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**COMMITTEE OF EXPERTS ON ISSUES RELATING TO THE PROTECTION OF
NATIONAL MINORITIES
(DH-MIN)**

**COMPILATION OF FIRST AND SECOND CYCLE
OPINIONS OF THE ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION
FOR THE PROTECTION OF NATIONAL MINORITIES IN RESPECT OF
ARTICLE 14 OF THE FCNM**

Article 14

1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.
2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.
3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

NOTE: This document has been produced for the seminar on minority education held on 18 October 2006 and does not contain footnotes. For publication purposes, please refer to the original opinions of the Advisory Committee on the Framework Convention.

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ALBANIA (First Cycle)

Adopted on 12 September 2002

Article 14

63. The Advisory Committee notes that Article 20, paragraph 2 of the Albanian Constitution provides that persons who belong to national minorities “have the right to study and to be taught in their mother tongue”. The provisions of the Constitution are complemented by provisions in the law, such as Article 3 of the Law 7952 dated 21.06.1995 On the Pre-University Education System, which guarantees equal rights to all citizens “to attend all education levels [...]” and Article 10, point 1, which provides for persons belonging to national minorities “to study and be taught in their native language”. Further clarification is provided in Decision No. 396, dated 22.08.1994 on Elementary Education in the Native Language of National Minority People, and subsequent Decisions of the Council of Ministers.

64. The Advisory Committee notes with interest the network of schools established for the Greek and Macedonian national minorities covering kindergartens, primary schools, elementary schools and high schools, where education in and of minority language is available, to varying degrees. The Advisory Committee welcomes the efforts made by the Albanian authorities to keep many of these schools and classes open, notwithstanding the falling number of pupils due to the high level of emigration from the country and the high ratio of teachers to students.

65. The Advisory Committee notes that there are calls for the opening of additional schools for children belonging to Greek, Macedonian and Montenegrin national minorities, in particular, in areas outside those previously categorised as “minority zones”. The Advisory Committee refers, as an example, to the request for the opening of classes in Greek in Himare. The Advisory Committee notes however, that the lack of accurate statistical information on national minorities makes it difficult to clarify which areas are “inhabited by persons belonging to national minorities, traditionally or in substantial numbers” (Article 14 paragraph 2 of the Framework Convention). The Advisory Committee considers that the authorities should both react to and examine, with those concerned, the demands for the opening of further schools and classes in the light of the requirements under Article 14 paragraph 2 of the Framework Convention, and that the authorities should endeavour to ensure, so far as relevant, that persons belonging to these minorities have adequate opportunities for being taught or receiving instruction in minority languages in and outside the former “minority zones”.

66. The Advisory Committee notes in addition that there is a lack of education in and of minority languages for the Aromanian / Vlach and the Roma minorities. From the information available, the Advisory Committee understands that these minorities are particularly concerned about the need for support for learning their own languages. The Advisory Committee is of the view that the authorities should examine further the needs of these two communities and discuss with the minorities concerned how best to cater for these needs. In relation to the Roma, the Advisory Committee notes the important role that the national Roma strategy could play in providing support for education of the Roma language both within and outside of the daily school environment.

In respect of Article 14

106. The Advisory Committee *finds* that a network of schools offering, to a varying degree, education in and of minority languages, has been established in Albania for the Greek and Macedonian minorities. The Advisory Committee however *considers* that the Albanian authorities should examine, with those concerned, the demands for the opening of further schools and classes for the Greek, Macedonian and Montenegrin minorities in and outside of the former minority zones.

107. The Advisory Committee *finds* that there is a lack of education in and of minority languages for the Aromanian / Vlach and the Roma minorities and *considers* that the Albanian authorities should discuss with these minorities how best to cater for their needs.

ARMENIA (First Cycle)

Adopted on 16 May 2002

Article 14

71. The Advisory Committee notes that Armenian legislation recognises the right of persons belonging to national minorities to learn their mother tongue. For example, the Law on Language (Article 2), which specifies that Armenian is the language of education and teaching in the territory of Armenia, provides for the possibility, in communities of persons belonging to national minorities, of organising general education and studies in these minorities' mother tongues, as part of the State programmes and with State support, with teaching of the Armenian language remaining compulsory. The Advisory Committee does not, however, consider this provision to be sufficiently clear (in particular on the minimum number of pupils from national minorities needed for such education to be provided), and urges the authorities to take all the necessary legislative and other measures to specify the conditions under which the aforementioned right can be exercised.

72. The Advisory Committee regrets that there are only a small number of schools for pupils belonging to national minorities (there are only a small number of Russian schools and none for the other national minorities) and hardly any classes with instruction of or in a minority language. Apart from Russian, which is studied in most schools, Kurdish is taught in some classes in areas with a sufficiently high number of pupils belonging to this minority, while Greek and Assyrian are taught as optional subjects in several schools. The Advisory Committee notes the existence of Arabic, Turkish and Farsi branches at the Faculty of Oriental Languages in Yerevan. However, according to the State Report, Armenian is the teaching language in 98.1% of the cases, with 1.7% of students taking courses in Russian and 0.2% in other languages.

73. The Advisory Committee notes that persons belonging to the Russian minority are to a larger extent entitled to education in their mother tongue - at primary, secondary and university levels. The Kurdish, Hebrew, Greek, Ukrainian and Polish languages are all studied at primary level in the special Sunday classes, as part of the activities of the respective communities. It appears that even though the law provides for Sunday and other optional classes aimed at studying the language and history of the national minorities, such activities are still fairly low-key and are difficult to run because of lack of State support. The Advisory Committee notes that, given the prevailing difficulties, some representatives of national minorities point out that they would be satisfied if the State offered to support multilingual schools.

74. The Advisory Committee also notes that some of the persons belonging to national minorities have opted for education in Russian rather than their own language, to the extent that they already know Russian and have access to the study of this language. Moreover, some persons belonging to national minorities have mentioned difficulties in learning Armenian, owing in particular to the shortage of textbooks in the language. In the awareness that knowledge of the state language is likely to facilitate integration and effective participation in public life, such persons expect increased State support in this area. The Advisory Committee invites the authorities to examine the language needs of the various national minorities and attempt to identify the optimum solutions, in co-operation with their representatives.

75. The Advisory Committee notes that, apart from the broader financial, administrative and technical difficulties, one of the worst problems is the lack of teachers with relevant qualifications. The Advisory Committee recalls the aforementioned Government initiative to set quotas for higher education for students from national minorities (see paragraph 67). The Advisory Committee also takes note of the idea of concluding agreements with the students concerned by these quotas, agreements under which they would undertake to work for a number of years as mother-tongue teachers within their community of origin. The Advisory Committee appreciates that the authorities are planning, under the "State Programme for Educational Policies" covering the period up to 2005, to publish textbooks in minority languages on academic subjects other than the languages themselves.

76. The Advisory Committee observes that the Assyrians and the Yezidi, who do not have kin-States, are at a disadvantage in this field, and therefore strongly encourages the authorities to take additional measures on their behalf so as to help them protect and affirm their linguistic identity.

In respect of Article 14

107. The Advisory Committee *finds* that Armenian legislation is not sufficiently clear with regard to the conditions under which the right of persons belonging to national minorities to learn their mother tongue may be exercised. The Advisory Committee *considers* that the authorities should look into this question and make the necessary clarifications in conformity with the Framework Convention, including by amending the legislation concerned.

108. The Advisory Committee *finds* it regrettable that there is only a small number of schools and classes which provide education of or in a minority language, and notes that initiatives taken by minorities in this field do not receive adequate support from the state. The Advisory Committee *considers* that the authorities should develop additional support measures, taking account of the specific needs of the persons belonging to the various national minorities, with particular attention focused on the situation of the Assyrians and the Yezidis. At the same time, increased support is needed with regard to the teaching of Armenian in order to help persons belonging to national minorities to better integrate into Armenian society.

AUSTRIA (First Cycle)

Adopted on 16 May 2002

Article 14

61. The Advisory Committee notes that, in Carinthia and Burgenland, there has been a system of bilingual education meeting the needs of pupils belonging to the Slovene, Croat and Hungarian minority for several decades. The Advisory Committee welcomes the fact that, in recent years, the system has been expanded still further, particularly as a result of the impetus given by the Constitutional Court, so that the right to a primary education in Slovenian now applies to the whole territory of Carinthia, and no longer just to the autochthonous Slovene area of Southern Carinthia, and the fact that, since the beginning of the 2001/2002 school year, this right has extended to the 4th year of primary school. In this respect, the Advisory Committee is pleased to note that the education authorities of Carinthia have succeeded in a very short time, and without any great difficulty, in introducing this extension of teaching in Slovenian up to the 4th year of primary school.

62. In Burgenland, parents who do not want their children to go to a bilingual primary school must declare that they are “opting out”, whereas in Carinthia, parents who want their children to attend a bilingual primary school must “opt in”. While noting that the “opting out” system has undoubted advantages, the Advisory Committee recognises that, for historical reasons, the two systems have co-existed in the legislation of Carinthia and Burgenland for a number of years.

63. The Advisory Committee’s attention has been drawn to the fact that, just before the beginning of the 2001/2002 school year, and given a reduction in the number of pupils, two schools in the autochthonous settlement areas of the Slovenes of Carinthia were closed, and the status of a number of other schools was changed, and that these measures are currently the subject of a case pending before the Constitutional Court. While acknowledging that schools - whether bilingual or not - may legitimately be closed when there are too few pupils attending them, the Advisory Committee would point out that schools offering bilingual teaching in German and Slovenian do not just meet an educational need, they also contribute, through their very existence, to the preservation of the Slovene identity in Carinthia. It considers therefore that, when decisions are taken concerning their continuation or closure, particular attention should be paid to this factor, and that calculations should

not be based exclusively on the rules on minimum numbers of pupils generally applicable to all schools.

64. The Advisory Committee notes that there is no law in Carinthia comparable to Burgenland's Act on kindergartens, which makes express provision for the needs of persons belonging to the Croat and Hungarian minorities in terms of bilingual education in state-run kindergartens. It appears that each Carinthian municipality is free to decide whether or not it wishes to set up bilingual kindergartens, and that many that are inhabited by persons belonging to the Slovene minority have decided not to, meaning that the Slovene minority has been forced to set up its own private kindergartens. While it welcomes the adoption in 2001 by the Carinthian parliament of a Nursery School Fund Act guaranteeing certain subsidies for private bilingual or multilingual kindergartens, which represents a major step forward, the Advisory Committee notes that a number of representatives of the Slovene minority have long expressed their wish for an Act to be introduced settling the matter of the establishment of kindergartens by municipalities, and urges the Carinthian authorities to look into this possibility with a view to providing a long-term response to needs in this respect.

65. The Advisory Committee notes that the bilingual education system in Carinthia and Burgenland is generally considered to be efficient. Nonetheless, as acknowledged by the authorities, the highly variable knowledge of the minority language among pupils poses certain problems which need to be dealt with adequately, particularly by increasing the capacities of bilingual kindergartens so as to facilitate the transition to primary school. Another problem is the fact that, at the end of the 4th year of bilingual primary school, there are said to be insufficient opportunities for pupils to continue with their bilingual education at secondary school (*Hauptschulen* and *Gymnasien*). This problem seems to affect particularly the Croats in northern Burgenland, who live too far away from the bilingual upper secondary school in Oberwart in southern Burgenland. The Advisory Committee considers that this situation is not satisfactory and that the authorities should look into the possibility of extending bilingual teaching beyond the 4th year of primary school, so as to develop further the linguistic skills acquired by pupils up to that point.

66. Regarding Hungarians living in Vienna, the Advisory Committee considers that the Austrian authorities should make sure the state education system takes due account of the needs of persons belonging to this minority as far as teaching of the Hungarian language is concerned, which does not seem to be the case.

67. The Advisory Committee welcomes the efforts made in recent years to codify the Roma language, prepare textbooks and teach the Roma language in a primary class in Oberwart. It notes that these positive developments mainly apply to Burgenland, and urges the authorities to continue along these lines, particularly in the area of teacher training, and to enable as many Roma as possible to take advantage of these measures.

In respect of Article 14

96. The Advisory Committee *finds* that two schools in the autochthonous settlement area of the Slovenes of Carinthia were closed, and the status of a number of other schools was changed. It *considers* that, when decisions are taken concerning the continuation or closure of schools, particular attention should be paid to the fact that Slovenian schools contribute, through their very existence, to the preservation of the Slovene identity in Carinthia, and that calculations should not be based exclusively on the rules on minimum numbers of pupils generally applicable to all schools.

97. The Advisory Committee *finds* that a number of representatives of the Slovene minority have long expressed their wish for an Act to be introduced settling the matter of the establishment of kindergartens by municipalities. The Advisory Committee *considers* that the Carinthian authorities should look into this possibility with a view to providing a long-term response to needs in this respect.

98. The Advisory Committee *finds* that at the end of the 4th year of bilingual primary school, there are said to be insufficient opportunities for pupils to continue with their bilingual education at secondary school, a problem that seems to affect particularly the Croats in northern Burgenland, who live too far away from the bilingual upper secondary school in Oberwart in southern Burgenland. The Advisory Committee *considers* that this situation is not satisfactory and that the authorities should look into the possibility of extending bilingual teaching beyond the 4th year of primary school, so as to take more advantage of the linguistic knowledge acquired by pupils up to that point.

99. The Advisory Committee *finds* that efforts have been made in recent years to codify the Roma language, prepare textbooks and teach the Roma language in a primary class in Oberwart. It *considers* that these positive developments mainly apply to Burgenland, and that the authorities should continue along these lines, particularly in the area of teacher training, so as to enable as many Roma as possible to take advantage of these measures.

AZERBAIJAN (First Cycle)

Adopted on 22 May 2003

Article 14

65. The Advisory Committee notes that Article 45 of the Constitution of Azerbaijan provides that everyone shall have the right to receive an education in their native language. The possibility to introduce education in a national minority language is also envisaged in general terms in Article 6 of the 1992 Law on Education.

66. The Advisory Committee regrets, however, that the legal guarantees for persons belonging to national minorities to receive such education have recently been reduced. Whereas the previously applicable 1992 Law on the State Language provided in its Article 3 that national minorities residing compactly on the territory of Azerbaijan had the right to separate schools, classes or groups in their language, Article 5 of the new 2002 Law on the State Language states that functioning of educational institutions in languages other than Azerbaijani is conducted “in accordance with the legislation”, without providing any guarantees in this respect.

67. The Advisory Committee urges the authorities to ensure that the necessary guarantees are included in the new law on education. This issue should also be taken into account in the context of the proposed review of the Law on the State Language and in the drafting of a new law on the protection of national minorities. The aim should be to provide a clear legal framework and more detailed guarantees for the implementation of the rights contained in Article 14 of the Framework Convention. In the absence of such additional guarantees, the legal status of minority languages in the educational system remains relatively weak.

68. The Advisory Committee notes that the education system is at present going through a reform that will affect the implementation of Article 14 of the Framework Convention in Azerbaijan. The Advisory Committee notes that the educational system of Azerbaijan has provided an extensive network of schools at various levels of education with Russian as the language of instruction. Russian has often been the language of instruction chosen not only by persons belonging to the Russian minority but also by persons belonging to a number of other national minorities. The Advisory Committee understands that this system requires reform, taking into account *inter alia* the increasing demand for Azerbaijani language teaching.

69. The Advisory Committee notes that many elements of the reform, such as the obligatory teaching of Azerbaijani in the schools with minority language instruction and an increased emphasis on bilingual education, are as such fully acceptable from the point of view of Article 14 of the Framework Convention. The Advisory Committee underlines however that these reforms need to be pursued carefully and gradually in order to avoid unnecessary difficulties for the persons concerned as

well as in a manner that guarantees persons belonging to national minorities adequate opportunities for being taught the minority language or for receiving instruction in this language (see also related comments under Article 12 above).

70. The Advisory Committee welcomes the fact that, aside from schools with instruction in Russian and/or Azerbaijani, there also exist schools with instruction, or part thereof, in the Georgian language.

71. As far as other languages of national minorities are concerned, the general principle is that pupils may receive teaching of their language two hours per week in grades 1-4. The Advisory Committee welcomes the existence of teaching of these minority languages, which also reportedly covers such numerically small minorities as Khynalygs, and urges the authorities to ensure that such teaching is regularly organised in various parts of the country taking into account the demand in the areas concerned. It further notes that the particular challenges faced by persons belonging to dispersed national minorities, such as Tatars, need to be taken into account in this context.

72. At the same time, the Advisory Committee considers that the scope and the volume of such teaching, where available, is limited from the point of view of Article 14 of the Framework Convention. While recognising the economic constraints involved, the Advisory Committee is of the opinion that the authorities should consider an increase in the volume of such teaching and its extension beyond the 4th grade, taking into account the existing demand.

In respect of Article 14

115. The Advisory Committee *finds* that the legal guarantees for persons belonging to national minorities to receive minority language education have recently been reduced and *considers* that the authorities should look into this issue in the on-going process of drafting new legislation in this sphere.

116. The Advisory Committee *finds* that the education system is at present going through a reform that will affect the implementation of Article 14 in Azerbaijan and *considers* that these reforms need to be pursued carefully and in a manner that guarantees persons belonging to national minorities adequate opportunities for being taught the minority language or for receiving instruction in this language.

117. The Advisory Committee *finds* that the scope and the volume of teaching in minority languages other than Russian and Georgian is limited from the point of view of Article 14 of the Framework Convention. It *considers* that the authorities should give thought to an increase in the volume and scope of such teaching.

BOSNIA AND HERZEGOVINA (First Cycle)

Adopted on 27 May 2004

Article 14

93. The Advisory Committee notes that Article 14 of the 2003 Law on the Protection of Rights of Persons Belonging to National Minorities obliges Entities and Cantons in the Federation to ensure education in a minority language at the pre-school, primary and secondary levels if the minority in question constitutes an absolute or relative majority in the city, municipality or local community at issue. Regardless of the number of persons belonging to a national minority, Entities and Cantons in the Federation are also obliged to ensure that persons belonging to a national minority, if they so request, receive teaching of their language, literature, history and culture in the minority language as additional training.

