

## Developments in the Field of the European Charter for Regional or Minority Languages in 2011

### I. INTRODUCTION

The European Charter for Regional or Minority Languages<sup>1</sup> has 25 states parties among 47 member states of the Council of Europe. In 2011, the number of states parties to the Charter remained the same as no new member state decided to sign or ratify this treaty. The eight existing signatures have not been followed by ratification, so Bosnia and Herzegovina has remained the last state to become a party to this treaty.<sup>2</sup>

The states parties to the Charter have to submit periodical reports every three years to the Secretary General of the Council of Europe. The Committee of Experts, an independent body, evaluates these reports and proposes recommendations that are adopted by the Committee of Ministers.<sup>3</sup> This committee also decides to make evaluation reports public. In 2011, two reports were made public which had been adopted by the Committee of Experts in 2010: the third report on Denmark and the fourth report on Germany. The Committee of Experts evaluated eight state reports in 2011, but only two of those became public that year: the first report on Poland and the fourth report on Sweden.<sup>4</sup> Eventually, all the

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1 European Charter for Regional or Minority Languages, adopted on 5 November 1992, entered into force on 1 March 1998, ETS No. 148 (hereinafter: the Charter), at <[http://www.coe.int/t/dg4/education/minlang/Default\\_en.asp](http://www.coe.int/t/dg4/education/minlang/Default_en.asp)>.

2 The Charter came into force for Bosnia and Herzegovina on 1 January 2011 and its first report is due on 1 January 2012.

3 Part IV of the Charter regulates the monitoring mechanism in Arts. 15 to 17.

4 In addition to these two reports, the Committee of Experts evaluated reports on Cyprus, Finland, Montenegro, Romania, Serbia and Spain.

reports adopted by the Committee of Experts become public.<sup>5</sup> Lichtenstein submitted its fifth report in 2011, but as there are no minority languages spoken in this country, the Committee of Experts did not propose any recommendations.<sup>6</sup>

## II. FIRST EVALUATION REPORT

### *A. Poland*

Poland signed the Charter on 12 May 2003 and ratified it on 12 February 2009. The Charter entered into force in Poland on 1 June 2009. Poland submitted its initial report in September 2010, and the whole monitoring process ended in December 2011 when the Committee of Ministers adopted a set of recommendations.<sup>7</sup>

Poland made a rather unusual declaration in accordance with Article 3 of the Charter,<sup>8</sup> listing 15 minority languages spoken in Poland: Belorussian, Czech, Hebrew, Yiddish, Karaim, Kashub, Lithuanian, Lemko, German, Armenian, Romani, Russian, Slovak, Tatar and Ukrainian. The declaration further elaborates that Kashub is the regional language, whereas ten of the listed languages are national minority languages (Belorussian, Czech, Hebrew, Yiddish, Lithuanian, German, Armenian, Russian, Slovak and Ukrainian), four are languages of the ethnic minorities (Karaim, Lemko, Romani and Tatar) and five are non-territorial languages (Hebrew, Yiddish, Karaim, Armenian and Romani). Regardless of these distinctions, Poland nevertheless decided to apply the same Part III undertakings to all 15 languages<sup>9</sup> instead of using the menu-system of the Charter to make a tailor-made choice of obligations fit for each of the languages.

The ratification of the Charter was preceded by the adoption of the Act on National and Ethnic Minorities and on the Regional Language in 2005. This would suggest that Poland prepared the national legal framework for the implementation of the Charter. However, the Committee of Experts established that

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5 The delay before the Committee of Ministers is sometimes caused by different political views among the member states on the standard of protection of minority languages, especially between the reporting state and the “kin state”. The procedure is, however, only partly public and available at the web pages of the Committee of Ministers.

6 The report is available at <[http://www.coe.int/t/dg4/education/minlang/Report/EvaluationReports/LiechtensteinECRML5\\_en.pdf](http://www.coe.int/t/dg4/education/minlang/Report/EvaluationReports/LiechtensteinECRML5_en.pdf)>.

7 Application of the Charter in Poland, initial monitoring cycle, ECRML (2011) 5 (hereafter: Poland 1st).

8 Art. 3: “Practical arrangements: 1. Each Contracting State shall specify in its instrument of ratification, acceptance or approval, each regional or minority language, or official language which is less widely used on the whole or part of its territory, to which the paragraphs chosen in accordance with Article 2, paragraph 2, shall apply”.

9 “The Republic of Poland declares, in accordance with Article 2, paragraph 2 of the Charter, that the following provisions of Part III of the Charter will be applied for the languages listed above”.