

The European Charter for Regional or Minority Languages: Still Relevant in the Information Age?

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The impact of new information and communication technologies on European societies could not have been foreseen at the time the European Charter for Regional or Minority Languages (ECRML) was adopted two decades ago. Although the text of the ECRML contains no reference to such technologies, they clearly have a role in the context of linguistic communication given their current social ubiquity. The measures outlined in the ECRML concerning, *inter alia*, media and cultural facilities, are precisely those being affected by the new media landscape. We can therefore be certain that the internet has some sort of impact on regional and minority languages in Europe, yet detailed assessments of this impact at the policy level are lacking. This article seeks to uncover the extent to which the Committee of Experts of the ECRML assesses the impact of the internet on those languages that have been selected by state parties for protection and promotion under the provisions of the ECRML. Findings show that references to the internet have increased in the reports of the Committee of Experts since monitoring began. However, the role of new technologies in inhibiting or facilitating regional and minority languages is seldom evaluated.

Keywords: European Charter for Regional or Minority Languages, minority languages, regional languages, internet, information and communication technology, Committee of Experts

This article is concerned with the ways in which the Committee of Experts of the European Charter for Regional or Minority Languages (ECRML) makes reference to the internet in its initial and triennial evaluation reports of those states that have signed and ratified the ECRML. As the only international treaty devoted solely to languages, the ECRML has rightly attracted much scholarly attention since it was adopted in 1992 and came into force in 1998. Relevant analyses focus on the whole mechanism of the ECRML (for example Nogueira López *et al.* (eds.), 2012; Woehrling, 2005), entail country-specific examinations, such as the implementation of the ECRML in the United Kingdom (MacLeod, 2009; Dunbar, 2000), or concern

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certain articles contained in the ECRML, for example Moring and Dunbar's analysis of Article 11 (Moring and Dunbar, 2008). This article is somewhat different in two main respects. Firstly, it is primarily concerned with a term and phenomenon that does not appear in the text of the ECRML: the internet. With little renown in 1992, the impact of the internet could not have been foreseen at the time the ECRML was drafted. Yet, having since attained social and global ubiquity with a tendency towards universalization, we can now be certain that it has some impact on regional and minority languages (RMLs) in Europe (whether that impact be positive or negative). A thorough examination of all evaluation reports from the Committee of Experts of the ECRML can reveal where and in what ways the impact of the internet is being acknowledged and reported in connection with ECRML provisions. An examination of all such evaluation reports constitutes the second distinctive aspect of this paper, namely its focus on the practices of the Committee of Experts (rather than on state parties, language communities, or institutions with responsibility for the promotion of RMLs) as part of a continuing discussion on the monitoring process of the ECRML (see Noguiera López *et al.* (eds.), 2012).

Jakubowicz (2006: 4) has called for systematic and detailed consideration to be paid to the impact of new media on minority rights and, more specifically, to the regulatory and policy instruments that facilitate the exercise of those rights. He emphasizes the point raised in 2003 by the World Summit on the Information Society that 'the preservation and promotion of cultural and linguistic diversity, and active intercultural dialogue are hallmarks of a thriving information society' (*ibid.*: 5). The right to freedom of expression and the right to participate in public life are recognized by and enabled through instruments such as the ECRML. At the same time, such rights rely on "adequate expressive opportunities" that are available to everybody (McGonagle, 2006: 6). Today, such "expressive opportunities" are contained within a range of media, not least of which is the internet. This article therefore contends that the ECRML is highly relevant in the information age and focuses on references to the internet in the evaluation reports of the Committee of Experts, although some general references to new media and technologies are also included where necessary. Through a detailed analysis of the ways in which the Committee of Experts refer to the internet, this article therefore seeks to develop a discussion on how the objectives of the ECRML may be fulfilled through approaches that are suited to the information age.

This discussion comprises both qualitative and quantitative examinations of references to the internet in the evaluation reports of the Committee of Experts. The first section will briefly describe the background to the ECRML, the Committee of Experts, and how they might respond to Europe's transforming media landscape. While analysts and academics take an increasing interest in the impact of new information and communication technologies on minority language communities (see, for example, *New Review of Hypermedia and Multimedia* 11(2), 2005), there is a distinct lack of detailed assessments of this impact at the policy level. The following section will therefore present a quantitative breakdown of all references to the internet and its concomitant terms and activities in the evaluation reports of the Committee of Experts. The time period of analysis is from 2000, when the first evaluation report was produced, to time of writing in 2012.¹ This breakdown reveals that references to internet activity significantly increase from the initial reports carried out by the Committee of Experts and that some discernible trends in internet usage may be identified. Although there is an increasing awareness of the role of the internet among the Committee members, a qualitative assessment of these references will then show that their approach to new technologies is uneven and requires a fresh approach to evaluation in order to meet new challenges. Moring (2006, 2008) has repeatedly emphasized that, although the ECRML (along with the Framework Convention for the Protection of National Minorities (FCNM)) is relevant to new information and communication technologies, this instrument is still underused in this respect. This article strives to bring more detail to such assessments by highlighting where and how the Committee of Experts reference the internet in its monitoring work.

1. The ECRML in the Information Age: same objectives, new approaches?

The Council of Europe's European Charter for Regional or Minority Languages has as its central objective the protection and promotion of language and cultural diversity in Europe.² From the early 1980s, both the Parliamentary Assembly of the Council of Europe and the European Parliament have shown concern for the loss of linguistic diversity in Europe. With continuing support from the Council of Europe's Parliamentary Assembly, an *ad hoc* committee of experts of European regional or minority languages was established in order to draft a charter leading to the adoption of the ECRML as a convention by the Committee of Ministers in June 1992, and opened for signature to member states in November of the same year. In 2012, 25

member states³ of the Council of Europe had signed and ratified the ECRML. Part I (Articles 1–6) outlines the general provisions of the ECRML, including, for the relevant parties, definitions, practical arrangements and general obligations. Part II (Article 7) describes the main objectives and principles that state parties are obliged to apply to all recognized regional or minority languages within their national territory, including, *inter alia*, the elimination of restrictions on the use of languages and the inclusion of language users in the decision-making processes that affect them. Part III (Articles 8–14) of the ECRML then contains a series of more concrete measures designed to enable and promote the use of specific regional or minority languages.⁴ Part IV (Articles 15–17) concerns the application of the ECRML in terms of the periodical reports to be presented by state parties, the submission of observations, and the reports and rules of procedure of the Committee of Experts. Part V (Articles 18–23) lists some final provisions on states' consent to be parties to the ECRML.