94. The Advisory Committee is concerned that the numerical threshold (an absolute or relative majority) contained in the first part of the said provision might constitute an obstacle for receiving instruction in certain minority languages in areas inhabited by persons belonging to national minorities either traditionally or in substantial numbers, particularly at the level of local communities. In this context, the Advisory Committee notes with satisfaction that a more flexible approach seems to be suggested by Article 8 of the 2003 Framework Law on Primary and Secondary Education, which prescribes that the language and culture of any significant minority in Bosnia and Herzegovina shall be respected and accommodated within the school to the greatest extent practicable, in accordance with the Framework Convention for the Protection of National Minorities. The authorities should therefore endeavour to make use of this flexibility. The Advisory Committee also notes that legislation on Primary and Secondary Education in the Entities is being harmonised with the 2003 Framework Law on Primary and Secondary Education, a lengthy process that still needs to be completed in certain Cantons of the Federation.

95. The Advisory Committee welcomes the second part of Article 14 of the 2003 Law on the Protection of Rights of Persons Belonging to National Minorities, which provides for the introduction of the teaching of minority languages upon request by those concerned “regardless of the number of persons belonging to a national minority”. This constitutes a significant step forward and the Advisory Committee was pleased to learn that a new Law on Primary and Secondary Education was passed in Republika Srpska on 30 April 2004, abolishing the minimum legal threshold of 20 pupils previously applicable to have a minority language taught at the primary school level. The Advisory Committee encourages the competent authorities in the Cantons concerned to follow suit by speeding up the process of harmonising their legislation with both the 2003 Framework Law on Primary and Secondary Education and the 2003 Law on the Protection of Rights of Persons Belonging to National Minorities. Such harmonisation can indeed be instrumental in creating wider opportunities for persons belonging to national minorities to be taught or receive instruction in their language.

96. As concerns the situation in practice, it appears that additional classes for certain national minorities already exist both in the Federation and in the Republika Srpska. The Czechs, the Poles, the Italians and the Ukrainians have in particular expressed an interest to consolidate and develop them further, while stressing at the same time that these classes are often organised and operated by their own associations and not within the public education system (see related comments under Article 13 above). Generally speaking and even when additional classes are organised by the associations of national minorities, there is a need to increase State support not least of all to pay for the teachers and their training, as well as to provide textbooks in minority languages. In this context, the Advisory Committee welcomes that Article 14 of the 2003 Law on the Protection of Rights of Persons Belonging to National Minorities obliges the competent authorities to ensure, *inter alia*, the financial resources, the training material for teachers as well as the printing of textbooks in minority languages for the realisation of the rights set out in this provision. The Advisory Committee expresses the hope that the Entities will endeavour to fully implement this provision once necessary consultation with national minorities has given a clearer picture of the needs in this sphere.

97. The Advisory Committee notes that the teaching of the Roma language is only occasionally available in certain schools in Bosnia and Herzegovina. It encourages the authorities to introduce more systematically Roma language teaching in schools attended by Roma children as well as develop curriculum resources to enable teachers to teach the Roma language, culture and history as provided for in the Action Plan on the Educational Needs of Roma and Members of Other National Minorities.

In respect of Article 14

147. The Advisory Committee *finds* that the numerical threshold (an absolute or relative majority) contained in the first part of Article 14 of the 2003 Law on the Protection of Rights of Persons Belonging to National Minorities might constitute an obstacle for receiving instruction in certain minority languages in areas inhabited by persons belonging to national minorities either traditionally

or in substantial numbers, particularly at the level of local communities. The Advisory Committee *considers* that the second part of this Article, which provides for the introduction of the teaching of minority languages upon request by those concerned “regardless of the number of persons belonging to a national minority”, constitutes a significant step forward.

148. The Advisory Committee *finds* that a new Law on Primary and Secondary Education was passed in Republika Srpska on 30 April 2004, abolishing the minimum legal threshold of 20 pupils previously applicable to have a minority language taught at primary school level. The Advisory Committee *considers* that the competent authorities in the Cantons concerned should be encouraged to follow suit by speeding up the process of harmonising their legislation with both the 2003 Framework Law on Primary and Secondary Education and the 2003 Law on the Protection of Rights of Persons Belonging to National Minorities.

149. The Advisory Committee *finds* that additional classes for certain national minorities already exist both in the Federation and in the Republika Srpska and that the Czechs, the Poles, the Italians and the Ukrainians have in particular expressed an interest in consolidating and developing them further. The Advisory Committee *considers* that even when additional classes are organised by the associations of national minorities, there is a need to increase State support not least of all to pay for the teachers and their training, as well as to provide textbooks in minority languages.

150. The Advisory Committee *finds* that teaching of the Roma language is only occasionally available in certain schools in Bosnia and Herzegovina. It *considers* that the authorities should be encouraged to introduce more systematically Roma language teaching in schools attended by Roma children.

BULGARIA (First Cycle)

Adopted on 27 May 2004

Article 14

94. The Advisory Committee notes that while Bulgarian legislation provides a legal basis for the teaching of the languages of persons belonging to minorities (Article 36, paragraph 2 of the Constitution and the 1991 Law on Education with successive amendments), it does not contain any provisions authorising their use as languages of instruction.

95. Study of the mother tongue was until recently an optional subject outside the school curriculum, taught by teachers who in many cases lacked the requisite standard of qualification. In accordance with more recent legislation, teaching of the mother tongue constitutes an option as part of the compulsory state school curriculum, extended also to secondary and upper secondary level. At the same time, it is noted that under the new provisions this teaching competes as an optional subject with foreign languages and choreography (at upper secondary level, study of the mother tongue competes with 8 other subjects as standard options).

96. Despite these inadequacies, the Advisory Committee considers that the legislative developments in question represent a good basis for the effective implementation of Article 14 of the Framework Convention. However, the Advisory Committee notes with concern that the authorities were unable to supply sufficient information on the application of the new provisions. In practice, it would appear that the process has incurred delay and that learning of the mother tongue remains limited.

97. Although the new provisions were applied during the 2002/2003 school year for teaching Turkish, a reduction of the number of children taking part in such teaching has been observed, particularly at primary school. The Advisory Committee notes in this respect that there are

deficiencies as regards Turkish language teaching material, including lack of suitable textbooks and lack of a unified course syllabus. The Advisory Committee is pleased to note that the Bulgarian education system seems to be staffed at present with teachers qualified to teach Turkish.

98. The Advisory Committee notes the existence of schools or classes providing teaching of Armenian, Hebrew, Greek and Romanian. The Advisory Committee however notes that the possibility to learn Romanian recently provided to Vlachs in two municipal schools in Vidin is not part of the compulsory curriculum. According to the information available, the study of mother tongue essentially relies on the support of non-governmental organisations and foundations, and the communities concerned expect far more from the State than is granted. In addition, the delay incurred in implementing the new legislative provisions, while it does not seem to have reduced interest in this education, has apparently given rise to some scepticism among those concerned.

99. The Advisory Committee notes with concern that Romani is hardly taught at all due to the current absence of qualified experts and teachers and of suitable teaching material. The Advisory Committee does observe, though, that specialised training to teach Romani, taking in specific elements of Roma culture and history and suitable instructional techniques, was introduced for the first time at university level in 2003. Two Bulgarian universities, Veliko Tarnovo and Stara Zagora, have begun training teachers for the purpose. Furthermore, summer schools for teachers of Romani have been organised by the State in co-operation with non-governmental organisations. The Advisory Committee welcomes the undergoing examination of measures to establish a unified Romani curriculum and the preparation of suitable textbooks.

100. On the subject of teaching in the mother tongue, the Advisory Committee notes with regret that while the private system includes a number, albeit very limited, of schools which provide this, it is virtually non-existent in the state system. During the Advisory Committee's visit to Bulgaria, the authorities nevertheless mentioned their intention to achieve a steady increase in the number of subjects taught in the mother tongue, for the Turkish minority particularly. According to the authorities, there is no demand in Bulgaria to be taught in Romani. The Advisory Committee considers that the authorities should ascertain the actual needs in conjunction with the representatives of the various minorities, and where appropriate take the steps which are needed to meet such demands as may exist.

101. The Advisory Committee is concerned about the delay incurred in Bulgaria's fulfilment of its obligations under Article 14, paragraph 2 of the Framework Convention as regards both teaching of and being taught in the mother tongue. It calls on the authorities to take the requisite measures without delay, including that of information and awareness raising of the circles concerned (schools, local authorities, families), in order to make the legal guarantees prescribed by the new legislation operative. In more general terms, the Advisory Committee considers essential that the authorities adopt a more pro-active approach in this area in order that persons belonging to minorities may avail themselves in larger numbers of the possibilities afforded by Article 14 of the Framework Convention.

In respect of Article 14

134. The Advisory Committee *finds*, despite the positive developments in the legislative sphere, that mother tongue teaching for persons belonging to minorities within the state education system remains limited. The Advisory Committee *considers* that the authorities should ensure that the relevant legislation is implemented without further delay, and ensure that the possibilities offered by Article 14, paragraph 2 of the Framework Convention are available to persons belonging to the various groups concerned, Roma included.

135. The Advisory Committee *finds* that teaching in the mother tongue is virtually non-existent in Bulgarian state schools, and *considers* that the authorities should look into the situation in this respect and take steps as appropriate to better take into account the needs and demands for this education.

CROATIA (First Cycle)

Adopted on 06 April 2001

Article 14

51. The Advisory Committee considers that the adoption of the Law on Education in Languages and Scripts of National Minorities on 11 May 2000 is an important measure in terms of the implementation of Article 14 of the Framework Convention. It welcomes the fact that the law seeks to ensure instruction in minority languages in a number of educational settings, ranging from pre-schools to secondary schools, and that the law does not envisage rigid ethnicity-related criteria with respect to access to minority language education. The Advisory Committee finds it commendable that the law provides that the setting up of schools, classes or educational groups with instruction in a minority language and script requires a smaller number of pupils than is the case for corresponding facilities with instruction in Croatian. The Advisory Committee regrets, however, that, aside from this general rule, the law does not stipulate clear numerical or other criteria that would trigger the introduction of instruction in a minority language even though in practice such criteria, which may cater also to the needs of numerically small and dispersed minorities, have reportedly been established.

52. As regards the practical situation, the Advisory Committee appreciates the efforts that have been made to provide opportunities for persons belonging to national minorities to be taught their minority language or to receive instruction in this language. The Advisory Committee notes that, although the legislative provisions on minority language education also apply to the Roma language, in practice primary and secondary schools offer no instruction in this language (stated reasons include the difficulties related to the number of dialects of the said language and the lack of qualified teachers). The Advisory Committee is therefore of the opinion that it needs to be examined to what extent the current status of the Roma language in the education system of Croatia meets the demands of persons belonging to this minority. Such an examination would help to establish whether further measures are needed to ensure adequate opportunities for being taught the Roma language or for receiving instruction in this language.

53. The Advisory Committee notes that efforts to ensure adequate teaching in, and instruction of, minority languages are at times hampered by a lack of qualified teachers in minority languages. The Advisory Committee, therefore, considers that the question of teacher training requires increased attention.

In respect of Article 14

The Committee of Ministers *concludes* that the adoption of the Law on Education in Languages and Scripts of National Minorities on 11 May 2000 is an important measure in terms of the implementation of Article 14 of the Framework Convention albeit it does not stipulate clear numerical or other criteria that would trigger the introduction of instruction in a minority language. As regards current practice, the Committee of Ministers *concludes* that no school in Croatia offers instruction in the Roma language and that efforts to ensure adequate teaching in, and instruction of, minority languages are at times hampered by a lack of qualified teachers in minority languages. The Committee of Ministers *recommends* that Croatia take measures aimed at obtaining a maximum level of implementation of the said law and that any obstacles in this respect, including any shortcomings in terms of teacher training, are addressed. The Committee of Ministers further *recommends* that the Government examines to what extent the current status of the Roma language in the education system of Croatia meets the demands of the persons belonging to this minority.

CROATIA (Second Cycle)
Adopted on 01 October 2004

Legal framework concerning minority language education

Findings of the first cycle

90. In its first Opinion, the Advisory Committee concluded that the Law on Education in Languages and Scripts of National Minorities contains positive general provisions but regrettably it does not contain clear criteria.

Present situation

a) Positive developments

91. The Constitutional Law on the Rights of National Minorities addresses the issue of minority language education in its Article 11 in general terms, reflecting the provisions contained in the Law on Education in Languages and Scripts of National Minorities.

b) Outstanding issues

92. However, no clear criteria that would trigger the introduction of instruction in minority languages have been introduced in the Croatian legislation. The prevailing legal uncertainty has been compounded by the fact that the de-centralisation process has resulted in disagreements over respective responsibilities of local, regional and central authorities for the school institutions using minority language and script pursuant to Article 3 of the Law on Education in Languages and Scripts of National Minorities.

93. The lack of a clear normative framework may in some cases intensify the over politicisation of the question of minority language education, which appears to be the case in Vukovar, where strong disagreements over the registration of a Serbian school have negatively affected inter-ethnic relations. In this connection, a key issue of debate is whether the national minority in question should be educated in their own institutions or whether they should receive instruction in their minority language in schools using Croatian language. The Advisory Committee acknowledges that the legitimate concern for inter-ethnic dialogue is essential in the war-affected areas and necessitates concerted efforts which could ultimately facilitate integration (see also comments under Article 12 above). At the same time, it needs to be ensured that minority language education is organised in accordance with the law and that no undue differences are made in this respect between various national minorities. In order to achieve this aim, the clarification of the applicable norms and responsibilities is essential.

Recommendations

94. The authorities should, as a matter of priority, take steps to clarify the rules and responsibilities that apply to the introduction of instruction in minority languages, including as regards the setting up of school institutions pursuant to Article 3 of the Law on Education in Languages and Scripts of National Minorities.

Availability of minority language education

Findings of the first cycle

95. In its first Opinion, the Advisory Committee welcomed the efforts made in the field of minority language education and encouraged the authorities to consider further measures to expand these efforts including to cover the Roma language.

Present situation

a) Positive developments

96. Croatia continues to provide significant opportunities for minority language education for a number of national minorities. Valuable efforts have been made, for example, in respect of the Italian, Czech, Hungarian and Slovak minorities.

b) Outstanding issues

97. The situation is however less developed in respect of national minorities that have only relatively recently been recognised as such. As regards Roma, the National Programme recognises their right to minority language education, but it goes on to state that it is not currently provided because there is no demand amongst this minority for education in their own language.

Recommendations

98. Croatia should continue to analyse the demand that exists amongst national minorities to receive instruction in or of their languages and take appropriate follow-up measures, ensuring that the Law on Education in Languages and Scripts of National Minorities is implemented in respect of all national minorities without any discrimination.

Teacher training

Findings of the first cycle

99. In its first Opinion, the Advisory Committee concluded that the question of teacher training required increased attention.

Present situation

a) Positive developments

100. There have been certain new developments pertaining to teacher training, including promising new cross-border initiatives involving training of teachers in Vojvodina (Serbia and Montenegro), supplementing co-operation programmes that are already in place with other countries, including Hungary, Slovakia and the Czech Republic.

b) Outstanding issues

101. Shortcomings in the field of teacher training are, however, still reported by national minorities and in this respect the situation of Ruthenians and other national minorities without a kin State deserve particular attention.

Recommendations

102. Croatia should take further steps to ensure an adequate level of teacher training and pay specific attention to those national minorities that have no access to support by a kin State in this sphere.

CYPRUS (First Cycle)
Adopted on 06 April 2001

Articles 12-14

39. The Advisory Committee notes with approval the regulatory possibilities and budgetary support available for minority education in Cyprus at primary, secondary and higher levels of education and equally notes a high degree of satisfaction of persons belonging to national minorities in this respect. The Advisory Committee welcomes in particular the recent decision taken by the Government to establish an elementary school for the Maronites (see also comments under Article 5).

CZECH REPUBLIC (First Cycle)
Adopted on 06 April 2001

Article 14

65. The Advisory Committee welcomes the fact that the right of Czech citizens belonging to national minorities to receive education in their mother tongue is guaranteed by Article 25 of the Charter of Fundamental Rights and Freedoms and by a number of laws pertaining to educational systems.

66. However the Advisory Committee notes with concern the shortcomings mentioned in the State Report as concerns the practice of education in minority languages. It notes mainly the lack of clearly defined education programmes for persons belonging to Slovak and German minorities as well as for the numerically small minorities and the specific needs of the Roma community in this field. The Advisory Committee is of the opinion that the Czech authorities should examine to what extent the current situation meets the demands of the persons belonging to the above-mentioned minorities and establish, in consultation with those concerned, whether further measures are needed.

In respect of Article 14

The Committee of Ministers *concludes* that there are shortcomings in the practice of education in minority languages, and *recommends* that the Czech Republic examine the situation, in consultation with those concerned.

CZECH REPUBLIC (Second Cycle)
Adopted on 24 February 2005

Teaching of minority languages and instruction in these languages

Findings of the first cycle

157. In its first Opinion on the Czech Republic, the Advisory Committee noted that there was no clear educational programme to meet the needs of national minorities concerning teaching their languages and receiving instruction in these languages. It encouraged the authorities to verify the situation in this area and to take the measures which proved necessary, in consultation with the persons concerned.

Present situation

a) Positive developments

158. The Advisory Committee welcomes the adoption in 2004, at the end of a legislative process extending over several years, of a new Education Act, which details *inter alia* the principles and modalities for the purpose of ensuring persons belonging to national minorities equal access to education. The minority representatives, who had criticised the authorities for failing to adopt modern, clear and stable legislation in the field of education - an area that is crucial to sustaining identities of national minorities - regard this as a positive development. They find that the new law generally meets their expectations, and brings improvements for minorities, particularly concerning teaching of and in minority languages.

