

1. Introduction

The need to protect and promote linguistic diversity in Europe

In multicultural Europe, many languages are in daily use and they are constantly enriching each other. All languages are equally valuable; each language is a product of its unique history and plays a central role in the creation, maintenance and development of our cultural heritage. In order to protect all our languages as the expression of the cultural diversity of our continent states must take positive measures to promote their use.

As heads of state and government of the Council of Europe recalled during the Warsaw Summit of 16 and 17 May 2005, the Council of Europe protects and promotes human rights not only through the Convention for the Protection of Human Rights and Fundamental Freedoms, but also through the other Council of Europe institutions and mechanisms. During the summit, the Council of Europe was therefore encouraged to continue its action in favour of minorities, particularly through the Framework Convention for the Protection of National Minorities (ETS No. 157) and through the European Charter for Regional or Minority Languages (ETS No. 148).

The European Charter for Regional or Minority Languages is one of the key conventions of the Council of Europe. The aim of the charter is the protection and promotion of linguistic diversity in each of the contracting states (or Parties).

The charter as an instrument to promote and protect regional and minority languages

The charter came into force on 1 March 1998, since when the geographical scope of its application has been extended significantly. Eleven member states of the Council of Europe signed the charter on 5 November 1992; it has now been ratified by 24 states, and signed but not yet ratified by a further nine states.

This unique legal instrument is the only one worldwide specifically devoted to the protection and promotion of minority languages. The charter defines minority languages as languages that are traditionally used within a given territory of a state by nationals of that state who form a numerically smaller

group. This definition explicitly excludes languages of migrants and dialects of the official language(s) of the state.

The states which have ratified the charter have obligations of two different sorts, each corresponding to a specific operative part of the charter: Parts II and III respectively. Part II applies to all minority languages spoken within the state and lays down the aims and principles which are to be the state's 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 promotion of minority languages in seven areas of public life (education, justice, administration, media, culture, economic and social life, transfrontier exchanges). According to the actual situation of each language, the state specifies in its instrument of ratification the obligations to which it subscribes under Part III.

The monitoring system in practice

The protection system set up by the charter is based on a monitoring mechanism. Each contracting member state (or party) is required to present a first report within the year following the entry into force of the charter stating its policy and measures taken to fulfil its obligations under the charter. Subsequent periodical reports are to be presented thereafter every three years.

These reports are examined by the committee of experts, which is composed of one member per contracting state. The committee of experts may decide to visit the relevant state in order to meet representatives of the speakers of the specified language(s) and to consult with the authorities on the information that it has received.

This results in the production and adoption, by the committee of experts, of an evaluation report, which includes a number of observations addressed to the state authorities on how to improve their legislation, policies and practice. The evaluation report is submitted to the Committee of Ministers of the Council of Europe, which may decide to address a number of recommendations to the relevant state.

Why a compilation of fundamental texts?

As the charter is a rather complex instrument, this book provides a user-friendly compilation of basic texts on how the charter operates and how its monitoring mechanism works. It is intended for government experts and central, local and regional authorities of Council of Europe member

states, representatives of speakers of regional or minority languages, non-governmental organisations, and citizens, students or researchers interested in the protection and promotion of minority languages.

In addition to the texts contained in this compilation, other documents pertaining to the European charter can be obtained from the charter website. These include reports submitted by contracting states, evaluation reports of the committee of experts, recommendations of the Committee of Ministers and reports by the Secretary General of the Council of Europe concerning the implementation of the charter.

For further information, please consult the charter website www.coe.int/minlang or contact the secretariat:

European Charter for Regional or Minority Languages
Council of Europe
F-67075 Strasbourg
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Directorate General of Education, Culture and Heritage, Youth and Sport

Strasbourg, January 2010

2. European Charter for Regional or Minority Languages

Strasbourg, 5 November 1992

Preamble

The member States of the Council of Europe signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members, particularly for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Considering that the protection of the historical regional or minority languages of Europe, some of which are in danger of eventual extinction, contributes to the maintenance and development of Europe's cultural wealth and traditions;

Considering that the right to use a regional or minority language in private and public life is an inalienable right conforming to the principles embodied in the United Nations International Covenant on Civil and Political Rights, and according to the spirit of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the work carried out within the CSCE and in particular to the Helsinki Final Act of 1975 and the document of the Copenhagen Meeting of 1990;

Stressing the value of interculturalism and multilingualism and considering that the protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them;

Realising that the protection and promotion of regional or minority languages in the different countries and regions of Europe represent an important contribution to the building of a Europe based on the principles of democracy and cultural diversity within the framework of national sovereignty and territorial integrity;

Taking into consideration the specific conditions and historical traditions in the different regions of the European States,

Have agreed as follows:

Part I – General provisions

Article 1 – Definitions

For the purposes of this Charter:

- a “regional or minority languages” means languages that are:
 - i traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State’s population; and
 - ii different from the official language(s) of that State;it does not include either dialects of the official language(s) of the State or the languages of migrants;
- b “territory in which the regional or minority language is used” means the geographical area in which the said language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this Charter;
- c “non-territorial languages” means languages used by nationals of the State which differ from the language or languages used by the rest of the State’s population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof.

Article 2 – Undertakings

- 1 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.
- 2 In respect of each language specified at the time of ratification, acceptance or approval, in accordance with Article 3, each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from each of the Articles 8 and 12 and one from each of the Articles 9, 10, 11 and 13.

Article 3 – Practical arrangements

- 1 Each Contracting State shall specify in its instrument of ratification, acceptance or approval, each regional or minority language, or official language which is less widely used on the whole or part of its

territory, to which the paragraphs chosen in accordance with Article 2, paragraph 2, shall apply.

- 2 Any Party may, at any subsequent time, notify the Secretary General that it accepts the obligations arising out of the provisions of any other paragraph of the Charter not already specified in its instrument of ratification, acceptance or approval, or that it will apply paragraph 1 of the present article to other regional or minority languages, or to other official languages which are less widely used on the whole or part of its territory.
- 3 The undertakings referred to in the foregoing paragraph shall be deemed to form an integral part of the ratification, acceptance or approval and will have the same effect as from their date of notification.

Article 4 – Existing regimes of protection

- 1 Nothing in this Charter shall be construed as limiting or derogating from any of the rights guaranteed by the European Convention on Human Rights.
- 2 The provisions of this Charter shall not affect any more favourable provisions concerning the status of regional or minority languages, or the legal regime of persons belonging to minorities which may exist in a Party or are provided for by relevant bilateral or multilateral international agreements.

Article 5 – Existing obligations

Nothing in this Charter may be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes of the Charter of the United Nations or other obligations under international law, including the principle of the sovereignty and territorial integrity of States.

Article 6 – Information

The Parties undertake to see to it that the authorities, organisations and persons concerned are informed of the rights and duties established by this Charter.