

**TOWARDS LINGUISTIC DIVERSITY
MANAGEMENT
IN THE BALTIC STATES**

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ECMI International Seminar

23-25 May 2003, Vilnius, Lithuania

ECMI Report # 49

August 2003

ECMI Report # 49

European Centre for Minority Issues (ECMI)

Director: Marc Weller

ECMI gratefully acknowledges the generous financial support from the Lannungs Fond, Denmark.

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Published in August 2003 by the European Centre for Minority Issues (ECMI)

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BACKGROUND INFORMATION

Different foreign rulers have controlled Estonia and Latvia for 700 years. In 1920, both countries attained independence from Bolshevik Russia. However, the period of the countries' first independence was short: Estonia and Latvia were incorporated into the USSR in 1940.

Until the end of the nineteenth century, German was a dominant language in the official domain and in the educational system in Estonia and Latvia. Later this role was ascribed to Russian. For the first time, Estonian and Latvian became official languages in 1920. After the Soviet annexation of 1940, Russian was restored to its official status in both states, however, the official use of Estonian and Latvian was maintained.

Estonian and Latvian languages were important components of local identity and statehood. A low level of proficiency in local languages by minorities was perceived as a constant threat to the unity of relevant societies. These concerns were intensified by a rapid increase in the minority population under Soviet rule. Positive changes in the level of minorities' proficiency in local official languages have not yet been awarded with considerable attitudinal changes in regard to minorities among members of the majority population. Russian is the mother tongue for one third of the total population in Estonia and Latvia (see Tables 1, 2 and 3 in the Appendix), and ethnic Estonians and Latvians still consider themselves as minorities *vis-à-vis* Russians or Russian-speakers.

After 1991 Estonian and Latvian authorities promoted the 'repatriation' of newcomers from Soviet times to their kin-states. Rather strict linguistic requirements in the official and even private domain were stipulated to this end. However, these policies failed. Since 1997 and 1998 respectively, Estonia and Latvia have officially started to integrate their minority populations. Projects aimed at linguistic integration, which means that minority members will master the official languages, receive the overwhelming majority of all funding allocated to society integration programmes in Estonia and Latvia. During the

accession period, the European Union paid special attention to, and provided financial support for, measures aimed at social integration in Estonia and Latvia.

Lithuania was incorporated into the Russian Empire at the beginning of the nineteenth century, i.e. approximately 100 years later than the larger part of Estonia and Latvia. For centuries Polish was used for official and semi-official communication in the country. Lithuanian regained its official status with the restoration of independence after the Russian October Revolution in 1917. Similar to the situations in Estonia and Latvia, Russian was used in parallel with Lithuanian as an official language under Soviet rule (1940 to 1991). At that time career opportunities in certain spheres – especially in industrial management and politics – in all three Baltic States were closely linked with the ability to speak and understand Russian.

In the early 1990s, Lithuanian authorities recognized almost anybody who was a permanent resident of Lithuania as a citizen. Thus, they avoided mass statelessness, which is a pending problem for both Estonia and Latvia. Lithuania has a more developed system for the protection of minority rights compared to the other two Baltic States. There are no limitations placed on the use of minority languages in upper secondary schools in Lithuania, while in Estonia and Latvia the ongoing education reform is a source of concern for many minority members.

Despite the differences between Lithuania, Estonia and Latvia, all three Baltic States are highly motivated to protect and promote their official (state) languages.

OPENING SPEECH

The seminar started with a speech by Mr. Priit Järve, European Centre for Minority Issues (ECMI). The Centre has recently completed a major project in the Baltic region. This seminar is a follow-up event to a three-year cycle of seminars and workshops dedicated to minority issues in Estonia and Latvia. Compared to its Baltic neighbours, Lithuania has fewer problems concerning interethnic relations. In the latter country, the percentage of minorities is not as large as in Estonia and Latvia, and minorities are much more integrated into mainstream society. However, language issues are of great importance in all three Baltic States. Local languages are core components of local self-perception and the majority populations oppose the idea of strengthening the position of any other languages. English, as a European *lingua franca*, is perceived by some to be a new threat to the preservation of local official languages. At the same time, many concerns are related to the demographic strength of local minorities and their languages, especially Russian. The European Charter for Regional or Minority Languages (ECRML) defines certain minimum standards for the preservation of minority languages and can contribute to the regulation of relations between majority and minority languages in the Baltic states by its propositions. Mr. Järve called upon the participants to discuss the possibility of the ratification of the ECRML by the Baltic states.