159. In this connection, it may be noted that the number of pupils needed to establish minority language classes has been reduced (to eight pupils for pre-school and to ten pupils for primary education), and that final secondary school examinations have been adjusted and they now take into account the special situation of schools which use a minority language as the language of instruction (in practice, this concerns only Poles).

160. At present, Poles are the only minority with access to teaching in their own language from pre-school to secondary school level (some 4,000 pupils are concerned). The support they receive from the state for the production of teaching materials and for teacher training, particularly through the Education Centre especially established for Polish schools, can only be welcomed. The subsidy approved by the Government in June 2004 for rebuilding of the Polish school at Janblunkov, using Polish as the language of instruction, deserves to be mentioned in this context.

161. There are no schools designed specifically to the persons belonging to the Slovak minority. According to governmental sources, this is due to the fact that interest in learning Slovak is not sufficient. However, there is close bilateral co-operation with Slovakia in the education field. Thus citizens of both countries are free to use either Czech or Slovak in higher education, including in university entrance examinations.

b) Outstanding issues

162. Although the new Education Act contains various elements which contribute to protection of national minorities, some of its provisions raise questions. Under the Act, for example, classes or schools teaching minority languages, or using them as languages of instruction, may be set up only in areas where committees for national minorities have already been established - which makes it often impossible to open new classes or schools of this type.

163. As already stated, the existence of these committees depends on criteria to which some uncertainty is attached, such as census data or the willingness of local authorities to establish them. It is therefore questionable whether these criteria are sufficiently clear and objective to permit accurate identification of situations that meet the Framework Convention's conditions for access to teaching of, or in, minority languages. As already noted, the persons concerned have criticised the procedure for the establishment of such classes or schools, which requires them to present a petition (see also comments on Articles 4, 10 and 11 above).

164. According to information supplied by the authorities, the smaller and more scattered minorities (Bulgarians, Croats, Hungarians, Germans, Roma, Ruthenians, Russians, Greeks, Slovaks and Ukrainians) do not have enough pupils to qualify for teaching of, or in, their languages in public schools. Teaching of several minority languages (for example, Bulgarian, Greek, Russian, and Hebrew) is thus provided privately by the communities concerned. Some of the initiatives of this nature, which are usually backed by kin-states, are also supported by the Czech authorities.

165. Germans, in particular, have German teaching programmes, which are run by their associations, and which they would like to extend to parts of the country with smaller German communities. They would also like to use German as the language of instruction. According to the authorities, their wishes could not be satisfied under the previous legislation, since they did not meet the legal conditions.

Recommendations

166. When the new Education Act is implemented, the authorities should clarify and, when necessary, adjust the criteria and procedure used to identify situations covered by Article 14, paragraph 3, of the Framework Convention. In this connection, they should ensure that account is taken of minorities' real situation and needs.

167. More should be done to ensure real involvement, backed by adequate resources, of local and regional authorities in implementation of government policy in this area. Initiatives taken by minorities themselves, for teaching of their languages outside the ordinary system, should also receive more support.

DENMARK (First Cycle)

Adopted on 22 September 2000

Articles 12 - 14

35. The Advisory Committee refers to its observations above concerning the scope of implementation. On the basis of the information currently at its disposal, the Advisory Committee considers that implementation of these articles does not give rise to any other observations.

DENMARK (Second Cycle)

Adopted on 09 December 2004

German minority schools

Present situation

a) Positive developments

150. The Advisory Committee welcomes the steps taken by the Danish authorities to ensure German minority language education through a system of German minority schools and day care facilities (kindergartens) in the region of South Jutland. The Advisory Committee also recognises that the authorities have shown commitment to safeguarding this level of education.

b) Outstanding issues

151. The German minority is, however, concerned about the implications of the proposed administrative reforms (see under Article 15 below) and the impact these reforms may have on the system of German minority schools and day care facilities (kindergartens) if there is a reduction in the political influence of the German minority.

152. The Advisory Committee is aware of a request by the German minority for additional guarantees for day care facilities (kindergartens) through, for example, the provision of funding at a State rather than a municipal level to assure long-term funding. In this particular instance, the Advisory Committee sees some advantage to this proposal as a safeguard against possible loss of influence at the municipal and regional level.

Recommendations

153. The Advisory Committee recommends that the Danish authorities continue in their discussions with the German minority in order to find an acceptable solution for any impact the proposed administrative changes may have on the system of German minority schools and day care facilities (kindergartens).

ESTONIA (First Cycle)

Adopted on 14 September 2001

Article 14

50. The Advisory Committee notes that the on-going reform of the educational system will greatly affect the implementation of Article 14 in Estonia, as it will considerably reduce the amount of instruction available in the Russian language. The Advisory Committee agrees that the system of minority language education requires reform, taking into account *inter alia* the increasing demand for Estonian language teaching amongst persons belonging to a national minority. Furthermore, the minority language system, while providing an extensive network of schools with Russian as the language of instruction, has not fully taken into account the existing needs with respect to other minority languages. At the same time, the Advisory Committee stresses that the implementation of the reform must be carried out in a manner that contributes to the integration of persons belonging to national minorities but not to their assimilation.

51. The Advisory Committee notes that one of the most contentious issue in the context of the reform is the future status of minority languages in the upper secondary schools. The envisaged status is based on the amendments to the Basic Schools and Upper Secondary Schools Act, adopted on 4 April 2000, according to which Estonian will be the language of instruction in all state and local government upper secondary schools, following a transition which is to commence no later than the academic year 2007/2008. The Advisory Committee welcomes the fact that the rule is not as rigid as it may appear as the language of instruction is defined in the law as the language in which at least 60 percent of the instruction is given. It follows that, in principle, a bilingual education, with up to 40 percent of instruction in a minority language, is a possibility under the amended law. At the same time, the Advisory Committee notes that, although such a possibility exists and although Article 52 of the Law contains a general provision providing that students whose mother tongue is not Estonian shall be afforded an opportunity to learn their mother tongue, the decision as to whether and to what extent to introduce bilingual education is left largely to the discretion of the authorities and schools concerned.

52. With a view to the foregoing, the Advisory Committee is concerned that, while bilingual education as such constitutes an acceptable approach for the implementation of Article 14, the present law contains no detailed guarantees as to how persons belonging to national minorities will be provided adequate opportunities for being taught the minority language or for receiving instruction in this language. It is therefore crucial that the Government's implementing decree, envisaged in Article 52 of the law at issue, is formulated in a manner that clearly guarantees an adequate level of bilingual education for persons belonging to national minorities. In the absence of such additional guarantees, the legal status of minority languages in the upper secondary schools remains weak and could give rise to situations not compatible with Article 14 of the Framework Convention.

53. As regards the basic schools, the envisaged position of minority language education appears stronger than in upper secondary schools. In particular, the Advisory Committee welcomes the fact that the possibility to have a minority language as the main language of instruction is maintained in the amendments to the Basic Schools and Upper Secondary Schools Act. It is nevertheless regrettable that there are no provisions in the said law providing guarantees for, or encouraging the implementation of, this option and the choice of the main language of instruction in municipal and state basic schools is

left solely to the discretion, respectively, of the local government council and the Minister of Education. With respect to the role of minority languages in schools with Estonian as the main language of instruction, the observation of the Advisory Committee in the preceding paragraph on the lack of detailed guarantees and the resulting importance of the envisaged Government decree apply also to the basic schools.

54. The Advisory Committee notes that in the basic schools with a minority language as the main language of instruction the teaching of Estonian is obligatory. This principle is fully in line with the Framework Convention. The Advisory Committee also notes that Estonian is being increasingly introduced to persons belonging to national minorities through voluntary “language immersion” programmes. While recognising the results that may be achieved through such programmes in some circumstances, the Advisory Committee considers it essential that the voluntary nature of participation in such initiatives is fully maintained and that the decision to allocate substantial resources to these programmes does not hamper the availability or quality of minority language education in the areas concerned.

In respect of Article 14

The Committee of Ministers *concludes* that the on-going reform of the educational system will greatly affect the implementation of Article 14 in Estonia. It further *concludes* that while the present legislation envisages bilingual upper secondary education as a possibility, it contains no detailed guarantees as to how persons belonging to national minorities will be provided adequate opportunities for being taught the minority language or for receiving instruction in this language. The Committee of Ministers therefore *recommends* that the relevant implementing decree of the Basic Schools and Upper Secondary School Act is formulated in a manner that clearly guarantees an adequate level of bilingual secondary education for persons belonging to national minorities.

As regards the basic schools, the Committee of Ministers *concludes* that the possibility to have a minority language as the main language of instruction is maintained but that no guarantees for, or encouragement of, the implementation of this option is provided in the Basic Schools and Upper Secondary School Act. The Committee of Ministers further *concludes* that the role of minority languages in basic schools, with Estonian as the main language of instruction, lacks detailed guarantees and *recommends* that the relevant implementing decree be formulated so that persons belonging to national minorities are provided adequate opportunities for being taught the minority language or for receiving instruction in this language in basic schools.

The Committee of Ministers *concludes* that Estonian is being increasingly widely introduced to persons belonging to national minorities through voluntary “language immersion” programmes and *recommends* that the voluntary nature of participation in such initiatives is fully maintained and resources to these programmes are allocated in a manner that does not hamper the availability or quality of minority language education in the areas concerned.

ESTONIA (Second Cycle)

Adopted on 24 February 2005

Minority languages in secondary education

Findings of the first cycle

137. In its first Opinion, the Advisory stressed that the on-going initiatives in the educational system should be carried out in a manner that contributes to the integration of persons belonging to national minorities but not to their assimilation. In addition, the Advisory Committee concluded that the relevant implementing decree of the Basic Schools and Upper Secondary Schools Act should be

formulated in a manner that clearly guarantees an adequate level of bilingual secondary education for persons belonging to national minorities.

Present situation

a) Positive developments

138. In March 2002, Estonia took a significant step towards accommodating concerns of persons belonging to national minorities relating to their secondary education by introducing an amendment to Article 9 of the Basic Schools and Upper Secondary Schools Act. The amendment makes it possible for secondary schools, subject to a permission by the Government, to maintain a minority language as their language of instruction even after 2007, when the transfer to Estonian as the main language of instruction of secondary schools (involving at least 60 percent of instruction in Estonian) is envisaged to commence. The amendment adds much-needed flexibility to the educational reform and it provides a tool to avoid certain problems that a rigid approach to the pending transfer obligation would have involved, bearing in mind, *inter alia*, the conclusion of the Development Strategy of the Estonian Language that “preparations for the transition have been inadequate” (see also related comments on teacher training under Article 12 above).

b) Outstanding issues

139. The amended Article 9 provides that a proposal to have a language other than Estonian as the language of instruction is to be addressed by the board of trustees of the secondary school to the local government council, which can then apply for permission from the Government. So far no decisions have been taken by the Government on the basis of this provision, and considering that the Ministry of Education has received some proposals directly from schools, the schools and others concerned are apparently not adequately informed or aware of the applicable procedures. It furthermore appears that the authorities have not yet determined a clear approach as to how to deal with forthcoming applications.

Recommendations

140. There is clear need to provide the schools, local authorities and others concerned with more procedural and other guidance on how to invoke the possibility to have a minority language as a language of instruction after 2007. Furthermore, there is a need for the central authorities to take more proactive measures on this matter and to establish a sound approach on how to process future applications and to take eventual decisions in line with the principles of the Framework Convention.

Minority languages in basic schools

Findings of the first cycle

141. In its first Opinion, the Advisory Committee concluded that the possibility to have a minority language as the main language of instruction is maintained but that legislation provides no guarantees for, or encouragement of, the implementation of this option. The Advisory Committee also noted that the role of minority languages in basic schools with Estonian as the main language of instruction lacks detailed guarantees.

Current situation

a) Positive developments

142. In the school year 2002/2003, there were 89 basic schools in Estonia with Russian as the main language of instruction, and, while no new legislative guarantees have been introduced in this respect,

the State Report recognises the need to maintain schools with such instruction “considering the ethnic composition of the population”.

143. Furthermore, in 2003, Estonia introduced new legal guarantees for the study of minority languages that are not used as a language of instruction in the schools concerned. In accordance with amendments to the Basic Schools and Upper Secondary Schools Act and the corresponding Government regulations, schools shall organise at least two hours of optional lessons per week on a culture and language that is not the language of instruction in the said school, upon request by parents of at least 10 pupils. These guarantees are potentially important especially for pupils belonging to numerically small national minorities as well as for those native-Russian speaking pupils who opt for Estonian-medium schools.

b) Outstanding issues

144. In practice, however, the above-mentioned new guarantees have not proved particularly successful. They have, to date, resulted in the establishment of only one class (with Ukrainian language teaching in Sillamäe) and the authorities acknowledge the limited results achieved so far and cite various reasons as possible explanation for this state of affairs, ranging from financial implications to the availability of “Sunday schools” and to the fact that many minorities concerned are dispersed and that these classes may coincide with classes in popular foreign languages.

Recommendations

145. There is a need to identify the obstacles that hinder the establishment of the above-mentioned classes and to review the existing regulations and procedures with a view to ensuring that the positive goals of the new guarantees are met.

Language immersion programmes

Findings of the first cycle

146. In its first Opinion, the Advisory Committee stressed that the fully voluntary nature of the “language immersion” should be maintained.

Current situation

a) Positive developments

147. While the Estonian language immersion classes have been introduced in an increasing number of Russian-medium schools, it is perceived as a voluntary alternative rather than a replacement of classes with Russian language as the language of instruction. This is important bearing in mind that immersion, while welcomed by a number of parents, is not considered a suitable model for all persons belonging to national minorities.

b) Outstanding issues

148. As the immersion classes expand further and significant resources are allocated to this method of teaching, it is important to ensure that other models of education are comparatively resourced.

Recommendations

149. The authorities should ensure that the immersion models are not unduly privileged in the funding decisions so as to ensure that the quality of teaching, as well as textbooks and facilities, in other educational models are comparable.

FINLAND (First Cycle)

Adopted on 22 September 2000

Article 14

42. The Advisory Committee notes with approval the status of Swedish language in the educational system of Finland.

43. As concerns the Russian-speaking schools in Finland, the Advisory Committee welcomes the interest shown in these institutions by the majority population, as manifested by the fact that Finnish-speaking pupils studying Russian as a foreign language reportedly constitute a majority of the pupils of the public Finnish-Russian School in Helsinki. The Advisory Committee, however, underlines that in such a situation curricula of the schools concerned should be designed in a manner that also caters to the needs of the pupils who speak Russian as their mother tongue.

44. While the possibility to introduce Roma language teaching in primary or secondary schools exists under the Comprehensive School Act, only a limited number of local authorities have in fact organised such teaching, and it is estimated that currently only 220 out of 1500-1700 Roma pupils participate in the teaching of the Roma language. In view of the foregoing, the Advisory Committee takes the view that additional ways to extend such teaching should be considered. In addition to measures in the field of teacher training, addressed under Article 12, the Advisory Committee underlines the importance of availability of adequate teaching materials.

45. The Advisory Committee welcomes the availability of Sami languages as languages of instruction in the Sami Homeland. The Advisory Committee expresses the hope that the existing legislative possibility to organise day care in Sami languages will be utilised at the local level insofar as there is sufficient demand.

46. The Advisory Committee notes that in the province of Åland, under Section 40 of the 1991 Act on Autonomy of Åland, the language of instruction in schools maintained or subsidised through public funds is Swedish unless a provincial law provides otherwise. As no such law currently exists, there is no instruction in Finnish available in the province. The Finnish language is, however, being taught in the public school system as a subject. While recognising the specific constitutional status of the province, the Advisory Committee is of the opinion that it would be useful to examine to what extent the current situation concerning the status of the Finnish language in the education system of the Åland islands meets the demands of the Finnish-speaking population of the province (*cf.* comments above under Article 3).

In respect of Article 14

The Committee of Ministers *concludes* that the Finnish-speaking pupils studying Russian as a foreign language reportedly constitute a majority of the pupils of the public Finnish-Russian School in Helsinki. The Committee of Ministers *recommends* that Finland ensure that the curriculum of the school concerned also caters to the needs of the pupils who speak Russian as their mother tongue.

The Committee of Ministers *concludes* that the existing legislative possibility to organise day care in Sami languages has not been put to use in practice. The Committee of Ministers *recommends* that this possibility be utilised at the local level insofar as there is sufficient demand.

The Committee of Ministers *concludes* that, at present, there is no instruction in Finnish available in the public school system of the province of Åland. The Committee of Ministers *recommends* that Finland examine to what extent the current situation meets the demands of the Finnish-speaking population of the province.

FINLAND (Second Cycle)

Adopted on 2 March 2006

Russian language education

Findings of the first cycle

124. In its first Opinion, the Advisory Committee stressed that the Russian-language schools, in which a majority of pupils are currently native Finnish-speakers, should be designed in a manner that also caters to the needs of the pupils who speak Russian as their mother tongue.

Present situation

a) Positive developments

125. The Finnish authorities recognise the need to develop Russian language teaching. In addition to the continuous support given to the two schools in Finland with a substantial amount of instruction in Russian, promising internet projects, notably the “Setka” project launched in 2002, have been introduced to support Russian language teaching in Finland. There appears to have been some progress also in terms of expanding Russian language pre-schools.

b) Outstanding issues

126. The availability of Russian language education designed for native speakers remains limited in the public educational system. The main language of instruction of the above-mentioned two schools is Finnish, although these schools also offer a number of hours of instruction in Russian.

127. Outside these two schools, native Russian speakers in primary education can study Russian only up to two hours per week, which -- while valuable in cases where the quality of teaching is good -- is not enough to ensure adequate education in pupils’ mother tongue. The Advisory Committee recalls that firm skills in their mother tongue are likely to contribute also to the Russians pupils’ capacity to acquire good language skills in the national languages of Finland and that the demand for Russian language mother tongue education is likely to increase further, bearing in mind that the number of native Russian-speakers residing in Finland has continued to increase in recent years.

