

STATE EFFORT AS A MODEL FOR ASSESSING FULFILLMENT OF PART III OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

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Abstract

Ensuring that States properly fulfill the commitments entered into upon ratification of the European Charter for Regional or Minority Languages is one of the main objectives of the linguistic normalization of dozens of European languages. Yet this goal also entails a challenge that depends not only on the initial circumstances surrounding each language in the area where it is spoken but, more significantly, on the requirement level that each State has selected from among the various possibilities allowed under the Charter. In this article, we propose an approach to ensuring satisfactory fulfillment of the commitments undertaken through the passage of the treaty based on what we refer to as *State effort*. This comes from conducting a global analysis on the number of languages covered, the number of commitments undertaken, and the requirement level chosen by each of the 22 States that have regional or minority languages covered under Part III of the *Charter* (Articles 8 through 14).

Keywords: European Charter for Regional or Minority Languages; linguistic minorities; language rights.

EL “ESFUERZO ESTATAL” COMO MODELO DE CÓMPUTO DEL CUMPLIMIENTO DE LA PARTE III DE LA CARTA EUROPEA PARA LAS LENGUAS REGIONALES O MINORITARIAS

Resumen

El cumplimiento satisfactorio de los compromisos adquiridos por cada Estado en el momento de ratificación de la Carta Europea para las Lenguas Regionales o Minoritarias constituye un objetivo central para la normalización lingüística de decenas de lenguas europeas. Pero dicho objetivo es, también, un desafío, condicionado precisamente no solo por las circunstancias de partida de cada lengua en su territorio, sino, sobre todo, por el nivel de exigencia que cada Estado ha elegido entre las distintas posibilidades que permite la Carta. En esta contribución proponemos una aproximación al cumplimiento satisfactorio de las obligaciones adquiridas con la ratificación del tratado a partir de lo que denominamos “esfuerzo estatal”, resultado de analizar conjuntamente el número de lenguas, el número de compromisos y el nivel de exigencia de esos compromisos para cada uno de los 22 Estados que tienen lenguas regionales o minoritarias cubiertas por la parte III de la Carta (artículos 8-14).

Palabras clave: Carta Europea para las Lenguas Regionales o Minoritarias; minorías lingüísticas; derechos lingüísticos.

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1 Introduction

In 2018 the European Charter for Regional or Minority Languages (henceforth the Charter) celebrated the 20th anniversary of its going into effect. Over the last two decades, the Charter has established itself as the main international instrument for protecting and promoting minority languages.¹ In the Council of Europe, the task of interpreting fulfillment of the Charter falls to a Committee of Experts (COMEX) made up of a member from each State in which the treaty is in effect. Hence, pursuant to [Articles 15, 16 and 17](#) of the Charter, COMEX begins its evaluation once each party has submitted a report to the General Secretariat of the Council of Europe, indicating the language policies regarding the protection and promotion of the regional or minority languages traditionally used in its respective State, pursuant to the definition provided in Article 1. After that has been done, COMEX develops its own follow-up and monitoring report for every language in each State (Dunbar, 2012).

Based on all of the reports by COMEX, a database called [REMILAN](#) (REgional or MINority LANGUages)² was developed, which includes the committee's conclusions regarding each of the commitments for each report and for each language. This article presents the initial results obtained from the use of REMILAN (with all the reports by COMEX that were published through December 31, 2018). Specifically, a new way of categorizing States is offered here that is based on a model called *State effort* that will be described in the next few pages. To make it easier to understand, we will begin this article by quoting the Charter, and indicating the degree to which each State has fulfilled or failed to fulfill its obligations under it.

2 The coverage of the Charter: states, languages and commitments

On the 20th anniversary of its going into effect, the Charter had been signed by 33 States, of which 25 had also ratified it and in which it is therefore in full force and effect. In other words, out of the 47 States that make up the Council of Europe, there are 22 States in which this instrument of international law is not in effect. At the time each State becomes a signatory to the treaty, it must indicate both the languages to which Articles 8 and 14 of Part III apply, and the commitments it will be making for each language, with a margin of discretion determined by Article 2.2:

“In respect of each language specified at the time of ratification, acceptance or approval, in accordance with Article 3, each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from each of the Articles 8 and 12 and one from each of the Articles 9, 10, 11 and 13”.

Bearing this in mind, the variety of cases is quite telling. Although the most frequent scenario is that the number of languages protected by Part III is less than the number of languages protected by Part II (which includes all of those included in Part III), this is not always the case. For example, for Bosnia and Herzegovina (15 languages) and Poland (14 languages) all the languages protected by Part III are also protected in Part II. On the other hand, Cyprus does not protect either of its two minority languages in Part III, whereas Liechtenstein and Luxembourg do not recognize any minority language in their territories and yet in spite of this they still ratified the Charter. In fact, Liechtenstein was one of the first States in the Council of Europe to ratify the Charter, thereby enabling it to go into effect on March 1, 1998 as this brought the number of ratifications up to the minimum required number as established by Article 19 of the treaty. The other five members that enabled the Charter to go into effect on the aforementioned date were Croatia, Finland, Hungary, the Netherlands and Norway.

Among the different States there are significant differences in the total number of languages that are protected by Part III. The States that recognize the largest number of languages are Bosnia and Herzegovina (15),³

1 There is an [extensive bibliography](#) on the Charter. To understand its legal scope, reading the [Explanatory Report](#) that is attached to the text approved by the Council of Europe is highly recommended ([accessible in many different languages](#)). To understand its structure and contents, see also the critical commentary by Woehrling (2005). In addition, Nogueira López, Ruiz Vievitez and Urrutia Libarona (2012) conducted, article by article, what is to date the most detailed analysis of COMEX's findings.

2 The database is still being developed and is scheduled to be available for public use in early to mid 2020. REMILAN's primary purpose is to help open up new ways of analyzing and/or assessing the Charter itself, COMEX's work and especially the degree to which each State is fulfilling the commitments that were entered into through the Charter's instrument of ratification.

3 Bosnia and Herzegovina's ratification instrument includes 17 languages. All of them were addressed by COMEX in its first report

Poland (14), Ukraine (13), Germany (11), Romania (10) and Serbia (10). The following States recognize the smallest number of languages: Austria, Sweden, Switzerland and the United Kingdom with three languages each; the Czech Republic, Finland, Montenegro and Slovenia with two languages per State; and Denmark, the Netherlands and Norway with only one language protected by Part III of the Charter (see Table 1).⁴

Table 1. Number of languages (NL) protected by part III of the Charter

State	Number of languages (NL)	Weighted value*
Armenia	5	0.333
Austria	3	0.2
Bosnia and Herzegovina	15	1
Croatia	7	0.466
Czech Republic	2	0.133
Denmark	1	0.066
Finland	2	0.133
Germany	11	0.733
Hungary	8	0.533
Montenegro	2	0.133
Netherlands	1	0.066
Norway	1	0.066
Poland	14	0.933
Romania	10	0.666
Serbia	10	0.666
Slovak Republic	9	0.6
Slovenia	2	0.133
Spain	7	0.466

(2013). However, in that same report COMEX itself requested a clarification from the Bosnia and Herzegovina authorities regarding the status of Macedonian and Montenegrin. They specifically asked whether or not these languages “are traditionally used in the State and consequently ‘regional or minority languages’ in the sense of the Charter” (see [paragraph 25](#) of the first report on Bosnia and Herzegovina). In light of the response from the authorities, in the second report (2016; see [paragraph 14](#)) COMEX decided not to begin evaluating Macedonian or Montenegrin since they are not languages that have traditionally been used in Bosnia and Herzegovina.

⁴ Bear in mind in any case that these figures are not fixed. In addition to the examples such as the one discussed in Note 3 on languages in Bosnia and Herzegovina, the “flexibility” itself of the concept of a language allows for somewhat different quantifications. For example, thus far the Council of Europe, at the behest of the Spanish authorities treats Catalan and Valencian as if they were two different languages. The criterion that has thus far prevailed in that decision is a legal one given that Valencian (Valencià) is the only term that appears in the Estatut d’Autonomia de la Comunitat Valenciana, whereas from a philological standpoint there is no doubt that Valencian is a variety of Catalan. Just as there is no doubt that the self-proclaimed term for the language is Valencian (going back to at least the 15th Century), there is also no doubt that it is the same language as Catalan, including numerous rulings on the matter by the Constitutional Court of Spain that upholds the validity of the term Catalan when referring to Valencian. As a result, the recommendation is that COMEX use the hyphenated name Valencian-Catalan to refer to the language of the Valencian people, as stated in the Spanish State’s Fifth Follow-up Report. In any case, this does not change the number of languages covered under Part III in Spain, given that, regardless of which term is used, the number arrived at depends on the number of territories in which minority languages are officially used: Catalan in the Balearic Islands, Catalan in Catalonia and Valencian-Catalan in the Valencian Community are quantified as 3 languages, just as in the case of Basque in the Basque Country and in Navarre.

