

Thematic Commentary No. 1 on Education under the Framework Convention for the Protection of National Minorities



Adopted on 31 May 2024

**Revising and replacing
Thematic Commentary No. 1 (2006)**

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*Commentaire thématique n° 1
sur l'éducation au regard de la Convention-cadre
pour la protection des minorités nationales*

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minorities.fcnm@coe.int
www.coe.int/minorities.

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Executive summary

The Framework Convention for the Protection of National Minorities (ETS No. 157; the “Framework Convention”) remains a key tool for balancing broader societal concerns with individual minority rights, including in the field of education. It therefore requires responsible actors at all levels to create appropriate conditions for the expression and recognition of difference, for equal access to rights and resources despite difference, and for social interaction and inclusion across difference. The implementation of minority rights in education must take into account all three of these dimensions. This Thematic Commentary defines how this can be achieved in practice.

The Framework Convention, as a living instrument, needs to be interpreted in light of societal changes.

This Thematic Commentary on Education (2024) No. 1 under the Framework Convention for the Protection of National Minorities (hereafter the “Thematic Commentary”) replaces the First Thematic Commentary on Education of 2006, and sets out the Advisory Committee’s interpretation of the provisions of the Framework Convention relevant for education, drawing on its country-specific opinions and on its three further Thematic Commentaries on effective participation, on language rights and on the scope of application of the Framework Convention. This Thematic Commentary aims to provide a practical tool for state authorities and decision makers at all levels, public officials, minority and other civil society organisations, persons affiliating with national minorities, academics and other stakeholders involved in the protection of minority rights.

The experience of the Advisory Committee on the Framework Convention for the Protection of National Minorities (“Advisory Committee”) shows that managing diversity through minority rights in education requires action by state authorities and other stakeholders to foster a spirit of tolerance and intercultural dialogue and to promote mutual respect and understanding between all communities and persons affiliating with them. The effectiveness of such action is undermined by practices of discrimination and segregation, a failure to accept minorities as an integral part of society and a lack of interethnic interaction. Therefore, wherever these challenges exist, they need to be fully addressed. For education to produce optimal outcomes, curricula, together with educational materials and continuous teacher training, should promote minority rights as an integral part of international human rights and respect for diversity as core values. Equal access to quality education, which requires addressing socio-economic inequalities and barriers faced by individuals in vulnerable situations, must be ensured. Support mechanisms must also be put in place to guarantee equal opportunities in education. Educational institutions should be a safe space for the free expression and the promotion of minority identities. It is therefore essential to guarantee the right to learn minority languages at all levels from early years and preschool education onwards.

The effective participation of persons affiliating with national minorities, including minority children and young people as well as their parents and other caregivers, in education policies plays an important role in addressing their needs and interests. The collection of disaggregated data on educational outcomes is necessary both to identify these needs and interests and to develop targeted strategies and concrete measures to ensure effective access to education-related rights under the Framework Convention. In this vein, it is crucial that authorities are aware of and regularly assess the demand for minority language education in order to effectively ensure this right in areas where persons affiliating with national minorities are present traditionally or in substantial numbers. Importantly, learning a minority language is a right to be enjoyed together with the right to learn the respective official language(s). A balanced approach is therefore needed so that children belonging to national minorities develop a multilingual repertoire that corresponds to their linguistic environment. In the case of endangered languages, sustained efforts are needed to ensure their revitalisation. New technologies offer opportunities in this regard, but they can also hinder access to the right to quality education for individuals in vulnerable situations.

This Thematic Commentary elaborates on these issues in light of the three overarching dimensions of managing diversity through minority rights, thereby providing guidance for improving the enjoyment of rights in the field of education as enshrined in the Framework Convention.

Part I

Introduction

1. This Thematic Commentary on Education (2024) No. 1 under the Framework Convention for the Protection of National Minorities replaces the First Thematic Commentary on Education,¹ adopted in 2006. Based on the results of the first cycle of monitoring, this Thematic Commentary recapitulated the standards in the field of education required by the Framework Convention for the Protection of National Minorities (“the Framework Convention”). In almost two decades since, the Advisory Committee on the Framework Convention has developed its thinking on education, through five monitoring cycles of nearly all 39 states parties,² as well as Kosovo*. This monitoring practice has shown how the Framework Convention is applied dynamically by the states parties and how it is interpreted by the Advisory Committee. Since the first Thematic Commentary, three further commentaries have been adopted by the Advisory Committee: on effective participation, on language rights and on the scope of application of the Framework Convention.³ This Thematic Commentary builds upon these opinions and Thematic Commentaries.