LITHUANIA

Several Lithuanian participants gave an overview of the linguistic situation in their country.

Ethnic and linguistic groups largely overlap in Lithuania. Recently, there has been a slight decrease in the ethnic Russian community and a simultaneous increase in the number of Poles. The main reason for the growth of the Polish minority population is the reinforcement of local Polish identity. Lithuania has several institutions of secondary education with Russian and Polish as the language of instruction. At the moment, there is only one compulsory exam (Lithuanian language) that is uniform for minority and

majority schools. Some minority schools decided to have more compulsory exams in minority languages in the interests of students who intend to obtain higher education in their mother tongue abroad.

Several language issues have recently been addressed in Lithuania. There have been collisions in local legislation and practice regarding the use of minority languages on public signs.

The unofficial use of the minority language by local officials in their dealings with the local minority population is widespread. It is worth emphasizing that Lithuanian authorities provided ballot-papers in three languages (Lithuanian, Russian, Polish) during the referendum on EU accession.

Lithuania has adopted rather strict rules to protect the official language. Lithuanian participants stated that they do not expect a ratification of the ECRML in the near future.

LATVIA

First, a Latvian representative from the majority community made a short presentation on language use in her country. She stressed that the Latvian government is responsible for all languages spoken on its territory, but has a special duty to protect and promote Latvian. In order to achieve the above-mentioned objective, it is necessary to develop certain legal rules and ensure respect for the linguistic aspects of social integration. It is inevitable to offer at least part of the publicly funded education in the official language to ensure bilingualism of minority members and their proper use of the official language. At the moment the Russian-speakers' community is self-sufficient (people can manage in their daily lives using only Russian) and in principle can do well without the use of Latvian. The speaker expressed the view that it is necessary to break this "vicious circle of minority language self-sufficiency" in Latvia. However, certain rules could be changed in favour of minority languages. For instance, it is possible to increase the proportion of

private radio and TV broadcasts in minority languages. The decision to permit 40 per cent of educational work to be done in minority languages in upper secondary schools¹ was an appropriate measure to deal with the issue of minority languages.

This participant did not believe the Framework Convention for the Protection of National Minorities (FCNM) had any chance to be ratified in Latvia. Ethnic Latvians still perceive themselves as a minority in their own country. Some of them are inclined to support radical political measures regarding the use of minority languages but do not display the same exclusivist attitude in everyday life.

A minority member from Latvia addressed a set of problems that non-dominant ethnic groups face in the country. For instance, the strict ban on using minority languages in local administration resulted in certain unofficial or semi-official practices. Thus, certain local governments pay for the translation of applications submitted in a language other than Latvian. The existing limitations on the use of minority languages for radio and TV are questionable because they are not completely in line with constitutional human rights provisions. It is highly probable that the constitutional court will rule in favour of abolishing these requirements. As for the recent government authorization to organize up to 40 per cent of all courses in upper secondary schools in minority languages, one may stress the collision of this rule with other legal provisions that stand higher in the hierarchy of Latvian legal acts. A pro-minority parliamentary faction's recent attempt to change the education laws and make them comply with the recent government decision was rejected by the parliamentary majority.

During the discussion one of the participants argued that the language problem is connected with the problem of mass statelessness in Latvia. Two exams in the official language have to be passed in order to be naturalized.

¹ According to the initial plan all minority upper secondary schools should start work only in Latvian from the academic year 2004/2005. In 2003, this plan was reviewed.