A different case is that of Sami in Norway. While it is true that the ratification instrument makes explicit reference to “the Sami language”, with its three varieties (Lule Sami, North Sami and South Sami), until 2017 the interpretation by COMEX had been that Part III of the Charter only applied to North Sami, despite the fact that this does not appear in the ratification instrument. In the COMEX’s [seventh report](#) on Fulfillment of the Charter for Norway that was published in 2018, this interpretation has changed and Part III applies to all three “Sami languages”, a decision that has not been accepted by the Norwegian government as indicated in Appendix II of COMEX’s seventh report that includes, among other things, the comments of the Norwegian Government regarding said interpretation by COMEX:

“[...] Norway’s obligations under Part III of the Charter only apply to the North Sami language. Norway will accordingly continue to apply Part III of the Charter only to the North Sami language and invites the Committee of Ministers and the Committee of Experts to do so as well”.

Sweden	3	0.2
Switzerland	3	0.2
Ukraine	13	0.866
United Kingdom	3	0.2

*Values calculated based on the number of languages in comparison to that of Bosnia and Herzegovina, the State that protects the largest number of languages in Part III: 15 languages = 1 point.

As we have indicated, in addition to being able to select the languages covered by Part III of the Charter (unlike those that are only covered by Part II, which are all of the languages that meet the definition included in Article 1 of the Charter), the States can also choose the number of obligations they acquire, with a minimum of 35 paragraphs or subparagraphs (see Article 2.2 above), and therefore can select the range of these commitments. Given the structure of the Charter itself, with its articles, paragraphs and subparagraphs (which in some cases are alternatives and in others are cumulative), it is not always obvious how one should quantify this minimum of 35 units; in this regard, see [paragraph 45](#) of the Explanatory Report. In other words, paragraphs 8.1 (*a, b, c, d, e, f*), 9.2, 10.1*a*, 10.3 and 11.1 (*a, b, c, e, f*) include different “levels of intensity” that each party may select, and the subparagraphs of these paragraphs involve alternatives that are mutually exclusive (with the conjunction *or* being used). For example, Article 8.1*a* (on preschool education) establishes the following possibilities:

- i. To make available pre-school education in the relevant regional or minority languages; or
- ii. To make available a substantial part of pre-school education in the relevant regional or minority languages; or
- iii. To apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or
- iv. If the public authorities have no direct competence in the field of pre-school education, to favor and/or encourage the application of the measures referred to under i to iii above.

As we see, these subparagraphs are mutually exclusive. Choosing the highest level (in this case “i”) generally entails fulfilling those that are below it, with the exception of “iv” which follows a different logic.

In other sections, the Charter uses the term *and/or*, which implies that these obligations may be cumulative. This only occurs in 9.1 (*a, b, c*). For example, pursuant to Article 9.1*a*, the parties agree to do the following in criminal court proceedings:

- i. To provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or
- ii. To guarantee the accused the right to use his/her regional or minority language; and/or
- iii. To provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or
- iv. To produce, on request, documents connected with legal proceedings in the relevant regional or minority language, if necessary, by the use of interpreters and translations involving no extra expense for the persons concerned.

In other words, a State may choose as many subparagraphs as it deems appropriate (or none). However, choosing “i”, for example, clearly entails all of the other lower level paragraphs given that it is broader. The same applies to “ii” and “iii”.

All of the other paragraphs and subparagraphs follow a different model. That is, they do not involve hierarchies and can be chosen (or not chosen) at random. This is the case with 8.1 (*g, h, i*), 8.2, 9.3, 10.1*b*, 10.1*c*, 10.2, 10.4, 10.5, 11.1 (*g*), 11.2, 11.3, 12.1, 12.2, 12.3, 13.1, 13.2 and 14. This complexity, which is part and parcel of the Charter, consistently reflects “the wide disparities in the *de facto* situation of regional or minority

languages”⁵ in Europe, with points of departure, speeds and levels of intensity that vary significantly for each language and which therefore are more open to interpretation by COMEX (Dunbar, 2008).

Some States have chosen very high levels of commitment for all or a majority of languages covered by Part III of the Charter in most of the articles that have mutually exclusive alternatives. Such is the case with Finland, Slovenia, Spain and Switzerland.⁶ Some States have opted for high levels of commitment in some articles but not in all of them, as is the case with Croatia, and Montenegro (Article 10.3 for all languages), the Czech Republic (Article 8 in the case of Polish), Poland (Article 8 for all languages), Romania (Article 8 in the case of Croatian, German, Hungarian, Slovakian, Turkish and Ukrainian) and the Slovak Republic (Article 8 in the case of Hungarian). Finally, some States have selected medium or low levels of protection for most of their languages. This is the case, for example, with Armenia, Bosnia and Herzegovina, Denmark, Germany, the Netherlands, Sweden and the Ukraine.

3 Methodological model

Pursuant to Article 16 of the Charter, analyzing fulfillment of the obligations undertaken by a party to the instrument of ratification is the task of COMEX, a body made up of one member from each State in which the Charter is in effect (Article 17). COMEX’s task consists of monitoring said fulfillment through a process that remained unchanged until 2019. Beginning in 2019, the Committee of Ministers adopted a different monitoring strategy. The most significant change is in increasing the monitoring cycles from three to five years. In other words, beginning in July of 2019 the parties must submit their reports every five years, but every two and a half years they must also submit a mid-term report on fulfillment of what COMEX considers “immediate-action recommendations”. In that mid-term report each State only has to include information that is brief and highly focused on those specific recommendations. The reason for this change, which entails a modification of Article 15 of the Charter, is that the Charter was the only Council of Europe instrument that had a three-year follow-up cycle. It is understood that switching to a five-year cycle will facilitate the work of the different governments to meet their obligations in addition to making the Charter conform to the cycle lengths of all other Council of Europe instruments. Also, beginning in 2019 if a State falls significantly behind in submitting its five-year report, COMEX, pending a decision by the Committee of Ministers, may begin its evaluation report before it has received the State’s periodical report.⁷

All of COMEX’s reports are accessible to the public on the Council of Europe’s website.⁸ This paper therefore conducts an exhaustive analysis of each of these reports and this has allowed us to create a specific database that will be useful in future analyses on the work done by COMEX.

3.1 The REMILAN Database

To analyze the degree of satisfactory fulfillment (SF) of each State’s obligations, pursuant to its instrument of ratification, we have analyzed all of COMEX’s reports published through December 31, 2018 once they were entered into the REMILAN database. We have studied a total of 94 reports, all of which are accessible on the [Council of Europe’s website](#). Although the reports follow a similar structure and narrative style, some changes are noted in the 20 years since the Charter went into effect when the first reports from Croatia (2000), Finland (2001), Hungary (2001) the Netherlands (2001), Norway (2001) and Switzerland (2001) were published. It is also important to bear in mind that COMEX, as the body in charge of writing and approving each of the reports, is an entity whose members have changed over the years since its inception. But beyond questions of interpretation which in and of themselves are quite important, the most notable formal difference occurred in 2017 when a significant change in the structure of the reports took place, the purpose of which was to make them more user-friendly and accessible to different types of readers, everyone from government officials to minority language speaker representatives and the news media.

⁵ Paragraph 46 of the Explanatory Report.

⁶ Switzerland opted for a high level of commitment for Italian and a moderate level for Romanche.

⁷ For more information, see the document [Strengthening the Monitoring Mechanism of the European Charter for Regional or Minority Languages](#).

⁸ In this paper we have not analyzed the reports for Cyprus (with no languages covered in Part III of the Charter), Liechtenstein or Luxemburg, which, as was indicated above, do not recognize any regional or minority languages in their territories.

