

The Work of the Committee of Experts of the European Charter for Regional or Minority Languages (June 2006–June 2007)**

I. INTRODUCTION

The Committee of Experts of the European Charter for Regional or Minority Languages,¹ a treaty signed under the auspices of the Council of Europe, continued with the monitoring of the implementation of the Charter by the states parties. The Committee of Experts examines the national reports submitted by the ratifying states and sends its own report to the Committee of Ministers with the proposal of recommendations to every state party whose implementation is not completely satisfactory.

Today it has 22 states parties, while 11 other member states have signed the Charter. It is not a treaty that is 'widely accepted' by the member states of the Council of Europe, although countries probably have various reasons for abstaining thus far from its ratification. The latest ratification was that of the Czech Republic on 15 November 2006.

Since June 2006, the Committee of Experts has been very busy and has adopted 11 reports, eight of which have been made public: the first evaluation reports concerning the implementation of the Charter in Cyprus and Slovakia; and the second evaluation reports concerning the implementation of the Charter in Sweden, the United Kingdom, Slovenia and Denmark. For some countries, monitoring has entered its third round, so the Committee of Experts adopted the third reports with respect to Norway

* Member of the Committee of Experts of the European Charter for Regional or Minority Languages in respect of Croatia. The opinions expressed are solely those of the author.

** Editors' note: Developments of the second half of the year 2007 will be covered in Volume 7 of the European Yearbook of Minority Issues.

1 European Charter for Regional or Minority Languages, adopted 5 November 1992, entered into force 1 March 1998, CETS No. 148, at <<http://www.conventions.coe.int>> (hereinafter "Charter"). For a thorough presentation of the Charter—and particularly for the different scope of Parts II and III of the Charter—see Jean-Marie Woehrling, *La Charte européenne des langues régionales ou minoritaires* (Council of Europe Publishing, Strasbourg, 2005). All the relevant reports on the implementation of the Charter are available at <http://www.coe.int/T/E/Legal_Affairs/Local_and_regional_Democracy/Regional_or_Minority_languages/>.

and Hungary. Reports that are not yet public include the third reports on Finland,² Switzerland³ and Croatia.⁴

II. FIRST EVALUATION REPORTS

A. First Evaluation Report Concerning Cyprus

Cyprus signed the European Charter on 12 November 1992 and ratified it on 26 August 2002. The Charter entered into force with regard to Cyprus on 1 December 2002. The initial periodic report on the application of the Charter in Cyprus was due on 1 December 2003 but it was presented to the Secretary General on 17 January 2005.⁵ In addition to the initial report, the Committee of Experts also gathered information during its 'on the spot' visit, organized in October 2005, when the delegation met the representatives of minority languages and the Cypriot authorities.

The Committee of Experts adopted the report on the application of the Charter in Cyprus on 24 March 2006.⁶ Based on the Committee of Experts' report, in accordance with Article 16 of the Charter, the Committee of Ministers adopted its Recommendations on 27 September 2006.

The Republic of Cyprus and its linguistic situation are influenced by its territorial division since 1974, when the northern part of the island was occupied by Turkey and massive internal displacements took place. This affected the main groups, the Greeks and the Turks, but also the minorities, the Armenian and Cypriot Maronite Arabic speakers. Today, the divided island is a member state of the European Union, but the ties between the various ethnic and religious communities are still not mended. Since the Cypriot authorities have control only over the southern part of the island, the Committee of Experts evaluated the implementation of the Charter only in the government-controlled area, while taking account of the situation on the entire island.

The Cypriot Constitution makes no reference to linguistic minorities, only to religious groups: the Armenians, the Maronites and the Latins. However, in their ratification declaration of 2005, the authorities declared that Part II of the Charter will apply to the Armenian language as a "non-territorial" language defined in Article 1(c) of the Charter. In other words, there are no Part III languages in Cyprus.⁷

Today, there are about 3,000 Armenian-speakers in Cyprus, of whom 400 are non-Cypriots and recent immigrants. They constitute 0.4% of the population in the

2 Adopted by the Committee of Experts in March 2007.

3 Adopted by the Committee of Experts in September 2007.

4 Adopted by the Committee of Experts in September 2007.

5 The Committee of Experts encountered the problem of late or overdue reports also by the Netherlands and Austria. The latter did not send its report even after repeated calls to do so.

6 Committee of Experts, "Report on the Application of the Charter in Cyprus", First Monitoring Cycle.

7 Part II of the Charter defines objectives and policies that have to be applied to all minority languages on the party's territory. Part III offers a range of undertakings from which states can select with respect to the chosen languages according to the so-called 'menu system'.

government-controlled area. Most speakers live in the District of Nicosia, while there are no Armenians or Armenian-speakers in the territory that is not under government control. Armenian spoken in Cyprus is a form of Western Armenian.

Cypriot Maronite Arabic is a Semitic language distinct from the mainland Arabic. It has no written or standard form, although attempts have been made to codify it in the Greek alphabet. According to the information provided by the Cypriot authorities, in 2004 there were 4,650 Maronites living in the government-controlled area and 150 Maronites, all elderly people, living in their traditional settlements in the non-government controlled area. It is estimated that there are between 1,300 and 2,500 speakers of this language.

The third minority group—the Latins—have no separate language. The Committee of Experts was not able to assess the situation of Roma and their language *Kurbetcha* due to insufficient information.

A specific problem relates to Turkish. Although the language is one of the official languages under the Cypriot Constitution, its use has diminished following the split in 1974, since very few Turkish speakers actually remained in the government-controlled area. Only recently has this number begun to grow. The Committee of Experts found it necessary to look at whether the official status attaching to the Turkish language is implemented in practice, at least to a level to ensure that this language is not less favourably treated than an ordinary regional or minority language. In a way, the Committee of Experts went beyond the Charter, since the Charter recognizes its application to less widely used languages only if the state party so wishes and was not satisfied with the formalistic approach.

In its evaluation of the linguistic situation of Cyprus, the Committee of Experts noted that the minorities in Cyprus have been receiving support from the government and that they are well integrated in society. However, awareness of regional or minority languages seems to be fairly recent in Cyprus, so the supportive measures had only an accidental positive effect, for example, in the field of education and culture for Armenians. Nevertheless, both Armenian and Cypriot Maronite Arabic are endangered languages. Although there are Armenian and Maronite schools, the Committee of Ministers recommended to Cyprus that it should strengthen primary education for Maronites and secondary education for Armenians.

