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Minorities and Minority Languages in a Changing Europe

Conference on the occasion of the 20th anniversary of the Framework
Convention for the Protection of National Minorities and the European
Charter for Regional or Minority Languages

Council of Europe, Strasbourg, France
Palais, room 1

18 – 19 June 2018

The European Language Equality Network, proposals for better implementation of the ECRML

Excellencies, Ladies and Gentlemen,

The European Language Equality Network (ELEN) has as its goal the substantive promotion and protection of minoritised languages, to work towards language equality for the speakers of these languages, under the broader framework of human rights, and to be the voice of speakers of these languages at the local, regional, national, European and international level.

Today, ELEN represents 44 languages with 150 member organisations in 24 European States.

ELEN, founded after the closure of EBLUL in 2011, has grown to become the only Europe-wide civil society organization to represent European lesser-used languages.

Review of the Charter and its implementation

It is right and fitting that any review of the European Charter should acknowledge the achievements and benefits which have emerged as a result of the implementation of the provisions of the charter.

It is widely acknowledged that the Charter has assisted many minoritised language groups throughout Europe to institute language policy and planning measures to enhance the social and formal status of Europe's minority languages and cultures. This has been achieved in no small measure by the co-operative dynamic which the Charter sought to engender by the emphasis it placed on the importance of cultural diversity in Europe.

The main benefits of the charter are twofold:

It established a standardised, and therefore comparative framework, for the development of language policy across Europe by which minority language concerns could be formally addressed

It created a sectoral approach to language planning for the provision of services and

delivery of initiatives in support of minority language groups.

Overarching Problems

As is often the case with public policy initiatives, the strengths of the Charter also create the conditions for its critique. Other commentators and contributors to this debate have previously commented on the lack of executive function associated with the mechanisms envisaged in the charter in that its workings are based more on a code-of-conduct model. While some of this critique is both valid and well-rehearsed, the relevance of this critique is also constrained by the reliance of the Charter mechanism on the good will and capacity of national governments to implement the sectoral provisions of the charter.

One point that ELEN wishes to make in relation to the European Charter is its neutral stance in relation to points critical to the life and death of languages: The Charter fails to suggest collective mechanisms by which language minorities can promote civic engagement with the societal condition of the minority beyond prioritising institutional activity for the target language, and that the Charter assumes a neutral stance in relation to the sociolinguistic crisis enveloping many of our minority language groups.

At the very least, this monitoring process should include a proactive analysis of how provisions and mechanism of the charter could be devised to suggest, initiate, and elaborate collective proposals in support of the social continuity and societal resilience of our minority speaker groups.

A failure to engage with this challenge would essentially be a contradiction of the founding aspiration of promoting linguistic and cultural diversity in Europe which was the impetus for its initial adoption.

Specific problems

- The ECRML lacks executive function: The Experts Committee's and the Committee of Ministers' recommendations are not always implemented. Some states have learned that just paying lip-service to the Charter is more than enough to keep going; to appear as signatories and ratifiers of the

Charter (and so, as officially respectful of linguistic diversity) while they do nothing in favour of their own RMLs, or even persist in their attempts to reduce their vitality. A mechanism allowing for punitive action against states that consistently ignore their obligations under the ECRML should be implemented, as a necessary feature of the ECRML.

- “Minoritised” would be a better term for the name of the Charter. It correctly includes languages with many speakers, which are neither ‘minority’ nor dominant languages in their own territories. It doesn’t alter the acronym of the charter and might promote an easier allegiance from some groups of speakers (e.g. Catalans).
- There is a need for some degree of officiality for all RMLs without which they simply don’t exist for institutions and authorities.
- The states get to decide to which languages the Charter is applied. It should not be in the hands of the state but of the language communities themselves.
- It is incredible and unacceptable to see that in 2018 several founder EU states that are host to several ‘regional’ languages are yet to ratify the Charter. Lack of ECRML and FCNM ratification breaks the EU’s own accession rules with regard to the Copenhagen criteria.
- There is an urgent need to educate others about minorities and how minorities and their rights are presented and perceived in society in general.
- Reception of mass media (radio, TV) in the same -or similar- language should be effectively implemented. RML media provision continues to be weak. RMLs must be made more visible and present in the (state-financed) mass media (TV, radio).
- Late reporting has a chilling effect and acts to reduce the beneficial effect of monitoring especially when certain events happened years before. This acts

to further disillusion the language community regarding the effectiveness of the Charter.

