

Application of the European Charter for Regional or Minority Languages

Doc. 10659

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Communication

by the Secretary General of the Council of Europe

Biennial report by the Secretary General to the Parliamentary Assembly

1. Introduction

Under the terms of Article 16 para. 5 of the European Charter for Regional or Minority Languages (hereinafter referred to as “the Charter”), the Secretary General is required to present a two-yearly report to the Parliamentary Assembly on the application of the Charter. The Charter entered into force in March 1998. The first report of the Secretary General of this nature was presented to the Parliamentary Assembly in 2000 (Doc. 8879 of 18 October 2000) and the second report in 2002 (Doc. 9540 of 11 September 2002). This third report covers the years 2003-2005 and addresses the main critical issues which arise from the functioning of the now well-established system set up by the Charter.

2. The monitoring reports adopted so far

The experience over the last two years confirms that the monitoring mechanism set up by the Charter has been functioning well^[1]. In spite of the difficulties related to staff shortage in the Secretariat, but also thanks to the latter’s commitment, the Committee of Experts of the Charter has managed to maintain a regular rhythm of work and has considerably increased its expertise and its knowledge of the situation in the countries which have been monitored.

So far, the Committee of Experts has adopted twenty evaluation reports (compared to seven two years ago). For six countries - Austria, Denmark, Slovenia, Sweden, Spain and the United Kingdom – only the first evaluation report has been adopted so far. In seven other cases, a further monitoring round has been completed, resulting in the adoption of a second evaluation report. This is the case for Croatia, Finland, Germany, Hungary, the Netherlands, Norway and Switzerland. All those reports which have already been considered by the Committee of Ministers have been made public and are available online^[2] or in paper form from the Charter's Secretariat in DGI/Directorate of Co-operation for Local and Regional Democracy.

With the sole exception of Liechtenstein, in all the cases where the Committee of Ministers has examined an evaluation report it has subsequently addressed Recommendations to the government concerned. Those Recommendations adopted since the last report to the Assembly are reproduced in Appendix III to the present report. It is noteworthy that the Committee of Ministers has closely followed the proposals of the Committee of Experts and has thus considerably contributed to strengthening the monitoring mechanism.

The Committee of Experts is presently dealing with the second monitoring round concerning Sweden, and with the first monitoring rounds concerning Armenia, Cyprus and Slovakia. It is also expected to start

the second evaluation rounds concerning Slovenia and the United Kingdom, as well as the third evaluation round concerning Norway.

3. The impact of the monitoring mechanism

As forecast in the previous report in 2002, with the second rounds of evaluation the Charter system has entered into a more dynamic phase. It has become possible to assess the progress made since the adoption of the first evaluation reports, especially the steps taken to implement the Recommendations of the Committee of Ministers. The Committee of Experts has been able to refine its analysis of the situation pertaining in the various States Parties, its interpretation of the implications of the provisions of the Charter and its recommendations for realistic action for the protection and promotion of regional or minority languages in specific circumstances.

An examination of the reports reveals that, following the first monitoring round, most of the countries monitored have reacted by taking measures to enhance the protection of their regional or minority languages (though with varying degrees of effectiveness depending on the State). This is proof that the Charter system is producing results and a confirmation of its value. To quote just a few examples of the concrete improvements triggered by the first monitoring report:

- The Hungarian act on criminal procedure has been amended in order to explicitly allow for the use of regional or minority languages in criminal proceedings.
- The status of Romansh and Italian in the Swiss Canton of Graubünden has been upgraded following the adoption of a new cantonal constitution.
- The legislation on the Sami language in Finland has been reformed and pre-school education has been provided for all three variants of this language.
- The Dutch province of Frysland has adopted an action plan aimed at increasing the number of pre-school institutions offering Frisian or bilingual education.
- The Norwegian authorities have adopted a significant policy measure by officially informing public services of their duty to use Sami in dealings with those speakers who so request.

Another positive feature is that through the functioning of the monitoring mechanism a constructive dialogue has been established with almost all States Parties, as well as between the governments concerned and the organisations representing the speakers of the regional or minority languages. This has fostered, *inter alia*, greater awareness and responsibility by all the relevant actors, both on the authorities' and on the speakers' side.

It is of course true that the monitoring mechanism has also detected many areas where relevant measures are still lacking. Nevertheless, the above examples demonstrate that, over the relatively short time-span of the monitoring process so far, the Charter system has been working successfully.