A brief perusal of any of COMEX's reports shows a range of possibilities in the decision-making that provides four options: "fulfilled", "partly fulfilled", "formally fulfilled" and "not fulfilled". In most of the commitments that were evaluated, this conclusion is specifically stated, generally in the last paragraph of each commitment. However, there are also numerous cases in which COMEX indicates the difficulty it had in reaching a conclusion, and as a result the database also allows for the possibility of "no conclusion" being listed, in which case there is a broad array of discourse strategies used by COMEX. While it is true that when COMEX for any number of reasons does not reach a conclusion, the Committee generally makes this explicit occasionally it does not. To the extent possible, in order to avoid any interpretation that is not given by COMEX, the criterion used to label the commitment as "no conclusion" in the database is the explicit absence of one of the four aforementioned possibilities. Even so, occasionally to resolve certain ambiguities we have had to revise what is said about a specific commitment in earlier and/or later reports.⁹

3.2 Problematic examples

The main challenges presented by the design and scope of a database on the Charter are the diversity and the complexity of situations that arise when dealing with 22 States that are administratively different. In our review of the 94 reports we have detected 402 problematic cases. A significant number of these cases involve the three administrative levels described in the Charter (national, regional and local) for a single State. This means that we often find commitments that are interpreted differently depending on which level of government (such as national, provincial or local) is tasked with fulfilling them. It is true that the instrument sets forth these specific differences in some of its articles, such as Article 10, but in practice we have found examples of findings by COMEX that vary within a single commitment due to these different levels of government. Other possibilities involve commitments in which different realities are contemplated under a single category. For example, Article 8.1.h makes reference to both "basic training" and "further training of the teachers". While what occurs most often is an assessment involving both categories, occasionally for "basic training" COMEX will have a finding other than "further training". Something similar occurs in Article 11.1.a in which we see examples where one conclusion is reached for TV and a different one for radio.

As we will see in the examples presented below this range of issues is possible in commitments referred to in Articles 8, 9, 10, 11 and 12. We do not find any example in Article 14 and only one in Article 13, which involves a case in which COMEX does not make any comment, when one would expect the entity to indicate a conclusion.

More problematic are the cases in which there are different conclusions for different varieties of the same language, at least if we consider the State's ratification instrument, which is what defines the languages that are covered under Part III. For example, in COMEX's most recent reports on Finland the distinction between North Sami, Inari Sami and Skolt Sami is frequently made, whereas the ratification instrument only makes reference to Sami as a single language. Thus, different findings may be given for each of the three varieties of Sami that are spoken in Finland.

Table 2 contains some of the main examples in which COMEX has reached a double or triple conclusion (and in some cases, a single but "problematic" conclusion) in indicating the State, language, report, Committee of Experts' finding and the conclusion in REMILAN.

⁹ Since 2017 when tables listing COMEX's decisions for each language were introduced the follow-up process has been much easier.

Table 2. Examples of double or triple (or unique but “problematic”) conclusions by COMEX¹⁰

State	Language	Report No.	Article	COMEX's finding	Finding in REMILAN
Armenia	Assyrian	3	11.1.a.iii	-Partly fulfilled -Not Fulfilled	Partly fulfilled
Austria	Slovenian	1	10.1.a.iii, c	-Fulfilled -No conclusion	Partly fulfilled
Croatia	Hungarian	1	9.1.d	-Not fulfilled -Fulfilled	Partly fulfilled
Croatia	Ruthene	3	12.1.g	-No conclusion -Not fulfilled	Not fulfilled
Czech Republic	Polish	3	8.1.g	-Fulfilled -Not fulfilled	Partly fulfilled
Germany	High Sorbio	2	10.2.b	-Fulfilled -Formally fulfilled	Partly fulfilled
Hungary	Slovenian	3	11.1.f.i	-Fulfilled -Partly fulfilled	Partly fulfilled
United Kingdom	Scotch-Gaelic	4	10.2.f	-Fulfilled -Partly fulfilled -Not fulfilled	Partly fulfilled

In our analysis of these problematic examples, the most common finding is “partly fulfilled” (90%) followed by “no conclusion” (7%). This decision is justified insofar as it reflects a commitment that has only been partially fulfilled. While we realize we are dealing with a continuum and “fulfilled/not fulfilled” is not the same as “partly fulfilled/not fulfilled”, COMEX’s own criterion for interpreting them limits the possible nuances that should be allowed. In addition, we have found two unusual situations shown below that are difficult to categorize:

- a) Cases in which COMEX finds that a commitment does not apply to a particular language. An example of this is the finding on the commitment that appears in Article 8.1.f.iii on Kurdish in the second report on Armenia.¹¹
- b) Cases in which COMEX does not make any comment when one would expect that it would. This is the case, for example, in Article 13.1.d on Hungarian in the [first report on Romania](#).
- c) Cases of errors in COMEX’s interpretation. We have found only three cases of this:
 1. Article 10.1.c for Valencian in the [fourth report on Spain](#). COMEX’s report indicates that “The Committee of Experts considers that the undertaking remains **partly fulfilled** and asks the authorities to provide information in the next periodical report” ([paragraph 568](#), emphasis added). However, the third report indicates that “Based on this information, the Committee of Experts considers the undertaking **fulfilled**” ([paragraph 835](#), emphasis added).
 2. Article 8.1.d.iv for Croatian in the [third report on Serbia](#). While COMEX’s report says that “The Committee of Experts maintains its previous conclusion that this undertaking is **fulfilled**”

¹⁰ The number of each example found is as follows: “fulfilled / not fulfilled” (114 cases); “fulfilled / no conclusion” (94 cases); “fulfilled / partly fulfilled” (65 cases); “partly fulfilled / not fulfilled” (52 cases); “not applicable” (16 cases); “fulfilled / partly fulfilled / not fulfilled” (11 cases); “no comments” (10 cases).

¹¹ See [paragraph 122](#).

([paragraph 304](#), emphasis added), in the second report, COMEX “considers the undertaking [...] **partly fulfilled** for [...] Croatian” ([paragraph 124](#), emphasis added).

3. Article 10.5 for Croatian in the [third report on Serbia](#). While COMEX’s report says that “The Committee of Experts maintains its previous conclusion that this undertaking is **fulfilled**” ([paragraph 339](#), emphasis added), the second report had found that “In view of the information received, COMEX maintains its previous conclusion that the undertaking is only **formally fulfilled**. It asks the Serbian authorities to provide specific information in the next periodical report” ([paragraph 210](#), emphasis added).

Both in a) and b), REMILAN has issued a finding of “no conclusion”. In the three cases of c) that were found, the finding coincides with that of COMEX, although the database contains a note that makes specific reference to the error.

4 Fulfillment of part III of the Charter: an analytic model

Now that the Charter has been in effect for 20 years it is worth evaluating the degree to which the Charter has been complied with in order to determine State and language profiles based on indicators that address whether each of the States in which Part III of the Charter is in effect has progressed, maintained the status quo or regressed. To do so we will first indicate a classification of States based on the degree of satisfactory fulfillment vs. non-fulfillment (Graph 1), that is, without taking into account the number of protected languages, the commitments entered into, or the differences among languages. This indicator gives the percentage of obligations that were satisfactorily met in the last report on each State (through 2018), which is not always the highest percentage as we will show in section 5. Secondly, we will develop a model that seeks to analyze the effort entailed for each State to make progress on the obligations entered into in the ratification instrument. Said model will enable us to have a weighted classification based on the following three variables: i) number of languages protected by Part III (Table 1); (ii) number of commitments (obligations) chosen by each State (Table 3); and (iii) the range of the obligations in those articles, paragraphs and alternative subparagraphs that follow a hierarchical order (Table 4). The result of this new classification will be called *State effort* and it is our hope that this will contribute to providing a more complete understanding of what fulfilling the obligations entered into in Part III of the Charter’s instrument of ratification entails.

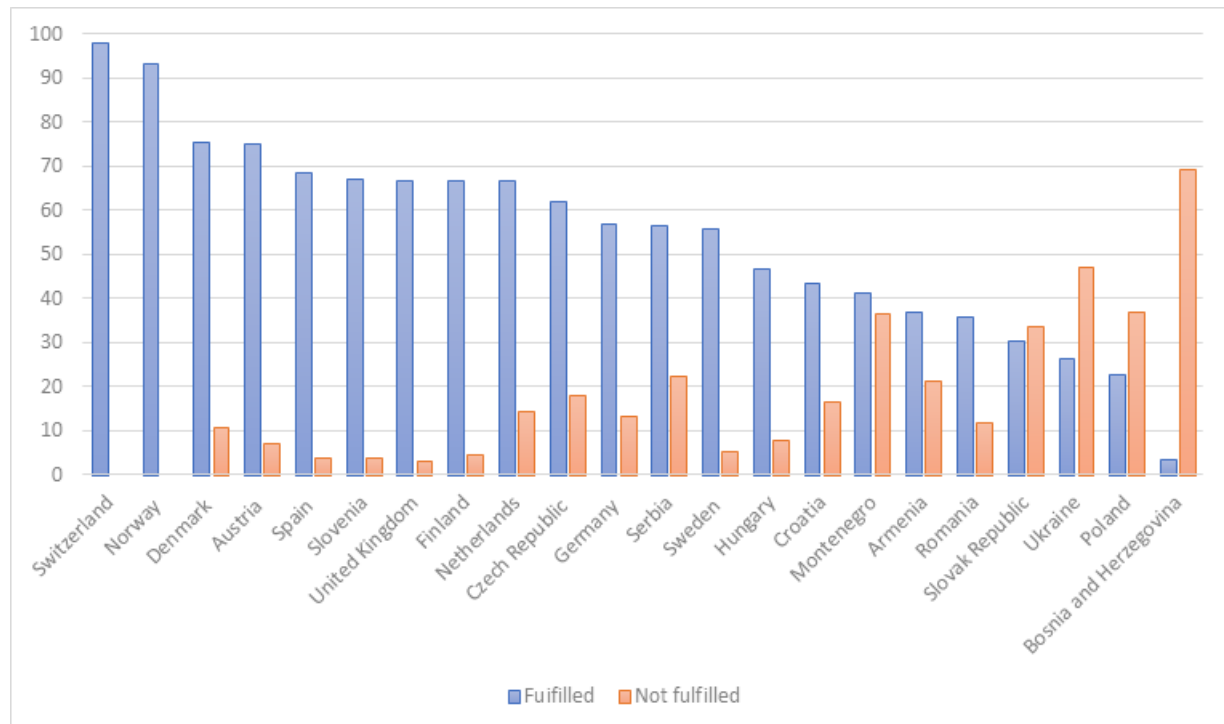
4.1 Satisfactory fulfillment vs. non-fulfillment

