A PATHWAY TO EXPANDING RATIFICATION OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

STRATEGIC RECOMMENDATIONS AND CASE STUDIES
ABOUT THE ECMI

The European Centre for Minority Issues (ECMI) conducts academic and policy-oriented research, provides information and documentation, and offers advisory services concerning minority-majority relations in Europe. The Centre maintains active relations with other institutions and NGOs involved in conflict resolution and inter-ethnic relations, and engages in collaborative projects in these fields. The ECMI’s specific purpose is to provide actors with new knowledge and toolkits that empower and equip them to mitigate differences and exchange views through constructive dialogue about how to build a peaceful and diverse Europe.
The European Charter for Regional or Minority Languages is a crucial component of European minority protection standards and has significantly influenced their codification. Drafted and opened for signature in 1992, it served as a prelude to the Framework Convention for the Protection of National Minorities. The initial approach was to create a convention on a more universal topic—language—in a neutral tone, focusing on language as cultural heritage rather than on protecting minority rights. However, the complexity of language issues has made the Charter challenging in different contexts and regions of Europe. The number of ratifications is indicative: while 39 countries have ratified the Framework Convention, only 25 have ratified the Charter, with some signatories failing to ratify it for years. This document aims to identify key obstacles to ratification and propose recommendations for revitalizing the Charter based on seven case studies, as well as general recommendations to the Council of Europe.

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GENERAL RECOMMENDATIONS

The following section presents a series of strategic recommendations aimed at overcoming obstacles to the ratification of the European Charter for Regional or Minority Languages. These recommendations are designed to guide the Council of Europe in enhancing its advocacy, outreach, and engagement efforts.

ALLOCATE RESOURCES FOR ENHANCED ECRML ADVOCACY

The Council of Europe should allocate dedicated resources and develop a coherent approach to engage with countries that have not yet joined the Charter. This initiative should include establishing the Committee of Experts (ComEx) secretariat as a focal point, providing it with additional resources, to develop such an approach and conduct outreach efforts, engagement activities or projects in this respect. Specifically, the engagement effort could encompass:

- **Enhanced dialogue with Permanent Representations (PRs) in Strasbourg:** Regular and strategic communication with PRs to address concerns, highlight the benefits of the Charter, and build diplomatic support for its adoption.
- **Online events with stakeholders from target countries:** Organize webinars and virtual meetings that bring together relevant stakeholders from the target countries, including government officials, speakers of minority or regional languages, and civil society organizations, to discuss the advantages and implementation strategies of the Charter.

- **On-location conferences for comprehensive engagement:** Host in-person conferences that gather politicians, policymakers, minority or regional language representatives, and NGOs, with ComEx acting as a facilitator to foster direct dialogue, share best practices, and promote a collaborative approach to the ratification and implementation of the Charter.
- In cooperation, and where applicable within the framework of existing Council of Europe bodies such as PACE or the Congress of Regional and Local Authorities, develop projects to raise awareness and facilitate capacity-building on the Charter’s standards at local, regional, and national levels in non-signatory or non-ratifying countries, with the aim of extending the implementation or ratification of the instrument.
The Council of Europe should enhance its outreach efforts by involving a diverse range of partners to promote the ratification and implementation of the Charter. This collaborative approach could include:

- **Secretariat**: Lead and coordinate the outreach initiatives, ensuring alignment with the CoE’s overall strategy.
- **CDADI and its new working group on national minorities**: Leverage the expertise of the Steering Committee on Anti-Discrimination, Diversity, and Inclusion (CDADI) and its working group on national minorities to provide insights and support on issues related to minority rights and language protection.
- **ComEx members, including the Chair**: Develop a coherent approach to increase visibility of the knowledge and influence of ComEx members to advocate for the Charter, share success stories, and address potential concerns of non-ratifying countries.
- **Academic institutions**: Collaborate with academic institutions having a long-standing expertise in minority and linguistic rights such as the ECMI or EURAC to conduct research, provide evidence-based recommendations, and facilitate academic discussions on the benefits of the Charter.
- **Interest groups**: Engage further with civil society organisations, for example with the European Language Equality Network (ELEN), to build capacity, raise awareness, and create grassroots momentum for the ratification of the Charter.
- **Policymakers or minority representatives from other CoE countries**: Foster peer-to-peer relationships by connecting policymakers and representatives of minority or regional languages from Council of Europe countries that have already ratified the Charter with their counterparts in non-ratifying countries. This exchange of experiences can highlight the positive impacts and practical benefits of the Charter.
The Council of Europe should adopt a tailored approach to dialogue and discussions regarding the signature and ratification of the Charter. This approach should focus on the specific benefits for each country, particularly in terms of protecting smaller languages, and should be context-specific. Key elements include:

- **Highlighting national benefits**: Emphasize the added advantages that ratification of the Charter brings to the country, such as cultural preservation, social cohesion, and enhanced linguistic and minority rights, with a particular focus on the protection and revitalization of smaller languages.

