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Working document

Compilation of Opinions of the Advisory Committee relating to Article 14 of the
Framework Convention for the Protection of National Minorities (3rd 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."

Note: this document was produced as a working document only and does not contain footnotes. For publication purposes, please refer to the original opinions.

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As of 13 May 2016, the Advisory Committee on the Framework Convention for the Protection of National Minorities had adopted a total of 36 opinions, of which 30 opinions on Article 14.

* 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.

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. Armenia

Opinion adopted on 14 October 2010

Article 14 of the Framework Convention

Teaching in and of minority languages

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee urged the authorities to take duly into account the preferences of the persons concerned with regard to the language of education and to make efforts to respond to the specific needs of persons belonging to national minorities who choose Russian as their language of education. It also encouraged the authorities to provide more support to the teaching of minority languages other than Assyrian, Yezidi, Kurdish and Russian and to support further relevant initiatives by national minorities in this respect.

Present situation

The Advisory Committee notes that the education system in Armenia has undergone significant changes over the last six years. The Advisory Committee further notes with interest the adoption of the "State Program for Education Development for 2009-2013" which addresses key issues such as curriculum development, performance assessment and teacher training. The State policy on teaching in and of languages of national minorities has been elaborated in the framework of the State Programme of Language Policy which declares that the aims are to "preserve and develop minority languages for the democracy of Armenia and for creating democratic and civic society."

According to the information provided in the State Report, the existing constitutional provision which in Article 41 reads "Everyone shall have the right to preserve his or her ethnic identity. Persons belonging to national minorities shall have the right to preserve and develop their traditions, religion, language and culture" has been further developed by the adoption in 2009 of the Law on Education. In particular Article 4 of this Law provides a possibility to organise education in and of minority languages within public schools.

The Advisory Committee notes with satisfaction that the teaching of minority languages is incorporated into the public education system and takes note that the Russian, Yezidi, Kurdish, Greek and Assyrian languages are taught in schools located in regions where persons belonging to these minorities live in substantial numbers. The authorities have also informed the Advisory Committee about possibilities existing in Yerevan to learn the Belarusian, Georgian, German, Polish and Ukrainian languages.

Recommendation

The Advisory Committee calls on the authorities to continue their dialogue with the representatives of national minorities in order to analyse the existing demands of minorities, including the numerically smaller ones, to receive instruction in or of their minority language.

2. Austria

Opinion adopted on 28 June 2011

Article 14 of the Framework Convention

Bilingual kindergartens

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to consider, in close co-operation with representatives of the Slovene minority, the possibility of adopting adequate legislative and practical measures on bilingual kindergartens 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.

Present situation

The Advisory Committee is pleased to note that a compulsory free-of-charge kindergarten year was introduced as part of the education system at the beginning of 2009 in order to promote the early learning of all children. As far as bilingual education in Burgenland and Carinthia is concerned, the Advisory Committee expects that this compulsory pre-school year will help to mitigate the problem of having very different levels of proficiency in the minority languages among pupils in the first grade.

The Advisory Committee welcomes the continued engagement of the working group on bilingual kindergartens in Carinthia which is developing pedagogical concepts and schemes for bilingual teaching which are successfully used in an increasing number of bilingual kindergartens. The Advisory Committee regrets, however, that no progress has been made in terms of the adoption of adequate legislation on bilingual kindergartens and that, in the majority of cases, bilingual nursery education is still offered through private initiatives. While these private kindergartens receive support in accordance with the Nursery School Fund Act, subsidies are still limited to existing schools only and are not sufficient to make parental fees superfluous.

The Advisory Committee notes with concern that the creation of public-sector bilingual kindergartens in Carinthia still depends on the will of the local authorities in the respective municipalities, despite their increasing attractiveness also for the majority population. The Advisory Committee notes with deep concern that also this issue appears to be linked to the on-going debate surrounding bilingual signposts. Minority and local government representatives alike inferred that the creation of more bilingual kindergartens depends

on the readiness of the Slovene minority to agree to the compromise concerning bilingual signposts (see above comments on Article 11). In addition, the Advisory Committee finds that the above-mentioned extension of basic mandatory education to comprise one pre-school year should imply the expansion of publically-available bilingual pre-school education in line with the Carinthian Minority School Act.

Recommendation

The Advisory Committee calls on the Carinthian authorities to adopt adequate legislation on bilingual kindergartens and to ensure that at least one year of bilingual pre-school education becomes publically available as part of the process of introducing one mandatory kindergarten year in Austria.

Bilingual education in Carinthia and Burgenland

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called on the authorities to consider an extension of bilingual education beyond primary school, so as to ensure that the positive results obtained due to the system of bilingual education up to the 4th grade are built upon. The Advisory Committee further invited the authorities to ensure the coherent implementation of the Minority School Act in Burgenland.

Present situation

The Advisory Committee notes with concern that no progress has been made since the second monitoring cycle with regard to the offer of bilingual education in Carinthia and Burgenland. It also notes that the implementation of the Burgenland Minorities School Act remains controversial. While state authorities insist that bilingual instruction is offered in line with the statutory requirements, Croat and Hungarian minority representatives argue that three weekly hours are insufficient to promote active language proficiency in the minority languages. The Advisory Committee is indeed concerned by the fact that the regional Minorities School Act does not define any specific learning standards for the minority languages, nor does it impose a minimum number of weekly classes. This results, according to representatives of the Croat and Hungarian minority, in a continued decline in knowledge of the minority language among youth. In addition, the Advisory Committee regrets that the act only covers primary schools and that the opportunities to study beyond the 4th grade are wholly insufficient with only two gymnasiums in the whole of Burgenland.

As regards the bilingual education offer in Carinthia, the Advisory Committee welcomes the fact that the increased interest among parents for bilingual education has resulted so far in the continuation of most bilingual schools despite the generally decreasing numbers of pupils. However, the Advisory Committee notes that minority representatives continue to feel threatened by the on-going school reform process, as the creation of fewer and larger schools could negatively affect the quantity and quality of bilingual education offered. It notes further that no progress has been made with regard to the offer of

bilingual education beyond primary school in Carinthia, although the few schools where it is available reportedly provide high quality education.

Recommendations

The Advisory Committee urges the Burgenland authorities to ensure, in close co-operation with the minority representatives, that quality minority language education is offered to promote active language proficiency among pupils, and that adequate learning standards are introduced and regularly monitored.

The Advisory Committee further invites the Austrian authorities to consider all possible options to increase the available opportunities for bilingual education beyond primary school.

Minority language teaching

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged 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 minority languages are met in line with Article 14 of the Framework Convention. It pointed out in particular the needs of persons belonging to the Hungarian minority living in Vienna as well as the overall limited opportunities of learning Romani.

Present situation

The Advisory Committee notes with regret that limited progress has been made in terms of Hungarian and Croat language learning opportunities in Vienna. Though the number of private initiatives that receive limited funding from the Federal Chancellery are expanding (see above comments on Article 13), minority representatives consider the absence of a legislative framework for national minority language education in Vienna as an increasing obstacle to the preservation and development of their languages in the capital, as the growing demand of parents for bilingual education cannot be met through private initiatives alone.

The Advisory Committee is pleased to note that Slovenian language learning opportunities in a number of Southern districts of the province of Styria have slightly increased in the last years, particularly in Leibnitz and Radkersburg. It further welcomes on-going efforts to organise opportunities for Slovenian language classes as of the 2011/2012 school year also in the city of Graz, where many Slovene speakers live, and expects that current austerity measures will not hinder this positive development in line with Austria obligations under the State Treaty of Vienna.

The Advisory Committee regrets that possibilities to study Romani outside Burgenland are still very limited and almost no progress has been made in terms of extending the positive models of teaching Romani in some schools in Vienna to other areas. Minority representatives still consider the existing opportunities as far too restricted and find them

insufficient to promote awareness and knowledge of Romani and Roma culture within the Roma community, or raise recognition among the majority population.

Recommendation

The Advisory Committee urges the Austrian authorities again to increase the opportunities for persons belonging to national minorities to learn their languages in line with Article 14 of the Framework Convention.

3. Azerbaijan

Opinion adopted on 10 October 2012

Article 14 of the Framework Convention

Minority language teaching

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to provide adequate legal guarantees for persons belonging to national minorities to receive education in their minority languages as enshrined in Article 45 of the Constitution of Azerbaijan and Article 6 of the Law on Education of 1992. It further urged the authorities to extend existing possibilities to learn minority languages in the education system beyond primary school, taking into account the local demand.

Present situation

The Advisory Committee notes no significant changes in the situation regarding the teaching in and of minority languages in schools. Persons belonging to the Russian and Georgian minorities have the possibility to attend primary and secondary education in their languages, with obligatory weekly classes in the official language, literature and geography. Other national minorities may, in areas of compact settlement, attend two hours a week of their national minority language and culture. The Advisory Committee learned that weekly classes are provided at 232 schools in Talysh, at 107 schools in Lezgin, at 37 schools in Tat, at 23 schools in Avar, at six schools in Tsakhur, at two schools in Kurdish and at one school in Khinalig. Representatives of these minorities report, however, that the quality of education continues to deteriorate, as adequate textbooks and professional teachers are scarce (see comments under Article 12 above), and that classes are frequently cancelled. The Advisory Committee further understands that these classes are only offered in villages where the national minority constitutes the vast majority of the population. Inconsistent information received from various levels of authority revealed a lack of clarity on procedures in place to introduce minority language classes in additional villages, or the minimum number of pupils required to exercise their right.

The Advisory Committee further understands that the above minority language classes are only offered in primary school, from first to third grade. Extension of the classes in fourth grade is voluntary, if a teacher is available, but reportedly does not usually take place. As

regards secondary education, only Lezgin continues to be offered until 9th grade on a voluntary basis in some regions; reportedly pupils at seven schools have taken advantage of this possibility. Minority representatives have expressed their concern that the quality of the minority language teaching is so low that interest from parents and students has been diminishing. In addition, many parents are reportedly unaware of the possibility of demanding minority language education based on national legislation. The Advisory Committee shares these concerns and reiterates the high importance of quality teaching in national minority languages, including those of numerically smaller minorities, in order to ensure that persons belonging to national minorities can effectively preserve their languages and national minority identity.

Recommendation

The Advisory Committee urges the authorities to expand possibilities of minority language teaching for persons belonging to national minorities, including numerically smaller ones. Clear procedural rules must be put in place to clarify under what conditions the constitutional and legislative guarantees may be exercised, including at secondary level.

Learning of the official language

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to take steps to increase opportunities for persons belonging to national minorities to adequately learn the official language.

Present situation

The Advisory Committee is pleased to note that the overall level of proficiency in the official language of persons belonging to national minorities appears to have improved considerably and that minority representatives generally report no difficulties in acquiring sufficient levels, even if they attend minority language schools where Azerbaijani language learning is limited to two hours a week. The Advisory Committee was informed that a significant number of persons belonging to the elderly minority population still have only very limited understanding of the official language.

Recommendation

The Advisory Committee invites the authorities to pursue their efforts to ensure that all persons belonging to national minorities are enabled to gain proficiency in the official language.

4. Bosnia and Herzegovina
Opinion adopted on 7 March 2013

Article 14 of the Framework Convention

Teaching in and of minority languages

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee invited 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 and to make a proper assessment of the needs and demands of persons belonging to national minorities in this field.

Present situation

The requirements established by law for teaching in and of minority languages have not changed since the Advisory Committee's Second Opinion. Thus, under the State Law on National Minorities as amended in 2005, pupils belonging to a national minority must form one-third of the population of the school concerned for the school to be obliged to provide teaching in the minority language. The Federation Law reflects these criteria; the law of the Republika Srpska has not yet been aligned with these amended requirements and still includes the previous, more stringent requirement that the minority constitute an absolute or relative majority of the municipality concerned in order for children to be entitled to receive instruction in their minority language. In practice, however, neither the less stringent requirement introduced in the Federation Law to align it with the amended State Law nor *a fortiori* the stricter requirement retained in the Republika Srpska Law are met anywhere, and currently no public schools in Bosnia and Herzegovina make provision for teaching in the language of a national minority. The ratification by Bosnia and Herzegovina of the European Charter for Regional or Minority Languages in September 2010 has not altered this situation.

As regards the teaching of minority languages, under the State Law as amended in 2005 and the Federation Law, pupils belonging to national minorities must constitute one-fifth of the population of the school for there to be an obligation, upon the request of the majority of their parents, to provide additional classes on the language, literature, history and culture of the minority. In the Republika Srpska, irrespective of the number of pupils belonging to national minorities in any given municipality, there is an obligation to provide such additional classes if the parents of pupils belonging to national minorities so demand, in accordance with the general laws on education. The Advisory Committee has been informed that very few schools in Bosnia and Herzegovina provide such optional classes and there continue to be very few possibilities for studying the Romani language in schools. In the Republika Srpska, Ukrainian and Italian are taught as optional classes in a small number of schools. In most other cases, it appears that teaching of minority languages continues to occur outside the school environment. In Tuzla, for example, the authorities have indicated that no requests for the teaching of minority languages in schools have been received, but that Hungarian, Italian and Slovenian are taught in the

minorities' own language schools, which receive support partly from the municipal and cantonal budgets and partly from the relevant embassies. Polish and Czech minority associations in the Federation also deliver language classes with the support of the authorities of their kin-States.

The Advisory Committee is concerned that the authorities have not taken a pro-active approach in this field. In this respect it is regrettable that the Joint Committee for Human Rights of the Parliament of Bosnia and Herzegovina has never approved the publication of a report compiled by the State Council of National Minorities over the period 2004-2009 on the implementation of education rights under the State Law on National Minorities. Initiatives for providing teaching of minority languages continue to come mostly from national minorities themselves. As mentioned above (see Article 12), these efforts remain largely dependent on support from their kin-States.

In discussions with the Advisory Committee during its visit to Bosnia and Herzegovina, representatives of national minorities consistently voiced disappointment in this situation and expressed the need for more active support from the authorities in this field. The Advisory Committee emphasises that the current situation, in which the language, history and culture of national minorities are virtually absent from school curricula (see also above, Article 12), not only constitutes a threat to the preservation of the individual identity of persons belonging to national minorities but also aggravates their position of virtual invisibility in the context of Bosnia and Herzegovina. It moreover stresses that a purely passive approach on the part of the authorities – simply waiting for national minorities to express a clear demand – is not an adequate means of protecting the rights of persons belonging to national minorities: the authorities should regularly monitor the demand for teaching in and of minority languages and should stimulate such demand through awareness-raising among parents and pupils.

Recommendation

The Advisory Committee calls on the authorities to step up their efforts to develop teaching in and of minority languages in areas where persons belonging to national minorities are settled traditionally or in substantial numbers. The authorities at all levels should take a proactive approach in this field. The needs and demand of persons belonging to national minorities for such teaching should be duly assessed.

5. Bulgaria

Opinion adopted on 11 February 2014

Article 14 of the Framework Convention

Minority language teaching

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee called on the authorities to intensify their dialogue with national minority representatives to analyse the existing demands of minorities, including from the numerically smaller groups, to receive teaching in or of their minority language. It called on the authorities both to increase their efforts to provide opportunities for pupils belonging to minority communities to learn their minority language and to abolish all legal and administrative restrictions on teaching subjects other than the minority language in the mother tongues of minorities.

Present situation

According to information provided by the Ministry of Education subsequent to the visit of the Advisory Committee, in the 2012-2013 school year, a total of 9 268 pupils were taking Turkish mother tongue classes, 158 Armenian, 32 Arabic and 26 Greek. The Advisory Committee has also been informed of the existence of Jewish schools, where Hebrew is also taught.

The Advisory Committee observes from the outset that compared with the numbers of persons having declared themselves in the 2011 census as having a Turkish ethnic affiliation in particular, these numbers are very low. Many of the Advisory Committee's interlocutors drew its attention to the fact that the numbers of pupils studying Turkish as a mother tongue has fallen by over 90% in the last twenty years, from approximately 114 000 in the early 1990s to just over 9 000 today. The Advisory Committee notes that this drop in the number of pupils studying Turkish far outstrips the overall rate of population decline in Bulgaria. While there is a general downward trend (with some fluctuations) in the number of students learning any languages other than Bulgarian, such a dramatic drop appears to be specific to the Turkish language and warrants the close attention of the authorities. The explanation that this phenomenon "is linked mainly to the opportunities for integration in the labour market after graduation" does not appear adequate to explain such a rapid and massive abandonment of mother tongue studies, especially as it has not been accompanied by greater interest in learning other languages that may seem more marketable. The Advisory Committee wishes to draw the authorities' attention in this context to the fact that from a minority perspective, the continued existence of Decree No. 2/2009 of the Ministry of Education, which bans teachers from talking to pupils in their minority languages outside the classroom, has a chilling effect as it creates a sense of shame and guilt around expressing oneself in one's mother tongue. Combined with the recent rise in racist and xenophobic attacks against persons perceived as foreigners, the current climate is not one in which choosing to study one's minority language is an obvious choice. This makes it all the more crucial that the authorities take active steps to facilitate such a choice.

The Advisory Committee regrets to note that according to information provided by the Ministry of Education subsequent to the visit, no pupils are currently studying the Romani language as a mother tongue, although Romani representatives indicate that there is a demand for such instruction.