Minority members discounted the necessity of incorporating a definition of national minority into the text of a future law on the ratification of the FCNM in Latvia. At the same time, they deemed it necessary to assign a special legal status to local minority languages.

A Latvian majority participant stressed that the socio-linguistic approach to the regulation of language use requires certain legal restrictions. Control over the use of the official language will inevitably change the attitudes of both minority and majority members to it. Protection and purification of the official language is an important task of several official bodies that are exploring the integrative role of Latvian, the respect for social diversity and international legal standards (including EU norms).

Some majority members from Latvia consider the ratification of the FCNM as harmful to social integration. For them it is a very sensitive issue and they fear that any inappropriate legal move will contribute to the division of society. In any case, the problem of ratification will not be solved before the EU accession referendum. A similar argument was brought forward regarding the ratification of the ECRML.

ESTONIA

A majority member from Estonia listed several changes in the language situation in Estonia. He stressed that there is a decrease in birth rates in the country, thus the number of native Estonian speakers is in decline. At the same time, the Estonian language proficiency of ethnic non-Estonians has risen significantly after gaining independence in 1991. More and more non-Estonians refer to themselves as Estonians, even if their Estonian language proficiency is below average.

Another majority member from Estonia raised concerns about the practical effects of the ratification of the ECRML. In his opinion, a promotion of minority languages would

result in an encouragement of the use of Russian in the private sphere, whereas Estonian would be largely ignored by ethnic Russians.

A minority member from Estonia highlighted a number of problems regarding the use of languages in the country:

Russian is the language of education in basic and secondary schools. However, from 2007 on, a transition to Estonian as the main language of instruction (for 60 per cent of all lessons at the minimum) will be introduced in upper secondary schools. A minority school can apply for a prolongation of the transition period. The practical result of the policy will depend on the political will on both the local and national levels.

In practice Russian is still used by local authorities in contact with the Russian-speaking population. In certain regions (where minorities make up more than 50 per cent of the resident population) the constitution and other laws guarantee the right to use a minority language in contact with government authorities. This guarantee, however, is sometimes ignored in practice. Furthermore, no such region was granted the right to have the minority language (Russian) as a second working language of local government despite the fact that this right is also guaranteed by the constitution. In 2001, the language requirement for deputies of local government councils was abolished. Simultaneously, Estonian was made the only working language at sessions of all local councils. Additionally, most minority members are now obliged to repeat the examination on professional language proficiency because the old language certificates will lose their legal validity on 1 January 2004.

GENERAL DISCUSSION

Estonian and Latvian participants asked about the status of regional languages and dialects after ECRML ratification. A foreign expert stressed that the ECRML protects languages, not dialects, while the principle of proportionality is of great importance to decide on the appropriate measures of the protection of a minority language.

Participants from Estonia and Latvia raised concerns regarding the improvement of the status of Russian after ratification of the ECRML. They worry that ethnic Estonians and Latvians will perceive it as a new injustice when newcomers and migrants receive a special status. Furthermore, they questioned the necessity of protecting Russian since this language is not endangered in Estonia and Latvia.

A foreign expert stressed that the ECRML protects languages, not ethnic groups. As for Russian, it is a traditional language in Estonia and Latvia, and it has been widely spoken there for several hundred years. Promotion of minority languages will contribute to the status of the majority language. Minorities will be more loyal towards the official language if they do not feel that their own language is in danger of not being preserved. The foreign expert added that protection of a minority language is an important prerequisite for democratic development and social integration.

A minority member emphasized that the contemporary community of ethnic Russians in Estonia and Latvia is composed both of newcomers and descendants of historical minorities. Historical minorities should not suffer from any limitations because people of the same ethnic origin have arrived in Estonia and Latvia after the Second World War. Additionally, it will be ill-founded differentiation on the basis of time. In regard to the Russian language, it was suggested that its protection in Estonia and Latvia might start well before it encounters serious problems due to rigid language policies.

