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Application of the European Charter for Regional or Minority Languages (2021-2022)

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

Communication
Secretary General of the Council of Europe

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1. Introduction

1. The European Charter for Regional or Minority Languages (hereinafter "the Charter"; ETS No. 148) is the only international legally binding instrument for the preservation, protection and promotion of our common linguistic heritage.

2. Article 16, paragraph 5, of the Charter states that "The Secretary General of the Council of Europe shall make a two-yearly detailed report to the Parliamentary Assembly on the application of the Charter".

3. This eleventh report by the Secretary General, covering the period 2021-2022,[1] takes stock of the signatures and ratifications by Council of Europe member states. It reports on the monitoring of States Parties' compliance with the Charter and highlights the action taken to improve the impact of the Charter at local level and strengthen the Committee of Experts' ties with other sectors of activity of the Council of Europe, with the European Union and other international organisations and institutions.

4. This report is also an opportunity to draw attention to the key role that the Parliamentary Assembly can play in raising awareness of the Charter and policies for the protection and promotion of regional or minority languages traditionally spoken in Europe.[2]

2. Signatures and ratifications of the Charter by Council of Europe member states: the state of play

5. The Charter was opened for signature on 5 November 1992 and entered into force on 1 March 1998. To date, it has been ratified by the following 25 states: Armenia, Austria, Bosnia and Herzegovina, Croatia, Cyprus, Czech Republic, Denmark, Finland, Germany, Hungary, Liechtenstein, Luxembourg, Montenegro, the Netherlands, Norway, Poland, Romania, Serbia, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Ukraine and the United Kingdom. It is open to accession by non-Council of Europe states, provided that they have been formally invited to accede by the Committee of Ministers of the Council of Europe.[3]

6. A further eight states have signed it,[4] including Portugal during the reference period (in September 2021). Five states that committed themselves to ratifying the Charter on acceding to the Council of Europe have not yet done so, despite the work undertaken in the past to this end.[5] The Council of Europe stands ready to provide these states with all the assistance they need and to help them overcome the obstacles that prevent them from completing the ratification process. The support of the Parliamentary Assembly can be an important lever in this regard.

7. In Europe, more than 80 regional or minority languages currently benefit from protection. Their use is promoted in education, justice, public administration and services, media, cultural activities and facilities, economic and social life and transfrontier co-operation. Thanks to the Charter, some languages threatened with extinction have been successfully revitalised.

8. Over the past two years, two States Parties have agreed to review their level of commitment to the Charter in order to reflect improvements in the situation with regard to regional or minority languages traditionally spoken on their territory:

– On 6 January 2021, Germany notified the Council of Europe that it had accepted additional Part III undertakings with regard to Danish, North Frisian and Low German in the Land of Schleswig-Holstein, covering administrative documents, place names and cultural activities;

– On 14 October 2021, Norway decided to apply Part III of the Charter to Lule Sámi and Southern Sámi.[6]

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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), the sixth in 2011 (Doc. 12881), the seventh in 2013 (Doc. 13436), the eighth in 2015 (Doc. 13993), the ninth in 2017 (Doc. 14530) and the tenth in 2020 (Doc. 15276). These reports are available at www.coe.int/minlang in English, French, German, Italian and Russian.
2. See paragraph 31.
3. The Russian Federation also signed the Charter in 2001. However, on 23 March 2022, the Committee of Ministers decided that "the Russian Federation will not be able to deposit instruments of ratification or acceptance of conventions or protocols signed before it ceased to be a member State, its signature to such conventions and protocols will be considered to be suspended" (Resolution CM/Res(2022)3).
4. Azerbaijan, France, Iceland, Italy, Malta, Republic of Moldova, North Macedonia, Portugal (see Appendix 1).
5. Albania, Azerbaijan, Georgia, Republic of Moldova, North Macedonia.
6. It should also be noted that Norway's Language Act adopted in 2021 aims to protect the Sámi languages as indigenous languages as well as other minority languages, in particular Kven, Romani and Romanes.

9. The Council of Europe regularly encourages Council of Europe member states that have not yet done so to sign and ratify the Charter, and invites member states that have ratified it to regularly review their level of commitment in order to reflect improvements in the situation with regard to their regional or minority languages. It provides legal advice as part of its co-operation activities, organises awareness-raising exercises and holds regular discussions with the competent national authorities.

3. Monitoring the application of the European Charter for Regional or Minority Languages in the States Parties

10. The implementation of the Charter has been overseen since 1998 by the independent experts who sit on the Charter's Committee of Experts (hereinafter "the Committee"). The Committee of Experts consists of 25 experts, mainly lawyers and linguists, elected for a six-year term (which may be renewed once) from a list of individuals "of the highest integrity and recognised competence in the matters dealt with in the Charter". Its role is to examine the reality of the situation with regard to regional or minority languages in the States Parties, to report to the Committee of Ministers on its evaluation of states' compliance with their undertakings and, where appropriate, to encourage them to gradually reach a higher level of commitment. The Committee of Ministers, for its part, adopts recommendations and decisions as part of the process of monitoring the application of the Charter in the States Parties.

