

THE USE OF REGIONAL AND MINORITY LANGUAGES IN THE PUBLIC ADMINISTRATION AND THE UNDERTAKINGS OF ARTICLE 10 OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Giovanni Poggeschi*

El resum és al final de l'article.

Resumen al final del artículo.

Le résumé se trouve à la fin de l'article.

The use of a regional or minority language in dealings with the administrative authorities is the clearest demonstration of the legal status of such a language, and it clearly involves the sphere of fundamental rights. This happens mostly when the majority language is not known by the minority language speaker, but it also occurs when the same speaker has a mastery of the majority language. Article 10 of the ECRLM covers both of these possibilities, and lists a number of situations where the use of regional and minority languages is, «*as far as this is reasonably possible*», ensured. The doctrine established by the Committee of Experts of the ECRLM takes into consideration the varying degrees of intensity specified by the States for language regulation, e.g., the variations from the state level to the regional and local levels, and provides some clear parameters to be followed. Both the state reports and the Committee of Experts evaluation reports help create a meaningful body of doctrine on language rights that can be useful for States that are not parties to the ECRLM.

Key words: European Charter for Regional or Minority Languages; public administration; local authorities; state; translation; interpretation; recruitment; place names; family names; Committee of Experts

* Giovanni Poggeschi is Associate Professor of Public Comparative Law and of Rights of Minorities in the Faculty of Law of the University of Salento.

Article received: 20.07.2011; review: 20.10.2011; final version accepted: 10.02.2012.

Summary

1. Introduction
2. General considerations
3. Scope and assumptions
4. Undertakings under Article 10
5. Conclusions and proposals

Article 10 - Administrative authorities and public services

- *Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*
 - a.*
 - i. to ensure that the administrative authorities use the regional or minority languages; or*
 - ii. to ensure that such of their officers as are in contact with the public use the regional or minority languages in their relations with persons applying to them in these languages; or*
 - iii. to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or*
 - iv. to ensure that users of regional or minority languages may submit oral or written applications in these languages; or*
 - v. to ensure that users of regional or minority languages may validly submit a document in these languages;*
 - b. to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;*
 - c. to allow the administrative authorities to draft documents in a regional or minority language.*
- *In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*
 - a. the use of regional or minority languages within the framework of the regional or local authority;*
 - b. the possibility for users of regional or minority languages to submit oral or written applications in these languages;*
 - c. the publication by regional authorities of their official documents also in the relevant regional or minority languages;*

- d. the publication by local authorities of their official documents also in the relevant regional or minority languages;*
- e. the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*
- f. the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*
- g. the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*
- *With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*
 - a. to ensure that the regional or minority languages are used in the provision of the service; or*
 - b. to allow users of regional or minority languages to submit a request and receive a reply in these languages; or*
 - c. to allow users of regional or minority languages to submit a request in these languages.*
- *With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*
 - a. translation or interpretation as may be required;*
 - b. recruitment and, where necessary, training of the officials and other public service employees required;*
 - c. compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*
- *The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.*

1. Introduction

The use of a regional or minority language in dealings with the administrative authorities is perhaps the most concrete sign of its legal status. While teaching and learning a language guarantee its survival (or help in this respect, as oral transmission within families is the main requirement), its use in dealings with the administrative authorities reflects a higher status for the language than its teaching in school. We can also learn dead languages at school that we do not know how to speak (how many people can speak fluent Latin after having studied it for years?), but it would be very difficult to use a dead language with the public servant in front of us.

The use of a regional or minority language by, and in dealings with, the administrative authorities, is a key factor in a democratic society because it involves the sphere of fundamental rights. Obtaining birth or marriage certificates and applying for permission to set up a business are activities related to the exercise of freedoms (and the fulfilment of duties) and are a requirement for their full enjoyment. The European Convention on Human Rights establishes the right to impartial and effective public administration (although it does not include any reference to languages), and all the Constitutions of democratic countries have similar provisions.

Article 10 basically has two purposes: «solving problems of communication where the official and dominant language has not been mastered — bringing out the importance of the regional or minority language by giving it a role in dealings between citizens and the public authorities».² The two dimensions referred to by Jean-Marie Woehrling are essentially the ones which I describe respectively as «language rights of the first kind» and «language rights of the second kind».³

The basic language right consists in the fundamental right to understand the documents of the public authorities and to be able to communicate in the language which they use. This language right of the first kind is instrumental to the exercise of the fundamental right, which, for Article 9, consists in the right to defence in the judicial sphere and in Article 10 in the rights to be fairly

2. Jean-Marie Woehrling, *The European Charter for Regional or Minority Languages*, Strasbourg, Council of Europe Publishing, 2005, p. 178. Another important, and more recent book on French on the Charter is *La protection des langues minoritaires en Europe: vers une nouvelle décennie, Langues régionales ou minoritaires n°8*, Conseil de l'Europe, 2010.

3. Giovanni Poggeschi, *I diritti linguistici. Un'analisi comparata*, Roma, Carocci, 2010.

treated by the administrative authorities.⁴ A fundamental right *per se* can also be respected if a language is used which is not the mother tongue of the person concerned, provided he/she understands (at least) or speaks the language. If the person concerned does not understand or speak the language used by the administrative authorities (the language of the majority), then his/her fundamental right will not be respected: he/she is unable in this case to participate in a very basic aspect of life. It may be that the language of the majority is not known by many people, even though the evaluation reports often stress the fact that most of the people belonging to a certain minority language group do not have this problem regarding the fundamental right *per se*, or the language right of the first kind (Czech Republic 2008, par. 188. « ... Polish-speakers tend to speak Czech in dealings with the administration»). But it is clear that the fulfilment of the undertakings under the Charter is a key factor in the case of citizens who do not understand or speak the language of the majority.⁵

The second dimension, whereby a role is given to the language by recognising the importance and the legal relevance of the language and of its speakers, is related to language rights (and duties) of the second kind. These are minority rights, which are not necessarily linked to the exercise of fundamental rights (if, as has been stated, the person concerned speaks the majority language). Language rights of the second kind mean that a group of people who want to use their language in dealings with the administrative authorities (and possibly want civil servants to use it in their internal activities) express a strong collective identity: we may call these groups nationalities, as Article 2 of the Spanish Constitution does (without indicating who those nationalities are, in contrast to the regions), national minorities or linguistic minorities, but the key concept is that the persons concerned consider that it is their fundamental right to «live» in their languages in all spheres of life, including dealings with the administrative authorities. Again for this purpose, which is far more ambitious than language rights of the first kind, the Charter has an important role —indeed, perhaps more so than in the first case, given the core provisions

4. In the educational sphere, the «most fundamental right» is the right for the pupil to **understand** the language in which he/she receives education, as explained in a renowned and already «classic» doctrine on language rights: see Antoni Milian Massana, *Derechos lingüísticos y derecho fundamental a la educación*, Madrid, Civitas, 1994.

5. With the term «citizen», I also refer to the foreigners who reside legally in a country and, in certain cases, also those who are not legal residents (for instance, emergency services also have to be provided for this category of persons, irrespective of their legal status). About the evolution of the concept of citizenship see Saskia Sassen, *Territory, Authority, Rights. From Medieval to Global Assemblages*, Princeton University Press, Princeton-Oxford, 2006, pp. 281-319.

of the Charter. According to the explanatory report, «allowing the use of regional or minority languages in relations with those authorities is fundamental to the status of these languages and their development and also from a subjective standpoint».

The second category involves regional or minority languages whose speakers sometimes wish them to become in the future the state language of independent states or, at least, official languages of regions which have some strong national features and which claim a high degree of autonomy. Catalonia and Scotland are typical examples of such aspiring «nations without a state», to use the vocabulary of nationalistic claims. But the language issue is not the same even among such nations (or regions): for instance, it is much more relevant in Catalonia than in Scotland. However, the language question does exist in every territory of this kind and we can also see that, in places where there is a regional or minority language, the issue of protecting and promoting it becomes part of more general calls for autonomy (if not independence): «the struggle for the language does not go on its own».⁶ The Charter covers a very wide variety of different situations, from the protection of a language like Catalan to the protection of Manx and Cornish, which are spoken by only a few language activists. Still, in signing and ratifying the Charter, the state parties assume the duty to protect them —of course, with different motivations and goals «according to the situation of each language», as Article 10 reminds us.

Anyway, even though the case of «aspiring linguistic nations»⁷ is somewhat extreme, the Charter introduces an innovative approach by going beyond merely prohibiting adverse conduct by states. In fact, «mere prohibition is no longer enough to safeguard such languages in their weakened state».⁸

This dimension of the use of regional or minority languages in dealings with the administrative authorities, which implies a higher status and more ambitious goals than mere teaching of the languages, explains the fact that some states have not entered into the obligations under Article 10. Of course, this choice depends on the different historical and sociological situations of the

6. Daniel Horowitz, *Ethnic Groups in Conflict*, Berkeley-Los Angeles, University of California Press, 2000, p. 220.

7. See my monograph: Giovanni Poggeschi, *Le nazioni linguistiche della Spagna autonómica. Universalità della lingua castigliana e vitalità delle lingue regionali*, Padua, CEDAM, 2002.

8. Jean-Marie Woehrling, *The European Charter for Regional or Minority Languages*, cit. p. 27.

regional or minority languages in the various contracting parties. For instance, Cyprus has not entered into the obligations under Article 10 and has only non-territorial languages covered by the Charter (Armenian and Maronite Arabic: the third protected group, the Latin minority, does not have its own language, and the question of Turkish is, of course, much more complicated and is related to the division of the island into two parts, only one of which, the «Greek» part, is internationally recognised and has consequently subscribed to the Charter).

It is possible to use the expression «language rights», which covers both minority and regional languages; that is to say, it falls within the scope of the Charter.

The Charter also covers language rights of groups which express more diffuse and less «restless» demands and identities, which focus only on the cultural dimension. Two points have to be made here, however: firstly, it is not always easy to make a clear distinction between language demands which only express cultural concerns and language demands which hide, or go hand in hand with, more ambitious demands. Secondly, while the purpose of the Charter is to protect languages rather than groups, in protecting languages it indirectly also affects the rights of linguistic minorities. It may be a fiction to claim that only languages rather than their speakers are affected by the provisions of the Charter, but it is entirely consistent with its aim.

