



**Proposal for the Ratification of
Further Part III Clauses of
The European Charter for Regional
or Minority Languages in respect
of Irish
2007**

POBAL

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Briefing Paper

The European Charter for Regional or Minority Languages, drafted within the Council of Europe, was adopted by the Council on November 5th 1992 and entered into force on March 1st 1998. It is the first international instrument directed solely at linguistic minorities. It reflects current thinking on the obligations which States have to take to provide positive support to minority languages. The extent to which international law has encouraged and, indeed, required such positive support has been clear for some time now, as is illustrated in the comment by the UN Human Rights Committee that ‘positive measures by states may also be necessary to protect the identity of a minority and the rights of its members to enjoy and develop their culture and language...in community with other members of the group.’ (General comment 23, April 8th 1994, parag 6.2)

The Charter consists of five parts, the preamble (Part I), which gives guidance on how signatories should interpret and implement the Charter, Part II which provides general protections for all regional or minority languages within a given territory, Part III which details a number of clauses that place specific duties upon signatories in a range of fields, including Article 13, on Economic and Social Life. This article, and other provisions of the Charter allow, or even require States to take measures in relation to the private and voluntary sectors. Part IV which describes the structured monitoring and implementation of the Charter, and Part V, which contains final provisions of a technical nature, relating, for example, to the process of signature and ratification, and so forth (Charter Part I, General Provisions of the Charter; Article 1- Definitions, Council of Europe.)

The Charter's preamble itself echoes the need for positive action to put into place a range of measures to support regional or minority languages. It says, 'Special support which reflects the interests and wishes of the users of these languages is essential to their preservation and development.' (Part I, General Provisions of the Charter; Article 1-Definitions, CoE.) The Charter is not intended to provide broad protections to all languages, but selects as its focus those linguistic minorities of long standing in European states. As the introduction to the Charter explains,

The purpose of the charter is not to resolve the problems arising out of recent immigration phenomena, resulting in the existence of groups speaking a foreign language in the country of immigration or sometimes in the country of origin in case of return. In particular, the charter is not concerned with the phenomenon of non-European groups who have immigrated recently into Europe and acquired the nationality of a European state. The expressions 'historical regional' or 'minority languages of Europe' and languages 'traditionally used' in the state (Article 1, paragraph a) show clearly that the charter covers only historical languages, that is to say languages which have been spoken over a long period in the state in question.

(Part I, General Provisions of the Charter; Article 1- Definitions, CoE)

The Charter makes reference both to the detrimental effects of conflict on regional or minority languages and comments directly on the role that the Charter has to play in assuaging conflict around language issues, and the potential that State support for regional or minority languages has for promoting social integration. The Explanatory Report to the Charter says,

While the Charter is not concerned with the problem of nationalities who aspire after independence or alterations to frontiers, it may be

expected to help, in a measured and realistic fashion, to assuage the problem of minorities whose language is their distinguishing feature, by enabling them to feel at ease in the state in which history has placed them. Far from reinforcing disintegrating tendencies, the enhancement of the possibility to use regional or minority languages in the various spheres of life can only encourage the groups who speak them to put behind them the resentments of the past which prevented them from accepting their place in the country in which they live and in Europe as a whole.

(Charter Part I)

In addition, the Charter preamble emphasises the duty of States to promote regional or minority languages in a range of areas of life because, ‘Only in this way can such languages be compensated, where necessary, for unfavourable conditions in the past and preserved and developed as a living facet of Europe’s cultural identity’ (Charter Part I). Accordingly, the Charter concludes that certain areas of usage for minoritised languages are therefore of key importance. The preamble to the Charter states its aim to ensure, ‘...the use of regional or minority languages in education and the media and to permit their use in judicial and administrative settings, economic and social life and cultural activities.’ (Charter Part I)