11. In its decision of 28 November 2018 on "strengthening the monitoring mechanism of the European Charter for Regional or Minority Languages",[7] in the wake of the High-Level Conference held in Strasbourg on 18 and 19 June 2018 by the Croatian Presidency of the Committee of Ministers, the Committee of Ministers approved a comprehensive reform of the Charter's monitoring mechanism, which came into force on 1 July 2019.

12. The Charter's monitoring procedure now consists of several stages: submission of a national periodical report every five years; an on-the-spot visit by the Committee of Experts to the state concerned; adoption of the evaluation report by the Committee of Experts, after which the report is sent to the national authorities for comments; automatic publication of the evaluation report not later than two months after it is sent to the state concerned; and, lastly, submission of the evaluation report and any comments by the state to the Committee of Ministers which adopts a recommendation. During this cycle, information on the implementation of a limited number of recommendations (the ones identified by the Committee of Experts in its evaluation report as being for immediate action) is provided by the state concerned two and a half years after submitting its periodical report.[8]

13. The reference period provided an opportunity to gauge the positive impact of the reform of the monitoring mechanism. The extension of the monitoring cycle from three to five years means that national authorities have more time to write their periodical reports. The automatic publication of the evaluation reports within two months after they are sent to the state concerned has helped to reinforce the impact of the Committee of Experts' work by ensuring that its reports are still fully relevant at the time when they are published. In addition, the possibility afforded the Committee of Experts to make a proposal to the Committee of Ministers about starting an evaluation without a periodical report whenever the report is more than twelve months late gives states a major incentive to adhere to the schedule for submission of periodical reports, as decided by the Committee of Ministers in 2018.

14. During the reference period, the Committee of Experts carried out ten on-the-spot visits (Austria, Cyprus, Germany, the Netherlands, Norway, Poland, Serbia, Sweden, Switzerland, Ukraine). The backlogs caused by the Covid-19 pandemic are thus in the process of being cleared.

3.1. Recommendations and decisions of the Committee of Ministers

15. During the reference period, the Committee of Ministers adopted and published the following recommendations and decisions, relating to the respective evaluation reports of the Committee of Experts.[9]

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7. Decision CM/Del/Dec(2018)1330/10.4e of 28 November 2018 "Strengthening the monitoring mechanism of the European Charter for Regional or Minority Languages".

8. The present arrangements are those adopted by the Committee of Ministers, after consulting the Committee of Experts, in its decision of 28 November 2018 ("Strengthening the monitoring mechanism of the European Charter for Regional or Minority Languages"). They came into force on 1 July 2019. For a detailed description, see the Secretary General's 10th report to the Parliamentary Assembly (2018-2020, Doc. 15276, 26 April 2021).

2021

– 16 June, Slovak Republic, decisions CM/Del/Dec(2021)1407/10.4b, evaluation of the implementation of the recommendations for immediate action contained in the fifth evaluation report;

– 16 June, Spain, decisions CM/Del/Dec(2021)1407/10.4c, evaluation of the implementation of the recommendations for immediate action contained in the fifth evaluation report;

– 16 June, United Kingdom, decisions CM/Del/Dec(2021)1407/10.4a, evaluation of the implementation of the recommendations for immediate action contained in the fifth evaluation report;

– 20 October, Slovenia, decisions CM/Del/Dec(2021)1415/10.7, evaluation of the implementation of the recommendations for immediate action contained in the fifth evaluation report;

– 8 December, Armenia, decisions CM/Del/Dec(2021)1420/10.2, evaluation of the implementation of the recommendations for immediate action contained in the fifth evaluation report.

2022

– 16 February, Cyprus, recommendation CM/RecChL(2022)1, sixth evaluation report;

– 16 February, Poland, recommendation CM/RecChL(2022)2, third evaluation report;

– 30 March, Norway, recommendation CM/RecChL(2022)3, eighth evaluation report;

– 11 May, Croatia, decisions CM/Del/Dec(2022)1434/10.2b, evaluation of the implementation of the recommendations for immediate action contained in the sixth evaluation report;

– 5 October, Bosnia and Herzegovina, recommendation CM/RecChL(2022)4, third evaluation report;

– 23 November, Germany, recommendation CM/RecChL(2022)5, seventh evaluation report;

– 23 November, Switzerland, recommendation CM/RecChL(2022)6, eighth evaluation report.

16. As has been the case since 2001, the recommendations addressed by the Committee of Ministers to the States Parties tie in with the proposals made by the Committee of Experts in its evaluation reports. This practice is an important contribution to the independent monitoring mechanism.

3.2. Recommendations by the Committee of Experts

17. An analysis of the various recommendations made by the Committee of Experts during the reference period shows that some States Parties continue to face systemic difficulties in applying the Charter. Many recommendations have been reiterated over the various monitoring cycles, particularly in relation to education and speakers' dealings with the administrative authorities and public services, and in relation to the effective use of regional or minority languages before the courts and in the media. Furthermore, in their reporting in connection with the recommendations for immediate action, some countries failed to provide the Committee of Experts with the information needed to fully assess compliance. In some cases, speakers' representatives were not consulted.