The Advisory Committee has not been informed of any measures taken by the authorities to assess the level of demand in this field since its last Opinion and again regrets the passive approach taken by the authorities in the field of education in minority languages. In this context, the Advisory Committee was particularly struck by one view relayed to it by an official dealing with education matters, to the effect that the mother tongue is simply a signal of one's minority affiliation, but not a major aspect of the culture of minorities. Minority representatives regretted the fact that the Ministry of Education no longer employs experts in minority languages. They also consistently took issue with the fact that minority-language teaching is not included in the compulsory (general) curriculum but only offered as an element of the elective chapters of the school curriculum. This not only sends the message that being proficient in minority languages is not a valued skill in Bulgaria but also means that minority languages are in competition with other elective subjects; students may thus, for example, have to choose between religious education and learning their mother tongue. Moreover, in all cases, the only option is teaching *of* the minority language; no provision is made for bilingual teaching or for other subjects to be taught *in* the minority language. Numerically smaller minorities also have particularly strong needs in the field of minority language education, as expressed for instance by the representatives of Armenians.

As regards textbooks used for teaching minority languages, the government reportedly provides little or no financial support for their production. There is a shortage of textbooks for the teaching of Turkish and those that have been approved are outdated as they have not been revised since the early 1990s, and there are reportedly no textbooks for teaching Romani. The authorities have stated that in order to initiate the procedure for approving new textbooks, a draft textbook must first be submitted, along with a request for its approval. While they indicate that they have informed non-governmental organisations working on the educational integration of persons belonging to minorities of the need to present such drafts and requests, it appears that the authorities do not consider that they have a responsibility to work actively towards preparing up-to-date textbooks for the teaching of minority languages themselves. The Advisory Committee considers this passive approach all the more regrettable in that the absence of a standard curriculum for teaching minority languages makes the drafting of textbooks for this purpose particularly difficult.

The Advisory Committee also notes with regret that according to the information provided by the authorities, since 2010 no universities have offered a course for primary school teachers who will be using the Romani language; there are therefore no students currently enrolled in such a course. While the authorities point out that universities are

autonomous according to the law and must therefore remain free to decide independently which subjects to offer, the Advisory Committee observes that it would be possible, without compromising the autonomy of universities, for the authorities to provide the latter with incentives (such as additional, dedicated funding) to run courses in the necessary subjects. In view of the demographic challenges facing Bulgaria (declining overall population and birth rate), it is especially important to take measures to promote the recruitment of adequately trained teaching staff, including in smaller towns and villages in regions where ethnic minorities are concentrated. Against this background, the Advisory Committee finds especially regrettable information it received according to which, even when teachers qualified to teach the Romani language would be available, they are not employed.

Finally, it may be noted that many Roma parents indicate a preference for their children to focus on learning Bulgarian at school, since they consider that speaking Romani at home is enough to gain proficiency in their mother tongue. However, if quality teaching of the Romani language were more widely available and parents' awareness raised to the strong advantages for children in mastering their mother tongue – advantages which also extend to the acquisition of additional languages, including the official language – this situation could be expected to change.

The Advisory Committee notes that the lack of teaching in minority languages is a significant cause of concern for persons belonging to national minorities in Bulgaria, and the current level of availability of mother-tongue instruction, in particular in Turkish and Romani, does not appear adequate to meet the needs of minorities. It regrets that work on a new draft law on education, which was expected to provide an opportunity to resolve some of the issues raised above, came to a halt following the parliamentary elections of 2013. It recalls that as a party to the Framework Convention, Bulgaria has undertaken to recognise that every person belonging to a national minority has the right to learn his or her minority language (Article 14.1) and, in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, to endeavour to ensure, as far as possible and within the framework of its education system, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language (Article 14.2). The Advisory Committee recalls that minority language teaching is often offered in response to local demand and that regular monitoring of such demands is therefore needed. A purely passive approach on the part of the authorities is not sufficient: demands for education in minority languages should be stimulated through actions such as awareness-raising among parents and young people, actively promoting existing possibilities for minority language teaching and enabling parents belonging to national minorities to make informed choices about the language education of their children. Attention must be paid to the languages of numerically smaller minorities, whose languages may be particularly threatened.

Recommendations

The Advisory Committee urges the Bulgarian authorities to adopt active measures to affirm and protect the right of persons belonging to national minorities to learn their minority language. It calls on them, in consultation with representatives of national minorities, to raise the awareness of parents and children belonging to national minorities as to the existing possibilities of teaching of minority languages and the steps they can take in order to have such teaching introduced in their children's schools. It further calls on them, in consultation with representatives of national minorities, to undertake a detailed examination of existing demands for such teaching, including an analysis of any factors currently discouraging minority parents and children from requesting it. While these actions are especially urgent as regards the Turkish and Romani languages, they should also extend to the languages of numerically smaller minorities.

The Advisory Committee also calls on the Bulgarian authorities to review the current status of minority language teaching in the school curriculum, with a view at the very least to ensuring that in areas where there is a demand for it, it is consistently included as a "compulsory elective" subject rather than a purely elective subject.

The Advisory Committee strongly recommends that the authorities take a more active role in promoting the development of adequate textbooks for minority language teaching, including through increasing the funding available to support initiatives to develop such textbooks and actively stimulating such initiatives. At the same time, the authorities need to take measures to promote the continuation and, where necessary, reintroduction of university courses for the training of teachers qualified to teach minority languages, to stimulate students to follow such courses and to promote the recruitment of teachers of minority languages in areas where minorities are concentrated.

6. Croatia

Opinion adopted on 27 May 2010

Article 14 of the Framework Convention

Availability of minority language education

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee urged the authorities to continue to analyse the demand 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 Script of National Minorities be implemented in respect of all national minorities without any discrimination. The Advisory Committee further requested the authorities to ensure an adequate level of teacher training and pay specific attention to those national minorities who do not benefit from support from a "kin-State" in this sphere.

Present situation

The Advisory Committee notes that, in accordance with the Law on Education in Languages and Script of National Minorities, a well-developed system of minority language education exists in Croatia, permitting students belonging to national minorities to receive instruction in or of their languages. Three basic models have been developed over the last decade ranging from teaching of all subjects in the language and script of a national minority (model A), through bilingual teaching in such a way that science and mathematics subjects are taught in Croatian, whereas arts and humanities subjects are taught in the minority language (model B), to teaching a national minority language and culture in the respective minority language, with the rest of the subjects being taught in the Croatian language (model C).

The Advisory Committee notes that the schools using A and C models of education are most popular and that the number of children attending them remains stable. The figures for the school years 2006/07 and 2007/08 show that both at the primary and secondary school level the number of children attending model A schools providing education in the Hungarian and Serbian languages is growing which shows commitment on the part of both the authorities and national minorities to preserve and further strengthen this model of education.

Despite a number of commendable initiatives which were introduced in the last decade to improve educational opportunities for Roma children (see related comments under Article 12), according to the information provided in the State Report, no teaching of, nor in the Romani language is organised in public schools. This shortcoming may to some degree contribute to the high drop-out rate, low attainment level and the extremely small number of Roma children continuing education beyond the primary school level.

Recommendations

The Advisory Committee calls on the authorities to continue monitoring 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 considers that the authorities should help to train teaching staff in the Romani language and to develop the necessary teaching materials, taking into consideration the Curriculum Framework for Romani which has been developed in co-operation with the European Roma and Travellers Forum, with a view to creating opportunities for the teaching of or in the Romani language, where there is a sufficient demand.

The authorities should consider encouraging bilingual and dual medium education models, which would attract children from majority and minority backgrounds.

7. Cyprus

Opinion adopted on 19 March 2010

Article 14 of the Framework Convention

The right to learn a minority language and education in a minority language

Recommendations from the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to step up their efforts to find solutions, including through bilateral co-operation, to the reported problems of textbook provision and teacher training for instruction in Armenian.

The authorities were also encouraged to improve the teaching of Cypriot Maronite Arabic, including by specific measures to codify it, develop appropriate teaching materials and train teachers for this language.

Present situation

The Advisory Committee has found that, since the closure of the Melkonian Institute in 2005, only a small number of Armenian families have enrolled their children in the Nareg secondary school in Nicosia, despite the school's efforts to extend its curriculum (in Armenian, Greek and English) to cover elements of the language, culture and history of this community. It appears that the difficulty of maintaining Armenian-language teaching at secondary level, the uncertainty as to the learning of Armenian in the mandatory primary curriculum, and the lack of opportunities in Cyprus for training teachers in Armenian are the main factors which have contributed to this situation. In these circumstances, the preservation of their linguistic heritage is a source of concern for the Armenians. Whilst noting that discussions are in progress with the University of Cyprus on the possible creation of a chair in the Armenian language and culture as well as the solving of the problems arising from the closure of the Melkonian Institute, the Advisory Committee observes that concrete solutions have not been yet identified.

The Advisory Committee notes that, apart from the lack of continuity in the teaching of Armenian, families' choices are influenced by the need to strike a balance between having young Armenians learn their own language and culture on the one hand and, on the other, having them acquire sufficient command of Greek to find employment, especially in the civil service. The Advisory Committee has been informed of the Greek language proficiency problems facing young Armenians wishing to enter certain positions in the civil service or gain promotion in the army (see also comments under Article 15 below).

The Advisory Committee welcomes the progress made in revitalising Cypriot Maronite Arabic, including the finalisation of its codification, following its inclusion among the languages protected by the European Charter for Regional or Minority Languages. It notes, however, that additional efforts are needed to train teachers and prepare the necessary teaching materials. The Advisory Committee also takes note of the Maronites' request that the teaching of this language be included in the mandatory curriculum and considers that provision of appropriate textbooks and qualified teachers is a prerequisite for

achieving this. It notes that the request is being considered by the ministerial committee responsible for revising the curriculum and that the introduction of courses in Cypriot Maronite Arabic at the University of Cyprus is also being discussed.

Recommendations

The authorities should pay all due attention to the difficulties faced by the Armenians in their efforts to maintain the teaching of Armenian and should support plans to address these difficulties, including introduction of Armenian courses and training of teachers in Armenian at the university.

The authorities are also encouraged to establish the conditions for the teaching of Cypriot Maronite Arabic as soon as possible, paying particular attention to teacher training and preparation of appropriate teaching materials. Subsequently, consideration should be given to the possible inclusion of this teaching in the regular curriculum.

8. Czech Republic

Opinion adopted on 1 July 2011

Article 14 of the Framework Convention

Teaching of minority languages and instruction in these languages

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee encouraged the authorities to ensure that persons belonging to national minorities have adequate opportunities for being taught the minority language and for receiving instruction in this language. It further called on the authorities to continue to support initiatives taken by minorities themselves, for teaching of their languages outside the ordinary education system.

Present situation

The Advisory Committee notes that the Education Act of 2004 creates the necessary conditions guaranteeing equal access of children belonging to national minorities to education and that representatives of national minorities express general satisfaction with its implementation.

The Advisory Committee notes in particular that a well-developed system of Polish language education, from pre-school to secondary school level, exists in the Frýdek-Místek and Karviná districts, permitting students belonging to the Polish national minority to receive instruction in Polish. It further notes that in the 2010/2011 academic year, 778 children attended 32 Polish language kindergartens and 1,622 children receive instruction in Polish in 25 elementary schools in the region. More than 500 children attend one of the three Polish language high-schools (one grammar school and two trade schools). It also notes that representatives of the Polish minority express their general satisfaction with the existing opportunities for receiving instruction in their language.

However, the Advisory Committee notes with some concern that some Polish-language schools, e.g. the junior high school in Třinec, are threatened with closure due to falling enrolment caused by negative demographic trends. The Advisory Committee wishes to emphasise that minority language schools should have a lower threshold in terms of the minimum number of pupils per class than regular schools as they fulfil a specific public function in offering minority language education and preventing families from having to move to find suitable education for their children.

The Advisory Committee notes with regret the closure of the only Slovak language school in Ostrava, apparently due to the fall in enrolment in recent years. Slovak representatives explained this development by the proximity of both languages and cultures and the perception of security of the Slovak identity among the persons belonging to that minority, who peacefully coexisted with the Czech majority in one state for decades. At the same time, some of them expressed concern that the young generation, born after the dissolution of Czechoslovakia, does not have necessary conditions to learn or be taught in Slovak, which is a key element in their ethnic identity. The Advisory Committee accordingly welcomes a recent initiative by Slovak minority representatives to open a bilingual Czech and Slovak school in Prague, which would attract children from the Czech majority and the Slovak minority.

The Advisory Committee notes with regret that currently there are no opportunities for Roma children to learn the Romani language in primary schools, and that only some secondary schools (e.g. in Kolin and in Ostrava) teach Romani as a subject. At the tertiary level, Romani is offered as a bachelors and masters degree at the Charles University in Prague and Romani language courses are also offered at the Department of Special Pedagogy of that University and at the Masaryk University in Brno.

The authorities provided a grant to the Charles University in Prague in 2008 to conduct a socio-linguistic survey of the situation of the Romani language. The Advisory Committee also notes that work is ongoing on the translation into the two Romani dialects used in the Czech Republic of the European Language Portfolio Models supplementing the Curriculum Framework for Romani, and on the development of teaching materials in Romani. The Advisory Committee further welcomes the information on the pilot activities which were organised in the 2009/2010 academic year and are currently being evaluated.

Recommendations

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

The Advisory Committee considers that the authorities should resolutely continue to train teaching staff in the Romani language and to develop the necessary teaching materials, taking into consideration the Curriculum Framework for Romani, with a view to creating

opportunities for the teaching of or in the Romani language, where there is a sufficient demand.

The authorities should consider encouraging bilingual and dual medium education models, which can attract children from majority and minority backgrounds.

9. Denmark

Opinion adopted on 31 March 2011

Article 14 of the Framework Convention

German minority schools

Recommendations of the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee recommended that the authorities continue their discussions with the German minority to address the issue of the possible impact of the proposed administrative reforms on its school and kindergarten system.

Present situation

During the visit of the Advisory Committee, representatives of the German minority said that the administrative reform had had no impact on the funding of the network of schools and kindergartens available for the German minority in the South Jutland region. According to figures supplied to the Advisory Committee, the financial support provided by the Danish State rose from 31% to 34% between 1997 and 2011 and that of the municipalities from 11% to 15%. However, this does not represent a genuine increase given the cost of living over this period. The contribution of the Federal Republic of Germany, which partly funds the German schools, decreased from 32% to 21%. Under the present system, the amount of the subsidies is calculated on the basis of the number of children attending school. The German kindergartens with very few children enrolled (less than ten in each school) are consequently penalised by this calculation, which does not take into account the school's general operating costs, which are fixed irrespective of the number of children.

The Advisory Committee notes that the financial difficulties encountered by the German minority schools seem not to be linked directly to the consequences of the administrative reform but rather to the impact of the economic crisis currently affecting Denmark in the same way as other European countries, and to the reduction in the financial support provided by the Federal Republic of Germany. The Advisory Committee stresses that it is important to continue the dialogue with the representatives of the German minority and the other actors involved in order to find an acceptable solution that does not jeopardise the functioning of the German minority school system. The Advisory Committee wishes to emphasise that the economic crisis must not have a disproportionate impact on the right of persons belonging to national minorities to receive an education in their minority language.

Recommendation

The Advisory Committee calls on the authorities to continue the dialogue with all actors involved with a view to finding a financially sustainable solution that enables the German national minority education system in South Jutland to be effectively maintained.

10. Estonia

Opinion adopted on 1 April 2011

Article 14 of the Framework Convention

Minority languages in secondary education

Recommendations of the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee stressed that reform 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, including by guaranteeing an adequate level of bilingual secondary education for persons belonging to national minorities. As regards the transfer to Estonian as the main language of instruction in secondary schools, the Advisory Committee urged the authorities to provide clear guidance on how to invoke exemptions and maintain a minority language as language of instruction after 2007.

Present situation

The Advisory Committee notes that the deadline for the implementation of the transfer to Estonian as the main language of instruction has been postponed to the school year 2011/2012. By then, all Estonian upper secondary schools must ensure instruction in Estonian in at least 60% of subjects. While five of the subjects to be taught in Estonian are determined at national level, the remaining ones may be chosen by the schools. Exemptions are no longer permissible.

While appreciating the explanation that the reform is aimed at increasing the competitiveness of young Russian-speakers, the Advisory Committee notes with concern that the transfer to the Estonian language in an increasing number of Russian-language schools seems to have led already to a decrease in the quality of education offered, as Russian-speaking teachers struggle to teach in the Estonian language. Problems have particularly been reported in schools where the transfer came suddenly and without sufficient preparation. There is an urgent need for adequate training of teachers in Estonian for different subjects, in particular for secondary schools, to ensure that the quality of education does not suffer further as a result of an excessively strict focus on the language of instruction. The Advisory Committee was informed by several minority representatives that Russian-language schools have great difficulty in recruiting suitably trained teachers to teach in the State language. The Advisory Committee is concerned by this situation, as the ongoing transfer to Estonian as the language of instruction without due attention to its impact on the quality of education might raise doubts with regard to

its compatibility with the right to education of students studying at Russian-language schools.

In full view of the fact that Russian-language secondary schools are often located in remote areas and that it is difficult to recruit qualified young teachers to these schools, the Advisory Committee welcomes the fact that young graduates of pedagogical institutes are being offered additional financial incentives to teach Estonian in remote Russian-language schools. However, in line with its above concern that the quality of education is an equally important preoccupation as the language of instruction and given the general ageing of the Russian-language teacher body, the Advisory Committee expects that young and qualified teachers will be generally provided with incentives to teach at rural schools, including if they are teaching in the Russian language. In addition, it is particularly at Russian-language schools where bilingual teaching competencies should be promoted for teachers of both languages to ensure that the changes in the language of instruction of certain subjects are implemented as smoothly as possible and that Russian-language schools remain attractive education establishments for Estonian and non-Estonian speakers alike.