4. Co-operation with other relevant Council of Europe departments

Like other conventions of the Council of Europe, the European Charter for Regional or Minority Languages and its monitoring mechanism form a self-contained system. Nevertheless, precisely because it is embedded in the Council of Europe framework, it is useful to consider the Charter in its relationship with other sectors of the Organisation whose work has some relevance to regional or minority language protection and may significantly affect the overall impact of the Charter.

A number of initiatives have been taken recently with a view to fostering co-operation between the Charter mechanism and the departments concerned.

The most obvious other legal instrument involving this dimension is the Framework Convention for the Protection of National Minorities. Even though the object of this instrument is fundamentally different from that of the Charter (the latter, unlike the Framework Convention, is not concerned with minority groups but with languages as such and can thus be ratified also by those European States which claim not to have minorities) and even if the scope of the respective provisions is likewise often different, in some specific cases the two monitoring mechanisms may nevertheless cover the same factual contexts. In order to understand the need for effective co-ordination in these cases and to minimise the risk of sending conflicting messages to States, a study was commissioned from an authoritative expert in the field and a first co-ordination meeting between the two committees took place in May 2005. Of course, such co-ordination can apply only in respect of those States that have ratified both conventions.

In the sphere of intergovernmental co-operation, the Language Policy Division (DGIV) also covers issues related to regional or minority languages, essentially from the point of view of education. Co-operation with the Charter system is being considerably improved, in particular by establishing a practice whereby the monitoring mechanism of the Charter will have the possibility of relying on the considerable expertise accumulated by the Language Policy Division when dealing with particularly complex issues in the field of regional or minority language education.

Furthermore, co-operation with the Roma/Gypsies Division (DGIII) is being developed with respect to the Romany language and other travellers' languages. In particular, co-operation has been initiated between the Charter and the newly established European Roma and Travellers Forum.

In the light of the above, we can say that, through a more systematic co-ordination between the Charter and the other departments and instruments also concerned, in a more specific way, by some aspects of regional or minority language protection, the Council of Europe offers a unique, comprehensive and sophisticated system for the protection of the regional or minority linguistic heritage of Europe.

5. The long-term challenge

If one reads carefully the second evaluation reports of the Committee of Experts, and even some initial evaluation reports, one realises that the majority of measures taken by governments so far are of a relatively formal nature. Necessary though these are, the question has to be asked whether they suffice to meet the fundamental objectives of the Charter.

To put it bluntly, adopting a good law on minority language protection is not enough: the law must also be implemented in practice, and this requires a wide range of practical and substantive measures, which are very often lacking. This is the message that emerges clearly from the monitoring carried out by the Committee of Experts so far.

In fact, on the basis of the findings of the Committee of Experts a simple but bitter truth emerges: with only a few encouraging exceptions, linguistic diversity is regressing everywhere in Europe and some languages are disappearing, at least for the time being, from areas where they have been historically present and where they have until recent times represented one of the distinctive features of those areas' identity. The reasons for this are of course complex, but a reading of the Committee of Experts' reports enables us to identify some of them:

- the enormous pressure by the majority language media;
- a lack of understanding in the society about the value of linguistic diversity and of the bilingualism that can be acquired through being raised in a regional or minority language context;
- a pragmatic (but short-sighted) vision that tends to privilege at all costs the learning of international languages of more immediate practical use;
- last but not least, ignorance (at best) or intolerance on the part of large parts of the majority population vis-à-vis the regional or minority language(s) still spoken in their country.

Most of these factors fall within the scope of the normative provisions of Parts II and III of the Charter; but even with the best of wills they cannot be overcome by a simple stroke of the pen. Rather, they can be remedied only over a longer period and by a substantial and sustained effort – in fact, to quote the terms of Article 7 of the Charter, by “resolute action”. This is even more necessary in those cases where the above-mentioned factors are coupled with problematical socio-demographic and/or economic conditions affecting the regions where regional or minority languages are spoken.

In the face of the powerful factors just outlined, it becomes all the more vital that the Charter should not be perceived as being just about intervening on the formal contents of the legislative provisions. That is why the reports of the Committee of Experts underline that the Charter is above all about achieving results, and this usually calls for a much more proactive and structured approach.

Two areas remain particularly crucial in this regard. In education, a structural approach, covering all the stages of the educational system, is often lacking. In the electronic media, which are probably the most influential means of communication in today's societies, the presence of regional or minority languages is in many cases little more than symbolic. These aspects touch upon another important issue that the Committee of Experts has repeatedly underlined in its reports, namely the importance of attaching a positive value to the knowledge of regional or minority languages.