B. First Evaluation Report Concerning Slovakia

Slovakia signed the European Charter for Regional or Minority Languages on 20 February 2001 and ratified it on 5 September 2001. The Charter entered into force with regard to Slovakia on 1 January 2002. The initial periodical report on the application of the Charter in Slovakia was presented on 5 December 2003. The Committee of Experts organized its ‘on the spot’ visit in September 2004.

The Committee adopted the report on the application of the Charter in Slovakia on 23 November 2005.⁸ Based on the Committee of Experts’ report, in accordance with

8 Committee of Experts, “Report on the Application of the Charter in Slovakia”, First Monitoring Cycle.

Article 16 of the Charter, the Committee of Ministers adopted its Recommendations on 21 February 2007.⁹

The Slovak instrument of ratification makes a distinction between its minority languages. First of all, Slovakia declares that the “regional or minority languages” in the Slovak Republic are the following: Bulgarian, Croatian, Czech, German, Hungarian, Polish, Romani, Ruthenian and Ukrainian. All these languages are considered to be covered by Part III of the Charter. Slovakia then chose three different sets of options under Part III: one for Bulgarian, Croatian, Czech, German, Polish and Romani, another for Ruthenian and Ukrainian, and a separate set for the Hungarian language. This approach, as we have seen before, is better than the ‘one size fits all’ approach that was chosen by the majority of other states parties.

However, the instrument of ratification seems to be very ambitious, as Part III covers all regional or minority languages spoken in Slovakia. This approach shows its deficiencies in the case of languages that are very weak or territorially dispersed and for which Part III is not quite appropriate.¹⁰ The difficulties in application of the Charter to these languages are reflected by the fact that on several undertakings very little information was provided to the Committee of Experts by the Slovak authorities. The Committee of Experts was therefore forced to make only a summary evaluation of the fulfilment of Part III undertakings concerning these languages.

Another problem that the Committee emphasized related to the Slovak legal framework, in particular the 1995 Law on the Official Use of the Slovak Language and the 1999 Act on the Use of Minority Languages,¹¹ as well as some acts based on them. They may sometimes be interpreted as presenting obstacles to the full implementation of the Charter; namely, according to the declarations appended to its ratification instrument, Slovakia interpreted the term “territory in which the regional or minority language is used” from Article 1(b) of the Charter as referring to the municipalities in which the citizens of the Slovak Republic belonging to national minorities form at least 20% of the population.¹² The Committee of Experts first wanted to make clear its view of such declarations that seem to equate to territorial reservations and are clearly not allowed by the Charter. Furthermore, the Committee criticized the use of a 20% threshold as such. According to the Committee, “as far as the territories are concerned, what the State authorities are required to do is to assess, from a factual point of view, on a language-by-language basis, what are the territories where speakers of the languages

9 Recommendation RecChL(2007)1. This seems to be an unusually lengthy procedure for the Committee of Experts.

10 Some Part III options require a certain territorial concentration of speakers, such as Arts. 9 (judicial authorities) and 10 (administration), which are otherwise not easily implemented. Bulgarian, Croatian, Czech and Polish are particularly territorially dispersed. Size-wise, for example, there are only 890 Croatians living in Slovakia compared to the more than 520,000 Hungarians.

11 Law on the Official Use of the Slovak Language, Law No. 270/1995, signed 15 November 1995; Act on the Use of Minority Languages, Act No. 184/1999, signed 10 July 1999.

12 This is according to the Regulation of the Government of the Slovak Republic No. 221/1999, signed 25 August 1999, implementing Section 2(1) of the Act on the Use of Minority Languages.

concerned, including those selected under Part III, are present in sufficient numbers, irrespective of the 20% threshold, for the purpose of the application of the various undertakings entered into under the Charter”.¹³ We have to be reminded that the Charter avoids using exact numbers and the Committee of Experts has been consistent in keeping this position.¹⁴

The Slovak authorities informed the Committee of Experts that this threshold actually applies only with respect to Article 10 of the Charter and that it should not impair the application of the Charter in other fields. Here again, the Committee of Experts disagreed and held that the 20% threshold may produce arbitrary results even in the case where the number of speakers is sufficient to justify the application of special measures but does not reach 20%. Problems may also exist when the number of speakers changes in time and goes above or beyond this threshold.¹⁵ Finally, the Committee pointed to the four territorially dispersed languages (Bulgarian, Croatian, Czech and Polish) that do not reach the threshold in any municipality and are thus outside the scope of Article 10 of the Charter.

The Slovak authorities maintained their position and claimed that they were led by the large number of national minorities in the territory of the Slovak Republic, their high proportion in the overall population and the large number of municipalities with small populations.¹⁶ However, the Committee of Ministers adopted its Recommendation No. 1 asking Slovakia to:

[I]mprove and complete the legislative framework in the light of the obligations entered into by Slovakia upon its ratification of the Charter, and in particular:

- review the requirement that regional or minority language speakers should represent at least 20% of the municipal population for the undertakings in the field of administration to be operational;
- review the restrictions on the use of regional or minority languages arising as a consequence of the State Language Act.

Examining the application of Part III of the Charter, the Committee of Experts detected some problems affecting all languages, but in particular the Romani language. The Committee of Experts praised Slovakia’s decision to give Part III protection to this language. The Romani population in Slovakia is numerous and it is estimated that about

13 Committee of Experts, “Report on the Application of the Charter in Slovakia”, First Monitoring Cycle, 9.

14 Compare Committee of Experts, “Report on the Application of the Charter in Croatia”, Second Monitoring Cycle, paras. 51-62; and Committee of Experts, “Report on the Application of the Charter in Spain”, First Monitoring Cycle, paras. 64-74.

15 The Committee of Experts compared two lists of the municipal territories concerned, drawn up in 1991 and 2001, respectively. They show that the number of municipalities qualifying under the 20% threshold fell from 512 to 504 in the case of the Hungarian-speaking minority and from 57 to 54 in the case of the Romani-speaking minorities. In the case of the German-speaking minority, the number remained unchanged, but it was a different municipality that was concerned in 2001.