- There appears to be no accommodation in the Charter for languages that have had their support cut and are therefore ‘going down’ on the menu system, for example with Cornish.
- Given the rapid pace of digital development many of our languages are facing a digital time-bomb in that there is little to no provision for their digital development to keep pace with what the dominant languages have. This topic is addressed in the Digital Language Diversity Project,¹ with recommendations in its Road Map, and is currently before the European Parliament in Jill Evans’ Report ‘Language Equality in the Digital Age’. The ECRML will need to address the lack of digital provision perhaps with the addition of a Protocol specifying support for RML digital development.

Ladies and Gentlemen,

ELEN Proposals for better implementation of the ECRML

Our proposals are based on two pillars, top down European–level measures and grass-roots community based improvements.

European level measures

- One of ELEN’s objectives is that the ECRML and the Framework Convention for the Protection of National Minorities (FCNM) is formally linked to the **infringement proceedings mechanism** of the EU so that when they are violated it acts to trigger an infringement proceeding against a State. We aim to ensure that the EU is both empowered and motivated to take infringement proceedings against states in cases of language discrimination.

The precedent has been set already of using Article 21 of the Charter of Fundamental Rights, and Race Equality Directive. For example, in 2015 the EU opened infringement proceedings vs. Slovakia regarding Roma education (2015), and the Czech Republic in 2014 using Article 21.

¹ <http://www.dldp.eu/>

- Establish a **European Language Commissioner or Ombudsman** with a similar function to the Canadian Languages Commissioner who acts to uphold RML rights and the ECRML.
- ELEN is campaigning for a **European Languages Directive** that would act to protect and promote RMLs, and that would act to ensure that the ECRML is properly implemented.
- Given the rapid pace of digital development many of our languages are facing a digital time-bomb in that there is little to no provision for their digital development to keep pace with what the dominant languages have. This topic is addressed in our Digital Language Diversity Project, with recommendations in its Road Map, and is currently before the European Parliament in Jill Evans' Report 'Language Equality in the Digital Age'.² The ECRML will need to address the lack of digital provision perhaps with the addition of a Protocol and/or additional clauses specifying support for RML digital development. Note our call in the EP Report for the DLDP to be extended so as to survey the digital needs of all European RMLs.

Grass-roots proposals

- Current State monitoring is either late or very late for reasons that are unclear. Is it 'Charter fatigue', lack of interest and resources, or simply a lack of time? Here civil society, specifically ELEN member organisations, could be allowed to support the monitoring process by **formalizing the shadow reporting from NGOs as part of the monitoring process**. Hopefully it would incentivize state parties to speed up their monitoring.
- More emphasis should be placed on the role of the private and media sectors in Charter implementation.
- More generally ELEN would like to see **more ECRML Secretariat and COMEX (Cttee of Experts) outreach**, to continue with ECRML Sec. input into ELEN meetings, more opportunities to interact with COMEX, a direct channel and

² <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fNONSGML%2bCOMPARL%2bPE-618.224%2b01%2bDOC%2bPDF%2bV0%2f%2fEN>

regular meetings for consultation between ECRML and ELEN in the reporting cycle, and shared problem solving.

- It's important to make the monitoring process more transparent and to focus more on NGO and shadow report involvement. This will have the beneficial effect of fully engaging the language community.
- We would like to see how the Committee of Expert selects who it will meet at the 'on the spot visits.' It should ensure that NGOs and independent experts are always fully consulted as a priority.
- Regarding ECRML implementation, the Charter could be better adapted to each different language community. Therefore, we would like to address the awareness gap of the different language communities via a joint **ELEN/ CoE training course and consultation that would aim to train stakeholders in each different language community**. ELEN is well placed to deliver on this as it is made up of the leading RML civil society organisations.
- ELEN would like to establish a formal synergy between the functioning of the ECRML and the Donostia Protocol.³ The Protocol was developed with the full involvement of European civil society language organisations and represents the standards and guidelines in language protection and development that our members wish to see upheld today, based on their own experiences in best practice for the 21st century.
- Lastly, ELEN and Eurolang are able to assist in publishing news about the Charter. Eurolang social media, for example, is followed by many RML stakeholders and RML, and mainstream, media. From ELEN's point of view it is important for RML communities to hear about what the Charter is doing for their language and the languages of other communities across Europe, this acts to gain support for the Charter and a feeling of involvement from the community itself and helps local politicians see the importance of backing Charter implementation. One recent example was the BBC News coverage of the COMEX visit to the north of Ireland where COMEX supported the call for Irish language legislation. Overall this had a significant positive effect both on

³ <http://protokoloa.eus/?lang=en>

the campaign for language legislation but also in that it underlined the importance of the Charter and its implementation to the general public and politicians. Therefore, ELEN would like to suggest establishing some form of partnership with the ECRML and FCNM Secretariats where we help to advertise ECRML and FCNM activities.

Ferran Suay, ELEN President

Davyth Hicks, ELEN Secretary-General