Clearly, both an adequate recognition of the language in the educational system and a meaningful presence in the electronic media are major means of raising the social status of regional or minority languages and thus of conveying a positive image to the majority population, but also to the regional or minority language speakers themselves, whose self-esteem often needs to be bolstered. Raising the social status and conveying a positive image of regional or minority languages are in fact crucial elements for a successful protection and promotion.

The conclusion, extrapolating from what the Committee of Experts and the Committee of Ministers have stated in their reports and recommendations, is that a more effective and dedicated level of commitment is required from some States Parties with regard to their undertakings under the Charter, if the linguistic

diversity of Europe is to be preserved. It is reasonable also to expect of both the Committee of Experts and the Committee of Ministers that they should place greater emphasis, in their future monitoring, on the need for positive, structured language policies to achieve the results required by the Charter.

6. The issue of the States that have not yet ratified the Charter

The joint endeavour of preserving the linguistic diversity of Europe through the Charter has been embraced, at least in principle, only by those countries that have ratified it. The problem is even more acute in the many member States of the Council of Europe, including a majority of the members of the European Union, that have not yet joined the Charter system.

As of 1 August 2005, the Charter had been signed by 31[3] States, of which 18[4] had ratified it. The list of signatures and ratifications is attached in Appendix I. It must be observed that after considerable progress in the years 2000-2002, the rhythm of signatures and ratifications has slowed down again and it is disappointing to note that the only progress in this respect since 2003 was the signature of the Charter by Poland (May 2003) and Serbia and Montenegro (March 2005), and its ratification by Luxembourg (June 2005). The issue of the ratifications of the Charter is an important one and also a more complex one than might appear at first sight.

First of all, it should be noted that almost all the member States that have not ratified the Charter host regional or minority languages which are in a delicate situation. In other words, their failure to ratify the Charter hitherto cannot at all be explained or justified by the fact that they do not need it; quite the contrary.

Moreover, at present many of the signatory States are in a position to ratify the treaty. In some cases, the process has even reached an advanced stage before the national parliaments. These States should be encouraged to ratify without further delay.

It may also be recalled that many of the non-signatory or non-ratifying States are under an explicit obligation to the Council of Europe to accede to the Charter. The Assembly very early recognised the importance of the Charter for peace, stability and respect for cultural diversity in Europe, and so from the mid-nineties onwards it systematically required new member states to commit themselves to accede to the Charter. The result is meagre. Armenia is to be commended for fulfilling this commitment, but the following States which undertook, upon accession to the Council of Europe, to sign and ratify the Charter within a certain time-limit have so far at best signed it: Albania, Azerbaijan, Bosnia and Herzegovina, Georgia, Moldova, the Russian Federation, Serbia and Montenegro, “the former Yugoslav Republic of Macedonia” and Ukraine.[5]

As acknowledged in the previous report, «... in certain of these States the ratification of the Charter – which is a complex matter in itself involving careful adaptation of undertakings to the situation of each language – is further complicated by the number of languages involved and/or by the complexities of the political situation. Therefore, the assessment of the compliance with the undertaking to sign and ratify the Charter should be made in conjunction with an attentive monitoring of the evolution in the States concerned»[6]. Nevertheless, even taking account of the complex nature of the issues that a State has to deal with when approaching the ratification of the Charter, the Council of Europe expects the countries concerned to make all the necessary efforts so that the ratification process can be completed within a reasonable time.

At the same time, it should not be forgotten that, although they are not under a special commitment to do so, a number of longer-standing member States of the Organisation, and particularly many of the member States of the European Union, have not ratified the Charter either.

In general terms, the fact that the majority of the member States of the Council of Europe have still not ratified the Charter deprives the latter of the possibility of further strengthening its role in the field. More particularly, the failure of some of the member States for which it was originally conceived in the late 1980s to ratify the Charter has an adverse effect on the chances of ratification by more recent member States, which may resent obligations being imposed upon them by others who are unwilling to accept them for themselves. This is a very unsatisfactory situation. It is therefore becoming a matter of priority to urge all the member States which have not yet ratified the Charter to do so as soon as possible. Some of them have in fact signed the Charter and have thus, according to basic international law principles, accepted its philosophy and taken the moral commitment to ratify it. Their failure to do so is therefore all the more disappointing.

