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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 14 OF THE FRAMEWORK CONVENTION**

SECOND CYCLE

“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.”

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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*All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

As of 2 February 2016, the Advisory Committee on the Framework Convention for the Protection of National Minorities had adopted 40 opinions, among which 35 opinions on Article 14.

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. Albania

Opinion adopted on 29 May 2008

Teaching of minority languages

Findings of the first cycle

In its first Opinion, the Advisory Committee invited the Albanian authorities to examine demands for the opening of additional schools and classes for the Greek, Macedonian and Serbo-Montenegrin minorities both in and outside areas classified as “minority zones”.

The Advisory Committee considered that the authorities should further examine the needs of the Aromanian/Vlach community and discuss with the minorities concerned how best to cater for their needs.

Present situation

Outstanding issues

The Advisory Committee notes that there is considerable disagreement between the authorities and representatives of the Macedonian minority as regards the number of hours of instruction in minority schools. According to the curriculum, primary school pupils receive 90% of their education in their mother tongue and the remaining 10% in Albanian. At secondary level, the ratio is 60% mother tongue and 40% Albanian. According to representatives of the Macedonian minority, however, the proportion of instruction in their language is actually a great deal lower.

According to the Ministry of Education and Science, no requests have been received for the opening of classes outside “minority zones”. For their part, representatives of national minorities, particularly the Greek minority, stated that they had requested the opening of such classes in the past, but that their requests had been rejected by the authorities on the grounds that the relevant criteria were not met. This was also the case for the Serbo-Montenegrin minority’s 2003 request that a class be opened in the Shkodër area, where the minority is concentrated. More recently, representatives of the Vlach/Aromanian minority also had their request for the opening of a class in Lushnjë refused.

The Advisory Committee notes that the requirements for opening language classes in minority languages are overly complicated. Indeed, the opening of classes in minority languages is subject to different requirements depending on whether teaching of the language in question is compulsory or optional, language teaching having been introduced into the new school curricula as an optional subject in order to cover areas that are not “minority zones”. Under this system, a class in a minority language can be opened with 23 pupils (compared with the 32 pupils normally required in order to open a class); to open an optional class in a minority language, a majority of the parents’ association must vote for language teaching rather than the teaching of other optional subjects (such as science). The Advisory Committee notes that the aforementioned request from the Vlach/Aromanian minority was not acted upon because the request for opening an Aromanian class did not attain such a majority. Nevertheless, the Ministry of Education and Science appears to have come up with a compromise whereby classes at different levels may be grouped together in order to reach the required number of pupils. However, the Advisory Committee considers that combining different levels and thus different needs is not an ideal solution when it comes to learning a particular language.

The Advisory Committee also notes that persons requesting the opening of language classes outside “minority zones” must be able to prove their ethnic origin. According to the information supplied in the State Report, in response to a request from the Serbo-Montenegrin minority, “the Ministry of Education and Science asked the regional Department of Education in the district of Shkodra to make the requisite verification and (...) replied to the “Moraca-Rozafa” organisation [the Serbo-Montenegrin minority’s association], stating that, based on the verifications done in the civil state centers and in some schools (...), there is no student who belongs to the Serbo-Montenegrin nationality”. The Advisory Committee has already commented on the incompatibility of the system

of mandatory recording of ethnic belonging with Article 3. It further considers that using such a system as a basis for deciding whether to open language classes is highly questionable.

Recommendations

The Advisory Committee invites the authorities to show flexibility in applying their criteria for opening a class in minority language and to look at ways of simplifying the system so as to avoid having numerous categories of eligibility for instruction in minority languages. In addition, bearing in mind the fact that belonging to national minorities is a matter of personal choice, the practice to rely on the ethnic origin as stated in the birth certificates should be reviewed by the authorities as a matter of urgency.

The Advisory Committee considers that a dialogue should be opened with the Macedonian minority with regard to the aforementioned disagreement on the number of hours of instruction in minority language.

In particular, the Advisory Committee asks that efforts be made to meet the demands of national minorities, especially those for which such instruction is not available, such as the Serbo-Montenegrin minority, in accordance with Article 14 paragraph 2.

Teaching of the Roma language

Findings of the first cycle

In its first Opinion, the Advisory Committee noted shortcomings in the teaching of the Roma language and considered that the National Strategy on Roma could play an important role in providing support for this language both within and outside the daily school environment.

Present situation

a) Positive developments

According to Roma associations, textbooks have already been drafted in the Roma language. This is an important first step, which should be supported and extended.

b) Outstanding issues

While a number of Roma language teaching projects have been launched, they are not part of a comprehensive Roma language teaching policy incorporating the production of teaching materials and teacher training. Representatives of the Roma minority have asked the Ministry of Education and Science to focus on training teachers in the Roma language. The Advisory Committee has been informed that persons belonging to the Roma community are sometimes asked to teach the Roma language or act as mediators, but that they work on a voluntary basis. While such measures involving the Roma community are commendable in themselves, in the Advisory Committee's view they can on no account constitute a sustainable, long-term solution unless they are coupled with training and appropriate remuneration.

Recommendations

The Advisory Committee considers that the authorities should help to develop teaching materials in the Roma language and take steps with a view to training teaching staff in the Roma language, ensure that they are given proper status and that adequate funding is secured for their work.

2. Armenia

Opinion adopted on 12 May 2006

Education in minority languages

Findings of the first cycle

In its first Opinion, the Advisory Committee considered that the authorities should develop additional support measures in favour of teaching in and of minority languages, including by supporting initiatives taken by national minorities in this respect. It highlighted the particular needs of the Assyrians and Yezidi.

Present situation

a) Positive developments

The Advisory Committee welcomes the fact that opportunities to learn the Assyrian, Yezidi and Kurdish languages at school have increased since the first Opinion. Children belonging to these national minorities and living in settlements inhabited by substantial numbers of persons belonging to national minorities can learn their minority language, as well as the history and culture of their group, as compulsory subjects, whether they attend the Armenian or Russian sections of schools.

The Advisory Committee welcomes the fact that 19 schools where minority languages are taught have been legally recognised as “protected schools”, and are therefore not subject to the process of “rationalisation” of schools described below. In this context, it commends the fact that the threshold of 30 pupils to open a class has been lowered to 5-7 pupils in areas where there is a demand for minority education, especially in isolated rural areas.

b) Outstanding issues

A process of “rationalisation” of schools was introduced to close down and merge classes, with a view to adjusting the education system to the overall population decrease and to financial constraints. State funding is now granted according to the number of pupils attending a school and no longer according to the number of classes. Moreover, a threshold of 30 pupils to open a class has been introduced. However, exceptions are made for a number of “protected schools”, as mentioned in paragraph 113 above, which continue to receive funding based on the number of classes. Representatives of national minorities have nonetheless expressed concern that not all schools with minority language teaching are considered “protected schools”, which could make it more difficult to obtain resources to maintain classes in which minority languages are taught and would therefore hamper the efforts made to promote instruction in the minority languages.

The Advisory Committee was informed that a number of persons belonging to national minorities, including of ethnic origin other than Russian, favour education in Russian for their children. The Advisory Committee is aware of the problems linked to emigration to the Russian Federation and the overall demographic decline, including among national minorities. However, it notes that part of them identify Russian as their preferred minority language and that they have expressed fears that emphasis on education in Armenian could negatively affect them.

The Advisory Committee notes that there is limited State support for the teaching of minority languages other than Yezidi, Kurdish, Assyrian and Russian. The other minority communities (Greek, Byelorussian, German and Jewish among others) ensure teaching of their language through Sunday schools and other initiatives, which are mainly supported by their kin-states.

The Advisory Committee also notes that there is no education with minority languages as the language of instruction, apart from education in Russian, mainly because, according to the authorities, most persons belonging to national minorities are dispersed throughout the territory of Armenia.

Recommendations

The Advisory Committee urges the authorities to ensure that the teaching of Yezidi, Kurdish, Assyrian and Russian languages is not hindered by the ongoing process of “rationalisation”. The commendable practice of granting the status of “protected schools” to schools with minority

language teaching and of exempting them from the recommended threshold of 30 pupils to open a class should be continued.

The Advisory Committee urges the Armenian authorities to duly take into account the preferences of the persons concerned with regard to the language of education. The authorities should make efforts to respond to the specific needs of persons belonging to national minorities who choose Russian as their language of education and ensure that, in making their choice, they are not placed at a disadvantage.

The Advisory Committee is aware of the economic constraints facing the Armenian authorities. However, it encourages them to provide more support, where appropriate, to the teaching of minority languages other than Assyrian, Yezidi, Kurdish and Russian and to further support relevant initiatives by national minorities in this respect (see also comments with regard to Article 12).

3. Austria

Opinion adopted on 8 June 2007

Bilingual kindergartens

Findings of the first cycle

In its first Opinion, the Advisory Committee welcomed the adoption in Carinthia of the Nursery School Fund Act in 2001. However, it urged the authorities to look into the possibility of introducing an act on kindergartens similar to the one existing in Burgenland with a view to providing a long-term response to the needs of persons belonging to the Slovene minority in this respect.

Present situation

a) Positive developments

The Advisory Committee takes note of the laudable work carried out in Carinthia by the working group on bilingual kindergartens, whose aim is to develop further the pedagogical concepts and schemes for bilingual teaching in kindergartens and to disseminate the model experienced in the existing bilingual kindergartens throughout the pre-school education system in Carinthia.

The Advisory Committee welcomes the programmes of cross-border cooperation and exchanges between kindergartens in Austria and neighbouring countries. It also notes that pupils in various kindergartens are now taught in three languages.

b) Outstanding issues

The Advisory Committee understands that teaching in bilingual primary schools in Carinthia and Burgenland is often made difficult by the very different levels of proficiency of the pupils in the respective minority languages. Thus, it is of the opinion that the extension of possibilities to attend bilingual pre-schools would contribute to increased homogeneity in the level of minority language proficiency upon entry into primary school.

In Carinthia, the Advisory Committee notes that, despite the support provided by the authorities in accordance with the Nursery School Fund Act, the operation of private bilingual kindergartens continues to rest on initiatives of the Slovene minority. Moreover, the funds provided by the authorities only cover the costs of additional expenses incurred to run a bilingual kindergartens and only apply to existing kindergartens.

Furthermore, the Advisory Committee notes that the creation of a bilingual kindergarten often depends on the general atmosphere prevailing at local level since, according to the Carinthian legislation, it is for the local authorities to decide whether they wish to establish such a kindergarten. It also observes that representatives of the Slovene minority continue to call for the adoption of an act on bilingual kindergartens, following the model of the act in force in Burgenland. It would, in their view, provide a clear legal basis for a wider implementation of the model of bilingual pre-

school education, which is considered successful both by the minority representatives and the authorities.

Recommendation

The Advisory Committee encourages the authorities to consider, in close cooperation with representatives of the Slovene minority, the possibility of adopting adequate legislative and practical measures on bilingual pre-school education so as to promote the dissemination and replication of the positive experiences already under way and to meet the needs in this field in the long term.

Bilingual education in Carinthia and Burgenland

Findings of the first cycle

In its first Opinion, the Advisory Committee welcomed the recent expansion of the existing system of bilingual education in Burgenland and Carinthia. However, it expressed concern at the recent closing of bilingual schools in autochthonous settlement areas in Carinthia. It also invited the authorities to look into the possibility of extending bilingual teaching beyond the 4th year of primary school.

Present situation

a) Positive developments

The Advisory Committee welcomes the fact that one of the Carinthian bilingual schools that was closed down was re-opened in 2006.

The Advisory Committee observes with satisfaction the growing number of registrations for bilingual education (see also remarks under articles 6 and 12 above).

b) Outstanding issues

The Advisory Committee notes that for pupils belonging to national minorities, possibilities to receive bilingual education after primary school remain limited, although there are possibilities to continue to study the minority languages in secondary schools and higher education institutions.

The Advisory Committee observes with concern that, in Carinthia, some bilingual schools continue to be threatened with closure or transformation into external branches of other schools. It understands that this process is connected with a general decrease in the number of pupil registrations in the region, despite the fact that flexibility has been granted to bilingual schools to open classes with a lower number of pupils. The Advisory Committee wishes to recall that, in its view, the existence of bilingual schools within minority-language speaking settlements is important not only for educational reasons but also for the preservation of the language and cultural heritage of the minority.

The Advisory Committee was informed during its visit of discrepancies in the implementation of the Minority School Act in Burgenland. It notes that the Act does not impose a minimum number of hours for teaching in the minority language; nor does it provide clearly defined learning objectives. The Advisory Committee takes note, in this respect, of the resolution adopted by the Parliament of Burgenland in 2005 which requires a modification of the Burgenland Minority School Act with a view to ensuring parity of the respective languages at school and increased possibilities to study in the minority languages.

Recommendations

The Advisory Committee calls on the authorities to look into ways of meeting the needs of persons belonging to national minorities in the field of bilingual education beyond primary school, so as to ensure that the positive results obtained due to the system of bilingual primary education are built upon.

The Advisory Committee invites the authorities to seek ways of ensuring a coherent implementation of the Minority School Act in Burgenland.

The Advisory Committee invites the authorities to consider ways of avoiding the closing down or the transformation of bilingual schools situated in autochthonous settlement areas. This is a way of promoting the language and cultural heritage of persons belonging to national minorities.

Minority language teaching

Findings of the first cycle

In its first Opinion, the Advisory Committee invited the authorities to find ways of ensuring that the state education system takes due account of the needs of persons belonging to the Hungarian minority living in Vienna. It also urged the authorities to pursue the efforts made in the field of teaching of the Roma language and to enable as many Roma as possible to take advantage of these measures.