18. For example, in some countries, the teaching of regional or minority languages calls for more structure, additional investment in teacher recruitment and training, and new teaching materials so that they are suitable for all levels, including pre-school. Sometimes the number of teaching hours is lower than what countries undertook to ensure under the Charter. Too often, the history and culture surrounding regional or minority languages are not taught, especially to non-speakers.

19. As regards relations with administrative authorities and regional and/or local public services (undertakings under Article 10 of the Charter), several countries still apply a threshold requiring that 20% of the population belong to a national minority. The Committee of Experts has repeatedly encouraged, and continues to encourage, all States Parties to the Charter to determine, in co-operation with the speakers, in what areas regional or minority language speakers are traditionally present in sufficient numbers for the purposes of the undertakings entered into under Article 10, irrespective of thresholds, and to apply the undertakings ratified under Article 10 in those areas on a sustainable basis.

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9. The 2018 reform introduced a procedure for reporting on the implementation of recommendations for immediate action at the mid-point of the five-year monitoring cycle. The Committee of Ministers decisions are part of this procedure. All the evaluation reports and the associated recommendations made by the Committee of Experts are available at www.coe.int/minlang.

20. The use of minority or regional languages in the media of the States Parties too often falls short of the Charter provisions accepted. Some languages are insufficiently present in the media while others are absent altogether. In Germany, an example of good practice can be found in the 2021 broadcasting agreement for the regional channel NDR, which expressly provides that regional or minority languages must be regularly and adequately included in the broadcaster's offering.

21. The 2021-2022 monitoring cycle also looked at the use of regional or minority languages during the Covid-19 pandemic, mostly highlighting the patent lack of communication on health conditions and appropriate protective measures in the regional or minority languages of the States Parties to the Charter.

3.3. Statements by the Committee of Experts

22. During the reference period, the Committee of Experts took the opportunity to publish several pieces of work and statements.

23. On 5 November 2022, to coincide with the 30th anniversary of the signing of the Charter, the Bureau of the Committee of Experts took stock of the implementation of the Charter in the States Parties, pointing out that over the years, the existing mechanism had become a major reference point but that many challenges remained. It called on all Council of Europe member states to ratify this instrument.[10]

24. On 15 June 2022, in response to one of the arguments invoked by the Russian Federation as a pretext for its aggression against Ukraine, namely the situation with regard to Russian as a minority language in Ukraine, the Committee of Experts published a statement in which it condemned the aggression in the strongest possible terms and pointed out that nothing in the Charter could be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes of the Charter of the United Nations or other obligations under international law, including the principle of the sovereignty and territorial integrity of states.[11]

25. Also, in response to the rise of artificial intelligence (“AI”), which can facilitate the everyday use of regional or minority languages and support the authorities in promoting these languages in accordance with the Charter, the Committee of Experts issued a statement in March 2022, encouraging states to promote the inclusion of regional or minority languages into research and study on AI with a view to supporting the development of relevant applications, and to develop, in co-operation with the users of these languages and the private sector, a structured approach to the use of AI applications in the different fields covered by the Charter.[12]

26. On 8 February 2022, the Committee of Experts published a statement in which it expressed concern about the reduction in funding for regional or minority language education in Poland and the subsequent decrease in the number of hours for minority language teaching targeting German. It noted that these developments were a step back compared with the previous situation and went against the objectives and principles of the Charter. The Committee suggested holding a follow-up meeting to discuss this matter.

3.4. Visibility of the work of the Committee of Experts

27. In order to facilitate understanding of the Charter and its basic texts, the publication in May 2021 of the 2nd edition of the collected texts of the Charter brought together all the relevant material.[13] In addition, in June 2021, the Charter secretariat published a booklet highlighting examples of good practice that could serve as models for knowledge transfer between stakeholders.[14] Lastly, a HUDOC search tool, specifically dedicated to the Charter, is being developed. It will provide access not only to all the reports and statements of the Committee of Experts, but also to comments made by states, recommendations of the Committee of Ministers and the Secretary General’s reports. When it goes online in spring 2023, this new tool will help to improve the dissemination and consistency of the Committee of Experts' work.

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10. See Appendix 3.
11. See Appendix 4.
12. See Appendix 5.
13. See the 2nd edition of the collected texts of the Charter.
14. See “Protection and promotion of regional or minority languages: promising practices across Europe 2015-2020”.

4. Action taken to improve the impact of the Charter at local level and strengthen inter-institutional and international relations

4.1. Promoting the Charter at local level

28. In order to support and promote the Charter, in the States Parties and among those Council of Europe member states which have not yet ratified it, several initiatives have been conducted at local level so that local and regional authorities which have expressed an interest in the Charter can implement its provisions in accordance with their competences and so provide a basis for any policy to promote minority or regional languages.

29. In the States Parties to the Charter, these initiatives serve to ensure a higher degree of protection for regional or minority languages that are already protected. For example, in 2021, a local charter was adopted by the municipality of Kanjiža/Magyarkanizsa in Serbia to provide greater protection for Hungarian.