Protecting regional and minority languages is normally a feature of a mature democratic country, which has taken diversity on board as a value to be preserved and promoted. In other words, protecting minorities means respecting the principle of equality in its broader sense. The explanatory report also underlines this value of diversity as one of the principles which inspire the Charter. Diversity, as a reflection of pluralism, is more suited to a democratic than an authoritarian system.

Of course, this is not the only aspect of a democratic country, and it is also true that some states which are considered democratic are not the most enthusiastic supporters of regional or minority languages. The case of France, the land of universal human rights, is clear. And it is also true that some states which could not be considered democratic, for instance, the USSR and Yugoslavia, were not the worst in terms of protecting language diversity. But the recent developments in France show that even this very centralised country, inspired by a certain idea of equality, is taking the language issue very seriously: France has not ratified the Charter, but it has amended its Constitu-

tion, adding in Article 75 that «Regional languages are part of France's heritage».

What I have just said only serves to remind us that a very decisive factor in the protection of linguistic diversity lies in the traditions of the country concerned. In some places such as the USSR and Yugoslavia, it was impossible not to take account of the minorities issue. But I would emphasise that not protecting linguistic diversity is a failing of a country's democratic system.⁹ Indeed, Turkey, which is formally a democratic country, shows some of the shortcomings of its democratic structure precisely in the area of minority protection, as the reports by the European Commission on the monitoring of compliance with the Copenhagen criteria underline.

2. General considerations

I have already emphasised that the obligations arising from Article 10 are quite demanding: the use of a regional or minority language in dealings with the administrative authorities involves a number of issues which are complex and interrelated: a regional or minority language can be taught even if its use is not widespread, which is not possible in the case of the administrative authorities. The question of the standardisation of a language is also relevant, but in the case of a language which does not have a standard form, the undertakings in Article 10 are, on the contrary, not so hard to meet: in fact, limited fulfilment is possible, which means oral use of the regional or minority language rather than written use, which implies a higher status for the language. This leads me to a point which may seem trivial, but is nevertheless fundamental: the Charter is a much more demanding instrument than it would appear to be at first glance. The mechanism of soft law, which is reflected in the lack of sanctions, is strengthened by the detailed measures which the contracting states are called on to take. There are different possibilities and graduations in the fulfilment of the undertakings, but the requirement to sign a minimum number of paragraphs and sub-paragraphs implies a quite complex organisational set-up: this is particularly evident with regard to Article 10. Reading it and analysing the evaluation reports by the Committee of Experts

9. The Copenhagen criteria include the protection of national minorities, which is directly related to the protection of regional and minority languages (at least it includes it, as language is one of the fundamental features of a national minority), as a requirement which candidate countries must meet.

makes us understand why some states have, unfortunately, not ratified or even signed the Charter. As far as Article 10 is concerned, I believe that, given the objective situation of the languages, ensuring the use of Albanian and *Griko* in Italy or the use of Occitan in France would be a much harder task than is the case for teaching them (in fact, provision is made for the teaching of those languages, but not for their use by, or in dealings with, the administrative authorities).

The first two (long) sections of Article 10 refer to central state authorities and local and regional authorities. The meaning and the main consequences of this differentiation will be analysed in section 4, which concerns the undertakings. But it is important to remind readers now that the Charter is an instrument which is mainly based on the territoriality of the languages; this principle is the basis for all the provisions of the Charter and the resulting policies, laws and regulations which states adopt and implement.

The reports by the Committee of Experts usually make reference to domestic laws to judge compliance with the undertakings by the various states. It is clever to use those parameters which emanate directly from the individual states rather than insisting on the Charter as something imposed from above. This technique is also used to judge compliance with Article 10: this applies to the Norwegian Sami Act, the Hungarian Law on Minorities and the Minorities Act of Montenegro, etc. Sometimes certain domestic laws may, in contrast, hinder compliance with the undertakings: this is true of many laws regarding the use of state languages, such as the Slovak law.¹⁰

Article 10 also makes reference to the number of speakers of a given language, which could justify measures for its protection, in this case, its use by and with the administrative authorities. While the concepts of central state authorities and local and regional authorities will be explained in section 4, it is useful for our purposes to clarify the principle of a «reasonable number» now.

The terminology (*«the number of residents who are users of regional or minority languages (which) justifies the measures specified below»*) leaves great scope for

10. Some states which have adopted quite restrictive state language laws (though reasonable in terms of the protection of the language), like the Baltic States, have not signed the Charter. This could be a sign of the fact that states which have adopted «strict» state language laws cannot easily subscribe to the Charter: this is also the case of France, even though the real obstacle actually seems to be a certain idea of the «Republic» rather than the individual provisions of the *«Loi de la langue française»* (which anyway is an outcome of the above-mentioned Republican «spirit»).

discretion in national norms, which can be more or less demanding in determining the threshold for the number of speakers. For instance, the threshold of 20% required by the Slovak law on «National Minority Language Use» is quite high¹¹ (in practice, only the Hungarian minority can reach it in many regional and local entities), as was also underlined by the Committee of Experts in the 2009 report on Slovakia, which noted «that the 20%-threshold appeared in any case too high, as the number of people justifying protection measures under the Charter would commonly be well below this percentage».¹²

The 2009 report on Slovakia therefore urges the country's authorities to ensure the use of the Romani language, Ruthenian and the other languages which would be excluded if the principle of the threshold was applied.

The state reports seem more frequently to indicate lower thresholds than the one laid down by restrictive legislation like the above Slovakian law. The Charter leaves much room for the language policies of each state, but they must not contradict the spirit of the Charter, which is a legal instrument also intended to protect regional or minority languages which are spoken by few people. An excessively high threshold runs counter to the purpose of the Charter, and it would also be contrary to the principle of equality for the speakers of a particular regional or minority language to be treated differently in different areas just because they are less numerous in one district. Of course, the policies and the measures to protect a language are influenced by practical factors such as the number of speakers, but this must not be an excuse for avoiding all the possible efforts which institutions must make to comply with the undertakings.

In January 2010, the OSCE High Commissioner on National Minorities also said: «I expect the Slovak authorities to closely monitor and evaluate the implementation of the State Language Law, particularly with regard to the imposition of fines in order to avoid undue limitations to the use of minority

11. «If the citizens of the Slovak Republic who are persons belonging to a national minority constitute according to the last census at least 20% of the inhabitants of a municipality, they may use a Minority Language in official communication within that municipality» (Section 2.1 of Act of 10 July 1999).

12. Par. 13. The same paragraph adds: «In addition, the Committee of Ministers of the Council of Europe recommended that the authorities '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'». All the state reports, the evaluation reports of the Committee of Experts and the Committee of Ministers' recommendations can be read at http://www.coe.int/t/dg4/education/minlang/Report/default_en.asp

languages. I intend to remain engaged with this and other matters until the balance between strengthening the State language and protecting minority rights is achieved.»¹³

It is undeniable that favourable provisions in minorities legislation can be weakened by conflicting provisions in other laws, especially laws relating to state languages, which could be described as «majority laws». The reported case of Slovakia, with its State Language Law, is clear.¹⁴ But it was rightly stated since the first comments of the Charter that the use of the regional or minority language in a local entity (to make an example of soft language protection) does not affect the status of a majority and official language.¹⁵

Population censuses are a technique that can also be very useful in determining the criterion of «justifiability»: the 2009 report on Slovakia underlines that the lack of precise data (which is extremely relevant for the Roma, for whom figures vary astonishingly depending on the different sources, ranging from 89 000 in the official census of 2001 to 400 000 according to Roma organisations) is a major problem (point 9): therefore the Committee of Experts «encourages the Slovak authorities to take steps to collect, in co-operation with the speakers, reliable data concerning the number of users of the regional or minority languages and their geographic distribution» (point 10 of the Report on Slovakia).

In the interpretation of the Committee of Experts, the criterion of «justifiability» must be assessed with a significant degree of flexibility as regards the regional or minority languages. That is why in many cases the Committee of Experts invites the authorities to broaden the geographical area in which a regional or minority language is protected. This was, for instance, the case of the 2008 report on Austria, in which the Austrian authorities were urged to ensure «the possibility to submit oral or written applications in the Slovenian language in all municipalities in Carinthia where Slovenian has a traditional presence».

The expression «according to the situation of each language» is also very important and very wise. Languages which have a «kin-state» have some advantages

13. <http://www.osce.org/hcnm/51811>

14. And if, as in the case of Slovakia, the provisions of the state language law are accompanied by demanding provisions in the minorities legislation in terms of thresholds (in this case, 20%), the effect is doubled.

15. Ferdinando Albanese, *Conclusions*, in *Conférence internationale sur la Charte européenne des langues régionales ou minoritaires*, Langues Régionales ou Minoritaires n°1, Conseil de l'Europe, Strasbourg, 1998, on line at http://www.coe.int/t/dg4/education/minlang/publications/minoritylanguages1_fr.pdf

in terms of finding textbooks and even people who can speak the language. A good example here is German, one of the most important international languages in Europe, which is a minority language in Italy (South Tyrol) and, in the countries covered by the Charter, in Hungary and many other central and east European states. Other languages are important and widely used, for instance Catalan and Welsh, but do not have a kin-state, while others are very much minority languages, being used by only a few thousand people (eg Sami).

Even though this is not explicitly stated, the evaluation reports take a more indulgent tone when they refer to weak regional or minority languages; it is more difficult to organise the use of Ruthenian than the use of Catalan.