Present situation

a) Positive developments

The Advisory Committee welcomes the introduction of Roma language classes in primary schools in Vienna as of 2004 as well as the re-introduction in 2004-2005 of classes of Roma language in two schools in Burgenland. Furthermore, the Advisory Committee notes some progress in relation to teaching of the Slovenian language in primary and secondary schools in Styria.

b) Outstanding issues

The Advisory Committee notes with concern that opportunities to learn the Hungarian language at school in Vienna are not sufficient to meet the needs of the persons belonging to the Hungarian minority. For persons belonging to the Croat minority living in Vienna, possibilities to study in the minority language are limited to one private kindergarten (see also remarks under Article 13). The absence of a specific law regulating minority education in Vienna is, in the opinion of all national minority representatives who met with the Advisory Committee, the main obstacle to the development of an adequate system of minority education in the capital.

Although some progress has been achieved as regards teaching of Slovenian in Styria, the Advisory Committee notes that representatives of the Slovene minority continue to consider existing opportunities as insufficient, especially in the city of Graz where many Slovene speakers live. The Advisory Committee hopes that the ongoing discussions about the number of hours to be allocated for teaching of the Slovenian language in primary schools will result in increased possibilities.

Possibilities to learn the Roma language outside Burgenland are very restricted. Representatives of the Roma minority highlighted the fact that in other regions where Roma are also present, there is hardly any teaching of the Roma language at school, except for the above-mentioned initiative in Vienna. The Advisory Committee considers that experiences of introducing the Roma language at school are a useful tool to improve the recognition of the persons belonging to the Roma minority by the majority society.

Recommendations

The Advisory Committee urges the authorities to take adequate measures to ensure that the needs of persons belonging to national minorities with regard to bilingual education and/or learning of the minority languages are adequately catered for, where the conditions of Article 14 are met.

4. Azerbaijan

Opinion adopted on 9 November 2007

Minority languages teaching

Findings of the first cycle

In its first Opinion, the Advisory Committee urged the Azerbaijani authorities to provide adequate legal guarantees for persons belonging to national minorities to receive education in their minority language, possibly as part of the new law on education.

The Advisory Committee also urged the authorities to ensure that minority languages teaching is regularly organised in various parts of the country, taking into account the demand in the areas concerned. It also took the view that the volume of such teaching should be increased and that it should be extended beyond the 4th grade .

Present situation

a) Positive developments

The Advisory Committee became acquainted with the part of the text of the draft law on education related to minority education. It notes with interest that the current draft includes a provision on the possibility to conduct instruction in other languages than Azerbaijani and foresees the setting up of preparatory classes for those who do not have a good command of the language of instruction chosen.

The Advisory Committee welcomes the extension of teaching of the Lezgin language from 4th to 11th grade in certain areas. Moreover, it observes that schools providing education entirely in Russian and in Georgian continue to operate.

b) Outstanding issues

Most of the representatives of national minorities that the Advisory Committee met during its visit expressed the need for increased volume of teaching of minority languages as well as for the extension of such teaching beyond the 4th grade. The Advisory Committee notes that, in fact, teaching beyond the 4th grade exists only for the Lezgin language in certain areas. However, continuity - throughout the school system - in the teaching of minority languages is important to ensure that the results achieved in the first four years of primary education are build upon.

National minority representatives also reported that the scarcity of support provided for activities of the national minorities (see also remarks in respect of Article 5) prevents them from implementing additional activities, such as kindergarten and Sunday schools, to support the preservation of their languages.

Recommendations

The Advisory Committee encourages the authorities to consider ways of extending possibilities to learn minority languages in the educational system.

It also invites the authorities to ensure that any future legislation adequately guarantees the right for persons belonging to national minorities to receive an education in minority language, as enshrined in Article 45 of the Constitution of Azerbaijan and Article 6 of the Law on education of 1992.

Learning of the official language

Present situation

Information received by the Advisory Committee indicates that, since the adoption of the Law on State Language in 2002, there has been no active policy to encourage the learning of the State language to adults who do not have a full command of this language. This is of concern especially for the Russian-speaking population, which includes not only persons belonging to the Russian minority but also persons belonging to other minorities, who chose Russian as a language of education. The change of alphabet introduced in 2001 added to the difficulty of having to learn the State language. As a result, many persons belonging to national minorities have, reportedly, faced

difficulties upon access to the labour market, in particular public service jobs, where strict language requirements have been introduced (see also remarks with regard to Article 15).

Recommendation

The Advisory Committee urges the authorities to take steps to increase opportunities to learn the State language for persons belonging to national minorities who do not have an adequate command of it.

5. Bosnia and Herzegovina

Opinion adopted on 9 October 2008

Teaching in/of minority languages

Findings of the first cycle

In its first Opinion, the Advisory Committee regretted that the provision of the State Law on National Minorities requiring that persons belonging to national minorities should constitute an absolute or relative majority in the municipality concerned might restrict the possibility of setting up classes receiving instruction in minority languages in areas traditionally inhabited by national minorities.

The Advisory Committee underlined the need to increase state support for the teaching of minority languages, in particular regarding the training and recruitment of teachers and the supply of school textbooks. It also encouraged the authorities to make more systematic provision for teaching of the Roma language in schools attended by Roma pupils and to develop programmes and train teachers with this aim in mind.

Present situation

a) Positive developments

The Advisory Committee notes the low threshold (of five pupils) set to open a class with teaching of a minority language (see also remarks in paragraph 185 below).

b) Outstanding issues

The Advisory Committee notes that the amendments made to the State Law on National Minorities in 2005 have not really relaxed the conditions to be met for teaching to be dispensed in minority languages. This is because the requirement that the minority should constitute an absolute or relative majority of the population of the municipality concerned has been replaced by the criterion that, to be able to ask to be taught in their language, pupils belonging to a national minority must form one-third or one-fifth (in the case of optional lessons) of the population of the school concerned.

The Advisory Committee notes that the Law on National Minorities of the Republika Srpska also contains an obligation to constitute an absolute or relative majority of the population of the municipality concerned, whereas the Federation's legislation on national minorities introduces the thresholds of one-third or one-fifth (for optional lessons). During its visit the Advisory Committee had occasion to note that there is currently no school in which instruction is dispensed in one of the national minorities' languages. Furthermore, there are no teaching materials for this purpose. It can therefore be seen that no use has been made of the flexibility introduced under Article 8 of the 2003 Law on Primary and Secondary Education, which prescribes that the languages and cultures of the national minorities shall be respected and accommodated within the school system to the greatest extent possible.

The Advisory Committee wishes to point out that, when evaluating whether there is sufficient demand for teaching in minority languages in accordance with Article 14.2 of the Framework Convention, the authorities should carefully consider the needs expressed by the national minorities. Moreover, they should have in mind the importance that teaching in minority languages can have, in

areas traditionally inhabited by national minorities, for the preservation not only of these languages but also of the national minorities' cultural heritages.

Teaching of minority languages at schools is very rare. Opportunities for learning the minority languages through additional classes continue to exist in a number of municipalities (Prnjavor or Banja Luka, for example), but their further development and continued existence are jeopardised by a lack of financial resources and of teaching materials, since national minority organisations are often behind these initiatives, sometimes with the assistance of parent states. Nonetheless, the State Law on National Minorities, as amended in 2005, the law of the Republika Srpska and of the Federation and the Action Plan for the Education of Roma all require the authorities to make financial and human resources available to permit the teaching of minority languages and impose an obligation on them to develop appropriate textbooks and provide teacher training.

The Advisory Committee was informed that, in the Republika Srpska, the associations of national minorities had taken stock of the classes in which the minimum threshold of five pupils, required to benefit from teaching of minority languages, was satisfied; however, their initiative had met with no response from the authorities. At the same time, there were very few possibilities of studying the Roma language in school, although a textbook existed for teaching of the language in the fourth year of primary school.

The representatives of national minorities with whom the Advisory Committee had discussions all voiced a desire for an extension of the possibilities of learning their minority language within school and their disappointment with the continuing lack of political will and support in this area. The Advisory Committee regrets the fact that the national minorities' languages are consequently virtually absent from the Bosnian education system, not least in regions traditionally inhabited by national minorities, despite the provisions contained in the Action Plan for the Education of Roma. This absence of the national minorities' languages, and their culture and history, from the school curriculum constitutes a threat to the preservation of these languages and further increases the "invisibility" of persons belonging to national minorities in Bosnia and Herzegovina (also see the comments in paragraph 187 above).

Recommendations

The Advisory Committee invites the authorities to take more resolute steps to develop teaching in and of minority languages in areas where persons belonging to national minorities are settled traditionally or in substantial numbers. It is important that a proper assessment be made of the needs and demand of persons belonging to national minorities in these matters.

The authorities should also give greater support to the efforts of persons belonging to national minorities to preserve their languages and cultures, in particular through school textbooks and other specific teaching materials.

6. Bulgaria

Opinion adopted on 18 march 2010

Minority language teaching

Findings of the first cycle

In its first Opinion, the Advisory Committee found that mother tongue teaching for persons belonging to minorities within the State education system remains limited and that instruction in minority languages was virtually non-existent in Bulgarian State schools. It considered that the authorities should look into the situation in this respect and take steps as appropriate to take into account the needs and demands for this education.

Present situation

a) Positive developments

The Advisory Committee notes that the teaching of the languages of persons belonging to minorities is guaranteed by the Bulgarian legal order. Article 36, paragraph 2 of the Constitution guarantees that “Citizens whose mother tongue is not Bulgarian shall have the right to study and use their own language alongside the compulsory study of the Bulgarian language”. According to the relevant legislation, education in minority languages is now provided during the regular school hours with full-time teachers.

b) Outstanding issues

The Advisory Committee notes that Turkish is studied as a mother tongue in the framework of school programmes from the 1st to 8th grades. Additional opportunities are under examination to offer Turkish education in the 9th, 10th and 11th grades. Armenian, Hebrew and Greek are also studied as mother tongues in Bulgarian schools in Sofia, Plovdiv, Sliven and in other cities though these schools do not provide compulsory classes for the study of these languages after the 8th grade. Romanian is studied in a specialized senior high-school in Sofia which at present welcomes 25 pupils from the 8th and 9th grades and 12 pupils from the preparatory 8th grade. Other minority languages, such as Aromanian and Greek are taught sporadically as private initiatives by the respective communities. However, the Advisory Committee notes that some minority communities have complained that these classes normally cease after the 8th grade.

The Advisory Committee notes that, notwithstanding the progress achieved in the teaching of minority languages, there is still a significant demand for more education in minority languages in schools. At present, it is only possible to have two classes per week in the minority language in response to parental wishes. According to the information available to the Advisory Committee, this is primarily due to the legal restriction on teaching subjects, other than the minority language, in the mother tongue of minorities (see related comment under Article 6).

In 2009, according to data provided by the Ministry of Education, Youth and Sciences to the Advisory Committee, courses in the Turkish language are followed by 24,185 pupils, courses in the Hebrew language by 1,040 pupils, courses in the Armenian language by 290 pupils and courses in the Romani language by 160 pupils. According to the Armenian and Romanian communities, it is difficult for the smaller minorities to reach the minimum of 26 children registered in order to have access to lessons in their language. The Turkish community confirmed that, at the local level, these opportunities are often non-existent. Romani as a mother tongue is not being taught and studied systematically. According to various sources, the textbooks are often inadequately translated into minority languages and the availability of qualified teachers is also problematic.

The Advisory Committee notes that, according to independent sources, the number of pupils receiving instruction in minority languages is diminishing. One of the reasons given to the Advisory Committee is that the lack of adequately trained teachers and textbooks discourages some parents belonging to minority communities to enrol their children in minority education for fear of giving them a lower quality education. It seems also that the parents prefer other western European languages, often English, for their children’s future employment opportunities and that minority children themselves usually do not prioritise their minority language. Among other reasons, the fact that the existing educational and social environment in Bulgaria doesn’t consider linguistic diversity as a added value, may partly explain this trend.

Recommendations

The Advisory Committee calls upon the authorities to intensify their dialogue with national minority representatives to analyse the existing demands of minorities, including from the numerically smaller groups such as the Romanian minority, to receive instruction in or of their minority language.

The Advisory Committee considers that the authorities should increase their efforts to provide opportunities for pupils belonging to minority communities to learn their minority language and requests that they examine the possibility of developing bilingual education.

The Advisory Committee calls upon the authorities to abolish all the legal and administrative restrictions on teaching subjects, other than the minority language, in the mother tongues of minorities.

7. Croatia

Opinion adopted on 1 October 2004

Legal framework concerning minority language education

Findings of the first cycle

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

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

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.

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

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

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

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

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

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

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

Present situation

a) Positive developments

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

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

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.

8. Cyprus

Opinion Adopted on 7 June 2007

**The right to learn a minority language and
conditions for teaching in a minority language**

Current situation

a) Positive developments

The Advisory Committee welcomes the efforts made by the authorities, following the closure of the Melkonian Institute, to maintain opportunities for the Armenians to learn Armenian or be taught in this language. It notes in particular the decision to extend to secondary level the teaching offered by

the Nareg School and, pending the gradual introduction of this level of education, to cover the annual fees of pupils attending private schools.

b) Outstanding issues

Despite the efforts referred to above, the opportunities for Armenians to learn their language (a western variety of Armenian), and to be taught about their culture and history are now more limited, being restricted to additional optional classes in the afternoons, outside the core curriculum. The interlocutors of the Advisory Committee consider that such classes only partly meet the needs of Armenians and would like additional Armenian language classes to be introduced.

The Advisory Committee also notes the shortage of textbooks and qualified teachers to teach other subjects in Armenian. In Cyprus, there are no opportunities for training Armenian language teachers and the textbooks in question are obtained from abroad. In practice, the teaching in the Nareg School is either in Armenian or is bilingual and in some cases, textbooks in Greek are used with the lesson being taught in Armenian. Like some of the Armenian representatives, the Advisory Committee has doubts about the effectiveness of such an approach and on the quality of the teaching given in this way.

It should also be noticed that, since the closure of the Melkonian Institute, the Armenians no longer have any opportunity to learn their language at secondary level, and that, accordingly, increasing emphasis is now being placed on learning Greek and English.

