



Strasbourg, 11 December 2008

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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN LUXEMBOURG

Report of the Committee of Experts on the Charter

adopted on 4 April 2008 and

presented to the Committee of Ministers of the Council of Europe

in conformity with Article 16 of the Charter

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making Recommendations for improvements in its legislation, policy and practices. The central element of this procedure is the Committee of Experts, established in accordance with Article 17 of the Charter. Its principal purpose is to examine the real situation of the regional or minority languages in the State, to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers has adopted, in accordance with Article 15.1, an outline for the periodical reports that a Party is required to submit to the Secretary General. The report shall be made public by the government concerned. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under its Part II and in more precise terms all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee's first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee's role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee gathers information from the respective authorities and from independent sources within the State, with a view to obtaining a just and fair overview of the real language situation. After a preliminary examination of a periodical report, the Committee submits, if necessary, a number of questions to the Party concerned on matters it considers unclear or insufficiently developed in the report itself. This written procedure is usually followed up by an "on-the-spot" visit of a delegation of the Committee to the respective State. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter may decide to address to the State Party.

Chapter 1 Background information

1. The Grand Duchy of Luxembourg signed the European Charter for Regional or Minority Languages (hereafter referred to as “the Charter”) on 5 November 1992 and approved it by a law on 8 April 2005 which was published in the Official Journal on 25 April 2005 (A - Nr 55). Luxembourg ratified the Charter on 22 June 2005. The Charter entered into force for Luxembourg on 1 October 2005.
2. In accordance with Article 15.1 of the Charter, Luxembourg presented its initial periodical report to the Secretary General of the Council of Europe on 19 March 2007. The report has been made public.
3. The present report was adopted by the Committee of Experts on 4 April 2008.

1.1 The work of the Committee of Experts

4. The Committee of Experts took note of the initial periodical report of Luxembourg, which reflects the country’s situation of having no regional or minority languages. According to that report, Luxembourg’s ratification of the Charter demonstrates “its desire to actively support the promotion of linguistic and cultural diversity in Europe.” In addition, “Luxembourg recognises that languages are vital in terms of establishing identities and as tools for cultural expression, as well as communication, integration and social cohesion, and that steps must accordingly be taken to protect regional or minority languages and support the efforts made in this connection. Luxembourg therefore fully subscribes to the Charter’s objectives.”¹
5. As the Charter is not applicable to any regional or minority language in Luxembourg, the Committee of Experts has not considered it necessary to organise an on-the-spot visit as it has done in relation to other States Parties. However, with a view to maintaining a consistent evaluation, the Committee of Experts enquired how the authorities of Luxembourg had published the text of the Charter and whether the initial periodical report itself had also been made public.² Furthermore, the Committee of Experts requested additional information from the Luxembourgish authorities about the history of the Yenish language in the town of Weimerskirch.

1.2 Particular issues arising in the evaluation of the application of the Charter in Luxembourg

Linguistic situation

6. According to the periodical report, Luxembourg’s specific linguistic situation is the result of the country’s division in 1839 into a mainly French-speaking part, which became part of Belgium, and the German-speaking Grand Duchy. In the Grand Duchy, the population spoke Lëtzebuergesch (Luxembourgish), a variety of German, and used standard German in education and in the press. French continued to be used by judicial and administrative authorities and became a compulsory school subject. The status of Lëtzebuergesch as a national symbol grew stronger further to the German occupation of Luxembourg during World War II. Efforts have been made to standardise it as a written language. Lëtzebuergesch was declared the national language of Luxembourg by the Languages Law of 24 February 1984 (Article 1).³
7. The authorities of Luxembourg have informed the Committee of Experts that the Yenish language was used at the beginning of the 20th century by approximately 40 traveller families⁴ in Weimerskirch. As a result of the decline of the trading profession and the subsequent dispersion of the travellers, Yenish died out in Weimerskirch before World War II. The common speech of Weimerskirch still contains traces of Yenish. However, there are no associations or cultural events devoted to the remembrance of Yenish.
8. According to the information the Committee of Experts has obtained from the Luxembourg authorities and scientific sources, there are no indications of a traditional Romani-speaking population (Sinti and Roma) in Luxembourg.