Recommendations

128. Finland should develop a coherent policy for the development of Russian language teaching for native speakers, with a view to ensuring adequate volume and quality of education in the Russian language.

Roma language education

Findings of the first cycle

129. In its first Opinion, the Advisory Committee welcomed the introduction of Roma language teaching but concluded that additional ways to extend such teaching should be considered.

Present situation

a) Positive developments

130. The Advisory Committee welcomes the above-mentioned survey (see above paragraph 118), which provided new information on the obstacles faced in the development of Roma language teaching and contained a range of recommendations that would contribute to the extension of such teaching.

b) Outstanding issues

131. There has been no major progress in terms of expanding the scope of Roma language teaching, and only a small proportion of Roma pupils receive such teaching. The survey on the status of Roma children's basic education provides important data on the lack of teachers, limited availability of textbooks and other problems that explain this state of affairs.

Recommendations

132. The authorities should take further measures to expand and strengthen the Roma language education, including by following up the relevant proposals made in the survey on the status of Roma.

Sami language teaching

Findings of the first cycle

133. In its first Opinion, the Advisory Committee commended the availability of instruction in Sami languages in the Sami Homeland and expressed the hope that the existing legislative possibility to organise day care in Sami languages will be utilised at the local level insofar as there is sufficient demand.

Present situation

a) Positive developments

134. Finland has taken a number of steps to develop further the instruction in and of Sami languages in the municipalities located in the Sami Homeland, including by lowering from five to three the number of pupils required to form a group receiving state subsidies for Sami language studies. Pre-school education in the Sami language has also been developed since the first reporting cycle.

b) Outstanding issues

135. Despite various initiatives launched, Sami language education continues to suffer from lack of educational materials and of teachers. These shortcomings are particularly noticeable with regard to the smaller Sami languages. Furthermore, a majority of the young Sami fall outside the scope of the expanded Sami language education, as they live in Helsinki and other municipalities outside the Sami Homeland where there are very few opportunities to obtain Sami language education.

136. The Advisory Committee would also like to highlight one shortcoming that undermines the development of Sami pre-school initiatives in the Sami Homeland. According to the information received by the Advisory Committee, in some cases only those children who have Sami as their mother tongue in the population registry have been given access to Sami language pre-school education, and some children have been denied access to such education on this basis. The Advisory Committee is concerned that this approach may constitute an obstacle to further promotion of Sami languages. The Advisory Committee recalls that, although many Sami are *de facto* bilingual, individuals are allowed to choose only one language as their mother tongue for the purposes of the population registry, which further dictates against using such registry entries as a criterion for access to Sami pre-schools.

Recommendations

137. Finland should pursue further the development of the Sami language education, including outside the Sami Homeland.

138. Access to Sami language pre-school education should not be connected to the content of mother tongue entry in the population registry.

Finnish language teaching in the province of Åland

Findings of the first cycle

139. In its first Opinion, the Advisory Committee noted that in the province of Åland, the language of instruction in all schools maintained or subsidised through public funds is Swedish. While recognising the specific constitutional status of the province, the Advisory Committee considered that it would be useful to examine to what extent the current situation meets the demands of the Finnish-speaking population of the province.

Present situation

a) Positive developments

140. The Advisory Committee welcomes the fact that the authorities of the province of Åland have given thought to the educational situation of the Finnish-speaking population in the province and that they were prepared to have a dialogue on this and other issues with the representatives of the Advisory Committee.

b) Outstanding issues

141. There have been calls by a number of parents for the introduction of a certain amount of instruction in the Finnish language in schools and pre-schools in Åland, but these proposals have not been supported by the authorities of Åland. According to the authorities of the province, the current situation -- which includes the possibility to study Finnish as the second “foreign” (*främmande*) language from the fifth grade and the availability of certain remedial education in which Finnish can also be used -- reflects the special status of Åland as a monolingual province. At the same time, the authorities note that the present legislation does not exclude the introduction of private educational initiatives in Finnish as long as no public funds are used for this purpose.

Recommendations

142. The Advisory Committee considers that further dialogue should be pursued on Finnish language education in Åland with a view to determining if and how the proposals for Finnish language instruction in pre-school and primary schools could be followed up, in the private or public sphere, in a manner that would not prejudice the status, protection and promotion of the Swedish language as the only official language of the province.

GERMANY (First Cycle)

Adopted on 01 March 2002

Article 14

58. Regarding the implementation of Article 14 paragraph 2, the Advisory Committee notes that, in the Free State of Saxony, it is possible to learn Upper Sorbian as a native tongue, a secondary language or a foreign language. In the *Land* of Brandenburg, where fewer people speak Sorbian, Lower Sorbian is taught as a second language or a foreign language.

59. The Advisory Committee notes that a network of schools providing a full education in Sorbian has existed for many decades and, in some schools, for over a hundred years. In the past this network comprised 12 schools but now there are only six as a result of the closures ordered by the authorities in the past. In view of their historical significance, these schools not only have an educational function but also contribute to the expression of Sorbian identity in the areas traditionally inhabited by this minority. Accordingly, the Advisory Committee believes that there are reasons for considerable concern at the decision taken by the Ministry of Education and Culture of the Free State of Saxony to

close the 5th class of a Sorbian-language secondary school in the municipality of Crostwitz from the beginning of the 2001-2002 school year. It seems that the reason given for the decision was that no more than 17 pupils had enrolled, below the minimum number of 20 pupils required to continue to run a class elsewhere in the Free State of Saxony.

60. The Advisory Committee considers that the minimum requirement of 20 pupils to continue to run a class offering minority language teaching is very high from the point of Article 14 of the Framework Convention. Apart from the fact that the municipality of Crostwitz lies in an area “traditionally” inhabited by Sorbians in the meaning of this provision, it should be stressed that, as well as the parents of the children concerned, the Sorbian Council of the Saxon Parliament, certain municipal authorities and the umbrella association of Sorbians, among others, have expressed strong opposition to the closure, showing that there is sufficient demand for the class to be kept open. In view of these circumstances, the Advisory Committee considers that, in close consultation with representatives of the Sorbian minority, the authorities should urgently review the possibility of keeping the 5th class of Crostwitz’s secondary school open. More generally the competent authorities should agree on policies, programmes and resources in conformity with the Framework Convention to secure the long-term future of the historic network of Sorbian schools in the area traditionally inhabited by this minority.

61. Training for teachers required to give teaching of Sorbian language or instruction in Sorbian also seems to pose certain practical problems. This appears to be a particular problem at the Lower Sorbian upper secondary school in Cottbus where only a very small proportion of the teaching staff have a good knowledge of Lower Sorbian. The Advisory Committee welcomes the efforts already made by the authorities in the *Land* of Brandenburg to provide increased in-service training for teachers and calls for these measures to continue. It also notes that the authorities of the *Land* of Brandenburg and the Free State of Saxony have agreed to centralise further training at the University of Leipzig from 2002 onwards and hence to end the existing further training at Potsdam University. While it welcomes the authorities’ desire to co-ordinate their further training, the Advisory Committee feels nonetheless that it is important to take account of the concerns expressed by certain representatives of the Sorbian minority concerning the clear need for Leipzig University to provide adequate training in Lower Sorbian as well.

62. As regards the teaching of Frisian, the Advisory Committee notes that the representatives of this minority consider that the current situation is unsatisfactory. It seems that there are no Frisian schools and that the few hours of Frisian that are taught in state schools are mainly due to the initiative of volunteers. The Advisory Committee considers therefore that the authorities should examine, in consultation with representatives of the Frisian minority, ways of developing and financing more teaching hours of the Frisian language, also at levels beyond primary school.

In respect of Article 14

87. The Advisory Committee *finds* that there are reasons for considerable concern at the decision taken by the Ministry of Education and Culture of the Free State of Saxony to close the 5th class of a Sorbian-language secondary school in the municipality of Crostwitz from the beginning of the 2001-2002 school year. It *considers* that the authorities should urgently review the possibility of keeping the 5th class of Crostwitz’s secondary school open. More generally the competent authorities should agree on policies, programmes and resources in conformity with the Framework Convention to secure the long-term future of the historic network of Sorbian schools in the area traditionally inhabited by this minority.

88. The Advisory Committee *finds* that there appear to be no Frisian schools and only a few hours of Frisian taught in state schools, mainly due to the initiative of volunteers. The Advisory Committee *considers* that the authorities should examine, in consultation with representatives of the Frisian minority, ways of developing and financing more teaching hours of the Frisian language, also at levels beyond primary school.

HUNGARY (First Cycle)

Adopted on 22 September 2000

Article 14

45. On the basis of the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

HUNGARY (Second Cycle)

Adopted on 09 December 2004

Teaching of minority languages

Findings of the first cycle

97. In its first Opinion on Hungary, the Advisory Committee noted that only a small proportion of children belonging to a minority attended bilingual or minority language schools. Most of these children were taught mainly in Hungarian, with additional lessons in the minority language. Children from the smaller minorities often did not receive any teaching of or in their own language under the public education system.

Present situation

a) Positive developments

98. Since the first monitoring cycle, several minorities have managed to introduce teaching of their language into the public education system, mainly thanks to the support of the Ministry of Education. This is particularly the case with the smaller minorities which previously made do with entirely private forms of teaching in "Sunday schools". The Ruthenians, for example, have recently achieved this objective and the national self-governments of the Bulgarian, Greek and Polish minorities have also asked for similar treatment.

b) Outstanding issues

99. In line with the findings of the Committee of Experts of the European Charter of Regional or Minority Languages in Hungary, the Advisory Committee notes that forms of bilingual teaching do not seem to have progressed significantly in recent years and that by far the most common model is still the teaching of the minority language for four or five hours per week as a second or foreign language. Representatives of several minorities have called for more teaching in and of their language as part of the school curriculum, which should in future lead to the growth of bilingual teaching.

Recommendations

100. Hungary should continue its efforts to develop minority language teaching at primary and secondary levels within the public education system for the smaller minorities and, where demand is sufficient for the larger minorities, to set up forms of bilingual teaching more systematically.

Financing of education for minorities

Findings of the first cycle

101. The Advisory Committee's first Opinion on Hungary and the corresponding Committee of Ministers' Resolution both welcomed the considerable efforts made by the Hungarian authorities in the field of minority education. However, the Advisory Committee mentioned funding difficulties

caused by the fact that additional resources made available at central Government level often seemed to be offset by a reduction of local authority expenditure on minority schools.

Present situation

a) Positive developments

102. The Advisory Committee is pleased to note that the national self-governments of some minorities, including the German, Slovakian and Croatian minorities, have been able to manage, run or even acquire kindergartens or schools that offer teaching in or of minority languages.

103. It is likely that, under Government draft Law T/9126, which particularly aims to give the minority self-governments true operational and especially financial autonomy, it will be easier for these bodies to manage, run or acquire more schools (see comments on Article 15, below). This would meet a need in this area, since representatives of several minorities have told the Advisory Committee that schools need to be managed more independently in order that they can preserve and develop their identity.

104. It is also worth mentioning the introduction of new sources of funding through the integration programme launched in 2003. This programme, which aims in particular to help disadvantaged children, assisted 16,000 people in 2004 (8,000 in 2003). For example, the introduction of free school meals and textbooks from the age of three for disadvantaged children, most of whom are Roma, is a major step forward (see comments on Article 12, above).

b) Outstanding issues

105. The attempts of the minority self-governments to acquire schools still appear to be frequently thwarted and the practical financial implications of this process have not yet been satisfactorily resolved. For example, some minorities, such as the Slovaks and Germans, continue to report resistance from local authorities who sometimes question the right of the minority self-governments to take over schools that provide teaching of or in minority languages. The transfer of funding also seems to be causing problems and it seems that, in some cases, Government subsidies have been paid very late, making the self-governments' task even more complicated.

106. More generally, the Advisory Committee notes that the system for funding minority education remains extremely complex and is considered unsatisfactory by many of the people involved. Schools are managed and run by local authorities, who receive state budget funding for that purpose. If a school includes children from a minority, the local authorities also receive an additional sum calculated on the basis of the number of pupils attending classes or study groups taught in a minority language (a *per capita* rate).

107. This *per capita* rate rose from 51,000 florins in 2003 to 60,000 florins in 2004, which is an improvement. However, it seems that this rate, which is meant to cover the extra costs generated by teaching of or in a minority language, is largely insufficient to cover all of these costs. This is particularly true if the classes only contain a small number of children, although local authorities are obliged to form a class or study group in a minority language if requested to do so by the parents of eight or more pupils. If the funding is inadequate, which is often the case, the local authorities have to seek additional funding in order to set up or maintain minority classes. However, it seems firstly that not all local authorities are as efficient as others at doing this and secondly that poorer local authorities are penalised by this funding system.

Recommendations

108. Hungary should try to remedy the persisting shortcomings of the system for the funding of schools with minority language classes or study groups by stepping up the efforts that have already

been made. Steps should also be taken to encourage further co-operation between the local authorities and the minority self-governments.

IRELAND (First Cycle)

Adopted on 22 May 2003

Article 14

90. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

ITALY (First Cycle)

Adopted on 14 September 2001

Article 14

57. The Advisory Committee welcomes the numerous opportunities for instruction in the minority language available to the German-speaking and Ladin minorities in the Trentino-Alto Adige region and especially the new guarantees regarding teaching of Ladin language and culture in the municipalities of Trento province where this language is spoken, as provided by constitutional law No. 2 of 31 January 2001. It also welcomes the educational opportunities available to the Slovene minority in the provinces of Trieste and Gorizia, and to the French-speaking minority in the Aosta Valley region. Further, it welcomes that fact that German is taught to the Walsers resident in the Aosta Valley region, and expresses the hope that the new Law No. 38/01 governing protection of the Slovene linguistic minority in the Friuli-Venezia Giulia region will make it possible to improve the situation of the Slovenes resident in Udine province.

58. For the other minorities, the Advisory Committee notes that teaching of minority languages is carried on experimentally in certain provinces. However, at present there is no real co-ordinated national programme for teaching these minority languages in Italy. The Advisory Committee therefore welcomes that Law No. 482 of 15 December 1999 lays the legal basis on which these languages can be taught or used as languages of instruction, and above all that it prescribes specific funding for this purpose. The measures for extending instruction in minority languages can only be effective, however, once the implementing provisions have been adopted, in particular by the Ministry of Education. The Advisory Committee therefore considers that the Italian authorities should endeavour to give prompt effect to the provisions of Law No. 482 of 15 December 1999 with regard to education.

59. The Advisory Committee notes that shortage of teachers and/or their lack of training are persistent problems for certain minorities, in particular the Albanians, the Croats as well as the Greeks. It considers that the Italian authorities should look into the situation and, in agreement with the representatives of the minorities affected, try to remedy it.

60. In view of the various submissions made during its visit to Italy and in the light of information made available to it, the Advisory Committee notes that Roma do not have the opportunity to learn their language under the Italian education system. It is of the opinion that the Government ascertain the extent to which the current position of the Roma language in the Italian education system meets the demands of persons belonging to this community.

In respect of Article 14

The Committee of Ministers *concludes* that there is a shortage of teachers and/or a lack of teacher training for a number of minorities. It *recommends* that the Italian authorities look into this situation in an effort to remedy it.

The Committee of Ministers *concludes* that the German-speaking, Ladin, Slovene and French-speaking minorities have numerous possibilities for learning and/or being taught in the minority language, while for other minorities only experimental forms of teaching exist in some provinces. The Committee of Ministers *recommends* that the Italian authorities promptly give effect to the new legal provisions allowing the development of minority language education.

The Committee of Ministers *concludes* that Roma do not have the opportunity to learn their language under the Italian education system. It *recommends* that Italy ascertain the extent to which the current position of the Roma language in the Italian education system meets the demands of persons belonging to this community.

ITALY (Second Cycle)

Adopted on 24 February 2005

Availability of minority language education

Findings of the first cycle

117. In its first Opinion, the Advisory Committee welcomed the numerous opportunities for instruction in minority languages available in three regions enjoying special autonomy, namely Aosta Valley, Trentino-Alto Adige and Friuli Venezia Giulia. It expressed the hope that Law 38/01 would improve the situation of the Slovenians residing in the Udine province.

118. As regards other minorities living outside the three regions mentioned, the Advisory Committee welcomed that Law 482/99 provided the legal basis for minority language teaching and allocated specific funding for this purpose.

a) Positive developments

119. The Advisory Committee notes with satisfaction that Italy has continued to improve opportunities for minority language education, which has become increasingly available in areas traditionally inhabited by historical linguistic minorities. Based on article 4, paragraphs 1 and 2 of Law 482/99, many positive initiatives have resulted in increased teaching *of* minority languages and cultures and, albeit to a lesser extent, increased instruction *in* minority languages (see related comments under article 3, concerning in particular the Albanians, and article 12 above). This positive trend, however, does not equally affect all linguistic minorities.

120. The bilingual (Slovenian-Italian) private pre-school and elementary school of San Pietro al Natisone, which has been operating in the Udine province for nearly 10 years, received state recognition in 2004. This recognition has ensured financial stability and strengthened this unique institution in the province of Udine, where there have been no public schools providing instruction in Slovenian in contrast to the provinces of Trieste and Gorizia. This recognition, which is explicitly mentioned in article 12, paragraph 5 of Law 38/01, demonstrates that this piece of legislation can be made operational even pending the approval of the list of communes. Although there exists no possibility to receive instruction in Slovenian at the secondary level in the province of Udine, the secondary school of San Pietro has recently introduced the possibility for students to be taught a few hours of Slovenian on an optional basis.

b) Outstanding issues

121. The attention of the Advisory Committee has been drawn to the fact that diverging interpretations of article 4, paragraphs 1 and 2 of Law 482/99 were sometimes hampering the development of initiatives to introduce teaching of and especially instruction in minority languages, as is the case for the Friulans in the province of Udine. Bearing in mind that the said provision makes clear reference to the organisational and pedagogical autonomy of the schools, some school managing boards consider that they are free to decide whether to introduce minority language teaching. On the other hand, some representatives of linguistic minorities take the view that school managing boards are under an obligation to provide such teaching as soon as a commune is included in the territorial area of protection. Similar interpretation divergences arise as to the weight attached to the parents' request for minority language teaching, a criterion explicitly mentioned in the said provision.