Satisfactory fulfillment (SF) refers to the degree to which the commitments entered into by each State have been fulfilled as indicated by the percentage of “fulfilled” commitments that each State received in its last report, irrespective of the other solutions mentioned previously that COMEX has at its disposal. Non-Fulfillment (NF), in turn, refers to the percentage of “not fulfilled” commitments in each State’s last report. It should be noted that among all of the different possible scenarios a “not fulfilled” is the worst one and entails a clear challenge to the spirit of the Charter which states that “the protection of the historical regional or minority languages of Europe, some of which are in danger of eventual extinction, contributes to the maintenance and development of Europe’s cultural wealth and traditions” (preamble to the Charter).

From this perspective, the States in which SF is most satisfactory are Switzerland (98.1%) and Norway (93.5%). Next but clearly in a lower category are Denmark (75.7%) and Austria (75.2%). Those States with the worst results are Ukraine (26.4%), Poland (23%) and, in a very low rank is Bosnia and Herzegovina (3.5%). In general, as shown in Graph 1, the States that have the highest levels of SF also have the lowest levels of NF (and vice versa), which is explained by the high negative linear correlation between the two variables ($r = -0.8469$, $R^2 = 0.72$). Although this is what one would expect, it is important to keep in mind as was indicated above that COMEX uses five different categories. Thus, it could be the case that a State has a low percentage of both “fulfilled” and “not fulfilled”, and yet this does not entail a contradiction. This in fact is the case, for example, with Romania since in the two fulfillment monitoring cycles that have thus far taken place COMEX has deemed that 43% of Romania’s commitments are rated in a category other than “fulfilled” or “not fulfilled”.

Graph 1. Satisfactory fulfillment and non-fulfillment of the commitments entered into*

*This includes the data from the last report of each State through 2018.



Both SF and NF are fundamental indicators for understanding the Charter's overall situation in each State and being able to compare the differences without delving into the unique aspects of each one. In other words, these indicators provide an approximation of fulfillment or lack of fulfillment of the Charter without taking into account variables such as the number of languages, the level of protection or the sociolinguistic context of each of the languages, with the latter being understood as the number of speakers, the level of state protection or the degree of language vitality. This is why we designed a model that takes some of these additional indicators into account, as presented below, so as to have a more complete picture of what each party's effort in fulfilling its objectives means. The purpose of this model is to analyze the situation of each party at the time the treaty was ratified. This approach assumes (and requires) effort levels that are different in successfully fulfilling the obligations entered into. Put another way, achieving a high SF with a single language is not the same as doing so with five or ten languages. In addition, if a State has chosen a small number of commitments and/or said commitments are in the medium to low range, it stands to reason that it will be easier for that State to fulfill its obligations.

4.2 State effort (SE)

As we have indicated, this weighted classification takes into account three variables:

- (1) Number of languages (NL) protected by Part III;
- (2) Number of commitments (NC), that is, the average number of selected paragraphs and subparagraphs; and
- (3) The range of obligations (RO), that is, the choices made in those Articles that present alternative and hierarchical solutions which, as we have indicated, are Article 8.1 (a, b, c, d, e, f); Article 9.2; Article 10.1a, Article 10.3 and Article 11.1 (a, b, c, e, f).

Because of a glaring lack of research on all of the languages covered by Part III of the Charter it is impossible to introduce an indicator that takes into account sociolinguistic context. In any case, when this becomes possible, that will be the time to revise the model that we are now proposing.¹²

We are also aware of the fact that, as with all categorization systems, this decision is not without its pitfalls given the complex nature of the options covered by Part III of the Charter, as previously indicated. While both NL and NC are objective categories (although the latter exhibits some nuances), RO is more open to interpretation given that nowhere is it explicitly stated that a given State has a high, medium or low level. With regard to NC, bear in mind that Article 2.2 defines the minimum number of obligations as 35 paragraphs and subparagraphs but does not state what the maximum number is.¹³ To make matters more complicated, a State that has more than one language protected under Part III can choose the same or different commitments for each of those languages, provided that the minimum number, 35, is complied with (Table 3).¹⁴ In addition, in some cases the Parties have chosen two commitments that in and of themselves are alternative and hierarchical commitments. This means that one of these commitments, whichever one is at the highest level, includes the other one. For example, Denmark, in Article 8.1.c (on secondary education) has chosen subparagraphs iii and iv. In cases such as this one, COMEX only considers the higher ranked commitment, that is, 8.1.c.iii. Therefore, in cases such as this one, pursuant to COMEX's practice, our model only calculates the highest-rank obligation, that is, 8.1.c.iii. In other words, the model we present awards a higher score to a greater number of paragraphs selected and/or to the options that are considered of higher rank in the aforementioned articles.¹⁵

The model therefore takes into account the following indicators:

a) Number of Languages (NL) that are protected (Table 1)

The number of languages figure is determined by weighting the number of languages protected by Part III in each State on a normalized linear scale. To do so, we take the State that has the most languages and we assign it a value of 1. All other States will have a value based on their distance from that value of 1.

b) Average Number of Commitments (NC)

The number of commitments figure is determined by weighting the commitments undertaken on a normalized linear scale that awards the State that took on the largest number of commitments the value of 1. All other States will have a value based on their distance from that value of 1.

12 Sociolinguistic context is a key component of the Charter. It should be noted that the treaty makes it very clear that the options for protection that each State may choose in Part III are applicable "according to the situation of each language", which means that the obligations must take into account the State's starting point, particularly regarding the number of speakers. In any case, the recommendation is always to choose the strongest options. As indicated in paragraph 46 of the Explanatory Report "a weaker alternative should be adopted only when the stronger option cannot be applied owing to the situation of the language in question". As a proposal to develop an indicator takes into account a State's sociolinguistic situation, it will be advisable to consider variables such as the number of speakers, the level of domestic protection each language has, how similar the protected language is to official languages, and even the State's administrative configuration: federalist, state autonomy, or centralist.

13 This 35-number minimum is not always easy to determine due to the fact that sometimes it is the paragraph and sometimes the subparagraph that enters into the calculation. In this regard, paragraph 45 of the Explanatory Report states that "If a state chooses paragraph 3 of Article 9, this paragraph will count as one unit for the purposes of Article 2, paragraph 2; the same applies if a state accepts sub-paragraph g of Article 2, paragraph 1. Where a given paragraph or sub-paragraph contains several options, the choice of one option will constitute a sub-paragraph for the purposes of Article 2, paragraph 2".

14 Some States choose the same commitments for all of its languages, while others do not. For the States that selected different commitments for different languages, the table indicates the average number of commitments.

15 The number of points awarded ranges from 1 to 3 with the following distribution:

- 3 points: paragraphs or subparagraphs 8.1.a.i/b.i/c.i/d.i/e.i/f.i; 9.1.a.i/b.i/c.i; 9.2.a; 10.1.a.i; 10.3.a; 11.1.a.
- 2 points: paragraphs or subparagraphs 8.1.a.ii/b.ii/c.ii/d.ii/e.ii/f.ii; 9.1.a.ii/b.ii/c.ii; 9.2.b; 10.1.a.ii-a.iii; 10.3.b; 11.1.b.i/c.i/e.i/f.i.
- 1 point: paragraphs or subparagraphs 8.1.a.iii-iv/b.iii-b.iv/c.iii-iv/d.iii-iv/e.iii/f.iii; 9.1.a.ii/b.ii/c.ii; 9.2.b; 10.1.a.iv-a.v; 10.3.b; 11.1.b.ii/c.ii/e.ii/f.ii.