30. In Council of Europe member states that have not yet ratified the Charter, such initiatives can serve as "pilot" schemes, providing an opportunity to simulate its application at local level prior to ratification at national level and to thus facilitate its implementation in the future. In France, following on from similar initiatives launched by various local authorities in Alsace in 2014 and 2015, 49 municipalities in the Communauté d'Agglomération du Pays-Basque signed local versions of the Charter on 11 March 2022 to promote the use of Basque in various areas of public life.

4.2. Strengthening inter-institutional and international relations

4.2.1. Relations with the Parliamentary Assembly

31. The Parliamentary Assembly has a key role in raising awareness of the Charter and policies for the protection and promotion of regional or minority languages traditionally used in Europe. The recommendations of the Committee of Experts and the Committee of Ministers provide a basis for action by members of the Parliamentary Assembly to promote regional or minority languages in the States Parties. The support of the Parliamentary Assembly and national parliaments is essential, particularly to increase the number of ratifications of the Charter and the number of undertakings given by States Parties. Exchanges of views between parliamentarians and Charter experts can take place during monitoring visits or at hearings held by the Parliamentary Assembly. The Assembly may also refer matters to the Venice Commission, which can provide legal expertise to states on any constitutional or legislative issue. In addition, written questions may be put to the Committee of Ministers on matters relating to the Charter.[15]

4.2.2. Relations with the Committee of Ministers

32. Quite apart from the central role it plays in adopting recommendations and decisions as part of the monitoring of the application of the Charter in the States Parties, the Committee of Ministers elects the members of the Committee of Experts. During the reference period, the Ministers' Deputies elected or re-elected 11 members of the Committee of Experts (seven new experts in respect of the following states: Austria, Finland, Hungary, Liechtenstein, Romania, Switzerland and Ukraine, and six former members of the Committee in respect of the following states: Armenia, Croatia, Montenegro, the Netherlands, Norway and Poland). In addition, exchanges of views are held with the Committee of Ministers' Rapporteur Group on Legal Co-operation (GR-J).

33. The Hungarian Presidency of the Committee of Ministers of the Council of Europe placed increased effective protection for national minorities high on its agenda. Among the various events held was a high-level conference on "Council of Europe norms and standards on national minority rights: results and challenges" on 29 June 2021, which provided an opportunity to assess the achievements and identify the remaining challenges in the field of minority rights protection in Europe, in the light of the functioning of the Council of Europe's protection mechanisms for national minorities and the experiences of the Parliamentary Assembly, the Venice Commission and the European Court of Human Rights. At the Conference, Vesna Crnić-Grotić, in her capacity as Chair of the Committee of Experts, spoke about the work of the Committee of Experts.

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15. During the reference period, in a written question put to the Committee of Ministers on 1 June 2021 (Doc. 15303), Laura Castel (Spain) asked the Committee of Ministers what action it intended to take to ask France to promote the protection of national minorities and minority or regional languages. The Committee of Ministers gave its reply on 11 May 2022 (Doc. 15549).

34. On 7 September 2021, the Hungarian Presidency of the Committee of Ministers of the Council of Europe also held a conference on "The role of NGOs and research institutes in promoting Council of Europe norms and standards on national minority rights". The event highlighted the role and contribution of civil and non-governmental organisations, as well as research institutes, in promoting international standards for the protection of national minorities and the norms and standards of the Council of Europe in particular. Beate Sibylle Pfeil, member of the Committee of Experts, together with the secretariat of the Division of National Minorities and Minority Languages, spoke about the extensive interaction that takes place with the Committee of Experts in the course of its monitoring work.

4.2.3. Relations with the Advisory Committee on the Framework Convention for the Protection of National Minorities

35. As emphasised by the Committee of Ministers in its decision of 28 November 2018 on "strengthening the monitoring mechanism of the European Charter for Regional or Minority Languages",[16] the Charter and the Framework Convention for the Protection of National Minorities (hereinafter "the Framework Convention"; ETS No. 157) have distinct aims and purposes and remain two separate instruments, giving rise to distinct obligations, with separate monitoring mechanisms and expert committees.

36. In that same decision, however, the Committee of Ministers decided to align the periodical reports on the Charter and the Framework Convention, by following a specific schedule. This move was one of the main objectives of the 2018 reform and has been welcomed by the States Parties. In this context and at the request of certain States Parties to the two conventions, on-site visits co-ordinated between the Committee of Experts and the Advisory Committee on the Framework Convention (Norway, the Netherlands, Switzerland, Austria) took place. They demonstrated the potential for greater co-operation between the two bodies, facilitated by the decision to bring their respective secretariats together under one administrative entity (Division of Minorities and Minority Languages within Directorate General II – Democracy and Human Dignity).

4.2.4. Relations with other Council of Europe bodies

37. Other Council of Europe bodies, such as the European Court of Human Rights, the Venice Commission, the Commissioner for Human Rights,[17] the Congress of Local and Regional Authorities[18] and the various monitoring bodies regularly refer to the Charter and the conclusions of the Committee of Experts in their work, while at the same time enhancing the impact of the Charter's principles and specific provisions in their own ways.

38. There has also been contact recently with the Observatory on History Teaching in Europe, the Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI),[19] which advises the Committee of Ministers on matters that may relate to discrimination on grounds of language, and with the Gender Equality Commission. Such interaction provides an opportunity to explore ways of achieving more transversal co-operation in the Organisation's activities.