In the Maronite school, teaching takes place in Greek, and the Maronite language classes, added onto the core curriculum, are optional. At the same time, there are no opportunities for learning this language at pre-school level or beyond primary school, and no response has been forthcoming to the requests made by the parents for such classes to become part of the compulsory curriculum.

The Advisory Committee has also noted that only a smaller number of Maronite children attend this school, and of those who do, only about 10% actually speak the language. It also recognises that the shortage of teaching materials and teacher training opportunities are genuine difficulties, mainly linked to the fact that this language is not codified, and that such difficulties can dissuade parents from sending their children to that school. Nonetheless, noting that among the Maronites there is a particular interest in learning and preserving their language, the Advisory Committee considers that the authorities should pay increased attention to meeting Maronites' expectations in this regard (see also paragraph 95 above).

Recommendations

In consultation with the representatives of the Armenians and involving bilateral co-operation where appropriate, appropriate solutions should be found for the provision of textbooks and the training of Armenian language teachers. Inviting qualified teachers from other countries to teach in Cyprus could also be envisaged as a way to provide a more adequate response to the Armenians' needs in the field of education.

The authorities should make efforts to improve the teaching of the Maronite language, including specific measures to codify the language. Particular attention should also be paid to drawing up appropriate teaching material and to the training of teachers for this language.

9. Czech Republic

Opinion adopted on 24 February 2005

Teaching of minority languages and instruction in these languages

Findings of the first cycle

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

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.

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).

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.

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

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.

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).

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.

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

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.

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.

10. Denmark

Opinion adopted on 9 December 2004

German minority schools

Present situation

a) Positive developments

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

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.

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

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).

11. Estonia

Opinion adopted on 24 February 2005

Minority languages in secondary education

Findings of the first cycle

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

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

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

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

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

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”.

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

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

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

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

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

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

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.

12. Finland

Opinion adopted on 2 March 2006

Russian language education

Findings of the first cycle

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

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

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.

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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.

13. Georgia

Opinion adopted on 17 June 2015

Article 14 of the Framework Convention

Learning in and of minority languages

Findings of the first cycle

In its first Opinion, the Advisory Committee considered it important to ensure that the implementation of the education reform did not have discriminatory effects for persons belonging to national minorities, including those belonging to numerically smaller groups.

Present situation

a) Positive developments

The Advisory Committee welcomes that education in minority languages continues to be provided in some 300 schools in Georgia, of which some 290 are public schools. In addition, it is pleased to note plans to introduce the possibility to attend classes of the languages of numerically small minorities as of September 2015. The importance of education, both in minority and state languages, as tool for integration and effective participation in public life is further expressly acknowledged in the draft Civic Equality and Integration Strategy 2015-2020, which also points to the particular values of bilingual education, including at pre-school level. The Advisory Committee welcomes in this regard the opening of an increasing number of such bilingual schools, such as an Armenian-Georgian bilingual pilot programme in Tbilisi, as well as ten bilingual schools in Kvemo Kartli region.

The Advisory Committee is further pleased to note the creation of an advisory council on national minorities under the Ministry of Education and Science in 2014 and the formation of a working group in 2015 with the specific task to design a language education policy that enhances opportunities for persons belonging to national minorities to preserve their identity while also supporting their effective integration and access to the labour market. The Secretary of the Council on National Minorities under the Public Defender and its Coordinator have been appointed as members of the advisory council, as have representatives from the respective philological departments of Tbilisi State University. Based on the discussions in the advisory council and working group, a number of recommendations have been developed and incorporated into the draft Strategy for Integration and Civic Equality, including the elaboration of adequate standards for the teaching of minority languages and literatures, and the further increase of learning opportunities of languages spoken by numerically small groups, such as Chechen, Assyrian, Kurmanji, Avar, Udi and Ossetian.

b) Outstanding issues

According to governmental and national minority representatives, the overall quality of education in minority language schools remains lower than average. While the curriculum in Georgian language schools was adjusted in the context of the education reform leading towards the unified university entrance examinations, this has not yet occurred for minority language schools. Graduates pass a general aptitude test in their language which entitles them to enter university (such as through the “1+4 programme mentioned above). However, the curriculum at minority language schools has not been reviewed to meet the modified academic requirements and no standards have been elaborated to monitor the quality of instruction they receive, placing them at a disadvantage at university level that goes beyond the mere language barrier. While steps are indeed taken by the authorities to address this situation, the Advisory Committee is concerned by reports from national minority representatives that minority language schools are becoming less attractive an option for parents. In Kvemo Kartli region, for instance, parents reportedly fear that their children, despite attending minority language schools, remain without proper knowledge of their first language which can have repercussions for their further development and achievement in education. The situation is compounded by the equally existing challenges regarding availability of education materials and suitably trained teachers in minority language schools (see comments on Article 12). Regarding plans to introduce classes of minority languages that are spoken by numerically small groups, it is equally important to develop the required standards while keeping in mind practical considerations, such as the necessity to identify suitable teachers.

The Advisory Committee further notes concerns among national minority representatives regarding the very low number of pre-schools in minority languages, which further puts at risk the attainment of high proficiency levels in the first language. Given the continued challenges existing also regarding the learning of Georgian in minority language schools (see further below) and the widely acknowledged benefits of early language learning for education generally, the Advisory Committee considers that bilingual pre-schools, using Georgian and relevant minority languages in their daily routine may offer an opportunity for children to develop proficiency in both their first language and Georgian. While welcoming the existing initiatives in this regard, it underlines however that the introduction of bi- or multilingual methodologies must be carefully prepared and comprehensively address also opportunities for the continuation of bilingual schooling to ensure that the desired results are indeed achieved. Despite the general openness towards bilingualism and the desire among many parents to identify options for their children to be fully fluent in the state language, the Advisory Committee notes fears that bilingualism in schools may be intended to progressively replace minority language schooling with exclusive Georgian language instruction. It further learned that results in the few existing bilingual schools are thus far not convincing as teachers were not sufficiently trained, nor did they obtain appropriate materials to adjust to modern language teaching methodologies.

The Advisory Committee is further deeply concerned by indications from the Head of the Gali de facto administration that the study of Georgian at schools in the Gali district of Abkhazia, where Georgians live as a minority within the mainly Abkhaz population, may be discontinued as of September 2015.

Recommendations

The Advisory Committee calls on the Georgian authorities to pursue their efforts to elaborate adequate standards of minority language learning that are adjusted to the revised public curriculum and to enhance their monitoring of the quality of instruction in minority language schools in close consultation with national minority representatives, parents, teachers and school administrators.

It further calls on them to develop a comprehensive strategy to promote modern language learning methodologies, including through bi- and multilingual instruction, in minority language schools to facilitate high-level proficiency in first languages and in Georgian among students.

Learning of Georgian language

Findings of the first cycle

In its first Opinion, the Advisory Committee considered that lack of Georgian language proficiency constituted a significant obstacle to the full integration of persons belonging to national minorities in society, and called on the authorities to develop a long-term action plan in close consultation with persons belonging to national minorities towards promoting the learning of Georgian while also protecting and promoting the languages of national minorities.

Present situation

a) Positive developments

The Advisory Committee is pleased to note that Georgian language skills are generally improving among persons belonging to national minorities, in particular among younger generations. A variety of programmes have been implemented under the 2009 NCAP in schools through advanced teacher training (see above comments on Article 12) and opportunities have also been created for adults to benefit from Georgian language classes (see also comments on Article 10).

b) Outstanding issues

Inadequate knowledge of the Georgian language among teachers supposed to instruct in Georgian remains an important impediment to the quality of state language teaching in minority language schools. National minority representatives further contend that classes focus too much on communication skills, thereby neglecting the appropriation of higher literacy skills and the ability to pass exams, such as the language tests required for the civil service (see comments on Article 15). According to parents, the fact that many graduates of minority language schools are insufficiently prepared to write correctly in Georgian despite the fact that they attended five hours per week of Georgian language and literature throughout school attests to an urgent need to adjust the language learning methodology. Until the introduction of textbooks for the teaching of Georgian as second language, students reportedly were learning with the general public school textbooks for Georgian language, which led to significant difficulties and has prompted some parents to rather send their children to Georgian language schools or to enrol them in private tutorials, an option that is not available to all families.

The Advisory Committee further notes that many requests for free-of-charge language courses in the region have reportedly not been met as the number of Language Houses is not sufficient to meet demand, in particular among adult national minority populations. In addition, many of the courses are reportedly organised in day-time which make them inconvenient for most adults. It is further of concern that some individuals wishing to learn Georgian, such as repatriates are not entitled to participate in these language courses. The Advisory Committee notes the prevalence of Georgian language courses being offered privately, proving the existing determination among national minority communities to learn the state language, but reiterates that opportunities to learn the official language must not depend on income but must be offered to all persons belonging to national minorities. It further points out that the comprehensive training of adults, which may be combined with vocational training opportunities, also plays an important role in the promotion of Georgian language skills of their children.

Recommendation

The Advisory Committee calls on the authorities to enhance their efforts to introduce high quality Georgian language teaching in all minority language schools. In addition, more

opportunities should be provided for Georgian language learning for all adults, including for parents.

14. Germany

Opinion adopted on 1 March 2006

Teaching of and in Sorbian

Findings of the first cycle

The Advisory Committee urged the authorities to give serious consideration to the persisting threats of closure of Sorbian schools so as to secure the long-term future of the historic network of Sorbian schools in the area traditionally inhabited by this minority.

Present situation

a) Positive developments

The Advisory Committee welcomes the recent introduction in the *Land* of Saxony of new school syllabi including learning of Sorbian at primary and secondary level.

b) Outstanding issues

As in its first Opinion, the Advisory Committee remains deeply concerned about the continued steps to close the Sorbian secondary schools, particularly the 5th class of the Radibor secondary school, the threatened closure of the Panschwitz-Kukau school and thus, the reduction of the number of Sorbian schools in the Kamenz district from four to two. Though well aware of the demographic recession affecting the *Land* of Saxony, which is the principal cause of the closure of many schools in the *Land* as a whole, it reminds the authorities that these schools situated in the heart of the Sorbian settlement areas are essential not only for educational reasons but also for the preservation of Sorbian language and culture, which are affected by difficult economic and demographic conditions. It is also of the opinion that the closure of secondary classes and schools could run counter to the significant advances achieved towards revitalisation of Sorbian, particularly under the Witaj schemes.

It also observes that the legislation of the *Land* of Saxony allows exceptions to be made to the minimum thresholds for Sorbian classes. Such exceptions are applied in a certain number of cases but not in respect of the secondary schools referred to above.

The Advisory Committee also takes note of the wish expressed by several Sorbian representatives to move towards more independent management of the Sorbian schools network, on the same pattern as the network of Danish schools, in order to accommodate to the extent possible the Sorbian community's educational and linguistic needs, including by means of the establishment of a foundation for Sorbian education.

Recommendations

The Advisory Committee strongly urges the authorities to reconsider the decisions to close down Sorbian classes or schools taking into account the damage that these decisions are likely to cause to the preservation of Sorbian language and culture. It urges the authorities to apply the exemptions to the minimum threshold to secondary Sorbian schools and classes, which are at risk of closing down.

The Advisory Committee again urges the authorities to seek ways of ensuring the survival of the historic network of Sorbian schools. It invites the authorities to consider the proposal of the Sorbian minority representatives to establish a foundation for the Sorbian education as a possible means of contributing to the survival of the network of Sorbian schools.

Teaching of Frisian and Sater Frisian

Findings of the first cycle

In its first Opinion, the Advisory Committee considered that the authorities should examine ways of developing and financing more Frisian language teaching hours, also at levels beyond primary school.

Present situation

a) Positive developments

The Advisory Committee welcomes the formation of a working group with representatives of the Frisian minority and of the Schleswig-Holstein Ministry of Education to develop the teaching of Frisian. It welcomes the pilot project devised by the working group to introduce the study of Frisian as part of the regular curriculum in the fifth and sixth classes, with the further aim of extending it to classes 7-10 as well.

The Advisory Committee welcomes the introduction of Sater Frisian as a teaching subject in primary schools in the area traditionally inhabited by the Saterland Frisians.

b) Outstanding issues

Following a decision by the Schleswig-Holstein State Audit Board (*Landesrechnungshof*) in 2005, it was decided to rationalise the teaching of Frisian, that is to reduce the number of Frisian classes, restrict them to the localities of traditional settlement, move towards an offer based on the explicit and written demand of pupils' parents and impose a threshold of 12 pupils by class of Frisian. The Advisory Committee underlines that the objectives of rationalising for economic reasons should not be pursued if they undermine teaching of Frisian - or other minority languages - which is important for the preservation of the Frisian language.

Recommendations

The Advisory Committee considers that for lasting results to be achieved, it would be important to ensure continuity in teaching of the language beyond the early years of schooling. It accordingly hopes that the pilot project on introducing Frisian into the 5th and 6th classes can in future be extended to classes 7-10.

In addition, the Advisory Committee invites the authorities concerned to take account of the educational needs of the Saterland Frisians and to step up official efforts for the preservation of their language through education.

Finally, the Advisory Committee invites the authorities to give particular attention to the needs of dispersed members of minority groups in educational matters.

15. Hungary

Opinion adopted on 9 December 2004

Teaching of minority languages

Findings of the first cycle

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

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

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

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*

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

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.

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.

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

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.

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).

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

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.

16. Ireland

Opinion adopted on 6 October 2006

Present situation

The Advisory Committee welcomes moves by the authorities towards acknowledgement of minority languages, including through possibilities to take minority languages as state examination subjects at senior cycle in second level education.

Recommendations

The Advisory Committee encourages the authorities to pursue their commitment in this area, including through provision of minority language as an education subject.

17. Italy

Opinion adopted on 24 February 2005

Availability of minority language education

Findings of the first cycle

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.

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

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.

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

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.

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).

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).

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

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.