122. Some minorities complain that they have not been able to significantly develop minority language teaching. This is particularly the case for the Ladins of the Belluno province, for whom Law 482/99 has so far not brought about tangible improvements in the field of education and not reduced the difference of treatment between them and the Ladins of the Trentino-Alto Adige region (see related comments under article 5 above).

123. Based on the experience gained after three years of implementation of articles 4 and 5 of Law 482/99, representatives of several minorities consider that the system of individual projects approved on a yearly basis by the Ministry of Education makes it very difficult to ensure continuity both in the learning process and working methods. There are also calls for developing common pedagogical objectives concerning minority languages that all schools concerned should commit themselves to follow in order to facilitate comparative analyses and enable better assessments of the progress achieved. Finally, the rigid budgetary ceiling for educational projects provided by article 5 of Law 481/99 is also deemed to constitute an unfortunate future impediment in the development of minority language teaching given the increasing number of schools taking part in this process (see related comments under article 5 above).

124. As far as the Slovene minority is concerned, article 12 of Law 38/01 provides for various measures intended to strengthen Slovenian teaching mainly in the schools of the Udine province. Regrettably, apart from the recognition of the private bilingual school of San Pietro al Natisone, the implementation of this provision has been extremely limited. Important improvements, such as the creation of further bilingual schools/sections in the province of Udine and the introduction of optional courses of Slovenian in secondary schools of the provinces of Trieste, Gorizia and Udine with a lower minimum number of students, are still being delayed by the dispute over the list of communes (see related comments under article 3 above).

Recommendations

125. Italy should consider strengthening the obligation for the schools concerned to introduce the teaching of minority languages and cultures as well as the instruction in minority languages at pre-school, elementary and lower secondary levels so as to avoid in the future diverging interpretations of the relevant legal provisions. At the same time, efforts should be made to develop common pedagogical objectives concerning minority languages and to ensure sustainability of the projects launched in this field.

126. Steps should be taken to strengthen Slovenian teaching especially in the province of Udine without undue delay, as provided for by Law 38/01.

Article 14

Legal framework

98. The Advisory Committee welcomes the fact that the right of persons belonging to a community to receive education in his/her own language is guaranteed in the Constitutional Framework. The Advisory Committee notes that there is no provision in the existing legislation identifying the minimum number of pupils required to open a class with instruction in a minority language although it appears that a policy of a minimum of 15 pupils has developed in practice. This threshold appears reasonable in a number of contexts, but it raises problems for certain numerically small communities, such as the Bosniacs who are often not able to meet the threshold. The Advisory Committee finds that the situation as regards the threshold should be clarified, including through the adoption of a specific regulation that would also allow for flexibility to accommodate, to the extent possible, requests made by smaller groups.

Teacher training, textbooks, physical access to educational facilities

99. As regards practice, the Advisory Committee notes that while the implementation of this constitutional right, and problems encountered, varies according to the communities concerned, certain problems, such as the shortage of textbooks and professional staff for instruction in mother tongue, are common for all minority communities. While noting that there is valuable co-operation on producing textbooks with Turkey and Bosnia and Herzegovina, the Advisory Committee stresses that imported textbooks may not adequately reflect the experiences of communities living in Kosovo. The Advisory Committee considers that increased attention should be paid to supporting the publication of textbooks in the languages of minority communities and that a plan should be drawn up in consultation with the communities concerned in this respect. The Advisory Committee considers that there is a need to increase support, also from international sources, for the working conditions and training of minority language teachers, including teachers of the Bosnian language.

100. Physical access to educational facilities with mother tongue teaching is identified as a recurrent problem by representatives of various communities, including the Bosniac, Turkish and Gorani communities, despite the calls that have repeatedly been made in the last years to UNMIK and MEST to develop a comprehensive plan to ensure safe transport for minority communities. This concerns also the Serb community whose limited freedom of movement poses great challenges in accessing education outside the areas where persons belonging to this community live compactly. The Advisory Committee considers that there is an urgent need to make progress in this respect, given that the absence of such transportation harms access to mother tongue education of persons belonging to a number of minority communities.

Parallel schools

101. As regards the parallel school system attended by Serbian pupils as well as by pupils belonging to certain other communities, specific problems have been identified in terms of monitoring the implementation of Article 14. While these parallel schools may be considered, in the current circumstances, to be an attempt to cater for the educational needs of these communities in the absence of matching services offered by the Kosovo institutions, the Advisory Committee finds it essential that they are placed under effective supervision regarding the content and quality of the education they provide.

Education in Romani language

102. The Advisory Committee notes that, at present, there is only limited opportunities for the Roma to learn their language, and that these have been largely developed by non-governmental organisations. Given that education in Romani language is not generally available in Kosovo, Roma children usually attend education in the language that is spoken by the majority in the locality where they live, often encountering the problems noted under Article 12.

103. The Advisory Committee was informed that requests have been made at local level to introduce Romani language, history and culture in schools, but that these have not been followed up by the authorities. The Advisory Committee is aware that this unsatisfactory situation was already discussed back in 2003, when discussions between MEST, the OSCE and civil society actors resulted in a recommendation that introduction of Romani language, history and culture should be made possible together with the development of adequate education materials. The Advisory Committee considers that practical steps should now be taken to transform these recommendations into real opportunities for Roma to develop their linguistic and cultural identities and that requests in this respect should be properly followed up. In addition, consideration should be given to the training of Roma teachers who are currently teaching in languages other than Romani as well as to the training of other qualified candidates to enable them to develop specific skills in Romani language teaching.

104. The Advisory Committee notes that education in Bosnian and Turkish is offered in schools where education is provided in two languages or more, which is commendable from the point of view of Articles 12 and 14. The Advisory Committee was however made aware of the concerns expressed by members of the Turkish communities that they are not adequately represented in the school boards of the schools concerned. The Advisory Committee finds that a participatory approach in the running of the schools should be ensured, and that the ethnic diversity of the schools should be adequately reflected in their decision-making structures.

105. As concerns the specific situation of the Gorani and their access to higher education (see comments under Article 12), the Advisory Committee stresses that the need for flexibility on this issue is important also from the point of view of the implementation of Article 14 of the Framework Convention. The Advisory Committee understands that efforts are being made to provide textbooks in accordance with the new curriculum and urges the authorities to pursue these efforts in order to facilitate the eventual integration of pupils of the Gorani community into the new system.

The prospect for bilingual/multilingual education

106. The Advisory Committee notes that, according to Regulation No. 2002/19 on the Promulgation of a Law adopted by the Assembly of Kosovo on Primary and Secondary Education in Kosovo, pupils receiving education in a minority language learn the Albanian language as a non-native language as part of the unified education system (two classes a week, according to the UNMIK Report). While not being aware of the existence of detailed regulations regarding the teaching of Albanian, the Advisory Committee considers that the authorities should ensure that a balanced approach is adopted and implemented in this respect in order to allow for the preservation of minority languages as part of the identity of persons belonging to minority communities on the one hand, and the integration of minority communities through the learning of Albanian on the other hand.

107. The Advisory Committee is concerned about the linguistic barrier that exists between the Serbian and Albanian communities. The Advisory Committee finds it encouraging that some local initiatives exist to enable Albanians to learn Serbian, and it considers that such good examples should be expanded, including in the context of the public education system. This would be important in view of developing inter-ethnic communication (see also Article 12).

Language use

155. Adopt new language legislation in order to bring clarity and legal certainty as regards the use of languages, including in relations with administrative authorities, topographical indications, and registration of personal names, and closely monitor compliance with language requirements in the relevant sectors, including in the judiciary.

156. Ensure that the adoption of new language legislation is coupled with adequate implementation capacity and that procedures, including judicial ones, are in place in case of non-compliance with language requirements, including for any illegal changes of place names.

157. Ensure that tangible results are achieved in the efforts to put an end to the feeling of insecurity that prevents Serbs and Roma and persons belonging to certain other minority communities, from using their language in public places.

LITHUANIA (First Cycle)

Adopted on 21 February 2003

Article 14

67. The Advisory Committee observes that the Lithuanian legislation recognises that persons belonging to national minorities have the right to learn their minority languages and that the law on national minorities and the law on education provide guarantees concerning the State's commitment to establish the conditions for the teaching of and in minority languages. The Advisory Committee notes that the new draft law on national minorities contains similar provisions.

68. The Advisory Committee observes, however, that the recent "Guidelines for the education of national minorities" (January 2002) places an emphasis on opportunities for national minorities to receive "informal" education in their mother tongue and encourage the setting-up of Sunday schools or Saturday schools as the most suitable way of meeting their needs. According to the information provided to the Advisory Committee, the recent Guidelines on the entire Lithuanian education system for the period 2003-2012 confirm the Lithuanian authorities' option to favour "informal" forms of education for teaching in the minority languages. According to that information, in the future only three of the minority languages (Russian, Polish and Belarusian) could be languages of instruction in the public education system. As for the other minority languages, it seems that as a general rule they will be studied as a subject in schools where teaching is provided in Lithuanian.

69. The Advisory Committee welcomes the State financial support for the recruitment and training of teachers, as well as for the provision of premises and adequate methodological material. Nonetheless, as far as teaching in the minority languages is concerned, the Advisory Committee considers that "informal" education alone cannot suffice to meet the needs of persons belonging to national minorities. Whilst being aware of the financial implications, the Advisory Committee considers that the formal system of teaching remains the principle means in this respect and that informal education must only be supplementary to this system. The Advisory Committee calls on the authorities to examine existing needs and to identify, in co-operation with those concerned, the most appropriate ways of meeting these needs.

70. The Advisory Committee takes note of criticisms on the draft law on national minorities as well as on the draft law on education. According to these criticisms, these drafts do not provide adequate opportunities for being taught the minority language or for receiving instruction in this language. In particular, the Advisory Committee shares the concerns about the provisions in the draft law on education which exclude parents and children from the decision-making on the opening and closing of classes/schools providing teaching of or in minority languages, and vests the founders of the schools with a discretionary power to decide alone in given cases. Moreover, the Advisory Committee

finds disturbing that neither authorities nor parents could indicate precisely the number of pupils required for the creation and maintenance of such classes or schools.

71. In this context, the Advisory Committee notes with deep concern that, according to the recent “Guidelines for the education of national minorities” (January 2002) Polish and Russian as languages of instruction should be replaced by Lithuanian in the last two years of upper secondary school. According to the authorities, this measure is intended to facilitate access by the pupils concerned to higher education, which is available only in the State language. These criticisms also relate to the intention of the Ministry of Education and Science to remove these languages from the subjects in which there is a compulsory examination at the end of secondary studies.

72. In view of the information set out in the preceding paragraphs, the Advisory Committee urges the authorities to ensure, before deciding on any measures affecting the conditions for teaching of or in the minority languages, that the needs of the persons concerned are taken into account and that, in relation to those needs, the opportunities available to them are not reduced. Furthermore, the Advisory Committee considers it essential that, within the framework of the current legislative revision, the Lithuanian authorities ensure the coherence of the various relevant laws and relevant ministerial directives.

73. As regards the practical situation, the Advisory Committee notes that in the academic year 2001-2002 there were 206 schools in Lithuania (including preschool and upper secondary school) designed for children from national minorities, and also approximately 40 Sunday schools, set up in particular for the numerically smaller minorities. The Advisory Committee notes that, according to the authorities, these schools are attended by approximately 10% of pupils. The Advisory Committee finds that there has been a gradual reduction over the years in the number of schools/classes providing teaching of or in the minority languages and notes the dissatisfaction of the representatives of the national minorities in that regard (by way of example, the Advisory Committee cites the case of the closing of the Belorussian classes in Visaginas). The Advisory Committee is aware that such a reduction may be influenced by a variety of factors, such as demographic decline or the migration of the population. However, the Advisory Committee wishes to draw the attention of the authorities to the legal uncertainty concerning the conditions required to open or close such schools/classes (in particular the minimum number of pupils required) and urges them to take the necessary clarification measures, including by means of legislation (see also the comments on Article 12 above).

74. The Advisory Committee notes that in the Lithuanian school system the opportunities to learn the Roma language are nowadays virtually non-existent. It welcomes the initiatives recently launched in that regard, such as the current preparation of a book on the dialects of the Romany language spoken in Lithuania and the introduction, since September 2001, of teaching in the Romany language at the Cultural Societies Research Centre of the University of Vilnius. The Advisory Committee expresses the hope that these and other measures will in future allow Roma children to benefit, according to their needs, from teaching of or in their mother tongue. It urges the Lithuanian authorities to work with the representatives of the Roma to continue to provide assistance for the projects which are under way in the field of Roma language teaching.

In respect of Article 14

102. The Advisory Committee *finds* that instructions recently issued by the Ministry of Education and Science, including its recommendations on replacing Polish and Russian as languages of instruction in the last two years of secondary school, indicate that the authorities have chosen to rely in the future on an “informal” approach to the use of minority languages as languages of instruction. The Advisory Committee *considers* that informal education can only complement the standard education system, which should – as far as possible and depending on needs – provide possibilities for persons belonging to national minorities to receive instruction in their own language.

103. The Advisory Committee *finds* that there is a gradual decline in the number of classes or schools which provide teaching in or of minority languages as well as a legal uncertainty regarding the taking of decisions on this question. The Advisory Committee *considers* that the authorities should, by legislative and other means, provide the necessary clarification, make sure that the relevant regulations are consistent and ensure that the needs of national minorities, including the Roma, are catered for.

MOLDOVA (First Cycle)

Adopted on 01 March 2002

Article 14

79. The Advisory Committee notes that Moldovan legislation grants persons belonging to national minorities the right to learn their mother tongue and accompanies this right with legal safeguards. For example, Article 10.2 of the Moldovan Constitution enshrines the right to linguistic identity and Article 35.2 says that the state shall enforce under the law the right of each person to choose his/her language of education and instruction.

80. Article 6 of the National Minorities Act gives further force to these constitutional provisions by requiring the state to implement the rights granted under the Constitution. As already mentioned with regard to Article 10 of the Framework Convention, the Advisory Committee notes that Moldovan law contains a non-uniform approach to minority languages used in the country. As with the state language, the Government undertakes to provide education in Russian at all levels of the education system, from pre-school to university and post-graduate level (Article 6.1). For speakers of other minority languages, however, the state only undertakes to create the conditions necessary for the exercise of their right to education and instruction in their own language (Article 6.1). In all cases, however, the state undertakes to contribute to the development of curricula and related teaching methods, and to the development of teacher training, which may include co-operation with other countries (Article 6.2).

81. The Advisory Committee acknowledges the Moldovan authorities' commitment to giving effect to the right to learn minority languages and welcomes the steps taken to achieve this. It notes, apart from the important number of schools where education in or of minority languages is provided, there have been additional initiatives including experimental classes with complete instruction in minority languages and special Sunday schools for learning minority languages.

82. The Advisory Committee recognises that for historical reasons nearly all persons belonging to national minorities have a *de facto* knowledge of Russian, as do a considerable proportion of the majority population. The Advisory Committee notes however that considerable tension arose in January 2002 following the introduction of Russian as a compulsory subject in Moldovan primary schools based on an order of the Ministry of Education from August 2001. This tension has been increased by the announced intention to grant Russian a higher status through a proposed constitutional amendment lodged with the Constitutional Court in December 2001. The Advisory Committee welcomes the Moldovan authorities' recent efforts to defuse the tension and ensure a further peaceful coexistence within Moldovan society. The Advisory Committee notes however that language issues continue to be a sensitive matter in Moldova and considers that the authorities must proceed with great caution in this area in order to avoid any potential for conflict or potential to exploit a conflict.

83. The Advisory Committee encourages the Moldovan authorities to ensure that any possible changes to the current legislation or planned measures connected with the implementation of existing legal provisions in this area are discussed with those concerned. During this process, the authorities should strive for a balanced response to the specific language needs of all national minorities, bearing in mind their particular situations and the need for existing resources to be shared out equitably. Being aware of the importance of the knowledge of the state language as a factor of social cohesion and

integration, the Advisory Committee considers it important to make sure that these measures be taken without prejudice to the learning of or the teaching in the state language. The Advisory Committee recognises that knowledge of the state language among persons belonging to national minorities remains limited and is only spreading very slowly. The Advisory Committee encourages the Moldovan authorities to make further efforts to remedy this situation, particularly by developing the measures referred to in the national programme adopted in February 2001 (see above paragraph 63).

In respect of Article 14

118. The Advisory Committee *finds* that certain tensions arose in January 2002 following the introduction of the Russian language as a compulsory subject in Moldovan primary schools and the announcement of the authorities' intention to grant this language a higher status. The Advisory Committee *notes* that language issues continue to be a sensitive matter in Moldova and *considers* that, in order to avoid conflict, all measures in this respect should be taken with great caution. The Advisory Committee *considers* that the authorities should make all efforts to provide a balanced response to the specific language needs of all national minorities, without prejudice to the learning and teaching of the state language.

MOLDOVA (Second Cycle)

Adopted on 09 December 2004

Availability of teaching of minority languages

Findings of the first cycle

125. In its first Opinion, the Advisory Committee encouraged the authorities to provide a balanced response to the specific language needs of all national minorities.

Present situation

a) Positive developments

126. Moldova has continued to make efforts to offer persons belonging to national minorities adequate opportunities to learn their languages or study in those languages. While Russian, Ukrainian, Bulgarian and Gagauzian children study their mother tongue as part of the normal curriculum, the numerical threshold required for such teaching being very low (four to five pupils), children from other national minorities (Armenian, Azerbaijani, Lithuanian, etc.) learn their language in so called “Sunday schools”. The authorities are continuing to support “Sunday schools”, which are an integral part of the public education system, and enable children, not only to learn their mother tongue, but also to receive information on the history, culture and traditions of their communities.