A very special case is that of Russian in Ukraine: it is a very important and widely used language with a powerful kin-state (Russia), but, for specific political choices of nation building (which also means the emphasis on the national state language, Ukrainian), it is not an official language in Ukraine, but is listed among the regional and minority languages.¹⁶ The Committee of Experts has underlined that «the linguistic landscape of Ukraine is unique from the Charter's perspective, as a language (Russian) which is not the state language is used by a large part of the population, including persons belonging to other national minorities. The Committee of Experts considers that this factor needs to be taken into account when the authorities take measures to implement the Charter» (Ukraine 2007, par. 16).¹⁷

The controversial case of the status of the Russian language in Ukraine goes beyond the potential of the Charter: the problem is that Russian in Ukraine is spoken, especially in certain areas, much more widely than a typical regional or minority language, but it does not enjoy, even in those areas, any official status. The explanatory report points out that, in certain areas, minority languages are actually used by the majority of the people. But normally in such cases the language concerned (Catalan, Basque, Welsh) has a legal status that Russian does not enjoy in Ukraine.

16. For in-depth analysis of the issue, see Bill Bowring — Myroslava Antonovych, *Ukraine's long and winding road to the European Charter for Regional or Minority Languages*, in AA.VV., *The European Charter for Regional or Minority Languages: Legal Challenges and Opportunities*, Council of Europe Publishing, Strasbourg, 2008, pp. 157-182.

17. Similar situations exist in the Baltic States, which have not signed the Charter. Especially Latvia, and to a lesser extent Estonia and Lithuania, have many Russian-speaking citizens and non-citizens (with a special status of former USSR residents). The use of Russian in the ex-Soviet Union is the heritage of an empire which was also linguistic: see David Laitin, *Identity in Formation: The Russian-Speaking Population in the Near Abroad*, Cornell University Press, Ithaca-New York, 1998.

The Charter does not give a definition of what «official» means.¹⁸ The most accurate definition of the term «official» here was given by the Spanish Constitutional Court in Judgment 8/1986: «A language is official, without regard to its position and significance as a social phenomenon, when it is recognised by the public authorities as a normal means of communication between them and in dealings with private individuals, with full validity and legal effects». Of course, if a regional or minority language is official (as stated before, usually in part of a country's territory: if it is official throughout the territory of the state, then it is probably not a minority or regional language), the measures provided for in Article 10 should be complied with. However, in the overall landscape of minority language protection in Europe, there are many cases of «semi-official» linguistic recognition.

3. Scope and assumptions

Very often, the Committee of Experts refers to judgments from the country concerned to underline that the provisions of Article 10 are not properly implemented. This approach is quite useful because it avoids the committee's observations being presented as alien to the legal reality of the country.

It is also very common for further documents to be requested from a country: this does not involve an explicit critique, but a «suspended judgment» which nevertheless, in my opinion, is more like a censure than a positive assessment. In fact, the positive factors, which means cases of compliance with the obligations arising from the Charter, are usually quoted explicitly.

The Charter is a living instrument: the contents of the state reports and the Committee of Experts' reports form a core of flexible standards, which are nevertheless an important goal for the state parties to comply with. In this complex framework, a role is also played by the associations of regional and minority language speakers. For instance, the collection of the relevant data is very important: the work of organised and active associations is valued highly. That is why the Committee of Experts sometimes seems to give greater importance to minority or regional languages which are spoken by a few dozen people rather than languages which are spoken by hundreds of thousands of people. This is true of the 2009 Committee of Experts report on Slovakia, which devotes many lines to the situation of Krahule/Blaufuß, a municipality with only 155 people,

18. Woehrling, *The European Charter for Regional or Minority Languages*, passim.

the only one where German is co-official. It is obvious that the international weight of the German-speaking association has played a decisive and positive role in giving the Committee of Experts information about the actual state of the legal protection of German in this small village in central Slovakia.

In the next section, I will analyse the content of the undertakings of the five paragraphs of Article 10. Some quotations from the various state evaluations by the Committee of Experts will be useful to help understand the effective impact of Article 10 on the systems of the contracting parties, their degrees of compliance and their shortcomings.

4. Undertakings under Article 10.1

a) The distinction between central state authorities and local and regional authorities

The first two, and longer, sections of Article 10, provide for measures—which in many cases are the same—taken respectively by central state authorities and local and regional authorities. It is necessary to clarify the differences between the two tiers concerned before analysing the content of the obligations undertaken by them.

Here «central state authorities» means not only the central organs of the state and any decentralised agencies, but also the authorities of the federated entities in federal states (German and Austrian *Länder* and Swiss Cantons, since those three are the only federal countries which are parties to the Charter).

Germany and Switzerland are examples of systems which have opted for the exercise of central state functions by the sub-state authorities. The evaluation reports on Switzerland underline that «insofar as the cantonal administration performs State tasks, the present undertaking was not fulfilled in practice» (Switzerland, 2007, par. 82):¹⁹ this shows how hard it can be even in a system «based» on language rights protection, like Switzerland, to co-ordinate the tasks of the different tiers of government.

Most of the countries which have signed and ratified the Charter are neither federal nor regional, and the norms regulating the protection of language

19. The criticism mainly related to the use of Romansh in the Canton of Graubünden. The 2007 evaluation report also underlines that the only federal authority present in Graubünden, the border guard, «uses Romansh (a 'partial official language' at federal level) only orally and in inscriptions on buildings and uniforms. In general, the eight Romansh-speaking staff members work in German» (Switzerland, 2007, par. 84).

rights stem only from state legislation. Nevertheless, the relevance of practice regarding language protection also involves the activity of local authorities, which, also only through their administrative powers, have an important role in fulfilling the undertakings of the Charter. In other words, local and regional authorities are called on to put state laws on language protection into effect, through their administrative capacity.

As Jean-Marie Woehrling points out, «the term ‘regional or local authority’ has to be understood according to the meaning attributed to it in other Council of Europe instruments».²⁰ It is normal to link regional and local authorities, because they are different from the central state authorities described in the previous paragraph, but it is important to bear in mind that the different approaches to regionalism in the various countries have a strong influence on the protection of language rights. In this sense, given that every tier of government must respect the state constitution and the other laws issued at central level, we must establish whether there is a regional level which is (also)²¹ competent for the protection of language rights.

For instance, a clear competence of the sub-state entities level is to be found in Spain, where power to regulate the use of co-official languages lies exclusively with the Autonomous Communities, so that the central government’s freedom to act is subject to the limits established by the relevant general principle (Spain 2007).

Sometimes it is not clear under domestic legislation whether competence for languages lies with the state or with sub-state entities. It could be said that the latter could have competence for language rights only when they hold legislative powers. If they only have administrative powers, then the task should lie with the state. The Charter is not clear on this point, however, and it probably leaves open the possibility of local and regional authorities exercising some powers related to language rights even only through their administrative competences. A typical case of this possible confusion is explained in the 2007 evaluation report on the Netherlands: «the Committee of Experts considers that the division of labour between the national authorities and the provincial

20. Jean-Marie Woehrling, *The European Charter for Regional or Minority Languages*, cit., p. 186.

21. As stated in section 2, competence for compliance with the undertakings, ie minority language protection, is generally a concurrent matter, which is shared by the central state and the sub-state entities. However, in certain sub-matters like the protection and the promotion of regional languages, competence lies (I would say) almost exclusively at the regional level, as is the case for Spain.

authorities regarding the promotion of regional or minority languages, in particular the competence for education, should be reconsidered with a view to making it more effective. In the 3rd periodical report, the national authorities repeat their view that local and regional authorities are primarily responsible for the protection and promotion of regional or minority languages» (Netherlands 2007, par. 10). The following sentence nevertheless points out that the international responsibility (including in respect of the Charter) lies with the state.²² A problem still remains —as emphasised by the Committee of Experts in its evaluation report on the Netherlands— when, «in the absence of a national language policy, the provincial authorities ... lack an overall guidance with regard to the application of the Charter» (Netherlands 2007, par. 10).

The case of the Netherlands highlighted a possible lack of clarity in the division of powers between central government and local and regional authorities, plus the problem of the lack of a national language policy. Other systems do not present these problems, having a clearer system of division of powers between the different tiers of government. We see in the evaluation reports that this advantage of legal clarity does not necessarily mean that the countries with a clear division of powers comply more fully with the undertakings of the Charter than others do. Nevertheless, a clear division of powers helps the authorities of the country concerned to determine the level where the responsibility for implementing the provisions concerning language protection lie. International responsibility, ie that regarding the obligations arising under the Charter, lies solely with the state. The Charter mechanism is not interested in the internal division of powers within a state. In the case of Ukraine, which was already analysed above, some regions announced that, on the basis of the Charter, they would give the Russian language «regional» status. The response of the central authorities was to deny local authorities this power, which is not provided for either in the Constitution of Ukraine or in the Law of Ukraine on Local Self-Government, but a judge upheld the validity of granting Russian the status of a «regional language».²³

Another question, which is distinct from the division of powers between the tiers of government, is the lack of clarity regarding not **whether** local and

22. «The Committee of Experts underlines, however, that the national authorities have to ensure the application of the Charter in practice even if responsibilities are delegated to local and regional authorities.» (par. 10).

23. Bill Bowring — Myroslava Antonovych, *Ukraine's long and winding road to the European Charter for Regional or Minority Languages*, cit., p. 159.

regional authorities are entitled to take measures to protect languages, but **which** local and regional authorities are required to do so. This also applies in countries with clearly satisfactory systems of language and minority protection, like Hungary. The 2008 evaluation report states that «The Committee of Experts strongly urges the Hungarian authorities, without minimising the existing linguistic rights applying to the whole territory of Hungary, to designate those local and regional authorities, on whose territory local and county minority self-governments representing Part III languages are active, as the authorities that will be obliged to take organisational measures to implement the obligations under Article 10» (Hungary 2008, par. 132).

In any case, the structure of Article 10 reflects the idea that the undertakings under the Charter must be fulfilled regardless of the authority which is competent, even though the ultimate international responsibility lies with the state. It is also important to remind that, in federal States like Germany, where the protection and promotion of regional or minority languages is mainly under the responsibility of the *Länder*—taking for granted that the mentioned international responsibility belongs to the federal State—, the level of protection is not always stronger than in unitary States, even if the federal or regional system should help the language protection. The evaluation report of 2011 on Germany, underlines that to strengthen it the inter-*Land* cooperation should be more developed, even if some of those mechanism have already been put in place.²⁴

b) The content of the undertakings of Article 10.1 and 10.2 and the evaluation of the Committee of Experts

For the purpose of this analysis, it makes sense to combine the obligations under the first two paragraphs because, once it has been established which tier of government is responsible, it is clear that the content of the undertakings is actually the same.