This article is substantially concerned with Parts II and III as they contain the policies pursued by states in the protection and promotion of regional and minority languages in their respective territories. Within one year of the ECRML entering into force, states are obliged to report to the Committee of Ministers of the Council of Europe on those policies pursued under Parts II and III of the ECRML. Thereafter, they are obliged to report at three-yearly intervals. The Committee of Experts – comprised of one independent member from each state party – then has responsibility to monitor the situation on the ground of regional or minority languages through “on-the-spot” visits, following the submission of state reports:

Its role is to examine the real situation of the regional or minority langues [sic] in each State, to report to the Committee of Ministers on its evaluation of a Party's compliance with its undertakings and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.⁵

The explanatory report of the ECRML emphasizes the independence of the Experts and that ‘in carrying out their task, [they] should be free to act independently and not be subject to instructions from the governments concerned’.⁶ The independence of the Experts ought to ensure objectivity in the monitoring of states, a process that would be otherwise compromised in the effort to encourage respective governments to actively promote those languages that have been traditionally marginalized within their territories. The Committee of Experts thus has a central part to play in the setting of international standards on language promotion.

It is important to note, however, that although centralizing state policies have played a part in the marginalization of those languages in question, the drafters of the ECRML recognized that other forces have also contributed to the loss of linguistic diversity. The ECRML's explanatory report states that

nowadays, the threats facing these regional or minority languages are often due at least as much to the inevitably standardising influence of modern civilisation and especially of the mass media as to an unfriendly environment or a government policy of assimilation.⁷

With regard to the influence of the mass media, this landscape has completely transformed since the adoption of the ECRML in 1992. The internet, mobile communication techniques, and electronic platforms have altered communicative practices irrevocably. And this transformation does not just concern the "traditional" print and broadcast media; many different fields in the public domain have been taken over by new communication technologies, as noted by Korkeavivi: 'Today, many authorities communicate increasingly often with the public through the medium of Internet' (cited in Moring, 2006: 11–12; Moring, 2008: 29). Referred to as digital and/or social "imbrication" (Sassen, 2006), a range of services are now handled over the interactive web so that the spread of new media affects users in ways beyond just the traditional media.

How this might impact speakers of regional or minority languages has become the focus of scholarly enquiry, with an emerging literature devoted to the internet and linguistic diversity. The impact of the internet on regional or minority languages is frequently viewed as a double-edged sword that presents both challenges and opportunities:

One [sic] the one hand communication technology can be a powerful force for propagating a majority language and its cultural values; on the other hand it can provide vital new opportunities for media production and consumption in minority languages (Cunliffe and Herring, 2005: 131).

It has been documented that the media tend to favour majority cultures and therefore languages (Moring, 2006: 7–8). Indeed, a recent Eurobarometer investigating the online language preferences of European citizens revealed that English is by far the most frequently used language online, other than respondents' own.⁸ On the one hand, this reveals the pervasiveness of the global *lingua franca* on the World Wide Web. On the other hand, the same Eurobarometer tells us that European citizens prefer to access content on the internet in their "own" language,⁹ thus exercising their rights to freedom of expression and to participation in public life. Unfortunately the report does not reveal precisely what languages are sought on the internet. The European

Commission's online consultation on multilingualism from 2007 is, however, revealing in this regard. Although the consultation was made available in 22 languages – notably, the official languages of the EU – altogether participants in the consultation represented 57 mother tongues, including numerous European regional and minority languages.¹⁰ Additionally, the International Telecommunication Union reports that Europe leads the world in terms of both available internet bandwidth per internet user and broadband connectivity.¹¹

So the internet must have some sort of impact on regional or minority languages in Europe due to its social ubiquity. Yet the relative position of a given minority will depend on the extent to which the internet will positively or negatively impact its communicative practices. In the traditional media context, Fishman (2001: 473) highlighted the fact that majority language media will readily interfere with languages already undergoing shift. While the logic of new media may follow this pattern, Moring (2006: 7) points out – in line with Cunliffe and Herring above – that new media also give rise to new opportunities for language communities, particularly in the current era of Web 2.0. Coined in 2005, Web 2.0 defines the current generation of internet, which is characterized by openness, user participation, and network effects (Musser, 2007). In the media era of what Jenkins (2008) has termed “convergence culture” – where consumers and producers converge in the semantic webs – wikis, blogs, and social media are created and sustained through grassroots participation and network effects. Theoretically, at least, a language community can take advantage of the open web to create content and communicate in its respective language. Practically, multilingual web activities rely on a variety of enabling factors (access, skills, education) that are not always equal between and within language communities. In this sense, one might argue that the ECRML, as a guiding document and monitoring tool for governmental policy, has limited scope in the current era of Web 2.0. Yet, as the only international treaty that is devoted to languages, it remains difficult to discuss the promotion of language and cultural diversity in Europe without reference to the ECRML, which has been instrumental in setting international standards and therefore enabling the advancement of cultural and linguistic objectives in many respects.

How and whether the impact of the internet (in both positive and negative senses) is acknowledged by those who are tasked with the monitoring of international

standards is less clear. As previously mentioned, the use of the internet and mobile communication techniques could not have been foreseen at the time the ECRML was drafted. The text of the ECRML does not, therefore, specifically outline how these technologies may be utilized or assessed. Yet consider the range of domains detailed in the ECRML, under which ratifying states must fulfil provisions with regard to their regional or minority languages: education (Article 8), judicial authorities (Article 9), administrative authorities and public services (Article 10), media (Article 11), cultural activities and facilities (Article 12), economic and social life (Article 13), and transfrontier exchanges (Article 14). The internet increasingly impacts the functioning of each of these domains in European societies. The objectives of the ECRML cannot therefore be adequately reached if such technologies are overlooked, either by states that are party to the ECRML or by the Committee of Experts that conducts three-yearly monitoring exercises of those states and their regional or minority languages. This article thereby contends that new technologies have a role to play in the context of the ECRML.