127. As for higher education, the establishment of the State University of Comrat in Gagauzia on the initiative of the authorities of the autonomous region is to be welcomed. Similarly, the opening of a State University in Taraclia on the initiative of the Bulgarian community and the district authorities, with the support of the central authorities and in co-operation with Bulgaria, should be welcomed as a positive development. However, the language of instruction in these establishments is, at least for the moment, Russian. It is to be hoped that these institutions will step up the training of qualified teachers enabling the teaching of and in minority languages to be developed, at least for some subjects. At present, specific training of such teachers is conducted – for each of the languages – by several higher education establishments in Chisinau and in the regions concerned. Moreover, effective bilateral co-operation has been reported in this field with Bulgaria, Poland, Russia, Turkey, Ukraine, etc.

b) Outstanding issues

128. Most national minority representatives consider the existing opportunities in this field insufficient and continue to report problems with respect to the availability of textbooks and qualified teachers.

129. Unlike the other minority languages, there is as yet no possibility of learning Roma language in Moldovan schools either in ordinary programmes or “Sunday schools”. The measures the authorities have taken recently to encourage the development of research and the training of specialists in this field should eventually make it possible to respond to any demands for such education.

Recommendations

130. Moldova should take further measures to guarantee the availability of the textbooks needed for minority language teaching and an adequate level of teacher training. Particular attention should be paid to national minorities that receive no support from a kin-state, such as the Roma.

Availability of teaching in minority languages

Present situation

a) Positive developments

131. The authorities generally support initiatives to enable the use of minority languages as languages of instruction. Thus in the 2003-2004 school year, Ukrainian was the language of instruction in 18 classes, Bulgarian in 6 classes and Polish in 4 classes. While the curriculum for this type of education is already available for years I to XII, efforts are now under way to provide the corresponding textbooks in Russian, Ukrainian, Gagauzian and Bulgarian for years X to XII. Such textbooks have already been published for years I to IX.

b) Outstanding issues

132. The use of minority languages other than Russian as languages of instruction remains limited. At preschool level the use of other minority languages is a rare exception (Ukrainian for 0.06% of the school population during the 2003-2004 school year). Only two languages are used in primary and secondary education: the State language and Russian.

133. The situation described clearly does not in any way reflect the ethnic composition of the population. It should, however, be recognised that there is very little demand for mother tongue education other than Russian. While families want their children to be able to learn their mother tongue and receive an education in that language, when making their choice they also take into account the difficulties incurred and criteria such as resources, continuity and academic performance, as well as subsequent employment prospects. Hence the preference for education in Russian or the State language, with the possibility of studying the mother tongue as a subject.

Recommendations

134. The authorities should make further efforts gradually to extend teaching in minority languages according to demand and allocate the resources necessary to ensure satisfactory quality. Particular attention should also be paid to the development of methodologies pertaining to multilingual education in order to enable teachers and pupils to deal successfully with the specific situation they face in Moldova.

NORWAY (First Cycle)

Adopted on 12 September 2002

Article 14

57. The Advisory Committee welcomes the fact that instruction in and of Sami has greatly expanded in recent years, albeit there is still scope for improvements, *inter alia*, as concerns schools outside the designated Sami districts.

58. The Advisory Committee notes that in practice the authorities have in recent years significantly improved the position of the Finnish language in the educational system (see also related comments above in paragraph 10). The 1998 Education Act provides in its Section 2-7 that when so required by at least three pupils of Kven-Finnish descent attending primary or lower secondary schools in Tromsø and Finnmark, the pupils have the right to receive tuition in Finnish. The Advisory Committee recognises this as an important step in the implementation of Article 14 for Kvens and welcomes the fact that, as a result, an increasingly high number of pupils follow Finnish education in the regions concerned. The Advisory Committee notes that the legislation at issue restricts the right to receive instruction in Finnish to pupils “of Kven-Finnish descent”. The Advisory Committee questions the advisability of maintaining such a restriction in the scope of the right at issue and notes that, if implemented, it would cause certain practical difficulties, notably as there is no system in place for determining whether the persons concerned are of the required descent.

59. As regards other national minorities, the Advisory Committee understands that there are no legislative guarantees for instruction in or of their languages, as the 1998 Education Act, in its Section 2, leaves this matter for the relevant ministry to regulate. The existing regulations envisage bilingual basic education, as a maximum, for minorities other than Sami and Kven-Finnish (in the designated regions) only until they have acquired a sufficiently good knowledge of Norwegian to be able to follow the ordinary teaching programme. Bearing in mind that the guarantees of Article 14 are not conditioned upon lack of knowledge of the state language, the Advisory Committee considers that the authorities should examine to what extent there is demand amongst the national minorities, and in the regions not covered by the said guarantees, to receive instruction in or of their language and, depending on the results, improve the current legal and practical situation if necessary.

In respect of Article 14

96. The Advisory Committee *finds* that, whereas the instruction in Sami and Finnish in designated areas has greatly expanded in recent years (albeit there is still scope for improvement), there are no legislative guarantees for instruction in or of languages of other national minorities. The Advisory Committee *considers* that the authorities should examine the extent to which there is a demand amongst the national minorities and in the regions not covered by the existing guarantees to receive instruction in or of languages of national minorities and, depending on the results, improve the current legal and practical situation if necessary.

POLAND (First Cycle)

Adopted on 27 November 2003

Article 14

79. The Law on the Education System provides that pupils and students belonging to national minorities should be able to learn their minority’s language, history and culture. The arrangements concerning exercise of that right are laid down in a 1992 ministerial Decree on the Organisation of Instruction enabling to maintain National, Ethnic and Linguistic Identity of Students Belonging to National Minorities. To set up a minority-language class, the minimum requirement is 7 pupils at primary level and 15 pupils at secondary level, which is a low enough minimum to allow smaller or

more scattered communities, in particular the Ukrainians and Lemks, to avail themselves of this possibility.

80. The Advisory Committee welcomes these legal guarantees and the many opportunities available, in practice, to persons belonging to national minorities for receiving instruction of/in their languages, in one form or another, as part of the public education system. The Advisory Committee however underlines that notwithstanding precise minimum requirements for setting up minority classes, the position is less clear as regards closure of such classes, a matter in which the local authorities seem to have a decisive role. Such decisions are often taken with financial considerations as a principal ground. The Advisory Committee therefore urges the authorities to pay due attention to the existing thresholds and the needs of persons belonging to national minorities in this matter.

81. In most classes or schools attended by Lithuanian pupils, the language of instruction is Lithuanian. Such schools play an essential role in preserving Lithuanian language and culture in the province of Podlaskie, which is the traditional area of settlement of this minority. In this connection the Advisory Committee is concerned about the closure threats to a number of Lithuanian schools at Puńsk and Sejny. These closure threats are related to falling pupil numbers and resultant difficulties in financing the schools, notwithstanding that there would appear to be a sufficient demand from the persons concerned to keep these schools open.

82. The Advisory Committee welcomes the fact that local authorities which run schools for national minorities receive from the state budget a 20% larger grant per pupil belonging to a national minority in the case of large schools, 50% larger in the case of smaller schools, and that, failing all else, there is a reserve fund within the national education budget. It is indeed essential that local authorities, having been given larger education responsibilities as part of decentralisation, should at the same time be allocated the necessary support, in particular financial support, by central government. The Advisory Committee therefore urges the competent authorities to explore, in consultation with the parties concerned at the local level, all means of maintaining the Lithuanian schools threatened with closure.

83. The Advisory Committee notes that it is not yet possible to use minority languages in taking the final primary and secondary school examinations. It welcomes the decision by the Ministry of Education and Sport to allow this as from 2005.

84. The Advisory Committee is of the opinion that the Government should ascertain the extent to which the current position of the Roma language in the Polish education system meets the demands of persons belonging to this community. Such an examination would help to establish whether further measures are required to ensure adequate opportunities exist to be taught the Roma language or to receive instruction in this language.

Concerning Article 14

120. The Advisory Committee *finds* that there are both legal guarantees and many opportunities available, in practice, to persons belonging to national minorities for receiving instruction of/in their languages, in one form or another, as part of the public education system. The Advisory Committee also *finds* that notwithstanding precise minimum requirements for setting up minority classes, the position is less clear as regards closure of such classes, a matter in which the local authorities seem to have a decisive role and where decisions are often taken with financial considerations as a principal ground. The Advisory Committee *considers* that the authorities should pay due attention to the existing thresholds and the needs of persons belonging to national minorities in this matter.

121. The Advisory Committee *finds* that in most classes or schools attended by Lithuanian pupils, the language of instruction is Lithuanian, but that closure threats to a number of Lithuanian schools at Puńsk and Sejny have been reported. The Advisory Committee *considers* that the competent

authorities should explore, in consultation with the parties concerned at the local level, all means of maintaining the Lithuanian schools threatened with closure.

ROMANIA (First Cycle)

Adopted on 06 April 2001

Article 14

61. The Advisory Committee welcomes the fact that Article 32 of the Constitution and the Education Act expressly guarantee members of national minorities the right to learn and be taught in their mother tongue. The Committee notes that in Romania, both teaching of and instruction in minority languages exist.

62. In the 1999/2000 school year, it appears that only the Hungarian, German, Ukrainian, Serb, Slovak and Czech minorities did to some extent benefit from instruction in minority languages. There are reports, however, that certain classes of this type are not held in the minority language, but in Romanian. The Committee is therefore of the opinion that the authorities should address this issue, and ensure that classes where instruction should be given in minority languages are actually held in those languages, particularly in Ukrainian schools. The Romanian authorities should also ensure that Croatian language is sufficiently used in Croat schools providing partial teaching in the mother tongue.

63. In spite of the Roma community's size and based on the information at its disposal, the Advisory Committee notes that no instruction in Roma language is available in Romania, and that teaching of this language is offered only to very few pupils. It is essential that the Government ascertains the extent to which the current status of the Roma language in Romanian schools meets the demands of the Roma community. Such an examination would help to establish whether further measures are required to ensure adequate opportunities exist to be taught the Roma language or to receive instruction in this language.

64. The Advisory Committee notes that, in the past, some minorities, such as the Turks, the Tatars, the Russians and the Bulgarians, were also taught in their own languages. However, this seems no longer to be the case today. The Committee is of the opinion that the Government should consult those minorities to ascertain the extent to which the existing situation still meets their needs. It also encourages the Government to facilitate exchanges of textbooks and qualified teachers, bearing in mind the positive experiences with Bulgarians and Poles in this respect.

In respect of Article 14

The Committee of Ministers *concludes* that, in accordance with Article 32 of the Constitution and Education Act, teaching of and instruction in minority languages both exist in Romania, but that certain classes of the latter type are reportedly not always held in the minority language. The Committee of Ministers *recommends* that the Romanian authorities should review this matter and ensure that classes where the instruction should be totally or partially given in minority languages are actually held in those languages, particularly in Ukrainian and Croat schools.

The Committee of Ministers *concludes* that no instruction in Roma language is available in Romania and that teaching of this language is offered only to very few pupils. The Committee of Ministers *recommends* that Romania ascertain the extent to which the current status of the Roma language in Romanian schools meets the demands of the Roma community and envisage any further measures needed to ensure adequate opportunities for being taught the Roma language or for receiving instruction in this language.

The Committee of Ministers *concludes* that in the past, some minorities such as the Turks, the Tatars, the Russians and the Bulgarians were taught in their own languages, which is no longer the case. The Committee of Ministers *recommends* that the Government consult those minorities to ascertain the extent to which the existing situation still meets their needs.

ROMANIA (Second Cycle)

Adopted on 24 November 2005

Teaching of minority languages and in these languages

Findings of the first cycle

162. In its first Opinion on Romania, the Advisory Committee noted that Romania had a system of teaching minority languages and providing instruction in those languages. The authorities were encouraged to ensure the effective implementation of this system with regard to certain numerically smaller minorities, in line with existing needs, and to examine the shortcomings identified in this respect.

Current situation

a) Positive developments

163. The Advisory Committee notes that Romania has an elaborate and dynamic system of teaching minority languages and providing instruction in those languages. This system ranges from pre-school to upper secondary school and, for a growing number of pupils, technical vocational education.

164. According to official figures for pre-university education, in the 2004-2005 academic year, teaching was provided in Hungarian, German, Ukrainian, Serbian, Slovak, Czech, Croatian and Bulgarian. In all, this involved 204,191 pupils in 1,772 classes or groups. The Advisory Committee observes that the teaching of Hungarian (88.29%) and the number of pupils belonging to the Hungarian minority (181,887) represent a significant proportion of teaching in the mother tongue. For the same academic year (2004-2005), pupils belonging to the Croatian and Turkish minority were taught in their mother tongue for part of their course.

165. In addition, minority languages were taught as separate subjects for children whose mother tongue was Armenian, Bulgarian, Greek, Polish, Romani, Russian, Czech, Croatian, German, Hungarian, Serbian, Slovak, Turkish and Ukrainian.

166. In higher education, sections for the study of minority languages have been introduced in several universities in regions where minorities live. For students of Hungarian or German origin, there are also sections or courses in their respective language. The Advisory Committee notes in particular the opportunities available for higher education at the Babes-Bolyai University in Cluj-Napoca, a multi-cultural institution offering teaching in Romanian, Hungarian and German. In addition, a private Hungarian-language university, supported financially by Hungary, has been in operation for several years in Cluj-Napoca, with sections in a number of other towns. Nevertheless, representatives of the Hungarian minority consider insufficient the opportunities available at the Babes-Bolyai University in Cluj-Napoca and require the setting up of a state funded university in Hungarian as an issue of particular importance for the Hungarian minority.

b) Outstanding issues

167. The Advisory Committee notes that despite the above positive developments, certain numerically smaller minorities or those which cannot benefit from the support of a kin-state maintain that there are too few opportunities available to them as things currently stand. The representatives of

the Ukrainian minority, for example, consider that there are too few classes available to them and point out that for some pupils the schools in question are too far away from where they live.

Recommendation

168. The authorities should review the situation, in consultation with the representatives of minorities, to see whether the opportunities for learning the minority languages in question correspond to actual needs and, where appropriate, take the necessary steps to address any shortcomings.

Study of the Roma language

Findings of the first cycle

169. In its first Opinion on Romania, the Advisory Committee noted the very limited opportunities for learning the Roma language and the lack of any teaching in this language in Romania. The authorities were urged to examine the situation in conjunction with the Roma and take the requisite steps to make the necessary improvements.

Current situation

a) Positive developments

170. Following the involvement of the Ministry of Education and Research, there has been significant progress in the teaching of the Roma language in Romania. The Roma now have textbooks (for both children and adults) for learning their language and additional classes for this purpose are included in the curriculum at the parents' request.

171. Roma language and literature studies have been introduced in the University of Bucharest with a special section which has 10 places per year. Short-duration and distance learning courses (45-60 participants each year) are run for unqualified teachers, and it has been possible to co-opt young Roma who have completed their secondary school studies to augment the ranks of language teachers. Other courses have been set up to train teachers of Roma history and traditions and to train inspectors for the education given to Roma.

172. Considerable attention has also been focused on producing teaching material. This includes the preparation and publication of dictionaries, a handbook on positive practices for teaching Roma children, audio cassettes comprising a selection of Roma tales and proverbs and also a textbook to teach reading to young and adult Roma.

173. As a result of these measures there has been an increase in the number of Roma pupils studying their mother tongue and heightened interest in studying the language among the Roma community. According to official figures, approximately 25,000 Roma children are studying the Roma language, history and traditions. Over 390 of the teachers involved are of Roma origin. Other initiatives, such as Roma language and culture summer camps, are designed to promote the use of the Roma language in out-of-school activities.

b) Outstanding issues

174. The Advisory Committee notes that, for the moment, the teaching of the Roma language covers only a limited proportion of the Roma population who could potentially be interested. In order to develop and consolidate the system, constant efforts alongside appropriate financial resources are required, and this should include placing a greater emphasis on informing families about the opportunities that exist.

Recommendation

165. The authorities should pursue their efforts to develop further the opportunities for teaching the Roma language, in co-operation with Roma representatives, and ensure that there is ongoing assessment of actual needs.

RUSSIAN FEDERATION (First Cycle)

Adopted on 13 September 2002

Article 14

93. The Advisory Committee notes that Article 9 of the 1991 Law on the Languages of the Peoples of the Russian Federation provides that the citizens of the Russian Federation have the right to free choice of the language of upbringing and education and the right to receive basic general education in their native language, as well as to the choice of the language of instruction within the limits offered by the system of education. It further provides that the right of the citizens of the Russian Federation to receive education in their native language is ensured by establishment of the necessary number of corresponding educational establishments, classes, groups, as well as by creating conditions for their functioning. Similar guarantees are contained in Article 6 of the 1996 Law on Education.

94. The Advisory Committee finds that the above-mentioned principles reflect, in a general fashion, the rights contained in Article 14 of the Framework Convention. But aside from general principles, there are no detailed federal norms on this issue at the federal level that would provide, *inter alia*, numerical thresholds for the introduction of instruction in or of minority languages. Some of the subjects of the federation have regulated the issue in more detail, but these regulations apply only to a limited number of the relevant languages. As a result, the normative framework for the implementation of Article 14 remains vague and merits being clarified, even though a measure of flexibility is clearly warranted especially at the federal level taking into account the large differences between various minorities and regions concerned.

95. As regards the relevant practice, the Advisory Committee notes with satisfaction that the educational system of a number of subjects of the federation have gradually evolved from the comprehensive dominance of the Russian language to a system that partially reflects also the needs of persons belonging to national minorities. Such positive developments are particularly clear in the Republics but there are also valuable small-scale initiatives with respect to the teaching of the languages of some of the numerically small indigenous peoples, in areas such as the Khanty-Mansiysk autonomous *okrug* and the Yamalo-Nenets autonomous *okrug*.