In paragraph 1 the verb «ensure» is used, while in paragraph 2 the verbs chosen are «allow» and «encourage». The former seems slightly stronger than the latter.²⁵

24. Germany 2011, Chapter 4, section D.

25. Even though, according to Jean-Marie Woehrling, *The European Charter for Regional or Minority Languages, cit.*, p. 182, «in the case of authorities coming directly under the state, a formula expressing a more direct commitment could have been used».

The undertakings in both paragraphs 1 and 2 of Article 10 have different graduations. The first point refers to the mere use by the administrative authorities of the regional or minority languages: this does not in any way involve official status for a language. A language may be used orally on a natural basis when it is widely known and spoken, even though it has no official status. For instance, Schwitzerdutsch and Veneto (which are dialects and are not covered by the Charter, although they are very popular) are used in practice in many administrative authorities even without official status.²⁶

As Jean-Marie Woehrling underlines, «the undertakings in subparagraphs i, ii, iii and iv are clearly alternatives, except where there are different languages or separate districts,»²⁷ which can lead to different practices. The undertaking in subparagraph i is very broad in scope, but not well defined; on the other hand, the undertakings in subparagraphs ii, iii and iv «mark out more precise although more limited obligations for the state party».²⁸

We can observe from the declarations contained in the instrument of ratification that rather few countries have chosen to undertake subparagraph I, which is at the same time the most general and the most demanding provision of paragraph 1. It is not surprising that those countries are among the most fulfilling States in language protection²⁹.

The use of a regional or minority language under subparagraph i is normally not exclusive:³⁰ it may be combined with the use of the official language (or

26. This graduation is also taken into consideration by the explanatory report of the Charter, which states that a language is «on its territory, a working language, or the normal means of communication, of the public authorities».

27. Jean-Marie Woehrling, *The European Charter for Regional or Minority Languages*, cit., p. 183.

28. *Ibidem*, p. 183.

29. They are Finland, Slovenia, Spain, Sweden and United Kingdom (Finland and United Kingdom only for, respectively, Swedish and Welsh).

30. A very recent and fundamental judgment of the Spanish Constitutional Court (n° 31 of 28 June 2010) concerning the Statute of Catalonia (for initial comments, see the special issue of the *Revista catalana de dret públic*: http://www10.gencat.net/eapc_revistadret/recursos_interes/especial%20estatut/ca_ese/ca), includes among the 14 articles declared contrary to the Spanish Constitution the one which states that administrative authorities in Catalonia must make «preferential use of Catalan» (art. 6: «Catalonia's own language is Catalan. As such, Catalan is the language of normal and preferential use in public administrative bodies and in the public media of Catalonia, and is also the language of normal use for teaching and learning in the education system»). As both Catalan and Castilian are official languages in Catalonia, the court ruled that it was not legitimate to grant the Catalan language a higher status. This interpretation has been criticised by Antoni Milian Massana, *El règim de les llengües oficials. Comentari a la sentència del Tribunal Constitucional 31/2010, de 28 de juny*, whose text can be read in the above online review.

languages). Anyway, «the undertaking must be understood as requiring the regional or minority language to have a significant place in the work of the authorities».³¹

There are different nuances in the undertakings in subparagraphs iii, iv and v of Article 10.1: there is the right of citizens to submit oral and written applications in the regional or minority language, but without a corresponding obligation on the administrative authorities to respond in this language (iv), the right to submit oral or written applications and receive a reply in these languages (iii) and the right of users of regional or minority languages to validly submit a document in these languages (v).

States whose entities enjoy a high degree of autonomy (federal states and regional states) have an additional opportunity to implement the obligations of the Charter. Comparative law shows that the most appropriate level for dealing with language protection is usually the sub-state (the *Land*, Autonomous Community, Region or devolved authority).³² The Spanish experience is probably the most relevant in this regard: language policy has mainly been carried out by the Autonomous Communities:³³ it is therefore not surprising that most of the shortcomings in the Spanish system of language protection are within the decentralised state authorities (Art. 10.1): «The Committee of Experts urges the Spanish authorities to review the career and training structure in the state public administration with a view to ensuring that an adequate proportion of the staff posted in the State administration offices located in the Basque Country have the necessary command of the Basque language to be able to use it as a working language» (Spain 2008, par. 74).

On the contrary, the lack of a strong regional (and also local) tier of government often hinders the possibility to fully implement the provisions of the Charter, even in countries where there is a strong tradition of minority protection: for instance Denmark, according to the last report of the Committee of Experts on Denmark (2nd March 2011), «the fact that Denmark has not chosen any undertakings under Article 10 paragraph 2 (local and regional authorities) is regrettable considering the importance of regional and local authorities for the promotion of the German language (Denmark 2011, par. 13).

31. Jean-Marie Woehrling, *The European Charter for Regional or Minority Languages*, cit., p. 183.

32. Giovanni Poggeschi, *Le nazioni linguistiche della Spagna autonómica*, cit., pp. 389-398.

33. For a proposal of this model as an example, see François Grin.

The drafting of documents by the administrative authorities in a regional or minority language is a measure that reflects a good degree of language protection, «(it) goes beyond relations with users».³⁴ Its effectiveness may be lower than formal law would actually allow, including for reasons of past and still latent ethnic conflicts, as in Croatia, where in 2005, 2 864 identity cards were issued in Serbian, Italian and Hungarian. According to the 2008 evaluation report on Croatia, «clerks in some cases had turned down requests for bilingual identity cards on the grounds that they could only be issued in areas where the respective language was in equal and official use» (although the legislation would have allowed the cards to be issued). Worse still, however, was the fact that «The Committee of Experts was also informed of recent incidents when members of the Serb minority were not allowed to sign their identity cards in the Cyrillic script». It was therefore consistent to conclude that «The Committee of Experts considers that such incidents are contrary to the spirit of the Charter» (Croatia 2008, par. 21).

As far as place names are concerned, the possibility of using them in regional or minority languages is sometimes subject to a percentage threshold: this is true of the Czech Republic (Section 29, par. 2, of the Act on Municipalities), which nevertheless implements such use in only 13 municipalities out of the 31 that meet the legal requirement (2008 evaluation report on the Czech Republic, par. 195; the criticism mainly concerns Polish place names).

The Committee of Experts also in some cases underlines good practice and compliance with the undertakings under the Charter: the measures to protect and promote the Welsh language are satisfactory for the most part, with a minor exception for the undertaking in paragraph 4.b (*recruitment and, where necessary, training of the officials and other public service employees required*). The Welsh language schemes are considered a good practice,³⁵ a «positive development towards ensuring use of Welsh by administrative authorities.»³⁶ The Committee of Experts' reports show that the protection of Welsh is not a problem: the subsequent reports in 2006 and 2009 do not mention the situation of the Welsh language in the comments about Article 10, concentrating

34. Jean-Marie Woehrling, *The European Charter for Regional or Minority Languages*, cit., p. 185.

35. Also underlined by Jean-Marie Woehrling, *The European Charter for Regional or Minority Languages*, cit., p. 185.

36. Paragraph 145 of the 2003 evaluation report on the United Kingdom, which nevertheless adds that the Committee of Experts «looks forward to more information in the next report».

instead on the legal protection and promotion of the Gaelic language in Scotland.³⁷

In other cases, the Committee of Experts refers to «the emblematic use of regional or minority languages in official documents, for example in letterheads, seals and stamps» (Croatia 2008, par. 162). However «the present undertaking goes beyond such an emblematic use and refers to the language of the main content of the document.»³⁸

Sometimes people who might be keen to use their regional or minority language are not aware of the possibility. In this case, the Committee of Experts suggests the wearing of badges by civil servants and the use of bilingual signs or brochures (Germany 2006, par. 208; Czech Republic 2008, par. 189).

There are also great variations in the fulfilment of this undertaking within individual countries, depending on the size and level of organisation of the minority. In Croatia, for instance, according to the evaluation report of 2008, Italian and, to a lesser extent, Hungarian seemed to be widely used in local and regional authorities, while this was not true of Slovak and Ruthenian.³⁹ The report on Croatia of 2010 confirms an asymmetrical use of languages, considering the undertaking of paragraph 2 of Article 10 «fulfilled with respect to Italian, partly fulfilled with Czech, Hungarian, Ruthenian and Serbian, and not fulfilled for Slovak and Ukrainian».⁴⁰ In Armenia, according to the 2008 evaluation report, the undertakings are fulfilled with regard to Russian, but only partially—and to varying degrees by the central authorities and local and regional authorities—regarding the other regional and minority languages. In all the cases mentioned (including the one regarding German in Slovakia, which was analysed in section 3), the weight of international languages like Russian, Italian and German helps their status and the implementation of their use.

37. The same omission, which does not necessarily imply approval of the language policy, applies to Catalan in the latest evaluation report on Spain (2008). On this point, see section 5 below.

38. Moreover, «following further information contained in the report, and on the basis of the evidence received during the on-the-spot-visit, the publication of documents by local authorities in the languages that are in equal and official use, is only done upon request, and such requests are seldom made» (Croatia 2008, par. 162).

39. Par. 153 of the 2008 evaluation report on Croatia states that «Since the Ukrainian and Slovak languages are not in equal and official use anywhere in Croatia, there is no possibility to submit applications in these languages».

40. Croatia 2010, Par. 184.

c) Public services and the relevant obligations (Article 10.3)

«This undertaking concerns the use of regional or minority languages in relations with bodies providing public services, which could include, for example, postal services, telecommunication services, electricity, public transport, hospitals, etc.» (Croatia 2008, par. 174).

The need for this section stems from the increasing number of services of public interest provided by private bodies which work on behalf of public bodies or under their supervision. This is the result of the emphasis placed on the need to save public resources and provide the public with the most effective and efficient services, which private bodies are apparently better able to do than public authorities.