16 Comments made by Slovakia, Initial Monitoring Cycle, 138.

320,000 Roma live in this country. Many of them still live in very underprivileged conditions and the authorities are carrying out activities with the aim of integrating Roma into society. However, the Committee of Experts noted that, in practice, this integration is often based on assimilation, which is especially visible in the field of education. Namely, on the justification of the need to teach Roma children the official language, the authorities have practically ignored any demands from parents or any need to offer at least some teaching in Romani. There was no curriculum developed for Romani¹⁷ and the language had no real value in the eyes of many school authorities. Children who failed linguistic tests were often placed in schools for children with special needs. The Committee of Experts found this practice to be contrary to the Charter and basic human rights.¹⁸

As far as the situation in education for other languages is concerned, the Committee of Experts found that the situation is not satisfactory and there is room for improvement.¹⁹ The provision for teaching in/of some minority languages is lacking and it seems that the authorities have not been actively informing parents of the benefits of bilingualism for children with a minority background. However, the situation is particularly bad for Ruthenian. This linguistic group is still treated as speaking the Ukrainian language although the two were formally separated in 1989. The Committee found that there are no pre-school establishments using Ruthenian in their activities, while the Ruthenian language and literature are taught at only eight primary schools. However, no subject in the curriculum is taught in Ruthenian. Furthermore, teaching of the Ruthenian language and literature is available only as an optional subject.

In the field of justice, the Committee of Experts considered that there is no guarantee in the Slovak laws of the right of a person who can understand the official language but would, however, like to use his/her own language before the courts. The use of minority languages in that context is more accidental, depending on whether judicial staff actually speak the language in question or not.

In the field of media, the ambitious ratification instrument also did not correspond to the true situation on the ground. With the exception of the Hungarian language, the provision on public radio and/or television is generally insufficient and the official language is dominant. The Committee of Ministers agreed with the Committee of Experts

17 There have been attempts to develop a special Roma curriculum within the Phare 2000 and the 2001 Mother and Child projects. However, only a very few schools are included and it will take several more years to develop it.

18 The explanation given by the Slovak authorities is almost cynical: these are usually the only schools available in the region, so parents want to send their children to these schools for economic and social reasons (the parents want the child to attend the same school as his/her elder sibling or other Roma children; does not want his/her child to go to a place where he/she would have to be ashamed of wearing poorer clothing, etc.). Committee of Experts, *op.cit.* note 13, 142.

19 Recommendation No. 2: "improve the provision of regional or minority language education, in particular concerning teacher-training, and set up a body in charge of monitoring the measures taken and progress achieved".

and requested that Slovakia improve the provision of broadcast and print media in all regional or minority languages.²⁰

One of the general problems noted also in some other states parties to the Charter deals with the observed lack of awareness and tolerance vis-à-vis the regional or minority languages and the cultures they represent as an integral part of the cultural heritage of the country. The majority population is often not aware of the specific needs of the speakers of minority languages and does not therefore respond to them. In addition, those who ask for their respective rights are perceived as trouble-makers and it is the view of the Committee of Experts that the authorities should actively promote the Charter's objectives in all areas of public life.

The Slovak authorities by and large had difficulties in accepting the recommendations proposed by the Committee of Experts. In their comments, the authorities argued every one of them and asked the Committee of Ministers not to accept them. However, the Committee of Ministers trusted the assessment made by the Committee of Experts and accepted its proposals.

III. SECOND EVALUATION REPORTS

The second monitoring round is concentrated more on problematic issues raised in the first monitoring round. It pays particular attention to the implementation of the recommendations issued in that round. Due to the Charter's tight monitoring scheme, the Committee of Experts sometimes has to take account of the relatively short period between the adoption of recommendations and the following report.

A. Second Evaluation Report Concerning Sweden

The Charter entered into force in Sweden on 1 June 2000. Sweden declared at the time of ratification that Saami, Finnish and Meänkieli are regional or minority languages protected under Part III of the Charter. It also identified Romani, Chib and Yiddish as non-territorial languages spoken in Sweden.

The Swedish authorities presented their second periodic report to the Secretary General of the Council of Europe on 30 June 2004. The second evaluation report concerning the application of the Charter in Sweden was adopted by the Committee of Experts on 23 March 2006 and the Committee of Ministers adopted its recommendation on 26 September 2006 when the report became public.²¹

One of the first problems raised by the Committee of Experts regards the Swedish practice of not collecting official statistics regarding the use of regional or minority languages. Although the Committee acknowledged the sensitivity of the issue, it had nevertheless to point out that the lack of reliable statistics might hamper the proper protection of the languages in question. It also makes the monitoring more difficult.

20 Recommendation No. 3: "improve the provision of broadcast and print media in all regional or minority languages".

21 Committee of Experts, "Report on the Application of the Charter in Sweden", Second Monitoring Cycle. The previous set of recommendations was adopted on 19 June 2003.

Another problematic issue raised by the Committee in this monitoring round dealt with the territorial scope of the Charter. Namely, according to the Swedish legal system, the application of the Charter is connected to the territorial scope of the two principal legal acts implementing the Charter in Sweden, i.e., the acts concerning the right to use Saami, Finnish and Meänkieli in dealings with public authorities and courts of 1999. The law is therefore restricted to certain administrative districts in Norrbotten County. This territorial restriction excludes in practice the territories where South Saami has traditionally been spoken, and the territories where there is a substantial traditional presence of Finnish speakers. The Committee of Experts concluded that such limitations were not compatible with the spirit of the Charter and that it should be applied wherever there was a traditional presence of sufficient numbers of speakers. As a matter of fact, the authorities had already responded to these concerns during the monitoring and informed the Committee that they were considering extending the territorial application of the relevant legislation.²²

A further problem detected in the first monitoring round but still obstructing the application of the Charter in the second round was the problem of responsibility for its implementation. From the point of view of international law, the state party is always responsible for the implementation of treaties in force.²³ However, due to Swedish law and its long tradition of local self-government, the main responsibility seems to be given to municipalities, especially in the field of education. However, many municipal authorities did not seem fully aware of their obligations and failed to put the Charter into operation. The Committee of Experts maintained that it was the responsibility of central authorities to ensure application of the Charter regardless of any internal divisions.

With respect to the implementation of the Charter in particular fields, despite some important improvements, Sweden still has serious deficiencies in the field of education, as established already in the initial monitoring. Minority languages in Swedish education appear in two models: 'mother-tongue education' and 'bilingual education'. Mother-tongue education means teaching of a language.²⁴ Bilingual education means that some education (up to 50%) takes place through the medium of a language other than Swedish. Bilingual education is currently limited to the primary school level, with fewer hours per week as pupils progress, and is only marginally available in municipal schools.

The municipalities have an obligation to provide mother-tongue instruction if the parents of at least five pupils request it and if teachers are available. Special rules for

22 The Government Commission proposed, *inter alia*, to extend the administrative area for Finnish to Stockholm and the Mälär Valley region and the Saami administrative area to 20 further municipalities.