7. The Charter and the European Union

Looking at this issue from the angle of the European Union requires some separate remarks. In the first place, over the last two years the Charter has acquired a greater visibility in the context of the European Union: to mention just one of the most evident examples, the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, adopted in July 2003, encourages the national and regional authorities

«(...) to give special attention to measures to assist those language communities whose number of native speakers is in decline from generation to generation, in line with the principles of the *European Charter for Regional or Minority Languages*»^[7].

This is welcome recognition from the European Commission, with which fruitful co-operation has been initiated in this field. However, given that not all the member States of the European Union have ratified it, the Charter cannot become part of the *acquis communautaire*. Needless to say, this fact deprives the Charter of the possibility of benefiting from a greater legal and political impact.

The ratification of the Charter by the member States of the European Union is in fact of crucial interest for the Charter system. It is therefore encouraging that in its recent Resolution on “Regional and lesser-used languages – the languages of minorities in the EU – in the context of enlargement and cultural diversity”, adopted on 4 September 2003 and also known as the “Ebner Resolution”, the European Parliament recommended to the member states of the European Union and the candidate countries to ratify the Charter if they have not already done so.

8. Conclusions

A very difficult challenge awaits the Charter. It is a sophisticated legal instrument, and it is the only one specifically devoted to the protection and promotion of regional or minority languages, but it has been created to achieve a particularly difficult goal: saving linguistic diversity in a European society in which the countervailing trends are very strong. Success depends on a higher level of commitment on the part of the States Parties, extending well beyond the formal legislative dimension.

Finally, both States Parties and the other member States of the Council of Europe should focus also on awareness-raising among the majority populations. As the Committee of Experts has stated in one of its most recent reports,

«Experience proves that the extent to which a minority language is protected or promoted is linked to how it is received or perceived by majority language speakers. Indeed, regional or minority language protection or promotion is, in many respects, a reflection of the majority approach and perception. As a result, awareness-raising with the majority is of the utmost importance»[8].

Educating majorities and raising their awareness about the existence of regional or minority cultural and linguistic identities within the same country could also be seen in the broader perspective of European integration: by learning to know and respect the cultural and linguistic differences which exist in each one of their countries, Europeans would be better prepared to interact in a more positive and respectful way with the differences which exist just beyond their borders. And the knowledge of, and ensuing respect for, the different identities of all European peoples is after all the only solid basis for a genuinely integrated Europe.

APPENDIX I

European Charter for Regional or Minority Languages CETS No.: 148



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

Opening for signature Entry into force

Place: Strasbourg Conditions: 5 Ratifications.
Date : 5/11/1992 Date : 1/3/1998

Status as of: 1/8/2005

Member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania										
Andorra										
Armenia	11/5/2001	25/1/2002	1/5/2002			X				
Austria	5/11/1992	28/6/2001	1/10/2001			X				
Azerbaijan	21/12/2001					X				

Moldova	11/7/2002													
Monaco														
Netherlands	5/11/1992	2/5/1996	1/3/1998			X	X							
Norway	5/11/1992	10/11/1993	1/3/1998			X								
Poland	12/5/2003													
Portugal														
Romania	17/7/1995													
Russia	10/5/2001													
San Marino														
Serbia and Montenegro	22/3/2005													
Slovakia	20/2/2001	5/9/2001	1/1/2002			X								
Slovenia	3/7/1997	4/10/2000	1/1/2001			X								
Spain	5/11/1992	9/4/2001	1/8/2001			X								
Sweden	9/2/2000	9/2/2000	1/6/2000			X								
Switzerland	8/10/1993	23/12/1997	1/4/1998			X								
the former Yugoslav Republic of Macedonia	25/7/1996													
Turkey														
Ukraine	2/5/1996													
United Kingdom	2/3/2000	27/3/2001	1/7/2001			X	X							

Non-member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
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Total number of signatures not followed by ratifications:	13
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Total number of ratifications/accessions:	18
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Notes:a: Accession - s: Signature without reservation as to ratification - su: Succession - r: Signature "ad referendum".

R.: Reservations - D.: Declarations - A.: Authorities - T.: Territorial Application - C.: Communication - O.: Objection.

