

**ADVISORY COMMITTEE ON THE
FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

COUNCIL OF EUROPE



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**Comments of the Government of Italy on the Fifth Opinion of the Advisory Committee on the implementation
of the Framework Convention for the Protection of National Minorities
by Italy**

received on 7 February 2023

Subject: Comments on the "V Opinion on Italy" adopted on 5 October 2022 by the Advisory Committee of the Framework Convention for the Protection of National Minorities of the Council of Europe

Reference is made to the Fifth Opinion on Italy adopted on 5 October 2022 by the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe (ACFC) to submit the following comments and provide updates with reference to the teaching of minority languages (Article 14). As far as intercultural education is concerned (Article 12), reference is made to what has already been observed and included in the Fifth Opinion.

General regulatory framework

First of all, a number of general regulatory references on the subject of linguistic minorities in Italy are recalled as these are key principles that determine the current framework of the teaching of these languages in Italy (allocation of State-Regions' competences, school autonomy, etc.)

As is well known, Law no. 482 of 1999 provides for a system of protection of historical linguistic minorities present in Italy, based on the principle of territory delimitation in which specific safeguard provisions are applied, based on a protection criterion of the twelve involved communities which is exclusively territorial in nature.

Furthermore, the matter of the protection of historical linguistic minorities falls within the legislative but not exclusive power of the State, since the Regions are responsible for the further implementation of the state law that becomes necessary, in compliance with general defined principles. For Regions with a special statute, the application of the more favorable provisions envisaged by legislation is governed by implementing provisions of the respective statutes.

This allocation of competences on linguistic policies between the State and the Regions brings about different organizational forms also in connection with the teaching of historical minority languages especially in autonomous Regions and Provinces where there may exist bilingual school systems not present in other Italian regions. Therefore, on the basis of Article 5 of Law 482/1999 the competence of this Ministry (now called the Ministry of Education and Merit) as regards the protection of minority languages is confined to the definition of the general criteria for the implementation of the measures contained in article 4 and to the promotion and implementation of national and local projects in the field of the study of languages and cultural traditions of members of recognized linguistic minorities.

On-demand ("opt-in") teaching model

It is recalled that the "opt-in" system which provides for the teaching of the minority language at the request of families is provided for by article 4 paragraph 5 of Law 482/1999 and cannot be derogated from by regional laws as reaffirmed by Decision no. 159/2009 of the Constitutional Court which declared an article of the law of Friuli Venezia Giulia unconstitutional; the article itself had introduced a mechanism of choice by the parents based on a sort of negative option. The Supreme Court reiterated that the full educational freedom of the family must be guaranteed in making a choice of significant civil and cultural value, such as that of expressing the will to have their children follow Friulian language lessons.

It should be noted that this possibility of choice does not necessarily discourage families from making use of the teaching of the minority language, on the contrary, often this request is also made by the families of pupils with non-Italian citizenship who live in the territory where the

linguistic minority is protected because for them it is a further form of integration into the local social and cultural fabric. On the other hand, a similar mechanism based on the choice of families is envisaged in the Italian school system also for the teaching of the Catholic religion for which there is ample support especially in the first cycle of education.

Principle of inclusion of pupils in mainstream classes

It should be noted that, except in the Autonomous Province of Bolzano where there are three different provincial school systems (Italian, German and Ladin) or in the Slovenian or Italian-Slovene bilingual schools of Friuli Venezia Giulia, established on the basis of international agreements, the teaching of minority languages is carried out within the Italian school system in ordinary classes according to the principle of inclusion which provides for the inclusion of all pupils and students in mainstream classes, regardless of their citizenship and ethnic/linguistic affiliation. Hence, no difference on the basis of teaching languages among classes exists, not even in schools located in territories or sub-municipal areas where the existence of specific linguistic communities is recognised.

As a matter of fact, in these schools, alongside the Italian language which is the language of instruction, the learning of the minority language is guaranteed to all pupils as part of the educational offer concerning ordinary class pupils, regardless of their belonging to the minority linguistic community. Furthermore, it would not be possible to identify children/students belonging to a specific minority linguistic community since the Italian legal system does not provide for the collection of data suitable to detect racial and ethnic origin, due to a specific prohibition by the Authority for the protection of personal data. Surveys concerning citizenship only are allowed but, in this case, they are not relevant given that all the members of a minority linguistic community are Italian citizens.

Furthermore, it would not be appropriate to set up specific classes/sections in a minority language within a school (except in extracurricular hours as an extension of the educational offer) since any classes differentiated by language of instruction would lead to segregation and isolation of the students belonging to the different linguistic communities, especially smaller ones and those located in mountain areas and inland areas. Among others, this Ministry has never received requests to set up special sections from specific linguistic communities (especially the less widespread ones).

Analysis of the impact of distance learning during the Covid-19 pandemic

Research and studies on the impact of distance learning during the Covid-19 pandemic in Italy do not take into account the specific school population belonging to linguistic minorities for the reasons described in the previous paragraph. The collection of data from educational institutes located in the areas of the protected linguistic communities give information referring to all the pupils of the school in which they are enrolled, and it is not possible to distinguish any consequences of distance learning on pupils belonging to specific linguistic minorities.

For information, it should be noted that at the end of the 2019- 2020 school year and throughout the 2020-2021 school year, all educational institutions have prepared an individualized learning plan (PAI) for all pupils with learning deficits in which they indicated the learning objectives to be achieved for each subject, in order to continue successfully the learning process in the subsequent class, as well as specific strategies for improving learning levels. The scholastic institutions have also identified any didactic activities which were not carried out despite the planning of activities done at the beginning of the year in order to prepare a new planning aimed at defining a learning integration plan (PIA). In both cases, the measures adopted for the recovery of learning deficits were identified for all pupils who needed them, regardless of their citizenship, ethnic or linguistic affiliation.

Initiatives of the Ministry of Education and Merit

In light of the above, the commitment of the Ministry of Education and Merit is to continue to encourage, especially in areas where minority linguistic communities are smaller, the teaching of and in the language of origin within the school curriculum as well as to make use of the instruments envisaged by school autonomy to enhance cultural and territorial diversity within a framework existing at national level.

In this respect, initiatives to support schools located in "delimited territorial and sub-municipal areas where the provisions for the protection of historical linguistic minorities are applied" continue through:

- a) the promotion of the national network of schools with minority languages;
- b) funding of project proposals by educational institutions forming a network.

Finally, we inform you that through Ministerial Decree no. 253 of 27 September 2022, the experimentation of the trilingualism project called "Growing up and learning in multiple languages" was authorised at the Bachmann All-Inclusive Institute of Tarvisio in the Valcanale/Canal del Ferro area. Starting from the 2023/2024 school year, this experimentation envisages a multilingual vertical curriculum with a teaching path of German, Slovenian and Friulian languages which involves, for each complex, a nursery school section, a first class of primary school, a first class of lower secondary school, a first class of upper secondary school for each activated path. The experimentation was activated with the collaboration of this Ministry, the Autonomous Region and the Regional School Office for Friuli Venezia Giulia.