23 Compare Art. 26 of the Vienna Convention on the Law of Treaties, signed 23 May 1969, entered into force 27 January 1980, UNTS No. 1155, at <http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf>.

24 The rules on eligibility for 'mother tongue' education are rather strict. Pupils who have at least one parent with a mother tongue other than Swedish and who use this language as a language of daily communication at home can receive mother-tongue education if they wish, provided that they have a basic knowledge of the language.

mother-tongue education apply for the Saami, Meänkieli and Romani languages: daily use at home is not a requirement and mother-tongue education can be provided even if only one pupil requests it. However, in its monitoring, the Committee of Experts established that parents were often not informed about the availability of mother-tongue education and that there was a general lack of teachers and teaching materials. As a result, only 41% of pupils entitled to mother-tongue education in regional or minority languages received it in the 2004-05 school year.

The Committee expressed its doubts as to whether the model of mother-tongue education in its current form was sufficient to ensure compliance with Sweden's Part III obligations in the field of education. Perhaps the model of bilingual education, which is currently restrictive and only marginally available in municipal schools, could be developed as an alternative. It is also doubtful whether the limitation of minority-language education to no more than 50% is in accordance with one of the central aims of the Charter—to preserve and to develop the use of regional or minority languages in all walks of life. It has been proven in some other cases that education can play a key role in that process.

The Committee of Ministers acknowledged the importance of minority language education and made two recommendations²⁵ on education, putting emphasis on the basic structural and resourcing problems and the quality and availability of mother-tongue education.

B. Second Evaluation Report Concerning the United Kingdom

The Charter entered into force in the United Kingdom on 1 July 2001. The United Kingdom declared at the time of deposit of the instrument of ratification that the Charter would apply to mainland Britain and Northern Ireland. This declaration also stated that the regional or minority languages in the UK were Scottish Gaelic, Irish, Welsh, Scots and Ulster Scots. In subsequent declarations, submitted on 11 March 2003 and 22 April 2003, the Charter's ambit was extended to Cornish and to the Manx Gaelic language²⁶ on the Isle of Man.²⁷ Part III of the Charter covers Welsh, Scottish Gaelic and Irish.

The UK authorities presented their second periodical report on 1 July 2005. The second evaluation report concerning the application of the Charter was adopted by

25 The Committee of Ministers adopted seven recommendations altogether, Recommendation RecChL(2006)4.

26 Manx Gaelic (Gaelg Vannínagh) belongs to the Goidelic branch of the Celtic languages, along with Irish and Scottish Gaelic. In 2001, there were about 1,700 speakers. A large number of these speakers were under 16 years old.

27 The Isle of Man is an internally self-governing dependent territory of the British Crown. External issues, such as foreign representation and defence, are administered on the Island's behalf by the UK government. Although the implementation of the Charter itself with regard to Manx Gaelic lies within the responsibility of the Manx government, the state party of the Charter is, of course, the UK.

the Committee of Experts on 14 September 2006,²⁸ while the Committee of Ministers adopted its recommendations to the UK authorities on 14 March 2007.²⁹

As mentioned above, in the second evaluation round the Committee of Experts usually looks into the more problematic issues raised in the first monitoring round. It pays particular attention to the implementation of the recommendations issued in that round.³⁰ In the case of the UK, in addition to the government report, the Committee of Experts also used information obtained during its on-the-spot visits. An extensive number of comments from bodies and associations dealing with minority language issues in the UK were received, showing a large interest on the part of various NGOs in the matters covered by the Charter.

The Committee emphasized some of the specific issues affecting the protection and promotion of minority languages in the UK. First of all, the responsibility for practical implementation of the Charter lies within the devolved administrations,³¹ with the exception of the Cornish language and those undertakings that lie directly within the competence of the central authorities. The UK government, however, has overall and final responsibility for the implementation of the Charter, including the submission of the reports. This dichotomy resulted in a report that was not always coherent and lacked information. In addition, with regard to Part II languages, there is a lack of the necessary standardization or codification needed for the use of the language in public life, often low prestige attached to the language and, finally, a lack of an overarching language strategy and plan.

The Committee of Experts welcomed new legal initiatives and other measures and activities aimed at the promotion and further recognition of minority languages spoken traditionally in the UK. The authorities acted upon several of the recommendations made by the Committee of Ministers in the previous monitoring round, in spite of the short time period they had at their disposal. As a result, significant progress was achieved in Scottish Gaelic-medium education through the creation of new teaching materials, additional financial investment and the establishment of a separate school. However, this was not enough to overcome the existing deficiencies. In its first evaluation report on the UK, the Committee of Experts had noted that the provision of Gaelic-medium education was patchy and, in some areas, non-existent. In addition, there was also lack of continuity from primary to secondary education.

In this monitoring round, the Committee had to conclude that, although many local authorities offered Gaelic-medium education, only a few had adopted a comprehensive policy.³² The speakers regretted that the Gaelic Language Act did not establish

28 Committee of Experts, "Report on the Application of the Charter in the United Kingdom", Second Monitoring Cycle.

29 Recommendation RecChL(2007)2.

30 The previous recommendations on the UK were adopted on 24 March 2004.

31 It is interesting that the comments on the Committee of Experts' report were also made by these authorities—namely, the Welsh Assembly government, the Scottish Executive and Bòrd na Gàidhlig, Northern Ireland Department, and the Isle of Man administration.

32 In September 2004, the Scottish Executive sent out a Draft Guidance to all local authorities and encouraged them to promote and strengthen Gaelic-medium education at all school levels. According to the Scottish Executive, Gaelic-medium teaching, especially at the first

any statutory right to Gaelic-medium education.³³ Consequently, in this monitoring round, the Committee of Ministers recommended that the authorities should “elaborate and implement a comprehensive Scottish Gaelic language education policy”.³⁴

In the field of administration, the newly adopted Gaelic Language Act, in force since February 2006, represents a key milestone providing legal recognition to Scottish Gaelic as an official language given ‘equal respect’ to English. It empowered the Gaelic Language Board to request public authorities to develop language strategy plans that should help ease the use of the language in administration. In 2004, good practice guidance for civil servants was issued by the Interdepartmental Charter Implementation Group (ICIG) for government departments, public bodies and civil servants on the responsibilities arising from the Charter with regard to Ulster Scots and Irish. Some improvement had also been achieved in the field of electronic media, but support for the printed media in Scottish Gaelic and Irish remained insufficient.

Some recommendations, however, remained unfulfilled, such as the recommendation to establish a monitoring body that would be in charge of monitoring and reporting on education in minority languages. Even the positive measures mentioned above will take some time to produce actual and practical results.