- **Context-specific strategies**: Develop customized dialogue strategies that take into account the unique political, social, and cultural contexts of each target country. This ensures that discussions are relevant and resonate with national priorities and concerns.

- **Stakeholder engagement**: Engage with a broad range of stakeholders, including government authorities, political leaders, civil society organizations, and minority language groups, to build a comprehensive understanding of the Charter’s benefits and address specific questions and concerns.

- **Practical examples and success stories**: Use concrete examples and success stories from other countries that have ratified the Charter to illustrate the tangible benefits and positive impacts on minority language protection and promotion – for instance, building up on the CDADI Study.

- **Follow-up dialogues**: Ensure the long-term, sustainable engagement of stakeholders with decisions or recommendations formulated during the dialogues by organizing regular follow-up events.
The Council of Europe should ensure that all dialogues and engagements with specific countries regarding the Charter involve a comprehensive range of stakeholders. This inclusive approach should address:

- **Government authorities**: Engage with ministry officials, policy-makers, civil servants, and relevant government bodies to discuss the specific consequences, responsibilities, and opportunities associated with the dimensions of the Charter. This includes outlining legal obligations, funding mechanisms, and administrative procedures related to language protection and promotion.

- **Political authorities**: Collaborate with MPs, party leaders, and political stakeholders to foster political consensus and build a coalition around sensitive issues related to the Charter. Highlighting the benefits of linguistic diversity and minority language rights can help garner broader political support and commitment.

- **Civil society organizations**: Partner with minority groups, human rights organizations, and civil society stakeholders to explore how the benefits of the Charter can be effectively communicated and realized at the grassroots level. Facilitate discussions on practical ways to integrate minority or regional language rights into political debates, policy advocacy, and lobbying efforts.

The Council of Europe could enhance cooperation with the European Union for countries negotiating accession, focusing on promoting the Charter as a framework for enhancing minority or regional language protection. The aim is to foster a supportive environment for accession countries to strengthen their commitment to protecting and promoting linguistic diversity and minority rights in line with European standards.

- **Facilitating EU-conditionality approach**: Advocate for the Charter to be promoted as a framework for dialogue and cooperation on minority or regional language issues within the context of Chapter 23 (Judiciary and Fundamental Rights). This approach ensures that countries are encouraged to adopt the Charter, demonstrating their commitment to minority protection and linguistic diversity.

- **Leveraging EU resources**: Leverage the European Union's financial and institutional capacities to promote the standards of the Charter and encourage its ratification among Member States.
COUNTRY CASE STUDIES

The following synopses explore the unique challenges and contexts affecting the ratification of the European Charter for Regional or Minority Languages in various countries. By examining the experiences of Albania, France, Ireland, Italy, Moldova, North Macedonia, and Portugal, these summaries highlight diverse obstacles and strategies, offering valuable insights for targeted advocacy and informed recommendations. The full case study articles will be published in the European Yearbook of Minority Issues.

ALBANIA

ECRML status: not signed

While Albania’s national legislation generally reflects the Charter’s provisions and ensures formal equality for minorities, it lacks substantive measures to promote minority languages, identities, and cultures. In 2007, Albania established the State Committee to prepare for the signing and ratification of the Charter. A dozen years later, in 2019, Albanian authorities and the Council of Europe held a meeting to identify Charter provisions that Albania could ratify. Although the draft Instrument of Ratification has been generally agreed upon, Albania has not yet signed the Charter. Obstacles to ratification include administrative and financial burdens, as well as the politics of 20% conditionality, which links minority language rights to population thresholds. The EU’s evaluations of Albania’s accession efforts have also not been helpful, being rhetorical without clear strategies and benchmarks for minority protection.

Recommendations:

- Clearly identify and resolutely address the barriers to ratification of the Charter.
- Intensify cultural activities, portray national minorities more positively, and foster societal integration to create a supportive environment for the Charter ratification.
- Enhance dialogue with national minorities regarding the deliberation of groups/languages enjoying minority protection, the collection of reliable statistical data on the ethnic structure of the population, and the real needs of minority speakers in Albania.
Despite having signed the Charter a quarter century ago, France’s ratification is still pending, even as the country prides itself on its diverse linguistic heritage. Historically rooted prejudice towards regional languages continues to pose obstacles to consolidating the legal position of those languages, notably at the constitutional level. Efforts at the local level to develop Local Charters, to increase the educational supply or to enhance cultural support all highlight a renewed interest in the protection of regional languages, including in overseas territories.

Recommendations:
- Commission a new participatory study or update previously existing studies to provide a platform for dialogue between public authorities at various levels and within civil society.
- Reinforce and support local authorities’ competencies on regional languages by referring to the Charter and continuing the development of Local Charters on regional languages.
- Conduct the INSEE/INED Family Survey which will provide data on regional language speakers. It could be the basis for a nation-wide evidence-based regional language policy.