In 2001, under Part III of the Charter, the British government selected 52 paragraphs or subparagraphs for Welsh in Wales, 39 for Gaelic in Scotland, and 36 for Irish in the north, only one more than the minimum required under the Charter. Of these, 30 paragraphs or subparagraphs relate to matters which are the responsibility of the devolved administration in the north, and six relate to reserved and excepted matters.¹ Apart from the low number of

¹ The 6 paragraphs relating to matters which are the responsibility of the UK government in the north are:
Article 8: Education, Paragraph 2, Total: 1
Article 11: Media, Paragraphs 1a (iii) 1b (ii) 2, Total: 3
Article 14: Transfrontier exchanges, Paragraphs a b, Total: 2

provisions selected for Irish, the government has in a number of cases adopted the most limited of the options available. Thus, in Article 8, the options (under subparagraphs 1 a-d) in relation to educational provision are those which provide the most limited provision of Irish-medium teaching at the various levels of the education system. In Article 10, while administrative authorities are required to accept correspondence in Irish, the State has not undertaken to provide replies in the same language; once again, this constitutes a very limited commitment. In Article 9, relating to the use of Irish in the courts, the only clause ratified commits government simply to produce certain legal texts in translation, which is again amongst the most limited of all the options available to the State under that article. Article 13, Economic and Social Life, opts for the option ‘none of the above but something else.’

The St Andrews’ Agreement and Proposed Irish language Legislation

To date, with the exception of one clause of the Education Order (NI) 1998, and the references in the Good Friday Agreement, the Charter has been the only source of legal protection for Irish in the north of Ireland. POBAL has argued that the practical impact of the Charter has been reduced by the number of clauses selected at Part III for Irish, the weakness of the clauses and the options selected, and by the fact that the Charter has not been enacted into British domestic legislation, thus leaving the Charter unenforceable in the courts in Britain and the north of Ireland (POBAL 2002, 2005). There is now an urgent need to ratify further and stronger clauses for the Irish language in Part III because of the ongoing development and growth of the Irish speaking community since 2001. We have consistently raised the issue of ratification of further clauses of Part III for Irish, and their enactment into domestic legislation through correspondence and meetings with Direct Rule Ministers, Des Browne (2nd September 2002) and Angela Smith (8th September 2003) and through the formal reporting mechanism on the Charter itself in 2002 and 2005.

Welsh in Wales and Gaelic in Scotland are subject to comprehensive domestic legal

protections in addition to their Part III Charter status. Within the UK jurisdiction therefore, it is only in the north of Ireland, that there is no such protection for the primary indigenous language. This anomaly is highlighted by the St Andrews' Agreement, which contains the following commitment, 'The Government will introduce an Irish Language Act reflecting on the experience of Wales and Ireland and work with the incoming Executive to enhance and protect the development of the Irish Language.' (UK and Irish Govts: 13th October 2006).

From 2003 to the present, POBAL has spearheaded a community initiative to draft proposals that are capable of meeting the needs of the Irish speaking community. We have undertaken this work with valuable support from international experts in language and law, Robert Dunbar (University of Aberdeen), Wilson McLeod (University of Edinburgh), Colin Williams (University of Cardiff) and Fernand de Varennes (Murdoch University, Australia). We published the agreed proposals in our document, *Acht na Gaeilge TÉ / The Irish Language Act NI* in February 2006 and we believe that these proposals are both reasonable and realistic and should form the basis of the Irish Language Act to which the UK government has committed itself.

The Findings of the COMEX 2007 on the Application of the Charter

Under Part IV of the Charter, provision is made for regular monitoring reports to be undertaken by the Council of Europe Committee of Experts (COMEX). To date, the Experts have published two reports on the application of the Charter by the UK government. These reports highlight the gaps in provision under the current ratification of Part III, which seems to be restricted to a limited, education-based approach. In its report of 2007, the Experts comment on application of Article 8, Education by the UK in respect of Irish. Thus, in relation to refusal to fund five Irish language pre-schools, the Experts note that this cannot be justified by overprovision in the English-medium sector (COMEX 2007: 48, parag 420). They comment also on the need for greater flexibility in enrolment criteria,