Moring and Dunbar, with specific reference to the media sector, argue that 'such developments call for increased attention to the application of provisions in the charter that have so far been used only occasionally in connection with new media' (Moring and Dunbar, 2008: 19). This article therefore responds to the view that, although new technologies can be considered increasingly important in the context of the ECRML, they are reportedly referenced "only occasionally" (*ibid.*). Without any clear contours contained within the ECRML itself, indicators concerning the impact of the internet on its provisions are not readily presentable. This article therefore attempts to lay some groundwork towards a true realization of the impact of the internet on the ECRML via a thorough examination of all evaluation reports of the Committee of Experts from 2000 to 2011. This research was carried out in order to identify precisely where and when such technological developments are referenced by the Experts, either as a facilitator or as a hindrance to language promotion in Europe.

In the following section, the findings of the examination of all evaluation reports are outlined (Table 1). This quantitative breakdown by year and state party indicates precisely when, where, and under which articles the Committee of Experts makes reference to the use of the internet in its respective evaluations. This should allow for the identification of some discernible trends throughout the reports and a more substantial discussion will subsequently follow in the third part of this article.

Altogether, it seeks to uncover to what extent the Committee of Experts considers the impact of the internet in their evaluation reports. That said, it does not attempt to draw any overall conclusions on the impact of the internet on regional or minority languages in Europe more generally. It relies solely on the information contained in the evaluation reports, which has been retrieved from state authorities and through the on-the-spot monitoring visits of the Committee of Experts. It thus remains to be seen to what extent the influence of the internet is acknowledged in the reports and recommendations of the Committee of Experts and how this comes to impact the evolving standards of participation of linguistic minorities in public life.

2. Quantitative findings: increasing importance of the internet

The findings presented here are based on an analysis of the 65 evaluation reports of 24 state parties,¹² compiled by the Committee of Experts.¹³ Each evaluation report was examined for any reference(s) to the internet and its concomitant terms and activities. Table 1 is arranged chronologically and broken down according to state party and ECRML article that contains a reference to the internet in the respective evaluation report.

Table 1. Evaluation reports, 2000–2011.¹⁴

Year + State Parties	Articles of the ECRML								
	7	8	9	10	11	12	13	14	15
2000									*
Croatia									*
2001					*				*
Finland					*				*
Hungary									*
Liechtenstein									
Netherlands									
Norway									
Switzerland									
2002					*				*
Germany					*				*
Sweden	*				*				*
2003									*
Denmark									*
Hungary				*					
Norway						*			*
Slovenia									
UK					*				*
2004					*				*
Austria	*				*				*
Croatia									
Finland									
Liechtenstein		*	*						
Netherlands									
Switzerland									

Table 1. Evaluation reports, 2000-2011. (Continued)

Year + State Parties	Articles of the ECRML								
	7	8	9	10	11	12	13	14	15
2005									
Armenia			*						*
Germany		*			*				
Liechtenstein									
Slovakia		*							
Spain				*					
2006									*
Cyprus									*
Hungary				*	*	*			
Norway			*						
Slovenia				*					
Sweden									
UK	*	*		*	*	*			*
2007									
Croatia			*						
Denmark		*			*		*		*
Finland									
Netherlands	*		*						
Switzerland	*		*			*			
2008									
Austria				*		*			
Germany	*	*				*			
Liechtenstein									
Luxembourg									
Serbia						*			
Spain	*	*	*	*	*		*		*
Sweden	*	*							
Ukraine		*							
2009									
Armenia	*		*			*			
Cyprus	*								
Czech Republic	*						*		
Hungary			*			*			
Montenegro									
Norway	*		*	*	*		*		
Slovakia							*		
Slovenia									
UK	*	*	*	*	*		*		
2010									
Croatia									
Denmark	*					*			*
Germany		*				*			
Luxembourg									
Switzerland	*			*		*			*
2011									
Cyprus									
Finland	*	*					*		
Liechtenstein									
Montenegro									
Poland									
Romania							*		
Sweden	*	*	*	*	*		*		

2.1. Internet trends, transformations and disparities in European states

The first discernible trend to emerge from these findings is that references to internet activity significantly increased during the period 2000 to 2011. This corresponds to an increase in internet activity in ratifying states more generally, as detailed in Table 2. Unfortunately, disaggregated data on minority access to and activity on the internet is not available (see also Moring and McGonagle, 2009).

Table 2. Percentage of individuals using the internet.