39. The Committee of Experts also appointed a new Gender Equality Rapporteur (GER) at its 73rd plenary meeting (June 2022) and adopted a roadmap to better incorporate the gender dimension in its work and activities. A project to translate the Council of Europe's campaign "Sexism: See it. Name it. Stop it" into the regional or minority languages protected by the Charter was launched by the secretariat with the support of the Committee's experts.[20] On 8 March 2021, to mark International Women's Rights Day, the Chair of the Committee of Experts posted a video online emphasising the importance of education in the fight for gender equality.[21]

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16. See paragraphs 11 to 13.
17. At the High-Level Conference "Council of Europe norms and standards on national minority rights: results and challenges" on 29 June 2021, Dunja Mijatović highlighted the continued politicisation of minority rights, including in the spheres of language use, education and participation in public life, and expressed her hope that the Framework Convention and the Language Charter would serve as an inspiration for a human rights-based approach to minority protection that defused tensions rather than cementing division.
18. See for example Recommendation 483 (2022) adopted on 26 October 2022 on the basis of the report "Regional identities: promoting dialogue and diversity in unity".
19. On 8 December 2021, the Chair of the Committee of Experts of the European Charter for Regional or Minority Languages, Vesna Crnić-Grotić, addressed the CDADI plenary and outlined the reforms introduced through the monitoring mechanism to streamline the monitoring process and make it more effective.
20. See Sexism: See it. Name it. Stop it. (coe.int).
21. Video statement by the Chair of the Committee of Experts to mark International Women's Day on 8 March 2021.

4.2.5. Relations with the European Union

40. As a reference treaty on minority languages, the Charter's monitoring mechanism is of particular interest to the European Union. For the Charter, the European Union plays a key role in providing assistance and support to states preparing to ratify the Charter (legal advice, capacity building, awareness raising) through the joint programmes between the EU and the Council of Europe. In 2022, within the framework of the Horizontal Facility (II) for the Western Balkans and Türkiye and for the first time in Bosnia and Herzegovina, a number of official bilingual signs in official and minority languages were inaugurated in five municipalities in Republika Srpska in Bosnia and Herzegovina. These signs display traditional place names in minority languages and/or indicate sites related to national minorities such as churches, thus raising awareness of the traditional presence of these languages and the groups that use them.

4.2.6. Non-governmental organisations in member and non-member states

41. The Committee of Experts has particularly close relations with three major organisations active in the field, namely the Federal Union of European Nationalities (FUEN), the Network to Promote Linguistic Diversity (NPLD) and the European Language Equality Network (ELEN). It regularly participates in events organised by these organisations.[22]

4.2.7. Co-operation with other international organisations and institutions

42. The Committee of Experts of the Charter and its secretariat co-operate on an ad hoc basis with other international organisations and institutions (United Nations; OSCE High Commissioner on National Minorities).

5. Challenges to be addressed before 2024

43. The ongoing challenge is still to ensure the sustainability and effectiveness of the reformed system. To this end, it is essential that states submit their periodical reports on time so as not to disrupt the Committee's work programme. In addition, a more direct link should be established between the recommendations made by the Committee of Ministers and the Committee of Experts and co-operation activities (including those carried out under joint programmes between the EU and the Council of Europe), in partnership with the speakers of regional or minority languages. On this basis, co-operation projects targeting the main issues identified by the Committee of Experts should be proposed to all States Parties immediately after the relevant evaluation report is published and should become a regular feature of the process of assessing implementation of commitments.

44. Action taken at local level to adopt local charters should be continued and intensified, in particular in those Council of Europe member states which have not yet ratified the Charter.

45. As the Charter is a living instrument, its provisions must continue to be interpreted in the light of current living conditions and developments in our society, such as digitalisation in the fields of education, public administration and services, media and culture and the rise of artificial intelligence. The Committee of Experts' statement on the promotion of regional or minority languages through artificial intelligence is effectively a guideline for its work in this respect.

46. Lastly, the gender dimension in the evaluation work needs to be further developed in the Committee of Experts' evaluation reports and related activities.

22. For example, every year representatives of the Committee of Experts attend round tables to mark European Day of Languages (see the statement made by the Chair of the Committee of Experts on 26 September 2021 and the statement made by the Vice-Chair of the Committee of Experts on 26 September 2022).

Appendix 1 – Brief overview of the Charter and the situation regarding signature and ratification

The European Charter for Regional or Minority Languages is a convention designed to protect and promote States Parties' traditional minority languages and enable speakers of these languages to use them in both private and public life. It requires States Parties to actively promote the use of regional or minority languages in education, courts, administration, media, culture, economic and social life, and cross-border co-operation.

The Charter goes beyond minority protection and anti-discrimination, requiring its States Parties to take active promotional measures for the benefit of minority languages. The Council of Europe ensures that the Charter is implemented in practice and regularly monitors the commitments made by the States Parties.

By imposing promotional obligations on states, the Charter complements the individual rights of minority language speakers arising from national and international minority protection. These provisions seek to give momentum to the implementation of minority rights in daily life. Together with the Framework Convention for the Protection of National Minorities, the Charter constitutes the Council of Europe's commitment to protect national minorities.