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(COMEX 2007: 48, parag 422), on the failure to recognise five new primary schools (COMEX 2007: 48, parag 425), on concerns relating to support for newly qualified teachers, special needs provision, curriculum support and funding cuts (COMEX 2007: 49, parag 428), the eligibility criteria for secondary schools and the unsuitability of Irish language units attached to English medium schools (COMEX 2007: 49, parag 430), and resources, shortages of qualified teachers for certain subjects, travelling distances and failure to cover pupil transport costs. (COMEX 2007: 49, parag 433). In respect of Further and Higher education, the Committee of Experts raises a range of significant concerns regarding funding, communication, the level of information available to the Committee of Experts itself, post-primary regulations which place an additional burden on Irish medium schools, lack of resources etc. (COMEX 2007: 50, parags 436, 437, 438, 439, 440 respectively). The Committee of Experts note that they would like further information on the numbers of pupils enrolling in Irish medium courses, but in common with the previous section, find the undertaking fulfilled. On higher education, the Experts express ‘serious concern’ at the rejection by the Department of Education of requests increase teacher training numbers (COMEX 2007: 51, parag 447). Both the UK government and the devolved institutions have a duty to address these failures in provision and, we suggest, to ratify further and stronger clauses under Article 8. Such an action would also be in line with the recommendation of the Committee of Ministers (RecChL(2007)2, point 2) that as part of a comprehensive Irish language policy, measures should be included to meet the increasing demand for Irish medium education. We refer you to our proposals for the ratification of further clauses of Part III Article 8 later in this document, and to pages 56 – 60 (parags 42-56) of POBAL’s Acht na Gaeilge TÉ / The Irish Language Act NI.

In respect of Article 9, the UK government has adopted the most minimalistic approach by ratifying Article 9(3) alone. The Experts (COMEX 2007: 17. parag 147-8) have expressed concern at the UK approach and have noted the failure to date to repeal the 1737 Administration of Justice (Language) Act. They note that the current UK position appears

to contradict the Good Friday Agreement. In this document, we have put forward proposals regarding further ratification of Part III clauses in respect of the Administration of Justice which we believe are more appropriate to the needs of the Irish speaking community. We refer you also to pages 48 – 50, parags 22 – 27 of POBAL’s Acht na Gaeilge TÉ / The Irish Language Act NI.

In Article 10, the Committee of Experts note continuing complaints about the use of a voice-mail facility to field telephone calls in Irish, and the need for a better service regarding written applications (COMEX 2007: 52, parags 451,452, 468) and comment, ‘Although certain administrative authorities accept submissions in Irish, the service is in need of improvement.’ (COMEX 2007: 63, point H). The Committee of Experts report, ‘The authorities claimed that it was at each local authority’s discretion to provide an Irish language service. The Committee of Experts gained the impression that there is a need for more direction from the authorities on this matter’ (COMEX 2007: 52, parag 460). The Experts then note poor advertising of Irish language version of documents (COMEX 2007: 52, parag 455). It is our contention that the ratification of stronger clauses for Irish in Article 10 and their enactment into domestic legislation would assist in clarifying the actions required by public bodies in these matters. We have made proposals later in this document regarding the ratification of more appropriate clauses for Irish under Article 10, and also refer you to pg 46 – 48, parags 7 – 21, and pg 50 – 55, parags 28 – 38 of POBAL’s Acht na Gaeilge TÉ / The Irish Language Act NI.

On the media, the poor service provision in place for television, radio and print media has already been the subject of controversy during the consultations on the UK Communications Bill 2003 and the Review of the BBC’s Royal Charter 2005. In 2005, broadcasting regulator Ofcom in its Review of Public Service Broadcasting, noted the need for further provision for Irish and commented, ‘Historically, the BBC has spent less per head on serving its Irish-speaking audience than on the Gaelic and Welsh-speaking populations’ (Ofcom 2005: 100). The gap in provision of television broadcasting hours

remains. In 2005-6, the BBC produced and provided 524 hours of Welsh language programming for S4C in contrast with 21 hours of Irish language programming. In respect of the paper media, the Committee of Ministers' recommend that there should be increased support for the print media in Irish. (RecChL(2007)2, point 4). We refer you to our proposals later in this document and to pg 60, parag 57 – 58 in POBAL's Acht na Gaeilge TÉ / The Irish Language Act NI.