Country	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Armenia	1.3	1.63	1.96	4.58	4.9	5.25	5.63	6.02	6.21	15.3	44
Austria	33.73	39.19	36.56	42.7	54.28	58	63.6	69.37	72.87	73.45	72.7
Bosnia & Herzegovina	1.08	1.2	2.65	3.97	15.47	21.33	25.12	27.92	34.66	37.74	52
Croatia	6.64	11.56	17.76	22.75	30.91	33.14	37.98	41.44	50.6	56.27	60.32
Cyprus	15.26	18.82	28.32	30.09	33.83	32.81	35.83	40.77	42.31	49.81	52.99
Czech Republic	9.78	14.7	23.93	34.3	35.5	35.27	47.93	51.93	62.97	64.43	68.82
Denmark	39.17	42.96	64.25	76.26	80.93	82.74	86.65	85.03	85.02	86.84	88.72
Finland	37.25	43.11	62.43	69.22	72.39	74.48	79.66	80.78	83.67	82.49	86.89
Germany	30.22	31.65	48.82	55.9	64.73	68.71	72.16	75.16	78	79	82
Hungary	7	14.53	16.67	21.63	27.74	38.97	47.06	53.3	56	61.81	65.27
Liechtenstein	36.52	45.12	59.47	58.81	64.01	63.37	64.21	65.08	70	75	80
Luxembourg	22.89	36.16	39.84	54.55	65.88	70	72.51	78.92	82.23	87.31	90
Montenegro					25.35	28.82	32.18	37.04	40.97	44.86	52
Netherlands	43.98	49.37	61.29	64.35	68.52	81	83.7	85.82	87.42	89.63	90.72
Norway	26.76	29.25	72.84	78.13	77.69	81.99	82.55	86.93	90.57	92.08	93.39
Poland	7.29	9.9	21.15	24.87	32.53	38.81	44.58	48.6	53.13	58.97	62.32
Romania	3.61	4.54	6.58	8.9	15	21.5	24.66	28.3	32.42	36.6	29.93
Serbia					23.5	26.3	27.2	33.15	35.6	38.1	40.9
Slovak Republic	9.43	12.53	40.14	43.04	52.89	55.19	56.08	61.08	71.31	75.17	79.42
Slovenia	15.11	30.18	27.84	31.85	40.81	46.81	54.01	56.74	58	64	70
Spain	13.62	18.15	20.39	39.93	44.01	47.88	50.37	55.11	59.6	62.4	65.8
Sweden	45.69	51.77	70.57	79.13	83.89	84.83	87.76	82.01	90	91	90
Switzerland	47.1	55.1	61.4	65.1	67.8	70.1	75.7	77.2	79.2	81.3	83.9
Ukraine	0.72	1.24	1.87	3.15	3.49	3.75	4.51	6.55	22.43	33.15	45
United Kingdom	26.82	33.48	56.48	64.82	65.61	70	68.82	75.09	78.39	83.56	85

Source: International Telecommunication Union, www.itu.int/ITU-D/ict/statistics/.

It is notable that during the period of analysis, the number of articles under which the internet is referenced also increases. For instance, of the six evaluation reports compiled in 2001, just two reports (Finland and Hungary) make reference to the internet under Article 15 concerning the availability of state reports to the public and

not a direct measure to promote the use of regional or minority languages *per se*. In both instances, the state report was placed on the respective government website. For the same year, just one report (Finland) references the internet under Article 11 (Media). By contrast, seven of the nine evaluation reports compiled in 2009 contain references to the internet. These references are made to varying degrees under Article 7 (Armenia, Cyprus, Czech Republic, Norway, UK), Article 8 (UK), Article 9 (Armenia, Hungary, Norway, UK), Article 10 (Norway, UK), Article 11 (Armenia, Hungary, Norway, Slovakia, UK), Article 12 (UK), and Article 13 (Czech Republic).

According to the breakdown in Table 1, a broad range of provisions contained in the ECRML is significantly influenced by technological developments. While overall references to the internet have increased over a decade of monitoring, and we can see a spread in the number of articles under which such references are made, the quantitative analysis reveals that the greatest number of references occur under Article 11 (Media), followed by Article 7 (Objectives and principles), and thereafter Article 8 (Education), Article 15 (Periodical reports), Article 10 (Administrative authorities and public services), Article 9 (Judicial authorities), Article 12 (Cultural activities and facilities) and Article 13 (Economic and social life). Respective evaluations of provisions under Article 14 (Transfrontier exchanges) have not made any reference to the internet. This is somewhat surprising as the internet is in many respects a cross-border phenomenon and Moring and Dunbar suggest that Article 14 (along with Articles 7 and 12) will be of increasing importance in light of technological developments (Moring and Dunbar, 2008: 32). Of course, this is not to suggest that their assertion is incorrect in its assumption that the internet – both as a facilitator and as a hindrance – is important to transfrontier exchanges. Rather, references to the internet clearly rely on the relevant information supplied by state authorities and attained during the on-the-spot visits, as well as the evaluation techniques of the Committee of Experts.¹⁵ Made up of a number of different individuals under time constraints, monitoring practices within the Committee of Experts can be inconsistent, producing varying emphases in respective evaluation reports. One can therefore expect considerable variation between evaluation reports as no uniform approach to evaluating the impacts of new information and communication technologies has been established within the monitoring mechanisms.

Furthermore, variation will occur according to technological differences within and between states. Technological infrastructures and therefore access to the internet vary considerably, as evidenced in Table 2. Although access to the internet has increased in all ratifying states over the course of the past decade, internet access as a proportion of overall population is highly uneven between this same group of states. The starker contrast in individual internet activity can be drawn between Romania (29.93% in 2010) and Norway (93.39% in 2010) (although Romania demonstrates a faster pace of growth from just 3.61% in 2000, compared with Norway's 26.76% in the same year), reflecting the *digital divide* between east and west (see Moring and McGonagle, 2009: 11). Perhaps as a correlation of differing rates of access to the internet, the evaluation reports of certain states indicate a greater number of references to the internet than others. For example, the most recent monitoring cycle in the UK reveals that online activities are important to most articles contained in the ECRML. This is in contrast to those states whose evaluations cite fewer references to such activities. The *digital divide* will also matter *within* states and McGonagle (2006: 13) notes that this is of particular concern to those minorities that are already politically and socioeconomically disadvantaged. It is only suggested here, however, that higher or lower rates of references to the internet *may* be due to differences in the technological infrastructures of given states, the utilization of the competent authorities of such technologies, and/or the access of minority-language communities to new types of media. Cunliffe and Herring (2005:131–132) point out that further divisions exist between languages that are “information rich” and languages that are “information poor” with regard to their web presence. Spain’s rate of individual internet activity, most recently calculated at 65.8%, cannot be considered to be especially high (*op. cit.*, ITU Statistics). However, findings from its 2008 evaluation report suggest a high level of internet activity with regard to its regional languages under articles 7, 8, 9, 10, 11, 12, and 13. And, in some instances, we know that some minority language communities are more advanced in the use of information and communication technologies, such as Catalan speakers in Spain and Swedish speakers in Finland (Moring, 2008: 27; Moring, 2006: 10).