A representative of the European Bureau for Lesser Used Languages made a short presentation on the work of his institution. The Bureau is dealing with special projects to

protect and promote minority and lesser used languages in the EU member states. After the presentation, an Estonian participant advocated special projects to support lesser used official languages in the EU after enlargement, for instance Estonian.

A foreign expert supported the idea of a wider use of minority languages by officials in the public administration in contact with the population in all three Baltic states. He stressed that it will be necessary to ensure active participation and integration of all groups of the minority population. Multilingualism is beneficial for a modern society and the active use of several languages will not undermine its cohesion. Furthermore, an official approach to the problem will indicate the prevailing tendency of state policies towards integration or assimilation of minorities.

A minority member stressed that Estonian and Latvian languages are not endangered because 98 to 99 per cent of ethnic Estonians and Latvians speak them as a mother tongue. Consequently, local minorities have difficulty in understanding why official languages are so forcefully protected.

Estonian and Latvian participants argued that their languages are not widespread and therefore few people are interested in studying them, or studying in them. This makes it difficult for small countries to participate in different student exchange projects.

An Estonian majority member repeatedly stressed that Estonian society is not ready for the ratification of the ECRML. Local politicians will not agree on granting Russian a special status. Consequently, it will be reasonable to maintain the practice of a *de facto* use of Russian, but to avoid making it a legal requirement.

A foreign expert called on the Baltic participants to study the European experience. In South Tyrol, the recognition of minority rights in conjunction with reasonable policies regarding the majority language have ensured a peaceful coexistence between local Germans and Italians despite their historically burdened relations.

Minority members from Estonia referred to opinion polls which show that the general public are less conservative than local politicians. Furthermore, exclusive ethnic policies are the backbone of the present political system, and any considerable changes in this regard would endanger the *status quo*. The undermining of the current system by a loosening of exclusivist policies is evidently an undesirable scenario for the present policy-makers. In fact, the Estonian majority tends to accept a minority and its rights without its legal recognition. Minority members argued that only the legal establishment of minority rights would provide a basis for positive changes that could lead to interethnic reconciliation in Estonia and Latvia: the ECRML sets up minimum standards, which should be converted into local legal provisions.

A minority member from Latvia stressed the necessity of a formal recognition of minority rights standards. Thus, his country signed the FCNM in 1995, but has not ratified it. Meanwhile, certain changes were made in the country's legislation that were not in line with FCNM provisions. Thus, in practice it is not enough to recognize a set of norms and sign a convention; it is always better to make these norms legally binding.

Several participants argued that Estonian and Latvian authorities do not want to represent the interests of all ethnic groups of their societies. In order to manage interethnic tensions the state should take a proactive position, ensuring equal rights and the recognition of the vital interests of all ethnic groups.

ANALYSIS OF LAW AND PRACTICE

The participants from Estonia, Latvia and Lithuania were divided in three separate working groups to examine minority laws and practices in their countries with regard to their compatibility with the requirements of the ECRML. The results are shown in Table 4 (see Appendix). It is evident that all three states will not require considerable changes in their legislation to fulfil the new international obligations in case of the charter's ratification.

At the end of the seminar, Mr. Priit Järve (ECMI) thanked the participants for the active, sincere and fruitful debate on topics that are very controversial in the Baltic states. The ratification of the ECRML can be expected only after the EU accession referendums have taken place in Estonia and Latvia in September 2003. In order to discuss the feasibility of the ratification of the charter in the new political realities after the referendums, a follow-up meeting may be organized by the end of 2003.

ECMI CONCLUSIONS

- In Lithuania minority language issues are of a technical character and can be solved without considerable changes in legislation.
- In Estonia and Latvia there are certain important differences between law and practice. Several experts from these countries were in favour of preserving this dualism. Minority and majority representatives from Estonia and Latvia disagreed on the necessity of official recognition of Russian as a local minority language.
- Minority members advocated the introduction of legally binding, internationally recognized legal standards in Estonian and Latvian legislation in order to normalize the regulation of language use. They criticized the official policies regarding state languages as excessively protective.
- Foreign experts stressed the importance of respect for, and promotion of, both majority and minority languages in the interest of social integration. They advocated a wider use of minority languages by public officials in contact with the local population to ensure the active participation of minorities in social life.
- Estonia, Latvia and Lithuania will not require considerable changes in their legislation to fulfil the requirements of the ECRML. However, experts from all three countries do not deem the ratification of the charter possible before EU enlargement in 2004.