The lack of 'concrete policy' in respect of Article 12 provisions, and the current 'ad hoc provision' has been noted in 2004 by the Committee of Experts (COMEX 24th March 2004: 55, parag 370) .We make further recommendations in respect of Part III clauses later in this document, as we do in respect of Articles 13 and 14. Regarding Social and Economic life, we also refer you to page 56, parags 39 – 41 of POBAL's Acht na Gaeilge TÉ / The Irish Language Act NI.

The Ratification of additional paragraphs and subparagraphs in Respect of Irish

POBAL has consistently called for the ratification by the UK government of additional paragraphs and subparagraphs in respect of Irish in the north. We reiterate this call for the upgrading of the instrument of ratification in respect of Irish, and for the enactment of the Charter's provisions into domestic legislation, for two primary reasons. First, this is partly a matter of equity. We have noted that the UK has ratified more Part III provisions in respect of Welsh and Scottish Gaelic than Irish, and has generally chosen relatively "stronger" Part III provisions for those two languages, and we see no basis for this. Based on UK census data, there are large numbers of speakers of Irish in the north—indeed, more than the numbers of persons who claim Gaelic in Scotland. Furthermore, as noted, those other languages also benefit from considerably higher levels of support in domestic law and policy. The needs of Irish speakers in the north are no less demanding.

Second, there is nothing in the Charter that would prevent the ratification of additional

clauses; indeed, a strong argument could be made that the Charter actually encourages this, a point that is made clear in the Explanatory Report to the Charter, which provides that “it is important that the parties are allowed to add to their commitments [under Part III] at a later stage, as their legal situation develops or their financial circumstances allow” (para. 23).

With regard to the choice of Part III commitments, the Explanatory Report makes very clear that the State is under an obligation to choose those commitments with great care, based on the actual situation and needs of the minority language community in question. For example, at para. 43, it makes clear that “[t]he role of the state in the choice between these different paragraphs will consist in matching the charter as closely as possible to the particular context of each regional or minority language”. At paragraph 46, the Explanatory Report provides that “[t]he role of the states will be, *not to choose arbitrarily between the alternatives*, but to seek for each regional or minority language *the wording which best fits its characteristics and state of development of that language*”. In our view, the Part III provisions originally chosen for Irish in the north did not reflect its characteristics or state of development, even at the time of ratification, and due to the ongoing development, and developmental needs, of the language in the north, those choices are even more incompatible with the current “characteristics and state of development” of Irish in the north.

In particular, Irish-medium education is now reasonably well-established in the north, and needs now to be further consolidated. In our view, the current ratification under Article 8 does not even adequately represent the current *status quo*, and the ratification of “stronger” provisions would be justified based on that *status quo* alone. Additional ratifications in Articles 8 and 9, and the strengthening of those ratifications which have presently been made are therefore both appropriate and essential. The difficulty with the present situation for Irish in the north is that developments to support the acquisition of Irish through the school system have not been matched by developments to support the greater use of the

language by Irish speakers in other aspects of daily life. The Charter is very clear that creation by the State of greater opportunities to use the language is what the treaty is all about. For example, in Article 7, subparagraph 1 c, the UK is required to facilitate and/or encourage the use of regional or minority languages, “in speech and writing, *in public and private life*”; subparagraph 1 c makes reference to the need for “*resolute action to promote*” such languages. Because of developments in the school system, as well as the efforts of adults to acquire Irish through a variety of means, and the commitment of parents to raising their children in Irish at home in the north, Irish is now in a position where its circumstances in the north require the expansion of its use to support all these developments in a range of other areas. At present, the UK’s ratification of Part III is wholly deficient, and does not match either the state of development of the language in the north nor the needs and aspirations of its speakers. Now is the time for the UK to bring its Part III commitments in line with this reality and to enact these paragraphs and subparagraphs into domestic legislation.