In this monitoring round, the Committee of Experts considered that the UK is still missing an overarching policy for some of the languages. Among the Part III languages, this is the case with Irish. The Committee found that there was a growing demand for education in Irish that was not being met by the authorities. The lack of continuity from primary to secondary education is of particular concern, as well as the serious lack of adequate teaching materials. The importance of continuity in education has always been highlighted by the Committee of Experts as an important aspect of preservation of minority languages. Pupils learning Irish face an additional problem that is not so rare in the context of minority languages. Namely, the pupils are exposed to the language only at schools, as Irish is not the language of their families. Even though many parents did not themselves acquire Irish, they still want their children to learn it. However, these circumstances affect also the quality of their obtained linguistic skills. The Committee of Ministers recognized the needs of the Irish speakers and made a recommendation that the UK authorities should “develop a comprehensive Irish language policy, including measures to meet the increasing demand for Irish-medium education”.³⁵

Although education in Welsh is “overall very good”,³⁶ some similar problems were observed. The availability of education in Welsh did not meet the growing demand in primary schools. The Committee of Experts found it disturbing that about 50% of primary pupils currently do not continue on to Welsh-medium secondary schools.³⁷ No

two levels of education, should be provided where a reasonable demand exists. However, the definition of ‘reasonable demand’ is left to the discretion of each individual authority.

33 Gaelic Language (Scotland) Act, Act of Scottish Parliament No. 7, signed 21 April 2005.

34 Recommendation No. 1.

35 Recommendation No. 2.

36 Committee of Experts, *op.cit.* note 28, 62.

37 The authorities challenged this assertion and claimed that “the drift from first language to second language in transition from primary to secondary school is about 22% and is localized and not national”. *Ibid.*, 70.

clear reasons for this were established and the Committee considered that this issue of the lack of continuity must be addressed by the competent authorities. The offer of vocational and technical education in Welsh was not satisfactory. According to the comments submitted by the Welsh authorities, the education is available but parents decided not to send their children to schools offering Welsh-medium education. One can come across this kind of explanation in some other countries too, as many parents feel that their children will be handicapped in the labour market with an education obtained in a minority language. However, the Committee of Ministers accepted the recommendation that the UK authorities should further “develop Welsh-medium education, in particular, take steps to improve linguistic continuity in the transition from primary to secondary level in Welsh-speaking areas”.

Languages covered only by Part II in general are in a weaker position due to the lower number of speakers or their territorial dispersion or perhaps a lack of codification or standardization. In the UK, there are four such languages: Scots, Ulster Scots, Cornish and Manx Gaelic. Steps are being taken with regard to the latter two: Cornish benefits from the existing language strategy and Manx Gaelic from the positive attitude of the Isle of Man government to embrace the language as an integral component of the Manx identity. Scots is at a disadvantage for being a language that lies on a linguistic continuum with Scottish English and Standard English and has been subject to a gradual historical dialectalization and increasing linguistic assimilation with English. This seems to be linked with low awareness among the speakers themselves of the existence of Scots as a distinct language and it is difficult to get any correct data as to the size of the Scots-speaking community. Ulster Scots shares this rather difficult position. Literacy for both languages is still low and they both need codification and/or standardization. The Committee of Ministers concluded that the UK authorities should “strengthen the efforts to improve the position of Scots and Ulster Scots”.³⁸

When looking at the situation of minority languages in the UK, it is obvious that the devolved administrations and regions concerned need assistance, support and coordination with the central authorities. Only if they work together can the situation improve significantly.

C. Second Evaluation Report Concerning Slovenia

The Charter entered into force in Slovenia on 1 January 2001. In its instrument of ratification, Slovenia declared that Hungarian and Italian were minority languages protected under Part III of the Charter, while Romani was a non-territorial language within the meaning of Article 7(5) of the Charter. Slovenia presented its second report on 13 June 2005. The second evaluation report concerning the application of the Charter was adopted by the Committee of Experts on 15 September 2006,³⁹ while the Committee

38 Recommendation No. 6. This is similar to the recommendation to “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 language” adopted in the first monitoring report. (RecChL(2004)1).

39 Committee of Experts, “Report on the Application of the Charter in Slovenia”, Second Monitoring Cycle.

of Ministers adopted its recommendations to the Slovenian authorities on 20 June 2007.⁴⁰

One of the most important questions in the second monitoring round was the scope of the Charter. The Committee of Experts, interpreting Articles 1(a) and 2(1) of the Charter, upheld that the Charter applies to all languages covered by the definition contained in Article 1. The main elements of this definition include the traditional use of a language and its distinction from the official language of the state party.

According to Article 2(1) of the Charter, “each Party undertakes to apply the provisions of Part II to all the regional or minority languages spoken within its territory and which comply with the definition in Article 1”.⁴¹ In the case of Slovenia, the Committee of Experts argued that, alongside Italian and Hungarian, German and Croatian also satisfy the definition and they should, accordingly, be granted protection under Part II of the Charter. The Slovenian authorities conceded that German was in fact a traditional minority language in Slovenia in accordance with a recommendation of the Committee of Ministers in the first monitoring round.⁴² However, Slovenia’s domestic legislation makes no provision for recognizing German in Slovenia as a regional or minority language and as an expression of cultural wealth.

As for Croatian, based on the conclusions reached by the Committee of Experts that there has been a continuous traditional presence of this language in some areas of Slovenia,⁴³ the Committee of Ministers recommended that the Slovenian authorities “identify the geographical areas in which Croatian is covered by the Charter and apply Article 7 in respect of this language”.⁴⁴ The Slovenian authorities, however, maintained that Croatian is an immigrant language and, *ergo*, is excluded by the Charter.⁴⁵ Accordingly, Slovenia’s second periodical report contained no information regarding measures taken for the benefit of Croatian.

Slovenia’s reasoning is similar with respect also to other languages from the former Yugoslavia: Serbian and Bosnian. Although there are about 67,000 speakers of Serbian and Serbo-Croatian and 31,500 speakers of Bosnian in Slovenia, the authorities do not want to grant them any minority status, claiming that their presence in Slovenia is a corollary of the existence of a former common state. They informed the Committee of Experts that two studies had been carried out on the matter without, however, expanding on the results of these studies or on any envisaged plans vis-à-vis these languages.

40 Recommendation RecChL(2007)5.

41 In this respect, see the Committee of Experts, “First Report on Spain ...”, *op.cit.* note 14, paras. 75–77.

42 The Committee of Ministers of the Council of Europe recommended that the authorities in Slovenia should “apply Part II protection to 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 languages, with priority for the Kočevje area”. RecChL(2004)13, Recommendation No. 2.