The Charter is based on an approach that fully respects national sovereignty and territorial integrity. It does not conceive the relationship between official languages and regional or minority languages in terms of competition or antagonism. Development of the latter must not obstruct knowledge and promotion of the former.

Regional or minority languages are part of Europe's cultural heritage and their protection and promotion contribute to the building of a Europe based on democracy and cultural diversity. The Charter applies to 80 regional and minority languages, territorial or non-territorial languages and less widely used official languages. It covers only the languages traditionally used within a state's territory, not those connected with recent migratory movements or dialects of the official language.

Drawn up on the basis of a text put forward by the Standing Conference of Local and Regional Authorities of Europe, now the Congress of Local and Regional Authorities, the Charter was adopted as a convention open for accession by non-Council of Europe states (ETS No. 148) on 25 June 1992 by the Committee of Ministers of the Council of Europe. The Charter was opened for signature on 5 November 1992 and has been in force since 1 March 1998.

To date, the following 25 States have ratified the Charter (listed in alphabetical order): Armenia, Austria, Bosnia and Herzegovina, Croatia, Cyprus, the Czech Republic, Denmark, Finland, Germany, Hungary, Liechtenstein, Luxembourg, Montenegro, the Netherlands, Norway, Poland, Romania, Serbia, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Ukraine and the United Kingdom. In addition, the Charter applies in the Isle of Man, an official British Crown dependency.

Eight Council of Europe member states have signed but not ratified the Charter: Azerbaijan, France, Iceland, Italy, Malta, North Macedonia, the Republic of Moldova and Portugal. Five states undertook to ratify the Charter at the time of their accession to the Council of Europe but have not yet done so: Albania, Azerbaijan, Georgia, North Macedonia and the Republic of Moldova.

Appendix 2 – Recommendations for immediate action by the States Parties in the evaluation reports published from 2021 to 2022 – country overview

GERMANY (seventh report MIN-LANG(2022)7): identify, in co-operation with the speakers, ways of strengthening educational provision for Romani; support initiatives using Romani in the media, in co-operation with the speakers; *Land of Schleswig-Holstein*: take further steps to increase the availability of Danish-language radio and television broadcasts, in particular with respect to duration and frequency; provide a clear legal basis for the use of Danish in civil and administrative court proceedings, in accordance with the undertakings ratified; strengthen the provision of North Frisian in education, including by providing a sufficient number of teachers and the required teaching materials; take further steps to increase the availability of programmes in North Frisian in broadcasting media, with a sufficient frequency and duration; further strengthen the provision of Low German in education at primary and secondary levels, including by ensuring adequate teacher training; *Free State of Saxony*: ensure that a sufficient number of teachers are available for Upper Sorbian education at all levels; increase the availability of television programmes in Upper Sorbian, in particular in terms of frequency and duration; *Land of Brandenburg*: extend and strengthen the provision of Lower Sorbian in pre-school, primary and secondary education, including by providing for it as an integral part of the curriculum more consistently; ensure that a sufficient number of teachers are available for Lower Sorbian education at all levels; strengthen efforts to develop adequate educational provision for Low German; *Land of Lower Saxony*: encourage the provision of at least a substantial part of pre-school education in Sater Frisian and strengthen educational provision for Sater Frisian at all appropriate levels; take further steps to increase the availability of programmes in Sater Frisian in broadcasting media, with a sufficient frequency and duration; further strengthen the educational provision for Low German at all appropriate levels; *Land of North Rhine-Westphalia*: continue efforts to develop adequate educational provision for Low German; *Land of Saxony-Anhalt*: take resolute action to develop adequate educational provision for Low German; *Free Hanseatic City of Bremen*: take measures to provide at least for a substantial part of education in Low German at pre-school level, and provide for the teaching of Low German in primary and secondary education as a separate subject and as an integral part of the curriculum; facilitate the broadcasting of television programmes in Low German on a regular basis; *Free Hanseatic City of Hamburg*: take concrete steps to promote Low German in education, at pre-school, primary and secondary level, including by ensuring adequate teacher training; encourage the publication of newspaper articles, including online, in Low German on a regular basis; *Land of Mecklenburg-Western Pomerania*: continue measures strengthening Low German in education at all levels, including by ensuring adequate teacher training; take practical measures encouraging the use of Low German in administration, in accordance with the undertakings ratified.

BOSNIA AND HERZEGOVINA (third report MIN-LANG(2022)2): increase awareness of the Charter among the speakers and all authorities responsible for implementation; provide appropriate forms and means for the teaching of Albanian, Czech, German, Hungarian, Italian, Polish, Romani, Romanian, Slovak, Slovenian, Turkish and Ukrainian at all stages concerned by ratification, inform students and parents directly about what teaching is available and encourage them to make use of it; establish a scheme for financing activities and facilities relating to the promotion of Albanian, Czech, German, Hungarian, Italian, Polish, Romani, Romanian, Slovak, Slovenian, Turkish and Ukrainian; increase awareness of Ladino as a minority language in Bosnia and Herzegovina; increase awareness of Yiddish as a minority language in Bosnia and Herzegovina; provide appropriate forms and means for the revitalisation of Ladino and Yiddish; clarify the situation with regard to the Ruthenian language in Bosnia and Herzegovina.