APPENDICES

TABLE 1. Ethnic composition of the population of the Baltic states, most recent censuses ²

ESTONIA 2000		LATVIA 2000		LITHUANIA 2001	
Ethnic origin	%	Ethnic origin	%	Ethnic origin	%
Estonians	68	Latvians	58	Lithuanians	84
Russians	26	Russians	30	Poles	7
Ukrainians	2	Byelorussians	4	Russians	6
Byelorussians	1	Ukrainians	3	Byelorussians	1
Others	3	Others	5	Others	2
	100		100		100

Source: Statistical Offices of Estonia, Latvia and Lithuania

TABLE 2. Population of Estonia and Latvia by proficiency in official, Russian and English languages, censuses of 2000, %

Language	Estonia	Latvia
Official	80.4	78.5
Russian	72.2	73.3
English	25.2	14.3

Source: Statistical Offices of Estonia and Latvia

² Population censuses in Estonia and Latvia took place in 2000 and in Lithuania in 2001.

TABLE 3. Population of Estonia and Latvia by mother tongue, censuses of 2000,
%

Mother tongue	Estonia	Latvia
Official	67.3	58.2
Russian	29.7	37.4
Other	3.0	4.4

Source: Statistical Offices of Estonia and Latvia

TABLE 4. Ratification checklist for European Charter for Regional or Minority Languages³

Paragraphs or sub-paragraphs of Part III of the Charter (acceptance of at least 35 out of 61 is needed for ratification)	Lithuania P-in practice, or F-considered feasible	Latvia P-in practice, or F-considered feasible	Estonia P-in practice, or F-considered feasible
Article 8, Education (at least 3 out of 10)			
1. a. i.	P	P	P
a. ii.			
a. iii.			
a. iv.			
1. b. i.	P	P	P
b. ii.			
b. iii.			
b. iv.			
1. c. i.	P		P
c. ii.		P	
c. iii.			
c. iv.			
1. d. i.	P		P
d. ii.		P	

³ Members of the 'national' working groups failed to reach consensus on every issue referred to in this table. Furthermore, the Lithuanian participants tended to analyze local language legislation while the Estonian and Latvians colleges paid more attention to *de facto* official and semi-official practices. The results of the work in 'national' groups were not reviewed by the seminar participants.

d. iii.			
d. iv.			
1. e. i.	P		
e. ii.	P	P	P
e. iii.	P	P	P
1. f. i.	P	P	P
f. ii.			
f. iii.			
1. g.	P	P	P
1. h.	P	P	P
1. i.	P	P	P
2.	P	P	P
Article 9, Judicial authorities (at least 1 out of 6)			
1. a. i.		P	
a. ii.	P		P
a. iii.			
a. iv.			
1. b. i.			
b. ii.	P	P	P
b. iii.			
1. c. i.			
c. ii.	P	P	P
c. iii.			
1. d.		P	
2. a.			P
b.		P	P
c.		P	P
3.	P	F	P
Article 10, Administrative authorities and public services (at least 1 out of 15)			
1. a. i.			
a. ii.		P	P
a. iii.		P	P
a. iv.		P	P
a. v.			
1. b.		P	P
1. c.			P
2. a.			P
2. b.		P	P
2. c.		P	
2. d.		P	
2. e.			
2. f.			