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

18. Kosovo*¹

Opinion adopted on 5 November 2009

Instruction in and of minority languages

Findings of the first cycle

In its first Opinion, the Advisory Committee identified some difficulties faced by certain numerically smaller communities, especially Bosniacs, in accessing education in their minority languages. The Advisory Committee called on the authorities to take steps in order to improve this situation, including by clarifying the threshold for opening a class with instruction in a minority language. Measures were encouraged to provide adequate textbooks and qualified teachers for instruction in the mother tongue. Moreover, flexibility was recommended when the educational reforms in schools attended by pupils belonging to the Gorani community were carried out.

Noting the problems relating to physical access to educational facilities, the Advisory Committee considered that the issue of safe transport of pupils from minority communities to educational facilities needed to be addressed as a matter of urgency.

Present situation

a) Positive developments

The existing legislation guarantees the right for persons belonging to minority communities to receive education in one of the official languages of their choice as well as in a minority language, even if the latter is not an official one. Efforts have been made to expand the availability of education in minority languages, in particular as regards the Bosniac and Turkish communities, and to meet the demand for more textbooks in minority languages.

The Advisory Committee notes that transportation services continue to be provided by the authorities in some locations inhabited by minority communities by means of mini-buses and takes note of the humanitarian bus project, as mentioned in the Progress Report.

b) Outstanding issues

There is a lack of supply of textbooks for certain minority languages. The need for textbooks in Turkish and Bosnian, in particular secondary education textbooks, is addressed by import from Turkey and Bosnia and Herzegovina. Textbooks in minority languages are often inadequately translated. The availability of qualified teachers for minority schools is also problematic. The lack of adequately trained teachers, and textbooks, discourages some parents belonging to minority communities to enrol their children in minority language education (see comments in paragraph 199 under Article 12).

¹ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

Representatives of some minority communities complained of insufficient opportunities for their children to learn the official languages in minority schools. This worrying development limits their possibility to integrate into society. According to information provided by the MEST, the Albanian language is taught two hours per week from the third to the fourteenth grades in schools attended by minority communities.

While recognising the complexity of the situation prevailing in Kosovo*, the Advisory Committee regrets that a sustainable solution concerning the education of pupils belonging to the Gorani community has not yet been found. Some Gorani children receive education in Albanian while others are enrolled in the Serbian parallel educational system. Even more worrying is the fact that some Gorani children do not go to school at all. The Advisory Committee considers it important that the situation be solved in a spirit of dialogue with all sides concerned whilst pursuing a flexible approach. The fact that no common Kosovo* curriculum for instruction in the Serbian language has been developed complicates even more the education opportunities of this community.

While transportation services have generally been supplied to pupils belonging to the Serbian minority, this is apparently not the case for pupils belonging to the Roma, Ashkali and Egyptian communities with their particular needs in this regard. The lack of transport limits their possibility to enjoy an equal access to education.

Recommendations

The Advisory Committee calls on the authorities to provide minority schools with adequate quality textbooks and teachers with training.

In accordance with the principles embodied in Article 14(3) of the Framework Convention, the Advisory Committee considers that the authorities should increase their efforts to provide opportunities for pupils belonging to minority communities to learn the official languages. At the same time, the authorities should promote learning of the other official language as well as providing opportunities for pupils belonging to the majority community to learn minority languages.

The Advisory Committee calls on the authorities to take a flexible approach to accommodate the needs of the Gorani community to receive education in their language. The authorities should pursue a dialogue with representatives of the Gorani community with a view to finding suitable solution. More efforts should also be made by all concerned to depoliticise this issue.

19. Latvia

Opinion adopted on 18 June 2013

Article 14 of the Framework Convention

Teaching of and in minority languages

Findings of the first cycle

In its first Opinion, the Advisory Committee observed that the education reform had resulted in the predominance of the Latvian language in secondary public school curricula for national minorities, and that more restrictive conditions had been placed on the use of minority languages in education. It considered that the compulsory use of Latvian for the secondary school leaving examination raised problems for persons belonging to national minorities and called on the authorities to take better account of the language-related needs and rights of persons belonging to national minorities through consultation and effective participation of minority representatives in the decision-making in this sphere.

Present situation

a) Positive developments

The Advisory Committee welcomes the continued efforts of the authorities to provide persons belonging to national minorities with adequate opportunities for minority language instruction, including at pre-school, and notes the continued provision of state funding for all general education schools. It further notes that, since 2007, an increasing number of students have chosen to pass the 12th grade exam in Latvian. As of 2012, the requirements for Latvian language examinations at all schools are identical. It welcomes the involvement of the Advisory Council on National Minorities' Matters in Education in all relevant decisions related to the implementation of the education reform and is pleased to note that the Ministry of Education and Science has recently also engaged in consultations with parents to increase their role in decision-making processes relating to schools.

b) Outstanding issues

The Advisory Committee notes with concern that due to the decentralised system, where it is usually local authorities who decide on the type of schools to be opened or maintained, minority language instruction is reported to be particularly difficult in those regions where a high percentage of the persons belonging to national minorities are “non-citizens” and therefore do not have the right to participate in local elections (see below comments on Article 15). The Advisory Committee considers that clear guidelines should be provided to all schools concerned on the number of pupils required for the opening of a minority language class to ensure that the general right to minority language instruction provided for by Article 41 of the Law on Education is implemented equally throughout Latvia. The Advisory Committee is further concerned by continued reports that the quality of education offered in minority language schools is lower than in other schools, given the lack of adequate provision of education materials and suitably trained teachers (see above comments on Article 12). According to minority representatives, minority language instruction is only offered in Russian and Polish, while instruction in lesser-used minority languages is in fact limited to the teaching of the language, while all other subjects are taught either in Latvian or in Russian. This forces parents to choose between Latvian or Russian language for their children, which has important consequences for their later integration in the labour market. As most parents wish for their children to learn both those widely spoken languages, in addition to the minority language as well as English, a considerable number chooses not to enrol their children in minority language schools to provide opportunities for them at least in the other languages, which ultimately puts the schools at risk of closure.

The Advisory Committee is further concerned by a renewed public debate related to minority language education, this time prompted by the call by some Members of Parliament to discontinue state funding for minority language pre-schools. The Advisory Committee reiterates the importance of early learning in the mother tongue for the cognitive development of children, including as regards the subsequent learning of other languages. It further notes that minority representatives are deeply concerned by this development, which they see as another initiative to diminish their established rights, and welcomes the decision by the Ministry of Education and Science to create a working group on pre-school education which has been examining how to improve Latvian-language instruction at Russian-language preschools. The Advisory Committee was concerned to learn from the Polish-language pre-school in Rezekne, which was opened in 2002 and has since been very popular, receiving more applications than it can accommodate, that it received information from the municipality that the pre-school needed to be closed. The Advisory Committee notes with interest that, following an initiative of parents and minority representatives, a public discussion on the issue with the school administration and the municipality has been planned.

The Advisory Committee further notes surveys and studies conducted in the Latgale region, suggesting that 77% of respondents wish Latgalian language to be taught at school, either as the medium of instruction, as a compulsory second language or as an optional subject. It finds that the introduction of Latgalian language education in general schools would indeed constitute an appropriate step to implement the guarantees for Latgalian provided in the Official Language Law.

Recommendations

The Advisory Committee calls on the authorities to continue their efforts to provide high quality education in minority languages, including at pre-school level, and to ensure that Article 41 of the Law on Education is implemented consistently throughout Latvia, irrespective of the representation of minority communities in local authorities.

The Advisory Committee further invites the authorities to consult closely with representatives of minority communities, including parents, to ensure that their interests and concerns with regard to languages of instruction and supervision of quality standards in minority language schools are effectively taken into account.

Official language learning*Findings of the first cycle*

In its first Opinion, the Advisory Committee considered that generally legitimate measures to reinforce the status and use of the Latvian language should not result in depriving persons belonging to national minorities of the exercise of their linguistic rights protected by the Framework Convention. It further invited the authorities to pay increased attention to the quality of teaching of Latvian for persons belonging to national minorities and adopt a flexible methodology, adapted to the specific needs of the various categories of individuals concerned.

Present situation

a) Positive developments

The Advisory Committee is pleased to note the continued increase in Latvian language proficiency among the population at large. A study conducted by the Latvian Language Agency and published in 2011 shows that more than 90% of respondents with Russian language as mother tongue indicated that they know Latvian, which corresponds with unofficial estimates. The Advisory Committee notes that a Cabinet of Ministers resolution which regulated at the end of 2011 that 40% of subjects in primary schools should be taught in the official language or bilingually, has in fact only affected the work of two schools, as most other schools have already increased their Latvian language instruction to prepare students adequately for secondary school education. The Advisory Committee further welcomes the continued involvement of the Latvian Language Agency to improve the quality of Latvian language learning as well as the organisation of language courses for teachers and parents.

b) Outstanding issues

The Advisory Committee is concerned by reports that some minority language schools have felt such pressure to prove their willingness to increase the amount of subjects taught in Latvian language that they have done so without adequate professional resources. According to minority representatives, a number of subjects that on paper are taught in Latvian are in fact taught in a mixture of Russian and Latvian, particularly in Latgale region. This places the pupils at a disadvantage, as it not only limits their Latvian language learning but also the effectiveness of education generally. While welcoming efforts to increase access to Latvian language learning at school, the Advisory Committee considers that more attention should be paid to ensuring the quality of education offered, including by employing native speakers as teachers of Latvian language or classes with Latvian as the medium of instruction. In addition, the Advisory Committee refers to continued reports that Latvian language proficiency is particularly underdeveloped among the adult and elderly population and considers that more courses should be offered for parents to ensure that their involvement in the decision-making processes concerning schools is duly promoted.

The Advisory Committee notes the overall positive attitude of minority representatives towards the centralised Latvian language exam beginning in the year 2011/2012. It notes, however, concerns of minority representatives that the exam appeared to place disproportionate emphasis on the knowledge of Latvian grammar and vocabulary rather than analytical skills and was therefore not suited to high-school level. While generally agreeing with the necessity of centralised exams,

minority representatives point further to official statistics showing that the results of graduates from minority language schools are still slightly lower than those of Latvian schools, particularly outside Riga, suggesting that the preparation for students to switch from minority language to Latvian was in many schools not adequately accompanied and that most students would have required more time. The Advisory Committee considers in this regard that continued surveys and efforts to comparatively monitor the standards in all schools should be carried out to facilitate targeted support in schools that experience particular difficulties.

Recommendation

The Advisory Committee invites the authorities to pursue their efforts to promote Latvian language proficiency among pupils in all schools, while applying more flexibility to ensure that only suitably trained teachers are employed to teach in Latvian and that the quality of education itself does not suffer. In addition, more opportunities for Latvian language learning for adults, including parents, should be provided.

20. Lithuania

Opinion adopted on 27 February 2008

Teaching of, and in, minority languages

Findings of the first cycle

In its first Opinion, the Advisory Committee asked the authorities to ensure that the regulations in force and any drafts in this field provided for sufficient opportunities for national minorities to receive instruction in their minority language, according to the needs and possibilities, within the framework of the public education system.

Furthermore, the authorities were invited to provide legal clarification of the criteria applicable to decisions on the opening or retention of classes or schools providing instruction in a minority language, and about the authorities responsible for taking such decisions.

Current situation

a) Positive developments

The Advisory Committee notes that the new Law on Education gives persons belonging to national minorities, in those areas where they are settled in substantial numbers, the right to decide on their language of instruction and that, in accordance with their decision, the local authorities must guarantee the exercise of this right from pre-school level until the end of secondary education.

In the public system, there are schools where instruction is provided in a minority language, and this is the case for the Belarusian, Polish and Russian minorities. There are also schools offering bilingual or trilingual education: Lithuanian/Polish, Lithuanian/Russian, Polish/Russian and Lithuanian/Polish/Russian. The Advisory Committee also notes the existence of a German school as well as of a Jewish school using the Lithuanian language. During the 2004-2005 school year, there were 173 schools offering education in a minority language.

As provided for by the Law, it is possible for persons belonging to less numerous or dispersed minorities to learn their mother tongue as an additional subject at publicly-managed schools, if genuine demand exists, and if the school has a teacher for the language concerned. The Advisory Committee took note of the clarification provided by the authorities, who said that the opening of classes for the learning of a minority language is possible if at least five pupils request it. The Committee expresses the hope that these provisions may be translated into reality without too many difficulties, and that the condition relating to the availability of a qualified teacher does not in practice become an obstacle to the opening of such classes. Furthermore, it welcomes the authorities' concern about quality education for national minorities, as shown in the instructions about this kind of education adopted by the Ministry of Education in 2006.

Where non-formal education is concerned, the main facilities are the so-called “Saturday (or Sunday) schools”, where pupils may study their minority language, or study in that language. The Advisory Committee notes that the different minorities of Lithuania have such schools available, and that these receive a certain amount of support from the authorities. It also notes that a draft “Saturday (or Sunday) School blueprint” was initiated a few years ago by the Department for National Minorities, and is now being examined by the Ministry of Education. According to the information received in this respect, the aim is to put forward recommendations for, and pointers to, improving the organisation and effectiveness of this kind of education.

The Advisory Committee welcomes the efforts made by the authorities over recent years to facilitate and consolidate the learning of the Lithuanian language by Roma. In this context, it notes the specific courses organised for them, for both children and adults, and the preparation of appropriate teaching material.

b) Outstanding issues

The Advisory Committee took note that the minority representatives (for example the Germans and the Tatars) show little confidence in the effectiveness of the non-formal system, and consider the support granted by the State to “Sunday schools” to be insignificant. The Advisory Committee, while welcoming the government’s laudable initiative of increasing State support to these schools, expresses the hope that this approach will not, in time, lead to a reduction in the opportunities created in the formal education system for education geared to minorities, and wishes to give a reminder of the obligations under the Framework Convention incumbent on the States Parties in this field. It also notes in this context the closure of the Department of Russian language and literature, a long-established department of the University of Vilnius.