The Advisory Committee further notes with concern that more and more Russian-language schools are closing as parents decide to send their children to Estonian schools to ensure that they obtain good-quality education. The Advisory Committee wishes to emphasise that minority language schools should have a lower threshold in terms of the minimum number of pupils per class than regular schools as they fulfil a specific public function in offering minority language education and preventing families from having to move to find suitable education for their children. The same safeguard should apply also to Estonian language schools in Ida-Virumaa (Viru County), some of which are equally threatened with closure due to ever decreasing numbers of pupils. The Advisory Committee regrets in this context that bilingual education is not promoted to offer all pupils high academic skills and proficiency in the State language as well as in Russian - which would not only benefit the competitiveness of young Estonians generally but also constitute an important step towards creating shared social spaces and networking opportunities in an otherwise divided society (see related comments on Articles 6 and 12 above).

Recommendations

The Advisory Committee strongly encourages the authorities to ensure that the quality of education in Russian-language secondary schools does not suffer as a result of the transfer to Estonian as the language of instruction. Adequate teacher training must be provided urgently and attention should be given to ensure that Russian-language teachers equally benefit.

The Advisory Committee reiterates its recommendation to promote bilingual education methodologies to ensure that students from Russian-language schools (or Estonian-language schools in mainly Russian-speaking areas) are provided with an opportunity to continue education in their own language.

Minority languages in primary schools

Recommendations of the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee noted that the role of minority languages in basic Estonian-language schools lacked legal guarantees and called on the Estonian authorities to identify the obstacles hindering the establishment of optional minority language classes in public schools as provided for by amendments to the Basic Schools and Upper Secondary Schools Act in 2003.

Present situation

In line with the above-mentioned legislation, schools must offer at least two hours of optional lessons per week on a language and culture other than the language of instruction, if at least ten pupils so demand. Unfortunately, however, this option is used only very rarely. The Advisory Committee was informed, however, that such additional classes are highly appreciated where offered, such as to pupils belonging to the Ukrainian minority in Sillamäe and those belonging to the Belorussian minority in Kohtla-Järve. Reportedly, plans are currently being discussed to lower the minimum number of pupils required for the additional minority language classes in order to increase the use of this option.

While recognising the difficulty of identifying suitably-trained individuals to teach in minority languages, the Advisory Committee underlines the importance of minority language instruction as a regular component of publicly available schooling and welcomes the preparatory courses organised by the Ministry of Education and Research for representatives of national minorities in order to enable them to teach in schools.

Recommendation

The Advisory Committee encourages the Estonian authorities to continue and increase their efforts to provide opportunities for minority language instruction at State schools, including by lowering the minimum number of pupils necessary to institute optional lessons. It also urges the authorities to find pragmatic solutions to the difficulties experienced by national minority representatives to identify suitably-qualified minority language teachers.

Language immersion programmes

Recommendations of the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee stressed that 'language immersion models' should remain fully voluntary and should not be unduly privileged with regards to funding decisions so as to ensure that the quality of teaching, as well as textbooks and facilities, in other educational models, are of equivalent quality.

Present situation

Immersion classes have further expanded and continue to be introduced in an increasing number of Russian-language schools. The Advisory Committee notes that the general

perception in a number of schools appears to be that particularly gifted students should be enrolled in immersion classes which has, according to some minority representatives, resulted in the weakening of standards in regular Russian-language classes. In some cases, particularly in smaller cities, language immersion classes have, according to information received by the Advisory Committee, entirely replaced Russian-language classes.

Recommendation

The Advisory Committee reiterates its position that the ongoing expansion of the language immersion model must not result in disadvantages for other methods of education, including bilingual education, and that students and parents should be able to make free and fully-informed decisions with regards to the education model they wish to follow.

11. Finland

Opinion adopted on 14 October 2010

Article 14 of the Framework Convention

Russian language teaching

Recommendations from the two previous cycles of monitoring

In its previous cycles of monitoring, the Advisory Committee stressed that Russian-language schools should be designed in a manner that also accommodates the needs of pupils who speak Russian as their mother tongue and encouraged the authorities to develop a coherent policy regarding Russian language teaching for native speakers, with a view to ensuring adequate quantity and quality of education in the Russian language.

Present situation

The Advisory Committee regrets that no significant improvement has taken place with regard to Russian language teaching in Finland. While the increase of weekly mother-tongue classes from two to two and a half hours (available to all children with immigrant background) is commendable, it still falls far short of an adequate support to Russian pupils to maintain and develop their minority language skills. According to representatives of the Russian-speaking minority, these language courses can moreover only be followed by a small number of Russian-speaking pupils, as they depend on certain external factors, such as logistical arrangements regarding the time of day to hold additional classes, the number of pupils required in order to organise a class, etc.

Recommendation

The Advisory Committee encourages the Finnish authorities to consider all available options to increase minority language teaching to the sizable Russian-speaking population in Finland, including through an increase of Russian language day-care centres and the introduction of bi-lingual sections in schools where there is sufficient demand for such teaching.

Romani language teaching

Recommendations from the two previous cycles of monitoring

In previous monitoring cycles, the Advisory Committee welcomed the introduction of Romani language teaching but encouraged the authorities to expand and strengthen such teaching, including by following up on recommendations drawn up by the National Board of Education in 2004.

Present situation

The Advisory Committee notes with regret the absence of any significant development in the promotion of Romani language education in Finland. There is still no university level study and a lack of textbooks and other materials are cited by representatives of the Roma community, as well as the relevant school authorities, as reasons for the fact that only very few students can attend Romani language classes. The Advisory Committee points in this context to the relevant chapter of the above-cited proposal for a *National Policy on Roma*, which contains a number of recommendations on how to promote further the teaching of Romani in basic and adult education.

The Advisory Committee is pleased to note the creation of eight Romani 'language nests' which provide an unofficial opportunity for the Roma community to speak and develop their language at all ages (see also comments on Article 4 above) but underlines that other, more structural measures must be taken to ensure that Romani language learning is promoted in order to ensure the preservation and development of the Romani language and culture in Finland. According to Roma representatives, only about 30 % of the Roma in Finland speak Romani with some proficiency.

Recommendation

The Advisory Committee calls on the Finnish authorities to reinforce the quality and quantity of Romani language teaching in Finnish schools, among others by implementing the recommendations contained in the proposed policy paper, and to allocate adequate resources aimed at the development of relevant teaching materials. The authorities should also consult with Roma representatives on opportunities to introduce optional Romani language training for adults.

Sami language teaching

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee commended the availability of instruction in the Sami languages in the Sami Homeland and encouraged the authorities to pursue further possibilities of offering Sami language education outside the Homeland. It pointed out that access to Sami language pre-school education should not be connected to the mother tongue entry in the population registry.

Present situation

The Advisory Committee welcomes the fact that education in the Sami languages is available in all municipalities of the Sami Homeland, that all three Sami languages are being taught, and that the number of subjects in Sami has increased. It notes that the number of pupils studying in Sami has remained stable over the last few years, and that there has been a slight increase as regards Inari Sami. At the same time, it notes with alarm that the number of Sami teachers continues to decrease, particularly as regards the two smaller Sami languages, and that replacements are harder to find each year.

The Advisory Committee welcomes the fact that available funds for additional language teaching, including the Sami languages outside the Sami Homeland, have been doubled and conditions significantly improved in that only two pupils can now establish a class and teaching can be received throughout compulsory school and secondary education for six consecutive years from seven years of age onwards. At the same time, the Advisory Committee appreciates the concern of the Sami Parliament that the teaching of the Sami languages outside the Homeland should receive particular attention and considerably more resources than the general provision of voluntary mother tongue classes to immigrant children in Finland, particularly given that the majority of Sami school children live outside the Homeland.

The Advisory Committee further notes that access to Sami language day-care centres and pre-school education remains linked to the entry in the population registry indicating the mother-tongue. A high percentage of Sami children living outside the Sami Homeland are in fact bilingual but can only indicate one mother-tongue in the population registry – which will often be Finnish. This, therefore precludes them from having access to Sami day-care facilities (see also comments on Article 3 above).

Recommendations

The Advisory Committee strongly encourages the Finnish authorities to engage in a constructive dialogue with the Sami Parliament to consider available options for a comprehensive promotion of Sami language teaching throughout Finland (see also comments on Article 10 above).

The Advisory Committee further invites the Finnish authorities to modify the system for entries into the population registry in order to enable citizens to indicate multiple language and identity affiliations, which are an increasingly common phenomenon in pluri-cultural Finland.

Karelian language teaching

Present situation

The Advisory Committee welcomes the fact that funds have been provided by the Ministry of Education and the National Council for Literature to the Karelian Society for projects related to the promotion of the Karelian language. In addition, it is pleased to note that,

following continued petitions of the Karelian Society, a professorship in the Karelian language and culture has been established at the University of Eastern Finland.

Recommendation

The Advisory Committee encourages the Finnish authorities to pursue their support and funding for Karelian language teaching, including in higher education.

12. Germany

Opinion adopted on 27 May 2010

Article 14 of the Framework Convention

Teaching in Sorbian

Recommendations of the two previous monitoring cycles

During the previous monitoring cycles, the Advisory Committee encouraged the authorities to reconsider decisions to close down Sorbian classes or schools and to seek ways of securing the long-term future of the historic network of Sorbian schools.

Present situation

The Advisory Committee regrets the fact that the Sorbian secondary school in Panschwitz-Kuckau, under threat of closure at the time of its last visit in 2006, was closed down permanently in 2007. In addition, the closure in 2003 of the secondary school in Crostwitz was confirmed in 2006, after the parents of pupils at this school lost their case on appeal. In the view of the Sorbian minority representatives, this new closure is a severe blow to the continuity of Sorbian language teaching beyond primary level, even though the costs of transporting pupils to other Sorbian language secondary schools have been met by the authorities. Against this background the Advisory Committee notes with interest that the authorities have promised not to close any more Sorbian schools in the years ahead.

The Advisory Committee notes with interest that an in-depth analysis of all Sorbian schools in Saxony was conducted in 2008 in order to assess their functioning and needs in the period up to 2015-2020. It expects therefore that appropriate measures will be taken to ensure that existing needs be accommodated as fully as possible. In this context, it notes here that the representatives of the Sorbian minority deplore the lack of continuity in Sorbian language teaching, especially in the *Land* of Brandenburg. It notes too that the representatives continue to express a desire for closer involvement in decision-making with regard to the network of Sorbian schools.

Recommendations

The Advisory Committee urges the authorities to pursue and intensify without delay measures to maintain a sound and sustainable network of Sorbian language schools in the area of traditional Sorbian settlement, at all levels of the educational system.

It also calls on them to involve more closely representatives of the Sorbian minority in decision-making concerning the Sorbian school network.

Teaching of Frisian

Recommendations of the two previous monitoring cycles

During the previous monitoring cycles, the Advisory Committee encouraged the authorities to find ways of ensuring continuity in the teaching of Frisian beyond the early years of schooling.

It also called on the authorities concerned to take account of the educational needs of the Saterland Frisians.

Present situation

The Advisory Committee welcomes the adoption in October 2008 of a new decree on the teaching of Frisian in the region of North Frisia and the island of Helgoland, under which schools must inform pupils' parents that they can ask for Frisian to be taught at secondary level. Frisian language courses are optional or compulsory depending on the class concerned. The Advisory Committee notes with satisfaction that, according to the authorities, 67 Frisian language groups have been formed in 20 schools throughout the region for the year 2009-2010. It hopes that implementation of this measure will make up for the shortcomings reported by the Frisian minority representatives who complain of a persistent lack of formal structures for the teaching of Frisian (which often takes place outside normal school hours), and a generally inadequate availability of educational facilities, following the closure or merger of some village schools in which the Frisian language was taught.

The Advisory Committee notes with satisfaction that additional measures have been taken to boost the teaching of Sater Frisian, in particular the introduction of this language in a nursery school (see also remarks in respect of Article 12 above). The number of teaching hours of this language in schools in Lower Saxony has also increased in recent years. The Advisory Committee notes the wish of the representatives of the Saterland Frisians for a number of bilingual classes.

Recommendations

The Advisory Committee calls on the authorities to continue the adoption of measures aimed at providing persons belonging to the Frisian minority with appropriate teaching of their language, in close liaison with these minority representatives.

The Advisory Committee encourages the authorities to continue their efforts to preserve the culture and language of the Saterland Frisians by having the language taught as part of the compulsory school curriculum.

Teaching of Romani

Present situation

The Advisory Committee is pleased to note the information brought to its attention concerning the teaching of the Romani language in some schools, in an attempt to further the integration of Roma children into the education system. It appreciates that this is offered in response to local demand and aims generally at preserving and developing the culture and language of this community.

Recommendation

The Advisory Committee encourages the authorities concerned to monitor and review regularly the demand for teaching Romani, as well as Romani language teaching projects and their impact on academic achievement by Roma children, in the interests of furthering good practice in this field. The authorities should ensure the effective participation of representatives of the Roma community in these monitoring and evaluation procedures.

13. Hungary

Opinion adopted on 18 March 2010

Article 14 of the Framework Convention

Teaching in and of minority languages

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee noted that a low percentage of children from minorities were taught in a minority language in bilingual and monolingual establishments and asked the Hungarian authorities to pursue efforts to develop the teaching of minority languages for the numerically smaller minorities and to introduce forms of bilingual teaching for the numerically larger minorities where there is a sufficient demand.

Present situation

The Advisory Committee welcomes the fact that the amendments made in 2005 to the Law on the Rights of National and Ethnic Minorities granted self-governments representing minorities greater autonomy in the sphere of education. The self-governments may now take over the organization of schools or create new ones, managing them administratively, educationally and financially. These positive developments have enabled several minority self-governments to manage new schools. The self-government representing the German minority took over the management of two additional schools and now manages eight. The self-government representing the Slovak minority, which recently took over one school, now manages three, and the self-government representing the Croat minority now manages one school.

The Advisory Committee notes with satisfaction that the teaching of minority languages is

incorporated into the public education system at all levels and takes note of the authorities' determination to go on developing bilingual teaching methods and the teaching of and in minority languages. The Advisory Committee notes with interest that Romani and Beash are now recognised as minority languages and lessons in these languages are also available. It is also planned to set up a bilingual section in the Gandhi School managed by the self-government representing the Roma in Pecs. The Advisory Committee observes that the Ministry of Education continues to fund language training for teachers in minority languages, new manuals for the teaching of minority languages have been devised, and substantial work to renovate school buildings where teaching takes place in minority languages has been funded by the State.

According to the information received by the Advisory Committee, the bilingual system (with 50% of the curriculum taught in the minority language and 50% of at least three subjects in Hungarian), is increasingly attractive for minorities, even if the larger minorities still send their children mainly to monolingual minority language schools. Despite this progress, the Advisory Committee notes that it is apparently still difficult for numerically smaller minorities to set up their own schools and recommends that additional resources be provided so that the children of numerically smaller minorities may benefit from more teaching in their respective languages.

Recommendation

The Advisory Committee encourages the authorities to pursue their efforts aimed at enabling minority self-governments to acquire and manage their own schools and to develop a bilingual education system. It calls on the authorities to pay special attention to the needs of the numerically smaller minorities.

Funding for minorities' education

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee, while commending the considerable efforts made by the Hungarian authorities in the sphere of education for minorities, stressed that there were difficulties regarding the funding of schools with classes or study groups in a minority language, with local authorities' choices for allocating resources often disputed by self-governments representing minorities.

Present situation

The Advisory Committee is pleased to note that the representatives of the minority self-governments acknowledge that substantial improvements have been made in the area of funding for schools since 2005. The problems encountered in the past, namely overly complex financial arrangements, difficult relations between local authorities and minority self-governments and cuts in funding as a result of choices made by local authorities, appear to have been resolved thanks to the full financial autonomy now granted to self-governments representing minorities.

However, the Advisory Committee was informed that problems persist between certain

local authorities and local self-governments representing the Roma as to the use of State funds. The Advisory Committee understands that insufficient use was made of available funds to develop teaching of Roma culture and teaching in the Romany and Beash languages. The Advisory Committee considers it to be the responsibility of the central authorities to find adequate ways of ensuring that the provisions of the Law on National Minorities that grant minority self-government autonomy in the management of minority language education are implemented in practice.

Recommendation

The Advisory Committee encourages the authorities to ensure that the prerogatives and autonomy of minority self-governments in the area of funding for education are respected at all levels, particularly at local level.

14. Kosovo*

Opinion adopted on 6 March 2013

Article 14 of the Framework Convention

Instruction in and of minority languages

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called on the authorities to provide minority language schools with adequate supplies of textbooks and suitably trained teachers, and recommended flexibility in accommodating the educational needs of the Gorani community. It further considered that the authorities should increase opportunities for pupils belonging to minority communities to learn the official languages, as well as for pupils belonging to the majority community to learn the other official and minority languages.

Present situation

The Law on Education in the Municipalities transfers important competencies related to language instruction to the municipalities. Article 12 enables them to create conditions for providing education services in the Serbian language, including – upon notification of the MEST – by using the curriculum developed by the Republic of Serbia. The Advisory Committee notes that, in the absence of Serbian or Romani language instruction within the Kosovo* Curriculum, children belonging to the Serbian community as well as a high number of children belonging to the Roma communities continue to attend Serbian-administered schools in order to have access to instruction in their mother tongue (see above comments on Article 12). The decentralisation of education competencies and recent reforms also provide municipalities and schools with the competency to introduce other languages as of third grade. While welcoming the facilitation of language learning at an early stage and in line with modern methodology, the Advisory Committee strongly regrets that the choice of language to be introduced is reportedly made by schools rather

than in accordance with parental demand, and that there appears to be no effort to prioritise the learning of official languages.

Regarding the learning of official languages, the Advisory Committee was informed that students belonging to minority communities who follow instruction in Bosnian or Turkish languages still have only two weekly classes of Albanian, often without adequate textbooks. It welcomes in this regard efforts by international actors to support the development of a textbook for teaching Albanian as a second language. While a few Serbian-administered schools reportedly offer Albanian language classes, no initiatives have been taken by schools following the curriculum to introduce Serbian language classes. Many schools reportedly offer foreign languages such as Spanish or French (in addition to English which is supposed to be taught as of first grade) instead of classes in the other official language. The Advisory Committee considers it essential that all students learn at least some level of the other official language, in line with Article 14.3 of the Framework Convention, to promote the development of an integrated society as well as access to the labour market for young people throughout Kosovo*.