3. Qualitative discussion: assessing, reporting, and/or evaluating the internet

An examination of the ways in which the internet impacts the provisions of the ECRML requires a more thorough approach, however. A purely quantitative breakdown, such as the one presented here, only discloses so much. The remainder of this section will thus make a qualitative assessment of those particular references made by the Committee of Experts, in order to reveal in what ways they acknowledge the impact of the internet on regional or minority languages in public life in Europe. Of course, in the interest of time, space, and reader-friendliness, not every reference can be discussed here. Rather, pertinent examples from a range of reports have been selected to highlight the ways in which the internet is treated by the Experts in their respective evaluations. Three main issues arise and will be discussed: firstly, the internet can only have a positive influence on the promotion of RMLs when users of those languages have *access* to it; secondly, the ways in which the Committee of Experts *reports* and *evaluates* the role of the internet will affect issues such as access because the Committee is instrumental in setting standards in Europe; thirdly, it is apparent from their reports that the internet also impacts the actual work of the Committee of Experts and the ways in which they carry out their monitoring tasks.

3.1 Raising issues of access

According to Article 15.2, states are obliged to make their periodical reports public: ‘The Parties shall make their reports public’ (see also Lasagabaster, 2012). The internet certainly seems to be a useful tool for the dissemination of reports. In some cases, it is deemed to enable public accessibility, as in the case of Hungary’s first monitoring cycle (2001):

In accordance with Article 15.1 of the Charter, Hungary presented its initial periodical report to the Secretary General of the Council of Europe on 7 September 1999. The Hungarian report was not made accessible to the general public in written form by the authorities in accordance with the requirement in Article 15.2. However, at the time of adoption of this report, the Government made it accessible to the public on its official website.¹⁶

At the same time, however, the internet alone is not always considered sufficient for the satisfactory and comprehensive dissemination of reports. In the case of Finland’s first monitoring cycle (2001), the manner in which the state report was made available on the internet was not deemed sufficient in light of the situation of some of Finland’s linguistic minorities. In this instance, it was assumed that speakers of Sámi and Romany were unable to access the information contained in the report. The

Committee of Experts stated:

In accordance with Article 15.1, the Finnish authorities presented their Initial Periodical Report to the Secretary General of the Council of Europe in April 1999. They published the text of the Charter in the official publication Treaty Series 23/1998. The Initial Periodical Report was made available on the official website of the Finnish government but only in English. Given the economic situation and the language skills of most of the speakers of Sámi or Romany, the Committee considers that the Report has not been made public in accordance with the requirement in Article 15.2. A limited distribution of printed copies of the draft report in Finnish was made among the experts, authorities and associations involved in the consultation process leading to the acceptance.¹⁷

Aside from the infrastructural disparities that exist between states, access to the internet may also vary considerably *within* states. In this respect, further factors for consideration include the status, education, demographics, and geographic location of minority-language speakers. In just one other instance the Committee of Experts considered access an issue in the fulfilment of undertakings: Germany's third periodical report (2008) states that *Frisk Foriining* (Frisian Association) had been carrying out a pilot project since 2005 in the form of an internet radio programme in North Frisian, yet the Committee of Experts was informed that many households did not have access to the internet radio programme.¹⁸

In general, however, questions of internet access either do not arise or are overlooked in respective evaluation reports. Finland's first evaluation report (2001) describes how Sámi internet services supplement radio services outside of the coverage area of Sámi Radio.¹⁹ It is unclear whether listeners to Sámi-language radio who are outside the broadcast area have adequate access to internet. From an overall analysis, it appears that online services are not referred to by the Committee of Experts as a barrier to linguistic and cultural communities in general (the degree to which the Committee of Experts cite the potential benefits of the internet will be discussed in the next section). Greater attention to issues of access would allow a clearer assessment of how the internet impacts minority-language communities, particularly in light of the growth of new technologies in all European states. After all, 'the promotion of access goes beyond the removal of restrictions and implies active and purposeful endeavour on the part of States' (Moring and McGonagle, 2009: 18).

3.2 Reporting or evaluating the impact of the internet?

A qualitative assessment of the Committee of Experts' evaluation reports shows that, for the most part, references to the internet are stated in a purely factual manner. This appears to be the case whether the internet is referenced in accordance with the

fulfilment of ECRML undertakings, the partial fulfilment of undertakings, or the non-fulfilment of undertakings in light of the specific commitments made by the state at the time of ratification. For example, under *Adult and continuing education* in Spain's second monitoring cycle (2008), the fact that 14,000 citizens have enrolled for online courses in Valencian leads the Committee of Experts to conclude that Paragraph f.1 of Article 8 is fulfilled.²⁰ Indeed, the value of the internet to language learning is particularly important for those languages that have traditionally been on the margins of formal education. For instance, Sabhal Mòr Ostaig has developed online courses in Scots Gaelic that are accessed from both within and outside of Scotland, demonstrating the further significance of online content to diasporic communities.²¹

In other cases, the internet may assist in just the *partial* fulfilment of undertakings, such as the growing visibility of Scots on the internet although the language is not sufficiently used in print and broadcasting²² or the reliance on teaching materials on Sweden's "Mother Tongue Theme" website, which does not fulfil the obligations under Article 8.²³ While the Committee ought to encourage use of the internet as an expanding communicative and public domain, it is also positive that it recognizes that the internet alone cannot fulfil certain undertakings. Moring has noted the risks attached to the implementation of "substitutive policies" over "additive policies" when it comes to new media and warns that 'any policy to treat minorities less generously than the majority in this development is potentially very harmful' (2008: 25). Within majority populations, new media are used in a complementary fashion across a range of services and this should also apply to minority populations. Where internet platforms are used to wholly substitute traditional media or services, a community will be left disadvantaged as problems of access will surely arise (*ibid.*: 50).

