
A comparative analysis of seven EU regions with a Regional or Minority Language

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On request of the Province of Fryslân
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1 Introduction

The Dutch government has decided to study the possibilities of devolving political power from the central government in The Hague to the provincial government of Fryslân, in particular with regard to the Frisian linguistic and cultural affairs.

In preparation of the political debate on these matters the provincial government of Fryslân requested the Mercator European Research Centre on Multilingualism and Language Learning [short: Mercator Research Centre] to write a short report concerning four bilingual and three trilingual regions in Europe where the central governments have devolved some of the political powers to the concerned regions.

The Mercator Research Centre has written this report focused on six detailed questions related to the legislation and the implementation of language policy. The following chapter will explain the working method. The heart of the report consists of the presentation of seven case studies of bilingual or trilingual regions. The presentations are based on the answers each country has given to six questions. In addition to these seven regions, in the final paragraph of this chapter the position of Frisian is described according to the same six questions.

The findings of these questions are summarised in a synoptic table which provides a comparative analysis in a glance. The conclusions of this study are presented in the final chapter.

Hopefully this report can give a substantive contribution to the debate about the possible transfer of political powers and means from the Dutch government to the provincial government of Fryslân.
Executive summary

1. What is the legal relation between the national and the regional government concerning the responsibility for the development and implementation of the Regional & Minority Language policy?
   From the chapters on the various regions we can conclude that for the last twenty years these regions show a development towards devolution of political power from central government to regional authorities, and tailor made approaches for the protection and promotion of the RML’s. Especially the Regional Government has responsibilities for the development and implementation. The studied Regional Governments have either a Language Law or an Additional Law.
   In comparison:
   The Provincial Government of Fryslân has some executive power with regard to the Frisian language and culture, as has been agreed in the Covenant on Frisian Language and Culture (1989, 1993, 2001) (BFTK). However, the BFTK does not have the same status as a law or additional law.

2. Which concrete legal provisions have been made by the state government regarding the above mentioned responsibility? (full autonomy, cooperation)
   We can conclude that none of the states have opted for a Covenant as instrument to make the responsibilities between the Central Government and the Regional Government clear.
   Some of the studied regions have an autonomy status, based on the Constitution and specified in special and additional laws. In some cases, the additional law even gives legislative power to the regional authorities.

3. To what extent does the regional government have authority concerning RML policy for education? (pre-primary, primary, secondary, higher education and university)
   We can conclude that most RML-regions in this study have a balance between the Central Government and the Regional Government concerning the use of the RML in education.
   They want to provide a tailor made approach concerning the RML.

4. To what extent are arrangements made between the regional government and the inspectorate of Education about the monitoring of the RML both as a subject and as a medium of instruction?
   We can conclude that the inspectorates in the different regions are monitoring all subjects of education and not only the RML. Most of the regions have all or some authority with regard to the inspectorate of Education.
   In comparison:
   The province of Fryslân has formally no authority with regard to the inspectorate of Education.

5. To what extent is it guaranteed within the political framework that provisions have been made for broadcasting in the RML?
   We can conclude that not all the regions have the legislative power concerning broadcasting in the RML. The study shows a lot of differences between the regions: some regions have some power, others have no power at all. We can conclude that all the regions have some broadcasting, either on television or radio or both, in their RML.

6. How is the monitoring of the implementation of the European Charter on RML’s organised? To what extent does the regional government have the authority to monitor implementation of the Charter, and does it also have instruments to control implementation, impose sanctions and to offer rewards?
   We can conclude that the regions do most of the monitoring and have most of the authority with regard to the implementation. However, the central governments as Treaty Partners are involved, too.
   Italy has signed the Charter, but has not yet ratified.
2 Working method

1. Consideration about phrasing of the questions and the set-up of the study

Mercator Research Centre and the provincial government of Fryslân have agreed on the phrasing of the questions and the set-up of the study. Finally the decision was made to have a set-up of six main questions.

2. Selection of bilingual and trilingual regions

In consideration with the provincial authority has been discussed which bilingual and trilingual regions would be relevant for the report. Common features of the regions selected are:

1. Charter and implementation.
2. Renewal of own internal processes of long planning, with regard to the main subjects of this study.
3. Rebalancing process of political power between central state and regional authorities.

On the basis of this features, four bilingual and three trilingual regions have been chosen:

- Swedish in Finland
- Gaelic in Scotland, United Kingdom
- Welsh in Wales, United Kingdom
- Catalan in Catalonia, Spain
- Ladin in South Tyrol, Italy
- Occitan in Catalonia, Spain
- Franco-Provençal in Vallée d’Aosta, Italy

It was expected that these regions will give a clear image on their policies and suchlike concerning the RML, and can be considered good examples of the devolvement process in Europe. In addition to these seven regions, the position of Frisian is explained.

3. Inventory of relevant sources

The first step was to see which sources give information about these RML’s. At first we have had a look at these sources:

- Rapport Minimum Standards
- Regional dossiers
- Websites Mercator Legislation and Mercator Media
- National Reports and Evaluations of the Committee of Experts of the European Charter concerning those languages / regions / states

Written sources could be found on all the languages, except for Occitan (Spain). For Occitan we have asked some help from our colleague from Spain, Manel Rodriguez. He also provided us with a number of links to websites and suggested the book Multilingualism in Spain by Teresa Turell (2001).

4. Contacting experts in the different regions

We couldn’t answer all the questions with the information we found at the websites. Therefore we asked our experts to answer these questions. They could give us more topical information concerning their RML. The experts have got the necessary knowledge about their RML to amendment and update the report. Then reading the report enhanced its value, as they added a lot of relevant information which gives a better insight into the complexity of this matter. This information can also support regional governments in their pursuit to provide a tailor made policy approach with regard to the RML.
5. Description of the language situation

Ascertain from our own sources and additional information of the experts we have given a description of the six main questions as detailed as possible. As a summary of this study we designed a scheme to reveal with few sentences how the regions / states deal with their RML.

6. Sources

The experts from the different regions were the most important sources. It was good we could approach them and that they were willing to read and amend the report. This way they have given an important contribution to the report, especially because their information was topical.

The experts:
1. Anna Jungner-Nordgren, expert on Swedish in Finland, lives in Finland and works at Svenska Finlands Folktinget (The Swedish Assembly of Finland)
2. Boyd Robertson, expert on Gaelic in Scotland, United Kingdom and writer of the Regional Dossier Gaelic 2001, lives in Scotland and works at the university of Strathclyde, in January 2009 he will start a new job as chief of SMO.
3. Heledd Daniel, expert on Welsh in Wales, United Kingdom, lives in Wales and works at the Welsh Language Board in Cardiff.
4. Bethan Griffiths, expert on Welsh in Wales, United Kingdom, lives in Wales and works at the Welsh Language Board in Cardiff.
5. Manel Rodriguez, expert on Catalan in Catalonia, Spain and on Occitan in Val d’Aran, Spain, lives in the Basque Country and works in the Basque Country for Mercator Research Centre.
6. Júlia Cordonet, expert on Catalan in Catalonia, Spain and on Occitan in Val d’Aran, Spain, lives in Catalonia en works at Mercator Legislation in Barcelona.
7. Vittorio Dell’Aquila, expert on Ladin in Italy, lives in Italy and wurket at Centre d’Études Linguistiques pour l’Europe.
8. Patrizia Bongiovanni, expert on Franco-Provençal in Italy.

All sources were used in December 2008.

Books:
2. CABELLOS ESPÍERREZ, Miguel Ángel, 2008, La competència en matèria de llengua pròpia en el nou Estatut. Revista de Llengua i Dret, núm. 49, ISSN 0212-5056

Regional dossiers (all published by Mercator Research Centre)

Report Minimum Standards
7. The Development of Minimum Standards for Language Education in Regional and Minority Languages, 2007

Websites Mercator:

Other websites:
4 Catalan: http://www.gencat.net/generallitat/eng/estatut/index.htm
   &LID=188
7 Gaelic: http://www.bord-na-gaidhlig.org.uk/welcome.html
11 Swedish: http://www.folktinget.fi/
12 Ladin: http://www.celeuropa.eu/surveyladins.page
13 Franco-Provencal: http://www.coe.int/t/dg4/linguistic/Source/Aoste RapportRegionalFR.pdf
14 Franco-Provencal: http://www.coe.int/t/dg4/linguistic/Source/ProfilVal%20d'AosteFR.doc
15 Franco-Provencal: http://www.coe.int/t/dg4/linguistic/Profil1FR.asp#TopOfPage
3 Case studies

3.1 SWEDISH in Finland

Finland is classified in six provinces en twenty regions.

1) What is the legal relation between the central and the regional government concerning the responsibility for the development and implementation of the Regional & Minority Language policy?

The Finnish Constitution of March 2000 states that Finnish and Swedish are the national languages of Finland. On 1 January 2004, the new Language Act came into force to replace the old act of 1922. The chief aim of the new act is to ensure that the cultural and societal needs of the population will be met in either of the two national languages on an equal basis. The public authorities are thus obliged to provide services in Finnish and Swedish, and there should be social welfare services, primary education, other education and comprehensive information in both languages. Furthermore, the state administration of Finland is bilingual by law, which implies that all laws, decrees, and other important documents are available in both Finnish and Swedish.

Rights and obligations concerning language use are set down in greater detail in legislation. A new Language Act replaced the old Act of 1922 on 1st January 2004. According to the new Language Act, Swedish speakers have the right to use their own language in contacts with central government authorities and with the authorities in bilingual municipalities. The right to use Swedish applies both in contacts with the authorities concerning some matters to be dealt with, and when requesting information. The authorities are required to provide service in both languages on their own initiative, without being asked to do so. They are also required to ensure that signs, forms, brochures and other written materials are available and on display in both languages. The management of each public authority is ultimately responsible for this.

A municipality is designated bilingual if the population includes both Finnish and Swedish speakers and the minority comprises at least eight percent of the population or at least 3,000 persons. A bilingual municipality is designated unilingual if the minority comprises less than 3,000 persons or its proportion has decreased below six percent.

The Finnish language legislation and the Language Act in particular are detailed and contain clear regulations regarding for instance the obligations placed on courts, other government authorities, and the local municipal authorities to provide services in Finnish and Swedish. The existing problems concerning safeguarding linguistic rights are not due to the legislation as such, but to the fact that there are apparent inadequacies in the implementation of these acts.