In addition, the Advisory Committee remains concerned with the quality of minority language instruction. According to minority representatives, no efforts are made within the MEST to oversee the quality and standards of instruction at Bosnian or Turkish language schools. Many community representatives worry about the quality of education offered and the chances of subsequent employment for students graduating from these schools. It is alarming that numerically smaller communities appear to be taken hostage by an education system that divides its attention between two major language groups but fails to adequately care for the language learning needs of other communities (see also above comments on Article 12). As regards Romani, the introduction of two optional weekly classes has been piloted at three schools in Prizren since October 2011. According to community representatives, institutional support for these classes is weak, no textbooks have been provided, and the responsibility for organising the classes, including the transport of the children to class and the maintenance of contacts with their parents, lies entirely with the teacher – who, at the time of writing the Opinion, had not yet been paid. A significant number of the originally 41 children attending the classes has been missing class and dropping out, as no incentives are provided by the school for attending mother tongue education. The Advisory Committee reminds the authorities of the essential role played by mother tongue education for subsequent language learning and overall academic achievement of children and expects that the challenges identified during the pilot project in Prizren will be appropriately addressed by relevant municipal and central authorities.

Recommendation

The Advisory Committee calls on the authorities to intensify their efforts to implement constitutional and legislative guarantees of instruction in minority community languages.

Efforts must be made, in close consultation with community representatives, to ensure regular monitoring of quality and standards at minority language schools.

The Advisory Committee further calls on the authorities to provide effective opportunities to all students, including those following instruction in minority languages, to learn both official languages.

15. Italy

Opinion adopted on 15 October 2010

Article 12 to 14 of the Framework Convention

Teacher training and curricula

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee invited the authorities to take further steps to ensure an adequate standard of teacher training and the publication of textbooks in minority languages. The authorities were encouraged to pay particular attention to minorities without a 'kin state'.

Present situation

The Advisory Committee notes with satisfaction the positive developments reported with regard to the teaching of and in minority languages. It notes that Italy now has a solid network of schools offering teaching of or in minority languages.

In the Friuli Venezia Giulia region, a large number of projects have been implemented over the past few years, with the support of regional authorities, to strengthen the teaching of the Slovene, Friulian and German languages. According to official sources, financial support has been provided for teacher training and development of specific courses and modules, as well as production of teaching material. For example, a language course and other pedagogical materials have been published for Ladins in the area of Belluno, and grammar and vocabulary handbooks for the German minority. In the Autonomous Region of Aosta Valley, methodology for the teaching of Franco-provençal and an electronic Franco-provençal dictionary are under preparation. Also, commendable examples of educational projects - bilingual publications and books for children, acquisition of materials and development of specialised libraries devoted to the minority's linguistic and cultural identity - have been reported in respect of other linguistic minorities, such as the Albanian minority, the Croatian minority and the Occitan minority.

The Advisory Committee welcomes the fact that the Italian authorities are continuing to make use of bilateral co-operation (with France, Austria and Slovenia) to strengthen measures to protect minorities in the field of education, whether through teacher training or the preparation or provision of teaching material. It notes with interest a recent co-operative history teaching project with Slovenia, to prepare a history textbook to be approved by a joint committee of historians from both countries.

The Advisory Committee also welcomes the decision to develop, locally, a common history textbook in the Autonomous Province of Bolzano – South Tyrol. It also notes that recent bilateral agreements in the field of education have enabled, in the Autonomous Region of Aosta Valley region, increased exchanges, joint teacher training and pedagogical projects with the Academy of Grenoble and the Academy of Aix-Marseille. This has also opened the way to a future joint French-Italian diploma of secondary studies.

According to information given to the Advisory Committee, a recent review of the situation regarding education for linguistic minorities showed the following priorities for the next few years: systematic teacher training to address the present shortage of qualified teachers; preparation of a professional list of available language teachers to be provided to interested schools; improvement of textbook quality. The central authorities have informed the Advisory Committee that a number of measures are to be adopted at the national level to remedy the shortcomings noted. These measures include teacher training for the twelve recognized linguistic minorities and the production and supply of suitable textbooks, including through a digital database.

Whilst welcoming the measures announced by the Government, the Advisory Committee notes that the economic crisis, along with other factors, is having a substantial impact on the effective implementation of government policies and measures in this field. It expects the announced measures to remain government priorities and the resources provided for their implementation to be allocated in due course to the various stakeholders.

The Advisory Committee regrets to note that few steps have been taken to increase mutual understanding and intercultural dialogue in education. Teaching materials and curricula, especially for the majority population, still contain very limited information on the languages, history and culture of linguistic minorities. According to minority representatives, this information is not always presented in an appropriate manner.

The Advisory Committee takes note of the concern of minority representatives regarding the impact of the education reform that has been under way since 2008 on persons belonging to minorities. According to these representatives, the introduction of higher thresholds for keeping schools open might lead to the closure of some minority schools attended by a small number of pupils and/or their merging with schools where Italian is the language of instruction, resulting in fewer opportunities for tuition in the mother tongue. The central authorities nevertheless were more positive in this respect, pointing out that exceptions would be made for minority education, enabling classes to be maintained even attended by a small number of pupils (a threshold of ten pupils has been established as the minimum).

Minority representatives are also concerned by the reform's introduction of the 'single teacher' system, which, according to them, will make it particularly difficult, if not impossible, to maintain the type of education provided by bilingual schools, such as the one in San Pietro al Natisone (bilingual tuition in Italian and Slovene).

The Advisory Committee believes that any measures to reform the education system should take into account the specific needs of persons belonging to minorities, and that the best possible response to these needs should be determined in consultation with the minorities' representatives. In any case, it expects the level of protection currently enjoyed by such persons to remain undiminished. Additional efforts are needed as regards communication between the authorities and the minorities on planned measures, and minority representatives should adequately be involved in the elaboration and adoption of decisions concerning them (see also the comments on Article 15 below).

The Advisory Committee notes with concern that, in a situation characterised by an increasing lack of resources, the teaching of the languages of some of the numerically-smaller linguistic minorities is suffering from a shortage of suitable textbooks and qualified teachers, and also, in some cases, from problems due to the absence of a codified written language and appropriate teaching material.

Recommendations

The Advisory Committee invites the authorities to take further steps to enable pupils, teachers and the public in general to learn more about the languages, culture and history of linguistic minorities through textbooks and other educational tools.

The Advisory Committee calls on the authorities to continue and expand measures aimed at increasing the availability of teachers and textbooks in minority languages and to ensure that the present financial crisis does not have a disproportionate impact on these measures. In this context, special attention should be paid to the needs of persons belonging to the numerically-smaller minorities.

The authorities are strongly encouraged to pay all necessary attention, in the context of the education reform, to the concerns voiced by representatives of the linguistic minorities and to endeavour, in consultation with these representatives, to identify solutions that take due account of specific needs of persons belonging to national minorities.

Availability of minority language education

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to ensure that all the schools concerned introduced teaching of minority languages and culture, as required by the legislation, as well as instruction in minority languages at pre-school, primary and lower-secondary levels.

The Advisory Committee encouraged the authorities to improve the Slovene language teaching without delay, as provided for by Law 38/01, especially in the province of Udine.

Present situation

The Advisory Committee welcomes the increasing number of initiatives to facilitate the introduction of teaching of the Friulian language in schools in the Friuli Venezia Giulia region and a more favourable attitude to this on the part of the authorities. It also notes a strong demand to learn this language. According to official sources, in school year 2008-2009 there were about 48,000 requests for instruction in Friulian, twice as many as in the previous year, affecting about one third of the schools in the whole region.

The Advisory Committee also notes that legislation recently passed by the region has foreseen the setting up of a standing committee for the teaching of Friulian at school and that a project launched in 2009 in co-operation with the University of Udine aims to introduce integrated teaching of Friulian and English at secondary level.

The Advisory Committee regrets, however, that efforts in expanding the teaching of the Friulian language are subject to delay and difficulties. The absence of specific curricula and the fact that teachers trained to teach Friulian in the region are not recognised by the State, also represent serious obstacles to the development of sustainable high-quality education. In addition to these difficulties and inadequate resources, progress in this field has also been affected by the fact that the Constitutional Court has invalidated some provisions of the regional law No. 29/07 on protection of the Friulian language, including the ones relating to teaching of the Friulian language (see comments under Article 5 above).

The Advisory Committee finds commendable that the Slovene minority has a well-developed network for teaching of and in the Slovene language, including a hundred or so primary schools (in the provinces of Trieste and Gorizia) with Slovene as the language of tuition and with textbooks and teaching material in Slovene. In public schools in the province of Udine, Slovene is taught only as a subject.

However, the Advisory Committee is concerned by the worrying information it has received about the private bilingual (Slovene-Italian) pre-school and primary school in San Pietro al Natisone, whose building has been declared unfit for use on safety grounds. At the time of the Advisory Committee's visit to Italy, the school was continuing to operate on an 'emergency' basis.

The Advisory Committee understands that, inasmuch as this is the only school in the province of Udine offering tuition in Slovene (recognised by the State in 2004), it is particularly important for the Slovene community that it should be kept open and given suitable premises. The school could eventually become a secondary school for this community, providing continuity in Slovene tuition and filling existing gaps in this field. The Advisory Committee notes in particular the concerns prompted by the authorities' proposals to distribute the pupils concerned between schools in other municipalities. It believes that steps should be taken immediately to ensure that the pupils and teachers in question can attend the school programme safely. In addition, given the special

importance of this school for the Slovene community, the Advisory Committee is of the opinion that a durable solution should be found enabling the school to remain open.

The Advisory Committee also notes with concern that the running of the Office for Slovenian Teaching has been affected by a serious shortage of qualified staff and the very limited support that it receives from the authorities. Consequently, its contribution to maintaining and developing Slovene language teaching is apparently severely restricted.

The representatives of the German-speaking minority of the province of Udine, for their part, expressed their concern about the impact of changes resulting from the education reform on the opportunities to learn German in State schools, and in particular the introduction of English as the main foreign language in Italian schools.

More generally, the Advisory Committee is concerned that efforts to develop and strengthen teaching of and/or in minority languages have been affected by the shortage of financial resources arising out of the current economic crisis and by a lack of investment by the authorities. It has also been informed that significant delays are recorded in the transfer of central-government funds to the regions. Education, which is one of the responsibilities delegated by the central government to the regions, seems to be particularly affected by these problems.

Recommendations

The Advisory Committee strongly encourages the authorities to continue and step up measures to develop sustainable quality education in the Friulian language as well as, in the regions concerned, in the languages of numerically-smaller minorities, and, more generally, to show a stronger commitment in this field, including as regards financial support.

The authorities are also encouraged to do their utmost to provide more support for teaching of and in the Slovene language and find an appropriate solution to the problems facing the school in San Pietro al Natisone as a matter of urgency, taking due account of the expectations of the pupils and parents concerned.

Education of Roma and Sinti children

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to step up their efforts to ensure that Roma and Sinti pupils attended school on a regular basis and to reflect more of their culture in school curricula as part of a comprehensive strategy of integration.

Present situation

The Advisory Committee welcomes the efforts made by the authorities in the last few years to promote and ensure access to education for all Roma and Sinti children regardless of their legal status and that of their parents. It commends the projects

implemented by the local authorities and by NGOs in municipalities such as Rome, Milan, Naples, Bologna and Florence to assist children in this field, reduce their rate of absenteeism and integrate them better into the school system. Efforts have also been made to involve the families in these activities, raise awareness in schools and among teachers and prevent discriminatory attitudes.

Under Italian legislation, all children, regardless of their legal status, have the right to education, which is compulsory up to the age of 16. Despite this guarantee, access to school is often difficult for children living in camps, given the isolated location of these camps and the lack of transport between them (particularly the “unauthorised” ones) and schools. According to the Italian authorities, however, public transport between the authorised camps and schools is free for Roma pupils and every Roma child holding a valid residence permit receives around 130 Euros each year to help purchase school supplies.

While welcoming these efforts, the Advisory Committee remains concerned about the situation of children belonging to these communities. It warns that school attendance rates vary considerably and observes that the problems reported in terms of housing and employment and parents’ lack of resources have a negative impact on their children’s access to education and educational achievement. By way of an example, out of the 5,000 to 7,000 Roma children living in the Rome area in April 2008, only 1,500 were attending school according to figures provided by the Prefecture, which means that approximately 75% of Roma children in the Rome area did not receive an education.

The Advisory Committee was informed that, following help from the local authorities towards transport, school supplies and meals, the children concerned have a good attendance rate (as much as 70% in some cases) in some authorised camps. On the other hand, the situation is particularly serious in some “unauthorised” camps. The deplorable living conditions and extreme poverty, the lack of identity papers and of any assistance from the authorities, and repeated forced evictions make it particularly difficult, if not impossible, for children to have access to education and exposes them sometimes to economic and sexual exploitation.

The situation in terms of educational achievement remains problematical. The Advisory Committee notes with concern the particularly high school drop-out rate among children from the Roma and Sinti communities after primary school. It also observes that, for various reasons, including marriage at an early age, which still occurs frequently in these communities, young Roma girls are more affected by this phenomenon. The Advisory Committee also believes, more generally, that the climate of hostility towards the Roma population, as well as the “security package” and the “nomad” emergency-related measures have also contributed to de-motivating Roma children and their parents with regard to education and to increased absenteeism and school drop-out within the Roma and Sinti communities.

As regards efforts to raise awareness of the Roma and Sinti culture among pupils belonging to the majority and other population groups, the Advisory Committee notes

with interest that, in the 2009-2010 academic year, the Ministry of Education produced fact-sheets on Roma history for distribution in schools.

Recommendations

The Advisory Committee calls on the authorities to continue and step up their efforts to support the effective integration of all children from the Roma and Sinti communities into the education system, regardless of their origins and legal status.

Specific measures should be taken without delay to support the families concerned in this field and to reduce as far as possible the drop-out rate among these children. Representatives of the Roma and Sinti should be consulted and involved in seeking the most appropriate solutions to the difficulties observed. In this context, particular attention should be paid to Recommendation CM/Rec(2009)4 of the Committee of Ministers to member States on the education of Roma and Travellers in Europe.

The Advisory Committee strongly encourages the authorities to take more effective measures to raise awareness among teachers and all school staff, and among the parents of children belonging to the majority, of the difficulties encountered by Roma children, their culture and their specific needs. In this context, more attention should be paid to the training and recruitment of teachers and auxiliary staff of Roma and Sinti origin.

16. Lithuania

Opinion adopted on 28 November 2013

Article 14 of the Framework Convention

Teaching in and of minority languages and learning of the state language

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee requested the authorities to ensure that the significance granted to the study in and of minority languages did not diminish in the public education system as a result of the implementation of the new Law on Education. It further reminded the authorities of the necessity to closely consult minority representatives on all intended measures likely to have an impact on their rights in the education sphere, and encouraged them to assess, in co-operation with Roma representatives, whether there was a demand for the teaching of Romani.

Present situation

After a long period of preparation the widely discussed new Law on Education, which contains a controversial reform aimed at increasing the role of the state language in minority language schools, entered into force in July 2011. With the stated goal of providing conditions for learning both the minority and the state language, the Law introduces an increase of Lithuanian language classes at pre-school (four hours per week); Lithuanian as language of instruction in natural science at primary school and in three

subjects (geography, history and civic education) at secondary school; and the introduction of one Lithuanian language curriculum for all schools leading to all pupils, including those attending minority language schools, taking the same language exam when graduating. The Advisory Committee notes that objection to this reform has been strong, particularly among the Polish minority. Many representatives have been viewing the change as an infringement on their established right to minority language schooling and disagree also with the need for the reform: while they acknowledge the necessity to acquire proficiency in the state language, they consider that the former system was sufficient in achieving that. This point is contested by responsible officials who report that minority language school graduates face particular challenges in higher education due to insufficient state language knowledge.

The most important issue of contention among national minorities, however, has been the introduction of the single Lithuanian language exam for all graduates. Following two years of special preparations and an increase in Lithuanian language classes for pupils in 11th and 12th grade, the single examination was administered for the first time in 2013. In response to wide protests among minority communities, the Ministry of Education introduced a transition period of eight years during which different evaluation criteria for the state language examination will be used for students finishing minority language schools. While welcoming the acknowledgement by the Ministry of Education that a transition period for the implementation of the reform is necessary, the Advisory Committee shares the concerns among national minorities that the single state language examination after only two years of preparation places minority-language school students at a disadvantage. It understands that the examination, as the main university entrance test, contains standards of literature and essay-writing that have not previously been expected from students in minority-language schools since they were taught Lithuanian as second language only.

The Advisory Committee further notes that the Ministry of Education introduced concessions for the evaluation of the 2013 exams of minority school students, by allowing more mistakes and by lowering the necessary amount of words per essay, which were subsequently considered contrary to the principle of equal treatment by the Supreme Administrative Court. Despite these concessions, the exam results for minority language students have reportedly been significantly inferior to the last years. While the Ministry of Education, in co-operation with an expert working group, is developing new evaluation concessions for minority language students for the next round of exams in 2014, the Advisory Committee finds that more attention should be paid to the provision of targeted support to minority language schools to handle the implementation of the reform, rather than insisting on the single state language examination and adding uncertainty and pressure on students and schools by adjusting the evaluation criteria every year. The Advisory Committee considers the organisation of a single Lithuanian language examination as a legitimate aim of the education reform, if it is gradually facilitated and flexibly implemented to take account of the specific conditions at the various schools,

which are often located in rural areas and functioning with limited resources. It further considers that their quality should not only be assessed in terms of the Lithuanian language knowledge of students, but in terms of their academic achievements generally, including in the minority language.

