

The European Charter for Regional or Minority Languages and education

1. Background information on the Charter system

The European Charter for Regional or Minority Languages came into force in 1998. It is a unique legal instrument, the only one specifically devoted to the protection and promotion of the various minority languages spoken in the different countries of Europe. 32 member States of the Council of Europe have signed the Charter so far, out of which 24¹ have ratified it. The importance of the Charter in the field of regional or minority language protection has nevertheless been recognised by the European Parliament, which, in its Resolution on Regional and Lesser-used Languages of 2003, referred to the Charter as the “key Europe-wide legal frame of reference applying in this sphere”.

The Charter had to be designed to cover a multiplicity of actual language situations in Europe. How does it do this? Its drafters adopted a legal technique whereby States have positive obligations of two different sorts, each corresponding to a specific operative part of the Charter: Parts II and III respectively. Part II applies “ex officio” to *all* regional or minority languages spoken within the State and lays down the aims and principles which are to be the States' long-term policy targets. Part III of the Charter provides a *menu* of specific undertakings which require the State to adopt concrete measures for the protection and promotion of regional or minority languages in seven areas of public life (education, justice, administration, media, culture, economic and social life, transfrontier exchanges). Education, which was recognised as central to the maintenance and promotion of regional or minority languages, receives special attention under both Parts.

The protection system set up by the Charter is based on a monitoring mechanism. An independent Committee of Experts is charged with monitoring how the Charter is implemented in each State Party. Monitoring takes place in three-yearly cycles and involves periodical reports by each State on its implementation of the individual Charter undertakings. In performing its functions, the Committee of Experts carries out a fact-finding visit on the spot and thus acquires a direct knowledge of the situation. The result of this work is the adoption, by the Committee of Experts, of an evaluation report, including a number of observations to the State authorities on how to improve things. The evaluation report, together with the State's comments, is submitted to the Committee of Ministers of the Council of Europe, which may decide to make the report public and to address a number of recommendations to the State concerned (it has so far invariably done so).

¹ Armenia, Austria, Croatia, Cyprus, Czech Republic, Denmark, Finland, Germany, Hungary, Liechtenstein, Luxembourg, Poland, Romania, Netherlands, Norway, Serbia, Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine and the United Kingdom.

2. Charter provisions in the field of education and their implications

Part II

Arguably the most important requirement regarding education under Part II is “the provision of *appropriate* forms and means for the teaching and study of regional or minority languages at all appropriate stages“. This clause provides a minimum standard for all regional or minority languages. Depending on the situation of each language, this provision covers both teaching of the language and teaching through the medium of the language. The Committee of Experts’ practice has been to interpret the expression “appropriate forms and means” in a teleological way in accordance with the spirit of the Charter: the key criterion is whether the teaching in question is designed to ensure the transmission of a regional or minority language as a living language and to allow children to have a sufficient command of it. A superficial introduction would not meet the requirements of this provision.

A provision which has received increasing attention from the Committee of Experts in its recent reports is the “inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within the country concerned“. It is of course not enough to simply include this in the curriculum, without making appropriate provision for it in mainstream teacher training or in the production of teaching materials.

Part III

The Article dealing specifically with education under Part III (Article 8) contains 10 separate undertakings and provides that these are to be applied.

The Charter contains separate undertakings for each level of education (pre-school, primary, secondary, technical and vocational education and higher education, as well as adult education). For each one of these levels, States Parties can choose between several options. These options range from provision for the teaching of a regional or minority language as an integral part of the curriculum, through bilingual education, up to education mainly through the medium of the regional or minority language concerned.

When evaluating compliance with these undertakings, the Committee of Experts is far from being formalistic. It takes into account a long list of factors, depending on the situation of each language: the education model used, availability of teaching materials, time slots and teaching hours, continuity of education provision, the bilingual atmosphere in schools, information made available to children or parents concerning the availability of minority language education, incentives given (i.e. by organising free transport between home and school), etc.

Again, in accordance with the spirit of the Charter, education should be organised in a way which ensures the successful transmission of a regional or minority language. For example, even the weakest option, i.e. teaching of the language, cannot be satisfied if a language is taught only outside normal teaching hours (North and Sater Frisian in

Germany, so-called “mother-tongue” education in Sweden). A good example is bilingual education in Carinthia and Burgenland in Austria.

This list is completed by two further undertakings, which are crucial for the implementation of the remaining provisions. These are:

- basic and further training of teachers;
- the setting-up of independent supervisory bodies to monitor and report on the measures taken and progress achieved in the provision of regional or minority language education - the results of the monitoring mechanism are full of examples highlighting the importance of specialised supervision for regional or minority language education. It is not a coincidence that in areas where independent internal supervision, including public reports, is highly developed (Catalonia in Spain, Carinthia in Austria) other undertakings in the field of education also tend to be fulfilled. The idea behind this undertaking is to empower the States themselves to take stock of the existing situation regarding regional or minority language education and give them the tools to devise strategies to improve it.

However, teacher shortage is a problem that limits the availability of regional or minority language education in many countries. We have observed that the availability of teachers is conditioned by the continuity of regional or minority language education at all stages, and notably at the secondary level. A dysfunction at any stage of education results in a vicious circle, as the education system produces fewer teachers. This problem therefore has to be tackled simultaneously at all levels. Also, in many cases where the regional or minority languages are particularly threatened, it is essential that facilities for teacher training be combined with incentives for young persons to become teachers.

When regional or minority languages are actively used in professional life and constitute an asset, there is a clear incentive to learn and study them. A healthy education system making appropriate provision for regional or minority languages produces individuals capable of using these languages in other areas of public life – journalists, doctors, lawyers, public officials... This is essential for language maintenance.