Where the internet alone is not capable of fulfilling obligations contained in the ECRML, the difficulties that are encountered online simply reflect the broader challenges faced by minority-language communities more generally. For instance, although some government departments in Northern Ireland translate information into Irish, Irish speakers there have complained that it is not always made publicly known that this information exists and it is not always accessible on the relevant government website.²⁴ And, in Denmark, German speakers claim to find little or no information on the websites of national, regional, and local authorities in their own language.²⁵ Another example concerns the legal obstacles in Catalonia that mean online requests

for a birth, marriage, or death certificate must be made in Castilian.²⁶ In such instances, the internet does not present the difficulties *per se*; it merely presents another forum in which those difficulties are experienced. The Committee of Experts has recommended elsewhere that until such documents are available in printed form, the internet represents a cost-effective interim solution for providing documents of state, local, and regional authorities, as well as public services in minority languages.²⁷ Again, it is important to note that the Committee recommends this as an *interim* solution. All documents should eventually be made available in print and electronic format in order to ensure equity of access to them.

A further problem concerning the visibility of minority languages on the internet was highlighted in Austria's second evaluation report (2008) in which it was reported that computer systems could not support the diacritics of the Burgenland-Croatian alphabet.²⁸ Similarly, Finland's fourth evaluation report (2011) raised concerns about the failure of police administration to produce electronic forms in Sámi because of the special characters of the Sámi language that are not supported in the relevant web system.²⁹ Follow-up reports on both these matters would be broadly beneficial in the setting of standards in a transforming media landscape.

Overall, it can be observed that references to the internet by the Committee of Experts are observations on the assistance or difficulties presented by new technologies. These observations generally come from information provided by the state authorities and/or during the on-the-spot visits. In fewer cases the Committee explicitly *evaluates* the increasing impact and influence of the internet in the fulfilment of ECRML obligations. However, evaluative comments, where they do occur, are highly significant as they indicate a growing awareness of the transforming media landscape. In the evaluation reports of Germany's third monitoring cycle, Austria's second monitoring cycle and Serbia's first monitoring cycle, all from 2008, the Committee states that it has reviewed its approach to Article 11.1.b³⁰ and Article 11.1.c³¹ (on radio and television broadcasting in regional or minority languages) in light of the technological developments that have occurred since the ECRML was adopted in 1992. These developments include the internet as a delivery method and platform which should render a more flexible interpretation of said articles. McGonagle (2006: 8) notes that "media" is a generic concept in the ECRML, conferring much flexibility in the Committee's approach to it. It seemed that the review of approach outlined in the aforementioned evaluations would become a

general matter for the Committee as the same phrasing was included in all three reports. However, it did not arise again until 2011 where it appears in Finland's fourth evaluation report.³²

Another general reference to the potential of new technologies was made in Cyprus's second evaluation report (2009) in which the Committee suggested that young people could be motivated to use a regional or minority language through the establishment of internet platforms.³³ New developments in media use, such as the rise of smartphones and tablets, call for much attention to be paid to broadband infrastructures in relation to these new technologies. Although the following viewpoint was made specifically in relation to the Kven language in Norway in 2006, it can certainly be adopted for a range of regional or minority languages and updated to acknowledge new developments:

The new information technology has opened possibilities for new flexible and cheap ways of communicating compared to traditional media. Chat rooms and electronic newspapers on the internet and texting on mobile phones are examples of this. These new communication channels are in particular used by young people. They are also much used by young speakers of regional or minority languages because of their flexibility, informality and economical use, but also because it is in many cases difficult to use regional or minority languages in the traditional media for a number of reasons; The active use of regional or minority languages in the new media environment is important for sustaining these languages and it may contribute positively to the use of regional or minority languages in private and public life.³⁴

Such evaluative perspectives are noted in only a few reports by the Committee of Experts, and specific recommendations relating to them are even fewer in number. The Committee encourages the competent authorities and speakers to stimulate the use of Kven in the new media.³⁵ Elsewhere, the Committee views the development of Sámi websites as 'a very efficient way of developing language skills among the students and of spreading locally produced teaching materials'.³⁶ Another, and somewhat more exceptional, example of the potential of the new technologies as promoted by the Committee of Experts is the suggestion that internet radio may provide a solution to Yenish speakers in Switzerland who resist state intervention.³⁷ The subsequent evaluation report for Switzerland asked the relevant authorities to clarify a radio presence with Yenish speakers, without any further elaboration of the potential of new technologies.³⁸

The third and fourth evaluation reports of Hungary (2006, 2009) provide an example whereby the Committee of Experts assesses the potential of the internet in the fulfilment of obligations, seeks further information from the state authorities, and

makes recommendations in this regard. Having received information that local minority self-governments received information technology assistance, ‘the Committee of Experts takes the view that the internet is an extremely useful tool to disseminate information about minority languages’.³⁹ The Committee further ‘encourages important initiatives concerning the internet’.⁴⁰ Elsewhere, in the same report, the Committee described the use of the internet by state, local, and regional authorities as ‘cost-effective’.⁴¹ In Hungary’s fourth evaluation report (2009), the Committee of Experts repeated its recommendation that ‘authorities [...] intensify important initiatives concerning the internet’.⁴² In Romania’s first monitoring cycle (2011), the Committee of Experts encourages the relevant authorities to broadly interpret the translation of place-names under Article 10; in this sense, the use of place-names in the relevant regional or minority language does not just pertain to signage, but to all topographical names in official use, including in documents and in websites. Here, the internet is not regarded so much a tool for the broad interpretation of this particular paragraph, but as another public domain in which the visibility of regional or minority languages is important in accordance with the spirit of the ECRML. Finally, in encouraging the Polish authorities to devise more innovative measures for the application of the ECRML provisions, the Committee suggests, among other measures, ‘the use of the internet for the promotion of the language in the media’.⁴³

3.3 Internet usage by the Committee of Experts

The increased awareness of the impact of the internet on the ECRML must also be felt in the work of the Committee of Experts itself. Information or activities that have been made available by state authorities on the internet can clearly assist the Experts in the compilation of their evaluation reports. For instance, based on the website of the Faculty of Philosophy at the University of Osijek, the Experts revealed in Croatia’s third monitoring cycle (2007) that Hungarian language and literature would be offered at the university from 2007/08.⁴⁴ Similarly, in Germany’s third evaluation report (2008), the Committee retrieved information from the website of the University of Leipzig that two professors specialize in Lower Sorbian.⁴⁵ Of course, the Committee may also utilize the internet to detect non-fulfilment of state obligations under the ECRML. For example, the Czech Republic’s first periodical report (2009) stated that the European Consumer Centre established by the Ministry of Industry and