It is not relevant here to ask whether private bodies really are more effective. The question is whether the private bodies providing public services have the same language obligations as public institutions. Of course, this largely depends on the content of the various national laws, which can also impose language obligations on some persons, while excluding others from the same obligations. A bus driver from a private company which provides a public service (to give an example of a private company which performs an activity of public interest) and still more a manager (including because, in most cases, passengers should not disturb the driver...) has more reason to be required to know a regional or minority language than an electrician. This is because the driver works in contact with the public and the manager has to respond to the latter's concerns, which means that their linguistic skills are relevant to the performance of their duties, while an electrician can usually do his/her work properly even without specific language skills.

In any case, it is clear that linguistic obligations are more difficult to meet in private contexts, even if activities of public interest are involved. In some reports, the Committee of Experts invites states to fulfil the undertaking,⁴¹ also encouraging «the authorities to develop a structured policy to facilitate the recruitment of public service employees with a knowledge of the regional or minority language used in the territory where the language is traditionally

41. For instance, the 2008 evaluation report on Croatia states that «the Committee of Experts considered that this undertaking was not fulfilled, since, on the basis of the information received, there had been no indication that regional or minority languages were used in public services. It encouraged the authorities to take immediate steps to ensure that the regional or minority languages were used in the provision of public services and asked them to provide comprehensive information in the next periodical report» (Croatia 2008, par. 175).

spoken» (Armenia 2009, par. 172); the reference to the need for a «structured policy» implies that, in certain cases, regional or minority languages are indeed used in the public services, but on a spontaneous basis with no links to a legal obligation (Armenia 2009, par. 170).⁴² In the second evaluation report on Croatia, which has, at least regarding Italian and Hungarian, a fairly satisfactory system of language protection, the Committee of Experts «encourages the authorities to take immediate steps to ensure that the regional or minority languages are used in the provision of public services and asks them to provide comprehensive information in the next periodical report» (Croatia 2005, par. 175). In the third evaluation report on Croatia, «The Committee of Experts notes the slight improvement in relation to the actual use of regional or minority languages in the context of this undertaking, but considers that this is not enough to amount to fulfilment»: this confirms how the undertaking in this paragraph is among the most difficult to fulfil in Article 10. Some contracting parties have chosen not to include this paragraph in their undertakings under Article 10 (for instance, Sweden and the United Kingdom); this is a further demonstration of how hard it can be to fulfil.

d) Practical measures adopted in order to implement language rights in administrative authorities (Article 10.4)

Some reports do not conclude that this undertaking is not fulfilled and note instead that it is formally fulfilled but that the possibility of using regional or minority languages «only takes place occasionally» (Austria 2008, par. 135), implicitly stating that there should be an improvement in the practice. Other evaluation reports find partial fulfilment (Czech Republic 2008, par. 190, Finland 2007, par. 127).

This is a further step in the protection of a regional or minority language. Very often, the evaluation reports note the fulfilment of the undertakings related to oral use of the regional or minority languages but stress the need for improvements in the translation into those languages of widely used administrative texts and forms (Armenia 2009, par. 157).

The provision on appointing public servants who know regional or minority languages in places where they are used is sensible and reasonable: it would be a pity to «waste» the linguistic capacity of the civil servants in places where

42. «Officials and public service employees in the Republic of Armenia have an adequate knowledge of *Russian*. Regarding *Assyrian, Kurdish and Yazidi*, some public service employees have a command of the respective language in the area where they are used».

it is of no use. Especially in states where the number of people with good command of regional or minority languages is not high, the chance to work in the areas where there is such demand should be taken. The provision in itself could be at odds with the general rules on entering the public service and career progression within it, and also against a basic (but very widespread) interpretation of the principle of equality. But, even without requiring knowledge of a regional or minority language as a precondition for entry into the public service, the mere possibility of this linguistic capacity being a recognised value (which is not such a difficult task) would help greatly in fulfilling the undertakings in paragraph 4. c. The appointment must take place «as far as possible»: in other words, provided that there is no conflict with other more important selection criteria.⁴³ The training of public officials in regional or minority languages is, of course, a fundamental requirement for ensuring compliance with the various undertakings in this section.

e) *The right to the use or adoption of family names in the regional or minority languages (Article 10.5)*

The last paragraph of the article concerns a fundamental right involving the private and most personal sphere. Many linguistic minorities have in the past experienced oppression in this field, with the changing of family names from the minority language to the language of the majority. This was the case with the Italianisation of German and Slovene names in Italy during the fascist era, and also, to give a more recent example, with the translation into Bulgarian of Turkish names in communist Bulgaria. The restoration of the «original» family names must be granted at the request of the persons concerned: one could also propose an authoritative measure by the state re-establishing the correct name without the need to consult the person concerned, but it is more reasonable to provide for this to be done on request because the will of the persons concerned must take priority in such a personal sphere.

Full compliance with this provision is lacking in many contracting parties, as the Committee of Experts indicates in many reports. This is true of Serbia, Hungary and other countries of central and eastern Europe.

The right to have personal and family names in regional or minority languages must be complete, which includes the need to have the correct orthog-

43. Jean-Marie Woehrling, *The European Charter for Regional or Minority Languages, cit.*, p. 199.

raphy and spelling in those languages.⁴⁴ This provision may be at odds with the linguistic rules of certain languages. The courts have also had to intervene in this area: a very famous case at the European Court of Human Rights concerned the issue of the correct version of family names in a given language: this was the *Mencen* case, in which a German woman complained about the transcription of her family name as *Mencena*, according to Latvian linguistic rules. The Court upheld the submissions by Latvia that, although the transcription of personal names in Latvian language in personal identity documents could be considered an interference in the private life of an individual, such interference was justifiable, as the Latvian authorities had not violated the discretion given to them in transcribing personal names.

5. Conclusions and proposals

As far as Article 10 is concerned, the Committee of Experts' reports do not always cover all the languages that a country has listed among those to be protected: if there are comments in one report and none in the following reports (as for the Welsh language, whose use in the administrative authorities was considered in the 2003 evaluation report but not in the 2006 and 2008 reports), the reason may be that the situation has not changed in the meantime (as in the case of the Welsh language it may also mean that there are no problems with the undertakings, as the 2003 evaluation report stated that «the undertakings are fulfilled»). Another reason may be, more simply, that the Committee of Experts did not have the time to monitor all the languages which are protected under the Charter.⁴⁵

The Italian experience is very clear in this respect: Italy had signed the Charter in 2000 but only recently (March 2012) ratified the it, while France has not yet done it. But while France has not done so because of constitutional problems, Italy has delayed twelve years (also) for domestic political reasons. The protection of minority languages does exist, and it existed of course also before the ratification of the Charter. This protection is very irregular and

44. The Committee of Experts' 2009 report on Serbia states, after many remarks on the use of regional or minority languages in personal and family names, that «it is therefore necessary to raise awareness among responsible civil servants (eg through internal circulars) that names in regional or minority languages must be entered into personal documents in conformity with the tradition and orthography of the languages concerned».

45. <http://languagecharter.eokik.hu/byLanguage.htm>

asymmetric, ranging from the «super-protection» of the German language⁴⁶ to the weak protection of the Greek language in Puglia and Calabria. Italy had also not ratified until March 2012 the Charter because of a fear of opening a Pandora's Box of all the dialects which have strong traditions but which do not fall within the scope of the Charter because they are not languages.

Aspects which hinder language protection can also be very concrete,⁴⁷ and not (at least only) based on reservations and reluctance linked to certain traditions. A lack of funding and democratic transition both bring additional problems, as some state reports point out.⁴⁸ The issue of the financial cost of implementing the Charter is relevant: as far as Article 10 is concerned, the cost of translating and publishing a large number of documents in several languages can be high. One solution is the recruitment and training of bilingual staff.⁴⁹

There are also great variations in the fulfilment of this undertaking within individual countries, depending on the size and level of organisation of the minority. In Croatia, for instance, Italian and, to a lesser extent, Hungarian

46. I borrow the term from Francesco Palermo and Jens Woelk, *Diritto costituzionale comparato dei gruppi e delle minoranze*, Padua, CEDAM, 2008, p. 256 ss., who speak of «super-protected minorities».

47. For instance, the 2008 evaluation report on Croatia explains that in some small municipalities where Hungarian has official status the language is not used because «the total number of employees can be as low as five. This fact, together with budgetary constraints made it difficult in practice (emphasis added) to comply with the law» (Croatia 2008, par. 128).

48. This is the case, for instance, of the report submitted by Armenia in 2007, according to which «... Some of these problems are of a legal nature, while others are the consequence of social and economic conditions in Armenia. The latter include, for instance, physical conditions and staffing levels in schools. For financial reasons, schools have not yet been fully renovated in the Republic of Armenia: they have no proper heating in winter and lack adequate technical facilities; the teachers do not have sufficient printed teaching aids, there are no definitive regulations on how teachers are to be trained, and progress is slow» (point 6). The observations concern the sphere of education (for our purposes, Article 8), but they can easily be transposed to the use of regional and minority languages in the administrative authorities, which also requires sound financial support. It is also clear that the relevant shortcomings in the education system have an impact on the administrative authorities, as indicated in the introduction to this report.

49. Jean-Marie Woehrling, *The European Charter for Regional or Minority Languages, cit.*, p. 39, adds that «it will not be particularly expensive to ensure the additional linguistic ability once the training and recruitment system has been reorganised for the purpose». This statement by one of the leading French experts on language rights is correct, although perhaps a little too optimistic. The bilingual training will not be too expensive if the regional or minority language is widely spoken and correctly used: this condition is easier to meet when the education system ensures good teaching of (and also in) the regional or minority language. Once again Article 8's central position in the Charter must be reaffirmed here.

seem to be widely used in local and regional authorities, while this is not true of Slovak and Ruthenian (Croatia 2008).⁵⁰ In Armenia, according to the 2008 evaluation report, the undertakings are fulfilled with regard to Russian, but only partially — and to varying degrees by the central authorities and local and regional authorities— regarding the other regional and minority languages. In all the cases mentioned (including the one regarding German in Slovakia, which was analysed in section 3), the weight of international languages like Russian, Italian and German helps their status and the implementation of their use.⁵¹

In my view, the mechanism of the Charter is not limited to the countries which are parties to it and which must comply with it. A positive influence on the countries which have not signed or ratified it is also possible. I have already mentioned the French issue, and the inclusion of the protection of regional languages in a new article in the Constitution. To give an example, I believe that the Kurds in Turkey could benefit, through an indirect but possible knock-on effect, from the language rights which their language enjoys in Armenia (the 2009 evaluation report on Armenia states that some of the undertakings in Article 10 are fulfilled). The Charter has an overall dimension and, together with certain other international instruments, forms the core of a range of international standards on minority language rights which, at least in Europe, are gaining in importance.