Furthermore, the attitudes of the authorities towards bilingual services have in many cases proven to be unsatisfactory. Providing services in two languages is seen as resource-consuming, and therefore the goal is often to only meet the minimum standards that the legislation requires. This problem is difficult to address. The authorities must undertake active, goal-oriented, and continuous efforts if the stipulations of the Language Act are to be fulfilled in practice. The role of the power of state is to ensure that the authorities are given adequate tools and resources to do this.

An Act on Restructuring Local Government and Services came into force on 1 January 2008. In a statement to the parliament Administration Committee, Folktinget has highlighted that in cases where the municipalities do not agree on their plans to change the division or cooperation areas, the linguistic circumstances of the municipalities should be prioritised in relation to other criteria. Folktinget has also underlined the importance of respecting the linguistic conditions of the municipality when making decisions within the framework of the local government and services restructuring project. The restructuring project is an ongoing process. It will result in a situation where the number of Swedish-speaking and bilingual municipalities will diminish from the current 62 to 53 as of 1 January 2009, and by another three from the beginning of 2010.
The majority of Swedish-speaking Finns live in officially bilingual municipalities, which are in fact to a great extent dominated by the Finnish language. There is a small number of municipalities which are unilingual Swedish (in Ostrobothnia and Åboland). All municipalities on the Åland Islands are unilingual Swedish-speaking.

2) Which concrete legal provisions have been made by the state government regarding the above mentioned responsibility? (full autonomy, co-operation)

Since 1921, the Åland province has been self-governing within the borders of Finland. It consists of the Åland archipelago, halfway between Sweden and Finland.

The Åland Islands' right to self-government is laid down in the Finnish Constitution. Any amendments to the Act on self-government, which regulates the status of Åland and the distribution of tasks and responsibilities between the central government and the province, have to be approved by a qualified majority, both in the Finnish Parliament and in the Åland legislative assembly, the highest decision-making body in Åland. When the League of Nations made its decision on the Åland Islands in 1921, one of the priority issues was to safeguard the status of Swedish in the province.

The language of the country authorities is Swedish and all education is carried out in that language. Åland is a part of the Finland-Swedish area. It is autonomous and ruled by a county council. The islands have about 25,000 inhabitants and have a form of regional citizenship: in order to buy real estate you have to have residence (hemortsrätt). The county authorities require a competence in Swedish to obtain domiciliary rights.

3) To what extent does the regional government have authority concerning RML policy for education? (pre-primary, primary, secondary, higher education and university)

The education system in the Swedish-speaking parts of Finland is not different from the system in the rest of Finland. Central as well as local level authorities are involved in education. The Ministry of Education prepares the laws for the government. The day care is regulated by the Children’s Day Care Act 1973 and the pre-primary and primary school systems are regulated by the Basic Education Act 1998. The general upper secondary is regulated by the General Upper Secondary Schools Act 1998.

All children have a statutory right to receive day care in their own language, Swedish or Finnish. The day care services are organised by the municipality. The increased migration to the southern parts of Finland and to the capital region in particular has led to an increasing amount of children in need of day care, including Swedish day care. One major problem in establishing new day care nurseries or in procuring these services is the lack of qualified Swedish-speaking day care personnel. Exact numbers are difficult to find, but the situation of the Swedish-speaking population is at its worst in southern Finland, where the lack of day care personnel is urgent. The Swedish degree programmes for day care personnel is in Ostrobothnia, in north-western Finland. A proposal for starting a new degree programme in the capital region in 2011 has been put forth, but no decisions have been made. In Ostrobothnia, as in other regions where Swedish speakers reside, qualified substitute teachers remain difficult to find.

In the spring of 2004, the General Upper Secondary Schools Act was amended so that the second national language examination (Finnish for Swedish speakers and Swedish for Finnish speakers) became voluntary in the matriculation examination. Alongside this decision (of 15 April 2004), the Finnish Government undertook, among other things, to promote the development of studies in the second national language in the future. The Government stated that the objective is to convey a positive image of Finland as a bilingual country and highlighted the importance of acquiring skills in both national languages.

In 2006, the Government Report on the Application of Language Legislation included a proposal to commission an inquiry to assess the teaching scope of the national languages. The inquiry was to be related to the goal of providing sufficient teaching in Finnish and Swedish so as to make the language
skills meet the requirements of the linguistic rights stipulated in the Constitution. In the spring of 2007, the Finnish National Board of Education appointed a working group with the task of establishing whether or not the teaching in the national languages Finnish and Swedish is sufficient to guarantee that the linguistic rights stated in section 17 of the Constitution are fulfilled. The national language inquiry is set to be finished by the end of 2008. During the five years passed since the second national language was made voluntary in the matriculation examination, the number of students choosing to take the second national language Swedish exam in their matriculation examination has decreased drastically.

The educational system in Finland works equally well in Swedish and in Finnish. However, the Swedish pupils have fewer schools in the vicinity of their homes than the Finnish pupils. The reason for this is that the number of Swedish-speaking pupils is smaller and the distances are greater. Evaluations of the education are most often conducted so that the educational system is evaluated as a whole – the language groups are thus rarely evaluated separately. If that were the case, it would enable a more adequate comparison between the two language groups.

The central education authorities have a Swedish department on a par with the Finnish ones. Education is an important element and a unifying factor in the Swedish network. There are over 300 Swedish comprehensive schools for children between the ages of 7 and 15. There are also secondary schools, vocational institutes and adult education institutions that offer teaching in Swedish.

University level education is provided in both Swedish and Finnish. Academic degrees may be taken in Swedish at Åbo Akademi University, located in Turku, Vaasa and Jakobstad, at the Swedish School of Economics and Business Administration in Helsinki and the Swedish School of Social Work and Local Administration, which is a unit of the University of Helsinki.

The University of Helsinki, the Helsinki University of Technology and the Theatre Academy of Finland offer both Finnish and Swedish education. There is also a new type of vocation-oriented academic education provided in Swedish in a few Swedish-speaking locations in Finland.

4) To what extent are arrangements made between the regional government and the inspectorate of Education about the monitoring of the RML both as a subject and as a medium of instruction?

In Finland no inspectorates exists although an advisory body functions through the National Board of Education. The Board gives advice to the Ministry of Education on educational policy. It has a separate Department for Swedish affairs (dealing with minority questions: the languages Swedish, Sami and Romani and education for returnees as well as that for refugees). The Board predominantly supports schools through the development of curriculum. It also develops national educational measures for different age-groups. A special council controls the national Education and lesser used languages standard of grading when graduating from upper secondary school (studentexamensnämnden). The council formulates the extensive examinations for the graduating students. Their examination also serves as an admission test to university and higher vocational education. The Swedish Assembly in Finland (Svenska Finlands folking) functions as support for information about the Swedish population. There is also an organization of Swedish municipalities (Svenska kommunförbundet) for administering the local policy in Swedish-speaking areas. The Swedish-language culture foundation (Svenska Kulturfonden) gives grants for projects and research in the Swedish language and culture in Finland.

5) To what extent is it guaranteed within the political framework that provisions have been made for broadcasting in the RML?

The Swedish public service TV channel FST5 started broadcasting on 1 September 2007. FST5 is a great venture for the Swedish-speaking population and the channel is an important addition to the public service available in Swedish in Finland. Consequently, there are now two Swedish-speaking radio channels and a Swedish digital full-service TV channel which is upheld by the state-owned Broadcasting Company YLE.

There are no private-owned radio or TV channels in Swedish with a national coverage in Finland. There
are, however, a few local cable TV networks financed by sponsoring and volunteer work. These cable TV broadcasts fulfil their task as local news and programme providers. Their broadcast times are limited to a few hours per week. The Finnish state does not support these cable TV companies financially. The rights of the Swedish-speaking population to receive media information and communication in their own language is safeguarded in the Finnish legislation. The state’s financial aid is therefore an absolute necessity in order to ensure this statutory right. There is an ongoing political discussion concerning the future of the range of media public service.

Act on Yleisradio Oy
Finnish Broadcasting company
1380/1993; amendments up to 635/2005 included

Chapter 3
The duties of the company
Section 7 (635/2005)]
Public service

4) treat in its broadcasting Finnish-speaking and Swedish-speaking citizens on equal grounds and produce services in Sami, Romany, and sign languages as well as, where applicable, in the languages of other language groups in the country.

6) How is the monitoring of the implementation of the European Charter on RML’s organised?
To what extent does the regional government have the authority to monitor implementation of the Charter, and does it also have instruments to control implementation, impose sanctions and to offer rewards?

The monitoring of the implementation of the European Charter on RML’s in Finland is coordinated by the Foreign ministry. It coordinates/gathers information on the implementation from other authorities (and compiles the national report), i.e. ministries, the Finnish Association of Municipalities and of NGOs representing the minorities (like our organisation the Folktinget representing the Swedish speaking in Finland, or the Samiting). But it is the authorities of the state themselves (namely the ministries) that bear the responsibility of the implementation of international charters, the Foreign ministry has no control or sanction possibilities. In Finland there are no regional governments (like in Sweden for example). The municipalities (who organize social and health care and basic education) have large autonomy, but they are guided by national standards and principles set by the ministries.
3.2 GAELIC in Scotland, United Kingdom

United Kingdom is classified in England, Wales, Scotland and Northern Ireland. They are not independent states, but are bounded areas with a political identity. Scotland is classified in 32 council areas.

1) What is the legal relation between the central and the regional government concerning the responsibility for the development and implementation of the Regional & Minority Language policy?

Scotland is part of the United Kingdom, but the new Scottish Parliament and Executive, established in July 1999, were established with legislative and executive responsibility for a wide range of devolved matters. This has given Scotland a substantial measure of autonomy including legislative and fiscal powers.

Issues devolved include: health, Gaelic, education and training, local government, social work, housing, planning, tourism, economic devolution and financial assistance to industry, some aspects of transport, including the Scottish road network, bus policy and ports and harbours, law and home affairs, including most aspects of criminal and civil law, the prosecution system and the courts, the Police and Fire services, the environment, natural and built heritage, agriculture, forestry and fishing, sports and the arts, statistics, public registers and records.

Since the Gaelic Language Act 2005 Gaelic has an official status in Scotland commanding equal respect to the English language. The UK Government has ratified the European Charter for Regional or Minority Languages and is committed to applying 39 of the undertakings from part III of the Charter to Gaelic in Scotland.

Bòrd na Gàidhlig, established in 2006 as an Agency within the remit of the Gaelic Language Act, has the function of monitoring and reporting to the Scottish Ministers on the implementation of the European Charter for Regional or Minority Languages in relation to the Gaelic language. The implementation of Gaelic Language Policy is committed by the National Language Plan.