The Advisory Committee’s attention was drawn to the significant reduction in recent years in the number of national minorities’ schools, as well as in the numbers of pupils attending these schools. The Advisory Committee is aware that this development is characteristic of all schools in the Lithuanian education system, and that it is due, *inter alia*, to demographic factors, and connected with population mobility. This being said, it notes the concern of the representatives of minorities (particularly the Russians and Poles) about this tendency, which they consider worrying in the context of the long-term preservation of the identity of their communities. The Advisory Committee notes in this respect that the minorities report greater difficulties in their efforts to set up or maintain 11th and 12th year classes (the final years of secondary education) where instruction is provided in a minority language.

The Advisory Committee also regrets that, in accordance with a decision of the Ministry of Education, severely criticised by the representatives of the Polish minority, the possibility of taking the final school examination in a minority language, where this is the language of instruction, has been withdrawn. It was also informed of the fact that, more recently, it has been decided no longer to count the study of the minority language as one of the subjects for the validation of a course of study. The Advisory Committee considers that these measures are not in line with the principles set out in Article 14 of the Framework Convention and takes the view that they may have a negative effect on the interest of the students concerned and their families in the learning of their language and in receiving their education in that language.

The representatives of minorities are also concerned about the move towards unification of the requirements applicable at the time of the final school examination of the Lithuanian language knowledge, whether in Lithuanian or non-Lithuanian language schools, when the curriculum followed for the study of Lithuanian is different in the two kinds of schools.

On the subject of the Roma, the Advisory Committee notes that, according to official sources, more than 70% of Roma state that Romani is their mother tongue. It notes that most Roma children are enrolled at Lithuanian schools, and that there is no school where they can study their own language. Generally speaking, it seems that only a limited number of Roma speak Lithuanian, and that this number has been declining since the nineties, with the younger generation having a poorer knowledge of Lithuanian than their parents. While it is aware of the importance of the learning of Lithuanian for the social integration of Roma, the Advisory Committee considers that there is a need

to consult the Roma parents whether there is a demand for the teaching of Romani, and if so, efforts should be made to meet this demand.

Recommendations

The authorities should, in the context of the implementation of the new Law on Education, and while supporting non-formal education arrangements for national minorities, ensure that the place and importance of the study of minority languages, and of study in these languages, are not reduced within the public education system. It is essential for minorities to be consulted about, and associated with, measures likely to have an impact on their rights in the education sphere.

The Advisory Committee encourages the authorities to check, in co-operation with the representatives of the Roma, whether there is a demand for the teaching of Romani and, if necessary, to endeavour to meet that demand.

Learning of the state language

Current situation

According to information received by the Advisory Committee, the authorities have stepped up their efforts to consolidate the teaching of the State language for persons belonging to national minorities. Among the aims of these measures is an improvement in young people's level of knowledge of the state language, so as to enable them to enjoy equal opportunities of access to employment and effective integration into society (also see the comments relating to Articles 4, 14 and 15 of the Framework Convention).

Recommendation

The Advisory Committee encourages the authorities to continue their measures to improve the learning of the State language by persons belonging to national minorities who lack an adequate knowledge of this language, while also respecting the rights of these persons to learn their minority language.

21. Moldova

Opinion adopted on 9 December 2004

Availability of teaching of minority languages

Findings of the first cycle

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

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.

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

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.

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

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

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

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.

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

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.

22. Netherlands

Opinion adopted on 20 June 2013

Articles 14 of the Framework Convention

Frisian in education

Findings of the first cycle

In its first Opinion, the Advisory Committee found that, in the absence of specific regulations, the definition of what constitutes an adequate amount of teaching in Frisian was subject to disagreement between the authorities and representatives of the Frisian minority. It encouraged the authorities to pay due attention to the demands expressed by the Frisian minority to provide an adequate amount of teaching in Frisian and also asked the authorities to continue their support of trilingual schooling.

Present situation

a) Positive developments

The Advisory Committee welcomes the continued efforts of the authorities to provide persons belonging to the Frisian minority with increased opportunities to learn the Frisian language in Fryslân in primary and secondary education, as well at pre-school level. It takes note that, in 2012, 409 primary schools (out of 492) have Frisian as a subject and 50 are trilingual schools (Frisian, Dutch and English). 55 secondary schools (out of 66) have Frisian as a subject and three are trilingual schools. Moreover, the number of Frisian-speaking and bilingual (Frisian and Dutch) pre-school institutions increased to 110 (out of 350). The Advisory Committee is also pleased to note the progress made in trilingual education and the increasing numbers of pupils who are enrolled in trilingual primary and secondary schools. The Advisory Committee welcomes the continued provision of state funding for the educational system in the province of Fryslân.

The Advisory Committee notes the inclusion of intercultural and human rights studies content, including Frisian language and culture, in the general curricula of education. It welcomes the introduction at the University of Groningen of a new curriculum on "Minorities and Multilingualism" which combines the political and historical aspects of minority issues with the challenges of politics of languages for European societies. It notes that the province of Fryslân and its highly institutional form of multilingualism is considered as a model for further research on good practices.

b) Outstanding issues

Despite these positive developments, representatives of the Frisian minority consider that there is still a problem of continuity from pre-school to primary and secondary education regarding Frisian language teaching. They also complain that the amount of Frisian teaching as an obligatory subject (about one hour per week) is still too low, but underline the difficulty of modifying it without reviewing the curriculum. As the majority of parents wish for their children to learn Dutch and Frisian as well as English most of them do not wish to increase the Frisian teaching hours due to the pressure on the rest of the curriculum. The Frisian minority also points out that trilingual education covers only 10% of pupils and that the demand for this form of education exceeds availability as most of the trilingual schools are small institutions in rural areas. There is also a threat to the continuity of Frisian language education, in particular in trilingual schools, as a consequence of recent advice given by the National Education Council to increase, as from 2019, the minimum number of pupils in a primary school from 23 to 100. The Advisory Committee considers that the concept of trilingual education has shown good results and could be further developed. It shares the opinion of the representatives of the Frisian minority on the benefit of multilingual education not only as an effective language learning method but also an efficient tool to promote inter-cultural understanding.

The Advisory Committee also notes that the lack of tools to evaluate the mastering of the Frisian language makes it difficult for the Dutch Inspectorate of Education to assess whether students have

really mastered the Frisian language in accordance with the attainment level target. Underlining the importance of evaluating the teaching in and of Frisian for maintaining high quality education in a minority language, the Advisory Committee considers that additional resources are required to extend these initiatives to all schools concerned in the province of Fryslân.

Recommendations

The Advisory Committee encourages the authorities to continue their efforts to provide high quality education in Frisian at all levels, including by developing adequate evaluation tools, and to pay due attention to the future development of the trilingual education system, taking into account the possible administrative reforms in this field.

The Advisory Committee invites the authorities to consult closely with representatives of the Frisian minority, including parents, to ensure that their interests and concerns with regard to Frisian in education, including the adequate amount of teaching in Frisian, are effectively taken into account.

23. Norway

Opinion adopted on 5 October 2006

Teaching of minority languages and in minority languages

Findings of the first cycle

In its first Opinion on Norway, the Advisory Committee noted that there were no legislative guarantees concerning teaching of and in minority languages other than the languages of the Sami and the Kvens. The authorities were encouraged to assess the demand for such teaching and take both the legal and the practical measures needed to improve the situation.

Present situation

a) Positive developments

As already stated, further to the decision to recognise the language of the Kvens as a separate minority language, the Ministry of Education has launched various projects designed to achieve the objectives assumed under the European Charter for Regional or Minority Languages. These projects include research and other activities aimed at developing a new grammar and spelling system, as well as a stock of literature in the language. Dictionaries, textbooks and other teaching materials that are essential if the language is to be properly taught are also being prepared. A larger-scale project designed to breathe new life into the language, which receives government support, is being carried out by various organisations within the Kven community.

At the same time, additional government resources have been allocated to the teaching of Finnish, which has been stepped up in recent years. For several years, Finnish has enjoyed “second-language” status in schools in the counties of Tromsø and Finnmark (in primary and lower secondary education, spanning a period of ten years), where a demand from three people is sufficient for them to be allowed to study the language.

b) Outstanding issues

Despite the efforts mentioned above, teaching of the mother tongue still poses problems for the Kvens. In spite of recent initiatives by the authorities, including those based on transfrontier co-operation, the teaching of Finnish, to which the Kvens continue to have access pending the establishment of the facilities needed to teach their own language, continues to suffer from a shortage of qualified teachers and suitable teaching materials. The Advisory Committee, however, notes that there are no plans at this stage for teaching in the Kven language.

More generally, it appears that, apart from recent efforts in respect of the Kven language, national minorities traditionally living in Norway have rather limited opportunities to learn their language and additional efforts are needed to strengthen this form of education. In addition, it is important that minority language education be designed not only as a means for facilitating the integration of

persons belonging to national minorities in the Norwegian society, but also as a goal *per se*, essential to the preservation of these persons' identity.

Recommendations

The Advisory Committee encourages the authorities to make a determined effort, in co-operation with Kven representatives, to pursue the initiatives launched, to allocate adequate resources to them and to take them a stage further, so that the conditions needed for the proper teaching of Kven are established as soon as possible.

The authorities are also encouraged to examine existing needs and demand for teaching of and in minority languages and ensure that Norway has a suitable legal basis for responding, where the conditions set out in Article 14, paragraph 3, of the Framework Convention are fulfilled, to any demand in this area.

24. Poland

Opinion adopted on 20 March 2009

Minority language teaching

Findings of the first cycle

In its first Opinion, the Advisory Committee noted that there are in Poland both legal guarantees and many opportunities available to persons belonging to national minorities for receiving instruction of and in their languages, in one form or another, as part of the public education system. The Advisory Committee also found that notwithstanding precise minimum requirements for establishing minority classes, the position was less clear as regards the closure of such classes. It urged the authorities to pay due attention to the existing thresholds and the needs of persons belonging to national minorities in this matter.

Present situation

a) Positive developments

The Act on National and Ethnic Minorities and on Regional Language of 6 January 2005 confirmed the existing guarantee, based on Article 13 of the Act on the System of Education of 7 September 1991, of the right of persons belonging to national minorities to learn their minority language. Furthermore, on 14 November 2007, the Minister of National Education issued a Regulation on the teaching of minority languages, history and culture.

Teaching of a minority language as a mother tongue is organised at the primary and lower-secondary level at the written request of the parents of seven pupils and at upper-secondary level at the request of the parents of 14 pupils.

In spite of the general demographic decrease, the number of national minority pupils receiving instruction of and in their language, remains stable in Poland, standing at 32,333 pupils in primary schools and 13,140 pupils in lower-secondary schools for the school year 2007/2008. The Advisory Committee is pleased to note that, for each pupil belonging to a national minority the amount of subsidy is 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.

Of the 535 primary schools providing instruction of and in minority languages in the school year 2007/2008, there were 2 schools teaching Armenian, 27 - Belarusian, 261 - German, 2 - Hebrew, 126 - Kashub language, 22 - Lemko, 10 - Lithuanian, 6 - Slovak and 79 - Ukrainian. Out of the total of 205 lower-secondary schools, the figures were: 14 schools teaching Belarusian, 87 - German, 2 - Hebrew, 37 - Kashub, 12 - Lemko, 4 - Lithuanian, 2 - Russian, 3 - Slovak and 44 - the Ukrainian language.

The Advisory Committee notes the growing number of pupils learning the Kashub language and welcomes the progress on elaboration, publication and printing of textbooks and other manuals in this language.

b) Outstanding issues

The Advisory Committee notes that the number of pupils receiving instruction of or in minority languages drops significantly in upper-secondary schools with 1,499 pupils continuing such education in 22 schools only. The main reason for this, according to the information provided by the authorities, is the fact that the pupils belonging to national minorities, just like the pupils belonging to the majority, when choosing a type of upper-secondary school, are motivated primarily by their interest and academic ability. This leads to choosing schools which are located some distance from the home environment. As a consequence, the requirement of 14 pupils is more difficult to meet and, in the absence of the corresponding subsidy, organising minority language tuition is impossible.

According to the information provided by the representatives of the German minority, the obligation to pass a foreign language exam at the end of lower-secondary education prompts some parents to withdraw their request for national minority language teaching, thus enabling national minority students to pass the exam in their minority language as a “foreign-language” exam. The reduction of education subsidies for such students complicates the financial situation of schools and causes certain difficulties with regard to “foreign” language teaching, as students belonging to national minorities master these languages much better than other pupils.

The Advisory Committee notes that, according to the information provided by national minority representatives, there are significant gaps in the school curricula as regards national minority language teaching as well as the history, culture, and traditions of the minorities and their “kin-States”. In addition, as regards school manuals, there is often no choice of alternative textbooks, forcing teachers to use the only one available.

The Advisory Committee notes that, notwithstanding the progress achieved in the teaching of the Kashub language, shortcomings continue to be reported in respect of the teaching materials available. The shortage in the number of qualified teachers, compounded by the lack of a Kashub Language Department at Gdańsk University which could offer a course for teachers, further exacerbates the problems in this area.

The Advisory Committee also notes that there are no kindergartens offering Kashub language tuition at the pre-school level. The Advisory Committee has been informed that this is primarily due to the lack of qualified teachers.

A number of commendable initiatives were introduced in the last decade to improve educational opportunities for Roma pupils. However, according to the information provided in the State Report, no teaching of, nor in the Romani language is organised in public schools.

Recommendations

The Advisory Committee is of the opinion that the authorities should pursue their dialogue with national minority representatives to analyse the demand that exists amongst national minorities to receive instruction in or of their languages and take appropriate follow-up measures.

The authorities should review the situation, in consultation with the representatives of national minorities, to assess whether the framework for teaching minority languages corresponds to actual needs and, where appropriate, take the necessary steps to address any shortcomings.

The Advisory Committee calls on the authorities to review the existing school curricula as regards national minority-specific subjects and ensure an adequate supply of school manuals and textbooks.