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

APPENDIX II

State of fulfilment of commitments to ratify the European Charter for Regional or Minority Languages entered into upon accession to the Council of Europe

Member State	Assembly Opinion	Deadline for signing and ratifying the Charter	Date of signature	Date of ratification
Albania	189(1995)			
Armenia	221(2000)	25/1/2002	11/5/2001	25/1/2002
Azerbaijan	222(2000)	25/01/2002	21/12/2001	
Bosnia and Herzegovina	234(2002)	24/04/2004		
Georgia	209(1999)	27/04/2000		
Moldova	188(1995)	13/07/1996	11/07/2002	
Russian Federation	193(1996)	28/02/1998	10/05/2001	
Serbia and Montenegro	239 (2002)	03/04/2005	22/03/2005	
"The former Yugoslav Republic of Macedonia"	191 (1995)	09/11/1996	25/07/1996	
Ukraine	190(1995)	09/11/1996	02/05/1996	

APPENDIX III

COUNCIL OF EUROPE COMMITTEE OF MINISTERS

Recommendation RecChL(2002) 1 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Germany

*(Adopted by the Committee of Ministers on 4 December 2002
at the 820th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the instrument of ratification submitted by Germany on 16 September 1998;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Germany;

Having taken note of the comments made by the German authorities on the contents of the Committee of Experts' report;

Bearing in mind that this evaluation is based on information submitted by Germany in its initial periodical report, supplementary information given by the German authorities, information submitted by bodies and associations legally established in Germany and on the information obtained by the Committee of Experts during its "on-the-spot" visit,

Recommends that the German authorities take account of all the observations of the Committee of Experts and, as a matter of priority:

1. adopt specific legal provisions, where these are still lacking, in order to implement the undertakings which Germany has entered into under the Charter;
2. establish specific planning and monitoring mechanisms and ensure adequate resource allocation in the field of education ;
3. take urgent action to strengthen education in North Frisian, Sater Frisian and Lower Sorbian, whose survival is particularly endangered, and in particular ensure continuity in educational provision in these languages throughout the school system ;
4. improve basic and further teacher training for all regional and minority languages;
5. establish a structural policy for making it practically possible to use regional or minority languages in dealings with the administration and, where relevant, in the courts;
6. make the speakers of the regional or minority languages more aware that they have the possibility to avail themselves of the right to use their language before administrative and, where relevant, judicial authorities;
7. take a more active approach towards promoting the presence of the regional or minority languages in the media.

**COUNCIL OF EUROPE
COMMITTEE OF MINISTERS**

**Recommendation RecChL(2003)1
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages by Sweden**

*(Adopted by the Committee of Ministers on 19 June 2003
at the 844th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the instrument of ratification submitted by Sweden on 9 February 2000;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Sweden;

Having taken note of the comments made by the Swedish authorities on the contents of the Committee of Experts' report;

Bearing in mind that this evaluation is based on information submitted by Sweden in its initial periodical report, supplementary information given by the Swedish authorities, information submitted by bodies and associations legally established in Sweden and the information obtained by the Committee of Experts during its "on-the-spot" visit,

Recommends that the Swedish authorities take account of all the observations of the Committee of Experts and, as a matter of priority:

1. take immediate measures to strengthen access to education in regional or minority languages, to develop teaching materials and improve teacher training at all levels of education;
2. provide favourable conditions to encourage the use of Sami, Finnish and Meänkieli before judicial and administrative authorities in the defined areas in the County of Norrbotten;
3. encourage and/or facilitate the creation and/or maintenance of at least one newspaper in Sami and Meänkieli;
4. improve the situation of the Finnish language outside the Finnish administrative area in public life, and in particular in education.

**COUNCIL OF EUROPE
COMMITTEE OF MINISTERS**

**Recommendation RecChL(2003)2
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages by Norway**

*(Adopted by the Committee of Ministers on 3 September 2003
at the 850th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the instrument of ratification submitted by Norway on 10 November 1993;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Norway;

Having taken note of the comments made by the Norwegian authorities on the contents of the Committee of Experts' second report;

Bearing in mind that this evaluation is based on information submitted by Norway in its national reports, supplementary information provided by the Norwegian authorities, information submitted by bodies and associations legally established in Norway and information obtained by the Committee of Experts during its "on-the-spot" visit,

Recommends that the Norwegian authorities take account of all the observations of the Committee of Experts and, as a matter of priority:

1. continue to improve the dialogue and co-operation with representatives of the various regional or minority languages;
2. rapidly resolve the situation of the Kven/Finnish language and consult with representatives of the Kven on this matter before a decision is taken;
3. progress in establishing the Inner Finnmark Court as a step to facilitate the use of Sami before judicial authorities;
4. increase their efforts to protect and promote Lule and South Sami.