Every 5 years the Bòrd publishes a National Gaelic language plan, which must include proposals as to the exercise of its functions under the Gaelic Language Act 2005. Those proposals must include a strategy for promoting, and facilitating the promotion of the use and understanding of the Gaelic language, Gaelic education and Gaelic culture. The Bòrd may give a notice in writing to any relevant public authority requiring the authority to prepare a Gaelic language plan. At present 13 public authorities are preparing or implementing Gaelic language plans and a further eight will be asked to prepare their plans in the next few months.

The Scottish Ministers must, within 6 months of receiving the plan, approve the plan or make such comments on the plan as they think fit and require the Bòrd to prepare and submit within such period as they may specify, a further plan taking account of those comments.

Bòrd na Gàidhlig may prepare and submit to the Scottish Ministers guidance in relation to the provision of Gaelic education and the development of such provision. A national strategy for Gaelic Education forms part of the National Plan for the language.

2) Which concrete legal provisions have been made by the state government regarding the above mentioned responsibility? (full autonomy, co-operation)

There is some provision for the language in legislation on education and broadcasting and the language can be used to a limited degree in civil and land courts. Gaelic has official status throughout Scotland, but in particular in one local government area, the Outer Hebrides, where the local council, now called Comhairle nan Eilean Siar, has operated a bilingual policy since it was formed in 1974.

The Scottish Parliament can pass legislation on the matters described in Part 1 above for which it has
devolved powers. The Scottish Government receives a block grant application each year from the Treasury in London and has limited tax-raising powers which it has not exercised as yet.

3) To what extent does the regional government have authority concerning RML policy for education? (pre-primary, primary, secondary, higher education and university)

Although part of the United Kingdom, Scotland has its own educational system which is distinct from that of England, Wales and Northern Ireland. Education is one of the powers devolved from Westminster to the Scottish Parliament and there is a Minister for Education and an Education Department within the Scottish Government.

Delivery of Gaelic education on a local level is a matter for individual local authorities. However, under the terms of the Gaelic Language Education (Scotland) Regulations 1986 local authorities are able to bid for central funding to support the delivery of Gaelic education. If successful, the authority receives 75% of the cost of new provision. All education authorities are also required under the terms of the Standards in Scotland’s Schools Act 2000 to set out the circumstances in which or the conditions in which they will make provision for Gaelic-medium education.

The Standards in Scotland’s Schools Act requires local authorities and schools to plan, monitor and report on improvement in education. Local authorities have to publish annual statements of local improvement objectives and each school has to produce a school development plan linked to the local authority’s statement of objectives. The local authorities and the schools also have to report on progress and performance. An important element of the Standards Act is that it empowers the Minister for Education to give strategic direction to the educational system by publishing national priorities and measures of performance for education in Scotland. Gaelic education has been deemed a national priority since the passing of the Act in 2000.

The national priorities identified in the 2000 Act remain in force and are unlikely to change for a considerable period. Additional priorities could emerge in time and be added to the list. These decrees do not prescribe minimum hours for teaching Gaelic or minimum requirements for teacher qualifications. Curricular Guidelines issued periodically by the Scottish Government set out what the curriculum in general should consist of and provide advice on how many hours should be devoted to the teaching of a first and of a second language. Teacher qualifications are determined by The General Teaching Council for Scotland which oversees the training and registration of teachers.

4) To what extent are arrangements made between the regional government and the inspectorate of Education about the monitoring of the RML both as a subject and as a medium of instruction?

The administration of education in Scotland operates at two levels, state and local authority. Overall responsibility for state-funded education lies with the Scottish Government Education Department (SGED). The Minister for Education is ultimately responsible for educational policy but receives advice and guidance from the Department and from other relevant agencies such as Learning and Teaching Scotland and the Scottish Qualifications Authority. Major funding decisions are taken by the Minister.

Educational provision at local level is determined by each of the 32 local authorities. Although funded mainly by central government block grant, the local authority determines the configuration and level of local provision and is responsible for implementing national policies and guidelines within its area. Recruitment of teachers, provision of buildings and resources and in-service teacher training are among the responsibilities of the local authorities. In recent years, a number of functions have been devolved from local authority to school level and parents have been given a greater stake in the running of schools.

Within SGED, Her Majesty’s Inspectors of Education (HMIE) are responsible for inspecting schools, assessing the quality of education at all levels of the statutory system and advising on issues relating to standards. Until recently, HMIE also had a substantial role in policy formation. Local authorities have Quality Assurance units which mirror the functions of the HMIE and seek to raise standards locally.
5) To what extent is it guaranteed within the political framework that provisions have been made for broadcasting in the RML?

A period of great development in the field of Gaelic medium television began in 1991. Approximately £9 m of additional funding was set aside by the UK government for the making of Gaelic television. This budget came into effect in 1993, and the number of hours of Gaelic television increased from 100 hours to 300 hours every year, or some 9 hours per week. The fund was, however, not index linked and did not keep pace with inflation. Gaelic programmes are broadcast on three television channels; BBC Scotland, Scottish Television and Grampian Television. Most Gaelic language television programmes are subtitled. The BBC provides a radio service called Radio nan Gaidheal which broadcasts for around 14 hours each weekday and for reduced periods at weekends*.

Broadcasting is one of the powers reserved to the UK Government although some funding for Gaelic broadcasting is channelled through the Scottish Government. Developments in the field of television and radio are co-ordinated by MG ALBA. MG ALBA is the operating name for Seirbheis nam Meadhannan Gàidhlig (Gaelic Media Service) a body established by the Communications Act 2003 to succeed Comataidh Craolaidh Gàidhlig (previously known as Comataidh Telebhisean Gàidhlig). The Communications Act 2003 gave MG ALBA the power to commission, produce and distribute television and radio programmes.

In September 2008, MG ALBA and the BBC in partnership launched a dedicated Gaelic digital television channel called BBC ALBA. The channel and its online service provide about 16 hours a week of original Gaelic television programmes, including live news and sport, current affairs, entertainment, factual, drama and children’s programmes. The channel is broadcast on digital satellite and carriage on digital cable is expected in early 2009. This will provide access to around 50% of Scottish audiences. Carriage on digital terrestrial television is anticipated in 2010/11 when Scotland undergoes digital switchover.

BBC ALBA viewing figures for the first 6 weeks indicated that over 600,000 people living in Scotland claimed to watch the channel at least once a week, around 10 times the estimated number of speakers of the language. The aspiration to serve a national audience beyond the Gaelic linguistic community is represented in the name given to the channel – ALBA, the Gaelic for Scotland. A limited amount of Gaelic broadcasting continues on analogue television. Analogue television will cease in Scotland in 2010/11. There is currently a daily 30 minute service on Freeview in Scotland called TeleG. The service carries MG ALBA and BBC programmes, and is delivered by ITV as a result of a licence condition imposed on them by the UK Government.

6) How is the monitoring of the implementation of the European Charter on RML’s organised?
To what extent does the regional government have the authority to monitor implementation of the Charter, and does it also have instruments to control implementation, impose sanctions and to offer rewards?

The UK Government at Westminster has overall responsibility for monitoring adherence to the undertakings given under the terms of the European Charter. However, in practice, the devolved administrations in Scotland, Wales and Northern Ireland are charged with implementing the Charter and reporting on its delivery.

In Scotland, much of that function is further devolved to the Government agency, Bòrd na Gàidhlig. It has the general functions of promoting and facilitating the promotion of the use and understanding of the Gaelic language and Gaelic education and Gaelic culture, advising the Scottish Ministers, public bodies and other persons exercising functions of a public nature on matters relating to the Gaelic language, Gaelic education and Gaelic culture and advising other persons on matters relating to the Gaelic language, Gaelic education and Gaelic culture. It is also expected to monitor and report to the Scottish Ministers on the implementation of the European Charter for Regional or Minority Languages in relation to the Gaelic language.
3.3 WELSH in Wales, United Kingdom

United Kingdom is classified in England, Wales, Scotland and Northern Ireland. Great Britain is classified in England, Wales and Scotland. They are not independent states, but are bounded areas with a political identity. Wales is classified in twenty-two principal areas (counties), which all have the board structure of a unitary authority. The twenty-two principal areas are classified in nine counties, three cities and ten county boroughs.

1) What is the legal relation between the central and the regional government concerning the responsibility for the development and implementation of the Regional & Minority Language policy?

In 1993, the Welsh Language Act came into force, establishing the Welsh Language Board and the principle that in the conduct of public business and the administration of justice, the Welsh and English languages should be treated on a basis of equality in Wales. The function of the Welsh Language Board is to promote and facilitate the use of the Welsh language. Concerning education, the Board has a strategic responsibility for the promotion and development of Welsh medium education. The Board’s Education and Training department reviews LEA policies, approves and monitors the implementation of their Welsh Education Schemes and also maintains a strategic overview of Welsh medium education and training. The Board allocates grants to LEA's on an annual basis to support the teaching of Welsh both as first and second language.

In 1998 a National Assembly for Wales was established, which has powers for secondary legislation. The autonomy of the elected members of the Assembly allows them to make changes to the education system in Wales and to make decisions about the distribution of finances to LEAS from within the Welsh budget.

As a result of the 1980 Education Act, funding was allocated to Local Education Authorities (LEAs) to support Welsh medium education. Each of the 22 local authorities in Wales decides its policies within the parameters of the Education Acts and determines the level of funding allocated to education. The LEA's role is to support and monitor schools and ensure high standards of educational provision and achievement.

2) Which concrete legal provisions have been made by the state government regarding the above mentioned responsibility? (full autonomy, co-operation)

In 1998 the Government of Wales Act was passed which brought about the establishment of a National Assembly for Wales. The Assembly assumed power in 1999. The new National Assembly for Wales has brought a revised political structure and a greater degree of autonomy to Wales, and the National Assembly has powers for secondary legislation. The autonomy of the elected members of the Assembly allows them to make changes to the education system in Wales and to make decisions about the distribution of finances to Local Education Authorities from within the Welsh budget.

3) To what extent does the regional government have authority concerning RML policy for education? (pre-primary, primary, secondary, higher education and university)

Statutory school education lasts from age 5 to age 16. Post-16 education is not statutory but most young people follow some kind of course of education or undertake training before entering full time work. Education between the ages of 5 and 16 is in two major stages: pupils attend primary schools up to the age of 11 and secondary schools from 11 to 16. The vast majority of schools are publicly funded and the funding is channelled through Local Education Authorities.

