



Enforcing Children's Rights

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The European Charter for Regional or Minority Languages protects and promotes the historic minority languages in Europe. The treaty has three main political goals:

1. One has a cultural heritage perspective: To safeguard the historic regional or minority languages in Europe as a part of Europe's cultural wealth and traditions, as well as a basis for European identity
2. The second has a democracy perspective: The protection of these minority languages contributes to the building of a Europe based on the principles of democracy and cultural diversity
3. The third goal is the Human Rights perspective; in particular the right and opportunity to express oneself in his/her own language.

The main, operative provisions of the Charter are placed in two Parts. Part II of the Charter contains general provisions and applies to all regional or minority languages in a state. Part III of the Charter contains specific obligations, from which a state may choose undertakings that it will apply to specifically mentioned languages. I will in this presentation concentrate on Part III of the Charter.

The Charter does not explicitly establish linguistic rights. However, indirectly the undertakings chosen by state authorities also establish rights to use a minority language. When in Article 10 public administration has a duty to receive an application in a minority language, a corresponding right for minority language users to send in an application in their language is also established.

The Charter obligations apply to all users of a minority language, irrespective of age and gender. There are nevertheless important obligations where children are the focus of attention. The core undertakings in Article 8 on Education are obvious examples.

However, most obligations in the Charter also affect children, even in cases where they are not explicitly mentioned. There was a tendency to overlook this perspective in the past, from national authorities, NGOs and within the monitoring process. In recent years, partly due to a stronger focus on children within many policy areas of the Council of Europe, a more conscious approach to include the child perspective has emerged. It is nevertheless still a need to ask precise

questions in order to get information regarding the situation for children. Let me give you some examples.

Article 9 deals with judicial authorities, like court cases and legal texts. We once met a judge from Wales during a visit to the United Kingdom. The judge pointed to the difficulty in interviewing young Welsh-speaking children in court cases, if the judge, or for that matter the psychologist, did not master Welsh. The use of interpreters broke the natural, immediate conversation that was important in order to receive correct and relevant information in cases where children are witnesses or victims.

In Article 11 on Media there is an undertaking *“to make adequate provision so that broadcasters offer programmes in the regional or minority language”*¹. Now the Expert Committee as a routine investigates if the programme offer in the minority language includes programmes for children. In Article 12 on culture there is an undertaking to foster access in minority languages to works produced in other languages. Movies, books and other works produced for children are not singled out unless concrete questions are asked.

Article 8 deals with pre-school, primary, secondary and technical and vocational education, in addition to teacher training, the teaching of the history and culture reflected by the minority language and education outside the area where the language is in traditional use. Here children form the main target group.

The states that decide to apply Part III to a minority language, has to choose at least around half of the concrete undertakings in Part III in favour of the language. If we look at the ratifications regarding the 125 Part III languages, it is evident that all states regard education as a key area for minority language policies. While in general a choice of 50 percent of the undertakings is sufficient, we see that in core education there is an average choice of between 99 and 100 percent. Why are children so important in the protection and promotion of regional or minority languages? The obvious answer is that if the children do not learn and use their minority language, there is a high risk that the language will die. They are the future of the regional or minority languages in Europe. There are some cases where the use of a minority language has been greatly reduced, but where it has been successfully revived. The strategy has often been to concentrate on teaching the language to the children, even if the language competence of the parent generation is low. Welsh is an example of such successful revival.

There is another side of the coin: Prejudice, ridicule and lack of acknowledgement from the authorities and/or the majority population against minorities and minority languages does not create an environment in which we want minority language children to grow up. We want them to have the same opportunities to be active members of their communities and to take part in the cultural life of their community and country as any other child, not to foster separatism or notions of being second-class citizens because of their linguistic heritage. To achieve that, active promotional measures from the authorities and respect, tolerance and understanding from the majority population are necessary.

In the field of education and in some other areas of the Charter it is clear that children are the focus of attention in the monitoring process. The Committee of Experts has become gradually more conscious of the child perspective also in other areas, where in the past children tended to

¹ Article 11 para 1, a iii

be overlooked. I believe that there is still room for improvement in including the child perspective and the needs and wishes of children in the application of the Charter, and I think that we will see even more of this in the years ahead.