Trade provides information, *inter alia*, in Slovak. The Committee of Experts subsequently reported that it was unable to find any information in Slovak on this website.⁴⁶ Where the competent bodies make specific pledges relating to online activities, they can then be easily monitored in turn by the Committee of Experts. For example, the Assyrian Federation in Armenia *will* reportedly launch a website where articles and news in Assyrian *will* be posted.⁴⁷ In Finland's most recent evaluation report (fourth monitoring cycle), it is reported that an online information service had been introduced in 2005 with the aim of bringing together Russia-related information.⁴⁸ Unfortunately the web address provided fails to retrieve any Russia-related service and it is unclear how this error came to be included in the evaluation report. Online activities can be readily checked through online monitoring by the ECRML in the compilation of their reports. Although internet monitoring remains far from replacing established on-the-spot monitoring exercises, it alters the monitoring exercise to a certain degree in line with broader changes elsewhere.

Conclusion

The internet has considerably altered the means by which culturally diverse citizens both express and execute their desires. The importance of access to the internet is therefore firmly grounded in rights to freedom of expression and participation in public life and, concomitantly, in the assertion and promotion of linguistic and cultural objectives (McGonagle, 2006: 12). The ECRML has as its central objective the protection and promotion of language and cultural diversity in Europe. In the ongoing discussion on its suitability to contemporary contexts, Woehrling (2012: 29) stresses that the recognition that the ECRML has achieved in doctrine and in public debate means that this instrument 'is now the main European reference in terms of good practice for public policies on regional languages'. So while policy-level reports have been slow to analyze the potential of the internet for regional or minority languages in Europe, policy guidelines and implementation nonetheless remain relevant in Web 2.0. Through a quantitative breakdown and qualitative assessment, this article has revealed that the influence of the internet in the promotion of linguistic diversity in Europe is increasingly revealed across most domains detailed in the ECRML. And the provisions outlined in the ECRML may enable and encourage grassroots internet activity. For example, Sámi schools in Sweden have developed their own primary education websites on the internet. The Committee of Experts has

viewed this as a very efficient way of developing language skills among the students and of spreading locally-produced teaching materials.⁴⁹ As such, the fulfilment of standards set by the ECRML has the potential to inspire user-generated online activity, and such online activity may, of course, be readily checked by the Experts themselves through the use of the internet.

Yet this article has also pointed to less encouraging situations for RMLs and the internet, particularly in cases in non- and part-fulfilment that reflect the continued struggle of minorities for recognition in public life. Issues of access come to the fore in this instance. Yet it has also been shown that, while the Committee of Experts increasingly acknowledges the role of the internet through mere observations, it can positively influence the promotion of RMLs in the information age. The task of the Committee of Experts to monitor how state authorities fulfil their obligations under the ECRML and to make recommendations in instances of non-fulfilment continues to set standards in a transforming media landscape. However, evaluative approaches of the Committee of Experts with regard to new technologies could certainly be strengthened in light of the increase in the importance of the internet to provisions contained in the ECRML. The approach to assessing these developments, either generally or specifically, has been made neither consistently nor explicitly. To date, the Committee has tended to simply report, rather than evaluate or recommend the potential of the internet, and there is a need for greater crystallization of standards in this regard. Greater attention to, say, issues of access would allow for much clearer assessments of the concrete ways in which the internet may be utilized to fulfil ECRML objectives.

The success of the ECRML is reflected in the output of its monitoring, whereby good practice and international standards in language promotion have become clearer over the years. This occurs in two converging ways. Firstly, the monitoring process allows for ongoing impact through triennial reporting where progress and continuing problems are highlighted in dialogue with state parties. Secondly, the Committee has established a continuing dialogue and process of sharing amongst itself. Should these processes continue (there is little reason to speculate that they should not), then fresh approaches of evaluation may emerge to meet new challenges. And policy-led initiatives can have broader ramifications for the participation and visibility of regional and minority languages in public life. For instance, where the Committee of Experts has highlighted issues of access, the

development of software to accommodate diacritics and the inclusion of speakers themselves in the creation of their own materials may correct the marginalization of certain languages and cultures in an ongoing fashion. In this sense, internet access and the promotion of regional or minority languages are two sides of the one coin that creates an equitable society where a range of platforms for various cultural groups are generated.

Notes

1. Although adopted in 2011 and 2012, a number of reports were not yet available to the public at time of writing. These include evaluation reports on the Czech Republic (second monitoring cycle), Netherlands (fourth monitoring cycle), Serbia (second monitoring cycle), and Spain (third monitoring cycle).
2. Council of Europe, *European Charter for Regional or Minority Languages*. Strasbourg: Council of Europe, 1992.
3. They are Armenia, Austria, Bosnia and Herzegovina, Croatia, Cyprus, Czech Republic, Denmark, Finland, Germany, Hungary, Liechtenstein, Luxembourg, Montenegro, Netherlands, Norway, Poland, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, and the United Kingdom. Another eight states have signed but not ratified the ECRML.
4. States specify the languages to which they agree for Part III being applied. They then select a minimum of 35 undertakings (out of a total of 68) across seven areas of public life in respect of each language. This “opt-in” approach is the subject of much debate. See Dunbar (2000), Ó Riagáin (2001), Woehrling (2005), and Wright (2004).
5. ‘The Committee of Experts of the European Charter for Regional or Minority languages’. Available at http://www.coe.int/t/dg4/education/minlang/aboutcommittee/default_en.asp.
6. Council of Europe, *European Charter for Regional or Minority Languages: Explanatory Report*. Council of Europe: Strasbourg, 1992: para. 131.
7. *Ibid.*, para. 2.
8. European Commission, *User language preferences online*, Flash Eurobarometer 313 (2011). Available at <http://ec.europa.eu/public_opinion/flash/fl_313_en.pdf>.
9. *Ibid.*
10. European Commission, *Outcomes of the European Commission’s Public Consultation on Multilingualism, 14 September–15 November 2007*. Brussels: European Commission Directorate General for Education and Culture, 2008.
11. International Telecommunication Union, ‘The World in 2011: ICT Facts and Figures’. Available at <http://www.itu.int/ITU-D/ict/facts/2011/index.html>. Member states of the Commonwealth of Independent States (CIS) are not included in ICT calculations for Europe. Armenia is a member of the CIS and has ratified the ECRML.
12. The ECRML has been signed and ratified by a total of 25 states. Bosnia and Herzegovina submitted its first state periodical report in 2012. The first evaluation report of Bosnia and Herzegovina by the Committee of Experts had not been adopted at time of writing in October 2012.
13. At time of writing in October 2012, a total of 65 evaluation reports had been adopted and made available to the public by the Committee of Experts.
14. Evaluation reports adopted and made available to the public at time of writing in October 2012.
15. Transfrontier cooperation may also occur without being explicitly linked to Article 14. The Committee of Experts reported from its most recent monitoring visit to Finland that Sámi children would like the radio, television, and internet to offer more services in Sámi, in part to counteract stereotypes of the Sámi. An interesting point to note is that this