Ireland has neither signed nor ratified the Charter. Several initial reasons have been pointed out to justify this position: the status of the Irish language, both at the domestic level – being enshrined in the constitution as the national and first official language, and at the European level – being an official and working language of the European Union. Currently, the status of the Irish language is no longer in question, leaving space to discuss adhering to the Charter, notably regarding the situation of other minority or regional languages in Ireland.

Recommendations:
- Conduct an in-depth study on the merits of ratifying the Charter for the Ulster-Scots language.
- Conduct an in-depth study on the merits of ratifying the Charter for the Shelta language, paying particular attention to consulting and involving at all stages the Irish Traveller community.
- Conduct a study, given the changes in its status since 1992, on the merits and possibilities of ratifying the Charter for the Irish language.
ITALY
ECRML status: signed on 27 June 2000

The ratification of the Charter in Italy has faced numerous obstacles, primarily due to political reluctance, concerns over costs, and opposition to recognizing Sinti and Roma languages. Italy’s current approach uses a closed-list system to identify protected languages, leading to the exclusion of many regional languages and perpetuating a hierarchical linguistic structure. Ratifying the Charter could modernize national legislation, but it would require overcoming deep-seated biases and political agendas. An inclusive approach, involving scientific and local stakeholder input, is necessary for meaningful implementation. However, current proposals risk reinforcing existing exclusions and divisions, suggesting the need for a balanced and comprehensive strategy to promote unity while recognizing linguistic diversity.

Recommendations:
- Initiate a cross-partisan debate on which languages should receive the protection and promotion measures offered by the Charter; consider revising the categories of protected groups and languages/dialects to ensure all forms are adequately recognized and protected.
- Promote collaboration between regional and national authorities to harmonize efforts in preserving and promoting regional linguistic heritages.
- Conduct consultations with linguistic communities to understand their needs and challenges.

MOLDOVA
ECRML status: signed on 11 July 2002

Despite initial commitment and extensive consultations, Moldova’s ratification of the Charter has faced significant obstacles. Authorities and minorities struggled with understanding the Charter, with concerns over financial costs and potential risks. Ethno-cultural organizations demanded high language protection, while concerns arose about the Russian language's status post-ratification. Political changes in 2009 stalled progress despite international pressure. Legislative setbacks in 2016 limited linguistic minorities' access to justice, conflicting with the Charter's principles. Currently, among other issues, the EU accession process and recent national plans have sidelined the Charter, reducing the focus on linguistic rights of minorities.

Recommendations:
- Foster regular and transparent dialogue between authorities, minority groups, and international organizations, and secure sustained political commitment to ratify the Charter, prioritizing it alongside broader EU integration goals.
- Implement comprehensive awareness-raising programs about the Charter among government officials and ethnic-cultural organizations to improve understanding of its provisions and dispel misconceptions.
- Maintain active engagement with the Council of Europe and the EU to leverage support for ratification efforts, utilizing EU enlargement instruments.
Despite significant advancements in language protection and policies in North Macedonia over the years, the Charter remains unratified for more than two decades, primarily due to political reasons and complex interethnic relations. Macedonians are concerned about minority expansion, while Albanians do not want their language classified as a minority language, having already secured rights and official status through national legislation. Although there are no direct legal obstacles to ratification, doubts exist about the Charter’s potential impact on the existing status quo. The provisions of the Charter are seen as already incorporated into national law, and ratification is not part of any political agenda. Furthermore, there is no external pressure to ratify the Charter; notably, it is not referenced in the EU Progress reports. However, the current political dynamics with neighboring Bulgaria regarding the status of the Bulgarian minority and language add complexity and could negatively impact the prospects for the Charter’s eventual ratification.

Recommendations:
- Considering the specific context of power-sharing and complex interethnic relations in North Macedonia, identify and promote the benefits of the Charter for integrative processes in the country, with a special focus on less spoken languages.
- Promote the Charter as a tool for underpinning the protection of the languages of smaller communities (spoken by less than 20% of the population), which are neglected due to the dichotomous power-sharing.
- Use the potential of ratifying the Charter as a tool to establish guidelines or criteria for the use of community languages at the local level.

Portugal continues to present itself as a monolingual state, despite timid steps to promote the only acknowledged minority language, Mirandese, which faces a continued stark decline in speakers. Nonetheless, in 2021, Portugal proceeded to sign the Charter, but failed to ratify it, despite advocacy efforts from civil society. Obstacles to concrete advancement for Mirandese, including in academic spheres, is slowing the political efforts to ratify the Charter. However, awareness of the importance of Mirandese has risen, including amongst the younger generation, which could play a crucial role in preventing the disappearance of this language.

Recommendations:
- Enshrine in law the ratification and implementation of the Charter in Portugal.
- Increase the number of active speakers via support to the educational offer in Mirandese, including through lifelong learning programs, developing textbooks, dictionaries etc.
- Support the establishment of cultural programmes and of an institution in and about Mirandese to raise the profile of the language, including for touristic purposes.