In accordance with this model, the maximum score that could be reached is 47 points (see Table 4). When an intermediate score is obtained (1.5 or 2.5), this means that some languages are protected on a higher hierarchical level than others.

c) Range of Obligations (RO)

Once this level of protection is determined, we compare the different ranges on a normalized linear scale that gives the State with the greatest range in the set of obligations the value of 1. All other States will have a value based on their distance from that value of 1.

Objectively speaking, all three indicators could be improved in the sense that they are not set in stone and can be modified. In practice, however, this almost never happens. Regarding the number of languages, one must bear in mind that, pursuant to Article 1, the Charter only protects regional or minority languages that are “traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State’s population”. In addition, they must be languages that are “different from the official language(s) of that State”, and dialects of the State’s official languages are not included nor are the languages of recent immigrant communities. However, all of the languages that actually meet these requirements can be chosen by each State to be covered by Part III of the treaty (they would automatically be covered by Part II). Therefore, choosing more or fewer languages for Part III is a decision that is entirely at the discretion of each State. As we have stated, there are States that include in Part III all languages that meet the definition of Article 1, such as Bosnia and Herzegovina (15 languages), Poland (14 languages) or Denmark (1 language). What is most often the case is that the ratification instrument will include an explicit identification of the languages that they want protected by Part III. In some cases, this is the majority of their regional or minority languages, while in other cases it is a small subset of the total number. The case of Cyprus is unique in that it has not designated any language to be protected by Part III, although with the Charter being ratified it protects two languages in Part II, pursuant to Article 2.1.

A different scenario is when after a number of years have gone by a State incorporates into Part III a new language that was not initially identified in the ratification instrument, something which is allowed under Article 3.2. This is the case, for example, with Occitan/Aranese in Spain, which was only included in Part III at the time it was recognized as an official language in Catalonia, years after Spain ratified the Charter. With regard to the level of protection, Article 3 of the Charter allows for the possibility of States taking on new obligations, although in practice the obligations undertaken in the ratification instrument have never been modified by increasing them. The number of languages to a large extent depends on decisions made by each party but also on each State’s sociolinguistic reality. Thus, the fact that a State may protect, for example, five languages under Part III does not mean that COMEX will be more or less demanding in its interpretation of that State’s fulfillment of the commitments it has taken on, nor is it necessarily the case that it will be “easier” for that State to fulfill said objectives than another State that, for example, has 10 languages. In contrast, the other two criteria, the number of commitments and the range of obligations are in fact more dependent on state intervention.¹⁶

Both the NC and the RO may also be changed, although this does not happen very often. However, a State can increase both the number of its obligations and those obligations’ hierarchical order (Article 3.2). An example of this is the modification that has taken place in Hungary regarding Romani. Since 2008, this language has been deemed a protected language under Part III of the Charter as well. Until then, it had only been covered under Part II. Sometimes changes have been made by accident. For example, although in the instrument of ratification Armenia committed to upholding the obligation that appears in subparagraph c) of Article 12, a couple of years later it went back and indicated that its commitment was not under subparagraph c) but rather under subparagraph d) of that Article.¹⁷

¹⁶ It should be noted that the Charter makes it very clear that the options for protection that each State can choose under Part III apply “according to the situation of each language”, which means that the obligations must take into account the baseline situation, particularly the number of speakers. In any case, the recommendation is always to choose the strongest options. As indicated in paragraph 46 of the Explanatory Report, “a weaker alternative should be adopted only when the stronger option cannot be applied owing to the situation of the language in question”.

¹⁷ See page 37 of the [report](#).

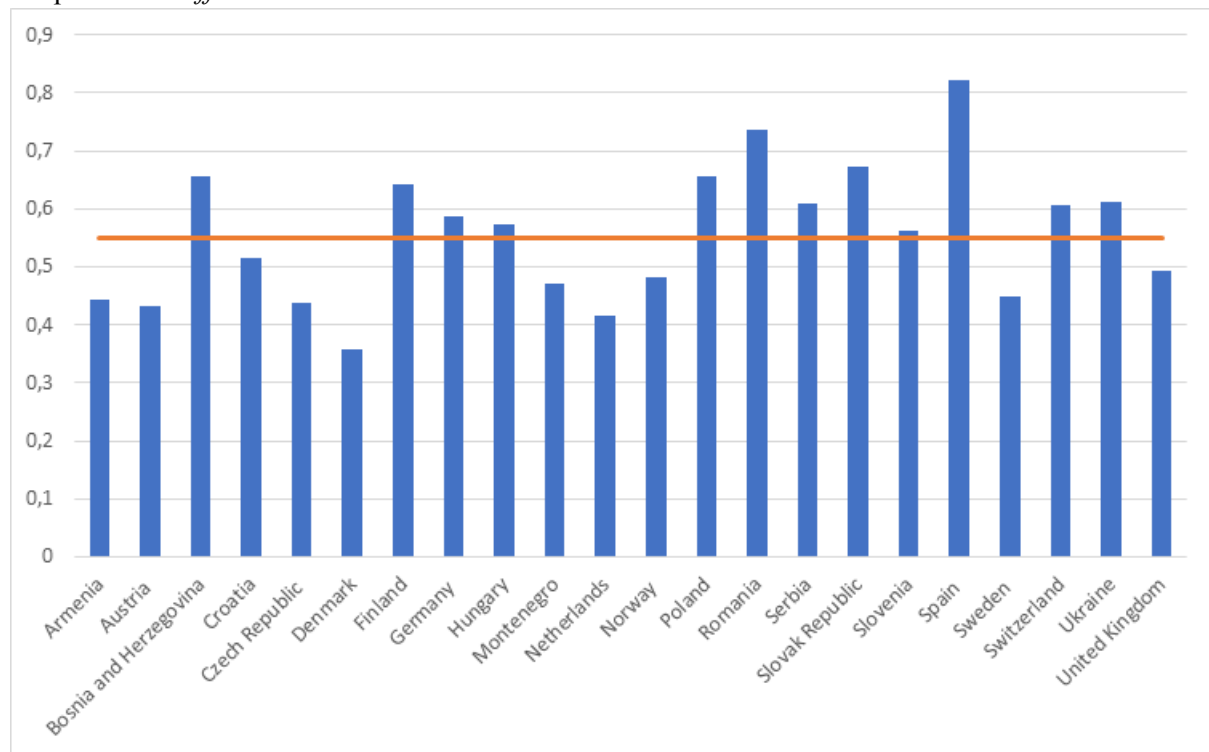
Graph 2 shows *State effort* in fulfilling the Charter based on the model that we proposed above, which is calculated as follows (see Table 5):

$$SE = \frac{NL + NC + RO}{3}$$

With *SE* being “State Effort”, *NL* “Number of Languages”, *NC* “Number of Commitments”, and *RO* the “Range of Obligations”. In all cases, we use normalized values on a scale of 0 to 1. Each of the indicators has allowed us to construct a quantitative variable. The formula that was chosen establishes a result between 0 and 1, where 0 is the minimum *State effort* and 1 the maximum *State effort*.¹⁸

To make *SE* easier to understand, we assume that to fulfill the obligations a party commits to undertake (that is, to move toward full Satisfactory Fulfillment or SF) the larger the number of these circumstances that are involved, the more difficult it will be: a greater *NL*, a greater *NC* and a greater *RO*. In other words, assuming two States have the same SF, if one of them has more languages and a greater range of obligations, the *State effort* will be greater. Another way of saying this is that it is assumed that achieving an SF requires less effort for a State that has a low *NL*, *NC* or *RO*. If two of these variables have low values, the effort will be even lower, and if all three variables are low, then only minimal effort will be needed.

Graph 2. *State effort**



*The orange line indicates the average *State effort*.

There is considerable variation in the effort that each State must exert to make satisfactory progress in fulfilling the Charter. Taking into account that the average amount is 0.54 points (the orange line), we propose to divide the States into five groups:

- a) A **very high** level of *State effort* (> 0.70): Romania and Spain.
- b) A **high** level of *State effort* (between 0.60 and 0.70): Bosnia and Herzegovina, Finland, Poland, Serbia, Slovak Republic, Switzerland and Ukraine.

¹⁸ The model used to assess State effort that has been presented here is a rational attempt to understand what fulfilling their commitments entails for each State. As is evident, there are other alternatives that are equally rational and that involve weighing the three variables in a different way than the one we have chosen here (or in other ways that are not addressed in our model). Here we have decided that it is best to give equal weight to each of the three indicators.

- c) An **average** level of *State effort* (between 0.50 and 0.60): Croatia, Germany, Hungary and Slovenia.
- d) A **low** level of *State effort* (between 0.40 and 0.50): Armenia, Austria, Czech Republic, Montenegro, the Netherlands, Norway, Sweden and United Kingdom.
- e) A **very low** level of *State effort* (<0.40): Denmark.