The Advisory Committee is concerned by the fact that the singular focus on promoting the state language in the education system, which is also apparent in the language policy (see above comments on Articles 10 and 11), may disadvantage minority language students not only with regard to their minority language learning but in terms of their access to and participation in quality education generally. While overall agreeing with the aim of the reform to promote the integration of society through a strengthening of the state language knowledge among the minority population, the Advisory Committee fears that its hastened implementation may have negative effects on the quality of education at minority language schools, and may - given the significant controversy surrounding the topic that has already affected inter-ethnic understanding - provoke further tension. The Advisory Committee shares the concerns among minority communities regarding the need for much broader teacher training to adequately prepare affected schools for the change of the language of instruction in certain subjects, and considers that all major steps in the implementation of the reform should be closely consulted with the representatives of national minorities and the affected schools directly. It welcomes the regular assessments that are being made with the help of experts from Vilnius University to analyse the performance of students and to adjust transition measures accordingly, the additional training that has been foreseen for Lithuanian language teachers of minority language schools, as well as the planned exchange of teachers between Lithuanian and minority language schools. It again cautions, however, to equally pay attention to standards and quality in minority language learning to ensure that conditions are developed for the proficient learning of both state and minority languages, rather than promoting one at the expense of the other.

The Advisory Committee welcomes the continued disbursement of considerable public funds for the provision of education in and of minority languages in public and private schools by the Lithuanian authorities. It further notes that persons belonging to national minorities may in principle attend additional classes in their language at any school, as long as five pupils express the willingness – and a suitable teacher can be identified. This, however, is reportedly often not the case, nor do parents have sufficient information regarding this possibility to actively pursue it. The Advisory Committee was informed that there is no Romani language teaching at any school and that the schooling in other, less-spoken minority languages is complicated not only by the requirement to identify a trained teacher for the subject, but also by the lack of suitable textbooks. The Advisory Committee regrets that the focus in the education reform on the larger minority groups, including in political circles and in relation with neighbouring states, appears to have deflected attention from the needs of the numerically smaller minorities with regard to their specific education needs.

Lastly, the Advisory Committee welcomes changes to the system of education financing which increase the allocations made for rural schools as of 2014 to promote their maintenance despite a decrease in pupils. It notes also, however, references to “efficiency” and the “reduction of social exclusion” in the National Education Strategy 2013-2022 concerning rural schools with minority language instruction, which have prompted fears among minority communities that some of their small schools in rural areas may be closed or merged. The Advisory Committee considers that any mergers of schools should be accompanied by adequate bilingual and intercultural teaching methodologies to ensure that the quality of the minority language instruction is not negatively affected, and form the subject of close consultations with communities and school administrations. The Advisory Committee further regrets to note that Lithuanian language schools in some areas that are densely populated by national minorities do not receive funding from the local authorities but depend on the Ministry of Education for their maintenance. It considers also in this regard that the promotion of bilingual education may constitute an adequate response to ensure that access to instruction in Lithuanian language is guaranteed throughout Lithuania.

Recommendations

The Advisory Committee calls on the authorities to address the negative public debate surrounding the education reform, including in the media. Efforts must be made to ensure that the reasons for and aims of the reform are comprehensively explained to national minority communities and that all steps towards its implementation are closely co-ordinated with representatives of national minorities and affected school administrations.

The Advisory Committee strongly recommends the authorities to introduce more flexibility in the implementation of the reform and to ensure that the quality of education at minority language schools generally does not suffer as a result of a disproportionate focus on the promotion of the state language.

17. Moldova

Opinion adopted on 26 June 2009

Article 14 of the Framework Convention

Teaching in and of minority languages

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee noted that despite efforts made to develop the teaching of minority languages, shortcomings persisted, notably in the field of availability of textbooks and teacher training.

The Advisory Committee also regretted the absence of possibilities to learn Romani at school and the very limited opportunities to have minority languages (other than Russian) as languages of education.

Present situation

Despite continued efforts in recent years, the Advisory Committee notes that, since the adoption of its second Opinion there have been no major evolutions in the provision of minority language education as part of the overall education system. Teaching of minority languages continues to be provided only at the schools having Russian as the main language of education. This results in persons belonging to national minorities often having a poor command of the State language (which is their third language), even though teaching of the State language is compulsory for all schools. Furthermore, this system allegedly increases the tendency of some persons belonging to national minorities to identify with the Russian-speaking minority and set aside their distinct identity.

This trend is reinforced by the fact that, according to representatives of national minorities, in some settlements, notably where Ukrainians live in substantial numbers, most of the teaching is provided in Russian. Consequently pupils belonging to the Ukrainian minority do not always have access to teaching of the Ukrainian language. Teaching of the minority languages at preschool education level is also, reportedly, insufficient.

Against this background, the Advisory Committee welcomes the development of “experimental schools”, in which part of the teaching is provided in the minority languages (Ukrainian and Bulgarian so far) and where multilingualism is promoted. It also notes with interest that the Bulgarian University of Taraclia is now providing teaching to about 300 students, in particular in the fields of history, culture and language of the Bulgarian minority. The Advisory Committee nevertheless regrets that the possibilities to study in minority languages remain so far limited. Moreover, representatives of national minorities, notably the Ukrainians, have underlined the need for more continuity in the teaching in Ukrainian, including at higher levels of education. This is needed to build upon the results already achieved in recent years, as well as to train specialists in the Ukrainian language in areas other than pedagogy.

Concerning other minority languages, the Advisory Committee regrets that the possibilities to learn the Gagauz language are limited and that Romani is not taught at all. Representatives of the Russian minority reported a reduction in the quality of teaching in Russian and of the teaching of Russian literature. As far as some numerically smaller minorities are concerned, the Advisory Committee is pleased to note that their efforts to teach their languages, in particular in Sunday schools, continue to be supported by the authorities and by “kin-states”. However, national minorities who do not have a “kin-state”, such as the Roma and the Tatars, complain about a lack of State support for the preservation of their language.

The Advisory Committee notes with satisfaction that the Ministry of Education has continued to develop textbooks for the teaching of minority languages. Textbooks for the teaching of Ukrainian now cover the first nine grades and the authorities informed the Advisory Committee that for the remaining two grades, new books are about to be

printed. However, the Advisory Committee was informed that for other minority languages, notably Bulgarian and Gagauz, there is a persisting lack of textbooks produced in Moldova. As far as teacher training is concerned, interlocutors of the Advisory Committee also report shortcomings, notably in the field of multilingual education.

The Advisory Committee finds it most regrettable that, in 2007, the unit dealing with national minorities' education at the Ministry of Education was dissolved and that only one person is now in charge of the remaining, multiple and complex, challenges in the field of minority education (see also remarks under Article 5 above).

Recommendations

The Advisory Committee calls on the Moldovan authorities to keep minority education high on their agenda and to allocate sufficient resources to those in charge of implementing policies in this respect.

The Advisory Committee encourages the Moldovan authorities to pursue their efforts to develop a system of multilingual education and to expand, as far as possible, the model of "experimental schools" providing education in minority languages. In doing so, it is essential to take additional steps to promote teacher training in multilingual education and to pursue the efforts with regard to the production of quality textbooks. The Advisory Committee also invites the authorities to consider the possibility to introduce teaching of minority languages, other than Russian, in schools where teaching is provided in the State language.

The Advisory Committee reminds the authorities of the need to pay particular attention to the needs, in the field of language teaching, of the Roma and of persons belonging to numerically smaller national minorities, such as the Tatars.

Teaching of the State language

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee expressed concerns about persisting shortcomings in the teaching of the State language to persons belonging to national minorities, including the lack of resources allocated by the authorities.

Present situation

The Advisory Committee notes with satisfaction that further programmes of teaching of the State language have been implemented with the support of non-governmental actors and international organisations. It is also pleased to learn that, according to sociological surveys that were brought to its attention, there is an increasing willingness to learn the State language among persons belonging to national minorities. This is especially the case among the young.

The Advisory Committee understands however that, despite these efforts, the need for adequate teaching of the State language remains acute. A number of persons belonging to

national minorities, notably adults living in areas with a substantial minority population, still do not have an adequate command of the State language, which can hamper their effective participation in society (see also remarks in respect of Article 15 below). There is, in particular, a need for further language training of civil servants. Non-governmental organisations involved in State language teaching, and representatives of national minorities alike, stress that the existing needs are not covered by what is available at present, whether at school or in the field of adult education. They particularly highlight a lack of qualified and bilingual teachers, a lack of adequate teaching material, methodologies and standards, as well as a lack of incentives and opportunities to learn the language in areas where persons belonging to minorities live in substantial numbers.

In addition, the Advisory Committee regrets that, according to a number of its interlocutors, the Moldovan Government does not have a comprehensive strategy and action plan for linguistic integration of persons belonging to national minorities who do not have an adequate command of the State language. Furthermore, a high proportion of linguistic training is provided by non-governmental organisations, with limited support from foreign donors, and not by the Moldovan authorities.

The limited opportunities to study the State language as part of higher education also constitute an obstacle for students belonging to national minorities having studied in schools with Russian as the main language of education. Furthermore, the Advisory Committee notes that the new Education Code establishes that teaching in branches of public university education, such as medicine, law, public security and the military, should as of now be carried out in the State language only. Students belonging to national minorities may, because of a language barrier, be disadvantaged in accessing such specialised fields and, consequently, in accessing employment in public services and central and local governments.

Recommendations

The Advisory Committee urges the Moldovan authorities to make every effort to improve substantially the availability and quality of the teaching of the State language, including as part of the formal education system. It recommends that the authorities, in close consultation with persons belonging to national minorities, develop a comprehensive long-term action plan for integration of persons belonging to national minorities. Furthermore, it is particularly important that the promotion of the learning of State language goes hand-in-hand with measures to protect and develop the languages and cultures of national minorities, as stipulated by the principles set out in the Framework Convention.

Specific additional measures should be implemented to prevent persons belonging to national minorities from being disadvantaged when accessing university education and, consequently, employment in certain areas of public services.

18. Norway

Opinion adopted on 30 June 2011

Article 14 of the Framework Convention

Teaching of minority languages and in minority languages

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to establish the necessary conditions for the teaching of Kven.

The authorities were also invited to look at the needs and the demand for teaching of/in minority languages and to meet any demands in that respect.

Present situation

The Advisory Committee welcomes the fact that Kven and Finnish are taught in the primary and secondary schools in Tromsø and in a number of other municipalities in the counties of Troms and Finnmark, although the number of pupils following schooling in Kven is decreasing. There is a similar situation at Tromsø University, where the language department provides year-round courses in Kven and Finnish at all university levels but finds that the number of students enrolled in the Kven course is much lower than those choosing Finnish. Furthermore, the absence of kindergartens providing Kven language education prevents the children from being taught their minority language at pre-school level. The Advisory Committee considers that in view of the precarious situation of the Kven language, there should be support for all measures aimed at enabling Kven speakers to use their language, including for children of pre-school age, in order to create a social environment conducive to the learning and use of this language.

The Advisory Committee notes with interest that the process of standardisation of the Kven language is proceeding with the support of the authorities, who in 2006 financed the establishment of a Kven Language Council, responsible for conducting this work under the auspices of the Kven Institute. This government policy comes within the scope of the 2008 white paper on language policy indicating the measures which the authorities should undertake to revitalise the Kven language. These include consideration for the standardisation of the Kven language when fixing the budget and the mandate of the Kven Institute.

Despite these developments, the representatives of the Kven minority regret that teacher training remains problematic and that there is still a lack of teaching materials available. The Kven Institute also drew the Advisory Committee's attention to the magnitude of the task represented by the standardisation of the language and to the inadequacy of the financial and human resources at its disposal for bringing this work to completion within a reasonable timeframe. Finally, all the Advisory Committee's interlocutors regret that, in spite of the efforts made by the authorities, there is no comprehensive and appropriate policy on the protection and promotion of the Kven language.

The Advisory Committee, while recognising the current involvement of the authorities, considers that efforts should be intensified to promote the Kven language. It considers that the authorities should pay particular attention to the needs of the Kven Institute so that the standardisation process may be finalised within a reasonable timeframe.

Recommendations

The Advisory Committee calls upon the authorities to design, adopt and implement effectively a comprehensive and appropriate policy on the protection and the promotion of the Kven language in consultation with the representatives of this minority.

The Advisory Committee encourages the authorities to continue the efforts to revitalise the Kven language and to provide the additional resources which the Kven Institute needs in order to finalise the standardisation of the Kven language within a reasonable timeframe. Additional measures should be taken to develop the teaching of the Kven language for children of pre-school age.

19. Poland

Opinion adopted on 28 November 2013

Article 14 of the Framework Convention

Teaching of minority languages and receiving instruction in these languages

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee urged the authorities to assess whether the framework for teaching minority languages corresponded to actual needs and, where appropriate, take the necessary steps to address any shortcomings. Furthermore, the Advisory Committee asked the authorities to review the existing school curricula as regards national minority-specific subjects and ensure an adequate supply of qualified teachers, school manuals and textbooks.

Present situation

The Advisory Committee notes that the legislative basis for teaching minority languages and receiving education in these languages has not changed since the last monitoring cycle. The Advisory Committee is pleased to note that, for each child learning a national minority language, the amount of subsidy is increased above the applicable rate for a pupil in a school of the same type in the same municipality: by 20% in primary schools teaching more than 84 minority children, and in lower and upper secondary schools teaching more than 42 minority children, and then again by 150% for children learning minority languages in smaller schools.

The Advisory Committee notes that in addition to the Development Strategy for the Lithuanian Minority Education (developed in 2001) and the Development Strategy for the

German Minority Education (2007) the authorities adopted the Development Strategy for Ukrainian Minority Education in 2011. This nuanced approach is welcome as it takes into account the size, pattern of settlement and particular needs of each minority. It is noted that in accordance with these strategies, schools teaching children from the Lithuanian and Ukrainian minorities teach all subjects, apart from Polish language and history, in the respective minority languages. All other minorities have opted for their minority languages to be taught as subjects, with the rest of the curriculum taught in the Polish language.

The number of children learning minority languages and the number of schools where minority languages are taught has increased since the Advisory Committee adopted its second Opinion on Poland in 2008. It has to be noted however that, whereas the number of children learning minority languages (or in minority languages) in primary schools has risen, the number of children learning minority languages (or in minority languages) in lower-secondary schools decreased. The number of children learning a minority language in upper secondary schools remained stable.

The number of primary, lower secondary and upper secondary schools where minority languages are taught increased significantly between 2007 and 2012 in particular as regards German and Kashubian languages. Smaller increases in the number of schools where the Ukrainian and Lemko languages are taught could also be observed, while the number of schools teaching the Belarusian, Slovak and Armenian languages remained stable. The only decrease registered concerns schools teaching in the Lithuanian language (14 in 2007-2008 and 12 in 2011/2012 and Hebrew (a decrease from four to three in the same period). The Advisory Committee notes with regret that there are no opportunities for the Roma children to learn the Romani language (see also under Article 12 above).

Another issue of concern is the manner in which minority education is financed. Whereas the multipliers of 20% in the amount in subsidy per child learning a minority language and of a further 150% in the case of children learning in small schools is welcome, the Advisory Committee regrets to note that until very recently there was no differentiation in the amount of subsidy depending on whether the school teaches a minority language as a subject matter (as is the case of teaching of Belarusian, German and Kashubian languages) or whether all subjects are taught in a minority language (which concerns Lithuanian and Ukrainian language schools). This created particular financial difficulties for the latter schools.

In this context, the Advisory Committee notes with interest, recent discussions and apparent agreement reached in October 2013 within the Joint Commission of Government and National and Ethnic Minorities to introduce more flexibility into the way subsidies are allocated. In particular, it is welcome that a coefficient for medium-sized schools where teaching is conducted in a minority or the regional language and a provision for higher subsidies to schools where all subjects are taught in a minority language has been introduced. The Advisory Committee notes, however, that for these changes to take effect, the *Regulation of the Minister of Education on the manner of*

allocation of education subsidy part of the general subvention to local authorities must be duly amended.

The Advisory Committee points out in this context that bilingual education that guarantees proficient language learning in minority and other languages, such as Polish, may also provide an adequate response to the education needs of persons belonging to numerically smaller minorities.

The Advisory Committee also finds it unfortunate that according to the information from representatives of the Armenian minority, the teacher training schemes developed by the authorities to improve their knowledge of a minority language, apply only to languages spoken in the neighbouring countries, thus effectively disadvantaging persons belonging to the Armenian minority.

Recommendations

The Advisory Committee calls upon the authorities to urgently modify the system of allocation of subsidies to national minority schools, with the view of guaranteeing adequate funding which would take into account different types of schools.

The authorities are also asked to identify, in consultation with national minority representatives, ways to provide the necessary textbooks in national minority languages.

The Advisory Committee considers that the authorities should create opportunities for teachers to learn the Romani language with a view to increasing opportunities for the teaching of or in the Romani language, where there is a sufficient demand.

The authorities are asked to ensure that teacher training schemes cover all minority languages concerned.

20. Romania

Opinion adopted on 21 March 2012

Article 14 of the Framework Convention

Teaching of minority languages and in these languages

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee called upon the authorities, in consultation with the representatives of minorities, to see whether the opportunities for learning minority languages corresponded to actual needs and, where appropriate, to take the necessary steps to address any shortcomings.

The Advisory Committee also encouraged the authorities to redouble their efforts to ensure, particularly for the numerically-smaller minorities, an adequate number of textbooks and qualified teachers to teach minority languages or in these languages.