The Advisory Committee urges the authorities to increase their efforts, including financially, to make the necessary teaching material for the education of persons belonging to the Kashub minority available to the schools concerned.

Efforts should be intensified to ensure that a sufficient number of qualified teachers are trained to meet the needs of educational institutions which give teaching in or of minority languages.

The Advisory Committee considers that the authorities should help to train teaching staff in the Romani language and to develop the necessary teaching materials with a view to creating opportunities for teaching of or in the Romani language, where there is a sufficient demand.

25. Romania

Opinion adopted on 24 November 2005

Teaching of minority languages and in these languages

Findings of the first cycle

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

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.

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.

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.

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

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

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*

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**

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.

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.

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.

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

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

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.

26. Russian Federation

Opinion adopted on 11 May 2006

Instruction in and of minority languages

Findings of the first cycle

In its first Opinion, the Advisory Committee found that the normative framework for the implementation of Article 14 remained vague and called on the authorities to clarify it.

The Advisory Committee also considered that further efforts were needed in order to expand the scope and volume of teaching in and of minority languages, particularly in large cities and for persons belonging to dispersed minorities.

Present situation

a) Positive developments

Efforts have been made in a number of subjects of the federation to expand the availability of minority language teaching in public education. According to information received from the government, these efforts have met with particular success in certain regions of the North, Siberia and Far East of the country, including Krasnoyarsk and Tomsk, where a network of pre-school educational institutions teaching in the languages of numerically small indigenous peoples is being set up. Although the children of indigenous peoples in most cases still transfer to Russian-language educational institutions after pre-school, there are 664 secondary schools, catering to 76,000 children, where 23 native languages of indigenous peoples are being taught.

Elsewhere the picture is mixed, but the Advisory Committee notes that virtually all subjects of the federation now have at least some schools “with ethnocultural components”, while certain subjects, including Tatarstan, Bashkortostan and Sakha (Yakutia), have set up schools where teaching takes place entirely in the state languages. The Advisory Committee learnt, in discussions held with the authorities of Sverdlovsk *oblast*, that any national minority in this region that wished to set up a class or school with instruction in their mother tongue would receive state support, provided there are sufficient teachers, teaching materials and demand. According to government figures, minority languages are used (in varying amounts, including as optional subjects) as the medium of instruction in 9.9% of general education schools, and in 16.4% of general education schools minority languages are taught as an academic discipline.

b) Outstanding issues

The Advisory Committee regrets that detailed norms for implementing the right to receive instruction in or of minority languages, provided for in Article 9 of the Law on the Languages of the Peoples of the Russian Federation and Article 6 of the Federal Law on Education, have still not been developed. For instance, there are no rules establishing numerical thresholds for the introduction of this kind of instruction and existing schools “with an ethnocultural component” do not have a legal basis in federal law.

Although attempts have been made in some subjects of the federation, including Moscow, Bashkortostan and Chuvashia, to clarify the legal basis of these schools, detailed rules regarding when and how minority language schools can be set up rarely exist at the regional level either. For instance, the regional education standard of Sverdlovsk *oblast* makes provision for schools or classes with “ethnocultural components” but does not prescribe a system for triggering their introduction. In practice, the decision is taken by individual school authorities, subject to demand, teachers and training materials, in many cases without the state’s encouragement.

The Advisory Committee considers that this “laissez-faire” approach does not provide sufficient guarantees for persons belonging to national minorities to enjoy the right to mother tongue education provided for in federal laws. The situation is particularly difficult for persons belonging to dispersed minorities and minorities without a “kin-state” or territorial formation within the federation willing and able to promote their language in other regions. Again using Sverdlovsk *oblast* as an example, the Advisory Committee notes that there are 19 schools where Tatar is taught as an academic discipline (in a region with approximately 168,000 Tatars) and four schools where Mari is taught as

an academic discipline (there are nearly 28,000 Mari) but there are no opportunities in state schools to learn the languages of any other small and mostly dispersed national minorities in the region.

The Advisory Committee recognises that, in many cases, demand for such minority language instruction is low. However, in view of the right to such instruction which exists in federal legislation, the Advisory Committee considers that the authorities have not been sufficiently active in making students and parents aware of the different arrangements which could be made available for receiving minority language training.

The Advisory Committee considers that this situation is aggravated by a lack of clarity in federal legislation as regards where responsibility lies for responding to public demand for minority language instruction, as the Law on Education of the Russian Federation distributes various poorly defined responsibilities to the federal, regional and municipal levels of government. Efforts made recently to clarify the distribution of competences, *inter alia* by amendments to the Law on Education introduced in August 2004, have placed greater financial responsibility for education policy at the door of regional authorities, making it more difficult for certain economically disadvantaged subjects of the federation to meet demands in this sphere.

Recommendations

The authorities are urged to establish detailed rules for implementing the right to receive instruction in and of minority languages provided in federal legislation.

Further efforts are needed in order to continue expanding the scope and volume of such teaching, *inter alia*, by clarifying responsibility for responding to demand and raising awareness of existing possibilities among children and parents.

27. Serbia

Opinion adopted on 19 March 2009

Teaching in and of minority languages

Findings of the first cycle

In its first Opinion, the Advisory Committee found that there were gaps with regard to the teaching in or of certain minority languages. It encouraged the authorities to analyse the demand expressed by the Vlachs in North-East Serbia and asked them to review the situation with regard to the implementation of teaching in or of minority languages with regard to the Bosniac minority.

The Advisory Committee considered that the teaching of Serbian should be introduced in a manner that does not discourage pupils from opting for minority language teaching.

Present situation

a) Positive developments

The Advisory Committee welcomes the promising steps taken by the authorities of the Province of Vojvodina to gather information on education in minority languages, including on the number of teachers holding classes in a minority language.

The Advisory Committee welcomes the fact that the availability of minority language teaching has increased, with Bosnian, Bunjevac, Macedonian and Roma languages being introduced as “optional subjects with elements of the national culture”. It also notes with satisfaction that minority language teaching has been expanded to further levels with, for example, Croatian being taught in secondary schools even though the threshold of 15 pupils required for opening a class had not been reached.

b) Outstanding issues

The right to education in minority languages is enshrined in the 2006 Constitution (Article 79) and referred to in other legislation such as the Law on National Minorities, the Law on Elementary Education, and the Law on Higher Education. However, in the absence of operative regulations

regarding the modalities of implementation of the rights set forth, educational institutions are given extensive latitude to regulate the organisation of studies in minority languages.

The Advisory Committee further notes that while there have been some positive examples, in particular in the Province of Vojvodina of lowering the number of students required to organise teaching in a minority language or bilingual teaching (see paragraph 220 above), representatives of national minorities highlighted that in some other areas, their requests have met with strong resistance in the municipality where they live in substantial numbers. This is particularly so with regard to the demand expressed regularly by the Vlach minority regarding the introduction of the teaching of their language.

The Advisory Committee notes that the repeated demands by representatives of national minorities through their national councils to include the learning of the mother tongue with elements of national culture as a mandatory subject have not been given consideration so far by the Serbian authorities. The Advisory Committee considers that the teaching of minority languages as an optional subject does not sufficiently encourage minority pupils to learn their mother tongue while pursuing their studies and that it is likely to affect negatively their ability and motivation to preserve their mother tongue.

While welcoming the introduction of teaching of the Bosnian language in primary education, the Advisory Committee has been informed of the widespread concerns of the Bosniac community concerning the lack of quality of the teaching provided in such classes. According to some Bosniac cultural associations, this obstacle contributed to a decrease in the number of pupils registered in such classes.

Recommendations

The Serbian authorities should consolidate the legislative framework regarding minority language teaching. This requires the adoption, in close co-operation with representatives of national minorities, of additional regulations and practical measures regarding the various models of minority language teaching. In particular, there is a need to review the optional character of the subject referred to as “mother tongue with elements of the national culture”.

The Serbian authorities should encourage the local authorities to favour a more flexible approach in adapting the number of pupils required to open a minority language class in order to meet the actual needs expressed by minority communities. This is especially important in North-East Serbia.

While supporting the possibility given to national councils of national minorities to participate in the development of minority education, the Advisory Committee considers that it is important that the Serbian authorities take the necessary measures to ensure that the education provided in minority language classes meets the educational standards applied in other parts of Serbia.

28. Slovak Republic

Opinion adopted on 26 May 2005

Minority language education

Findings of the first cycle

In its first Opinion, the Advisory Committee welcomed the right, enshrined in Article 34 of the Constitution, for persons belonging to national minorities to receive education in their mother tongue but at the same time encouraged the adoption of more detailed legislative guarantees in this field. It further noted that the Roma language was recognised only in a very limited fashion and that no school offered instruction in the Roma language, *inter alia* because of a lack of qualified teachers. More generally, the Advisory Committee encouraged the Government to strengthen its efforts in the field of teacher training given the needs in this area.

Present situation

a) Positive developments

In October 2003 the Parliament adopted Act No. 465/2003 Coll. on establishing the Selye János University in Komárno. This university, which is composed of a Faculty of Economics, a Faculty of Pedagogy and a Faculty of Reformed Theology, started to operate in September 2004 and offers most of its courses in the Hungarian language. It is funded by the state budget. The setting up of the Selye János University has been widely welcomed as a significant step forward in the realisation of the rights of persons belonging to the Hungarian minority. The setting up of a Faculty of Pedagogy should greatly improve the training of teachers of primary and secondary schools providing instruction in the Hungarian language.

In its 2002 Programme on education, the Government committed itself to focusing on the creation of further opportunities for the Ruthenian and Roma minorities to receive education in their mother tongues. The Roma language is now used as an auxiliary language of instruction in kindergartens, in preparatory grades of primary and special schools with a high concentration of Roma pupils, in the Secondary School of Fine Arts in Košice, in the private Gymnasium of Košice and in the Department of the Roma Culture at the University of Constantine the Philosopher in Nitra. Since 2002, at least three textbooks in the Roma language have been approved and subsequently published by the authorities. Furthermore, thanks to joint efforts by the Plenipotentiary for the Roma communities and the Ministry of Education, the Roma language has been introduced in four pilot projects focusing on secondary education, and a considerable number of Roma language teachers should graduate in spring 2005. In this context, mention should also be made of the preparatory work carried out since 2002, by the Roma Culture Department of the Social Sciences Faculty at the University of Constantine the Philosopher in Nitra, to introduce bachelor-level study for teachers' assistants.

The school reform implemented in recent years, which *inter alia* resulted in the municipalities having more responsibilities as regards funding, setting up of classes and organisational matters, has been welcomed for its increased flexibility by a number of representatives of national minorities, including the Hungarians.

b) Outstanding issues

As was already emphasised in the first monitoring cycle and notwithstanding the existence of a commendable network of schools providing either instruction in minority languages or bilingual education, Article 3 of the Law on the System of Elementary and Secondary Schools is a provision of a very general nature. This provision guarantees only to Slovak citizens belonging to the "Czech, Hungarian, German and Polish and Ukrainian (Ruthenian) nationalities" the right to education also in their mother tongue "to the extent necessary for the interest of their national development". In addition to the need to address the restriction of this provision to citizens only (see related comments under Article 3 above), the Advisory Committee considers that there remains a need to entrench more detailed legislative guarantees to consolidate the existence of schools providing minority language teaching and to expand certain guarantees to other minorities not explicitly mentioned, like the Roma. This need could be addressed, for example, in the ongoing debate on the preparation of a draft law on national minorities (see related comments under article 5 above).

As regards the practical situation of schools with instruction in a minority language, the attention of the Advisory Committee has been drawn by representatives of the Hungarian minority to the need for the authorities to pay increased attention to the linguistic skills of school inspectors, who allegedly at times lack sufficient knowledge of the minority language used in the educational institutions they are tasked to supervise.

Despite progress made in the development of Roma language teaching and the interest expressed by those concerned, few opportunities exist in practice for persons belonging to this minority to attend classes with instruction in the Roma language. The Advisory Committee is aware of the particular challenges ahead of the authorities to improve this situation and in particular the difficulties linked to the codification of the Roma language and the need to train more Roma teachers. Nevertheless, the Advisory Committee is of the opinion that there is still scope for improvement in this respect.

Recommendations

Efforts should be made to develop more detailed legislative guarantees in order to consolidate the existence of schools providing minority language teaching and expand certain guarantees in this field to other minorities not explicitly mentioned in the current provisions.

The authorities are invited to intensify existing measures so as to create further opportunities to receive Roma language teaching, including through the development of additional teacher training programmes. Increased attention should be paid to the linguistic skills of schools inspectors operating in educational institutions providing instruction in a minority language.

29. Slovenia

Opinion adopted on 26 May 2005

Learning of minority languages and instruction in those languages

Findings of the first cycle

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

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).

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

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

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.

30. Spain

Opinion adopted on 22 February 2007

Education in Roma languages

Findings of the first cycle

In its first Opinion, the Advisory Committee called on the authorities to look into existing needs, together with the persons concerned, as regards providing courses in *caló* in public education, and to continue assisting non-governmental organisations providing such courses.

Present situation

a) Positive developments

The Advisory Committee notes that there is a growing interest among Roma representatives in the preservation of *caló*, and it welcomes the debate that is taking place among public authorities and Roma representatives in Spain on ways and means of achieving this. See comments under Article 5, paragraphs 70 and 71 above.

The Advisory Committee welcomes the financial support that the governments of certain Autonomous Communities, including the Basque Country, have provided to non-governmental organisations offering courses on Romani.

b) Outstanding issues

The Advisory Committee is not aware of any initiatives at the level of the State or at the level of Autonomous Communities aimed at introducing the teaching of *caló* in public education. According to the information at the disposal of the Advisory Committee, the provision of language courses is rarely identified as a funding objective in the government assistance allocated to Roma associations and non-governmental organisations working with Roma.

Recommendations

The authorities are called on to consult with Roma representatives to identify the needs and demands of Roma in this regard.