CYPRUS (sixth report MIN-LANG(2021)16): facilitate training of teachers of Armenian; consider creating a Chair of Armenian and make efforts in order to start a study programme in Armenian at the University of Cyprus; introduce a scheme for the basic and further training of teachers of Cypriot Maronite Arabic; introduce pre-school education in Cypriot Maronite Arabic and teaching of this language in secondary education.

NORWAY (eighth report MIN-LANG(2021)20): take measures to ensure a stronger presence of Kven in the media, including reintroducing Kven in radio broadcasting; improve the status of Kven in primary and secondary education and enhance provision of Kven language nests in kindergartens; ensure that there are incentives for students who have opted for Kven, Lule Sámi, North Sámi or South Sámi as a second language in compulsory education to continue these studies at upper secondary level, as this is the recruitment base for teacher training for Kven, Lule Sámi, North Sámi and South Sámi; ensure that the new administrative division does not have a negative impact on Lule Sámi in education; ensure that health and social care facilities such as hospitals and retirement homes offer services in North Sámi; encourage the use of Romanes and Romani in speech and writing in public life, particularly in education in co-operation with the speakers; promote the inclusion of respect, understanding and tolerance in relation to Romanes and Romani among the objectives of education, teacher training and media; provide forms and means for the teaching and study of South Sámi at all appropriate stages, including through distance learning.

POLAND (third report MIN-LANG(2021)15): take steps to develop teaching in/of Armenian, Czech, Russian and Slovak at all levels, including by providing the required teacher training and textbooks; take measures to increase the use of Armenian, Czech, Russian and Slovak in the media (broadcasting media, online and print media, audio-visual works); make education in Belarusian, German, Kashub, Lemko and Ukrainian available at pre-school, primary and secondary levels, including by providing the required teacher training and textbooks; take concrete measures to implement the ratified provisions of Article 10 regarding Belarusian, German, Kashub, Lemko, Lithuanian and Ukrainian in all those local and regional administrative units where the speakers are traditionally present in sufficient numbers, even if they do not attain the 20% threshold, and reinstall the bilingual place-name signs removed as a result of the extension of the city of Opole (in the case of German); promote awareness and tolerance in Polish society as a whole vis-à-vis the Belarusian, German, Lemko and Ukrainian languages and the cultures they represent, as an integral part of the cultural heritage of Poland; take concrete measures to facilitate the creation of one public radio station and one public television station in Kashub covering the territories in which Kashub is spoken; draw up, in co-operation with the minorities concerned, an action plan for the revitalisation of Karaim, Tatar and Yiddish; draw up, in co-operation with the minority, an action plan for the revitalisation of Yiddish, in particular by introducing teaching in/of Yiddish at all appropriate levels; ensure the necessary textbooks for teaching in Lithuanian at all levels; take concrete measures to facilitate the creation of one public radio station and one public television channel in Lithuanian covering the territories in which Lithuanian is spoken; draw up, in co-operation with the speakers, an action plan for the implementation of the Charter with respect to Romani.

SWITZERLAND (eighth report MIN-LANG(2022)8): take additional measures promoting the use of Italian and Romansh in economic and social life, including in the public sector; clarify to what extent the school inspectorate of the Canton of Graubünden/Grischun/Grigioni carries out the tasks foreseen by Article 8.1.i and, if needed, extend its mandate accordingly; adopt cantonal and/or local legislation on the use of French in public life in the municipality of Murten/Morat (Canton of Fribourg/Freiburg); prepare, in the context of the implementation of the "Regulation on support of initiatives promoting bilingualism", a strategy on the promotion of French in Murten/Morat; adopt cantonal and/or local legislation on the use of German in public life in the municipalities where German is a non-official minority or majority language; make available German language education from pre-school to secondary levels for those municipalities where German is a non-official minority or majority language.

Appendix 3 – Statement by the Bureau of the Committee of Experts on the occasion of the 30th anniversary of the European Charter for Regional or Minority Languages

5 November 2022, Strasbourg

The European Charter for Regional or Minority Languages celebrates its 30th anniversary

On 5 November 1992, 11 member states of the Council of Europe signed the European Charter for Regional or Minority Languages in Strasbourg, considering that the preservation and development of Europe's cultural traditions and wealth depended on the protection of its regional or minority languages.

This unique convention, which entered into force in 1998, brings together 25 states parties and applies to about 80 regional or minority languages. It promotes their active use in education, justice, administration, media, culture, economic and social life and cross-border co-operation.

Over its thirty-year existence, it has become a major reference point in this field. The recommendations adopted by the Committee of Ministers and the Committee of Experts have provided guidance to the states parties in the implementation of the Charter's provisions.

The observations made by the Committee of Experts during its field visits to the states parties and the important contacts it maintains with all stakeholders enable it to be as close as possible to the concerns and expectations of speakers and local, regional and national authorities.

As a result, some languages that were threatened with extinction only a few years ago have been successfully revitalised. They are now an integral part of the lives of local communities and of the cultural, economic and social fabric of the territories where they are spoken. Other languages have seen their protection increased over time through the acceptance of more provisions, but also through the adoption of more ambitious laws at national level.