Each of the twenty-two local authorities in Wales decides its policies within the parameters of the Education Acts and determines the level of funding allocated to Education from within its budget. The LEA's role is to support and monitor schools and ensure high standards of educational provision and achievement. Some LEAs may also be responsible for community education, libraries and leisure services.
LEAs select two or three representatives to sit on the Governing bodies of each school and LEAs also normally advise governing bodies on important issues. They are also required to provide guidance on the appointment of Head teachers.

4) To what extent are arrangements made between the regional government and the inspectorate of Education about the monitoring of the RML both as a subject and as a medium of instruction?

Estyn is the office of Her Majesty’s Chief Inspector of Education and Training in Wales. Its purpose is to deliver high quality inspection of individual education and training providers, and related services, in Wales; and to provide independent and sound advice, based on inspection evidence, to inform the Welsh Assembly Government in the formulation and evaluation of education and training policy.

Estyn’s work takes account of the strategic vision and direction set out by the Welsh Assembly Government, including its vision of Wales and the key principles of a sustainable development, social inclusion and equal opportunities. Estyn endeavours to apply these principles to all aspects of its work and works in co-operation with the Welsh Language Board and others.

Estyn is responsible for inspecting provision in nursery schools and non-maintained settings, primary schools, secondary schools, special schools (including independent special schools), pupil referral units, independent schools, further education, adult and community-based learning, youth support services, voluntary youth agencies, LEA’s, teacher education and training, work-based training, careers companies and the education, careers and training elements of New Deal.

Estyn has regard for the need to report on the quality and standards of work in institutes which provide bilingual and Welsh-medium education, the teaching and learning of Welsh and Welsh as a second language and the training of teachers for bilingual, Welsh language work and Welsh-medium education provided in schools and colleges.

5) To what extent is it guaranteed within the political framework that provisions have been made for broadcasting in the RML?

Other pieces of legislation which have had a significant bearing on the state of the language have included the 1981 Broadcasting Act which established S4C, the Welsh Television Channel, and the 1988 Education Reform Act which made Welsh a compulsory part of the National Curriculum in Wales. In addition, the Government of Wales Act 1998 gave the National Assembly the power to “do any thing it considers appropriate to support…the Welsh language.

Welsh is comparatively strong in the field of radio and television - there is a complete Welsh-language service on Sianel Pedwar Cymru (S4C)* and BBC Radio Cymru*, as well as a certain amount of Welsh on the commercial radio stations, notably Radio Ceredigion*. There is English-language coverage for the whole of Wales on BBC1*, ITV1 (HTV Wales)* and BBC Radio Wales*, as well as on local stations.

6) How is the monitoring of the implementation of the European Charter on RML’s organised?

To what extent does the regional government have the authority to monitor implementation of the Charter, and does it also have instruments to control implementation, impose sanctions and to offer rewards?

Ministers within the Welsh Assembly Government have issued press notices drawing attention to the Charter. The Minister for Culture, Jenny Randerson issued a press notice in March 2001 welcoming the ratification on the Charter. Opportunities are taken to highlight the Charter in speeches given by Ministers.

The Welsh Language Board, the Assembly Government’s Sponsored Body, publicised the Charter on its website and wrote to a large number of organisations (including Public Bodies, Broadcasters, Unitary, Education and Health Authorities and Trusts) enclosing details about the Charter following its entry into force on July 2001.
3.4 CATALAN in Catalonia, Spain

Spain is classified in seventeen autonomous communities / regions (Comunidades Autónomas) and two autonomic cities. The autonomous regions are classified in provinces. The provinces are classified in counties (Comarcas).

"Competence" and "competencial system" = distribution of power among the different levels of administration of the asymmetric federal system of the Spanish State. Power to legislate in the matter (shared between the central state and the autonomous communities) and power to enforce the laws and execute them (shared among all levels including local levels).

1) What is the legal relation between the central and the regional government concerning the responsibility for the development and implementation of the Regional & Minority Language policy?

The Central Government has no control authority at all with regard to Catalan. The competence on the languages other than Castilian is delegated to the Autonomous Communities by the article 3 of the Spanish Constitution of 1978 (Art. 3.2). The other Spanish Languages would be also official in their Autonomous Communities according to their own Statutes (A.C. Constitutions). So the A.C. decides in their Statutes which languages, if any, are official in their territory together with Castilian.

There have been much disputes about competences referring to languages and the Constitutional Court has issued many sentences. Among them there is the SCC 82/1986 into which the Court ruled that the central state cannot legislate the basic provisions on the official languages, not even under article 149 of the Spanish Constitution of 1978 (on the equality of all Spaniards), because the main lines on the official languages are in the Constitution itself and the Autonomous Communities’ Statutes (this meant de facto that the central state has no competence in this matter). Not all the Sentences of the Constitutional Court have been favourable to the Autonomous Communities. Referring to the Judicial system, which is unified and remains part of the central state, the Constitutional Court ruled that the central state can regulate the use of languages inside the Judicial System in its SCC 56/1990, FJ 40 (of 29 March). The competence on the matter of languages inside the Judicial System is concurrent between the central state and the A.C. according to SCC 253/2005, FJ 10, because the A.C. can legislate the inherent scope of the concept of co-officiality relating to the use of languages in the Judicial System in their territory.

The rulings of the Constitutional Court have not always followed the same path and sometimes there were confusions about the nature of the competences in the matter of language. There are three kinds of competences in the Spanish State: "exclusive" of the A.C. or the State (only one administration rules and executes in that matter), "concurrent" (the state rules the basic provisions and the A.C. can rule the development in the matter - it is the case with regard to the use of languages in the judicial system) or "shared" (the state makes all the ruling and the A.C. execute - never have been like that on the language issue). Since the new Catalan Statute of Autonomy of 2006 the distribution of power in the matter of language between the central state and the Catalan A.C. is more clear because the Statute states explicitly that the competence on the Catalan and Occitan languages is exclusive of the Generalitat (Catalan Government) - and also the Consell Generau in the case of Occitan - on its article 143 (1).

Article 143 of the Statute of Catalonia 2006:

ARTICLE 143. CATALONIA’S OWN LANGUAGE
1. The Generalitat of Catalonia has exclusive power over the matter of Catalonia’s own language. This power includes, in any case, determination of the scope, uses and legal effects of its official status, and also the linguistic normalisation of Catalan.
2. The Generalitat and also the Consell Generau d’Aran have power over the linguistic normalisation of Occitan, known as Aranese in Aran.

2) Which concrete legal provisions have been made by the state government regarding the above mentioned responsibility? (full autonomy, co-operation)
The first point of the article, in which Catalan is recognised as Catalonia’s own language constitutes an important difference between Catalonia and the other autonomous communities with regional languages, because it provides the Catalan language with a specific legal status related to its recognition as the language of the country.

The creation by the Generalitat of Catalonia of the Catalan Teaching Service in 1978, for education, and the General Directorate of Linguistic Policy in 1980, in the service of society as a whole, was the first step in the process of linguistic normalisation of the Catalan language. These linguistic normalisation bodies have made major achievements through sensitisation and normalisation campaigns, courses, grants, agreements with companies and so on, for the recovery of the Catalan language in other areas.

The passing of the Law of Linguistic Normalisation of Catalonia in 1983 saw the definitive release of the Catalan language for the normalisation and extension of the social use. This law, a landmark in the history of Catalan language policy, set out norms and grants to facilitate and implant the Catalan language in public administration, teaching, media and cultural life in general to guarantee its social promotion. As a result of these actions, comprehension and use of the Catalan language have increased considerably.

The latest development of the legal provisions of the Government of the Autonomous Community of Catalonia regarding the language is the Law of Linguistic Policy of 1998(1) which regulates the linguistic legislation and the legal provisions regarding language use in Catalonia for the public administration, education (including Occitan in Valh d’Aran), media, cultural industry and the socio-economic sphere (provisions for the Catalan language in the market relations). This law remains into force with the new Statute of Autonomy of 2006. The law is developed through many decrees that sort out details of its execution.

Another legal advancement for RML in Catalonia was the new Statute of Autonomy itself that clarified and collected many advances in the distribution of competencies on the matter of language ruled in the sentences of the Constitutional Court and also gave the Occitan language full official status in all the territory of Catalonia, not only in Valh d’Aran (article 6.5 of the Statute of Autonomy 2006(2))


(2) ARTICLE 6. CATALONIA’S OWN LANGUAGE AND OFFICIAL LANGUAGES

[...]

5. The Occitan language, known as Aranese in Aran, is Aran’s own language and is official in Catalonia, as established by this Estatut and by the laws of linguistic normalisation.

3) To what extent does the regional government have authority concerning RML policy for education? (pre-primary, primary, secondary, higher education and university)

Catalonia is a community which is fully autonomous in regard to education. But always within the legal framework for education defined by the legislation applying to the state as a whole, which determines the general organisation of the education system and the minimum content of the curriculum.

The minimum requirements for the whole state are established firstly in the LOE (Ley Organica de Education (1)) and in more detail by the decrees and other legal provisions of the Ministry of Education of the Spanish State.

(1) ORGANIC LAW of the Spanish State no. 2/2006, May 3, 2006 on Education.

In Catalonia the Generalitat is responsible for the administration of education at all levels. The Ministry (or Department) of Innovation, Universities and Enterprise is responsible for the University level and the Ministry (or Department) of Education for all the other levels.

It has to take care of the educational institutions, teaching staff, technical inspection services, administration and implementation of state provisions for the planning and regulation of levels of
education, option streams, sections and specialisations (CEDEFO P, 1995: 6).

At local level, the municipal authorities are responsible for the maintenance of centres of infant and primary education and offer pedagogical and technical services, especially in the students’ registration period. Some of them have a Municipal Education Institute to offer pedagogical aid (in the Barcelona Urban Area mainly).

They also promote the creation of centres for children from 0-3 years old. These institutes generally have a research area. The municipal school councils are the local social participation bodies, together with the Generalitat.

According to the law Linguistic Policy, Catalan is the normal language of education (as a medium of instruction) at all levels, including Universities (regulated further by the LUC - Llei d’Universitats de Catalunya - of 2003(1) and the Decrees of Education of the Ministry (or Department) of Education of the Generalitat (2)). The educative system has as a goal the trilingualism of all the students (competence in Catalan, Castilian and a 3rd language at the end of compulsory education - 16 years old). The time that the Catalan is taught as a subject and the percentage of the curriculum it represents is defined by the Department of Education of the Catalan Government through the Decrees of Education, one for each level of education, that develop for Catalonia the basic provisions ruled in the LOE. The Parliament is currently working on the Project Law on Education of Catalonia or LEC that will detail further the educational system of Catalonia.