Government assistance allocated to Roma associations and non-governmental organisations working with Roma should identify the provision of language courses as a funding objective.

31. Sweden

Opinion adopted on 8 November 2007

Obligation to provide mother tongue instruction

Findings of the first cycle

In its first Opinion, the Advisory Committee criticised the fact that the obligation to provide mother-tongue teaching is conditional upon the availability of teachers and encouraged the authorities to consider amending this provision.

The Advisory Committee also noted that the limited amount of mother tongue teaching, the way it is organised and shortcomings in related information have contributed to the decrease in the number of pupils receiving such instruction.

Present situation

a) Positive developments

The implications of the above-mentioned conditions and problems have been touched upon in recent reports. The Advisory Committee takes note in particular of the report on the educational situation of national minorities by the National Agency of Education, which contains a number of valuable recommendations to improve the situation.

b) Outstanding issues

The legal situation remains unchanged and the obligation to provide mother-tongue education is still conditional upon the availability of teachers. In practice, this has in a number of cases prevented children from receiving such education. This said condition has been the most frequently invoked justification by the municipalities for turning down requests to receive mother tongue education, according to the above-mentioned report by the National Agency of Education (see also related comments under Article 12).

The Advisory Committee further notes that other legal conditions for mother tongue instruction remain in place. These are that the language is used by the pupils in question in everyday life, that they have a basic knowledge of it and that there are at least 5 pupils requesting mother tongue education. While Roma, Sami and Tornedalers have been excluded from these legal conditions, they continue to apply to Finnish and Yiddish, a fact that has been criticised by the National Agency of Education.

Where it is available, the amount of mother tongue teaching remains very limited (ranging from 40 minutes to 120 minutes per week): it is usually provided after regular school hours, limiting its attractiveness amongst minorities concerned. The problem of a limited awareness about applicable rules pertaining to mother tongue teaching persists. Furthermore, in some cases, municipal authorities are also unaware of the rules for mother tongue teaching.

Recommendation

Sweden should step up its efforts to improve mother tongue teaching and ensure that the lack of teachers and other present factors do not free the authorities from their obligation to take steps towards addressing the demand in this area. There is also a need to follow up to the recommendations contained in the recent report on the educational situation of national minorities by the National Agency of Education.

Bilingual education

Findings of the first cycle

In its first Opinion, the Advisory Committee noted the absence of legislative guarantees to receive bilingual education and the fact that legislation excludes the possibility of providing such education in minority languages other than Finnish in public schools in grades 7 to 9. It called for more attention, in both legislation and practice, to provide instruction in minority languages in public schools.

Present situation

a) Positive developments

The authorities have initiated some pilot projects in the field of bilingual teaching, including a four-year experiment with bilingual instruction in grades 7 to 9 for pupils with mother tongue other than Swedish. The Advisory Committee also notes that the authorities recognise that bilingual instruction has an important role to play in supporting and strengthening minority languages.

b) Outstanding issues

Beyond private initiatives (see under Article 12), the availability of bilingual education for national minorities, other than Sami, remains marginal and limited to isolated initiatives. Except for the Sami, there are still no legal guarantees for receiving such education in any circumstances and legislation restricts even the possibility to offer such education beyond the 6th grade. This situation, coupled with the above-mentioned limitations associated with mother tongue education, is far from the demands expressed by representatives of national minorities and constitutes one of the major challenges for national minority policy in Sweden. The Advisory Committee stresses that shortcomings in this sphere also contribute to problems experienced in the implementation of other

articles of the Framework Convention, in particular Article 10 (see remarks under Article 10, paragraph 103).

Recommendation

Sweden should take more decisive measures in education to increase the availability of bilingual education for persons belonging to national minorities. This requires both legislative and practical measures that need to be designed and implemented in close co-operation with representatives of national minorities.

Pre-school education

Findings of the first cycle

In its first Opinion, the Advisory Committee noted the local difficulties experienced in the implementation of minority language legislation for the provision of pre-school education in minority languages.

Present situation

a) Positive developments

The provision of minority language pre-school education has been pursued in a number of municipalities and important examples of this include Meänkieli pre-school in Pajala. The implementation of the proposal to extend the administrative areas covered by minority language legislation (see above under Article 10) would also involve a significant expansion of the legal obligation to provide education in the pertinent minority languages.

b) Outstanding issues

Although the lack of comprehensive information makes it difficult to obtain a clear picture of the overall situation, there remain significant gaps in terms of the provision of minority language pre-schools in Sweden. Whereas some municipalities have taken positive measures in this area, others have not taken the necessary measures that would reflect the importance of the issue.

Recommendation

While considering the proposals to expand legal obligation to provide minority language pre-schools, the authorities should ensure the full implementation of the current obligations and also encourage local authorities to take more voluntary measures in this area.

Sami language education

Findings of the first cycle

In its first Opinion, the Advisory Committee noted that further improvements could be achieved as far as instruction in Sami languages is concerned.

Present situation

a) Positive developments

The situation of Sami language education has been one of the concerns in the government-sponsored studies analysing the minority language education in general and a new report devoted to this issue is currently underway. The Advisory Committee also welcomes the fact that Sami Parliament has pursued a more comprehensive approach to Sami language education, including through a language policy document entitled 'Starting an offensive Sami language policy', published in 2003. In practice, there are signs of growing interest in Sami language education, reflected in the growing number of children attending Sami pre-school education and in strong demand expressed in Sami language education offered in a high school in Jokkmokk.

b) Outstanding issues

The provision of Sami language teaching remains in practice limited. In addition to the capacity and resources problems (see under Article 12) and other factors harming minority language education in general (see below), the Sami language teaching faces particular challenges in terms of ensuring seamless interaction between Sami schools, available in selected municipalities up until the 7th grade, administered by Sami School Board and municipal authorities and municipal schools. There are also clear gaps in the information given to families potentially interested in Sami education concerning possibilities to request such education. Finally, the Advisory Committee stresses the need to ensure that integrated Sami education is adequately resourced.

Recommendation

Sweden should take further proactive measures to ensure that Sami language education fully meets the needs of the persons concerned and pupils and parents are adequately informed about their rights in this area.

32. Switzerland

Opinion adopted on 29 February 2008

Teaching of minority languages

Findings of the first cycle

In its first Opinion, the Advisory Committee concluded that all persons belonging to a linguistic minority had the possibility to learn their language in primary and secondary education, regardless of the canton in which they were residing.

Present situation

a) Positive developments

A closer examination of the situation, undertaken on the basis of information provided by the Secretariat of the CDIP, reveals that as far as the Italian and Romanche languages are concerned, the situation is not uniform. Apart from Graubünden and Ticino, where instruction in Italian is available (or at least teaching of Italian outside Italian-speaking municipalities in Graubünden), 17 cantons offer optional Italian courses - usually between 2 and 4 hours a week - as from the last two grades of compulsory education; one canton even offers Italian teaching as from the 5th grade of primary school. Beyond compulsory education, Italian is available as an optional course in all cantons. Furthermore, Italian courses are available in a range of cantons and cities through the action of the diplomatic and consular representations of Italy.

As far as Romanche is concerned, the Advisory Committee is unaware of the existence of optional language courses in compulsory education outside the canton of Graubünden, but has not been faced with representations claiming the existence of particular needs in this respect. It is, however, worth recalling the existence of a bilingual German-Romanche section in a school of the municipality of Chur (the capital of Graubünden which is located outside the traditional Romanche area), which has been a considerable success since its creation. Other bilingual schools exist in the canton of Graubünden and experience suggests that they meet real needs from persons belonging to minorities.

b) Outstanding issues

According to the information received from the CDIP, there are at present six cantons which do not offer optional Italian language courses before the end of the compulsory education, namely Fribourg, Geneva, Glarus, Obwald, Schaffhausen and Thurgau. The reasons usually put forward for this state of affairs are not entirely clear, but range from an alleged lack of significant needs to the availability of language courses proposed as a complement by the diplomatic and consular representations of Italy, or to the overall requirement to maintain the traditional distribution of languages. Since the adoption of the inter-cantonal treaty “HarmoS” in June 2007, there have been prospects that the six

cantons concerned might align their practice on the majority of cantons in the future and also offer optional Italian courses in compulsory education.

While recognising that in principle Article 14(1) of the Framework Convention does not imply positive action on the part of the State, it is important that the right to learn a minority language in compulsory education remains an effective possibility and not just a theoretical or abstract one. In this context, submissions from representatives of the Italian-speaking minority point to shortcomings in the existing possibilities to learn Italian in certain cantons, particularly in large cities with a sizeable number of Italian-speakers. The availability of Italian courses organised and supported by consular missions from Italy is certainly considered a useful complement, but is not perceived by those concerned as replacing Italian courses fully integrated within the respective cantonal educational system and curricula.

There have been laudable efforts to move towards a gradual harmonisation of compulsory education throughout Switzerland by the introduction of uniform and measurable educational standards based on the aforementioned HarmoS inter-cantonal treaty. Nevertheless there remains a need for more accurate and comparable statistical data, including on the availability and practical use of language courses, such as Italian courses outside Ticino and Graubünden. Such data could help determine the existing pattern with more precision and the possible outstanding needs.

Recommendation

The competent authorities should pursue their efforts to promote multilingualism through the harmonisation process of language teaching requirements in compulsory education. Consideration could be given to complementing the existing offer of optional Italian-language courses outside the areas where this language is traditionally spoken once the existing needs have been better examined. In this context, additional measures could be designed to gather further statistical data on the availability and practical use of language courses.

Language of primary education in bilingual cantons

Findings of the first cycle

In its first Opinion, the Advisory Committee found that the possibility for persons belonging to a linguistic minority to receive full primary education in their language was limited in practice by the principle of territoriality.

The Advisory Committee noted that bilingual teaching projects had been developed at the municipal level in a number of cantons and that generally these experiments had not been impeded by the application of the principle of territoriality. It encouraged the establishment of such bilingual sections/schools and the cantons to follow suit, especially 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.

Present situation

a) Positive developments

The Advisory Committee notes with satisfaction that the choice of the language of instruction and the enrolment in the corresponding municipal schools has in practice given rise to less problems according to the authorities and representatives of the linguistic minorities. This is due to the evolution of the Federal Tribunal's case-law and also to important constitutional and legal reforms carried out in certain multilingual cantons. In individual cases, more weight is now given to freedom of language, as compared with the principle of territoriality, and the public interest connected with strictly safeguarding the linguistic homogeneity of the region concerned.

In the canton of Valais, the law states that a child must attend school in his or her place of residence but provides for exception from this rule. Accordingly a German-speaking child can attend nursery school (pre-school) and primary school in the towns of Sion (the cantonal capital) and Sierre, which

both offer instruction in German although they are located in the French-speaking area. Legally and administratively, this raises no problems although the principle of territoriality remains valid in this canton. Furthermore, Valais has led the way in bilingual instruction in public education and a number of municipalities, including Sion, have already introduced bilingual education projects from nursery or primary school upwards, which have yielded positive results.

In the canton of Bern, the practice has also gradually moved towards a more flexible application of the principle of territoriality in relation to freedom of language in individual cases. Some commendable solutions have been introduced to simplify matters and/or strengthen the protection of persons belonging to the French-speaking minority. For example, the principle of personality is applied in the bilingual district of Biel, which ensures a complete freedom of choice as concerns the language of instruction. Also, parents residing in the German-speaking municipality of Nidau can choose to send their children to a neighbouring French-speaking school. Additionally a number of projects to develop bilingual teaching beyond compulsory education are carried out, including in areas which are distant from the language border.

In the canton of Fribourg, the dispute about switching from one school catchment area to another for linguistic reasons no longer seems to be an issue. The balance to be struck between freedom of language and the principle of territoriality has been clarified, including in the new Constitution. It mitigates the principle of territoriality by providing that the authorities must have regard to the traditional territorial distribution of languages and “take into account indigenous linguistic minorities”. The territoriality principle is now applied more pragmatically on the language border by allowing children to receive instruction in the official language of their choice. Some municipalities in the Sarine district (with a French-speaking majority) have already gone one step further: although over the last hundred years they have only temporarily had sizeable German-speaking minorities or have had none at all, they have granted German-speaking pupils permission to receive instruction in German in the City of Fribourg.

b) Outstanding issues

Despite the introduction of more flexibility in the choice of the language of instruction along the language border, some representatives of linguistic minorities and various segments of civil society consider that more could be done to expand - at least partially - the availability of instruction in the national languages not traditionally present in the municipality concerned. The Advisory Committee understands that the new Federal Law on National Languages and Mutual Understanding between Linguistic Communities, which aims to promote plurilingualism in the field of education in its Articles 14 to 17, could be useful in this respect. Also, experience suggests that the development of bilingual classes/schools could be pursued without threatening the existing equilibria between freedom of language and the principle of territoriality and with full respect for the wide cantonal autonomy in determining the official use of their languages and the cantonal powers in the field of education.

Recommendation

The authorities should continue to be flexible in individual decisions allowing children to receive instruction in the other official language offered by a neighbouring municipality. Efforts should be pursued to encourage plurilingualism in the field of education.

Language of primary education in Graubünden

Findings of the first cycle

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

Present situation

a) Positive developments

In the canton of Graubünden, specific provision is made in Article 16(2) of the Schools Act of 26 November 2000 for children to be enrolled in schools in neighbouring municipalities offering instruction in a minority language (i.e. Romanche or Italian). In practice, however, the option of attending school in a neighbouring municipality offering instruction in a minority language is rarely used.