50. Par. 153 of the 2008 evaluation report on Croatia states that «Since the Ukrainian and Slovak languages are not in equal and official use anywhere in Croatia, there is no possibility to submit applications in these languages».

51. Again choosing the example of Croatia, where the solutions vary according to the different minorities, the higher practical status of Italian is also (see previous section) visible in the fulfilment of this provision: «The Committee of Experts concludes that the undertaking is fulfilled with regard to Italian and not fulfilled with regard to the other languages» (Croatia 2008, par. 160). As far as the fulfilment of point d is concerned, the situation is more complex: «The Committee of Experts considers this undertaking fulfilled for Italian, not fulfilled for Ukrainian and Slovak and partly fulfilled in respect of the other languages» (Croatia 2008, par. 166).

<i>Art. 10</i>		
Paragraph 1.a		
	Subparagraph	
	i)	<p>Finland: Swedish.</p> <p>Slovenia: Italian and Hungarian.</p> <p>Spain: Basque (Basque Country, Navarra), Catalan (Catalonia, Balearic Islands, Valencia), Galician (Galicia).</p> <p>Switzerland: Romansh and Italian.</p> <p>United Kingdom: Welsh.</p>
	ii)	<p>Romania: Bulgarian, Czech, Croatian, German, Hungarian, Russian, Serbian, Slovak, Turkish and Ukrainian.</p> <p>Slovakia: Hungarian.</p>
	iii)	<p>Austria: Burgenlandcroatian (Land Burgenland), Slovenian (Land Carinthia) and Hungarian (Land Burgenland).</p> <p>Croatia: Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian.</p> <p>Finland: Sami.</p> <p>Montenegro: Albanian and Romany.</p> <p>Norway: Sami.</p> <p>Romania: Bulgarian, Czech, Croatian, German, Hungarian, Russian, Serbian, Slovak, Turkish and Ukrainian.</p> <p>Slovakia: Bulgarian, Croatian, Czech, German, Polish, Roma, Ruthenian and Ukrainian.</p> <p>Sweden: Sami, Finnish and Meänkieli.</p>
	iv)	<p>Armenia: Assyrian, Yezidi, Greek, Russian and Kurdish.</p> <p>Bosnia and Herzegovina: Albanian, Montenegrin, Czech, Italian, Hungarian, Macedonian, German, Polish, Romani, Romanian, Rysin, Slovak, Slovene, Turkish, Ukrainian and Jewish (Yiddish and Ladino).</p> <p>Croatia: Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian.</p>

<i>Art. 10</i>		
	iv)	<p>Czech Republic: Polish and Slovak. Germany: Upper Sorbian (Free State of Saxony), Lower Sorbian (Brandenburg). Hungary: Romany. Montenegro: Albanian and Romany. Romania: Bulgarian, Czech, Croatian, German, Hungarian, Russian, Serbian, Slovak, Turkish and Ukrainian. Serbia: Albanian, Bosnian, Bulgarian, Hungarian, Romany, Romanian, Ruthenian, Slovakian, Ukrainian and Croatian. Slovakia: Bulgarian, Croatian, Czech, German, Polish, Roma, Ruthenian and Ukrainian. United Kingdom: Irish.</p>
	v)	<p>Armenia: Assyrian, Yezidi, Greek, Russian and Kurdish. Czech Republic: Slovak. Denmark: German. Germany: Danish (Schleswig-Holstein), Upper Sorbian (Free State of Saxony), Lower Sorbian (Brandenburg), North Frisian ((Schleswig-Holstein), Sater Frisian (Lower Saxony), Low German (Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein) Hungary: Croatian, German, Romanian, Serbian, Slovak, Slovene and Beás. Montenegro: Albanian and Romany. Netherlands: Frisian (Friesland). Romania: Bulgarian, Czech, Croatian, German, Hungarian, Russian, Serbian, Slovak, Turkish and Ukrainian. Serbia: Albanian, Bosnian, Bulgarian, Hungarian, Romany, Romanian, Ruthenian, Slovakian, Ukrainian and Croatian. Sweden: Sami, Finnish and Meänkieli.</p>

<i>Art. 10</i>		
Paragraph 1.b		<p>Armenia: Assyrian, Yezidi, Greek, Russian and Kurdish.</p> <p>Croatia: Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian.</p> <p>Finland: Sami and Swedish.</p> <p>Hungary: Romany.</p> <p>Norway: Sami.</p> <p>Romania: German and Hungarian.</p> <p>Slovenia: Italian and Hungarian.</p> <p>Spain: Basque (Basque Country, Navarra), Catalan (Catalonia, Balearic Islands, Valencia), Galician (Galicia).</p> <p>Switzerland: Romansh and Italian.</p> <p>United Kingdom: Welsh.</p>
Paragraph 1.c		<p>Austria: Burgenlandcroatian (Land Burgenland), Slovenian (Land Carinthia) and Hungarian (Land Burgenland).</p> <p>Bosnia and Herzegovina: Albanian, Montenegrin, Czech, Italian, Hungarian, Macedonian, German, Polish, Romani, Romanian, Rysin, Slovak, Slovene, Turkish, Ukrainian and Jewish (Yiddish and Ladino).</p> <p>Croatia: Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian.</p> <p>Finland: Sami and Swedish.</p> <p>Germany: Sater Frisian (Lower Saxony), Low German (Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein).</p> <p>Hungary: Croatian, German, Romanian, Serbian, Slovak, Slovene, Romany and Beás.</p> <p>Montenegro: Albanian and Romany.</p> <p>Netherlands: Frisian (Friesland).</p> <p>Norway: Sami.</p> <p>Romania: German and Hungarian.</p> <p>Serbia: Albanian, Bosnian, Bulgarian, Hungarian, Romany, Romanian, Ruthenian, Slovakian, Ukrainian and Croatian.</p> <p>Slovenia: Italian and Hungarian.</p>

<i>Art. 10</i>		
Paragraph 1.c		<p>Spain: Basque (Basque Country, Navarra), Catalan (Catalonia, Balearic Islands, Valencia), Galician (Galicia).</p> <p>Sweden: Sami, Finnish and Meänkieli.</p> <p>Switzerland: Romansh and Italian.</p> <p>United Kingdom: Welsh, Scottish-Gaelic, Irish.</p>
Paragraph 2.a		<p>Croatia: Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian.</p> <p>Bosnia and Herzegovina: Albanian, Montenegrin, Czech, Italian, Hungarian, Macedonian, German, Polish, Romani, Romanian, Rysin, Slovak, Slovene, Turkish, Ukrainian and Jewish (Yiddish and Ladino).</p> <p>Finland: Sami and Swedish.</p> <p>Germany: Upper Sorbian (Free State of Saxony), Sater Frisian (Lower Saxony), Low German (Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein).</p> <p>Netherlands: Frisian (Friesland).</p> <p>Norway: Sami.</p> <p>Slovakia: Hungarian.</p> <p>Slovenia: Italian and Hungarian.</p> <p>Spain: Basque (Basque Country, Navarra), Catalan (Catalonia, Balearic Islands, Valencia), Galician (Galicia).</p> <p>Switzerland: Romansh and Italian.</p> <p>Ukraine: Byelorussian, Bulgarian, Gagauz, Greek, Jewish, Crimean Tatar, Moldavian, German, Polish, Russian, Romanian, Slovak and Hungarian.</p> <p>United Kingdom: Welsh, Scottish-Gaelic.</p>
Paragraph 2.b		<p>Armenia: Assyrian, Yezidi, Greek, Russian and Kurdish.</p> <p>Austria: Burgenlandcroatian (Land Burgenland), Slovenian (Land Carinthia) and Hungarian (Land Burgenland).</p> <p>Bosnia and Herzegovina: Albanian, Montenegrin, Czech, Italian, Hungarian, Macedonian, German, Polish, Romani, Romanian, Rysin, Slovak, Slovene, Turkish, Ukrainian and Jewish (Yiddish and Ladino).</p>

<i>Art. 10</i>		
Paragraph 2.b		<p>Croatia: Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian.</p> <p>Czech Republic: Polish and Slovak.</p> <p>Finland: Sami and Swedish.</p> <p>Germany: Upper Sorbian (Free State of Saxony), Lower Sorbian (Brandenburg), Sater Frisian (Lower Saxony), Low German (Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein, Brandenburg)</p> <p>Hungary: Croatian, German, Romanian, Serbian, Slovak, Slovene, Romany and Beás.</p> <p>Montenegro: Albanian and Romany.</p> <p>Netherlands: Frisian (Friesland).</p> <p>Norway: Sami.</p> <p>Poland: Belorussian, Czech, Hebrew, Yiddish, Karaim, Kashub, Lithuanian, Lemko, German, Armenian, Romani, Russian, Slovak, Tatar and Ukrainian.</p> <p>Romania: Bulgarian, Czech, Croatian, German, Hungarian, Russian, Serbian, Slovak, Turkish and Ukrainian.</p> <p>Serbia: Albanian, Bosnian, Bulgarian, Hungarian, Romany, Romanian, Ruthenian, Slovakian, Ukrainian and Croatian.</p> <p>Slovakia: Bulgarian, Croatian, Czech, German, Hungarian, Polish, Roma, Ruthenian and Ukrainian.</p> <p>Slovenia: Italian and Hungarian.</p> <p>Spain: Basque (Basque Country, Navarra), Catalan (Catalonia, Balearic Islands, Valencia), Galician (Galicia).</p> <p>Sweden: Sami, Finnish and Meänkieli.</p> <p>Switzerland: Romansh and Italian.</p> <p>United Kingdom: Welsh, Scottish-Gaelic, Irish.</p>
Paragraph 2.c		<p>Croatia: Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian.</p> <p>Finland: Sami and Swedish.</p> <p>Germany: Sater Frisian (Lower Saxony), Low German (Bremen, Lower Saxony).</p> <p>Netherlands: Frisian (Friesland).</p>

