attended or utilised by a small community and often have no commercial objective, States have a key role to play⁸¹ whether by making active or passive commitments. These commitments include legislative obligations, the provision of funding or promotion assistance. There are two aspects to this area as it is necessary on the one hand to take into account the preservation of existing values (traditional customs, literary or historical traditions typical of the regions, museums, archives) and on the other, to take into consideration specific forms of preservation and the creation of new works (films, periodicals, theatre plays, festivals). When drawing up this report, it came to my notice that States do not make sufficient information available. The Committee of Experts also observes in numerous evaluation reports that in the area of cultural activities it is hard to determine whether the member States have met the Charter commitments they have made in respect of this objective.⁸²

77. Evaluation Report, ECRML(2013)2 of the Committee of Experts of the Charter.

78. See the report of the Committee of Experts on the application of the Charter in the United Kingdom, ECRML(2014)1, paragraph 128.

79. *Ibid.*, paragraph 199.

80. Kitta Gergely: *Fiatalok, újmédia, identitás* [Young people, new media, identity] in: Apró István (ed.): *Média és identitás* [Media and identity], Médiatudományi Intézet (Institute for Media Studies), Budapest, 2014, p. 62.

81. Expert report by Professor Stefan Oeter (former member of the Independent Committee of Experts for the Charter), paragraph 29.

82. See for example the report of the Committee of Experts on the application of the Charter in the Czech Republic, ECRML(2015)6, paragraph 176; Finland, ECRML(2012)1, paragraph 187; Hungary, ECRML(2013)6, paragraphs 164 et 549; Romania, ECRML(2012)3, paragraph 189; Serbia, ECRML(2016)1, paragraph 202; Slovakia, ECRML(2016)2, paragraph 302; and Spain, ECRML(2016)7, paragraph 620.

72. The Charter imposes obligations on member States in three areas:

- as far as possible, they should encourage, in the context of cultural activities and institutions, a community's ability to express itself in its regional or minority language and foster the different means of access to works produced in these languages;
- in respect of territories other than those in which the regional or minority languages are traditionally used, and if the number of users of a regional or minority language justifies it, they should allow, encourage and/or provide these activities;
- In pursuing their cultural policy abroad, States should make appropriate provision for regional or minority cultures.⁸³

73. With regard to the first and second points, it first of all needs to be pointed out that it is particularly difficult to generalise in order to assess these areas. Indeed, there is no advantage in such generalisation because differences and distinctive characteristics may be established not only by the member State but also at the level of member States' national minorities because of their historical, cultural and demographic diversity. In various States, there are many positive cases and examples, especially: the editing of a multilingual website on cultural events in Spain;⁸⁴ the Day of Minorities and the Festival of Minority Theatre in Romania; the support for the Livonia Culture Days held in Riga; the Welsh language community's participation supported by the United Kingdom at the Smithsonian Folklife Festival held in Washington DC;⁸⁵ the thematic media programme of the Day of Minority Cultures presenting the linguistic and cultural diversity of the minorities living in Hungary; and the allocation of substantial grants to the Foundation for the Sorbian People in Germany.⁸⁶ Mention may also be made of the summer school events and teacher training programmes in Georgia aimed at the teaching of Georgian as a second language,⁸⁷ as well as the funding and management of libraries and collections in many States. Apart from these examples, however, it has to be pointed out that there are several typical shortcomings in this connection.

74. The most visible shortcoming is perhaps the lack of subsidies for various cultural events and institutions (theatres, museums)⁸⁸ or the disproportionate distribution of subsidies. The Committee of Experts has also observed that even if events of this type are organised or such institutions are in operation they are organised from the country of origin of the linguistic minority or by means of hard-to-obtain funds procured via open municipal appeals.⁸⁹

75. In the case of the publication of periodicals, situated at the intersection between media and culture, it may be mentioned that relatively few daily and weekly newspapers are published despite the undertakings made. However, some periodicals can be found in minority communities with the biggest populations. In this area, there is a downward trend, which may be linked to the reduction in the number of (and at the same time in the support for) periodicals published in the majority language of member States (primarily as a result of the expansion of online interfaces). Given these facts, there are cases in which the level of grants is even lower than the minimum.⁹⁰ I propose that at central and regional government level States should encourage and incentivise communities living as linguistic minorities to produce online periodicals, which can be run more flexibly and with a smaller budget.

76. Apart from the lack of subsidies, another danger to the conservation of artistic values is a legal environment that does not take account of the interests and possibilities of national minorities. As far as the publication of literary works in a minority language is concerned, there have been cases (for example in the Slovak Republic) where the national law on languages requires the local authorities to publish official information intended for the general public in the State language⁹¹ (apart from that, they can also publish it in another language). The relevant body also applies the provision to a local newspaper published by the local authorities but applies it more broadly by extending the obligation to include non-official information.