The new Law on Languages of Graubünden settles the question of language selection by applying clear criteria, which rightly confer more weight to the principle of territoriality as is the case in bilingual cantons. The Advisory Committee strongly welcomes these new guarantees, which consolidate minority language instruction especially in municipalities where Romanche or Italian are under threat. Municipalities are classified as monolingual or multilingual by the same criteria used for official languages (see related comments under Article 10, above). In the interests of preserving a cantonal language that is under threat, the cantonal Government may, at the request of the municipality concerned, authorise exceptions on the choice of language of instruction. In monolingual municipalities, instruction takes place in the official language of the municipality (first language). In multilingual municipalities, instruction takes place in the autochthonous language (first language). In municipalities in which the proportion of the population belonging to an autochthonous linguistic minority is at least 10%, Romanche or Italian must be offered throughout the period of compulsory education. A change in the language of instruction is subject to the same requirements as a change in the official language (see related comments under Article 10, above).

b) Outstanding issues

To date, there have been very few changes in the language of instruction in municipalities of Graubünden. The last municipality which abandoned Romanche and switched to German as the language of instruction was Bergün in 1983. Although not a formal change, since they never had primary schools before, a few other municipalities have opted for German (Ilanz, Domat).

Recommendation

Efforts should be pursued to consolidate the position of Italian and Romanche as a language of instruction in the municipalities concerned. A regular dialogue between cantonal and municipal authorities is needed to implement the new legislative guarantees with due regard to the overall situation of languages in Graubünden.

33. “The former Yugoslav Republic of Macedonia”

Opinion adopted on 23 February 2007

**The right to learn the minority language and
the conditions for teaching in this language**

Findings of the first cycle

In its first Opinion, the Advisory Committee took note of the demand from the Turkish and Albanian communities for additional classes providing instruction in their languages and asked the authorities to examine the needs of these communities and specify the criteria for introducing such classes.

The Advisory Committee also found shortcomings in the teaching of and in the Vlach, Roma and Serbian languages and urged the authorities to provide adequate support in this respect.

Present situation

a) Positive developments

The Advisory Committee notes that, under the Constitution, persons belonging to minorities are entitled to learn their own languages and be taught in them at primary and secondary level. Similarly,

under the Higher Education Act, the state must provide higher education in a minority language if this language is spoken by over 20% of the population. The minority languages of communities not meeting this threshold may be studied in higher education, depending on needs and demand, inasmuch as the necessary conditions exist.

In practice, primary and secondary education is provided in their own languages for persons belonging to the Albanian, Turkish and Serbian communities, whereas the Vlachs and the Roma have optional classes for studying their languages in a few schools.

According to the State Report, teaching in Albanian and the study of this language have spread to all levels of education. There are mixed schools which provide instruction in both Macedonian and Albanian, usually in separate classes, as well as separate schools with just one of the two languages as the language of instruction.

The Advisory Committee notes that greater attention has been paid, over the past few years, to the learning of Macedonian by persons belonging to the different ethnic communities, particularly the Albanians. At the same time, it is pleased to take note of encouraging signs of a growing interest in studying Albanian on the part of the Macedonians, especially in ethnically mixed municipalities (see also related observations under Article 6 of the Framework Convention below).

The authorities are also endeavouring gradually to meet the demands of the other communities to increase teaching in and of their languages. According to the State Report, a new Serbian-language class has been introduced at secondary level in Kumanovo, and it is planned to open a Serbian language department at the university. Steps have also been taken by the Department of Minority Education to open new classes in Turkish (at pre-school, primary and secondary levels), and, at the request of the Bosnian community, to introduce instruction in Bosnian in a number of schools.

Also, 175 new textbooks have been approved for primary education in minority languages and others are in preparation for approval at secondary level.

b) Outstanding issues

Despite the above-mentioned efforts, the opportunities for persons belonging to smaller communities to learn their languages or study in them are at present limited. While the introduction of new classes to study the relevant languages has been requested as mentioned above, these requests have not yet met with a concrete response, and the human and material resources needed (textbooks and qualified teachers) are still lacking. By way of example, the Vlachs have for several years been asking for optional Vlach-language classes in Kicevo, without having received a reply from the authorities. Nor has the promise of an optional Vlach-language course at the Faculty of Pedagogy of Stip been honoured at the date of submission of the State Report. The Serbs, for their part, have been reporting the closure of further Serbian classes and schools every year and reject the authorities' argument that this trend is due to families' lack of interest. According to Serb representatives, the drop in demand is explained by the shortage of textbooks and suitable teaching materials and, above all, the fact that such teaching is not guaranteed to continue.

As for the Roma, teaching of their language is confined to a few classes in Skopje and Tetovo and continues to suffer, despite the authorities' recent efforts, from a shortage of qualified staff and appropriate teaching material.

Recommendations

The authorities should step up their efforts to broaden the opportunities of persons belonging to minorities for learning their languages and, according to their actual needs and demands, for receiving an education in these languages, where the conditions of the Framework Convention are met.

The measures under way for teacher training and preparation of the necessary teaching materials should be finalised as soon as possible, and proper attention should be devoted to the needs of smaller communities.

34. Ukraine*Opinion adopted on 30 May 2008***Minority language teaching***Findings of the first cycle*

In its first Opinion, the Advisory Committee noted that the Constitution and legislation guaranteed for persons belonging to national minorities the right to receive instruction in their language or to study their language, but regretted that these guarantees were formulated in a general fashion and that the legislation at issue contained 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 noted that, as a result of a general reform process, the share of the instruction in the Ukrainian language had considerably increased at all levels of education while, in particular, the share of Russian language teaching was decreasing. While agreeing that a reform of the system of language education was warranted, the Advisory Committee underlined that it should not result in undue limitations 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. It also noted specific challenges in Crimea, in particular concerning the extension of the Crimean Tatar language as the language of instruction.

*Present situation**Outstanding issues*

Since 2003, the Ministry of Education has encouraged educational institutions with instruction in a minority language to introduce more subjects taught in Ukrainian. While recognising that this measure could gradually increase children's proficiency in the State language, the Advisory Committee was given to understand that there were diverging views on the advisability of such measures even within certain national minorities. It is therefore important that close consultation be developed with minority representatives and the school authorities, including at the local level to ensure broad acceptance of forthcoming reforms. It is also essential that future policy developments in this field are carefully considered and properly reflected within the overall context of the Draft Concept for State Ethnic Policy, which is currently pending in the Cabinet of Ministers (see related comments under Article 3, above).

Against this background and in the absence of a thorough discussion with representatives of national minorities, the Ministry of Education adopted, in December 2007, Decree N° 1171 requiring all final examinations in secondary education and entrance examinations to higher education institutes to be conducted in Ukrainian, even for those students who complete their curricula in educational institutions with minority languages. As a result of protests from different national minorities and adverse reactions in various regions, the Ministry of Education recently decided to provide for a two year transitional period. Entrance examinations will therefore also be available in Russian, Hungarian, Moldovan, Romanian, Polish and Crimean Tatar until 2010. The Advisory Committee takes the view that this reform was introduced without due consideration being given to the need to protect the interests of the pupils concerned. Indeed any strengthening of the State language in educational institutions with minority language needs to be coupled with accompanying measures to help children acquire a better language proficiency from an early age. This cannot be achieved by a sudden change of the rules pertaining to language examinations in secondary education and entrance examinations.

The trend towards the closure of Russian schools has been pursued and representatives of the Russian minority complain that this is also the case in regions where Russian speakers form a significant part of the population or even the local majority. The authorities contend that this trend is to be seen as an effort to redress past practices which overlooked the need for education in

Ukrainian. They also consider that this trend reflects a declining interest from parents to send their children to Russian schools. 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, there are at present 15 schools operating in Crimean Tatar, seven in Ukrainian and nearly 600 in Russian. Although there have been laudable efforts made by the authorities to open educational institutions in Crimean Tatar language following the return of the formerly deported people, the number of these schools is reportedly insufficient to cover the needs of the Crimean Tatars.

Regarding educational institutions with other minority languages, the Ministry of Education takes the view that existing figures do not reflect a decline. Despite these assurances, the Advisory Committee heard disconcerting reports by representatives of national minorities suggesting that local authorities have shown a lack of support for minority language education. For example, representatives of the Romanian minority deplore the fact that an increasing number of Ukrainian classes in certain Romanian schools are being opened at the expense of the Romanian language, notably in Transcarpathia. Polish minority representatives regret that in certain villages with an overwhelming Polish majority, local authorities continue to object to the introduction of bilingual education. Bulgarian minority representatives note that in areas with a significant Bulgarian population, most of the schools are only allowed to offer 1 to 2 hours a week of courses in Bulgarian. The Advisory Committee is concerned that such developments, coupled with the aforementioned shortage of textbooks and qualified teachers, combined with the obligation to take entrance examination to higher education in Ukrainian, can discourage parents from sending their children to educational institutions with minority languages.

The Advisory Committee regrets that the legal framework has not yet been reviewed to improve legal certainty. As a result, Article 53, paragraph 5 of the Constitution and Articles 25-29 of the Law on Languages, which guarantee the right to receive instruction in a minority language or to study a minority language, remain difficult to apply in practice. Indeed, the obligation for the authorities to provide for the creation of a class or a school with education in a minority language, if certain objective conditions are met, is currently not provided for in clear terms and no effective legal remedy seems to be available against arbitrary refusals by the local authorities. In this context, the Advisory Committee recalls that the main criteria for the introduction of minority language education should be the existence of a “sufficient demand” rather than the ethnic composition of the region at issue.

Recommendations

The authorities should start a broader reflection on the role and place of minority language teaching in the overall educational system and in the light of ongoing reforms intended to strengthen the State language. In this context, long-term efforts must be made by the authorities to help children achieve a better proficiency in the State language without jeopardising the possibility for these children to pursue studies in their language.

The aforementioned reflection should also cover the role and place of minority languages in higher education since a gradual transition towards Ukrainian in higher education will have an impact also on secondary education.

There is a need to provide clearer legal guarantees for the right of persons belonging to national minorities to receive instruction in their language when certain conditions are met, in particular when there is a sufficient demand as provided for by Article 14 paragraph 2 of the Framework Convention. Such criteria must be applied in an equitable manner by local authorities and refusals must be subject to challenge through an effective legal remedy.

35. United Kingdom

Opinion adopted on 6 June 2007

Languages of minority ethnic communities

Findings of the first cycle

Noting the importance of giving adequate recognition and support to those wishing to learn their own minority language, the Advisory Committee called on the authorities to further assess the level and variety of language needs of the minority ethnic communities.

Present situation

a) Positive developments

The Advisory Committee welcomes the findings of the final report of the Dearing Review on the Government's language policy, which recommends, among other things, that more attention be given to the teaching of languages of minority ethnic communities. Noting that the linguistic diversity of England's large minority ethnic population is a national asset, the report called on the Government to review present policies in order to encourage schools to offer a broader range of languages, including the languages of minority ethnic communities.

The Advisory Committee notes that the Government is currently considering proposals to remove the statutory requirement for state-maintained schools to offer a working language of the European Union to students aged 11-14, and replace it with guidance on promoting the study of widely-spoken languages, which may include Mandarin, Urdu and other widely-spoken world languages depending on local needs and circumstances. Some schools, on their own initiative, have begun to expand the provision of minority ethnic languages.

The Scottish Executive is preparing guidance on language teaching aimed at encouraging schools to support children from minority ethnic communities in maintaining their own first languages.

b) Outstanding issues

The Advisory Committee notes that the current provision of teaching in or of minority ethnic languages relies mostly on supplementary schools run by minority ethnic communities, usually on evenings or weekends. Funding opportunities for these schools are reportedly limited and vary from locality to locality.

Recommendations

The Advisory Committee considers that the authorities should make concerted efforts to promote bilingual and multi-lingual education, including by stepping up funding for supplementary schools, and take a proactive approach in encouraging schools to expand the provision of minority ethnic languages, in accordance with the Dearing report.

Education in and of Gaelic, Scots, Irish and Ulster-Scots

Findings of the first cycle

In its first Opinion, the Advisory Committee found that possibilities for receiving education in and of Welsh, Scottish-Gaelic and Irish have increased in recent years, but that further support was needed, in particular, for Irish language education. It also considered that the situation of Ulster-Scots needed to be examined.

Present situation

a) Positive developments

The Advisory Committee welcomes the efforts made by the Scottish Executive to expand the provision of Gaelic-medium education, which is now available at all levels of education with improved resources and teaching materials. Whilst introducing teaching in or of Gaelic remains voluntary for schools, the Advisory Committee welcomes the proactive approach taken by local authorities in the areas with high concentrations of Gaelic speakers to create Gaelic-medium classes and schools. The Advisory Committee notes that the Gaelic Language Board's National Gaelic

Language Plan includes *inter alia* a National Gaelic Education Strategy which should lead to a more consistent approach to the provision of Gaelic-medium education at local level.

The Advisory Committee notes that, according to the Government, twenty primary schools and one secondary school that teach through the medium of Irish are currently 100% funded by Northern Ireland's Department for Education, which also provides grants to English-medium schools which decide to establish Irish-medium units and to schools which apply to become "satellites" to the main Irish-medium schools. The Advisory Committee welcomes the Department of Education's decision to undertake a fundamental review of current policy towards the development of education through the medium of Irish, based on current and likely future demand, in accordance with the recommendations of the Bain's report.

b) Outstanding issues

The Advisory Committee notes that, in Scotland, there is currently no right to receive Gaelic-medium education, and the provision depends on the positions taken by particular schools.

According to information received from representatives of Irish speakers and the Council for Irish-Medium Education, set up in 2000 to promote and facilitate Irish-medium education, government funding for Irish-medium education has not always been forthcoming, even when the school applying for the funds has met the necessary numerical threshold (12 children in a single-year intake).

The Advisory Committee notes that there are no Scots-medium classes in Scotland, in spite of the demands expressed by representatives of Scots speakers for the establishment of such classes.

Ulster-Scots speakers have repeated the calls they made during the first monitoring cycle for the introduction of teaching of Ulster-Scots in schools and other educational establishments.

Recommendations

The Advisory Committee encourages the relevant authorities in Scotland and Northern Ireland to continue expanding the availability of Gaelic and Irish medium education, especially in areas where a demand for such education has been expressed.

Existing demand for Scots-medium classes in Scotland and for teaching of Ulster-Scots in Northern Ireland should be examined by the relevant authorities.