**COUNCIL OF EUROPE
COMMITTEE OF MINISTERS**

Recommendation RecChL(2004)1

of the Committee of Ministers

on the application of the European Charter for Regional or Minority Languages

by the United Kingdom

*(Adopted by the Committee of Ministers on 24 March 2004
at the 877th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the declarations submitted by the United Kingdom on 27 March 2001, 11 March 2003, and 22 April 2003;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by the United Kingdom;

Having taken note of the comments made by the British authorities on the contents of the Committee of Experts' report;

Bearing in mind that this evaluation is based on information submitted by the United Kingdom in its periodical report, supplementary information provided by the British authorities, information submitted by bodies and associations legally established in the United Kingdom and information obtained by the Committee of Experts during its "on-the-spot" visit;

Recommends that the British authorities take account of all the observations of the Committee of Experts and, as a matter of priority:

1. make primary and secondary education in Scottish Gaelic generally available in the areas where the language is used;
2. with regard to Scottish Gaelic and Welsh, establish a system for monitoring the measures taken and progress achieved in regional or minority language education, including the production and publication of reports of the findings;
3. provide information and guidance to those responsible for implementing the undertakings chosen for Scottish Gaelic, in particular in the fields of education and administration;
4. facilitate the establishment of a television channel or an equivalent television service in Scottish Gaelic and overcome the shortcomings in Scottish Gaelic radio broadcasting;
5. improve the public service television provision and facilitate the broadcasting of private radio in Irish;
6. improve the use of Welsh in social care facilities, particularly hospitals and care of the elderly;
7. create conditions for the use of Scots and Ulster Scots in public life, through the adoption of a language policy and concrete measures, in co-operation with the speakers of the languages.

**COUNCIL OF EUROPE
COMMITTEE OF MINISTERS**

**Recommendation RecChL(2004)2
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages**

by Denmark

(Adopted by the Committee of Ministers on 19 May 2004

at the 884th meeting of the Ministers' Deputies)

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the declarations submitted by Denmark on 8 September 2000, and the Communication dated 25 August 2000;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Denmark;

Having taken note of the comments made by the Danish authorities on the contents of the Committee of Experts' report;

Bearing in mind that this evaluation is based on information submitted by Denmark in its national report, supplementary information provided by the Danish authorities, information submitted by bodies and associations legally established in Denmark, as well as information obtained by the Committee of Experts during its “on-the-spot” visit;

Recommends that the authorities of Denmark take account of all the observations of the Committee of Experts and, as a matter of priority:

1. adopt a more structured policy for the protection and promotion of German in order to achieve a practical implementation of the provisions of the Charter, especially in the fields of administration, justice and the media;
2. renew consultations with the Home Rule Authorities of the Faroe Islands and Greenland on the possible application of the Charter in the two Home Rule areas;
3. consider the protection of the German language in the context of the possible reform of administrative structures which could affect Southern Jutland County;
4. ensure that German speakers have the possibility to use their language before administrative authorities in practice;
5. implement the undertakings chosen in the field of the broadcasting media.

**COUNCIL OF EUROPE
COMMITTEE OF MINISTERS**

**Recommendation RecChL(2004)3
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages by Slovenia**

*(Adopted by the Committee of Ministers on 9 June 2004
at the 887th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the instrument of ratification submitted by Slovenia on 4 October 2000;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Slovenia;

Having taken note of the comments made by the Slovenian authorities on the contents of the Committee of Experts' report;

Bearing in mind that this evaluation is based on information submitted by Slovenia in its initial periodical report, supplementary information given by the Slovenian authorities, information submitted by bodies and associations legally established in Slovenia and the information obtained by the Committee of Experts during its “on-the-spot” visit,

Recommends that the authorities of Slovenia take account of all the observations of the Committee of Experts and, as a matter of priority:

1. reconsider their position on the Croatian language from the point of view of the Charter, identify the geographical areas in which Croatian is covered by the Charter and apply Article 7 in respect of this language; clarify the issue of the traditional presence of the Serbian language and of the Bosnian language in Slovenia in co-operation with the speakers of the respective languages;
2. apply Part II protection of German as a regional or minority language in Slovenia within the meaning of the Charter and strengthen, in particular, the provision of teaching of or in German as a regional or minority language, with priority for the Kocevje area;
3. ensure that the necessary integration of Romany speakers to allow their full participation in economic, social and political life also preserves their linguistic and cultural identity;
4. engage in a process of development of Romany as a written language, in particular through standardisation, preferably at European level, in close co-operation with the representatives of all the Roma communities present in Slovenia as well as with the other European states concerned, and strengthen the teaching of the Romany language, at least at lower grades, even while the standardisation process is under way;
5. take the necessary measures to encourage the use of the Hungarian language in the context of court proceedings and economic life in the ethnically mixed areas concerned;
6. establish a strategy to strengthen the use of the Italian language in the context of public administration and public services in the areas currently defined as “ethnically mixed”, and progressively extend the scope of the protection currently provided for the Italian language in the “ethnically mixed areas” to the other areas of the three municipalities concerned, to be identified in co-operation with the speakers, where there is a stable presence of Italian speakers;
7. make its periodical reports on the implementation of the Charter public.

**COUNCIL OF EUROPE
COMMITTEE OF MINISTERS**

**Recommendation RecChL(2004)4
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages
by Hungary**

*(Adopted by the Committee of Ministers on 30 June 2004
at the 890th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the instrument of ratification submitted by Hungary on 26 April 1995;

Having taken note of the evaluation made by the Committee of Experts with respect to the application of the Charter by Hungary;

Having taken note of the comments made by the Hungarian authorities on the contents of the Committee of Experts' report;

Bearing in mind that this evaluation is based on information submitted by Hungary in its second periodical report, supplementary information given by the Hungarian authorities, information submitted by bodies and associations legally established in Hungary and the information obtained by the Committee of Experts during its "on-the-spot" visit,

Recommends that Hungary takes account of all the observations of the Committee of Experts and, as a matter of priority:

1. Ensures that the necessary integration of Romany and Beas speakers which would allow their full participation in the economic, social and political life, also preserves their linguistic and cultural identity ; strengthen the teaching of Romani and Beas at least at lower grades and contribute to the development of Romani as a written language, in particular through standardisation at European level.
2. Improves the present model of teaching regional or minority languages and move to forms of bilingual education for Part III languages and incorporate the current model of secondary language education into the curriculum for Part II languages.
3. Identifies the territories in which the number of speakers justifies the effective implementation of Articles 9 and 10 and take further positive measures to encourage the use of minority languages in judicial proceedings and in dealings with the administration.
4. Strengthens the presence of minority languages in the media and, in particular, ensure that programmes in minority languages can be received on ordinary radio sets.
5. Continues to develop the system of minority self-governments, in particular by improving the conditions for the transferral of educational and cultural bodies and institutions to minority self-governments.

**COUNCIL OF EUROPE
COMMITTEE OF MINISTERS**

**Recommendation RecChL(2004)5
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages**

by Switzerland

(Adopted by the Committee of Ministers on 22 September 2004

at the 896th meeting of the Ministers' Deputies)

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the instrument of ratification submitted by Switzerland on 23 December 1997;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Switzerland;

Having taken note of the comments made by the Swiss authorities on the contents of the Committee of Experts' report ;

Bearing in mind that this evaluation is based on information submitted by Switzerland in its second periodical report, supplementary information provided by the Swiss authorities, information submitted by bodies and associations legally established in Switzerland and the information obtained by the Committee of Experts during its “on-the-spot” visit,

Recommends that the authorities of Switzerland take account of all the observations of the Committee of Experts and, as a matter of priority:

1. accelerate the efforts to adopt legislation implementing in particular paras. 1 and 3 of Article 70 of the Federal Constitution;
2. take the necessary measures to remove practical obstacles to the use of Romansh in courts;
3. take the necessary measures to strengthen the use of Romansh in dealings with the cantonal administration, in debates in the cantonal parliament and in dealings with the administration of bilingual municipalities in the Canton of Graubünden;
4. take resolute action to improve the provision for Romansh on television and radio in the private sector;
5. officially recognise Yenish as a regional or minority language traditionally spoken in Switzerland and as part of the Swiss cultural and linguistic heritage.

