

NPLD - COPPIETERS CAMPUS

PLANING AND EVALUATION OF LANGUAGE POLICIES

13 September 2018 UDINE

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Council of Europe

- The Council of Europe compared to other International Organisations
- Structures of most relevant monitoring bodies and main differences
- The European Charter for Regional or Minority languages (ECRML): how it works
- The ECRML: past, present and future



Council of Europe

- 47 Member States
- Human rights, pluralist democracy, rule of law
- Democratic stability in Europe, greater unity between Member States
- In the social field: to develop an innovative approach integrating standard setting and policy development with the overall goal of facilitating progress, while guaranteeing social cohesion for all member countries



European Institutions

- Council of Europe / European Council
- Parliamentary Assembly / European
 Parliament
- European Court of Human Rights
 Court of Justice of the European
 Communities
 International Court of Justice



Other international organisations

European Governmental Organisation

- Governments
- Observers:
 - Social Partners
 - Other States
 - INGO

- United Nations, EU,
 OSCE
 - Governments
 - Trade Unions
 - Representatives of Employers
 - INGO



Human Rights Instruments

- Convention for the Protection of Human
 Rights and Fundamental Freedoms (1950)
 - = civil and political rights

- European Social Charter (1964) and Revised Charter (1996)
 - = social and economic rights



Difference between civil/political and social/economic rights

- Historic
- Political
- Economic



Civil and Political Rights versus Social and Economic Rights

- ECHR: based in a Court, with judgments and a real execution control mechanism by the Committee of Ministers. Individual complaints allowed. Financial compensation can be awarded. Resolutions adopted by the CM. Possible sanctions for non-execution (political).
- Social Rights: based in Committees, no judgments but national reports (except collective complaints). Recommendations adopted by the CM. No financial implications.

Revised European Social Charter - 1996 Control Mechanism

Reports from Governments

on the application of the Charter

Observations

from social partners and NGOs

European Committee on Social Rights

Legal examination of the conformity of the national legislation and practice with the requirements_laid down in the Charter

Governmental Committee

Discussion and drafting of Committee of Minnister's decisions

Committee of Ministers

Recommendations to contracting parties with a view of introducing the necessary legislative and practical changes to conform with the Charter

Social Charter: Collective complaints procedure

International organisations of employers and trade unions (ETUC, UNICE, IOE)

Representative national organisations of employers and trade unions

International non governmental
organisations
entered on a list
drawn up by the
Governmental
Committee

Representative national non-governmental organisations competent in the matters covered by the Charter

(Subject to a declaration by the state)

COMPLAINTS

EUROPEAN COMMITTEE OF SOCIAL RIGHTS

Decides on the admissibility of complaints

Draws up a report containing it conclusion as to whether or not the state concerned has violated the Charter

COMMITTEE OF MINISTERS

In cases of violation, adopts a recommendation addressed to the State concerned In cases of non-violation, adopts a resolution which terminates the procedure

GOVERNMENTAL COMMITTEE

In certain cases, may be consulted by the Committee of Ministers

PARLEMENTARY ASSEMBLY

European Charter for Regional or Minority Languages

- Why a Charter was needed?
- How the Charter was constructed
- Functioning of the monitoring mechanism
- Problems faced
- Future developments



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