Committee of Experts of the European Charter for Regional or Minority Languages (ECRML)  
“Commemoration Event” on the occasion of the 50th meeting, 17 March 2015  

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Chairman of the Committee of Ministers’  
Rapporteur Group on Legal Co-operation (GR-J)  

Distinguished Chairperson and members of the Committee of Experts of the European Charter, Ladies and gentlemen,

It is a particular honour but also a pleasure to participate today in this event organised on the occasion of your 50th meeting. I am grateful for the opportunity to say a few words about the role of the Committee of Ministers in the monitoring of the European Charter for Regional or Minority Languages and, in this context, also about the work of its Rapporteur Group on Legal Co-operation, the GR-J, which I have the privilege to currently chair.

I am also a permanent representative of a country, Croatia, which I am pleased to say, was a party to the Charter for Regional or Minority Languages already at the time of its entry into force in 1998.

I don’t need to reaffirm the extremely important role the Charter plays for the protection of regional or minority languages throughout Europe and its unique role in the wider context of minority rights protection and as one of the pillars of the Council of Europe’s work.

Many achievements have been made as far as the protection of regional or minority languages in Europe is concerned and we can all be quite rightly proud of these achievements, although much remains to be done. I look forward to studying the publication that you have prepared for this occasion containing examples of good practices in member States.

I can assure you that the Committee of Ministers holds the work of the Committee of Experts in very high esteem. The Committee’s reports are detailed, well-researched and of high quality.
As you know, the GR-J is the body that first examines these reports once they have been adopted and transmitted to the Committee of Ministers, including the proposals for recommendations contained in the report. The GR-J prepares the decisions of the Committee of Ministers on this subject matter.

The Committee of Ministers has the final responsibility over the monitoring, by adopting the appropriate recommendations to the States Parties.

As for any monitoring in which the Committee of Ministers is involved, this is something to which we attach great attention. We are well aware that if we cannot agree or if we take too long, we may weaken the mechanism and we may also delay the reporting for the following cycle.

I am pleased to be able to say, that although on a few occasions it has taken considerable time for us to agree on the draft recommendations with respect to a few States Parties to the Charter, in the very large majority of cases, we are able to transmit our recommendations to the Committee of Ministers for adoption within approximately a month or two after we have received the report from your Committee.

In addition, with respect to this vast majority of cases, we transmit the draft recommendations that the Committee of Experts have proposed to us in their report, to the Committee of Ministers for adoption. These draft recommendations are then adopted without amendments.

In those cases where some member States are not fully satisfied with the draft recommendations or have comments on the report as such, these States normally make statements that are either included in the meeting report of the GR-J, or, if they are made before the Deputies, in the records of the Ministers’ Deputies meeting. This is often referred to, at least by the Secretariat, as the “Kuchar doctrine”, after one of my predecessors.
In fact, complementarity between the Expert Committee and the Committee of Ministers is not only a key feature of system but also an obligation for us all if we want the mechanism to work in optimal conditions and to give the results we all expect: to improve the situation of speakers of regional or minority languages across Europe.

However, we cannot deny that the adoption of the draft recommendations may very occasionally be pending for a long time. On some occasions, kin-States have insisted on amendments to the draft recommendations: proposals on which the State Party concerned has not been able to agree. To solve these situations, we have a few times invited your Chairperson to the GR-J to explain the draft recommendation proposed by the Expert Committee.

In some situations, we have organised open-ended consultations including all member States or sometimes bilateral consultations involving only the two or three States concerned. On occasion, such consultations have also been held in the presence of your Chairperson.

We have always paid particular attention to finding support in the report of the Committee of Experts for any modification that we would make to the draft recommendations. Such amendments have been made only a few times.

It is our common shared responsibility to find suitable solutions to any problem that may arise in the procedure for the adoption of the recommendations. Not only to ensure the smooth running of the work, but to preserve the general efficiency of the monitoring.

I should mention that it has also happened that member States have asked for amendments to the Expert Committee’s report. In those cases we have explained quite firmly that the report is the responsibility of the Committee, that the State Party or another member State may submit its comments on it, but that it cannot be changed. On some occasions, we have asked the Secretariat of the Language Charter to take note of the information provided in the GR-J in order to inform the Expert Committee so that it can take the information into account in the following monitoring cycle.
These were just a few remarks from the Committee of Ministers' perspective on the monitoring of the Charter. We will of course continue to be vigilant with respect to how this work is conducted. I consider this to be one of my most important tasks as the Chairman of the GR-J.

Let me finally also underline the importance of capacity-building activities to assist States Parties in the implementation of Charter provisions and of awareness-raising activities to promote further ratifications of the Charter. It is far from satisfactory that less than half of the Council of Europe’s member States have ratified this important instrument and I remain confident that more states will become parties to Charter in the near future.

I would like to stress the importance of the continued exchange of views between the Expert Committee and the Committee of Ministers on all relevant matters related to the implementation of the Charter, and, in this, view, we very much look forward to welcoming you, Madam Chair, at the GR-J meeting in June.

Finally, I would like to congratulate the Expert Committee and all of you personally on all the important and tangible results achieved over the past years in the framework of the implementation of the Charter, and in light of your jubilee, 50th meeting, I would like to sincerely wish the Expert Committee many more prolific and productive meetings ahead.

Ladies and Gentlemen, I thank you for your attention.