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**SECRETARIAT OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

**COMPILATION OF OPINIONS OF THE ADVISORY COMMITTEE
RELATING TO ARTICLE 13 OF THE FRAMEWORK CONVENTION**

SECOND CYCLE

“Article 13

1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.
2. The exercise of this right shall not entail any financial obligation for the Parties.”

This document was produced for the work of the Advisory Committee. For publication purposes, please refer to the original versions of the opinions of the Advisory Committee on the Framework Convention.

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As of 2 February 2016, the Advisory Committee on the Framework Convention for the Protection of National Minorities had adopted 39 opinions, among which 13 opinions on Article 13.

NOTE

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

This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. On the contrary, the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may be considered acceptable at one stage but that need not necessarily be so in further cycles of monitoring. It may also be the case that issues that appear at one stage of the monitoring to be of relatively minor concern prove over time to have been underestimated.

1. Austria

Opinion adopted on 8 June 2007

Minority education in Vienna

Findings of the first cycle

In its first Opinion, the Advisory Committee urged the authorities to continue their discussions with representatives of the Czech and Slovak minorities to identify funding solutions that could help secure the Komensky School's long-term future. It also encouraged them to increase subsidies for private schools in Vienna offering education in other minority languages.

Present situation

a) Positive developments

The Advisory Committee notes that the private school Komensky, the only establishment providing education in Czech and Slovak to persons belonging to these minorities in Vienna, continues to exist thanks to subsidies from the authorities for running costs and the costs of teachers. It now offers education from kindergarten up to the level of the entrance exam for university.

b) Outstanding issues

The Advisory Committee observes with concern that the Komensky school continues to encounter financial and administrative difficulties, which constitute a threat to its existence. On the one hand, the existing possibility to lower the number of pupils required to maintain a class does not apply to private schools. Moreover, the number of teachers, whose salaries are borne by the authorities, depends on the number of classes and of pupils per class. The Advisory Committee believes that the possibility of exempting the Komensky school from the requested threshold needs to be considered in order to ensure that the school will continue to have a sufficient number of teachers. On the other hand, operational costs are partly covered by federal subsidies that are, in principle, allocated for cultural activities and not for education and are therefore limited.

The Advisory Committee notes that, in the absence of an act on minority education in Vienna, minority education opportunities for other minorities living in Vienna are limited to a restricted number of private educational institutions where pupils can be taught in the minority language (see also remarks in respect of Article 14). These institutions operate with limited support from the authorities. This situation particularly affects persons belonging to the Croat and Hungarian minorities in Vienna.

Recommendations

The Advisory Committee invites the authorities to seek further ways, in close cooperation with the representatives of the Czech and Slovak minorities of ensuring that the Komensky school will be able to continue to operate in the long term.

The Advisory Committee invites the authorities to consider allocating further support to private institutions providing education in minority languages in Vienna, so as to ensure that persons belonging to minorities living in Vienna have possibilities to receive adequate teaching in the minority languages.

2. Azerbaijan

Opinion adopted on 9 November 2007

Private minority schools

Findings of the first cycle

In its first Opinion, the Advisory Committee encouraged the authorities to ensure support for the establishment and operation of educational institutions, such as the private Jewish school in Baku.

Present situation

Positive developments

The Advisory Committee was informed during its visit that the private Jewish school in Baku will be provided by the authorities with possibilities (including buildings) to expand its operation.

Recommendation

The Advisory Committee encourages the authorities to continue to provide support to minority private establishments that contribute to the preservation and development of minority languages and cultures.

3. Cyprus

Opinion Adopted on 7 June 2007

Private schools

Current situation

a) Positive developments

The Advisory Committee welcomes the fact that children from the three minority groups are assisted by the state, by means of annual subsidies, in order to attend private schools if that is their wish. The Latins have two schools they can attend, the Terra Santa secondary school in Nicosia and St. Mary's school in Limassol. These are private Catholic schools following in the main a similar curriculum to the state schools but offering education (from kindergarten to secondary level) also open to other denominations. The state pays for the annual fees of pupils belonging to the minority groups, primarily the Latins and the Maronites, enrolled in these schools which are designated by the authorities as "national" or "ethnic" schools. The state also subsidises the teachers' salaries and adequate religious instruction is given to pupils from each group. Pupils from the minority groups who choose other private schools are also given financial assistance, but in their case the assistance covers only part of the annual fees.

b) Outstanding issues

While welcoming the support given by the authorities to the private schools offering education for pupils belonging to the minority groups, the Advisory Committee notes the delays reported in the provision of textbooks for these schools and the difficulties faced in finding qualified teachers for this type of education.

Recommendations

The Advisory Committee encourages the authorities to examine the difficulties affecting the educational opportunities of children belonging to the three minority groups in private schools. In consultation with all interested parties, the authorities are invited to identify ways and means of overcoming these difficulties.