matter arose from a survey carried out by the Ombudsmen for children in Finland, Norway, and Sweden – a transfrontier endeavour that could be utilized for the promotion of Sámi languages and mutual understanding and referred to under Article 7 of Finland's fourth monitoring cycle (para. 107).

16. Report of the Committee of Experts. *Application of the Charter in Hungary*. ECRML, 2001: 4 (para. 2).
17. Report of the Committee of Experts. *Application of the Charter in Finland*. ECRML, 2001: 3 (para. 2).
18. Report of the Committee of Experts. *Application of the Charter in Germany, 3rd Monitoring Cycle*. ECRML, 2008: 4 (paras. 296–297).
19. Report of the Committee of Experts. *Application of the Charter in Finland*. ECRML, 2001: 3 (para. 173).
20. Report of the Committee of Experts. *Application of the Charter in Spain, 2nd Monitoring Cycle*. ECRML, 2008: 5 (paras. 883–884).
21. Report of the Committee of Experts. *Application of the Charter in the United Kingdom, 3rd Monitoring Cycle*. ECRML, 2010: 4 (para. 245).
22. Report of the Committee of Experts. *Application of the Charter in the United Kingdom, 3rd Monitoring Cycle*. ECRML, 2010: 4 (paras. 66, 69).
23. Report of the Committee of Experts. *Application of the Charter in Sweden, 3rd Monitoring Cycle*. ECRML, 2009: 3 (paras. 61, 92).
24. Report of the Committee of Experts. *Application of the Charter in the United Kingdom, 2nd Monitoring Cycle*. ECRML, 2007: 2 (para. 454).
25. Report of the Committee of Experts. *Application of the Charter in Denmark, 3rd Monitoring Cycle*. ECRML, 2011: 1 (para. 32).
26. Report of the Committee of Experts. *Application of the Charter in Spain*. ECRML, 2005: 4 (para. 247).
27. Report of the Committee of Experts. *Application of the Charter in Hungary, 3rd Monitoring Cycle*. ECRML, 2007: 5.
28. Report of the Committee of Experts. *Application of the Charter in Austria, 2nd Monitoring Cycle*. ECRML, 2009: 1 (para. 143).
29. Report of the Committee of Experts. *Application of the Charter in Finland, 4th Monitoring Cycle*. ECRML, 2012: 1 (para. 275).
30. 'To encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis.'
31. 'To encourage and/or facilitate the creation of at least one television channel in the regional or minority languages; or to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis.'
32. Report of the Committee of Experts. *Application of the Charter in Finland, 4th Monitoring Cycle*. ECRML, 2012: 29 (para. 181).
33. Report of the Committee of Experts. *Application of the Charter in Cyprus, 2nd Monitoring Cycle*. ECRML, 2009: 5 (para. 56).
34. Report of the Committee of Experts. *Application of the Charter in Norway, 3rd Monitoring Cycle*. ECRML, 2007: 3 (paras. 60–61).
35. *Ibid.*
36. Report of the Committee of Experts. *Application of the Charter in Sweden*. ECRML, 2003: 1 (par. 76).
37. Report of the Committee of Experts. *Application of the Charter in Switzerland, 3rd Monitoring Cycle*. ECRML, 2008: 2 (paras. 33, 34, 39).
38. Report of the Committee of Experts. *Application of the Charter in Switzerland, 4th Monitoring Cycle*. ECRML, 2010: 8 (paras. 25–27).
39. Report of the Committee of Experts. *Application of the Charter in Hungary, 3rd Monitoring Cycle*. ECRML, 2007: 5 (para. 185).

40. *Ibid.*: para. 186.
41. *Ibid.*: para. 161.
42. Report of the Committee of Experts. *Application of the Charter in Hungary, 4th Monitoring Cycle*. ECRML, 2010: 2 (para. 176).
43. Report of the Committee of Experts. *Application of the Charter in Poland*. ECRML, 2011: 5 (para. 25).
44. Report of the Committee of Experts. *Application of the Charter in Croatia, 3rd Monitoring Cycle*. ECRML, 2008: 1 (para. 107).
45. Report of the Committee of Experts. *Application of the Charter in Germany, 3rd Monitoring Cycle*. ECRML, 2008: 4 (para. 207).
46. Report of the Committee of Experts. *Application of the Charter in the Czech Republic*. ECRML, 2009: 7 (para. 318).
47. Report of the Committee of Experts. *Application of the Charter in Armenia, 2nd Monitoring Cycle*. ECRML, 2009: 6 (para. 182). Emphasis added.
48. Report of the Committee of Experts. *Application of the Charter in Finland, 4th Monitoring Cycle*. ECRML, 2012: 1 (para. 49).
49. Report of the Committee of Experts. *Application of the Charter in Sweden*. ECRML, 2003: 1 (para. 76).

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