Present situation

The Advisory Committee notes that there are currently two methods used in Romania to provide instruction through the medium of minority languages and of these languages. The first consists of providing education in a minority language with 3-4 hours per week dedicated for the study of the Romanian language and literature. The second method consists of providing tuition in the Romanian language with a certain number of hours per week allocated for the study of the minority language, history and culture.

In general education, the maximum number of lessons shall not exceed 20, 25 or 30 hours per week for elementary, middle or high school education, respectively. The number of hours of teaching can only be increased in the case of the study of the mother tongue.

The Advisory Committee notes that according to official sources, teaching was provided in Armenian, Bulgarian, Croatian, Czech, German, Greek, Hungarian, Italian, Polish, Romani, Serbian, Slovak and Ukrainian, in the 2008-2009 academic year. The Advisory Committee also notes recent initiatives to introduce teaching of Tatar as a mother tongue to children in Constanța.

The Advisory Committee further notes with satisfaction that the Law on Education establishes a principle according to which the amount of subsidy granted to schools is increased for each child receiving education in a minority language. The subsidy is also to be increased for children who have to travel or attend boarding schools to attend class in a minority language.

The new Law on Education states that at the local level educational establishments or classes with instruction in the minority language can be established upon request of parents or legal guardians, without identifying any minimum threshold on the number of children required. The law also provides for granting legal status of a public institution to schools which offer minority language education, if they are the only establishments providing such education in their municipality.

The new law allows for practices of separate teaching which leads to a lack of contacts between children belonging to minorities and the majority. The Advisory Committee considers that whereas persons belonging to national minorities have a right and legitimate expectation to have their languages and cultures adequately reflected and safeguarded in the educational system, it is also important that all forms and levels of education promote contacts between all groups living in a country. It is of particular importance that the elements of intercultural and multicultural education be included in the curricula for both pupils belonging to national minorities and the majority.

The Advisory Committee notes that in spite of all the measures taken by the authorities and the general adequacy of the legal framework concerning the protection of national minorities in the field of education, some national minority communities are still facing shortcomings and difficulties in the implementation of legislation. It has been pointed out by the representatives of the Turkish community in Constanța that access to education in

the Turkish language remains limited and difficult especially with regard to people living in rural areas. Representatives of the Armenian national minority have expressed their concerns about the difficulties of setting up classes with minority language education and emphasised the need to develop and use electronic tools for such education.

The Advisory Committee notes with satisfaction that, in accordance with legal provisions, the Ministry of Education should provide the textbooks for the teaching of and in minority languages. It further notes that textbooks from kin-states can be used in the education process, provided they have been approved by the Ministry of Education. Some representatives of the Ukrainian minority shared with the Advisory Committee their concern about the shortcomings in the teaching materials used by this minority, in particular as regards textbooks which are in some cases out of date.

The Advisory Committee notes that three public higher education institutions provide education in the languages of national minorities, thus achieving the status of multicultural and multilanguage universities. The Babeş-Bolyai University in Cluj-Napoca, which the Advisory Committee visited provides tuition in the Romanian, Hungarian and German languages, while the University of Theatrical Arts and the Medicine and Pharmacy University in Târgu Mureş use the Romanian and Hungarian languages in education. The Advisory Committee, notes in this regard the recent difficulties encountered and diverging interpretations existing with regard to a possible establishment of a Medical Department using the Hungarian language at the Târgu Mureş University. The availability of higher education in minority languages is an important precondition for the long-term vitality of minority languages. However, such measures should be implemented in ways ensuring contacts and dialogue between persons belonging to the minorities and the majority.

Recommendations

The Advisory Committee also calls on the authorities to continue monitoring the situation, in consultation with the representatives of national minorities, to assess whether the framework for teaching in minority languages, established under the provisions of the new Law on Education, corresponds to actual needs and, where appropriate, take the necessary steps to address any shortcomings. The less resourceful minorities should be supported especially when they are not able to launch and support their own educational initiatives and all efforts should be pursued in order to promote intercultural dialogue and contacts between persons belonging to minorities and the majority population.

The Advisory Committee urges the authorities to increase their efforts to ensure that an adequate supply of textbooks in minority languages is available at all levels of education.

Study of the Roma language

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring the Advisory Committee encouraged the authorities to pursue their efforts to develop further opportunities for teaching the Roma language,

in co-operation with Roma representatives, and ensure that there was an ongoing assessment of actual needs.

Present situation

The Advisory Committee notes that a standardised Romani language is taught throughout the territory of Romania using both methods of tuition primarily in the Romani language, and as a school subject in schools with Romanian or Hungarian languages of teaching. The Advisory Committee further notes that, in 2008, the number of Roma students studying the language, literature, history and traditions of Roma was 26,805 with an additional 380 children enrolled in Romani-medium education.

The Advisory Committee notes however that according to Roma representatives only about 30% of the Roma children are enrolled in schools that teach Romani or teach in Romani. In this context, it has to be noted that of 1,100 qualified teachers of Romani language only 530 have been employed in pre-university education. The Advisory Committee notes in this context that, given the number of Roma living in Romania, and considering that 70% of Roma children attend schools where the Romani language is not taught, there is scope for expanding Romani language teaching in the country.

The Advisory Committee notes with satisfaction the training of teachers of the Romani language in the University of Bucharest, where 25 students are admitted each year.

Recommendation

The Advisory Committee considers that the authorities should continue pursuing their efforts to improve the possibilities of Roma children to study the Romani language.

21. Russian Federation

Opinion adopted on 24 November 2011

Article 14 of the Framework Convention

Impact of reforms in the educational system on minority language teaching

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to establish rules for implementing the right to receive instruction in and of minority languages provided in federal legislation.

Present situation

The Advisory Committee notes that there continue to be possibilities for studying minority languages as a subject or through the medium of minority languages in the school system throughout the Russian Federation. According to the State Report, 89 minority languages are taught in various degrees in Russian schools. Teaching is provided according to various models. These include, among others, "ethnic schools" with teaching in minority

languages, schools “with an ethno-cultural component” consisting of 2-3 hours of teaching of minority languages and cultures, teaching of the language as a compulsory or optional subject, and kindergarten with an “ethno-cultural component”).

The Advisory Committee notes with interest that a reform of the educational standards was introduced in 2009 through legislative amendments to the Law on Education and has been implemented since 2011. Three new framework curricula have been designed, that are to be implemented by schools according to their situation. They contain basic standards that are common to all schools in the Russian Federation and a flexible part that is to be defined at local level, according to needs. The Advisory Committee understands that the “ethno-cultural” component is integrated in this flexible part of the curriculum and will be implemented based on decisions taken at the local level. Following the adoption of amendments to the Federal Law on Education, the design of the “national” component of education appears to be shared between the federal authorities and schools, while regions are less involved in this process. This development has prompted fears in some regions, such as Bashkortostan and Tatarstan, that it may have a negative impact on the right to choose one’s language of education. The Advisory Committee also understands that teaching of minority languages cannot exceed three hours per week, however, there is no minimum guarantee and schools may decide to offer only one hour per week, or none. Therefore, it expects that due consideration will be given to the need for effective and quality teaching in and of minority languages in the implementation of the new curricular system and that the latter will not result in a further decrease in opportunities to learn in and of minority languages.

Furthermore, the Advisory Committee regrets that opportunities to be taught in minority languages seem to be on the whole diminishing as the number of schools providing education in and of minority languages is decreasing. In particular, the process of “optimisation” (referred to as “*optimisatsiya*” in Russian) of schools, which was initiated in 2008, was repeatedly brought to the attention of the Advisory Committee as an issue of concern by various persons and organisations, as it can have a disproportionate impact on “ethnic schools” and schools with an “ethno-cultural component”, especially those located in isolated rural areas, as well as on boarding schools for children from indigenous peoples. The process of “optimisation” indeed results in the closing down of a large number of schools. While acknowledging the legitimacy of such a process of “optimisation” to respond to demographic and other developments, the Advisory Committee reiterates the importance of “ethnic schools” for villages where persons belonging to national minorities live in substantial numbers. The closure of such schools often has serious consequences on the use of minority languages in general, even where alternatives are provided (through bussing to other schools for instance). Therefore, the Advisory Committee welcomes the efforts made in the Perm *Krai* to mitigate the effects of the “optimisation” process on village schools in the Komi-Permyak area. A legislative provision adopted in 2010 enables the authorities to allocate additional support to “ethnic schools” and, in general, to find out solutions that make it possible for teaching in and of

Komi-Permyak, and other minority languages, to be continued. Such an experience should be replicated in other regions of the Russian Federation.

Recommendations

As part of the process of “optimisation” of schools, the Advisory Committee calls on the authorities to identify and implement measures to preserve opportunities to learn in and of minority languages in areas where persons belonging to national minorities reside in substantial numbers. More generally, it invites the authorities to take measures to develop a climate that is encouraging persons belonging to national minorities to learn and use their minority language more actively (see also remarks under Article 10 above).

The authorities should ensure, in the implementation of the new standard curricula introduced in 2011 that the needs of persons belonging to national minorities are duly taken into account and that quality teaching in and of their languages and cultures is available.

Teaching in and of minority languages

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to establish rules for implementing the right to receive instruction in and of minority languages provided in federal legislation. It also invited them to make further efforts to expand the scope and volume of such teaching and raise awareness of existing possibilities among children and parents.

Present situation

The Advisory Committee notes with concern that whereas enrolment in “ethnic schools” or schools teaching minority languages is well-developed for some languages, such as Tatar, including outside Tatarstan, it is reportedly decreasing for a number of other languages, such as Komi-Permyak. The interest of parents in enrolling their children in minority language education is, according to various interlocutors of the Advisory Committee, decreasing. It appears that many parents prefer their children to be taught other topics than minority languages. The Advisory Committee understands that teaching in and of minority languages is to be introduced by schools based, among others, on demand expressed by the parents, which results in increasingly limited possibilities to study in and of minority languages. While acknowledging that it is for parents to make choices on the education of their children, the Advisory Committee underlines that awareness-raising about existing possibilities to learn minority languages, as well as the establishment of a climate conducive to the use of minority languages in daily life, are required to stimulate a demand for minority language learning (see also remarks under Article 10 above). In this context, it regrets that the possibility to take secondary school exams in minority languages was removed in 2009, which is likely to reduce incentives for parents and students to opt for minority language education.

In this context, the Advisory Committee was also informed that in some areas, parents willing to enrol their children in minority language education have sometimes faced refusals from schools. The Advisory Committee finds that it is essential to ensure that guarantees provided for minority education in the federal legislation are effectively implemented at local level, that parents are informed of their rights and can effectively opt for teaching in and of minority languages, especially in areas where minorities live in substantial numbers.

The Advisory Committee also notes that access to teaching in or of minority languages for persons belonging to dispersed minority groups, those living outside their territorial formation or those without such a territory, continues to be more limited. It is often provided through “Sunday schools” initiated by minority organisations themselves, sometimes with support from the authorities.

Continuity throughout the educational system is also an important element that can motivate parents and children to opt for minority language education, or learning of the minority language. Therefore, the Advisory Committee welcomes, on the one hand, the fact that minority language education is available as from kindergarten in some languages, such as Tatar. It regrets, on the other hand, that for many languages, teaching in and of minority languages is not available beyond the 9th grade. In this context, it also highlights the contribution that “language nests” can make to stimulate the use of minority languages from the start of the educational system. It wishes to underline that experiences of “language nests” or “immersion classes” carried out in other States Parties, combined with possibilities to enrol later on in bilingual or multilingual education, have had a positive impact on both integration of pupils from various cultural and linguistic backgrounds and promotion of the specific minority languages.

Moreover, the Advisory Committee regrets that according to various sources, schools or classes with a large number of Roma pupils and pupils belonging to indigenous peoples do not provide adequate teaching of minority language and cultures. In particular, most Roma schools or classes do not provide these elements at all. As regards indigenous peoples, concerns were reported to the Advisory Committee on the lack of involvement of the persons concerned in the definition of programmes by schools, particularly in the field of teaching of minority languages and cultures.

Recommendations

The Advisory Committee calls on the authorities to ensure that existing federal legislative guarantees are effectively implemented at local level so as to guarantee the effective availability of minority language education, including for persons belonging to numerically smaller or dispersed minorities. Particular attention should be paid to accommodating the educational needs of dispersed minority groups and minorities without a territorial formation to ensure that sufficient opportunities for minority language education are available.

Parents must be made aware of their right to request minority language education. Particular attention should be paid to the continuity of minority language teaching throughout the educational system.

More efforts must be made to involve effectively representatives of national minorities, especially indigenous peoples, in the design of the school curricula on a range of subjects, in particular with regards to their language and culture.

22. Serbia

Opinion adopted on 28 November 2013

Article 14 of the Framework Convention

Teaching in and of minority languages

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee recommended that the Serbian authorities consolidate the legislative framework governing minority language teaching and ensure that such education met the educational standards generally applied in Serbia. It also recommended that a more flexible approach be favoured as to the number of pupils required to open a minority language class, especially in north-eastern Serbia.

Present situation

The Advisory Committee notes that Article 13 of the 2009 Law on National Councils of National Minorities regulates the competences of national minority councils in the field of education and defines their scope as regards curricula in national minority languages, notably for the teaching of minority languages themselves and teaching about the history, music and art of national minorities. National minority councils are moreover given overall responsibility for the education of persons belonging to national minorities in their mother tongue. Under Article 9 of the Law on the Fundamentals of the Educational System, also enacted in 2009, education is provided in Serbian; for persons belonging to national minorities it is provided in their mother tongue, or exceptionally in Serbian or bilingually. This overarching provision is applied differently at different levels of schooling. At pre-school level, education is provided in the mother tongue, and may be in Serbian or bilingual with the consent of 50% of the parents; at primary and secondary levels, 15 first-grade pupils are required for education to be provided in the minority language or bilingually, but this requirement may be waived by the Minister of Education. Where pupils belonging to national minorities receive instruction through the medium of Serbian, the subject "mother tongue with elements of the national culture" is available to them. The Advisory Committee understands however that work on revising the Laws on Primary and Secondary Education is presently under way.

In practice, teaching in minority languages is currently available in Albanian, Croatian, Hungarian, Romanian and Slovakian at pre-school, primary and secondary levels, and in Bulgarian and Ruthenian at primary and secondary levels. The subject “mother tongue with elements of the national culture” is also taught at primary school level in all of these languages except Albanian, as well as in Bosnian, Bunjevci, Czech, Macedonian, Romani and Ukrainian, but is provided at secondary level only in Bulgarian, Croatian, Romanian, Ruthenian and Slovakian. Bilingual pre-school education in minority languages and Serbian is provided in Albanian, Bosnian, Bulgarian, Croatian, German, Hungarian, Romani, Romanian, Ruthenian and Slovakian, as well as in Hungarian and German in one pre-school in Subotica. The number of schools providing such instruction and the number of pupils receiving it varies widely depending on the situation of the various national minorities concerned.

The Advisory Committee welcomes the broad offer of teaching in and of minority languages available in Serbia. It observes, however, that a number of obstacles prevent the greater use of these opportunities by pupils belonging to national minorities. In particular, representatives of national minorities point to the need for formal surveys to be carried out in order to determine the number of pupils wishing to receive instruction in their mother tongue, a lack of political will to apply the law at local level as well as continued resistance in this respect by some school principals (expressed inter alia through delays in conducting the necessary surveys or their incomplete character when conducted), and the organisation of optional mother tongue classes at inconvenient times and in inconvenient locations. The lack of adequate textbooks (see above, Article 12) also hampers the provision of teaching in minority languages.

The Advisory Committee also notes that the Vlach and Roma minority councils have been prompted to devote considerable resources to establishing standardised versions of their languages, in part in order to resolve issues surrounding the provision of education in their mother tongues. The Advisory Committee observes in this respect that the existence of variants within a language is common and should not serve to prevent the teaching of minority languages.

Recommendations

The Advisory Committee encourages the Serbian authorities to continue providing education in minority languages and to ensure that restrictions are reduced during the process of revising the laws on primary and secondary education.

It further recommends that the authorities remove all unnecessary obstacles to the exercise of the right to education in minority languages, notably by ensuring that the legal provisions governing teaching in and of minority languages are applied consistently throughout Serbia, especially at local level, and that formal requirements for the opening of classes are not used as a means to hamper their opening in practice.

23. Slovak Republic

Opinion adopted on 28 May 2010

Article 14 of the Framework Convention

Instruction in and of minority languages

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee encouraged the authorities to adopt more detailed legislative guarantees in the field of minority education and to expand certain guarantees to other minorities, such as the Roma. Moreover, it encouraged the authorities to create further opportunities for Roma pupils to learn the Romani language.

Present situation

The Advisory Committee notes that the Law on Education of 2008 guarantees the right for children belonging to national minorities to learn and to receive instruction in their minority language, as well as to learn the State language in order to acquire an adequate command of this language. In the same vein, the 2009 State Language Law guarantees the right to instruction in/of minority languages while providing for mandatory teaching of the Slovak language in all primary and secondary schools.

The Advisory Committee notes with satisfaction that the authorities have continued to provide support to education in minority languages. Schools with minority language instruction have benefitted from increased financial allocations. However, representatives of national minorities, in particular the numerically-smaller ones, such as the Bulgarian, Croat, German, Ruthenian, Polish and Ukrainian minorities, have indicated that interest for minority language education is decreasing. The factors lying behind this trend include an increased migration of the population from areas traditionally inhabited by persons belonging to national minorities as well as the parents' preference for enrolling their children in schools with instruction in Slovak. In this context, representatives of the Polish minority have complained that the financial support allocated to the kindergartens with Polish as the language of instruction was insufficient. The Advisory Committee considers that the authorities have not been sufficiently active to make young persons and parents aware of the different arrangements available for minority language teaching.