4. Czech Republic

Opinion adopted on 24 February 2005

Private education for national minorities

Outstanding issues

The Advisory Committee notes that representatives of the Russian minority have expressed a desire to obtain a more suitable location for the Russian school of Prague.

Recommendation

The municipal authorities are encouraged to enter into dialogue with the representatives of the Russian minority and to examine the possibility of finding a satisfactory solution to their concern.

5. Estonia

Opinion adopted on 24 February 2005

“Sunday schools” for national minorities

Findings of the first cycle

In its first Opinion, the Advisory Committee called for additional support for private initiatives on education of persons belonging to national minorities.

Present situation

a) Positive developments

In the context of the integration programme, a number of voluntary language schools (“Sunday schools”), set up mostly by cultural associations of national minorities, have received public support. There is an active discussion on how to establish a satisfactory funding scheme for such schools, which are of particular importance to numerically smaller minorities.

b) Outstanding issues

Due to shortcomings in the pertinent legislation and practice, public financial support for “Sunday schools” is at present not provided in an optimum manner and many of the schools concerned do not enjoy such support (see also related comments under Article 5 above).

Recommendations

Estonia should pursue its efforts to design an improved funding scheme for “Sunday schools” of national minorities, while ensuring that support for such private initiatives is coupled with adequate measures also in the public educational system.

6. Germany

Opinion adopted on 1 March 2006

Funding of schools for the Danish minority in Schleswig-Holstein

Findings of the first cycle

The Advisory Committee encouraged the authorities to maintain a dialogue with the Danish minority to find an appropriate solution to the problem of funding its network of private schools, which is the only existing option for persons belonging to the Danish minority to receive education in their own language.

Present situation

a) Outstanding issues

The Advisory Committee takes note of the concerns expressed by persons belonging to the Danish minority with regard to decreasing subsidies for school transportation of pupils attending Danish minority schools. This may impact negatively on the commendable practice of equal funding for all pupils and might threaten the existence of certain Danish minority primary schools. The Advisory Committee reminds the competent authorities of the need to ensure that budgetary restrictions do not affect minorities more than the population at large.

Recommendations

The Advisory Committee urges the authorities to take full account of the need to guarantee equal access to education for persons belonging to minorities, and encourages them to find an appropriate solution to the problems of funding of the Danish minority education system.

7. Italy

Opinion adopted on 24 February 2005

Private education for national minorities

Reference is made to the comments made on the recent recognition, as a state school, of the private bilingual (Slovenian-Italian) pre-school and elementary school located in San Pietro al Natisone in the Udine province (see related comments under article 14 below).

8. Montenegro

Opinion adopted on 19 June 2013

Article 13 of the Framework Convention

Private education establishments

Findings of the first cycle

In its first Opinion, the Advisory Committee noted the establishment of the Albanian high school in Ulcinj.

Present situation

The Law on Minority Rights expressly recognises the right of persons belonging to national minorities to establish private educational institutions. The Advisory Committee notes that the private Albanian “Drita” high school established in 2006 in Ulcinj, having had its curriculum approved by the Council for Vocational Education, has now been officially recognised and licensed by the Ministry of Education. Another private Islamic school in Malesija, teaching in Bosnian and Albanian languages, established in 2008, according to the available information, is currently awaiting official recognition.

Recommendation

The Advisory Committee invites the authorities to proceed with the process of recognition of minority educational establishments without undue delay.

9. Poland

Opinion adopted on 20 March 2009

Private education for national minorities

Outstanding issues

The Advisory Committee notes that, following the closure of several small village schools in the Municipality of Sejny, the Lithuanian community established a private school (kindergarten, primary, and secondary) with Lithuanian as the language of education. The legislation in Poland provides for public financing of all types of schools, both public and private established by local authorities, legal persons and private individuals. In accordance with the Regulation of the Minister of National Education of 21 December 2007 on the allocation of part of the education subsidy to local authorities in 2008, private schools receive from the Ministry of National Education the same amount of subsidy for each pupil enrolled as public schools run by the local authorities. The amount of subsidy for each pupil belonging to a national minority has been increased to one and a half times the applicable subsidy for a pupil in a public school of the same type in the same municipality. The Advisory Committee notes, that, according to the information provided by the representatives of the Lithuanian minority, the amount of education subsidies transmitted by the Municipal Council in Sejny is insufficient and the method for its calculation is not transparent.

Recommendation

The Advisory Committee calls on the authorities to examine the situation with regard to the allocation of subsidies in education and find solutions to ensure that the legislative provisions in force are effectively implemented, without discrimination.