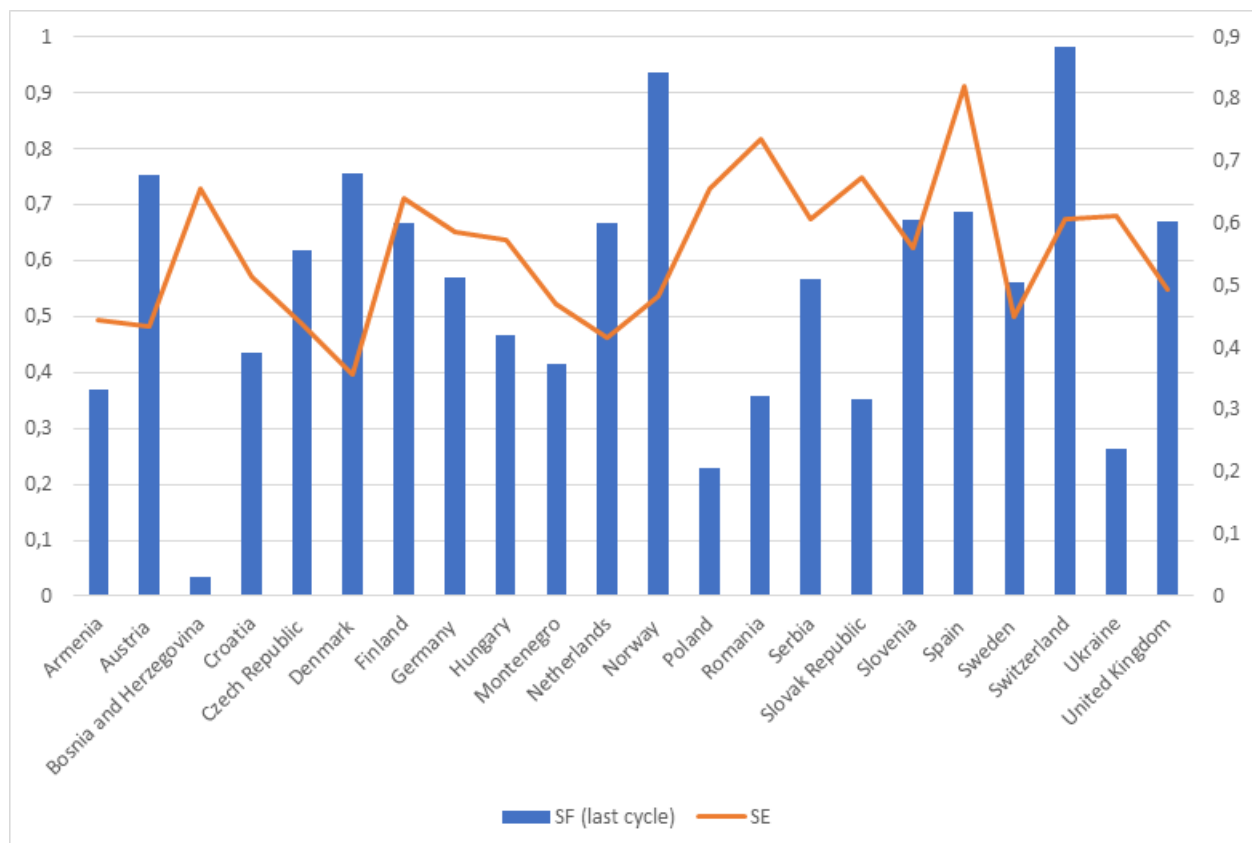
In the upper range, the case of Spain can be explained by the fact that it has two variables with the highest scores (NC and RO). Romania, in turn, has high values in all three variables. In the lower range, Denmark has low scores in all three variables. In the remaining States, there are various different possibilities. For example, Bosnia and Herzegovina has a high NL score but an average NC level and a low RO amount. Croatia, in turn, has an average NL score and low NC and RO levels.

It is important to keep in mind that SE is not a figure that makes it possible to classify States as “better” or “worse” with regard to fulfilling their obligations. That is not the goal. The only thing it measures is simply how much effort a State needs to make to achieve that fulfillment, which does not take anything away from those States that need to make less effort. However, we believe that the interpretation we are proposing for fulfillment of the Charter will help people better understand the complex reality that working with a broad range of situations entails, as is evident from the broad range of options that the Charter offers and that can be seen through a simple comparison of the instruments of ratification.

The correlation between SF and SE is negative and very low ($r = -0.3154317$, $R^2 = 0.1$), as shown in Graph 3. This means that the value of one variable does not tell us what the value of another variable will be. Therefore, the hypothesis that the greater the SE is the lower the SF will be is almost never confirmed. This is to be interpreted as yet another example of the Charter’s complexity, or, put another way, it will not always be the case that a high SF will mean that the SE will be low nor vice versa. Let us look at this with a few examples:

- a) Examples that confirm the hypothesis
 - I. Low/very low SE and high SF: Austria, Denmark and Norway.
 - II. High SE and low SF: Bosnia and Herzegovina, Poland, Romania, Slovak Republic and Ukraine.
- b) Examples that do not confirm the hypothesis
 - I. High SE and SF: Finland, Spain and Switzerland.
 - II. Low SE and SF: Armenia and Montenegro.
- c) Examples that are ambiguous vis-a-vis the hypothesis
 - I. Average SE and SF: Germany, Hungary, Serbia and Slovenia.

Graph 3. Relationship between satisfactory fulfillment (SF) and state effort (SE)



5 Progress, stability and regression since the Charter went into effect, 1998-2018

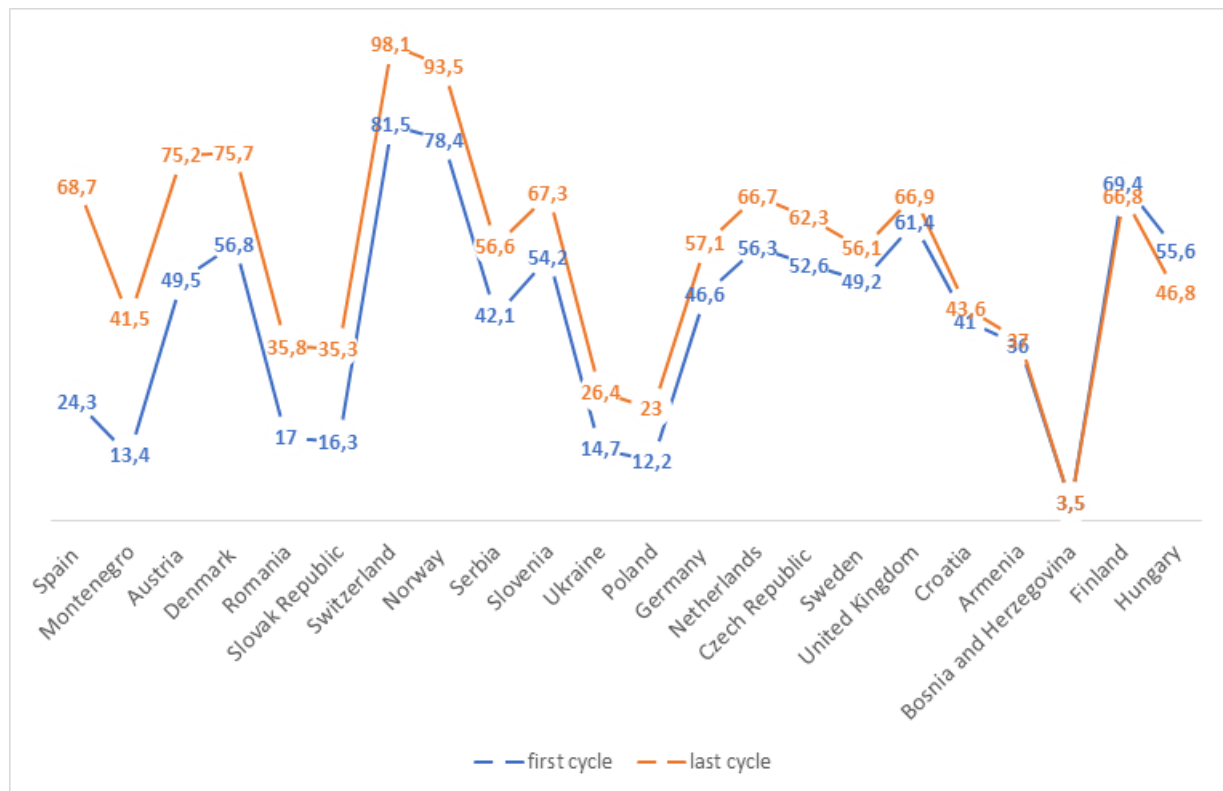
Analyzing the evolution of the level of fulfillment is a fundamental factor in evaluating the status of minority languages protected by the Charter. In some cases, this evolution has a longer history and more aspects that can be measured, while in other cases the amount of time that has elapsed from when it was ratified to the present is relatively short.¹⁹ The differences stem not only from when the Charter was ratified in each State, but also from the frequent delays beyond the time when the States are supposed to send their periodical reports to the Council of Europe’s Secretariat General so that COMEX can begin to do its follow-up.²⁰ In addition, one must bear in mind that the position of COMEX has changed over the years, both because of its members being replaced and also due to the necessary and ongoing debate on how to interpret the treaty.