While acknowledging the challenges relating to the codification of the Romani language, the Advisory Committee notes that teaching of this language has not been sufficiently developed. It also appears that Roma parents prefer to enrol their children in schools with instruction in Slovak which, in their view, will provide them with better opportunities to integrate into society. While noting the efforts made by the authorities to develop a curriculum for the Romani language and literature, the Advisory Committee considers that there is still scope for improvement in this field and it draws the attention of the authorities to the Curriculum Framework for Romani developed by the Council of Europe.

In ethnically-mixed areas inhabited by persons belonging to the Slovak and Hungarian

minorities, pupils belonging to the Hungarian minority can enrol either in schools with instruction in the Hungarian language (the so-called Hungarian schools) or in schools with instruction in the Slovak language (the so-called Slovak schools). Persons belonging to the Hungarian minority have complained about the lack of possibilities to learn the Hungarian language and literature in schools with instruction in the Slovak language in spite of claims from representatives of the Hungarian minority. Although the legislation provides for the possibility to learn minority languages in schools with instruction in the Slovak language, there appears to be a lack of awareness and methodological guidelines amongst school directors on this issue. The Advisory Committee is informed that the authorities have not made sufficient efforts to provide support for ensuring effective opportunities to learn the Hungarian language in schools with instruction in Slovak nor to raise awareness on these opportunities. It appears, therefore, that the above-mentioned legislation has not been adequately implemented in practice.

The Advisory Committee is informed of the authorities' initiatives to strengthen teaching of the Slovak language, in particular in primary schools and kindergartens located in areas inhabited by persons belonging to the Hungarian minority. Slovak is taught approximately five hours per week in primary schools and children belonging to national minorities have the possibility to attend additional classes. The command of the State language is tested in the last grade of schooling. The Advisory Committee acknowledges that the aim of promoting the learning of the State language is legitimate and it considers indeed that all conditions and means should be provided to ensure that pupils in minority schools have the possibility to acquire an adequate knowledge of the Slovak language.

The Advisory Committee notes with satisfaction that a compromise solution on the use, in textbooks, of topographical names in Hungarian has been found. The topographical names traditionally used in Hungarian are now indicated bilingually, firstly in Hungarian and subsequently in the Slovak language.

The Advisory Committee is pleased to note that financial support has been allocated to the Seyle János University in Komárno which provides education in the Hungarian language. However, according to some representatives of the Hungarian minority, the Seyle János University still lacks the financial resources needed to ensure fully its effective functioning.

Recommendations

The Advisory Committee encourages the authorities to take measures to provide effective possibilities for children belonging to the Hungarian minority enrolled in schools with instruction in the Slovak language to learn the Hungarian language.

Further efforts are needed to provide adequate support for minority language teaching, including by raising awareness of existing possibilities among parents, children and public officials, in particular in areas inhabited by substantial numbers of persons belonging to national minorities.

The authorities should pursue their efforts to provide persons belonging to the Roma minority with better opportunities to receive teaching in their language, according to the demand, including through the development of a curriculum for teaching of the Romani language.

24. Slovenia

Opinion adopted on 31 March 2011

Article 14 of the Framework Convention

Instruction in minority languages and learning of these languages

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee welcomed the possibilities for persons belonging to the Hungarian and Italian minorities to learn their minority languages and receive instruction in these languages. It underlined, however, shortcomings in the area of availability of teaching material and of recognition of qualifications obtained in Italy and Hungary.

The Advisory Committee regretted the absence of the Romani language in the education system, justified by a lack of standardisation of this language in Slovenia where three dialects of the Romani language are spoken.

Present situation

The Advisory Committee welcomes the fact that persons belonging to the Hungarian and Italian minorities continue to enjoy well-developed opportunities to receive instruction in their languages. This is done through the system of bilingual education (Slovenian-Hungarian) in place in the Prekmurje region and through educational institutions in Italian in the area where substantial numbers of Italians live. The Advisory Committee notes with satisfaction that the bilingual education system in Prekmurje was further reinforced by the setting up in 2005 of a new bilingual secondary school in Lendava/Lendva. Pupils belonging to the Italian and Hungarian minorities can also learn the minority languages outside the "ethnically-mixed areas" provided classes with a minimum of five pupils are formed.

Despite this positive framework, representatives of both minorities underline that teacher training for bilingual education (Hungarian-Slovenian) and education in Italian remains problematic. Training for bilingual education or teaching in minority educational institutions is not available to a sufficient extent in Slovenian universities. In the view of the Advisory Committee, training abroad or resorting to the recruitment of foreign teachers is not always an adequate solution. This situation has a particular impact on the teaching of technical subjects in Hungarian or Italian. The Advisory Committee notes that the authorities are aware of this problem and plan to improve the situation by means of

retraining of teachers and through greater cross-border co-operation. Additionally, interlocutors of the Advisory Committee mentioned that recognition of the qualifications obtained by minority students in Italy and Hungary remains challenging.

Possibilities to study Romani at school remain very scarce, despite measures taken in recent years: only two schools reportedly offer optional lessons of Romani although the Advisory Committee understands from Roma representatives that there is a demand for instruction in Romani or learning of this language at school. Against this background, the Advisory Committee notes with satisfaction that a grammar textbook in the three Slovenian Romani dialects was produced during the reporting period, as well as a textbook on Roma culture (see Article 12 above). Additionally, the Advisory Committee expects that the ongoing process of standardisation of Romani (see remarks under Article 10 above) will result soon in wider possibilities to study Romani at school. In this context, it draws the attention of the authorities to the “Curriculum Framework for Romani” elaborated by the Council of Europe.

Recommendations

The Advisory Committee invites the authorities to continue supporting the functioning of bilingual (Slovenian-Hungarian) educational institutions and educational institutions in Italian. More resolute measures should be taken to provide teachers working in these institutions with adequate training and to tackle the difficulties encountered in the recognition of qualifications obtained abroad.

The Advisory Committee calls on the authorities to redouble efforts to develop teaching of Romani and in Romani at school with a view to improving integration on an equal footing of Roma pupils in the education system.

25. Spain

Opinion adopted on 22 March 2012

Article 14 of the Framework Convention

Teaching of the Romani and *caló* languages

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee invited the authorities to consult with Roma representatives to identify their needs and demands regarding teaching of the *caló* and Romani languages at school.

Present situation

There is currently no teaching of the Romani and *caló* languages as part of the school system (see remarks on Article 5 above). The Advisory Committee welcomes the publication by the Institute of Roma Culture of a textbook for teaching the Romani

language in 2011. Additionally, the Institute concluded in June 2011 an agreement with the University of Alcalá de Henares to provide classes on Roma culture, history and language, for the first time in a Spanish University (see also remarks under Article 12 above).

Recommendation

The Advisory Committee invites the authorities to identify the needs and demands of the Roma with regard to studying the Romani and *caló* languages (see also recommendation on Article 5 above).

26. Sweden

Opinion adopted on 23 May 2012

Article 14 of the Framework Convention

Provision of mother tongue instruction

Recommendations from the two previous cycles of monitoring

In previous monitoring cycles, the Advisory Committee recommended that the Swedish authorities step up their efforts to improve mother tongue teaching, notably by ensuring that lack of teachers did not serve to free the relevant authorities from their obligations in this field.

Present situation

The Advisory Committee welcomes as very positive the steps taken by the Swedish authorities to facilitate the access of pupils belonging to national minorities to mother tongue instruction, notably through removing the condition that the national minority language be the pupil's daily means of interaction in the home and removing the condition that at least five pupils request such tuition, which previously still applied to mother tongue instruction in Finnish and Yiddish.

It regrets, however, that the authorities have not yet abrogated section 13, paragraph 1 of the Compulsory School Ordinance (1994:1194), according to which a municipality is only liable to provide mother tongue tuition in a language if a suitable teacher is available. This provision continues to constitute an obstacle to access to mother tongue instruction, in particular because it continues to be frequently invoked as a justification for rejecting requests for mother-tongue instruction, notably in Romani Chib, the Sami languages and Meänkieli (see also related comments under Article 12 above).

Moreover, access to mother tongue instruction in minority languages still remains conditional on the fulfilment of the condition that pupils have "basic knowledge" of the language concerned. The Advisory Committee is of the opinion that access to minority language education should not be made conditional upon the language proficiency of

pupils at the commencement of their schooling. It welcomes the fact that some municipalities already apply a generous approach in interpreting the “basic knowledge” criterion and underlines that increased opportunities for pre-schooling in minority languages would also improve the minority language proficiency of children reaching school age.

The Advisory Committee notes that a series of other obstacles hinder access to mother tongue instruction. Teaching hours are often limited to between 40 and 60 minutes per week – an amount insufficient to ensure the revitalisation of the numerically smaller languages. Moreover, such tuition is often provided after school hours, thus limiting its attractiveness since pupils tend to be tired and unreceptive in class. Discontinuity in such tuition, in particular at upper secondary level, impedes access to teaching of national minority languages at tertiary level, and the fact that, unlike some foreign languages, knowledge of minority languages is not considered an advantage for university entrance also pushes some pupils to choose to learn foreign languages that are recognised in this context, in preference to learning their minority language. Additional funding provided by the state to assist municipalities in meeting their obligations in this field is not specifically earmarked for this purpose and may therefore be allocated by municipalities to other, unrelated activities. Some municipalities moreover argue that they cannot provide such tuition because there is insufficient demand. This argument appears to be in conflict with municipalities’ obligations under the legislation now in force in Sweden, but serves to discourage parents who are not yet fully aware of their rights under the new provisions. The Advisory Committee notes with interest that civil society has launched initiatives to make the existing demand for instruction of minority languages more visible, *inter alia* through the creation of a Facebook group called “There *is* a demand”. There is moreover an objective demand for minority language education in so far as it is necessary to ensure that the numerically smaller languages can continue to be used by persons belonging to the relevant national minorities.

The Advisory Committee is concerned that the above situation may not cater adequately for the language acquisition needs of pupils belonging to national minorities in Sweden. It underlines that the current situation is in part the result of previous government policies in force over a number of decades under which the use of minority languages was discouraged in schools, and which contributed to a decline in the use of these languages in daily life, leaving many parents today without the linguistic skills necessary to impart basic knowledge of their mother tongue to their children. This situation is compounded by difficulties in accessing pre-school education in minority languages (see below). The Advisory Committee welcomes the fact that some municipalities take a proactive approach in making mother tongue instruction available to pupils belonging to national minorities and also welcomes the steps already taken by the authorities at national level in response to the recognition that more flexible access to mother tongue instruction is needed for pupils belonging to national minorities. However, it considers that these steps

do not yet go far enough to give due effect to the right of persons belonging to national minorities to learn their national minority language under the Framework Convention.

The Advisory Committee also notes with concern a district court judgment in which it was ruled that, where a school had refused to provide mother tongue instruction in Romani Chib or Finnish to two Finnish-Roma children, the relevant point of comparison for establishing whether discrimination had occurred was not whether Swedish mother-tongue children were able to receive instruction in Swedish but whether children having another minority language as their mother tongue were able to receive mother tongue instruction in their minority language. This case – which highlights the difficulties inherent in obtaining redress for violations of the rights of persons belonging to national minorities under antidiscrimination legislation in Sweden (see also Article 4 above) – adds to the sense that effective enforcement mechanisms are lacking in cases where municipalities fail to respect their obligations under the legislation on national minorities.

Recommendations

The Advisory Committee strongly encourages the Swedish authorities to pursue and strengthen their efforts to provide mother tongue teaching of national minority languages. They should in particular step up their efforts to ensure that the lack of teachers is not used as a pretext to free municipalities from their obligations to take steps towards addressing the demand in this area.

The Advisory Committee encourages the Swedish authorities to remove the requirement that children have “basic knowledge” of their national minority language to receive mother tongue instruction in this language as part of their compulsory schooling. It also recommends that they review the impact in practice of other obstacles to the provision of such instruction, with a view to ensuring that the rights now laid down in domestic legislation are given full effect in practice. This means that the central authorities should ensure that municipalities implement their obligations under national legislation and eliminate factors that may induce parents or pupils not to request or not to pursue mother tongue instruction. Such factors include after-school teaching hours and the lack of recognition afforded to minority languages at university entrance level.

The Advisory Committee recommends that the Swedish authorities establish mechanisms to ensure that the legislation on mother tongue instruction in minority languages that gives effect to rights protected under the Framework Convention is properly applied at all levels throughout Sweden.

Bilingual education

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee called on Sweden to take more decisive measures to increase the availability of bilingual education for persons belonging to national minorities.

Present situation

According to the provisions of the Compulsory School Ordinance (1994:1194), bilingual instruction in minority languages continues to be available only in grades 1 to 6, with the exception of Finnish, where it may also be provided in grades 7 to 9. The total teaching time in the minority language must not exceed 50% overall and tuition must be planned in such a way that the amount of teaching provided in Swedish gradually increases over the course of the relevant period of instruction.

Except for Sami language education (examined further below), bilingual education for persons belonging to national minorities remains marginal and is provided in only a handful of independent schools and two municipal schools. While the authorities attribute this to a lack of potential pupils, minority representatives stress that the availability of and access to bilingual education is well below that needed or desired by national minorities. Efforts by the authorities to expand the provision of bilingual education have moreover been based on pilot projects, which, although positive, are ad hoc and not designed for the long term. Taken together with the difficulties faced in receiving mother tongue instruction (described above), this situation continues to represent a major challenge for national minority policy in Sweden and, in turn, accentuates the problem of the lack of staff fluent in minority languages in administrative authorities (see Article 10 above).

The Advisory Committee also notes that in some parts of the country, notably in border regions and administrative areas such as Haparanda, Kiruna and Pajala that cover two or more minority languages, a trilingual or multilingual model may be of more relevance, both for operational reasons but also to cater for the high number of mixed families having Swedish, Sami, Finnish and Meänkieli as family languages in various combinations.

Recommendation

The Advisory Committee calls on the Swedish authorities to step up their efforts to increase the availability of bilingual education for persons belonging to national minorities, and examine the possibility of providing trilingual or multilingual education in areas with a high proportion of persons using several languages as family languages. It underlines that in order to be effective, this will require changes to both legislation and practice; these measures need to be designed and implemented in close co-operation with representatives of national minorities.

Pre-school education

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee, noting that proposals to expand the legal obligation to provide minority language pre-schools were being considered, recommended that in the meantime, the Swedish authorities ensure the full implementation of existing obligations and encourage local authorities to take more voluntary measures in this area.

Present situation

The Advisory Committee welcomes the fact that the expansion of the administrative areas under the National Minorities Act means that more children are entitled to pre-school activities in which all or a part of such activities is carried out in Finnish, Sami or Meänkieli, if their parents so request. It also notes with interest that there is a Sami pre-school in each of the locations where there is a Sami school at compulsory schooling levels, and welcomes the fact that some municipalities actively seek to stimulate demand from parents for minority language pre-schooling.

Nonetheless, there continue to be significant gaps in the provision of minority language pre-schools and severe difficulties in finding teachers for such pre-schools. While some local authorities point to a lack of demand for such pre-schools, minority representatives indicate that where minority language pre-schools do exist or are established, they are rapidly overwhelmed with demand.

The provision of pre-school activities that are partly in minority languages also poses some problems, notably where “partly” is interpreted simply as meaning that a teacher or staff member who knows the language is not prohibited from using the language with a child: practice reportedly shows that it is difficult to use a minority language with a small number of children when the other children do not understand it, and children belonging to national minorities quickly become discouraged from speaking the minority language in such situations. The Advisory Committee notes that models such as bilingual pre-schools (according to a “one teacher, one language” model) could usefully be considered.

Recommendation

The Advisory Committee calls upon the Swedish authorities to encourage municipalities to take more active measures to promote access to minority language pre-school education. They should also ensure that the impact in practice of the current rules on minority language pre-school education, notably as regards pre-school activities where only a part of the activity is carried out in minority languages, is carefully evaluated, in order to pinpoint any shortcomings in the rules or their implementation and identify means for overcoming them.

Sami language education

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee invited the Swedish authorities to take further measures to ensure that Sami language education fully met the needs of the persons concerned and that pupils and parents were adequately informed about their rights in this area.

Present situation

There have been some welcome developments in the field of Sami language education, such as an increase in the Sami Education Board's appropriations for integrated Sami tuition of 1 million SEK in 2010 and the opening of a Sami pre-school with South Sami as its main language (see Article 13 above). Initiatives to involve young people in Sami language revitalisation have also been taken, both through setting up elderly speakers of South Sami as mentors for young people and the development of Internet platforms designed to be used by young people.

Nonetheless, despite the fact that a strong demand for education in Sami languages continues to exist, a number of obstacles hamper the provision of teaching in and of Sami languages, including capacity and resource problems (see Article 12 above), discontinuity in Sami language education after the sixth grade of compulsory schooling and difficulties in providing adequate teaching materials in all the Sami languages.

Recommendation

The Advisory Committee encourages the Swedish authorities to take further proactive measures, in close consultation with Sami representatives, to ensure that Sami language education fully meets the needs of the persons concerned. This should include in particular continuity in Sami language education after compulsory schooling and the availability of quality teaching materials in all the Sami languages.

27. Switzerland

Opinion adopted on 5 March 2013

Article 14 of the Framework Convention

Teaching of and in minority languages

Recommendations from the previous two monitoring cycles

During the previous monitoring cycles, the competent authorities were invited to continue their efforts to promote multilingualism under the process of harmonising the criteria for language teaching in the context of compulsory schooling. Moreover, the authorities were invited to complement the languages then on offer with optional Italian courses outside the areas in which this language is traditionally spoken. In this connection, additional

measures were requested in order to gather more statistics on language course provision and the actual use of such courses.