4) To what extent are arrangements made between the regional government and the inspectorate of Education about the monitoring of the RML both as a subject and as a medium of instruction?

Like the other fully autonomous communities, Catalonia has set up territorial state inspection services. This kind of inspection is responsible for checking if the education system is in line with requirements determined by the Generalitat. There is also one inspector who represents the higher inspectors of the Spanish state.

The Inspectorate of Education is a normalized inspection system within the Ministry (or Department) of Education of the Catalan Government. The working methods of the inspection are the normal ones for this kind of institution. Apart from its normal inspection work (periodical and thorough) the Inspectorate of Education carries out special focused inspections that are regulated by tri-annual work projects (Director Plans).

The Department of Education of the Catalan Government have also a Higher Council of Evaluation of the Educational System. This Council makes studies and reports about different aspects of the education in Catalonia, including language.

5) To what extent is it guaranteed within the political framework that provisions have been made for broadcasting in the RML?

According to the Law on Linguistic Policy of the Catalan Government and regarding broadcasting in Catalan:

Article 25
Public radio and television media
1. In the radio and television media managed by the Generalitat and the local corporations of Catalonia the language normally used must be Catalan. In this framework, the media depending on local corporations can have in mind the characteristics of their audiences.
2. Without detriment to the application of what is laid in para 1 and 5 of Article 26, the media referred to in para 1 of this article have to promote the cultural expressions of Catalonia, especially those produced in Catalan language.
3. The Catalan Corporation of Radio and Television has to guarantee the regular programming of radio and television emissions in Aranese language for the Vall d’Aran.
4. The Government of the Generalitat must facilitate the correct reception in Catalonia of the television channels of other territories that have emissions in Catalan.
Article 26

Radio and television media broadcasting under licence

1. Without detriment to the application of Act No. 8 of 5th July 1996, concerning regulations of audiovisual programming provided by cable, the organisations referred to in the aforementioned Act shall guarantee that at least fifty per cent of viewing time of all kinds of programmes produced by themselves and other tele-services are provided in the Catalan language.

2. What is laid down in para 1 shall also be applicable to licensees of television managed privately within the territorial area of Catalonia.

3. Radio broadcasts by licensees granted by the Generalitat shall guarantee at least fifty per cent of broadcasting time in Catalan, although the government of the Generalitat, depending on the features of their audience, may modify this percentage by regulation.

4. The government of the Generalitat shall include the use of the Catalan language in percentages higher than the established minimum as one of the criteria for awarding surface wave television broadcasting licences, television programmes provided by cable and radio broadcasting.

5. Radio and television broadcasting companies shall guarantee that music programmes have an adequate presence of songs produced by Catalan artists and at least twenty-five per cent are songs performed in the Catalan language or in Aranese.

6. Those broadcasters to which this article refers and who broadcast to, or provide programmes for, the Aran valley shall guarantee a significant presence of Aranese in their broadcasts.

The authority about the television programmes and the languages of the programme in the public radio and television is in the hands of the Catalan Government through the Catalan Corporation of Radio and Television, and it is regulated by the Law on linguistic policy, the LAW on the creation of the Catalan Corporation of Radio and Television of 1983 (1) and the LAW of the audiovisual communication of Catalonia of 2006 (2).

The Catalan Audiovisual Council (CAC) (3) is the independent authority that regulates audiovisual communication in Catalonia. Its objective is to make sure those regulations applicable to suppliers of audiovisual services, both public and private, are complied with.


6) How is the monitoring of the implementation of the European Charter on RML’s organised? To what extent does the regional government have the authority to monitor implementation of the Charter, and does it also have instruments to control implementation, impose sanctions and to offer rewards?

For the ECRML it is the same idea, the Spanish State says that it will be applied to those languages recognized in the different Statutes of Autonomy (the "Constitutions" of each A.C.). No language is named on the State's ratification; this way it can be applied to every language (only in those A.C. where there is legal recognition, not for the complete language/speakers community within the State's borders) or none, without any real Central State responsibility.

The report on the application in Spain of the European Charter for Regional or Minority Languages was prepared with the collaboration of the Autonomous Communities and the participation of the ministerial departments most directly concerned, in particular the Ministries of Education and Science, Justice, External Affairs and Co-operation, and the Presidency.

In Catalonia, the Government of the Autonomous Community does not have specific institutions for the implementation and monitoring of the Charter because the regulations and linguistic policy of the Catalan Government is protecting Catalan and Occitan languages far beyond the Charter in the matters under its
competence, and the Catalan Government itself is pressing the Spanish State seeking for it to implement provisions for this languages in the matters that are not under its competence, mainly the judicial system (the competence is concurrent) and the horizontal decentralization of the central state in the territory of Catalonia.
3.5 OCCITAN in Val d’Aran, Spain

Spain is classified in seventeen autonomous communities / regions (Comunidades Autónomas) and two autonomic cities. The autonomous regions are classified in provinces. The provinces are classified in counties (Comarcas). The region of Val d’Aran is situated in the most north-western part of Catalonia in Spain at the border of France.

1) What is the legal relation between the central and the regional government concerning the responsibility for the development and implementation of the Regional & Minority Language policy?

The central government in Madrid has no control authority at all with regard to Occitan in Val d’Aran for the same reasons that are explained in the chapter on Catalan in this report. The Autonomous Region of Catalonia has, however, control authority with regard to Occitan, ruling and implementing provisions for the Occitan language is a “concurrent” competence between the A.C. of Catalonia and the Val d’Aran institutions. The A.C. of Catalonia tends in its legislation to delegate the decisions on the matters of language to the Val d’Aran Government.

The Law 16/1990 states that, “the Generalitat (Catalan government) and the Aranese institutions must adopt the necessary measures in order to guarantee the knowledge and normal use of Aranese” and gives full powers to the Aranese General Council in everything referring to the promotion and teaching of Aranese.

2) Which concrete legal provisions have been made by the state government regarding the above mentioned responsibility? (full authonomy, co-operation)

The Conselho Generau has full jurisdiction in all that relates to the promotion and learning the Aranese and their culture in line with the general rules in force in all of Catalonia in the field of language policy and education.

3) To what extent does the regional government have authority concerning RML policy for education? (pre-primary, primary, secondary, higher education and university)

As for Occitan, it is fully co-official in the Autonomous Community of Catalonia, the Aranese Local Government is responsible for the teaching and education matters, and the Catalan education decrees (for pre-primary education, primary and secondary education) say that Occitan is for the Aranese authorities to decide according the Agreement between the Catalan Government and the Aranese authorities. So Occitan is the language of instruction in pre-primary, primary and as much as possible in compulsory secondary education. Moreover they might have some subjects in Catalan as well, and Castilian (Spanish) only as language subject (not medium of instruction, just as in other parts of Catalonia).

The minimum standards in education work the same way as the ones for the Catalan language. According to Art. 6 of the Decree on Education referring to Primary Education (1):

Article 6
The Occitan Language in Val d’Aran

Aranese, a variation of the Occitan language, is given in the Val d’Aran with the time assignations and learning areas that the Consell Generau d’Aran (Aranese government), in agreement with the Ministry of Education of the Generalitat, decides.

4) To what extent are arrangements made between the regional government and the inspectorate of Education about the monitoring of the RML both as a subject and as a medium of instruction?

Like the other fully autonomous communities, Catalonia has set up territorial state inspection services.
This kind of inspection is responsible for checking if the education system is in line with requirements determined by the Generalitat. There is also one inspector who represents the higher inspectors of the Spanish state.

The Inspectorate of Education is a normalized inspection system within the Ministry (or Department) of Education of the Catalan Government. The working methods of the inspection are the normal ones for this kind of institution. Apart from its normal inspection work (periodical and thorough) the Inspectorate of Education carries out special focused inspections that are regulated by tri-annual work projects (Director Plans).

5) To what extent is it guaranteed within the political framework that provisions have been made for broadcasting in the RML?

The Aranese language can be heard on the radio one hour a day and half an hour on Catalan television (TV3) every Friday. The magazine Arenosi is published monthly by the CNLVA for cultural information.

The same laws that affect the broadcasting in Catalan language establish the conditions for the Occitan language. The same institutions that veil for the Catalan language in the A.C. of Catalonia are responsible for emissions in Occitan language.

According to the Law on Linguistic Policy of the Catalan Government and regarding broadcasting in Occitan:

Article 25

Public radio and television media
3. The Catalan Corporation of Radio and Television have to guarantee the regular programming of radio and television emissions in Aranese language for the Val d'Aran.

6) How is the monitoring of the implementation of the European Charter on RML's organised? To what extent does the regional government have the authority to monitor implementation of the Charter, and does it also have instruments to control implementation, impose sanctions and to offer rewards?

For the ECRML it is the same idea, the Spanish State says that it will be applied to those languages recognized in the different Statutes of Autonomy (the "Constitutions" of each A.C.). No language is named on the State's ratification; this way it can be applied to every language (only in those A.C. where there is legal recognition, not for the complete language/speakers community within the State's borders) or none, without any real Central State responsibility.

The report on the application in Spain of the European Charter for Regional or Minority Languages was prepared with the collaboration of the Autonomous Communities and the participation of the ministerial departments most directly concerned, in particular the Ministries of Education and Science, Justice, External Affairs and Co-operation, and the Presidency.
3.6 LADIN in SouthTyrol, Italy

Italy is classified in 20 regions, 5 of them are autonomic regions. The regions are classified in provinces. The provinces are classified in municipalities.
Since World War I the Ladin speaking area is divided between three provinces Southtyrol, Trentino and Belluno of two regions (Trentino-Southtyrol and Veneto).

1) What is the legal relation between the central and the regional government concerning the responsibility for the development and implementation of the Regional & Minority Language policy?

Article 6, Linguistic Minorities, of the Italian Constitution says that the republic protects linguistic minorities by special laws. The first law related to this article has been approved in 1999 (law 482, 15.12.1999). Local laws about minority languages have been approved according to international agreements but have not been related to art. 6.

For Trentino and Southtyrol / Bulsan:
The legal administrative self-rule of the region was established in the Statute of Autonomy of South Tyrol-Trentino (1948), in which the Ladins were explicitly mentioned (art.87).

For Southtyrol / Bulsan:  
It was not until 1972 that the cultural rights and teaching rights of the Ladins were guaranteed in the revised Statute of the Autonomous Region.

For Trentino:

For Belluno:
Since 15.12.1999: state law on minority language with minimal impact on the territory.