43 Particularly in Bela Krajina and the area of Mokrice.

44 Committee of Experts, “Report on the Application of the Charter in Slovenia”, Second Monitoring Cycle; RecChL(2004)13, Recommendation No. 1.

45 According to the census carried out in 2002, there are more than 54,000 Croatian speakers in Slovenia.

The Committee of Ministers decided basically to repeat its recommendations from the previous round and requested that Slovenia:

1. Define, in co-operation with the speakers, the areas where German and Croatian have been traditionally spoken in Slovenia and apply the provisions of Part II to German and Croatian;
2. Clarify, in co-operation with the speakers, the issue of the traditional presence of the Bosnian and Serbian languages in Slovenia.⁴⁶

Part II of the Charter applies to Romani as a non-territorial language in Slovenia. In the first monitoring round, the Committee of Experts detected a number of deficiencies in this respect and the Committee of Ministers made a comprehensive recommendation.⁴⁷ The authorities responded to this recommendation, so the work on the codification of the two varieties of Romani is in progress and a dictionary is being prepared. A “Strategy for Education of Roma in the Republic of Slovenia” was adopted in 2004. When and if implemented, this strategy would significantly improve the situation of the Romani language in the Slovenian education system, as there was still no teaching of Romani in schools. The authorities abolished segregated ‘special classes’ for Roma children, but Roma continued to suffer from severe prejudices, stigmatization and attempts at exclusion, especially in schools. The Committee of Experts reminded the authorities that there is an urgent need for resolute action to promote awareness and acceptance of the Romani language and culture as an integral part of Slovenia’s cultural wealth.

The situation with the Part III languages, Italian and Hungarian, continues to be favourable. The two linguistic communities enjoy a variety of protective measures in many fields of public and private life. However, there is room for improvement, partly due to the very ambitious level of undertakings that Slovenia chose with respect to these languages.

Thus, for example, in the field of public electronic media, Slovenia opted to “ensure the creation of at least one radio station and one television channel in the regional or minority languages”. These undertakings were fulfilled with respect to the Italian language. However, Hungarian-language television provision still does not amount to a television channel, and there is a need to gradually increase the existing provision. This is also an example of how states parties sometimes overestimate their potential and the needs of a relatively small minority population.⁴⁸

46 Recommendation RecChL(2007)5; Committee of Experts, *op.cit.* note 39, 52.

47 Recommendation No. 3 reads as follows: “ensure that the necessary integration of Romani speakers to allow their full participation in economic, social and political life also preserves their linguistic and cultural identity; engage in a process of development of Romani as a written language, in particular through standardization, 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 Romani language at least at lower grades even while the standardization process is under way”. Committee of Experts, *op.cit.* note 44.

48 There are about 7,700 Hungarian speakers living in Slovenia and, by all accounts, it can be considered a small market for a TV channel.

A worrying thread was noticed during examination of the Slovenian report relating to the lack of relevant information, sometimes even despite specific demands by the Committee of Experts or the Committee of Ministers. Although this can partly be attributed to the short time interval between the two reporting cycles, it may also be indicative of the reluctance of the authorities to cooperate fully with the Committee of Experts. In this case also, the Committee of Ministers made an appropriate recommendation.⁴⁹

D. Second Evaluation Report Concerning Denmark

The Charter entered into force in Denmark on 1 January 2001. The instrument of ratification specifies that the Charter will apply to German in respect of the German minority in Southern Jutland (Sønderjylland). At the time of ratification, the Danish authorities made a declaration concerning the Faeroese language and Greenlandic. On the basis of the Acts on Faeroe Islands Home Rule and Greenland Home Rule,⁵⁰ Denmark stated that the government does not intend to submit periodical reports as far as these languages are concerned.

The Danish authorities presented their second periodical report on 26 April 2006. The Committee of Experts adopted its second evaluation report on 28 March 2007 and the Committee of Ministers adopted its recommendations on 26 September 2007 when the report became public.⁵¹

First of all, the Committee of Experts concluded that Denmark showed a commendable level of commitment to the obligations arising from the Charter. This is shown in the field of legislation, but also in some practical measures taken with a view to fulfilling the Committee of Ministers' recommendations adopted in May 2004.⁵² Already since 2003, but especially since 2005, Denmark has adopted a number of legal acts which have a bearing on the situation of German speakers.⁵³

One of the potentially problematic issues raised by the Committee dealt with the intended municipal reforms and restructuring of administrative divisions in Denmark. This process of administrative reform is also taking place in some other European countries, where smaller municipalities are being merged into bigger administrative units. Speakers of minority languages in these circumstances have expressed fears that the new population proportions will have a negative effect on their acquired linguistic rights, as

49 Recommendation No. 6: "provide, in the third periodical report, the detailed information the Committee of Experts has requested regarding the formal and practical implementation of Slovenia's individual undertakings". It is not often that the Committee of Experts proposes such a recommendation.

50 Act Relating to Faeroe Islands Home Rule, Act No. 137, signed 23 March 1948; Act Relating to Greenland Home Rule, Act No. 577, signed 29 November 1978.

51 Committee of Experts, "Report on the Application of the Charter in Denmark", Second Monitoring Cycle.

52 Recommendation RecChL(2004)2, adopted on 19 May 2004.

53 In 2003, the Act on Ethnic Equal Treatment, Act No. 374, signed 28 May 2003, was adopted. In their report, the Danish authorities presented seven legal acts adopted in 2005 in various areas covered by the Charter. Committee of Experts, *op.cit.* note 51, 5.

they will no longer represent a significant part of that population. While understanding the need to rationalize local and regional administration, the Committee was concerned that this reform could have a negative effect on the linguistic rights of German speakers in Southern Jutland.⁵⁴

The administrative reform entered into force on 1 January 2007. Under the new framework, the 23 former municipalities in South Jutland were merged into four larger entities.⁵⁵ At the same time, counties were abolished and five new regions were established, including the region of South Denmark, which is relevant for the German speakers. The regions will be responsible for healthcare and regional development. All other sectors will be administered either by the municipalities or directly by the state.

The Committee of Experts established that, during the elaboration of the reform, the Danish authorities had been very sensitive to the concerns of the German speakers and had taken several measures to ensure that protection of the German language was not negatively affected as a consequence. Among others, arrangements were made regarding political representation of the German minority in the four new municipalities. The minimum number of municipal councillors was fixed exceptionally at 31 (instead of 25) in order to ensure the participation of German representatives.⁵⁶ The minority also has observer status at the regional growth forum. These and some other financial measures assured the Committee of Experts that the Danish authorities acted in full compliance with the Committee of Ministers' recommendations and with the spirit of the Charter.