96. At the same time, the right to choose the language of instruction, as provided in Article 9 of the Law on Languages of the Peoples of the Russian Federation, is not fully reflected in practice throughout the Federation. In a number of cases, the introduction of a minority language as a language of instruction has been accepted in principle, but in practice the measures taken are rather limited. This is reportedly the case, *inter alia*, with respect to the Nogay language in the Stavropol *krai*, the Mari language in the Republic of Mari-El or Sami languages in the Kola peninsula. Particular challenges are faced by persons belonging to dispersed minorities such as Ukrainians, whose language is taught in only a relatively small number of schools, classes and courses (as pointed out by the OSCE High Commissioner on National Minorities in his findings on the topic, communicated to the authorities of the Russian Federation on 12 January 2001), despite certain commendable efforts in some regions, including in the Republic of Bashkortostan. There are also serious shortcomings in the implementation of the rights at issue in a number of large cities, where the opportunities for persons belonging to national minorities to receive instruction in or of their language appear not to correspond to the needs and demands expressed by the persons concerned, albeit some commendable initiatives have been

launched to address these shortcomings - partially with private funding - e.g. in Moscow and in St Petersburg, including through bilingual education.

97. It is often the case that the language at issue is made available only at the lowest grades of the primary education and that at higher grades the pupils concerned receive their instruction only in the Russian language. With a view to the scope of Article 14, which covers, *inter alia*, secondary education, the Advisory Committee considers that the extension of the availability of the instruction in and of minority languages to higher grades needs to be considered in a number of regions. In this connection, the Advisory Committee notes with satisfaction that in a number of subjects of the federation - such as the Republic of Altai - such extension is envisaged at least as regards some of the relevant languages and that in some cases relatively broad opportunities to receive instruction in certain languages are already in place, for example as concerns instruction in the Bashkir language in the Republic of Bashkortostan and in the Tatar language in the Republic of Tatarstan.

98. The Advisory Committee further notes that the volume of education in minority language in those grades and localities where it is available is often inadequate; for example, the instruction in or of the language of the indigenous peoples of the north is, where available, often limited to a few hours per week.

99. Against this background, the Advisory Committee considers that further efforts are needed in order to expand the scope and volume of teaching in and of minority languages. In pursuing this goal, the authorities should also implement Article 11 of the Law on National-Cultural Autonomy by including cultural autonomies in the development of the state educational standards as well as exemplary programmes for the state and municipal educational establishments with teaching in various languages.

100. The Advisory Committee notes that on 21 June 2001 the Government of the Russian Federation adopted a draft 2002-2005 Russian Language Federal Target-Oriented Programme, which contains as an objective “reinforcing the role of the Russian language in education”. While acknowledging that the measures in support of minority languages are without prejudice to the learning of, and teaching in, the official language, the Advisory Committee expects that the aforementioned objective is pursued in a manner that does not hinder the further development of the volume and quality of teaching in and of minority languages.

In respect of Article 14

154. The Advisory Committee *finds* that the normative framework for the implementation of Article 14 remains vague and *considers* that this framework merits being clarified.

155. The Advisory Committee finds that, despite some positive developments, in a number of cases the measures taken in practice to introduce a minority language as a language of instruction have been rather limited and that particular challenges are faced in large cities and by persons belonging to dispersed minorities. The Advisory Committee considers that further efforts are needed in order to expand the scope and volume of teaching in and of minority languages.

SERBIA AND MONTENEGRO (First Cycle)

Adopted on 27 November 2003

Article 14

94. The Advisory Committee welcomes the fact that the right of persons belonging to national minorities to receive education in their language is guaranteed at the constitutional level in Serbia and Montenegro and that the principles of Article 14 of the Framework Convention are well reflected in Article 13 of the federal Law on the Protection of Rights and Freedoms of National Minorities

concerning minority language education as well as in the Law on Elementary Schools of the Republic of Serbia. The main rule resulting from these regulations is that instruction in a minority language or bilingual instruction is provided if 15 persons apply for it and that such teaching can also be organised for a smaller group upon approval by the Ministry of Education of Serbia.

95. As regards practice, the Advisory Committee welcomes the fact that instruction is provided in a number of minority languages and new initiatives, including instruction in Croatian, have been introduced in recent years in Vojvodina. There are however clear gaps in some areas in terms of the provision of teaching in or of certain minority languages. The Advisory Committee notes, in particular, that persons belonging to the Vlach national minority in North-Eastern Serbia are not provided any teaching in or of their language in the public education institutions. While noting that the authorities argue that this is due to a limited demand for such teaching, the Advisory Committee considers that, bearing in mind the clear interest in such language teaching expressed by organisations representing the Vlach minority, the authorities should take more proactive measures to analyse the level of demand and introduce such teaching whenever the criteria established by the domestic legislation are met.

96. The Advisory Committee notes that certain representatives of the Bosniac national minority regret the fact that there is no instruction available in the Bosniac language in the public educational system in Sandzak. While understanding the need to avoid undue separation in the educational system and while noting that there are different views on this issue amongst the Bosniacs, the Advisory Committee calls on the authorities to review the situation with a view to ensuring that the domestic legislation pertaining to the teaching in or of minority languages is fully implemented also in respect of the Bosniac language.

97. The Advisory Committee notes that the Serbian legislation provides that, when a minority language is the language of instruction, a certain amount of Serbian must nevertheless also be taught. While it is fully legitimate to ensure that the Serbian language is taught to all pupils, the Advisory Committee finds it important that the teaching of the Serbian language is introduced in a manner that does not discourage pupils from opting for minority language teaching. In this respect, the Advisory Committee is concerned about the reports that such Serbian language teaching has been introduced as an addition to, rather than part of, the regular school work of the pupils concerned. The Advisory Committee believes that such classes should be a truly integral part of the regular education of the pupils concerned and it calls on the authorities to review the situation and to introduce improvements where necessary.

98. Those persons belonging to national minorities who have Serbian as their main language of instruction have in some cases been provided optional classes on their minority language and culture. These optional classes, limited in most cases to two hours per week, are particularly important for certain national minorities, including the Bulgarians, Roma and Slovaks. The Advisory Committee considers that in addition to reviewing the adequacy of the volume of such teaching, the authorities should ensure that it is satisfactorily integrated in the regular school curriculum of the pupils concerned.

99. In Montenegro, the legal situation concerning minority language teaching is less developed than that applicable in Serbia. Article 11, paragraph 2, of the General Law on Education envisages teaching in a minority language in the municipalities where a national minority constitutes “a majority or a significant part of the population” without providing clear criteria for the implementation of this provision. The Advisory Committee considers that there is a need to provide further guarantees and legal clarity as regards the implementation of this principle. In practice, Montenegro has introduced instruction in the Albanian language in a number of schools but the linguistic needs of other national minorities, including Roma, merit increased attention.

100. In this connection, the Advisory Committee is concerned about the reports indicating that many Roma displaced from Kosovo, and Roma repatriated from abroad, have faced particular

problems as they have been placed in Serbian language schools without adequate support and without due regard to their linguistic backgrounds and needs. The Advisory Committee refers to the estimates provided by the authorities according to which, in Montenegro, 58 percent of the internally displaced Roma from Kosovo speak Albanian, and it calls on the authorities, both in Montenegro and in Serbia, to ensure that these persons are provided adequate opportunities to receive education in their language.

In respect of Article 14

159. The Advisory Committee *finds* that there are gaps in some areas in terms of the provision of teaching in or of certain minority languages and *considers* that the authorities should take more proactive measures to analyse the level of demand and review the situation with a view to ensuring that the domestic legislation pertaining to the teaching in or of minority languages is fully implemented.

160. The Advisory Committee *finds* that the Serbian language teaching has reportedly been in some cases introduced as an addition to the regular school work of the pupils receiving instruction in a minority language. The Advisory Committee *considers* that such teaching should be a truly integral part of the regular education of the pupils concerned and that the authorities should review the situation and introduce improvements where necessary.

161. The Advisory Committee *finds* that optional classes on a minority language and culture are particularly important for certain national minorities and *considers* that the authorities should review the adequacy of the volume of such teaching and its integration in the regular school curriculum.

162. The Advisory Committee *finds* that in Montenegro the legal situation concerning minority language teaching is less developed, and it *considers* that there is a need to provide further guarantees and legal clarity in this sphere.

163. The Advisory Committee *finds* that many displaced and repatriated Roma have reportedly faced particular problems as they have been placed in the Serbian language schools without adequate support and without due regard to their linguistic backgrounds and needs. The Advisory Committee *considers* that the authorities should ensure that these persons are provided adequate opportunities to receive education in their language.

SLOVAK REPUBLIC (First Cycle)

Adopted on 22 September 2000

Article 14

43. The Advisory Committee welcomes the fact that Article 34 of the Constitution guarantees the right of Slovak citizens belonging to national minorities to receive education in their mother tongue. However, there are only very limited legislative provisions concerning the implementation of this constitutional guarantee. Indeed, it appears that the only legislative provision dealing specifically with this issue is Article 3 of the Law on the System of Elementary and Secondary Schools, which guarantees to citizens belonging to the "Czech, Hungarian, German and Polish and Ukrainian (Ruthenian) minority" the right to education also in their mother tongue "to the extent necessary for the interest of their national development". Given the very general nature of this provision, the Advisory Committee supports the efforts to provide more detailed legislative guarantees in this sphere.

44. The Advisory Committee welcomes the improvements that have been achieved in recent years as concerns the practice of education in minority languages, especially with regard to the Hungarian language but including also the introduction of Ruthenian in a number of schools. The Advisory Committee notes, however, that the role of the Roma language is recognised only in a very limited fashion. Despite the fact that the above-mentioned constitutional provision on education in minority

languages extends to all national minorities, the scope of the School Act is limited to the languages enumerated in the above paragraph and, consequently, no school in Slovakia offers instruction in the Roma language. The Advisory Committee is therefore of the opinion that it needs to be examined to what extent the current legal and practical status of the Roma language in the education system of Slovakia meets the demands of the said population. Such an examination would help to establish whether further measures are needed to ensure adequate opportunities for being taught the Roma language or for receiving instruction in this language.

45. The Advisory Committee notes that there is a lack of qualified teachers in minority languages. The Advisory Committee therefore considers that the Government should strengthen its efforts in the field of teacher training. Such measures could include for example the implementation of the existing proposals to introduce a department for the training of Hungarian language teachers at the Konstantin University in Nitra, but they should also accommodate the needs of individuals belonging to other minorities seeking education in their language.

In respect of Article 14

The Committee of Ministers *concludes* that there are only very limited legislative provisions concerning the implementation of the constitutional right of Slovak citizens belonging to national minorities to receive education in their mother tongue. The Committee of Ministers *recommends* that Slovakia pursue the Government's plans to provide more detailed legislative guarantees in this sphere.

The Committee of Ministers *concludes* that the provisions on minority languages contained in the School Act do not cover Roma language and that no school in Slovakia offers instruction in Roma language. The Committee of Ministers *recommends* that Slovakia examine to what extent the current situation concerning the status of the Roma language, in both law and practice, in the education system of Slovakia meets the demands of the said population and consider, if appropriate, further measures aimed at ensuring that adequate opportunities for being taught the Roma language or for receiving instruction in this language are provided.

The Committee of Ministers *concludes* that there is a lack of qualified teachers in minority languages and *recommends* that Slovakia strengthen its related efforts in the field of teacher training.

SLOVENIA (First Cycle)

Adopted on 12 September 2002

Article 14

67. The Advisory Committee welcomes the very good opportunities for persons belonging to the Hungarian and Italian minorities to receive instruction in their respective minority languages in “ethnically mixed areas” (see related comments under Article 12). The Advisory Committee also notes with approval that secondary schools, technical schools and high schools located outside “ethnically mixed areas” in Slovenia are required to offer pupils who have attended bilingual (Hungarian-Slovene) or monolingual (Italian) primary schools in “ethnically mixed areas” the opportunity to take Hungarian or Italian courses when at least five students make such a request.

68. The Advisory Committee notes that in the Slovene school system, opportunities to learn the Roma language are few, although some pilot projects have recently been launched, especially in Murska Sobota. This situation seems largely due to the uncodified nature of the Roma language and the lack of suitably qualified teachers. The Advisory Committee urges the Slovene authorities, in consultation with representatives of the Roma minority, to continue their support for ongoing projects in the field of Roma language teaching.

In respect of Article 14

101. The Advisory Committee *finds* that in the Slovene school system, opportunities to learn the Roma language are few, although some pilot projects have recently been launched. The Advisory Committee therefore *considers* that the authorities, in consultation with representatives of the Roma minority, should continue their support for ongoing projects in the field of Roma language teaching.

SLOVENIA (Second Cycle)

Adopted on 26 May 2005

Learning of minority languages and instruction in those languages

Findings of the first cycle

160. In its first Opinion on Slovenia, the Advisory Committee welcomed the excellent opportunities for Hungarians and Italians to learn their languages and to receive instruction in them, including outside the “ethnically mixed areas”. However, it noted that opportunities to learn the Roma language were practically non-existent, and urged the authorities to continue their projects in this area.

Present situation

a) Positive developments

161. The Advisory Committee is pleased to note that the Hungarian and Italian minorities in Slovenia continue to enjoy excellent opportunities to learn their mother tongue and to reinforce their linguistic identity through education (see also comments under Article 12, as well as in paragraphs 130 and 135 under Article 10 above).

162. As far as the Roma are concerned, efforts have been made for some years to introduce the study of the Roma language as an optional subject. To this end, the Ministry of Education is supporting a Ljubljana University project aimed at standardising the Roma language in Slovenia and incorporating Roma culture in education.

b) Outstanding issues

163. Despite the recent measures taken by the authorities to encourage the gradual introduction of Roma language studies, this language is virtually absent from the Slovene education system at this stage, either as an academic subject or as a language of instruction. While acknowledging the difficulties arising from the lack of standardisation and the existence in Slovenia of several variants of the Roma language, the Advisory Committee considers that these issues cannot justify the delay in this area, particularly given that the demand appears to be there. It also notes that increased efforts are needed in order to raise teachers’ awareness of the Roma language and traditions, while ensuring the training of teachers for that language, preferably among the Roma themselves.

Recommendation

164. The authorities should take more decisive action to identify the needs in terms of learning of the Roma language and instruction in that language, and speed up the measures designed to respond to those needs, while involving Roma in this process.

SPAIN (First Cycle)

Adopted on 27 November 2003

Article 14

74. The Advisory Committee notes with concern that opportunities for the Roma to learn their language are virtually non-existent today in the Spanish school system. It should be pointed out that, apart from *ad hoc* support granted by the State to non-governmental organisations providing courses in *caló*, there is no specific government policy to promote such learning, which is practically absent from the public education syllabus. The Advisory Committee calls on the authorities to look into existing needs and, together with the persons concerned, identify the best ways of meeting them. Likewise, the authorities are encouraged to continue assisting projects devised by civil society in this field.

In respect of Article 14

95. The Advisory Committee *finds* that Roma in Spain have virtually no opportunities for learning their language in the country's public education system. The Advisory Committee *considers* that the authorities should look into the situation in this area and identify ways of meeting, as appropriate, any eventual demands.

SWEDEN (First Cycle)

Adopted on 20 February 2003

Article 14

56. The Advisory Committee welcomes the fact that instruction in and of Sami has gradually developed in Sweden on the basis of the Sami Education Ordinance (1995:205), including in the municipalities of Gällivare, Jokkmokk and Kiruna. There is however scope for improvements, notably outside these municipalities.

57. As regards other national minorities, the Advisory Committee notes that the main guarantee in the sphere of minority language education is the right to "mother-tongue education" (*modersmålsundervisning*) contained in Chapter 2 of the Compulsory School Ordinance (1994:1194) and in Chapter 5 of the Upper Secondary School Ordinance (1992:394), according to which municipalities are, under certain conditions, obliged to provide education of any mother-tongue as a subject if it is requested by at least 5 pupils or, as regards Sami, Meänkieli and Romani Chib, by one or more pupils.

58. The Advisory Committee welcomes the low numerical threshold contained in these provisions. It notes, however, that the obligation of municipalities to provide mother-tongue teaching is conditioned on the availability of teachers in Article 13, paragraph 1, of the Compulsory School Ordinance and in Article 12, paragraph 1, of the Upper Secondary School Ordinance. This condition affects negatively the impact and scope of the guarantees at issue, due in particular to the existing lack of teachers (see related comments under Article 12). Therefore, the Advisory Committee is of the opinion that Sweden should consider amending the aforementioned paragraphs on the availability of teachers in so far as they concern the languages of national minorities.

59. The Advisory Committee notes that even in those municipalities which have organised mother-tongue teaching, the volume of such teaching is generally extremely limited (one to two hours per week) and it is often not perceived as an integral part of the education of the pupils concerned. In many cases, mother-tongue teaching is organised outside the regular school hours, and it requires additional travelling by the pupils who often have to attend a different school for this purpose. Also, the parents and pupils are not always given adequate information on their rights in this sphere, as is pointed out in the aforementioned report of the National Agency for Education. These factors appear

to have contributed to the marked decrease in the number of pupils receiving mother-tongue teaching and suggest that the authorities should seek new approaches in this field to improve the implementation of Article 14 of the Framework Convention and also improve the way in which information on the rights in question is disseminated.

60. The Advisory Committee recalls that the alternatives to which Article 14, paragraph 2, refer - “opportunities for being taught the minority language or for receiving instruction in this language” - are not mutually exclusive. The Advisory Committee notes that there is a clear demand in Sweden amongst persons belonging to national minorities to receive bilingual education. However, no guarantees exist in legislation to receive such teaching in minority languages other than Sami. As far as primary education is concerned, the Compulsory School Ordinance provides in its Chapter 2 that the municipalities may provide bilingual education (with at least 50 percent of education in Swedish) in grades 1 – 6 and in Finnish also in grades 7-9, but there is no obligation to do that. In practice the number of bilingual classes in public schools have continuously decreased and at present there are only very few such classes left in Sweden. While recognising that a number of important initiatives have been taken in the private sphere (see related comments under Article 13), the Advisory Committee considers that instruction in minority languages within the public school system merits considerably more attention both in legislation and practice. For example, the Advisory Committee regrets that even the possibility to provide bilingual public education in grades 7-9 in minority languages other than Finnish is excluded by law. Furthermore, the Advisory Committee is of the opinion that Sweden should consider the introduction of positive obligations to provide bilingual teaching in public schools under certain circumstances and the provision of incentives for municipalities to improve their efforts in this sphere.