¹ 1st Periodical Report of Luxembourg, p. 3

² Cf. 1st Report of the Committee of Experts on *Liechtenstein*, p. 5

³ 1st Periodical Report of Luxembourg, p. 2

⁴ Cf. Joseph Tockert: Das Weimerskircher Jenisch. Eine Händlergeheimsprache, in: Vierteljahresblätter für luxemburgische Sprachwissenschaft, Volks- und Ortsnamenkunde, Jahrgang 1937-1938, Heft 12-13

Language use

9. Language use is governed by the aforementioned Languages Law. It provides that legislative instruments and their implementing regulations shall be drafted in French (Article 2) and that in contentious or non-contentious administrative matters and in judicial matters Lëtzebuergesch, German and French may be used (Article 3). Debates of parliament and local assemblies are held in Lëtzebuergesch.

10. Lëtzebuergesch is spoken in kindergartens and is a compulsory subject in primary and secondary schools. It is also the medium of instruction in some subjects of primary school. German is generally the language of alphabetisation and instruction in primary and secondary education (classes 1-9) as well as in technical and vocational education. French is taught as of class two and is the language of instruction for mathematics (and French) at secondary school.

11. Luxembourg's main newspapers (e.g. *d'Wort*, *Tageblatt*) are published in German but also contain articles in French and Lëtzebuergesch. Three newspapers appear in French. Lëtzebuergesch dominates in the country's (mainly private) broadcast media. In addition, most Luxembourgers watch German television.

12. Lëtzebuergesch is spoken throughout the country by the entire traditional population. It is therefore neither used by "a group numerically smaller than the rest of the State's population" (Article 1.a of the Charter) nor an "official language which is less widely used on the whole or part of its territory" (Article 3.1 of the Charter). Furthermore, the Luxembourgish authorities underline that neither Lëtzebuergesch, German, nor French "may be regarded as having a lesser status than the others".⁵ Consequently, the Committee of Experts notes that there are no regional or minority languages within the meaning of the Charter in Luxembourg.

Chapter 2 Findings of the Committee of Experts

A. The Committee of Experts commends the authorities of Luxembourg for the commitment and European solidarity they have demonstrated by ratifying the Charter.

B. The Committee of Experts has concluded that, in the light of the situation whereby in Luxembourg no regional or minority languages are spoken on its territory, it will not propose to the Committee of Ministers to forward any recommendations to the Grand Duchy of Luxembourg.

C. The Committee of Experts would be glad if the Committee of Ministers would express to the Government of Luxembourg its appreciation of the valuable contribution it has made to the protection and promotion of regional or minority languages in Europe by its ratification and active contribution to the promotion of the Charter.

⁵ 1st Periodical Report of Luxembourg, p. 3-4

Appendix I: Notification of Ratification

SECRETARIAT GENERAL

DIRECTORATE GENERAL I
LEGAL AFFAIRS

Please quote : JJ6086C
Tr./148-44



Strasbourg, 28 July 2005

NOTIFICATION OF RATIFICATION

State : Luxembourg.

Represented by : Mr Ronald MAYER, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Luxembourg to the Council of Europe.

Instrument : European Charter for Regional or Minority Languages, opened for signature, in Strasbourg, on 5 November 1992 (ETS No. 148).

Date of entry into force of the instrument : 1 March 1998.

Date of ratification : 22 June 2005.

Date of entry into force in respect of Luxembourg: 1 October 2005.

Reservations : /

Declarations : /

Signatory States : Azerbaijan, Czech Republic, France, Iceland, Italy, Malta, Moldova, Poland, Romania, Russia, Serbia and Montenegro, "the former Yugoslav Republic of Macedonia", Ukraine.

Contracting States : Armenia, Austria, Croatia, Cyprus, Denmark, Finland, Germany, Hungary, Liechtenstein, Luxembourg, Netherlands, Norway, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom.

Notification made in accordance with Article 23 of the Charter.

Copy to all member States.

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