<i>Art. 10</i>		
Paragraph 2.c		<p>Norway: Sami.</p> <p>Romania: Bulgarian, Czech, German, Hungarian,</p> <p>Serbia: Albanian, Bosnian, Bulgarian, Hungarian, Romany, Romanian, Ruthenian, Slovakian, Ukrainian and Croatian.</p> <p>Slovakia: Bulgarian, Croatian, Czech, German, Hungarian, Polish, Roma, Ruthenian and Ukrainian.</p> <p>Slovenia: Italian and Hungarian.</p> <p>Spain: Basque (Basque Country, Navarra), Catalan (Catalonia, Balearic Islands, Valencia), Galician (Galicia).</p> <p>Sweden: Sami, Finnish and Meänkieli.</p> <p>Switzerland: Romansh and Italian.</p> <p>Ukraine: Byelorussian, Bulgarian, Gagauz, Greek, Jewish, Crimean Tatar, Moldavian, German, Polish, Russian, Romanian, Slovak and Hungarian.</p> <p>United Kingdom: Welsh.</p>
Paragraph 2.d		<p>Austria: Burgenlandcroatian (Land Burgenland), Slovenian (Land Carinthia) and Hungarian (Land Burgenland).</p> <p>Croatia: Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian.</p> <p>Finland: Sami and Swedish.</p> <p>Germany: Sater Frisian (Lower Saxony), Low German (Bremen, Lower Saxony)</p> <p>Montenegro: Albanian and Romany.</p> <p>Netherlands: Frisian (Friesland).</p> <p>Norway: Sami.</p> <p>Romania: Bulgarian, Croatian, German, Hungarian, Russian, Serbian, Slovak, Turkish and Ukrainian.</p> <p>Serbia: Albanian, Bosnian, Bulgarian, Hungarian, Romany, Romanian, Ruthenian, Slovakian, Ukrainian and Croatian.</p> <p>Slovakia: Bulgarian, Croatian, Czech, German, Hungarian, Polish, Roma, Ruthenian and Ukrainian.</p> <p>Slovenia: Italian and Hungarian.</p> <p>Spain: Basque (Basque Country, Navarra), Catalan (Catalonia, Balearic Islands, Valencia), Galician (Galicia).</p>

<i>Art. 10</i>		
Paragraph 2.d		<p>Sweden: Sami, Finnish and Meänkieli. Switzerland: Romansh and Italian. Ukraine: Byelorussian, Bulgarian, Gagauz, Greek, Jewish, Crimean Tatar, Moldavian, German, Polish, Russian, Romanian, Slovak and Hungarian. United Kingdom: Welsh, Scottish-Gaelic.</p>
Paragraph 2.e		<p>Czech Republic: Polish and Slovak. Finland: Sami and Swedish. Germany: Sater Frisian (Lower Saxony), Low German (Bremen, Hamburg), Romany (Hesse) Hungary: Croatian, German, Romanian, Serbian, Slovak, Slovene, Romany and Beás.. Netherlands: Frisian (Friesland). Norway: Sami. Romania: Bulgarian, Czech, German, Hungarian, Turkish and Ukrainian. Slovenia: Italian and Hungarian. Spain: Basque (Basque Country, Navarra), Catalan (Catalonia, Balearic Islands, Valencia), Galician (Galicia). Switzerland: Romansh and Italian. Ukraine: Byelorussian, Bulgarian, Gagauz, Greek, Jewish, Crimean Tatar, Moldavian, German, Polish, Russian, Romanian, Slovak and Hungarian. United Kingdom: Welsh, Scottish-Gaelic, Irish.</p>
Paragraph 2.f		<p>Armenia: Assyrian, Yezidi, Greek, Russian and Kurdish. Czech Republic: Polish and Slovak. Finland: Sami and Swedish. Germany: Sater Frisian (Lower Saxony), Low German (Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony and Schleswig-Holstein), Romany (Hesse). Hungary: Croatian, German, Romanian, Serbian, Slovak, Slovene, Romany and Beás. Netherlands: Frisian (Friesland). Norway: Sami.</p>

<p><i>Art. 10</i></p>		
<p>Paragraph 2.f</p>		<p>Romania: Bulgarian, Czech, Croatian, German, Hungarian, Russian, Serbian, Slovak, Turkish and Ukrainian. Slovakia: Bulgarian, Croatian, Czech, German, Hungarian, Polish, Roma, Ruthenian and Ukrainian. Slovenia: Italian and Hungarian. Spain: Basque (Basque Country, Navarra), Catalan (Catalonia, Balearic Islands, Valencia), Galician (Galicia). Switzerland: Romansh and Italian. Ukraine: Byelorussian, Bulgarian, Gagauz, Greek, Jewish, Crimean Tatar, Moldavian, German, Polish, Russian, Romanian, Slovak and Hungarian. United Kingdom: Welsh, Scottish-Gaelic, Irish.</p>
<p>Paragraph 2.g</p>		<p>Armenia: Assyrian, Yezidi, Greek, Russian and Kurdish. Bosnia and Herzegovina: Albanian, Montenegrin, Czech, Italian, Hungarian, Macedonian, German, Polish, Romani, Romanian, Rysin, Slovak, Slovene, Turkish, Ukrainian and Jewish (Yiddish and Ladino). Croatia: Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian. Czech Republic: Polish. Finland: Sami and Swedish. Germany: Upper Sorbian (Free State of Saxony), Lower Sorbian (Brandenburg), North Frisian (Schleswig-Holstein). Hungary: Croatian, German, Romanian, Serbian, Slovak, Slovene, Romany and Beás. Montenegro: Albanian and Romany. Netherlands: Frisian (Friesland). Norway: Sami. Poland: Belorussian, Czech, Hebrew, Yiddish, Karaim, Kashub, Lithuanian, Lemko, German, Armenian, Romani, Russian, Slovak, Tatar and Ukrainian Romania: Bulgarian, Czech, Croatian, German, Hungarian, Russian, Serbian, Slovak, Turkish and Ukrainian.</p>

<i>Art. 10</i>		
Paragraph 2.g		<p>Serbia: Albanian, Bosnian, Bulgarian, Hungarian, Romany, Romanian, Ruthenian, Slovakian, Ukrainian and Croatian.</p> <p>Slovakia: Bulgarian, Croatian, Czech, German, Hungarian, Polish, Roma, Ruthenian and Ukrainian.</p> <p>Slovenia: Italian and Hungarian.</p> <p>Spain: Basque (Basque Country, Navarra), Catalan (Catalonia, Balearic Islands, Valencia), Galician (Galicia).</p> <p>Sweden: Sami, Finnish and Meänkieli.</p> <p>Switzerland: Romansh and Italian.</p> <p>Ukraine: Byelorussian, Bulgarian, Gagauz, Greek, Jewish, Crimean Tatar, Moldavian, German, Polish, Russian, Romanian, Slovak and Hungarian.</p> <p>United Kingdom: Welsh, Scottish-Gaelic, Irish.</p>
Paragraph 3.a		<p>Croatia: Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian.</p> <p>Finland: Swedish.</p> <p>Montenegro: Albanian and Romany.</p> <p>Romania: Bulgarian, Czech, Croatian, German, Hungarian, Russian, Serbian, Slovak, Turkish and Ukrainian.</p> <p>Slovenia: Italian and Hungarian.</p> <p>Spain: Basque (Basque Country, Navarra), Catalan (Catalonia, Balearic Islands, Valencia), Galician (Galicia).</p> <p>United Kingdom: Welsh.</p>
Paragraph 3.b		<p>Croatia: Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian.</p> <p>Finland: Sami.</p> <p>Germany: Upper Sorbian (Free State of Saxony), Lower Sorbian (Brandenburg)</p> <p>Norway: Sami.</p> <p>Romania: Bulgarian, Czech, Croatian, German, Hungarian, Russian, Serbian, Slovak, Turkish and Ukrainian.</p> <p>Slovakia: Hungarian.</p>

<i>Art. 10</i>		
Paragraph 3.b		<p>Spain: Basque (Basque Country, Navarra), Catalan (Catalonia, Balearic Islands, Valencia), Galician (Galicia).</p> <p>Switzerland: Romansh and Italian.</p>
Paragraph 3.c		<p>Armenia: Assyrian, Yezidi, Greek, Russian and Kurdish.</p> <p>Bosnia and Herzegovina: Albanian, Montenegrin, Czech, Italian, Hungarian, Macedonian, German, Polish, Romani, Romanian, Rysin, Slovak, Slovene, Turkish, Ukrainian and Jewish (Yiddish and Ladino).</p> <p>Croatia: Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian.</p> <p>Czech Republic: Slovak.</p> <p>Germany: Upper Sorbian (Free State of Saxony), Lower Sorbian (Brandenburg), Low German (Brandenburg), Romany (Hesse).</p> <p>Hungary: Croatian, German, Romanian, Serbian, Slovak, Slovene, Romany and Beás.</p> <p>Romania: Bulgarian, Czech, German, Hungarian, Turkish and Ukrainian.</p> <p>Serbia: Albanian, Bosnian, Bulgarian, Hungarian, Romany, Romanian, Ruthenian, Slovakian, Ukrainian and Croatian.</p> <p>Slovakia: Bulgarian, Croatian, Czech, German, Hungarian, Polish, Roma, Ruthenian and Ukrainian.</p> <p>United Kingdom: Irish.</p>
Paragraph 4.a		<p>Austria: Burgenlandcroatian (Land Burgenland), Slovenian (Land Carinthia) and Hungarian (Land Burgenland).</p> <p>Czech Republic: Polish and Slovak.</p> <p>Finland: Sami and Swedish.</p> <p>Germany: Lower Sorbian (Brandenburg), Sater Frisian (Lower Saxony), Low German (Lower Saxony).</p> <p>Hungary: Croatian, German, Romanian, Serbian, Slovak, Slovene, Romany and Beás.</p> <p>Montenegro: Albanian and Romany.</p> <p>Netherlands: Frisian (Friesland).</p> <p>Norway: Sami.</p>