2) Which concrete legal provisions have been made by the state government regarding the above mentioned responsibility? (full autonohmy, co-operation)

The legal administrative self-rule of the region was established in the Statute of Autonomy of Trentino-South Tyrol (1948), in which the Ladins were explicitly mentioned (art.87). But it was not until 1972 that the cultural rights and teaching rights of the Ladins were guaranteed in the revised Autonomous Statute of the Region.

3) To what extent does the regional government have authority concerning RML policy for education? (pre-primary, primary, secondary, higher education and university)

Province Southtyrol / Bulsan
Primary and secondary education (middle schools, classical, scientific, teacher-training, technical, further education and artistic secondary schools). Nursery schools and Vocational training.
In South Tyrol three school systems exist: German speaking (autonomous with state supervision), Italian (national with local supervision) and Ladin (autonomous with state supervision). Everywhere in the province excluded the Ladin areas it is possible to (in theory) freely choose between German speaking and Italian school system.

In the Ladin areas (8 municipalities, 18.000 inh.) no choice is possible: the schools are bilingual German Italian plus one to three hours teaching in/of Ladin. All the teachers in the Ladin schools must be able to speak and write Ladin, German and Italian and they are selected through a State exam. The students have the theoretical right to use Ladin with the teachers, in practice almost everybody speaks Ladin and the students and teachers often try to use other languages (German, Italian) to improve their knowledge (almost all Ladins in Southtyrol can speak the South Tyrolian Germanic dialect too).
Province Trentino
Since a few years education is under the control of the province with a general constitutional control from the State. In practice the schools in the Ladin valley of Trentino (7 municipalities, 10000 inh.) are still totally Italian (by language and often by culture) with few subjects taught in Ladin plus a couple of hours a week of Ladin as subject. Ladin speaking teachers have priority in the schools (special extra exam to prove it), but no monolingual Italian teacher should be removed. Nursery provisions are more or less bilingual.

Province Belluno
Schools in Veneto completely depend on the State.
The law 482 does not make any distinction between language of tuition and language as subject. In theory in the Ladin villages all subjects could be taught in Ladin, apart from the hours of Italian language. But very few teachers are skilled for that (only a few are local and willing to use the language). In fact the schools in Belluno are in Italian.

4) To what extent are arrangements made between the regional government and the inspectorate of Education about the monitoring of the RML both as a subject and as a medium of instruction?

In the province of SouthTyrol / Bulsan the administration of teaching, management and inspection personnel for Ladin schools is handled by a specific Ladin provincial schools office (Intendënzapur la scola di païsc ladins), headed by a Ladin education officer (Intendënt des scoles ladines). Teaching, management and inspection personnel are paid by the Province. However, teachers can also opt for signing a national contract if they are not ready to take on the extra tasks demanded by the provincial collective agreement. The supervision and promotion of instruction in nursery, elementary and secondary schools comes under the authority of the Education Officer (Intendënt). Administrative and pedagogical supervision in individual schools is entrusted to management staff. Checking the implementation of programmes is also part of the responsibilities of school headmasters.

In SouthTyrol / Bulsan assessment of activities concerning Ladin teaching is carried out by the Ladin Pedagogical Institute (Istitut Pedagogich Ladin), which helps the teachers’ committees in the schools. Apart from this pedagogical support, schools can also consult the Cultural Institute Micurà de Rü, although this is not a part of the school system.

In the province Trentino the Ladin school system (about 10 schools + nurseries) has a large autonomy within the autonomy of the provincial school system.

5) To what extent is it guaranteed within the political framework that provisions have been made for broadcasting in the RML?

The provision of media in the Ladin language is poor, given the lack of a recognised standard language and the absence of an intellectual, cultural and political centre within the Ladin valleys.

In province SouthTyrol much has been done and continues. There are no legal problems, but only technical ones (journalists and in general human resources).

Since few years the province Trentino has got certain autonomy in media matters, however, the implementation is a problem due to the lack of human resources. But the Ladin TV from SouthTyról is today broadcasted in Trentino. There are no legal problems.

Outside the provinces: the Law 482 says that the state broadcasting system should give space, hours, human resources etc for minorities, but the state itself is reluctant in the implementation process.

As far as radio is concerned, Radio Gherdëina* broadcasts in three languages. RAI in Bozen (Radio ladin)* broadcasts twenty or twenty-five minutes of Ladin (news and culture) twice daily (except Sundays). Since 1988 RAI Ladina* has also been broadcasting television programmes in Ladin (10 minutes of news and culture on Tuesdays and Thursdays). This had previously stopped in 1979. Every three weeks there is a half hour broadcast in Ladin on Wednesday on the state channel RAI 3.
6) How is the monitoring of the implementation of the European Charter on RML's organised? To what extent does the regional government have the authority to monitor implementation of the Charter, and does it also have instruments to control implementation, impose sanctions and to offer rewards?

Italy has signed, but has not yet ratified the Charter.
3.7 FRANCO-PROVENCAL in Vallée d'Aosta, Italy

Italy is classified in twenty regions, five of them are autonomous regions. The regions are classified in provinces. The provinces are classified in municipalities. The region of Vallée d'Aosta is situated in the most north-western part of Italy at the border of France and Switzerland. The Vallée d'Aosta is the smallest, and with 120,000 inhabitants the least populous region of Italy. The region is not divided in provinces, but counts 74 municipalities.

1. What is the legal relation between the central and the regional government concerning the responsibility for the development of the Regional & Minority Language policy?

In 2000, Italy has signed the European Charter on Regional and Minority Languages, but not yet completed the ratification procedure.

The Constitution of 2001 has redesigned and redistributed the legislative competence between the State and the Regions. It gives all regions, not just those with special status, a legislative integration in education.

In practice, the devolvement of power from the central state to the region is limited by the Constitution of Italy and a Co-ordinating commission guards the regions’ autonomy (art. 45 of the Autonomy Statut). This commission consists of three persons; two of them are respectively appointed by the Ministry of the Interior (chair of the Co-ordinating commission) and the Ministry of Finances, and the third one is a representative of the Region. The Co-ordination commission controls whether or not the regional laws are in line with the central state laws and rules (art. 46).

The power of autonomy rests with the Council of the Vallée d'Aosta (35 members). However, the Council might be dissolved in case of abuse of power and acting contra the Italian law, as well as in case of national security (art. 48).

The relation between central government and regional government of the Vallée d'Aosta is regulated in the “Statut spécial pour la Vallée d’Aoste” (1948; updated 2001).

2. Which concrete legal provisions have been made by the state government regarding the above mentioned responsibility? (full autonomy, co-operation).

In art. 2 of the Autonomy Statut, the legal powers of the region are defined with regard to 26 items, such as regional administration and the administration of the municipalities, police and fire brigade, vocational training, local libraries and museums, place names. The region has further power to put in place special legal measures based on the national legislation, with regard to 13 items, such as pre-primary, primary and secondary education (art. 3).

Detailed measures and procedures on bilingual education are ruled out in the Italian Law 196/16 May 1978: “Normes d’application du Statut spécial de la Vallée d’Aoste”.

3. To what extent does the regional government have authority concerning RML policy for education? (pre-primary, primary, secondary, higher education and university)

According to the articles 38, 39 and 40 of the Statut d’Autonomia, both French and Italian have equal rights within the territory. In all public schools [= financed from public sources] the same number of teaching hours of French as a subject is dedicated as to Italian as a subject. Education through the medium of French is permitted. The list of subjects which are taught through the medium of French shall be approved by a commission, composed by representatives of the Ministry of Education, representatives of the Council of the Vallée and representatives of the teachers involved at the actual school. Article 40-bis (added to the Statut in 2001) gives the right to the inhabitants of the Vallée de Lys to receive education in Walser German.
The regional authority has the political power to put in place and administer the education system from pre-primary until secondary level. This includes among other matters:
- the setting of linguistic requirements of teachers;
- the providing of teaching material at primary level;
- school inspectorate;
- research and educational experiments.

In practice, the regional administration of the Vallée d’Aosta has the function of the executive power which in the other regions of Italy rests with the regional and provincial offices of the Ministry of education. On the base of the additional legislation (“Adaptations / By Laws” of 1983 and 1988), as from 1988/89, bilingual education has been introduced in pre-primary and primary school on the base of equal footing of teaching through French and Italian for 50% of teaching time each. In order to guarantee sufficient acquisition of French during primary school years, the number of lessons has been increased from 27.5 (which is usual in the rest of Italy) to 30 hours per week.

Adaptations of the By-Law on secondary education 1994 launch a new perspective for bilingual education, conceived as “a different way to organize learning and training of students.” French and Italian are both used as medium of instruction or as subject. English is an obligatory subject for all of the students, except in the region Walser where German is the third language.

In the lower grades of the secondary school, the concept of “integrated bilingual education” thus resulting in the “bilingual interdisciplinary projects. These projects may lead to the use of two or sometimes three languages (Italian, French, English) in some disciplines and interdisciplinary areas. They also sometimes take the form of a disciplinary teaching in two languages (Italian, French) by the same teacher.

The higher grades of the secondary school degree are still waiting for the regional adaptation of the programmes, but experiments of bi- or multilingual teaching are encouraged. The most successful experiment is the Lycée Classique d’Aosta which is conducting an experimental option bilingual French-Italian since 1997 and which, in this framework provides for the use of French in 25% of the weekly schedule and bilingual workshops.

Due to the small scale of the region the administrative powers with regard to higher education and university remains to the central government, in practice with the newly created (1989) Ministry of Universities and Scientific Research.

4. To what extent are arrangements made between the regional government and the inspectorate of Education about the monitoring of the RML both as a subject and as a medium of instruction?

The inspectors are collaborating on the development, implementation and monitoring of language policies. The Region has set up a regional structure for the Evaluation of Educational Achievement (SREV) required by RS No. 19/00 on school autonomy.

In 2009, students will participate in valdotains-OECD PISA test in Italian and French.
The regional government gives advice to the scientific committee and receives advice from the consultative committee. The consultative committee gives advice and receives advice to/from the scientific committee and the schools. The scientific committee consists of three units: statistics, learning results, and research and development. They give and receive advice to/from the international organisations.

5. To what extent is guaranteed within the political framework that provisions have been made for broadcasting the RML?

On the base of the regional law on communication (no 26/2001) the Regional Committee on Communication: Comité régional des communications (CORECOM) has the responsibility for the infrastructure of radio- en television communication. This Committee consists of a president and four members, each of which has special competencies for one of the subjects culture, judiciary, economics resp. technology.