The Charter system, as a living instrument, also continues to evolve and reform. The decisions taken in the wake of the High-Level Conference held in Strasbourg in June 2018 on the occasion of the 20th anniversary of the entry into force of the Charter have led to significant improvements in the monitoring mechanism.

The Committee of Experts also takes into account new issues in its assessment, such as the development of artificial intelligence, new technologies and social media, which have a direct impact on the protection and promotion of regional or minority languages.

However, these successes should not conceal the fact that many challenges remain. The Covid-19 pandemic and the politicisation of language issues in too many European states remind us that the progress made is not irreversible and requires constant vigilance.

Moreover, the participation of all Council of Europe member states remains necessary to ensure that regional and minority languages continue to be safeguarded, protected and promoted within our “common home”. Twenty-one states have still not ratified the Charter, even though some of them undertook to do so when they joined the Council of Europe. These states, whether or not they are already signatories, should be invited to identify the measures which prevent them from initiating or completing the ratification process. As for member states that have ratified the Charter, they should be invited to regularly review their level of commitment and to ensure the full implementation of their undertakings.

For thirty years, the Charter has played a decisive role in safeguarding our linguistic heritage and promoting and developing multilingualism. By contributing to the formation of new generations of multilingual Europeans, it promotes closer union between peoples, embodying the principles and objectives of the Council of Europe.

Appendix 4 – Statement by the Committee of Experts of the European Charter for Regional or Minority Languages on the Russian Federation's aggression against Ukraine

15 June 2022, Strasbourg

The Committee of Experts of the European Charter for Regional or Minority Languages condemns in the strongest possible terms the aggression of the Russian Federation against Ukraine. It expresses its deep concern and its solidarity with all people of Ukraine. The Committee of Experts finds it unacceptable that the Russian Federation continues to use the situation of Russian as a minority language in Ukraine as a pretext for aggression.

The Committee of Experts recalls that, in accordance with Article 5 of the Charter, nothing in it "may be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes of the Charter of the United Nations or other obligations under international law, including the principle of the sovereignty and territorial integrity of States." As a signatory to the Charter, the Russian Federation remains under the obligation not to defeat the object and purpose of the treaty, as provided for by the Vienna Convention on the Law of Treaties.

In the context of the ongoing 4th monitoring cycle in respect of Ukraine, the Committee of Experts conducted an on-the-spot visit in July 2021. The Committee could notice the efforts of the Ukrainian authorities, but as well areas where measures were needed in order to provide adequate protection to all minority languages in the country. The Committee stands ready to continue its support to the Ukrainian authorities in implementing the Charter and reiterates that the Council of Europe is the appropriate forum to address by dialogue and co-operation any issues related to the protection and promotion of minority languages.

Appendix 5 – Statement of the Committee of Experts of the European Charter for Regional or Minority Languages on the promotion of regional or minority languages through artificial intelligence

16 March 2022, Strasbourg

Since the drafting of the European Charter for Regional or Minority Languages in the 1980s, different new technologies have improved the conditions for its implementation by the States Parties. The Committee of Experts has already examined how new social media help to increase the media offer in regional or minority languages[23].

The rise of AI marks a new era of technology which can also facilitate the everyday use and promotion of regional or minority languages and hence support states parties in implementing the Charter provisions which they have ratified. The Council of Europe is currently preparing a legal framework on AI, based on the Council of Europe's standards on human rights, democracy and the rule of law.

The Committee of Experts welcomes the development of AI applications using regional or minority languages. This requires the gathering of natural language data, which is of particular importance for the documentation of less-widely used languages. It needs to be borne in mind that AI constitutes an addition to the learning and use of regional or minority languages. Particular attention must be paid to developing and/or including appropriate administrative and legal terminology in each regional or minority language. Once developed, AI applications facilitate the daily use of regional or minority languages, disseminate such languages to larger audiences, raise their visibility and prestige, and encourage more people to learn, use and transmit them to the next generations.

With the help of AI applications, authorities can fairly quickly make available an offer for users of regional or minority languages, including in less-widely used languages. The use of AI therefore supports authorities in taking "resolute action to promote regional or minority languages in order to safeguard them", which is one of the central objectives and principles of the Charter.

Having taken note of the study "Facilitating the Implementation of the European Charter for Regional or Minority Languages through Artificial Intelligence",[24] the Committee of Experts encourages states:

– to include the promotion of the use of regional or minority languages in their policies, legislation and practice on digitalisation,

– to promote the inclusion of regional or minority languages into research and study on AI with a view to supporting the development of applications facilitating their use in public and private life,

– to develop, in co-operation with the users of regional or minority languages and the private sector, a structured approach to the use of AI applications in the different fields covered by the Charter.

23. Council of Europe (ed.), *New technologies, new social media and the European Charter for Regional or Minority Languages, report published by the Committee of Experts*, 2019.
24. Council of Europe Secretariat of the European Charter for Regional or Minority Languages (ed.), *Facilitating the implementation of the European Charter for Regional or Minority Languages through artificial intelligence*, 2022.