It seems that the only problematic area where German is concerned remains radio and television. Denmark undertook to "encourage and/or facilitate" the creation of one radio and one television station in the minority language. However, despite some very modest financial assistance concerning radio broadcasting, at the time the Committee of Experts was making its report there was no German radio or television in Denmark. The Committee was of the view that states should help minority language communities to meet the financial and technical requirements that they have to satisfy and which are not different from the requirements for the majority language stations. The Committee of Ministers made an appropriate recommendation to the Danish authorities.⁵⁷

54 These concerns were accepted by the Committee of Ministers and incorporated in its Recommendation No. 3, so the Danish authorities were asked to "consider the protection of the German language in the context of the possible reform of administrative structures which could affect Southern Jutland County".

55 The new municipalities are Aabenraa/Apenrade, Haderslev/Hadersleben, Tønder/Tondern and Sønderborg/Sonderburg.

56 In addition, the German minority has the right to one delegate if the minority does not obtain a mandate but obtains at least 25% of the number of votes corresponding to the lowest quotient that has been given a mandate at the municipal election. While these delegates have no right to vote, they have all the other rights of a municipal councillor, such as presenting proposals. This solution is similar to those accepted in Hungarian legislation regarding minority self-governments, and Croatian legislation regarding national minority councils.

57 RecChL(2007)6, Recommendation No. 1: "take steps towards the full implementation of Denmark's undertakings in the field of radio and television, in close co-operation with the German-speakers".

Another problematic issue involved the scope of application of the Charter in Denmark—namely, the parts of its territory with ‘home rule’: the Faeroe Islands and Greenland. According to its domestic law, Denmark has no potential to impose treaties upon these territories without their consent. Apparently, the Faeroese Home Rule authorities had no interest in applying the Charter with respect to the Faroese language, while the Greenland authorities said that they would reconsider their initial rejection of the Charter with respect to the Greenlandic language.

The Committee of Experts accepted their decisions. However, at the same time, it took the view that these languages might enjoy protection under Part II of the Charter if they had traditionally been present in mainland Denmark. As elaborated above, according to the Charter, any minority language with a traditional presence is considered to be a language protected by Part II of the Charter and the Committee of Experts has been consistent in interpreting the Charter in that way.⁵⁸ In the case of Denmark, the information at the disposal of the Committee was not sufficient to conclude whether the Greenlandic or the Faeroese languages actually had a traditional presence in mainland Denmark.

The traditional presence of Romani was also not clear. According to the Danish authorities, the language of the Roma is not considered a minority language covered by the Charter as it has not traditionally been present in Denmark. However, the Committee of Experts found this assessment rather unfounded since the authorities themselves admitted that they lacked factual information. Besides, in almost all other states parties to the Charter, Romani is recognized as one of the minority languages.

The information received was not conclusive. There was some evidence that a small number of Roma were present in the Kingdom around 1500, but the Roma present today have arrived at different times from various countries, the latest inflow coming from the former Yugoslavia. What the language of these different groups was remains to be investigated by the Danish authorities as was recommended by the Committee of Ministers.⁵⁹

IV. THIRD EVALUATION REPORTS

Similarly to the second monitoring round, in the third evaluation report the Committee of Experts looks into the more problematic issues raised in the previous rounds and the implementation of the Committee of Ministers’ recommendations. It becomes interesting to follow the improvement, if any, in the application of the Charter and the improvement in the situation of minority languages over a period of years.

58 See, for example, Committee of Experts, “First Report on Spain ...”, *op.cit.* note 14, 12.

59 RecChL(2007)6, Recommendation No. 3: “clarify the issue of the traditional presence of the Romani language in Denmark”.

A. Third Evaluation Report Concerning Norway

The Charter came into force for Norway in 1998. The languages in the territory of Norway that are protected under the Charter are Saami,⁶⁰ protected by Part III, and Kven, protected by Part II, as well as two non-territorial languages, Romani and Romanes.⁶¹ The Norwegian authorities presented their third periodical report in May 2005. The Committee of Experts adopted the present report on 1 December 2006⁶² and the Committee of Ministers adopted its recommendations on 16 May 2007.⁶³

In general, it can be said that Norway has fulfilled its obligations under the Charter in an exemplary manner. Most of the recommendations made in the previous monitoring round were fulfilled and it seems that Norway has coordinated its efforts with the speakers of the languages protected by the Charter, especially with respect to Saami. In the case of smaller Saami varieties, the Committee of Ministers recommended in the second round that Norway should “increase the efforts to preserve and promote Lule and South Sámi”.⁶⁴ Between the two monitoring rounds, Norway extended the Saami administrative area so as to encompass the area where Lule Saami is used. Namely, the Part III obligations of the Charter are applicable only in the Saami administrative area, while Tysfjord municipality, where Lule is traditionally used, was left outside. The language still remains in a difficult position due to the small number of speakers and very little presence in public life. The same is true also with respect to the South Saami. The speakers are spread throughout a very large territory and the language is also spoken in Sweden. This fact makes it difficult to take concentrated measures, especially in education, the judiciary and administration. At the same time, the need for cross border cooperation between Norway and Sweden becomes quite obvious.

In the case of the biggest Saami language, North Saami, an example of ‘best practice’ is found in the establishment of the bilingual court in Tana in January 2004, where the staff are fluent in Saami. Since its establishment, the number of proceedings in Saami has risen considerably, although there still exist difficulties to do with specific legal terminology. Namely, Saami still has to become a language of modern use and so new words and terminology are necessary to address this need. However, considering that the authorities and Saami-speakers themselves were actively working on this issue, the Committee of Experts did not deem that a recommendation was necessary. Instead, a recommendation was proposed regarding the provision of social and health services

60 There are four Saami languages spoken in Norway: North, South, Lule and Eastern Saami, which corresponds to the Skolt Saami spoken also in Russia and Finland. It is, however, not clear how many speakers of Skolt are actually present in Norway. According to the authorities, there are practically no Skolt Saami speakers left.