The aim of the Committee is to avoid a monopoly power with regard to radio and television broadcasting (art. 11). The Committee’s main executive functions are the guarantee of infrastructure, the access to radio- and television broadcasting channels, the registration of broadcasting companies. The Committee further aims at the safeguarding of the specific linguistic and cultural characteristics of Vallée d’Aosta (art. 12).

6) How is the monitoring of the implementation of the European Charter on RML’s organised?

To what extent does the regional government have the authority to monitor implementation of the Charter, and does it also have instruments to control implementation, impose sanctions and to offer rewards?

Italy has signed, but has not yet ratified the Charter.
3.8 FRISIAN in Fryslân, The Netherlands

The administrative structure of the Netherlands, which consists of central government, twelve provinces and more than four hundred municipalities, is laid down in the Dutch constitution. Article 123 of the Constitution provides that provinces and municipalities may be established or dissolved, and provincial and municipal boundaries redrawn, by law. Article 124 provides that provinces and municipalities have the authority to manage their own budget and administrative affairs.

Over the last twenty years, through a merging process the number of municipalities has decreased. Within Fryslân, and within the next decade the number of municipalities will decrease from the actual number of 31 till about 8 or 10.

The Netherlands has undertaken to base its policies, legislation and practical measures in respect of the Frisian language, within the territories where the Frisian language is used.

1) What is the legal relation between the central and the regional government concerning the responsibility for the development and implementation of the Regional & Minority Language policy?

There is no specific legal position for Fryslân as an autonomous region. Within the Netherlands’ constitution, there is no special clause on any language, nor exists a Frisian language act. However, as from 1937 a great variety of specific laws, additional laws and legal measures have been enacted pertaining the Frisian language and culture. These are listed in the Netherlands’ state reports to the Council of Europe on the implementation of the European charter for Regional or Minority Languages (2000, 20004, 2007).

In 1996, the Netherlands has ratified European Charter for Regional or Minority Languages. The Charter entered into force on 1 March 1998. In respect of the Frisian language in the province of Fryslân, the Netherlands has also undertaken to apply 48 paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter.

In order to implement measures to protect and promote the Frisian language and culture, central government and the provincial authority of Fryslân adopted a Covenant on the Frisian language and culture in 1989 (renewed in 1993 and 2001). The 2001 Covenant is structured following the chapters and articles of the European Charter. The considerans of the Covenant declares the common responsibility of both the state government and the provincial administration for the protection and promotion of the Frisian language and culture.

The basis of the implementation of the political agreements made between central and provincial government are as follows:

- The central government will decide general policies on education, culture and the media and will be directly or indirectly responsible for ensuring compliance with the European Charter as regards the Frisian language;
- The province of Fryslân will decide policies on the Frisian language and will be responsible for ensuring that they are implemented;
- The central government will make resources available to enable the Province of Fryslân to implement its policies on the Frisian language;
- The Frisian language policies of the Province and the general education, culture and media policies of central government must be complementary, wherever possible.

Every three years the agreements made will be actualised by means of the Implementation Covenant on the Frisian Language and Culture. The Implementation Covenant seeks to give further direction to implementing the undertakings agreed upon the Covenant on the Frisian language and Culture.
Central government and the province of Fryslân will ensure that all policy documents relating to areas regarded as falling within the scope of the Covenant, will consider the consequences of the policy intentions for the Frisian language, having regard to the provisions of the European Charter accepted by the Netherlands. Both central and provincial governments dispose of an own advisory body concerning the Frisian language.

2) Which concrete legal provisions have been made by the state government regarding the above mentioned responsibility? (full autonomy, co-operation)

The Frisian language has acquired a legally protected position in judicial and administrative matters, educational and various sectors of society.

Sections 2:6 to 2:12 of the General Administrative Law Act regulate the use of language in administrative matters. With this amendment, central government formally recognised the bilingual status of the province of Fryslân. Further, the possibilities for using the Frisian language in judicial and legal matters were expanded.

The central government does not imply any special autonomous status for the province of Fryslân. All local and regional administrative bodies in Fryslân, including decentralised central government agencies, have the power to establish rules concerning the use of the Frisian language in written documents.

The Frisian language and culture specific grant for improving the quality of teaching in Frisian was added to the Provinces fund with the guarantee that the full amount of the specific grant would continue to be made available to the province.

The Province of Fryslân has decided on an integral policy to improve Frisian in education by the policy paper “Boppeslach” (= success story) in 2007.

In 1969, the provincial authority of Fryslân gave itself the powers to determine the official spelling of the Frisian language.

3) To what extent does the regional government have authority concerning RML policy for education? (pre-primary, primary, secondary, higher education and university)

In article 23 of the Constitution provisions have been made relating to the autonomy of the education in the Netherlands.

The central government determines general policies with regard to the domains which are covered by the European Charter: Education, Judicial authorities, Administrative authorities and public services, Media, Cultural activities and facilities, Economic and social life. The state government is directly or indirectly responsible for the fulfilment of the European Charter, and puts resources at the disposal of the province of Fryslân to enable the implementation of the 48 signed undertakings from part III of the Charter in respect of Frisian. The province of Fryslân determines policy in relation to Frisian and is responsible for its implementation, the objective in respect of which being that the province’s policy concerning Frisian and central government’s general educational, cultural and media policy should reinforce each other wherever possible.

As from 1980, Frisian has been introduced as an obligatory subject in primary education. As from 1993, in the lower grades of secondary education Frisian is an obligatory subject as well. The use of Frisian as a medium of instruction is permitted both in primary and in secondary education.

Within the Primary Education Act, the provincial authority has only the political power to grant exemptions to primary and secondary schools from teaching Frisian as a compulsory subject.

The central government has no specific policy memorandums or plans that appear to have consequences for Frisian in education.

School boards are responsible for the quality of education. The central government’s role is chiefly to
monitor and require account from the school boards. The position of school boards to assume responsibility for the quality of their education was strengthened by the introduction of broad attainment targets in primary and secondary education and by the introduction of a lump sum to defray educational costs.

The Frisian language as a subject is compulsory in primary education and in the first stage of secondary education. The minister of Education has set attainment targets for all mandatory subjects in primary education, including for Frisian. However, there is no minimum requirement in terms of teaching hours. As far as Frisian in pre-school provisions is concerned, responsibility rests with municipalities on the basis of the Welfare Act and the Social Support Act. Quality and funding of childcare was provided for in the Childcare Act. Section 55 of the Childcare Act states that Dutch is to be used as the medium of communication with regard to pre-school education in childcare centres. In cases where the Frisian language or a local dialect is in active use in addition to the Dutch language, the Frisian language or local dialect can be used as a medium of communication alongside Dutch.

The Primary Education Act regulates primary education and special schools for primary education. Section 9 of the WPO states that education is also to be given in the Frisian language at schools in Fryslân, unless the Province of Fryslân has granted an exemption from this obligation at the request of the competent authorities. Section 9 states that wherever the Frisian language or local dialect is in active use in addition to the Dutch language, the Frisian language or local dialect can be used as a language of instruction in education alongside Dutch.

4) To what extent are arrangements made between the regional government and the inspectorate of Education about the monitoring of the RML both as a subject and as a medium of instruction?

In principle, all 7 inspectors of primary and secondary education working in Friesland (in total approx. 6 fte), are co-responsible for the monitoring of Frisian as a subject and a medium of instruction. Within the formation of the Netherlands’ education inspectorate 0.2 fte is earmarked to the monitoring and guidance of Frisian in education.

The Education Inspectorate carries out supervision of the quality of education pursuant to the Education Supervision Act (WOT). This independent supervision is to be exercised on the basis of a ‘supervision framework’ to be determined by the Minister of Education, Culture and Science. Frisian was included in the supervision framework for primary and secondary education, including a specific supervision model for Frisian. Every school in Fryslân has been asked to supply data on the subject of Frisian, the language of instruction used and school policy in respect of Frisian in Fryslân.

Currently the Education Inspectorate is working with a new monitoring system: risk profiles and risk analysis. In the analysis data on the education results of the schools, the level of the quality management and a couple of other context factors are included. The precise interpretation of monitoring is determined on basis of these data about aspects of educational results and ‘quality management’ and on basis of risk analysis. The focus is on ‘language and mathematics’. Within these proceeds, there is no specific part for the educational results for the Frisian language. There is no enforcement system, but a rating system. The result of this system is that teachers are not settled on the Frisian part.

5) To what extent is it guaranteed within the political framework that provisions have been made for broadcasting in the RML?

In the Netherlands, public broadcasting, including regional and local broadcasting and private broadcasting are legally regulated by the Media Act. The Media Authority allocates broadcasting time on request, monitors compliance with the relevant legislation and financially supervises public broadcasting. Section 54 of the Media Act provides that organisations that have been allocated broadcasting time must devote at least 50% of their television broadcasting time to original programming in Dutch or Frisian. Section 71 of the Media Act provides that at least 40% of a commercial broadcasting organisation’s television programme consists of original Dutch or Frisian-language programme segments.
The Frisian radio and television is regulated in just the same way as regional radio and television in other regions of the Netherlands and that the additional costs for broadcasting in Frisian are not included in the resources that are being made available. Central government and the province of Fryslân agreed that central government would support Omrop Fryslân TV having sufficient resources to create full and varied programming on the basis of Frisian as a second national language. The broadcasting company Omrop Fryslân on its own authority has chosen for Frisian as the normal language of communication and radio and television emissions.

Omrop Fryslân is providing 118 hours of radio programmes weekly, as well as a daily television programme of almost two hours. Omrop Fryslân produces television programmes in Frisian for national public broadcasting for 31 hours of television. The national public service broadcaster bears the costs.

Omrop Fryslân, just like twelve other regional broadcasting organisations, can apply for grants from the Dutch Cultural Broadcasting Promotion Fund (1.6 million euros).

6) How is the monitoring of the implementation of the European Charter on RML’s organised? To what extent does the regional government have the authority to monitor implementation of the Charter, and does it also have instruments to control implementation, impose sanctions and to offer rewards?

An official interministerial committee has been set up to monitor the implementation of the 2001 Covenant. This committee, which consists of civil servants from the central and provincial government, meets at least twice a year.