Finally, we note that we do not view these proposals as being an alternative to our proposals for an Irish Language Act for the north. Even if additional and stronger paragraphs and subparagraphs were ratified in respect of Irish, and enacted into domestic legislation, it would still be absolutely necessary to enact free-standing Irish language legislation in the north, in line with the Gaelic Language Act 2005 in Scotland and the Welsh Language Act 1993 in Wales. We note the commitment given in the joint Welsh Labour Party – Plaid Cymru document *One Wales* to seek, ‘enhanced legislative competence on the Welsh Language...to confirm official status for both Welsh and English. Linguistic rights in the provision of services and the establishment of the post of Language Commissioner.’ (*One Wales*, 27th June 2007 pg 34). Both Welsh and Gaelic have therefore been subject to Part III Charter protections and to separate protection under specific domestic language legislation for some years. It is essential now that the UK take the action that the Irish language, and that the Charter itself, requires, by revising its ratification in respect of Irish, and that it does so as a matter of urgency. This would be entirely consistent

with the UK's obligations under the Charter, and with the additional commitment made in the St. Andrews' Agreement to enact Irish Language legislation reflecting the experience of Wales and Ireland.

The following pages contain POBAL's proposals for ratification of further clauses of Part III of the European Charter in respect of Irish.

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(Paragraphs and subparagraphs that are also part of the existing ratification instrument are highlighted in bold print)

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;
 - b i to make available primary education in the relevant regional or minority languages;
 - c i to make available secondary education in the relevant regional or minority languages;
 - d i to make available technical and vocational education in the relevant regional or minority languages;
 - e i to make available university and other higher education in regional or minority languages;
 - 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;
 - 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.

These 7 paragraphs and subparagraphs are additional to the current ratified clauses 1g, 1h, 2, shown in bold above. Note that the UK has presently ratified options in paragraphs 1a to 1f, but these are “weaker” than the options which we are recommending here.

10 paragraphs and subparagraphs in total under Article 8.

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:

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:

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:

- 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;
 - 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;
 - 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.**

These 11 paragraphs and subparagraphs are to be ratified in addition to the existing ratified subparagraph, paragraph 3, shown in bold above.

12 paragraphs /subparagraphs in total under Article 9.

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;

- 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;

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.

These 8 paragraphs or subparagraphs to be ratified in place of current ratified paragraphs and in addition to current ratified subparagraphs 1c, 2b, 2e, 2f, 2g, 4a, 5 shown in bold above. Note that the UK has presently ratified options in paragraphs 1, 2 and 3, but these are “weaker” than the options which we are recommending here.

15 paragraphs and subparagraphs in total under Article 10

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:
 - 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
 - c 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 audio-visual 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;**
 - 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
 - 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.

These 5 paragraphs and subparagraphs to be ratified in addition to existing paragraphs and subparagraphs 1a (iii), 1d, 1e (i), g, 2, shown in bold above. Note that the UK has presently ratified subparagraph 1 f (ii), but this is “weaker” than the option which we are recommending here.

10 paragraphs and subparagraphs in total for Article 11

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;**
 - h. **if necessary create and / or promote and finance translation and terminological research services, particularly with a view to maintaining and developing 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.**

These 2 paragraphs and subparagraphs to be ratified in addition to current paragraphs and subparagraphs 1a, 1d, 1e, 1f, 1h, 2, 3, marked in bold above.

9 paragraphs and subparagraphs in total in Article 12

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 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 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 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 facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs;
- 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.

These 8 paragraphs and subparagraphs to be ratified in addition to existing paragraph 1d.
9 paragraphs and subparagraphs in total for Article 13

Article 14 – Transfrontier exchanges

The Parties undertake:

- 1 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.**

As per current ratification as shown above in bold
2 subparagraphs in total for Article 14