

Information Note

- The European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities constitute the European standards for the protection of minorities and their languages.
- The Charter is the only treaty worldwide dedicated to the protection and promotion of the languages spoken by members of traditional minorities or linguistic groups.
- When acceding to the Council of Europe, Georgia committed to signing and ratifying the Charter by 27 April 2000.
- The Charter protects minority languages as a threatened aspect of Europe's cultural heritage; the Preamble of the Charter states that the *protection of the historical regional or minority languages of Europe, some of which are in danger of eventual extinction contributes to the maintenance and development of Europe's cultural wealth and traditions.*
- According to Article 1.a of the Charter, *regional or minority languages* are languages traditionally used within a given territory of a state by nationals of that state who form a group numerically smaller than the rest of the state's population; and are different from the official language(s) of that state. They do not include dialects of the official language(s) of the state or the languages of migrants.

Therefore, the Charter explicitly excludes dialects of the official language. There is thus no obligation to apply the Charter to forms of expression that the Georgian authorities consider to be dialects of Georgian. Whether or not something is classified as a dialect or minority language under the Charter is primarily a political decision left to the discretion of the state.

- The Charter is based on an approach that fully respects national sovereignty and territorial integrity. According to the Charter, promoting minority languages and their use is not in conflict with the official language in the States and the need to learn it. The Preamble of the Charter stresses *the value of interculturalism and multilingualism* and states that the *protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them.* All provisions of the Charter are based on the assumption that the minority language speaker also speaks the official language. The provisions in the field of education guarantee the teaching of the official language.

By choosing a bilingual educational model from the Charter, the Georgian authorities could de facto/indirectly promote the Georgian language in those parts of the country where this language is not yet fully established. The Charter can therefore be a tool to promote Georgian in Georgia and support civic integration.

- A formal/direct application of the Charter to Georgian is possible as well: The authorities could classify Georgian as a "less widely used official language" (Article 3.1 of the Charter) in

the Armenian and Azerbaijani language areas and apply the Charter to it in these areas (not in the whole country).

- The Charter is an innovative and flexible legal instrument, enabling the state to choose the most appropriate measures, in accordance with the situation of the languages on its territory.
- The main provisions of the Charter are divided in two parts: Part II lays down the aims and principles to be pursued by a state party. Part III provides a menu of specific undertakings in seven fields: education, justice, administration, media, culture, economic and social life, transfrontier exchanges. These vary, for example, from providing bilingual education to only teaching a minority language; from setting up a radio station in a minority language to broadcasting programmes in this language on existing channels. A state has to choose 35 such undertakings.

Owing to this ‘menu’ structure, the Georgian authorities can choose the treaty provisions they want for each language covered by the Charter. A “smart ratification” would comprise such provisions that are related to existing provisions of national legislation for which a certain degree of implementation already exists. This approach would have political and financial advantages: ratification would not change the status quo of minority rights (contributing to a politically smooth ratification process) and keep the financial cost of applying the Charter to a minimum.

- When selecting obligations, the Charter also permits to grant each minority language a different status under the treaty, but also to treat all minority languages in the same way. Both possibilities can be of political interest.
- The protection and promotion of minority languages and the respect for the minorities and their culture are the best way to integrate people with different linguistic and cultural backgrounds. As the Charter and the Framework Convention for the Protection of National Minorities are the European standards in the field, by ratifying the Charter a state further improves its image and adds lustre internationally to its minority language policy that takes place relatively unnoticed at national level. All Council of Europe member States have much to gain from a clear commitment to these European standards, as a means of conferring credibility and authority on national policy and practice.
- The Charter provides states with a template for the systematic promotion of minority languages. Moreover, its ratification and monitoring offers a state access to a European experts network and to a rich experience of how languages can be enhanced in practice. In addition, a state can showcase at international level all the good things it is already doing for its minorities.