Bearing all this in mind, in general fulfillment of Part III of the Charter has improved in most States that have ratified it (Table 6). Finland and Hungary, two of the States in which the treaty has been in effect for the longest period of time, are the only two States in which the situation has worsened between the first cycle after they ratified the treaty and the most recent cycle. In Bosnia and Herzegovina there has been no change as the percentage of commitments that have been “fulfilled” in the first and second monitoring period has remained the same. The State that has undergone the most progress is Spain with a 44.4-point spread between the first and last monitoring cycles, followed by Montenegro with a 28.1-point spread and Austria with a 25.7-point spread (Graph 4).

19 In 2018 the number of cycles per State was as follows: Norway (7); Germany, Hungary, Sweden and Switzerland (6); Croatia, Denmark, Slovak Republic, Slovenia, Spain, Finland and the Netherlands (5); Armenia, Austria, Montenegro, Ukraine and United Kingdom (4); Czech Republic and Serbia (3); Bosnia and Herzegovina, Poland and Romania (2).

20 Pursuant to Article 15.1 “the first report shall be presented within the year following the entry into force of the Charter with respect to the Party concerned, the other reports at three-yearly intervals after the first report”. However, as was indicated above, beginning in June of 2019 this changed and the Charter is no longer the only monitoring mechanism used by the Council of Europe that is governed by three-year cycles. Instead, it has changed to five-year cycles as is the case with most of the Council of Europe’s treaties.

Graph 4. Change in satisfactory fulfillment (SF) for each State between the first monitoring cycle (blue line) and the last monitoring cycle (red line)



In some States the margin of improvement between cycles has been—and continues to be—large, whereas in other States, particularly in Switzerland and Norway, the margin of improvement is more relative due to the fact that in the first cycle fulfillment of their obligations was above 75%. In addition, the fact that the progress made in States with five or six monitoring cycles under their belt is relatively small forces us to consider the reason for these differences. If, according to international law, fulfillment of the Charter is mandatory, how is it possible that after 20 years the progress made in some States is only moderate or even poor? As we tried to show in the analytic model that was presented in the previous section, part of the difficulty lies in two of the indicators for the *State effort* model, namely, the number of languages and the level of commitments that are undertaken in the ratification instrument. However, not all of the cases of “stagnation” can be explained by the level of *State effort*. Also, one must have a broad sociolinguistic perspective on European language diversity, as was indicated above. Keep in mind that for many European regional or minority languages, the Charter is the only legal instrument that protects and/or promotes them, and there is no appropriate domestic legislation that does so and that is designed to address the sociolinguistic reality of these languages and their speech communities.

While there has been improvement, one must conduct a more detailed analysis to discover that only a few States have achieved their highest percentage of “fulfilled” commitments in their most recent monitoring cycles (Table 6). This is the case in the Czech Republic, Poland, Romania, Spain, Sweden, Switzerland, Ukraine and the United Kingdom. One must also add the cases of Croatia and Bosnia and Herzegovina, States whose percentages have remained unchanged in the last two monitoring cycles. In the remaining States, one must go back one or several cycles in order to find their highest level of satisfactory fulfillment. Hungary is a case in which the level of satisfactory fulfillment has decreased since it had its best SF values during the first of the six cycles that have taken place thus far.

A review of the States with a “not fulfilled” evaluation will allow us to understand the situation more completely. In other words, it is one thing for COMEX to deem that an obligation has not been “fulfilled” and quite another for it to consider one to be “not fulfilled”, which means a total lack of fulfillment. Remember that between the two ends of the spectrum there are two intermediate points, “partly fulfilled” and “formally

fulfilled”, in addition to the possibility that COMEX, following an exhaustive review of all of the information at its disposal, may not reach any clear conclusion and, in that case, may request information from the State in the next monitoring period. This result, called “no conclusion”, is best avoided but doing so is not always possible. In fact, the number of “no conclusion” evaluations in the first report of almost all of the States is quite large and in some cases even in the second report. One must therefore take into account the “not fulfilled” evaluation in order to better understand the change in regional or minority languages’ protection and promotion in the States that have ratified the Charter (Table 7).

The State with the largest number of “not fulfilled” evaluations in the last cycle is Bosnia and Herzegovina (2016), with 69.3% of commitments deemed “not fulfilled” by the Committee of Ministers. The Ukraine comes in second place as in its last cycle (2017) it had 47.4% of unfulfilled evaluations. In the group of States having the largest number of unfulfilled evaluations in their last cycles one must also include Poland (2015) with 37.1%, and the Slovak Republic (2016) with 33.8%. As can be seen, in 15 States, the largest number of not fulfilled evaluations comes from the first or second monitoring cycles. Finland is the only State in which the last period has a higher percentage of not fulfilled evaluations, although it is only 5%. If we focus on the difference between the first and last cycles, the States that had the most significant negative change were Ukraine (a +34.2-point difference), Serbia (a +18.4-point difference), Montenegro (a +18.3-point difference) and Bosnia and Herzegovina (a +16.2-point difference). In contrast, the States with the biggest positive change in “not fulfilled” obligations are Croatia (a -16.9-point difference) and the Netherlands (a -10.4-point difference).

To summarize this comparative assessment of the evolution of each State we propose the following State profiles:

- States with a clearly favorable development (the sum of the positive value in Table 6 and the negative or zero value in Table 7).²¹ In decreasing order they are:
 - Spain (50.7), Austria (30.3), Switzerland (23), Denmark (21.6), the Netherlands (20.8), Slovak Republic (20.5), Romania (20.4), Croatia (19.5), Norway (15.3) and Slovenia (14.2), Sweden (6.9), United Kingdom (5.5).
- States with a clearly unfavorable development (the sum of the negative or zero value in Table 6 and the positive value in Table 7). In decreasing order they are:
 - Bosnia and Herzegovina (16.2), Hungary (14.5), Finland (4).
- States with a development that is unclear (the difference between the highest and lowest positive values in Tables 6 and 7). In decreasing order they are:
 - Ukraine (22.5), Montenegro (9.8), Armenia (5), Germany (4.8), Serbia (3.9), Poland (1.4), Czech Republic (0.6).

6 Final considerations

When the European Charter for Regional or Minority Languages went into effect this entailed an unprecedented step in the protection of a very large number of European languages. Since 1998 there have been considerable achievements made, particularly when taking into account the increase in the percentage of the number of commitments undertaken by the parties that have been fulfilled. However, much work remains to be done, both in consolidating the progress seen over the course of these many years and in preventing the retrogressions that have occurred. In addition, many languages are still not under the protection of this international instrument because 22 States in the Council of Europe have either not signed the Charter, have not ratified it or both, and these include several States that have extremely rich linguistic diversity. For this reason, there should not be any delay in consolidating the Charter as a treaty that is not only needed

²¹ In arriving at the sum, the positive or negative sign is not taken into account. In other words, the two numbers are added regardless of whether their values are positive or negative.

but absolutely necessary to improve the lives of those who express themselves primarily or exclusively in regional or minority languages.

In this paper we have proposed a new analytic model that we call *State effort* so that what it measures will be taken into account when trying to better understand the responsibility in terms of the commitments that have been undertaken by each State that has ratified the Charter. It is basically a model that has been developed to make use of the REMILAN database that was created based on the findings found in all of the reports written by the Charter's Committee of Experts through the end of 2018. Here we have only analyzed part of the REMILAN database, specifically the State commitments without taking into account the nuances that can be obtained from an exhaustive review of each of the languages covered in each State. In other words, *State effort* includes a reflection on protected languages, but it only takes into account the total number of them in each State rather than an individualized assessment of each language, which will be addressed in a detailed future analysis.

Acknowledgements

I wish to publicly thank Mario Barcala, Manuel Besada, Manuel Guillerme, Ana Varela and Martín Vázquez for their invaluable comments and for their critical contributions to previous versions of this paper and its calculation of *State effort*. I also wish to thank the two individuals who anonymously evaluated this paper for the important suggestions they made to improve it. Any errors that remain in the text are strictly my own responsibility. I would also like to thank Andre Moskowitz for translating this article into English and for his close reading of the original version in Spanish that helped detect some formal errors that have now been corrected.