61. The Advisory Committee welcomes the fact that the 1999 laws concerning the use of Sami, Finnish and Meänkieli in contacts with administrative authorities in certain municipalities (see related comments under Article 10) envisage pre-schools which are wholly or partly carried out in these minority languages and hopes that the local difficulties that have been reported in the implementation of this principle can be overcome.

62. Finally, the Advisory Committee underlines that, given the central role played by local authorities in the field of education, it is essential that municipalities are closely involved in the process of introducing reforms aimed at improving the implementation of Article 14 of the Framework Convention.

In respect of Article 14

90. The Advisory Committee *finds* that instruction in and of Sami has gradually developed in Sweden and *considers* that further improvements could be achieved, notably outside the municipalities of Gällivare, Jokkmokk and Kiruna.

91. The Advisory Committee *finds* that the legal obligation to provide mother-tongue teaching is conditioned on the availability of teachers and that this affects negatively the scope and the impact of the guarantees at issue. It *considers* that the authorities should give thought to amending the provisions which provide for this condition.

92. The Advisory Committee *finds* that in practice the extremely limited volume of mother-tongue teaching, the way such teaching is organised and shortcomings in the distribution of relevant information appear to have contributed to the marked decrease in the number of pupils receiving mother-tongue teaching. It *considers* that the authorities should seek new approaches in this field to improve the implementation of Article 14 of the Framework Convention and improve the way in which information on the rights in question is distributed.

93. The Advisory Committee *finds* that there exist no legislative guarantees to receive bilingual education in minority languages other than Sami and even the possibility to provide bilingual public

education in grades 7-9 in minority languages is excluded by law except for the Finnish language. It further *finds* that in practice the number of bilingual classes in public schools have continuously decreased. The Advisory Committee *considers* that instruction in minority languages within the public school system merits considerably more attention both in legislation and practice and that Sweden should consider the introduction of positive obligations to provide bilingual teaching in public schools under certain circumstances and the provision of incentives for municipalities to improve their efforts in this sphere.

94. The Advisory Committee *finds* that the laws concerning the use of Sami, Finnish and Meänkieli in contacts with administrative authorities in certain municipalities envisage pre-schools which are wholly or partly carried out in these minority languages and *considers* that local difficulties that have been reported in the implementation of this principle should be overcome.

SWITZERLAND (First Cycle)

Adopted on 20 February 2003

Article 14

67. The Advisory Committee notes with satisfaction that all persons belonging to a linguistic minority have the possibility of learning their language in primary and secondary education, regardless of the canton in which they reside. Indeed, it is possible to learn an official language of the Confederation as one's second or third language in all schools in the country.

68. Whereas both the legal order and the existing network of schools allows persons belonging to a linguistic minority to receive full primary education in their language, it appears that the principle of territoriality limits this possibility in practice. Where the cantons determine the language of instruction of the public schools, they base themselves in general on the official language(s) of the region in which those schools are located. Canton Fribourg, which to date has left it to practice and the courts to decide on the linguistic affiliation of the municipalities, provides for example in its Education Act that education shall be given in French in scholastic schooling circles in which the official language is French and in German in schooling circles in which the official language is German. The Advisory Committee notes with interest, however, that the relationship between freedom of language and the principle of territoriality is at present being re-examined in the context of the discussion on the preliminary draft for a new constitution of Fribourg. For its part, Canton Graubünden has decided to leave the question of the determination of the language of instruction to the competence of the municipalities.

69. The question of the choice of the language of instruction by pupils' parents has been the subject of several judicial decisions in Cantons Bern, Fribourg and Graubünden. The Advisory Committee notes with interest that the relevant case-law of the Swiss Federal Tribunal has evolved in recent years. The Court now seems to give more weight to freedom of language as compared with cantonal autonomy in the linguistic field and the public interest connected with strictly safeguarding the linguistic homogeneity of the regions. Accordingly, in several cases, pupils were authorised to take their instruction in the minority language offered by a neighbouring municipality where their parents were prepared to bear all the resulting educational costs. The Advisory Committee is well aware that there are in Switzerland subtle equilibria as between freedom of language and the principle of territoriality and that the cantons continue to have a wide autonomy in this field, which enables them to come up with subtle responses to specific situations. Nevertheless, the Advisory Committee considers that, in this field, the most recent case-law of the Swiss Federal Tribunal accords better with the requirements of Article 14(2) of the Framework Convention. It therefore encourages the authorities concerned, when they have to rule on the enrolment of pupils in schools with instruction in the minority language offered by a neighbouring municipality, to take account of the Framework Convention and, in particular, to consider whether there is sufficient demand within the meaning of the aforementioned provision.

70. The Advisory Committee notes that, unlike Cantons Fribourg, Bern and Valais, the situation prevailing in Canton Graubünden is a special one insofar as the Romanche language is in danger of disappearing in certain municipalities, although traditionally they belong to that linguistic area. In view of this precarious situation of Romanche, the freedom accorded to Graubünden municipalities to decide on the language of instruction used in public primary schools may present some risks owing to the lack of clear criteria as to the language of instruction, which in the past led some municipalities to switch from Romanche to German. Such risks exist also for certain municipalities offering teaching in Italian.

71. The Advisory Committee notes that the proportion of Romanche-speaking pupils attending primary school in Canton Graubünden decreased from 25.1% to 17.3% between 1970 and 2000, and is of the opinion that the greatest possible caution should be exercised in examining any change in the language of instruction at the municipal level, particularly along the linguistic border. In this context, the Advisory Committee is pleased that the draft for the new Graubünden Constitution, which will be put to a referendum in May 2003, provides in Article 3(3) that the municipalities shall determine the official language and the language of instruction in co-operation with the canton and that, in so doing, they shall take account of the traditional linguistic composition and of autochthonous linguistic minorities. The Advisory Committee expresses the hope that this new article will enable the position of Romanche schools in municipalities at the linguistic border to be strengthened, even though it does not contain any real guarantee in this respect.

72. The Advisory Committee stresses that in recent years pilot experiments in bilingual teaching have been developed at the municipal level in a number of cantons and that generally these experiments have not been impeded by application of the principle of territoriality. This is the case in the municipality of Chur (the capital of Graubünden), which, though located in the German linguistic area, has been offering for three years a bilingual German-Italian section and a similar German-Romanche section. It appears that this bilingual education is a considerable success, which suggests that there are serious needs for education in Italian and – although to a lesser extent – in Romanche outside the traditional area of those languages. The Advisory Committee welcomes the establishment of such bilingual sections and urges the other cantons to follow suit, in particular in large cities of the country, where there is no risk to the maintenance of linguistic balance and where numerous persons belonging to linguistic minorities live with no possibility of receiving instruction in their language, in particular at primary level (see also the comments on Article 12).

73. As regards the situation of the Travellers and the possibilities to support further research on the Yenish language, the Advisory Committee encourages the continuation of a dialogue between the authorities and the persons concerned (see related comments under paragraph 61, Article 12).

In respect of Article 14

100. The Advisory Committee *finds* that the possibility for persons belonging to a linguistic minority to receive full primary education in their language is limited in practice by the principle of territoriality. It *considers* that the authorities concerned should be encouraged, when they have to rule on the enrolment of pupils in schools with instruction in the minority language offered by a neighbouring municipality, to take account of the Framework Convention and, in particular, to consider whether there is sufficient demand within the meaning of the aforementioned provision.

101. The Advisory Committee *finds* that the freedom accorded to Graubünden municipalities to decide on the language of instruction used in public primary schools may present some risks owing to the lack of clear criteria as to the language of instruction. It *considers* that the greatest possible caution should be exercised in examining any change in the language of instruction at the municipal level, particularly along the linguistic border.

102. The Advisory Committee *finds* that in recent years pilot experiments in bilingual teaching have been developed at the municipal level in a number of cantons and that generally these

experiments have not been impeded by application of the principle of territoriality. It *considers* that the establishment of such bilingual sections should be encouraged and urges the cantons to follow suit, in particular in large cities of the country, where there is no risk to the maintenance of linguistic balance and where numerous persons belonging to linguistic minorities live with no possibility of receiving instruction in their language, in particular at primary level.

“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” (First Cycle)

Adopted on 27 May 2004

Article 14

87. The Advisory Committee welcomes the fact that the right of persons belonging to minorities to receive instruction in their own language in primary and secondary schools is enshrined in the Constitution (Article 48).

88. The Advisory Committee notes, however, that in practice, there are serious deficiencies as regards instruction of and instruction in minority languages.

89. The Advisory Committee observes that in rural areas inhabited by persons belonging to the Turkish minority in substantial numbers, there are not enough classes providing instruction in Turkish, with the result that children must travel to other areas if they wish to receive instruction in their own language. Owing to the difficult economic conditions and lack of infrastructure, however, such travel is rarely feasible, thus contributing to the problem of educational drop-out.

90. The Advisory Committee is aware that requests have been made by persons belonging to minorities (in particular Albanians and Turks), for additional classes to be provided, including at primary level, but that these have not been approved by the authorities. The Advisory Committee considers it important in the context of Article 14 paragraph 2 that these requests be given all proper consideration. The Advisory Committee urges the authorities to ensure that solutions are found in order to meet the needs of minorities and to develop specific criteria for introducing classes providing instruction in minority languages.

91. The Advisory Committee considers that implementation of Article 14 of the Framework Convention is closely linked to the implementation of Article 12 paragraph 2: it accordingly considers that the remarks which it made above in respect of this provision, concerning the need to train competent teachers and to provide adequate teaching materials, are apt to facilitate the effective exercise of the right of persons belonging to minorities to be taught in and to learn their mother tongue.

92. The Advisory Committee notes that the guarantees enshrined in Article 48 of the Constitution do not appear to apply in practice to persons belonging to the Vlach, Roma and Serb minorities. Indeed, the Advisory Committee has received information according to which only a few optional classes in Roma language are operating, the demands for the opening of additional classes in Vlach are met with reluctance and there has been a decrease in the number of classes in Serbian with the consequences that children from the first to fourth grade are grouped together in a single class. The Advisory Committee urges the authorities to look carefully at the needs of these communities and to provide appropriate support for teaching of and in their minority languages. In the case of persons belonging to the Roma minority, the Advisory Committee hopes that the national strategy currently being prepared can provide some answers, by drawing on a suitable curriculum, taught by qualified staff.

In respect of Article 14

141. The Advisory Committee *finds* that there are demands from the Turkish and Albanian community to open additional classes providing instruction in their language and *considers* that the authorities should examine carefully the needs of minorities in this area as well as specify the criteria for introducing classes providing education in minority languages.

142. The Advisory Committee *finds* that there are shortcomings in the teaching in and of the Vlach, Roma and Serbian language and *considers* that the authorities should provide adequate support in this area.

UKRAINE (First Cycle)

Adopted on 01 March 2002

Article 14

63. The Advisory Committee takes note of the legislation, including Article 53 paragraph 5 of the Constitution and in Articles 25 – 29 of the Law on Languages, that guarantees for persons belonging to national minorities the right to receive instruction in their language or to study their language. While these guarantees are to be welcomed, they are formulated in a general fashion and the legislation at issue contains no precise numerical or other threshold that would trigger the introduction of instruction in, or of, a minority language in a school. The Advisory Committee has however been informed that such thresholds have been established through an Instructive Letter of the Ministry of Education, dated 7 October 1996, which provides for the creation of classes or groups with a minority language as a language of instruction upon a request by parents of at least 8-10 pupils in non-rural areas and of 5 pupils in rural areas. In so far as this threshold entails an obligation of the authorities to organise such teaching, the Advisory Committee finds that it represents a commendable interpretation of a “sufficient demand” – the relevant term contained in Article 14 paragraph 2 of the Framework Convention. The Advisory Committee is, however, of the view that it would be preferable, including for the purposes of legal certainty and accessibility, that more precision on the reach of the applicable rights would be included also at the legislative level. In the meantime, there appears to be a need to inform the persons concerned more consistently about the existence and the content of the said threshold, as many of them appear not to be familiar with it.

64. As regards the practical implementation of Article 14 of the Framework Convention, the Advisory Committee notes that the share of the instruction in the Ukrainian language has considerably increased in recent years at all levels of education while in particular the share of the Russian language teaching has decreased. The Advisory Committee agrees that a reform of the system of language education was warranted, taking into account *inter alia* the increasing demand for Ukrainian language teaching and the fact that the minority language system, while providing an extensive network of schools with Russian as the language of instruction, did not fully take into account the existing needs with respect to other minority languages, such as Bulgarian and Polish.

65. The Advisory Committee underlines that the reform should not result in undue limitation of the rights of persons belonging to national minorities under Article 14 of the Framework Convention, and that the above-mentioned threshold should be applied in an equitable manner in relation to all languages of persons belonging to national minorities, including the Russian language and those of numerically smaller minorities. A factor that may complicate reaching this aim is the fact that the Cabinet of Ministers has, through its Resolution No. 1004 of 21 June 2000 introducing amendments to the “integral actions aimed at the comprehensive development and functioning of the Ukrainian language”, identified as one of its goals to bring the network of pre-school and general education institutions “into compliance with the national composition of the population in regions and the needs of citizens”. The Advisory Committee considers that the Ukrainian authorities should maintain

“sufficient demand” as the main criteria for the introduction of minority language education rather than the ethnic composition of the region as issue.

66. The Advisory Committee believes that one important safeguard for ensuring that reforms in the field of education are in line with the Framework Convention is that close consultations are held with those concerned, including with persons belonging to national minorities. In this respect, the Advisory Committee recalls that in the past years there have been concerns, including amongst persons belonging to the Romanian and Hungarian minorities, that certain pivotal reform initiatives have been designed without proper consultations, and it welcomes the commitment of the authorities to ensure that any future initiatives will be designed through an open process.

67. The Advisory Committee notes that there are specific challenges relating to the implementation of Article 14 of the Framework Convention in Crimea, where the Russian language has been the dominant language in a large majority of schools in contrast to the limited availability of instruction in other minority languages and in Ukrainian. Following the return of formerly deported people, certain commendable efforts have been made to introduce in particular the Crimean Tatar language as the language of instruction, but additional demands in this respect have reportedly at times been challenged on economic grounds by local authorities. The Advisory Committee recognises the economic constraints involved, but urges the authorities concerned to implement the above-mentioned provision concerning introduction of instruction in a minority language whenever the established threshold is met.

68. The Advisory Committee has been informed that local authorities have in some instances objected to the introduction of teaching in minorities languages, such as Polish, on the basis that there are no qualified teachers. At the same time, central authorities take the view that adequate measures have been taken in this respect. The Advisory Committee considers that this question merits being reviewed and, if necessary, increasing attention needs to be paid to the question of teacher training.

In respect of Article 14

107. The Advisory Committee *finds* that legislation does not provide precise numerical or other thresholds that would trigger the introduction of instruction in, or of, a minority language in a school, although such criteria have been established by the ministry concerned. The Advisory Committee *considers* that it would be advisable to include more precision on the reach of the applicable rights also at the legislative level.

108. The Advisory Committee *finds* that Ukraine has introduced reforms in its system of minority language education. The Advisory Committee *considers* that the Ukrainian authorities should pursue such reforms in consultation with the minorities concerned, and that Ukraine should maintain “sufficient demand” as the main criteria for the introduction of minority language education rather than the ethnic composition of the region at issue.

UNITED KINGDOM (First Cycle)

Adopted on 30 November 2001

Article 14

89. The Advisory Committee notes the Government’s assertion that there is little or no demand from the ethnic minorities for teaching of their minority languages and that priority is placed on allowing ethnic minority children to become fluent in English. The Advisory Committee also notes that there exist possibilities for learning ethnic minority languages outside of the classroom, with certain limited possibilities within the classroom during secondary education.

90. The Advisory Committee considers it important that adequate recognition and support be given to those wishing to learn their own minority language, whether this is within the school system or outside of it. The Advisory Committee furthermore considers that the availability of such education is an important indicator of respect and value of the culture concerned.

91. The Advisory Committee, while noting the limited demand expressed to date for being taught ethnic minority languages or for receiving instruction in these languages, encourages the Government to take a more proactive approach. The Advisory Committee understands that certain steps are already being taken in Scotland, including research being undertaken on the level and variety of minority ethnic language needs. The Advisory Committee considers that an assessment of the level and variety of minority ethnic language needs could usefully be expanded to other areas of the United Kingdom where there are substantial numbers of ethnic minorities.

92. The Advisory Committee welcomes the increasing possibilities for receiving education in Welsh, Scottish-Gaelic and Irish. The Advisory Committee has however received representations from persons belonging to the Irish speaking community in Northern Ireland that more could be done to support Irish language education, including at the level of higher education where no such possibility exists. The Advisory Committee has similarly received representations from the Ulster-Scots speaking community calling for the introduction of teaching of Ulster-Scots language and literature in schools and other educational institutions. The Advisory Committee is of the view that the Government should examine with the parties concerned what further measures could be taken to support, in particular, Irish language education but also the teaching of Ulster Scots. The Advisory Committee notes in this respect the importance attached to linguistic diversity under the Belfast (Good Friday) Agreement (1998).

In respect of Article 14

124. The Advisory Committee *finds* that it is important that adequate recognition and support be given to those wishing to learn their own minority language and *considers* that the United Kingdom should further assess the level and variety of language needs of the ethnic minority communities.

125. The Advisory Committee *finds* that the possibilities for receiving education in and of Welsh, Scottish-Gaelic and Irish have increased in recent years, but that further support is needed, in particular, for Irish language education and that the situation of Ulster Scots also needs to be examined. The Advisory Committee *considers* that the United Kingdom should examine with those concerned further measures that could be taken in support of such education.