**COUNCIL OF EUROPE
COMMITTEE OF MINISTERS**

**Recommendation RecChL(2004)6
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages**

by Finland

*(Adopted by the Committee of Ministers on 20 October 2004
at the 900th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Bearing in mind the instrument of acceptance submitted by the Republic of Finland on 9 November 1994;

Having taken note of the evaluation made by the Committee of Experts of the Charter with respect to the application of the Charter by Finland;

Bearing in mind that this evaluation is based on information submitted by Finland in its second periodical report, supplementary information given by the Finnish authorities, information submitted by bodies and associations legally established in Finland and the information obtained by the Committee of Experts during its "on-the-spot" visit;

Having taken note of the comments submitted by the Finnish authorities on the content of the report of the Committee of Experts;

Recommends that Finland take account of all the observations of the Committee of Experts and, as a matter of priority:

1. vigorously pursues the current efforts to improve education in the Sami language and in particular take immediate measures to ensure the survival/viability of the Inari and Skolt Sami languages, which are in grave danger of extinction;
2. encourage and/or facilitate a positive development regarding the availability of a newspaper in Sami;
3. ensure the availability of health and social care services in Swedish and Sami;
4. further implement measures for the protection and promotion of the Romani language and provide favourable conditions in particular in education, teacher training, radio and television.

**COUNCIL OF EUROPE
COMMITTEE OF MINISTERS**

**Recommendation RecChL(2004)7
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages by the
Netherlands**

*(Adopted by the Committee of Ministers on 15 December 2004
at the 909th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by the Netherlands;

Having taken note of the comments made by the Dutch authorities on the contents of the Committee of Experts' report;

Bearing in mind that this evaluation is based on information submitted by the Netherlands in their national report, supplementary information provided by the Dutch authorities, information submitted by bodies and associations legally established in the Netherlands and information obtained by the Committee of Experts during its “on-the-spot” visit;

Recommends that the authorities of the Netherlands take account of all the observations of the Committee of Experts and, as a matter of priority:

1. develop an overall and coherent policy for teaching of and in Frisian at all levels of education and adopt concrete measures for its implementation;
2. introduce practical measures in order to enable the use of Frisian in central State administration agencies located in the province of Fryslân, as well as in public services directly under the control of the State;
3. ensures that local and regional authorities coordinate and strengthen their efforts to protect and promote the Low-Saxon language, particularly in the field of education;
4. take measures to protect and promote the Romanes language in particular in the field of education, in cooperation with the speakers.

**COUNCIL OF EUROPE
COMMITTEE OF MINISTERS**

**Recommendation RecChL(2005) 1
of the Committee of Ministers
on the application of the European Charter for Regional or Minority Languages**

by Austria

(Adopted by the Committee of Ministers on 19 January 2005

at the 912th meeting of the Ministers' Deputies)

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the declarations submitted by Austria on 28 June 2001;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Austria;

Having taken note of the comments made by the Austrian authorities on the contents of the Committee of Experts' report;

Bearing in mind that this evaluation is based on information submitted by Austria in its national report, supplementary information provided by the Austrian authorities, information submitted by bodies and associations legally established in Austria and information obtained by the Committee of Experts during its “on-the-spot” visit;

Recommends that the authorities of Austria take account of all the observations of the Committee of Experts and, as a matter of priority:

1. adopt a structural policy for the protection and promotion of all Part II languages and create conditions for their use in public life;
2. ensure that the ruling of the Constitutional Court relating to the use of the Slovene language before administrative authorities in Carinthia is implemented without delay;
3. ensure that bilingual teaching takes place in practice in all relevant schools in Burgenland;
4. ensure that changes to the status of schools or to the rules regarding the appointment of staff of schools in the Slovene language area do not negatively affect Slovene-language education in Carinthia;
5. ensure that the Burgenland-Croatian, Slovene and Hungarian languages can be used before the relevant judicial and administrative authorities in practice;
6. increase radio broadcasting in Burgenland-Croatian and Hungarian, and television broadcasting in Burgenland-Croatian, Slovene and Hungarian.

[1] For an explanation of the monitoring mechanism see the previous report to the Assembly: Doc. 9540 of 11 September 2002, pp. 2-3.

[2] At : <http://www.coe.int/minlang>

[3] Armenia, Austria, Azerbaijan, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Italy, Liechtenstein, Luxembourg, Malta, Moldova, Netherlands, Norway, Poland, Romania, Russia, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Ukraine and the United Kingdom.

[4] Armenia, Austria, Croatia, Cyprus, Denmark, Finland, Germany, Hungary, Liechtenstein, Luxembourg, Netherlands, Norway, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom.

[5] See the table at Appendix II.

[6] See Doc. 9540, p. 2.

[7] Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions (Promoting Language Learning and Linguistic Diversity : An Action Plan 2004-2006), COM (2003) 449, p. 12.

[8] See the first evaluation report of the Committee of Experts on the implementation of the Charter by Slovenia, ECRML (2004) 3, para. 76.