10. Russian Federation

Opinion adopted on 11 May 2006

State funding for private educational institutions

Present situation

Following amendments introduced to the Law on Education in 2004, the previous system of mandatory funding of accredited non-governmental general schools from the federal budget has been removed. Regional authorities may still provide this funding, but there is no longer an obligation to do so. It is not clear to the Advisory Committee how many private sector schools that provide teaching in minority languages - including those set up by national-cultural autonomies - have seen cuts to their funding as a consequence of the amendments, but given the low number of such schools, the Advisory Committee considers it regrettable that their number may decrease still further.

Recommendation

The Advisory Committee encourages the authorities to avoid measures which might threaten the financial sustainability of private education facilities which offer teaching in minority languages, including those set up by national-cultural autonomies.

11. Sweden

Opinion adopted on 8 November 2007

Private schools and teaching of minority languages

Findings of the first cycle

In its first Opinion, the Advisory Committee acknowledged the central role of private schools in providing minority language education and encouraged the authorities to support them further.

Present situation

a) Positive developments

Overall, the private schools have continued to be a key source for minority language education in Sweden and some new initiatives have been launched with support from the authorities.

b) Outstanding issues

Bearing in mind the continuous heavy reliance on private schools as a source of minority language education in Sweden, it is important that the authorities ensure that the overall education-related infrastructure - including teacher training, discussed above - is developed in a manner that reflects and supports the developments of such private initiatives. This requires the close involvement of the representatives of national minorities in the decision-making process concerning the status, teaching environment and development of private schools.

Recommendation

The Advisory Committee encourages the authorities to continue supporting private minority language and bilingual schools while ensuring, including through the involvement of minorities representatives in the decision-making process, that initiatives and needs in this sphere are reflected in the development of the overall education-related infrastructure.

Status of Jewish schools

Present situation

The authorities have introduced a new classification of private schools, and in doing so, they have classified Jewish schools as religious schools. This has prompted concerns amongst Jewish representatives, who consider that the Jewish school in Stockholm has essentially a cultural rather than religious vocation. The Advisory Committee finds it highly regrettable that such a decision was taken, also because the said classification was made apparently without prior consultation with the Jewish representatives. The Advisory Committee notes in this connection that there have been discussions in Sweden about the possibility of ending public funding to private religious schools.

Recommendation

The Advisory Committee urges the Swedish authorities to review their classification of religious private schools and to prepare related decisions in close consultation with the representatives of schools and national minorities concerned. In this context, they should also review the decision taken on Jewish schools and ensure that any decisions on public funding for private schools continue to be based on non-discriminatory criteria.

12. Switzerland

Opinion adopted on 29 February 2008

Language of instruction in private schools

Findings of the first cycle

In its first Opinion, the Advisory Committee found that the legislation of certain cantons set out limits as to the language of instruction in private schools. It invited the authorities to make sure that the legal provisions concerned did not constitute a barrier to satisfying any needs in this respect, in particular for Italian-speakers living in large cities such as Bern.

Present situation

The authorities contend that the limitations imposed by some cantons on the language of instruction in private schools are meant to promote integration and maintain the traditional distribution of languages and thereby preserve minority languages. Such limitations, which exist

in three cantons only, protect for example Italian in the canton of Ticino and help prevent Germanisation of the French-speaking minority part of the canton of Berne. These cantonal laws all provide for possible exceptions, one of which being the cantonal French-language school in the City of Bern.

In practice, there are no known instances of permission having been refused for the setting up of a private school using a minority language. This has in particular not been the case for the Italian language in large cities. In this context, the authorities recall that in most cantons, Italian-speaking pupils may attend, as part of elementary education, courses of Italian language and culture organised by the Italian consulates and embassy (see related comments under Article 14, below).

Recommendation

The competent cantonal authorities should continue to ensure that the implementation of relevant legislations on private education do not result in undue restrictions on the right to set up and manage private schools with instruction in a minority language.

13. “The former Yugoslav Republic of Macedonia”

Opinion adopted on 23 February 2007

Private education establishments

Findings of the first cycle

In its first Opinion, the Advisory Committee noted that the fact that domestic legislation prohibited the establishing of private primary schools might put persons belonging to national minorities at a disadvantage regarding primary education in minority languages and urged the authorities to review the situation so as to allow the establishment of such schools.

Present situation

a) Positive developments

The Advisory Committee welcomes the positive developments outlined in the State Report regarding private secondary education. It notes that Turkish pupils now have the opportunity of studying in their own language in a private secondary school in Skopje and Gostivar.

b) Outstanding issues

The Advisory Committee notes with regret that no positive evolution has been reported with regard to the possibility of establishing private primary schools. It appears also that there are no plans at this stage to eliminate the existing legal prohibition of private primary education.

Recommendation

Noting its first Opinion, the Advisory Committee urges the authorities to review the situation so as to allow private primary education and thus broaden the opportunities for pupils belonging to national minorities to learn their languages and be taught in them.