2. g.		P	P
3. a.		P	F
b.		P	P
c.		P	
4. a.	F	P	P
4. b.		P	P
4. c.	F	P	P
5.	F	P	F
Article 11, Media (at least 1 out of 9)			
1. a. i.			
a. ii.			
a. iii.	P	P	P
1. b. i.		P	P
b. ii.	P	P	
1. c. i.			
c. ii.	P	P	P
1. d.	P	P	
1. e. i.	P	F	P
e. ii.		F	
1. f. i.	P		P
f. ii.		P	
1. g.			P
2.	P	P	P
3.	F	P	
Article 12, Cultural activities and facilities (at least 3 out of 10)			
1. a.	P	P	P
1. b.	P	P	P
1. c.		P	P
1. d.		P	P
1. e.		P	P
1. f.	F	P	P
1. g.		P	P
1. h.	F		
2.		P	P
3.		P	P
Article 13, Economic and social life (at least 1 out of 9)			
1. a.		P	P
1. b.		P	P
1. c.	F	F	
1. d.			
2. a.	P	P	P

2. b.		F	
2. c.	P	P	F
2. d.	F	P	
2. e.		F	
Article 14, Transfrontier exchanges (no obligatory items)			
a.	P	P	
b.	P	P	P
Subtotal, in practice	29	55	50
Subtotal, considered feasible	8	7	3
Total, practice + feasible	37	62	53

Excerpts from EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

(Council of Europe, Strasbourg, 5.XI.1992)

Part I – General provisions

Article 1 – Definitions

For the purposes of this Charter:

- a “regional or minority languages” means languages that are:
 - i 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
 - ii different from the official language(s) of that State;
it does not include either dialects of the official language(s) of the State or the languages of migrants;
- b “territory in which the regional or minority language is used” means the geographical area in which the said language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this Charter;
- c “non-territorial languages” means languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof.

Article 2 – Undertakings

- 1 Each Party undertakes to apply the provisions of Part II to all the regional or minority languages spoken within its territory and which comply with the definition in Article 1.
- 2 In respect of each language specified at the time of ratification, acceptance or approval, in accordance with Article 3, each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from each of the Articles 8 and 12 and one from each of the Articles 9, 10, 11 and 13.

Article 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.
- 2 Any Party may, at any subsequent time, notify the Secretary General that it accepts the obligations arising out of the provisions of any other paragraph of the Charter not already specified in its instrument of ratification, acceptance or approval, or that it will apply paragraph 1 of the present article to other regional or minority languages, or to other official languages which are less widely used on the whole or part of its territory.
- 3 The undertakings referred to in the foregoing paragraph shall be deemed to form an integral part of the ratification, acceptance or approval and will have the same effect as from their date of notification.

Part II – Objectives and principles pursued in accordance with Article 2, paragraph 1

Article 7 – Objectives and principles

- 1 In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:
 - a the recognition of the regional or minority languages as an expression of cultural wealth;
 - b the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;
 - c the need for resolute action to promote regional or minority languages in order to safeguard them;
 - d the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;
 - e the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;
 - f the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;
 - g the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;
 - h the promotion of study and research on regional or minority languages at universities or equivalent institutions;
 - i the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.
- 2 The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or

- which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.
- 3 The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.
 - 4 In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.
 - 5 The Parties undertake to apply, *mutatis mutandis*, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.

Part III – Measures to promote the use of regional or minority languages in public life in accordance with the undertakings entered into under Article 2, paragraph 2

Article 8 – Education

- 1 With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:
 - a
 - i to make available pre-school education in the relevant regional or minority languages; or
 - ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or
 - iii to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or
 - iv if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;
 - b
 - i to make available primary education in the relevant regional or minority languages; or
 - ii to make available a substantial part of primary education in the relevant regional or minority languages; or
 - iii to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
 - iv to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;
 - c
 - i to make available secondary education in the relevant regional or minority languages; or
 - ii to make available a substantial part of secondary education in the relevant regional or minority languages; or
 - iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
 - iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

- d
 - i to make available technical and vocational education in the relevant regional or minority languages; or
 - ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
 - iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
 - iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;
 - e
 - i to make available university and other higher education in regional or minority languages; or
 - ii to provide facilities for the study of these languages as university and higher education subjects; or
 - iii if, by reason of the role of the State in relation to higher education institutions, subparagraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;
 - f
 - i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or
 - ii to offer such languages as subjects of adult and continuing education; or
 - iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;
 - g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;
 - h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;
 - i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.
- 2 With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