Present situation

The Advisory Committee notes with satisfaction that all children belonging to linguistic minorities can learn their language at primary and secondary schools, whatever their canton of residence and can also learn another official language of the Confederation, as a second or third language. Furthermore, promotion of multilingualism is now an integral part of the harmonised school programmes (see comments on Article 12 above).

According to the authorities, the situation as regards the teaching of Italian outside its traditional areas of use should evolve following the entry into force in 2009 of the *HarmoS* agreement in the cantons planning to teach a third national language, possibly Italian, during the period of compulsory schooling. Furthermore, some cantons (Fribourg, Schaffhausen, Glaris, Geneva and Zurich) have increased the number of Italian courses available to secondary school students. On the other hand, the Advisory Committee regrets the lack of statistical data on Italian teaching outside the Cantons of Ticino and Graubünden, and observes that this omission is preventing the authorities from reliably evaluating this community's needs outside the areas in which this language is traditionally spoken.

According to representatives of the Italian-speaking community, the provision of Italian courses does not always correspond to demand, because the *HarmoS* agreement only covers optional courses. Consequently, this community is currently considering whether the Law on Languages (LLC) provides an adequate legal basis to request that the State provide bilingual teaching for Italian-speakers.

Recommendation

The Advisory Committee invites the authorities to identify, by any appropriate means, the language course needs of persons belonging to the Italian linguistic minority in order to meet their needs more efficiently particularly outside the traditional areas of the use of Italian.

Languages of primary education in the bilingual cantons

Recommendations from the previous two monitoring cycles

During the previous monitoring cycles, the authorities were invited to continue to show flexibility in individual decisions to provide children with teaching in the other official language available in a neighbouring municipality and to encourage multilingualism in the educational field.

Present situation

The Advisory Committee welcomes the introduction of bilingual classes in several cantons. It realised during its visit to Bienne/Biel (canton of Berne) the importance of providing bilingual teaching from nursery school onwards in order to facilitate mutual understanding

between persons belonging to different national minorities. It also notes that under the Law on Languages (LLC), the Confederation grants additional financial aid to the cantons of Bern, Fribourg and Valais in order to promote bilingualism in the field of teacher training.

Moreover, the Advisory Committee was informed by the authorities that the territoriality principle was applied in a flexible manner and that no restriction preventing children from enjoying teaching in another official language provided by a neighbouring municipality had been reported since the previous monitoring cycle.

Recommendation

The Advisory Committee invites the authorities to continue their efforts to promote bilingualism in the educational field.

Languages of primary education in the canton of Graubünden

Recommendations from the previous two monitoring cycles

During the previous monitoring cycles, the authorities were invited to continue their efforts to reinforce the position of Italian and Romansh as languages of instruction in the relevant municipalities.

Present situation

The Advisory Committee takes note of the conclusions of the Committee of Experts on the European Charter of Regional or Minority Languages to the effect that teaching in Romansh is still satisfactorily guaranteed and that the situation of Italian in the canton of Graubünden is still generally sound.

It also notes from the State Report that additional resources have been provided in consultation with the Romansh speaking minority, in order to consolidate the teaching of this language at school. Furthermore, bilingual (Romansh/German) schools have been opened in several municipalities. Two German-speaking municipalities have decided to offer Italian as a second language.

However, the information provided to the Advisory Committee by the representatives of the Romansh speaking minority would suggest that the government and the Parliament of the canton of Graubünden are planning to introduce “rumantsch grischun” as a language of instruction, with a view to producing up-to-date, modern teaching materials for all subjects and reinforcing the status of Romansh as a written language. The Advisory Committee notes that a large number of Romansh municipalities oppose the introduction of “rumantsch grischun”, fearing that it might damage the diversity of local idioms.

The Advisory Committee was also informed during its visit that the merger of German-speaking municipalities with small neighbouring Romansh municipalities was liable to jeopardise the Romansh language. The cantonal authorities informed the Advisory Committee that they were aware of this risk and that they were working in co-operation

with representatives of the Romansh speaking minority's organisations in order to analyse the linguistic implications of these decisions.

Recommendation

The Advisory Committee invites the authorities to ensure that decision on the standardization of the Romansh language is taken and implemented in close consultation with representatives of the different views within the Romansh speaking minority. Moreover, the authorities should ensure that mergers of municipalities do not restrict facilities for teaching in this language.

28. "the former Yugoslav Republic of Macedonia"
Opinion adopted on 30 March 2011

Article 14 of the Framework Convention

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

Recommendations from the two cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee found shortcomings in the teaching of and in the minority languages and urged the authorities 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.

The Advisory Committee also asked the authorities to continue their efforts to train minority language teachers and to prepare the necessary teaching materials and to devote attention to the needs of smaller communities.

Present situation

The Advisory Committee notes with satisfaction that, in accordance with Article 48 of the Constitution and Articles 4 and 9 of the Law on Primary and Secondary Education, a well-developed system of minority language teaching exists in "the former Yugoslav Republic of Macedonia". The law establishes that the Macedonian language shall be the language of instruction at primary and secondary level, but also recognises the rights of persons belonging to national minorities to teaching of and in their languages. Additionally, the Higher Education Act obliges the state to provide minority language education where the language is spoken by over 20% of the country's population (in practice, this provision applies only to the Albanian language).

The Advisory Committee notes that the Directorate for the Development and Promotion of Education in Languages of the Communities within the Ministry of Education was established to implement the government's policies for education in minority languages spoken by officially-recognised national minorities not meeting the 20% threshold of the country's population (Bosniaks, Roma, Serbs, Turks and Vlachs).

The Advisory Committee notes that of the total number of 341 primary schools, attended by 207,505 children (in the academic year 2008/2009), there were 241 schools conducting tuition in one language. In these unilingual schools, the language of education was Macedonian in 185 schools, Albanian in 55 schools and Turkish in one school. In addition to these schools, there were 59 bilingual schools providing tuition in Macedonian and Albanian, 20 schools with Macedonian and Turkish and three schools with Macedonian and Serbian languages of instruction. Finally, there were 15 trilingual schools, of which 13 provided tuition in the Macedonia, Albanian and Turkish languages, and two in the Macedonian, Albanian and Serbian languages.

The Advisory Committee notes with concern the insufficient dialogue with key stakeholders regarding the decision to introduce Macedonian language teaching from the first year of schooling of children belonging to national minorities. This led to protests, which resulted in the decision being withdrawn.

The Advisory Committee notes that a number of schools taught in the academic year 2008/09 (the last year for which data was available) elective subjects on the language and culture of the Bosniaks, Vlachs and Roma. These subjects were taught in some schools attended by significant numbers of children belonging to national minorities. The Advisory Committee notes, however, that a considerable number of children of Bosniak, Vlach or Roma origin attended schools which did not provide such opportunities. Consequently, the Advisory Committee further notes that these subjects were studied by a relatively small proportion of children from each minority in question. Of the 1,802 Bosniak children attending the third to eighth grades (grades when the subject matter in question is taught), only 377 children studied the language and culture of the Bosniaks; of the 10,551 Roma children attending the third to eighth grades, 2,191 children studied the language and culture of the Roma. The data for the Vlach children, according to which there are only 307 students who declared to be of Vlach nationality, the elective subjects on the language and culture of the Vlachs is studied by 716 students. This situation can in all likelihood be explained by the fact that not all Vlach children are declared correctly as such to the school authorities.

The Advisory Committee further notes with regret that the textbooks used to teach the Vlach language and culture are out of date and rare. For example, a textbook entitled "Bukvar", developed to teach the Vlach language to small children over one year old is used in three successive grades. For the Bosniak and Roma courses there are no textbooks at all.

The Advisory Committee welcomes in this context the recent opening of the section for the Roma language at the Cyril and Methodius State University and hopes that graduates from this section will be better prepared to teach the Romani language. The Advisory Committee notes however with regret, that no higher education institution provides teacher training for the Vlach language and, consequently, there are no appropriately qualified teachers of this language in "the former Yugoslav Republic of Macedonia". Teachers currently teaching the Romani and Vlach languages usually belong to the

respective national minority and have graduated from the university faculties of pedagogy, philology, philosophy or natural sciences.

The Advisory Committee considers that the authorities should help to train teaching staff in the Vlach and Romani languages and to develop the necessary teaching materials, taking into consideration, in the case of the Romani language, the Curriculum Framework for Romani which has been developed in co-operation with the European Roma and Travellers Forum, with a view to creating opportunities for the teaching of or in the Romani language, where there is a sufficient demand.

Recommendations

The Advisory Committee calls on the authorities to 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.

Further efforts are needed to provide adequate support for minority language teaching, including by raising awareness of existing possibilities among parents, children and public officials, in particular in areas inhabited by substantial numbers of persons belonging to national minorities. In particular, the Advisory Committee urges the authorities to consider reforming the framework for teaching minority languages in a way which would oblige school principals to introduce elective subjects on the language and culture of the Albanian, Bosniak, Serb, Turk, Vlach and Roma national minority on request from a small number of parents belonging to the respective group.

The Advisory Committee calls on the authorities to ensure an adequate supply of school manuals and textbooks in the appropriate languages for minority language teaching, including as regards Romani language.

29. Ukraine

Opinion adopted on 22 March 2012

Article 14 of the Framework Convention

Teaching in/of minority languages

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to start a broader reflection on the role and place of the teaching in/of minority languages in the overall educational system, including at higher level. Clear legal guarantees had to be introduced on the right to receive instruction in/of minority languages, while at the same time ensuring that all children achieve a full proficiency in the state language.

Present situation

Teaching in and of minority languages continues to be offered in Ukrainian state schools in the Crimean Tatar language, in Hungarian, Moldovan, Polish, Romanian and Russian languages. There are reportedly some 1,500 schools with minority language education in the country, over 1,000 of which are Russian language schools. The Advisory Committee notes, however, that representatives from all minority communities claim that the number of minority language schools, as well as the quality of education offered (see comments in Article 12 above) is in continuous decline, even in areas where the minority forms a significant part of the population. The Advisory Committee regrets, for instance, that there are only 15 Crimean Tatar language schools in the Crimea, and not a single Crimean Tatar pre-school, despite continued efforts by minority representatives in this regard. In addition, the Advisory Committee is concerned by the lack of adequate Crimean Tatar language textbooks, which in fact results in teaching of grades 5 - 11 being provided in the Russian or Ukrainian language, even in schools that are considered Crimean Tatar. Whilst the Advisory Committee received reports that the number of Russian language schools is also declining in the Crimea, where the Russian population constitutes the majority, the Advisory Committee remains concerned by the situation of the Ukrainian-speaking population, as places to study in one of the seven Ukrainian language schools, are reportedly far too limited to meet the needs of the population.

The Advisory Committee welcomes the changes made in 2010 to the procedure for the independent external school-leaver examination. Since then, students of minority language schools have been given a choice of taking their exams either in Ukrainian or in their language of schooling. Exams have reportedly been offered in the Russian, Romanian, Moldovan, Hungarian, Polish and Crimean Tatar languages. While minority representatives are pleased with these changes, they report continued problems with the quality of translation of the exams into lesser used minority languages, which has prompted many minority language students to opt for examinations in the Russian language, despite this not being their language of schooling. In addition, minority representatives regret that all certificates are issued in the Russian language. The Advisory Committee expects that these obstacles to the organisation of school-leaver examinations in minority languages will be removed and that all minority language students will be equally able to choose freely their language of examination, and receive certificates in the corresponding language.

The Advisory Committee is concerned about the continued lack of legal certainty as regards access to education in minority languages, as there is still no precise legal framework with regard to educational rights. While the Constitution and the 1989 Law on Languages contain general guarantees relating to minority language education, the decision of whether to open a minority language class or school lies with the local authorities, according to the Law on Local Self-Government. The Advisory Committee learned that the local authorities are often hesitant to open or maintain minority language classes, mainly due to economic reasons. While decentralisation may often be better suited to meet local needs, the Advisory Committee is concerned about the lack of

guidance on this issue from the Ministry of Education, which results in vastly differing levels of enjoyment of educational rights by persons belonging to national minorities, according to the willingness of the local authorities concerned. For example, Hungarian language classes are opened for six students in the Transcarpathia region. In contrast, the Advisory Committee noted a decision of the Belogovskiy Regional Council in the Crimea to open classes “in Ukrainian and other minority languages” for a minimum of 12 students in villages and 15 in cities.

In addition, the Advisory Committee was informed that there is no Romanian language instruction at all in 21 villages of Chernivtsi Oblast, inhabited mainly by Romanians, and that tendencies continue towards opening Ukrainian rather than Romanian language classes. Local authorities also continue to object the opening of Polish language classes, and Bulgarian language education continues to be limited to a few hours per week, even in areas of compact settlement of this minority. The Advisory Committee reminds the authorities that demand is a key element contained in Article 14 paragraph 2 of the Framework Convention with regard to the right of persons belonging to national minorities to receive education in minority languages. Moreover, it is of utmost importance that the criteria be applied in an equitable manner, in line with Article 4 of the Framework Convention, and that minority communities have an opportunity to challenge the refusal through an effective legal remedy.

The Advisory Committee welcomes the continued existence of a large number of additional educational centres, including Sunday schools, where languages of numerically smaller minorities are being studied, such as Gagauz, Azeri, Yiddish, Greek, Karaim, or Krimchak. The centres receive varying support from local authorities and are appreciated by minority representatives, despite the fact that their numbers are also decreasing (see also comments on Article 5 above).

Recommendations

The Advisory Committee urges the authorities to provide clear legal guarantees for the right of persons belonging to national minorities to receive education in and of their language. Objective criteria and guidelines for the enjoyment of this right should be established at national level, in close co-operation with minority communities as well as local authorities.

The Advisory Committee further calls on the authorities to ensure that the right to receive minority language education is granted in an equitable manner, in line with Articles 14 and 4 of the Framework Convention, and that the refusal to provide minority language education by local authorities can be subject to legal remedies.

30. United Kingdom

Opinion adopted on 30 June 2011

Article 14 of the Framework Convention

Teaching in and of minority languages in Northern Ireland, Scotland and Wales

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the relevant authorities in Northern Ireland and Scotland to continue expanding the availability of Gaelic and Irish medium education and to consider requests for Scots-medium classes in Scotland and Ulster-Scots in Northern Ireland.

Present situation

In Northern Ireland, the Advisory Committee is pleased to note that progress has been recorded since the adoption of its second Opinion in the provision of Irish-medium education. It is, however, informed that there are still gaps, in particular as regards the continuity of education. Moreover, it is concerned by the reported absence of a bussing system to schools providing teaching in Irish.

In Scotland, the provision of Gaelic-medium education has also improved at all levels of education. However, the Advisory Committee is aware that it remains an issue for local schools to decide upon and the availability of teaching is therefore not consistent throughout Scotland. Moreover, it is reportedly often one of the first subjects considered when proposing budgetary cuts. As far as the Scots language is concerned, recent efforts to promote this language have seemingly resulted in an increased presence of this language at school. The Advisory Committee welcomes the adoption in 2007 of a strategy to recruit and train more teachers of Gaelic and Scots and to develop curricula for the teaching of these languages. It is also informed by the authorities that the availability and quality of textbooks in these languages have improved. It regrets, therefore, that the availability of teaching in/of Gaelic remains insufficient.

In Wales, numerous laudable steps have been taken to promote teaching in and of Welsh. The Advisory Committee notes that the Welsh language is now a compulsory subject for all pupils from 5 to 16 years old. It also understands that progress has been made in the production of textbooks and teacher training. Although it is aware that there are still some gaps, for instance in the continuity of teaching between primary and secondary education, the Advisory Committee strongly welcomes the efforts made by the authorities to anchor the Welsh language in the general education system.

Recommendation

The Advisory Committee invites the authorities to continue improving opportunities to learn minority languages in Northern Ireland, Scotland and Wales or to receive education in these languages. Particular emphasis should be placed on the need to ensure consistency and continuity in the delivery of teaching.

Languages of minority ethnic communities and teaching of English

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee invited the authorities to make concerted efforts to promote bilingual and multilingual education, and to take a proactive approach in encouraging schools to expand the provision of minority languages.

Present situation

The Advisory Committee regrets that, in general, only limited efforts are made throughout the United Kingdom to help persons belonging to minority ethnic communities learn and develop proficiency in their minority language. Nevertheless, it notes with satisfaction that guidelines have been prepared by the Welsh authorities for schools to help pupils from minority ethnic communities with a migrant background to retain their first language and that, since 2008, the curriculum for modern languages in England allows for the teaching of languages other than European, based on local needs. While understanding that more emphasis is placed on providing classes of English for immigrants (see below), it is of the opinion that it is also important to support the preservation of minority languages of these persons, not only as a personal asset for the persons concerned but also in order to value their culture.

Concerning teaching of English to persons belonging to minority ethnic communities, in particular among recent immigrants, the Advisory Committee is concerned that, according to various representatives of minorities, budgetary cuts have already had a negative impact on the availability of English courses for immigrants. In particular, free places for English Courses for Speakers of Other Languages will henceforth only be available to economically “active” persons. This measure will have a significant detrimental effect on new immigrants and people from minority ethnic communities, especially women, many of whom are not eligible for “active” benefits or are enrolled as students. The lack of knowledge of English has a far-reaching, detrimental impact on equality of opportunities for these persons as it is an obstacle to their integration in society.

Recommendations

Further efforts should be made to support persons belonging to minority ethnic communities to learn or develop proficiency in their languages, in particular as part of the mainstream education system. It is important to evaluate and disseminate good practices that have been implemented in some regions.

The Advisory Committee calls on the authorities to assess carefully the impact of budgetary cuts on the provision of English language classes on the integration of migrants belonging to minority ethnic communities, in particular migrant women, and to ensure that they continue to have access to affordable and quality opportunities to learn English.