<i>Art. 10</i>		
Paragraph 4.a		<p>Slovakia: Bulgarian, Croatian, Czech, German, Hungarian, Polish, Roma, Ruthenian and Ukrainian. Slovenia: Italian and Hungarian. Spain: Basque (Basque Country, Navarra), Catalan (Catalonia, Balearic Islands, Valencia), Galician (Galicia). Sweden: Sami, Finnish and Meänkieli. Switzerland: Romansh and Italian. United Kingdom: Welsh, Irish.</p>
Paragraph 4.b		<p>Finland: Sami and Swedish. Romania: Bulgarian, Czech, Croatian, German, Hungarian, Russian, Serbian, Slovak, Turkish and Ukrainian Slovenia: Italian and Hungarian. Spain: Basque (Basque Country, Navarra), Catalan (Catalonia, Balearic Islands, Valencia), Galician (Galicia). United Kingdom: Welsh.</p>
Paragraph 4.c		<p>Armenia: Assyrian, Yezidi, Greek, Russian and Kurdish. Bosnia and Herzegovina: Albanian, Montenegrin, Czech, Italian, Hungarian, Macedonian, German, Polish, Romani, Romanian, Rysin, Slovak, Slovene, Turkish, Ukrainian and Jewish (Yiddish and Ladino). Denmark: German. Germany: Danish (Schleswig-Holstein), Upper Sorbian (Free State of Saxony), North Frisian (Schleswig-Holstein), Sater Frisian (Lower Saxony), Low German (Hamburg, Mecklenburg-Western Pomerania), Lower Saxony, Schleswig-Holstein), Romany (Baden-Württemberg), Romany (Hesse). Hungary: Croatian, German, Romanian, Serbian, Slovak, Slovene, Romany and Beás. Montenegro: Albanian and Romany. Netherlands: Frisian (Friesland). Romania: Bulgarian, Czech, Croatian, German, Hungarian, Russian, Serbian, Slovak, Turkish and Ukrainian.</p>

<i>Art. 10</i>		
Paragraph 4.c		<p>Serbia: Albanian, Bosnian, Bulgarian, Hungarian, Romany, Romanian, Ruthenian, Slovakian, Ukrainian and Croatian.</p> <p>Slovakia: Bulgarian, Croatian, Czech, German, Hungarian, Polish, Roma, Ruthenian and Ukrainian.</p> <p>Slovenia: Italian and Hungarian.</p> <p>Spain: Basque (Basque Country, Navarra), Catalan (Catalonia, Balearic Islands, Valencia), Galician (Galicia).</p> <p>Switzerland: Romansh and Italian.</p> <p>Ukraine: Byelorussian, Bulgarian, Gagauz, Greek, Jewish, Crimean Tatar, Moldavian, German, Polish, Russian, Romanian, Slovak and Hungarian.</p>
Paragraph 5		<p>Armenia: Assyrian, Yezidi, Greek, Russian and Kurdish.</p> <p>Austria: Burgenlandcroatian (Land Burgenland), Slovenian (Land Carinthia) and Hungarian (Land Burgenland).</p> <p>Bosnia and Herzegovina: Albanian, Montenegrin, Czech, Italian, Hungarian, Macedonian, German, Polish, Romani, Romanian, Rysin, Slovak, Slovene, Turkish, Ukrainian and Jewish (Yiddish and Ladino).</p> <p>Croatia: Italian, Serbian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian.</p> <p>Czech Republic: Polish and Slovak.</p> <p>Denmark: German.</p> <p>Finland: Sami and Swedish.</p> <p>Germany: Danish (Schleswig-Holstein), Upper Sorbian (Free State of Saxony), Lower Sorbian (Brandenburg), North Frisian (Schleswig-Holstein), Sater Frisian (Lower Saxony), Romany (entire federal territory).</p> <p>Hungary: Croatian, German, Romanian, Serbian, Slovak and Slovene.</p> <p>Montenegro: Albanian and Romany.</p> <p>Netherlands: Frisian (Friesland).</p> <p>Norway: Sami.</p>

<i>Art. 10</i>		
Paragraph 5		<p>Poland: Belorussian, Czech, Hebrew, Yiddish, Karaim, Kashub, Lithuanian, Lemko, German, Armenian, Romani, Russian, Slovak, Tatar and Ukrainian</p> <p>Romania: Bulgarian, Czech, Croatian, German, Hungarian, Russian, Serbian, Slovak, Turkish and Ukrainian.</p> <p>Serbia: Albanian, Bosnian, Bulgarian, Hungarian, Romany, Romanian, Ruthenian, Slovakian, Ukrainian and Croatian.</p> <p>Slovakia: Bulgarian, Croatian, Czech, German, Hungarian, Polish, Roma, Ruthenian and Ukrainian.</p> <p>Slovenia: Italian and Hungarian.</p> <p>Spain: Basque (Basque Country, Navarra), Catalan (Catalonia, Balearic Islands, Valencia), Galician (Galicia).</p> <p>Sweden: Sami, Finnish and Meänkieli.</p> <p>Switzerland: Romansh and Italian.</p> <p>United Kingdom: Welsh, Scottish-Gaelic, Irish.</p>

Resum

L'ús de les llengües regionals i minoritàries a l'Administració pública i els compromisos de l'article 10 de la Carta Europea de les Llengües Regionals o Minoritàries

Giovanni Poggeschi

L'ús d'una llengua regional o minoritària en el tracte amb les autoritats administratives és la demostració més clara de l'estatus jurídic d'aquesta llengua, cosa que entra clarament en el camp dels drets fonamentals. Això succeeix principalment quan la llengua majoritària no la coneix el parlant de la llengua minoritària, però també es dona quan el mateix parlant té un domini de la llengua majoritària. L'article 10 de la Carta Europea de les Llengües Regionals o Minoritàries preveu aquestes dues possibilitats, i enumera un nombre de situacions en les quals l'ús de les llengües regionals i minoritàries està assegu-

rat, «en la mesura que això sigui raonablement possible». La doctrina establerta pel Comitè d'Experts de la Carta té en compte els diferents graus d'intensitat especificats pels estats per a la regulació lingüística, per exemple respecte a les variacions entre els nivells estatal, regional i local, i ofereix paràmetres clars a seguir. Tant els informes estatals com els informes d'avaluació del Comitè d'Experts ajuden a crear una doctrina rellevant sobre els drets lingüístics que pot ser útil per a aquells estats que no han subscrit la Carta Europea de les Llengües Minoritàries o Regionals.

Paraules clau: Carta Europea de les Llengües Regionals o Minoritàries; Administració pública; autoritats locals; Estat; traducció; interpretació; reclutament; topònims; cognoms; Comitè d'Experts

Resumen

El uso de las lenguas regionales y minoritarias en la Administración pública y los compromisos del artículo 10 de la Carta Europea de las Lenguas Regionales o Minoritarias

Giovanni Poggeschi

El uso de una lengua regional o minoritaria en el trato con las autoridades administrativas es la demostración más clara del estatus jurídico de dicha lengua y claramente entra en el campo de los derechos fundamentales. Esto sucede principalmente cuando el hablante de la lengua minoritaria no conoce la lengua mayoritaria, pero también se da cuando el mismo hablante tiene un dominio de la lengua mayoritaria. El artículo 10 de la Carta Europea de las Lenguas Regionales o Minoritarias contempla estas dos posibilidades, y enumera un número de situaciones en las que el uso de las lenguas regionales y minoritarias está asegurado, «en la medida en que esto sea

razonablemente posible». La doctrina establecida por el Comité de Expertos de la Carta Europea de las Lenguas Minoritarias o Regionales toma en cuenta los distintos grados de intensidad especificados por los estados para la regulación lingüística, por ejemplo respecto a las variaciones entre los niveles estatal, regional y local, y ofrece claros parámetros a seguir. Tanto los informes estatales como los informes de evaluación del Comité de Expertos ayudan a crear una doctrina relevante sobre los derechos lingüísticos que puede ser útil para aquellos estados que no han suscrito la Carta Europea de las Lenguas Minoritarias o Regionales.

Palabras clave: Carta Europea de las Lenguas Regionales o Minoritarias; Administración pública; autoridades locales; Estado; traducción; interpretación; reclutamiento; topónimos; apellidos; Comité de Expertos

Résumé

L'usage des langues régionales ou minoritaires dans l'administration publique et les promesses de l'article 10 de la Charte européenne des langues régionales ou minoritaires

Giovanni Poggeschi

L'usage d'une langue régionale ou minoritaire dans les démarches avec les autorités administratives est la plus claire démonstration de son statut légal, et il implique clairement la sphère des droits fondamentaux. Cela se produit principalement quand la langue majoritaire n'est pas connue du locuteur de la langue minoritaire, mais aussi quand ce même locuteur domine la langue majoritaire. L'article 10 de la Charte européenne des langues régionales ou minoritaires (ECRLM) couvre les deux dimensions mentionnées, et liste un nombre de thèmes dans lesquels l'usage des langues régionales ou minoritaires est assuré «aussi loin qu'il est raisonnable-

ment possible». La doctrine mise en place par le Comité d'experts de l'ECRLM prend en considération les différents degrés d'intensité fixés par les États dans la régulation linguistique, par exemple en ce qui concerne les variations entre le niveau étatique et le niveau régional et local, mais donne aussi des paramètres sûrs à suivre. Les rapports des États ainsi que les rapports d'évaluation du Comité d'experts contribuent tous à créer un corps de doctrine important en ce qui concerne les droits linguistiques qui peut être utile pour les États qui n'ont pas signé l'ECRLM.

Mots-clés: Charte européenne des langues régionales ou minoritaires; administration publique; administration; autorités locales; État; traduction; interprétation; recrutement; toponymes; patronymes; comité d'experts