61 Romanes is the language of Roma in Norway and Romani is the language of the so-called ‘Travellers’.

62 Committee of Experts, “Report on the Application of the Charter in Norway”, Third Monitoring Cycle.

63 Recommendation RecChL(2007)3.

64 RecChL(2003)2, Recommendation No. 4.

in Saami, as well as regarding the possibility of having Saami names written correctly in some public registers.⁶⁵

Part II languages are not in such a favourable position. Kven was recognized as a separate language from Finnish on the recommendation of the Committee of Ministers in the previous monitoring round.⁶⁶ However, this is only the first, although indispensable, step in the promotion and protection of a language. According to the adopted recommendation, further steps are necessary in various fields, including work on standardization of the language.

As far as the non-territorial languages Romanes and Romani are concerned, the number of their speakers remains unclear, since the Norwegian authorities do not carry out censuses based on ethnicity or language. While recognizing the sensitivity of the problem, the Committee of Experts nevertheless considered that some kind of statistics are necessary in order to adopt appropriate promotional and protective measures. These are necessary, in particular, in the field of education.⁶⁷

B. Third Evaluation Report Concerning Hungary

The Charter entered into force in Hungary on 1 March 1998. The Hungarian authorities presented their third periodical report on 21 November 2005. This report was adopted by the Committee of Experts on 1 December 2006.⁶⁸ The Committee of Ministers adopted its recommendations on 20 June 2007.⁶⁹

Hungary undertook to apply Part III to the Croatian, German, Romanian, Serbian, Slovakian and Slovenian languages. Among the languages covered only by Part II of the Charter, Polish and Ruthenian were deemed to have a territorial basis, while Armenian, Beás, Bulgarian, Greek, Romani and Ukrainian are considered to be non-territorial languages according to Article 1(c) of the Charter.

In the previous monitoring round, the Committee of Experts placed emphasis on the situation of Romani and Beás, languages spoken by the Roma. The recommendation made by the Committee of Experts required the Hungarian authorities to improve the social situation of the Roma, but also to preserve their identity and provide teaching of/in those languages.⁷⁰ In this monitoring round, the Committee noticed that there had been some improvement and that, at least, Hungary had stopped the practice of school segregation. Measures were also taken aiming at the further economic, social and political integration of the Roma. However, these measures had no specific component aiming at the preservation or promotion of Romani and Beás. No progress had been achieved concerning the codification of Romani. The Committee of Experts had to

65 RecChL(2007)3, Recommendations Nos. 3 and 4.

66 RecChL(2003)2, Recommendation No. 2.

67 The Committee of Ministers made a common recommendation regarding education in all Part II languages and smaller Saami varieties: strengthen their efforts to provide teaching materials and teacher training for Kven, Lule and South Saami, Romani and Romanes.

68 Committee of Experts, "Report on the Application of the Charter in Hungary", Third Monitoring Cycle.

69 Recommendation RecChL(2007)4.

70 RecChL(2004)4, Recommendation No. 1.

conclude that the Charter remained largely inoperative regarding Romani and Beás and the Committee of Ministers made one more recommendation on this subject.⁷¹

In general, the Committee of Experts concluded that the approach taken by the Hungarian authorities lacks comprehensive and systematic measures and that they rely too much on the initiatives of the minority languages speakers. Taking into account that the Charter covers 14 languages in Hungary, it also requires substantial financial effort. These deficiencies in the approach are visible in practically all the fields covered by the Charter.

The Committee of Experts identified, in particular, education.⁷² Between the two monitoring rounds, Hungary adopted the Medium-Term Development Programme for Mother Tongue Education. On the positive side, this was seen as a step towards language planning. However, there are no quantitative and qualitative long-term targets for each of the minority languages. The budgetary restraints make it difficult to undertake any long-term planning. Schools in small communities are expected to carry out various cultural and other community tasks, but they do not receive sufficient additional funding on a long-term and structured basis. The otherwise good system of minority self-governments should be used to take over or establish further mother-tongue or bilingual schools, providing sufficient support.

In the field of justice and administration, Hungary has still not defined areas in which concrete implementing measures have to be taken, despite the recommendation made in the previous round.⁷³ This results in the practical impossibility of using minority languages, or their use remains sporadic and incidental. The Committee of Ministers decided to reiterate its recommendation by adopting a new one requesting the authorities to:

[T]ake steps to ensure that the relevant local and regional authorities (which the Hungarian authorities are urged to identify in accordance with the previous recommendation of the Committee of Ministers) implement the obligations under Article 10 of the Charter, and specify those judicial districts where measures have to be taken with regard to the obligations under Article 9 of the Charter.⁷⁴

71 RecChL(2007)4, Recommendation No. 1: “take resolute measures in language planning for Romani and Beás with a view to starting teaching of and in these languages at all appropriate stages”.

72 There are three types of minority-language education: ‘mother-tongue schools’, where the minority language is the language of instruction and Hungarian language and literature is taught as a subject; ‘bilingual schools’, where a substantial part (at least 50%) of the teaching is in a minority language; and ‘language-teaching schools’, which are regular schools using Hungarian as the medium of instruction while teaching a minority language and its literature as an integral part of the curriculum.

73 RecChL(2004)4, Recommendation No. 3: “[i]dentify 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”.

74 RecChL(2007)4, Recommendation No. 4.

This passive approach in the field of judiciary and administration, seen also in some other countries, leaves it to particular speakers 'to ask for their rights' while not offering the necessary infrastructure so that these rights can actually be used in practice. Ultimately, this approach discourages users from even asking. The Committee of Experts has always supported the approach that states parties to the Charter should actively inform users of their rights and ensure that sufficient numbers of staff able to provide linguistic services are in place.

V. CONCLUSION

The work of the Committee of Experts in the period covered was intense. The scrupulous examination of the linguistic situation in the Charter's states parties continued with cooperation between the Committee, the relevant authorities and the users of the minority languages being protected. In most countries, there has been progress in implementing the Charter and the recommendations of the Committee of Ministers. At the same time, some authorities have taken their own innovative measures, in cooperation with the speakers of the languages, to improve the situation of minority languages. Ratification of the Charter in these countries had a positive impact, as it was embraced by the speakers of minority languages as a tool used to enhance the use of their respective languages in public life.

At the same time, it can also be seen that some countries remain quite inflexible in keeping their views and in not fully implementing the Charter. It is symptomatic, perhaps, that in most cases the speakers of regional or minority languages in these countries know little about the Charter and its control mechanism, and it is clearly visible when the Committee of Experts receives no comments from non-governmental organizations or other bodies from these countries.

The upcoming 10th anniversary of the Charter will be a good opportunity to disseminate information about the Charter and its achievements. The Charter's secretary and the Council of Europe as a whole are preparing for a number of events in 2008 to celebrate this anniversary.