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Appendix

Table 3. Average number of commitments (NC)

State	Average number of obligations	Weighted value*
Armenia	40	0.59
Austria	36.5	0.54
Bosnia and Herzegovina	35.3	0.52
Croatia	37	0.54
Czech Republic	39	0.57
Denmark	37	0.54
Finland	62	0.91
Germany	37	0.54
Hungary	46	0.68
Montenegro	44	0.65
Netherlands	48	0.71
Norway	51	0.75
Poland	37	0.54
Romania	51	0.75
Serbia	42	0.62
Slovak Republic	49	0.72
Slovenia	51	0.75
Spain	68	1.00
Sweden	43.5	0.64
Switzerland	53.5	0.79
Ukraine	42	0.62
United Kingdom	42	0.62

*Values are calculated based on the distance of each State from Spain, the State that has the highest number of obligations for the languages covered under Part III of the Charter.

Table 4. The States' range of obligations (RO) in fulfilling the charter

ARTICLES																				TOTAL	WEIGHTED VALUE
	8						9.1			9.2	10.1a	10.3	11.1								
	a	b	c	d	e	f	a	b	c				a	b	c	e	f				
Armenia	1	1	1	1	1	1	2	2	2	-	1	-	1	1	1	2	-	18	0.41		
Austria	2	2	2	1	1	1	2	2	2	3	2	-	-	1	1	2	1	25	0.56		
Bosnia and Herzegovina	1	1	1	1	1	1	2	2	2	1	1	1	1	2	1	1	-	20	0.45		
Croatia	1	1	1	1	2	2	2	2	2	3	2	3	1	-	-	1	-	24	0.54		
Czech Republic	2	2	3	2	1	1	2	2	2	3	1	1	1	1	1	2	-	27	0.61		
Denmark	1	1	1	1	2	2	-	1	1	3	1	-	-	2	2	2	1	21	0.47		
Finland	3	3	3	2.5	2.5	2.5	2.5	2.5	2.5	3	2.5	2.5	1	2	1	2	1	39	0.88		
Germany	1	1	1	1	2	1	2	1	1	3	1	2	-	1	1	1.5	1	21.5	0.49		
Hungary	1	1	1	1	1	1	2	2	2	2.5	1	1	1	1	1	1	2	22.5	0.51		
Montenegro	1	2	1	1	2	1	2	2	2	3	2	3	1	1	1	2	1	28	0.63		
Netherlands	2	2	1	-	2	3	2	1	1	2	1	-	1	1	1	-	1	21	0.47		
Norway	1	1	1	1	2	2	3	3	-	3	2	2	1	2	1	2	1	28	0.63		
Poland	3	3	3	1	2	-	-	-	-	3	-	-	2	1	1	2	1	22	0.50		
Romania	2.5	2.5	2.5	1.5	2	1	2	2	2	3	2	3	1	1	1	2	1.5	32.5	0.79		
Serbia	1	1	1	1	2	1	2	2	2	3	1	1	1	1	1	2	1	24	0.54		
Slovak Republic	2	2	2	2	2.5	2.5	2	2	2	2	2	1.5	1	1	1	2	1.5	31	0.70		
Slovenia	2.5	2.5	2.5	2.5	1	1	3	3	3	3	3	3	3	-	-	2	-	35	0.80		
Spain	3	3	3	3	1	3	3	3	3	3	3	3	3	2	2	2	1	44	1.00		
Sweden	1	1	1	1	1	1	2	2	2	3	2	-	1	-	1.5	2	1	22.5	0.51		
Switzerland	2	3	2	2	2	2	2	2	2	3	3	2.5	2.5	2	1	2	1.5	36.5	0.83		
Ukraine	1	1	1	1	1	1	1	1	1	1	-	-	1	1	1	2	-	15	0.35		
United Kingdom	3	3	3	1	1	2	1.5	1.5	1.5	1.5	2.5	2	1.5	1	1	1	1	29	0.66		

*Values are calculated based on the distance of each State from Spain, the State that has the highest number of obligations for the languages covered under Part III of the Charter.

Table 5. State effort

State	NL	NC	RO	State effort
Armenia	0.333	0.59	0.41	0.444
Austria	0.2	0.54	0.56	0.433
Bosnia and Herzegovina	1	0.52	0.45	0.656
Croatia	0.466	0.54	0.54	0.515
Czech Republic	0.133	0.57	0.61	0.437
Denmark	0.066	0.54	0.47	0.358
Finland	0.133	0.91	0.88	0.641
Germany	0.733	0.54	0.49	0.587
Hungary	0.533	0.68	0.51	0.574
Montenegro	0.133	0.65	0.63	0.471
Netherlands	0.066	0.71	0.47	0.415
Norway	0.066	0.75	0.63	0.482
Poland	0.933	0.54	0.5	0.657
Romania	0.666	0.75	0.79	0.735
Serbia	0.666	0.62	0.54	0.608
Slovak Republic	0.6	0.72	0.7	0.673
Slovenia	0.133	0.75	0.8	0.561
Spain	0.466	1	1	0.822
Sweden	0.2	0.64	0.51	0.45
Switzerland	0.2	0.79	0.83	0.606
Ukraine	0.866	0.62	0.35	0.612
United Kingdom	0.2	0.62	0.66	0.493

Table 6. The change in “satisfactory fulfillment” in the Charter (Value: “fulfilled”)

State	Cycle No. (through December 2018)							Difference in points between first and last cycle*
	1	2	3	4	5	6	7	
Spain	24.3	43.6	63	68.7				44.4
Montenegro	13.4	42.7	39	41.5				28.1
Austria	49.5	67	76.1	75.2				25.7
Slovak Republic	16.3	28	35	35.3				19
Denmark	56.8	73	81.1	73	75.7			18.9
Romania	17	35.8						18.8
Switzerland	81.5	82.7	90.4	92.9	92.5	98.1		16.6
Norway	78.4	80.4	94.1	78.4	94.1	96.1	93.5	15.1
Serbia	42.1	49.5	56.6					14.5
Slovenia	54.2	64.6	72.4	67.3				13.1
Ukraine	14.7	14.3	23	26.4				11.7
Poland	12.2	23						10.8
Germany	46.6	53	55.9	56.4	59.6	57.1		10.5
Netherlands	56.3	68.8	70.8	75	66.7			10.4
Czech Republic	52.6	52.6	62.3					9.7

Sweden	49.2	50.8	53	51.5	53.8	56.1		6.9
United Kingdom	61.4	63	66.9	66.9				5.5
Croatia	41	37.7	41.4	43.6	43.6			2.6
Armenia	36	47.5	40	37				1
Bosnia and Herzegovina	3.5	3.5						0
Finland	69.4	69.7	69.7	73	66.8			-2.6
Hungary	55.6	50.4	42.6	34.8	44.7	46.8		-8.8

*A negative value indicates an unfavorable change in satisfactory fulfillment of the Charter, whereas a positive value is to be interpreted as a favorable change.

Table 7. The change in “not fulfilled” Charter evaluations (Value: “not fulfilled”)

State	Cycle No. (through December 2018)							Difference in points between first and last cycle*
	1	2	3	4	5	6	7	
Croatia	33.7	12.1	22.7	15.4	16.8			-16.9
Netherlands	25	12.5	16.7	12.5	14.6			-10.4
Switzerland	6.4	3.8	2.6	0.6	0	0		-6.4
Spain	10.3	11.3	5.7	4				-6.3
Austria	11.9	9.2	6.4	7.3				-4.6
Denmark	13.5	8.1	13.5	16.2	10.8			-2.7
Romania	14.1	11.9						-2.2
Slovak Republic	33.8	38.7	30.6	32.3				-1.5
Slovenia	5.2	10.4	6.1	4.1				-1.1
Norway	2	3.9	2	2	2	0	0	-0.2
Sweden	5.3	15.9	12.1	10.6	9.1	5.3		0
United Kingdom	3.1	3.9	3.1	3.1				0
Finland	3.2	1.6	1.6	2.5	4.6			1.4
Germany	7.6	17.2	26.1	21.9	15.8	13.3		5.7
Hungary	2.2	15.2	8.1	7	7.9	7.9		5.7
Armenia	15.5	24	36.5	21.5				6
Czech Republic	7.9	11.8	18.2					10.3
Poland	49.3	37.1						12.2
Bosnia and Herzegovina	53.1	69.3						16.2
Montenegro	18.3	30.5	43.9	36.6				18.3
Serbia	4.2	8.2	22.6					18.4
Ukraine	13.2	64.3	48.4	47.4				34.2

*A negative value indicates an unfavorable change in satisfactory fulfillment of the Charter, whereas a positive value is to be interpreted as a favorable change.