83. Charter, Part III, Article 12.

84. See ECRML(2016)7, paragraphs 346-347.

85. See ECRML(2014)1, paragraph 135.

86. See ECRML(2014)6, paragraph 220.

87. Report of the NGOs operating in Georgia sent by FUEN.

88. In Armenia, ECRML(2014)2, paragraphs 133, 242 and 336; report by the NGOs in Ukraine, Romania and Serbia; Reports of the NGOs operating in Greece sent by FUEN.

89. In Bosnia and Herzegovina, ECRML(2013)5, paragraph 197; and Slovenia, ECRML(2014)5, paragraph 232.

90. In Austria, ECRML(2012)7, [Recommendation 5](#).

91. Slovak Act No. 270/1995, paragraph 3.2.c.

Translation into the State language is also required for literary writings published in the newspaper (for example in the case of poems). In small communities, where most writings are produced by the local inhabitants, the production of an entirely bilingual publication is beyond the local authority's means.

77. Apart from financial and legislative difficulties, there are also shortcomings with regard to the recruitment of trained staff who speak both the State and the minority language. During my official trips as an MP (for example to Romania, Latvia and Slovak Republic), whether on behalf of the Council of Europe or otherwise, I have repeatedly noted that cultural establishments do not always employ at least one staff member who speaks the minority language, even in places where the linguistic minority is relatively large. This makes communication and co-operation between employees and visitors difficult in libraries, museums and archives.

78. With regard to the third of the above-mentioned areas, NGOs and the Committee of Experts have observed on several occasions that States have failed to comply with the obligation to develop a knowledge of the culture of the linguistic and national minorities either within their borders⁹² or in the context of their diplomatic cultural policy and their communication abroad.⁹³ The two aspects are, however, extremely important, the first because the speakers of the minority language could appreciate the culture and values of the linguistic and national minorities living in their country if States made greater efforts to make them known, and the second because other States would regard the minorities as an important and valuable part of the historical and cultural diversity of the country in question and one to be preserved. At the same time, numerous positive initiatives are being launched in this area to make minorities within a country better known, as I have mentioned in paragraph 67.

6. Conclusions

79. For the Council of Europe, it is always crucially important to make European societies aware that in many of the continent's countries there are regional indigenous groups who speak a regional or minority language different from that of the majority population. The protection of and support for these regional or minority languages contributes to maintaining and developing Europe's cultural traditions and diversity.

80. The Charter, which plays a significant role in achieving this objective, provides guidelines to inform European States about what measures to adopt to strengthen the protection and development of regional or minority languages, as pointed out in the expert report drawn up by Professor Oeter.

81. However, several member States are still reluctant to recognise the binding force of the Charter, as a hitherto unique international treaty with the express aim of protecting and promoting regional or minority languages. Of the 47 Council of Europe member States, only 25 have ratified it, and I believe it is necessary to draw the attention of the other 22 to this and encourage them to accede to the Charter at the earliest opportunity.

82. The monitoring of the application of the Charter begins with the submission of a report presented by member States. In the last few years, it has become increasingly hard to obtain reports from States, which are falling further and further behind in this connection – even to the extent of allowing a full three-year monitoring cycle to pass, which makes it difficult for the Committee of Experts to do its work. It is essential for States to comply in the future with their obligation to submit their report on time and involve the bodies and individuals representing speakers of regional or minority languages in the procedure for drawing up the report.

83. I believe it is important for States to adapt their commitments to the objective sociolinguistic situation of each language. Moreover, they should comply with their commitments not only at legislative level but also in the context of specialised policies. Parties must not only create legal opportunities but also guarantee their actual implementation by means of other measures, for example the State must make an infrastructure proposal to the community using the language concerned.⁹⁴

92. For example in Slovakia, ECRML(2016)2, paragraph 43, and the reports by numerous NGOs.

93. For example in Armenia, ECRML(2014)2, paragraphs 138, 247, 341 and 475; Germany, ECRML(2014)6, paragraphs 156 and 223; and Hungary, ECRML(2013)6, paragraphs 696-697.

94. Kardos Gábor: "A Regionális vagy Kisebbségi Nyelvek Európai Kartájának végrehajtási mechanizmusa" [Mechanism for the implementation of the European Charter for Regional or Minority Languages] in: Kántor Zoltán and Eplényi Kata (eds.): *Térvesztés és határtalanítás* [Loss of space and elimination of frontiers], Lucidus Kiadó, Budapest, 2014, p. 72. The Hungarian member of the Committee of Experts points out that this expression was used for the first time by Professor Oeter at a meeting of this body.

84. In this connection, the parties must apply a structured approach to ensure the fulfilment of commitments involving all levels of institutions, including the local and regional authorities. With this aim in mind, they must provide a clear definition of responsibilities and implementing powers.

85. Finally, I wish to stress that regional or minority languages are not “foreign languages” in the country concerned but have a close historical and cultural connection with a given area. Their recognition, acceptance and preservation will lead to a social, political and economic environment favourable for the development of intercultural dialogue and for tolerance, peace and stability for the nations of the continent.