Article 9 – Judicial authorities

- 1 The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:
- a in criminal proceedings:
 - i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or
 - ii to guarantee the accused the right to use his/her regional or minority language; and/or
 - iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

- iv to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,
if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;
 - b in civil proceedings:
 - i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or
 - ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or
 - iii to allow documents and evidence to be produced in the regional or minority languages,
if necessary by the use of interpreters and translations;
 - c in proceedings before courts concerning administrative matters:
 - i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or
 - ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or
 - iii to allow documents and evidence to be produced in the regional or minority languages,
if necessary by the use of interpreters and translations;
 - d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.
- 2 The Parties undertake:
 - a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or
 - b not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language, and to provide that they can be invoked against interested third parties who are not users of these languages on condition that the contents of the document are made known to them by the person(s) who invoke(s) it; or
 - c not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language.
- 3 The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

Article 10 – Administrative authorities and public services

- 1 Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:
 - a
 - i to ensure that the administrative authorities use the regional or minority languages;
or
 - ii to ensure that such of their officers as are in contact with the public use the regional or minority languages in their relations with persons applying to them in these languages; or
 - iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or

- iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or
 - v to ensure that users of regional or minority languages may validly submit a document in these languages;
 - b to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;
 - c to allow the administrative authorities to draft documents in a regional or minority language.
- 2 In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:
- a the use of regional or minority languages within the framework of the regional or local authority;
 - b the possibility for users of regional or minority languages to submit oral or written applications in these languages;
 - c the publication by regional authorities of their official documents also in the relevant regional or minority languages;
 - d the publication by local authorities of their official documents also in the relevant regional or minority languages;
 - e the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;
 - f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;
 - g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.
- 3 With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:
- a to ensure that the regional or minority languages are used in the provision of the service; or
 - b to allow users of regional or minority languages to submit a request and receive a reply in these languages; or
 - c to allow users of regional or minority languages to submit a request in these languages.
- 4 With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:
- a translation or interpretation as may be required;
 - b recruitment and, where necessary, training of the officials and other public service employees required;
 - c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.
- 5 The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

Article 11 – Media

- 1 The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or

play a role in this field, and respecting the principle of the independence and autonomy of the media:

- a to the extent that radio and television carry out a public service mission:
 - i to ensure the creation of at least one radio station and one television channel in the regional or minority languages; or
 - ii to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages; or
 - iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;
 - b
 - i to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or
 - ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;
 - c
 - i to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages; or
 - ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;
 - d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;
 - e
 - i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or
 - ii to encourage and/or facilitate the publication of newspaper articles in the regional or minority languages on a regular basis;
 - f
 - i to cover the additional costs of those media which use regional or minority languages, wherever the law provides for financial assistance in general for the media; or
 - ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;
 - g to support the training of journalists and other staff for media using regional or minority languages.
- 2 The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
 - 3 The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

Article 12 – Cultural activities and facilities

- 1 With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and

film production, vernacular forms of cultural expression, festivals and the culture industries, including **inter alia** the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;
 - b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;
 - c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;
 - d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;
 - e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;
 - f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;
 - g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;
 - h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.
- 2 In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.
 - 3 The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

Article 13 – Economic and social life

- 1 With regard to economic and social activities, the Parties undertake, within the whole country:
 - a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;
 - b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;
 - c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;
 - d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.

- 2 With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:
 - a to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;
 - b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;
 - c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;
 - d to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;
 - e to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.

Article 14 – Transfrontier exchanges

The Parties undertake:

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;
- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

Part V – Final provisions

Article 18

This Charter shall be open for signature by the member States of the Council of Europe. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 22

- 1 Any Party may at any time denounce this Charter by means of a notification addressed to the Secretary General of the Council of Europe.
- 2 Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

List of participants

Participants from Estonia

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