On behalf of the Ministry of the Interior and Kingdom the Frisian Academy compiles the periodical reports on the policy pursued in accordance with Part II and III to the Secretary General of the Council of Europe as described in Article 15 of the European Charter.
<table>
<thead>
<tr>
<th>1. Legislation and responsibility for development and implementation of the RML-policy.</th>
<th>2. Concrete legal provisions regarding RML-responsibility.</th>
<th>3. Responsible authority concerning RML-policy for education.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gaelic in the UK</strong></td>
<td>• Scotland has the responsibility, according to the Gaelic Language Act 2005.</td>
<td>• The Scottish Government has the authority concerning education. • Delivery of Gaelic education is a matter for local authorities. • Gaelic education has been deemed a national priority since the passing of the Standards in Scotland’s Schools etc. Act 2000.</td>
</tr>
<tr>
<td><strong>Welsh in the UK</strong></td>
<td>• Wales has the responsibility, according to the Welsh Language Act 1993.</td>
<td>• The National Assembly for Wales posses the authority concerning education.</td>
</tr>
<tr>
<td><strong>Swedish in Finland</strong></td>
<td>• The Finnish Constitution of March 2000 states that Finnish and Swedish are the national languages of Finland. • The Swedish speaking municipalities have the responsibility, according to the New Language Act 2004. • Since 1921, the Åland province has been self-governing within the borders of Finland.</td>
<td>• Central as well as local level authorities are involved in education.</td>
</tr>
<tr>
<td><strong>Catalan in Spain</strong></td>
<td>• The Central Government has no control authority at all with regard to Catalan. The competence on the languages other than Castilian is delegated to the Autonomous Communities by the article 3 of the Spanish Constitution of 1978. • The Generalitat of Catalonia has the responsibility, according to the Law of Linguistic Normalisation of Catalonia 1983.</td>
<td>• In Catalonia the Generalitat is responsible for the administration of education at all levels. The Ministry (or Department) of Innovation, Universities and Enterprise is responsible for the University level and the Ministry (or Department) of Education for all the other levels. • The Law of Linguistic Normalisation of Catalonia in 1983 set out norms and grants to facilitate and implant the Catalan language in public administration, teaching, media and cultural life in general to guarantee its social promotion.</td>
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<tr>
<th><strong>Occitan in Val d’Aran, Spain</strong></th>
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<tr>
<td>• The Conselho Generau has full jurisdiction in all that relates to the promotion and learning Occitan and their culture, according to Law 16/1990.</td>
</tr>
<tr>
<td>• The Conselho Generau has full jurisdiction in all that relates to the promotion and learning the Aranese and their culture in line with the general rules in force in all of Catalonia in the field of language policy and education.</td>
</tr>
<tr>
<td>• According to Art. 6 of the Decree on Education referring to Primary Education (1): <strong>Article 6</strong> The Occitan Language in Val d’Aran Aranese, a variation of the Occitan language, is given in the Val d’Aran with the time assignations and learning areas that the Conselh Generau d’Aran (Aranese government), in agreement with the Ministry of Education of the Generalitat, decides.</td>
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<tr>
<th><strong>Ladin in Italy</strong></th>
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<tr>
<td>• Constitution art. 6 guarantees protection for linguistic minorities by means of Statue of Autonomy and special laws.</td>
</tr>
<tr>
<td>• Statue of Autonomy (1948).</td>
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<tr>
<td>• In province South Tyrol / Bulsan autonomous schools with state supervision.</td>
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<td>• In province Trentino control of province with state constitutional provision.</td>
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<tr>
<th><strong>Franco-Provencal in Vallée d’Aosta, Italy</strong></th>
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<tr>
<td>• The Constitution of 2001 has redesigned and redistributed the legislative competence between the Central Government and the Regions. It gives all regions, not just those with special status, a legislative integration in education.</td>
</tr>
<tr>
<td>• The relation between Central Government and regional government of the Vallée d’Aosta is regulated in the “Statut spécial pour la Vallée d’Aoste” (1948; updated 2001). Detailed measures and procedures on bilingual education are ruled out in the Italian Law 196/16 May 1978: “Normes d’application du Statut spécial de la Vallée d’Aosta”.</td>
</tr>
<tr>
<td>• The regional authority has the political power to put in place and administer the education system from pre-primary until secondary level. In practice, the regional administration of the Vallée d’Aosta has the function of the executive power which in the other regions of Italy rests with the regional and provincial offices of the Ministry of education. On the basis of the additional legislation (“Adaptations / By Laws” of 1983 and 1988), as from 1988/89, bilingual education has been introduced in pre-primary and primary school on the basis of equal footing of teaching through French and Italian for 50% of teaching time each.</td>
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<td>Frisian in Fryslân, The Netherlands</td>
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<tr>
<td>• The Netherlands’ constitution does not contain an article on language. There is no Frisian language act.</td>
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<tr>
<td>• The Netherlands has ratified both the European Charter for Regional or Minority Languages (1996) and the Framework Convention on the Protection of national Minorities (2005).</td>
</tr>
<tr>
<td>• The Covenant on Frisian language and culture (2001) is the instrument for the implementation of the common responsibility of central government and the provincial authority of Fryslân.</td>
</tr>
<tr>
<td>• The central government will make resources available to enable the Province of Fryslân to implement its policies on the Frisian language; The Frisian language policies of the Province and the general education, culture and media policies of central government must be complementary, wherever possible.</td>
</tr>
<tr>
<td>Gaelic in the UK</td>
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<tr>
<td>• Overall responsibility for state-funded education lies with the Scottish Government Education Department. (SGED)</td>
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<tr>
<td>• Within SGED Her Majesty’s Inspectors of Education (HMIE) are responsible for inspecting schools.</td>
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<tr>
<td>• No minimum hours for teaching Gaelic or minimum requirements for teacher qualifications exist.</td>
</tr>
<tr>
<td>• Broadcasting is one of the powers reserved to the UK Government, although some funding for Gaelic broadcasting is channelled through the Scottish Government.</td>
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<tr>
<td>• The Communications Act 2003 gave MG ALBA the power to commission, produce and distribute television and radio programmes.</td>
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</table>
| **Occitan in Val d’Aran, Spain** | 2. Without detriment to the application of what is laid in para 1 and 5 of Article 26, the media referred to in para 1 of this article have to promote the cultural expressions of Catalonia, especially those produced in Catalan language.  
3. The Catalan Corporation of Radio and Television has to guarantee the regular programming of radio and television emissions in Aranese language for the Val d’Aran.  
4. The Government of the Generalitat must facilitate the correct reception in Catalonia of the television channels of other territories that have emissions in Catalan. | • In Catalonia, the Government of the Autonomous Community does not have specific institutions for the implementation and monitoring of the Charter because the regulations and linguistic policy of the Catalan Government is protecting Catalan and Occitan languages far beyond the Charter in the matters under its competence, and the Catalan Government itself is pressing the Spanish State seeking for it to implement provisions for this languages in the matters that are not under its competence, mainly the judicial system (the competence is concurrent) and the horizontal decentralization of the central state in the territory of Catalonia. |
| **Ladin in Italy** | • The same as Catalan (#4)  
• The Occitan can be heard on the radio one hour a day and half an hour on Catalan television every Friday.  
• The same laws that affect the broadcasting in Catalan language establish the conditions for the Occitan language. The same institutions that veil for the Catalan language in the A.C. of Catalonia are responsible for emissions in Occitan language. | • The same as Catalan (#6).  
• In province Southtyrol / Bulsan the administration, management and inspection personnel for Ladin schools are handled by a specific Ladin provincial schools office.  
• In province Southtyrol / Bulsan much has been done and continues. No legal problem, but only technical ones (journalists and in general human resources).  
• Italy has signed, but has not yet ratified. |

- The Inspectorate of Education is a normalized inspection system within the Ministry (or Department) of Education of the Catalan Government. The working methods of the inspection are the normal for this kind of institution. Apart from its normal inspection work (periodical and thorough) the Inspectorate of Education does focused inspections that are regulated by tri-annual work projects (Director Plans).
<table>
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<tr>
<th><strong>Franco-Provençal in Vallée d'Aosta, Italy</strong></th>
<th><strong>Frisian in Fryslân, The Netherlands</strong></th>
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<tbody>
<tr>
<td>• In province Trentino the Ladin school system has a large autonomy within autonomy of the provincial school system.</td>
<td>• In province Trentino since few years the province has got a certain autonomy even in media questions, and they are doing things (human resources lack). But the Ladin TV from Southtyrol is today broadcasted in Trentino. No legal problem anyway.</td>
</tr>
<tr>
<td>• The inspectors are collaborating on the development, implementation and monitoring of language policies. The Region has set up a regional structure for the Evaluation of Educational Achievement (SREV) required by RS No. 19/00 on school autonomy.</td>
<td>• The Law 482 says that the state broadcasting system should give space, hours, human resources etc for minorities, but the state itself refuses to do it.</td>
</tr>
<tr>
<td>• On the basis of the regional law on communication (no 26/2001) the Regional Committee on Communication: Comité Regional des communications (CORECOM) has the responsibility for the infrastructure of radio- en television communication.</td>
<td>• Italy has signed, but has not yet ratified.</td>
</tr>
<tr>
<td>• The aim of the Committee is to avoid a monopoly power with regard to radio and television broadcasting (art. 11).</td>
<td>• Currently the Education Inspectorate is working with a new monitoring system: risk profiles and risk analysis. In the analysis data on the education results, the level of the quality management and a couple of other context factors are included. The focus is on 'language and mathematics'. The Frisian language is specified as part of the language proceeds.</td>
</tr>
<tr>
<td>• Section 54 of the Media Act provides that organisations that have been allocated broadcasting time must devote at least 50% of their television broadcasting time to original programming in Dutch or Frisian.</td>
<td>• An official interministerial committee has been set up to monitor the implementation of the 2001 Covenant.</td>
</tr>
<tr>
<td>• Special financial support from central government and the province ensures Omrop Fryslân sufficient resources to create full and varied programming.</td>
<td>• The Ministry of the Interior and Kingdom Relations instructs the Frisian Academy to compile the periodical reports on the policy pursued in accordance with Part II and III of the European Charter.</td>
</tr>
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</table>
5 General conclusions

1. There is a European development aimed at the safeguarding of linguistic diversity.

2. The issue of Multilingualism is more established and people are more positive about it, both individually and in the society as a whole.

3. Over the last 20 years all seven regions and the four EU member states involved in this study, had a development on their RML, especially with regard to legislation.

4. There is a clear distinction between the northern EU and the southern EU member states with regard to the terminology. The term ‘autonomous status’ or ‘statute of autonomy’ used in Spain and Italy is a signal and focus on the legal position of the region, whereas the northern EU member states show a greater variety of terminology.

5. Policies are most efficient, when created with respect to the special linguistic situation of the region. Therefore a ranking according to regions having more or less power is not sensible. The provision of good services is not dependent on how much legislative power is devolved to the regions but how the legal measures are implemented.