Normative and policy framework on the right to education

2. Education serves different purposes for different audiences⁴ and, as such, it can have different aims. On the one hand, as a right in itself, education contributes to the development of one’s identity, attitudes and values; on the other, it has an instrumental value as it imparts knowledge and contributes to building a linguistic repertoire necessary for communication and interaction in society. The right to education is now widely understood as “quality and inclusive education”, which, among other things, promotes democracy, respect for human rights and social justice in a learning environment that recognises everyone’s learning and social needs.⁵

3. The member states of the Council of Europe, in adopting the Framework Convention, agreed that minority rights form an integral part of human rights, and as such are a matter of joint international concern. It follows that the right to education, as guaranteed by the Framework Convention, is an integral part of education rights as entrenched in a number of international human rights instruments. These include, *inter alia*, the Universal Declaration of Human Rights (Article 26), the United Nations (UN) International Covenant on Economic, Social and Cultural Rights (Article 13), the UN Convention on the Rights of the Child (Articles 28 and 29), the UN Convention on the Elimination of All Forms of Discrimination against Women (Article 10) and the UN Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education. Likewise, the right to education, as a basic human right, is also protected under Article 2 of Protocol No. 1 to the European Convention on Human Rights (the “Convention”), taken either alone or in conjunction with Article 14 of the Convention, and under Protocol No. 12 of the Convention,⁶ as well as the Revised European Social Charter (Article 17).

1. Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) [Thematic Commentary No. 1, Commentary on Education under the Framework Convention for the Protection of National Minorities](#), adopted on 2 March 2006, ACFC/25DOC(2006)002.

2. On 3 January 2024, the Russian Federation notified the Secretary General of the Council of Europe of its decision to withdraw from the Framework Convention, to which it had been a party since 1 December 1998. This withdrawal takes effect on 1 August 2024.

* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

3. ACFC [Thematic Commentary No. 4](#), “The Framework Convention: a key tool to managing diversity through minority rights; the scope of application of the Framework Convention for the Protection of National Minorities”, 27 May 2016, ACFC/56DOC(2016)001; ACFC [Thematic Commentary No. 3](#), “The language rights of persons belonging to national minorities under the Framework Convention”, adopted on 24 May 2012, ACFC/44DOC(2012)001; ACFC [Thematic Commentary No. 2](#), “The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs”, adopted on 27 February 2008, ACFC/31DOC(2008)001.

4. In this text, education is meant in its broader scope, applying to access to education and all levels and forms of education, offline and online, from pre-primary to higher education, including vocational education and lifelong learning.

5. Recommendation [CM/Rec\(2012\)13](#) of the Committee of Ministers to member States on ensuring quality education, adopted on 12 December 2012, Appendix to Recommendation, point 6.

6. Article 14 enshrines the protection against discrimination in the enjoyment of the rights set forth in the Convention and Article 1 of Protocol No. 12 to the Convention prohibits discrimination more generally, in the enjoyment of any right set forth by law. See, in general, the European Court of Human Rights (the “Court”) [Guide on Article 2 of Protocol No. 1](#) and the [Guide on Article 14 and Article 1 of Protocol No. 12 of the Convention](#). For the Court’s case law in the specific context of the right to education of Roma pupils, see the [Key Theme on Article 2 Protocol No. 1: Discrimination in access to education](#).

4. The international human rights law framework identified availability, accessibility, acceptability and adaptability as four key components of education that states must provide if they are to ensure an effective enjoyment of the right to education.⁷ Furthermore, states should guarantee the right to education and ensure that education is directed to the holistic development of the full potential of children, including development of respect for human rights, an enhanced sense of identity and affiliation, and their socialisation and interaction with others and with the environment.⁸ In other words, the essential right of all children, including those affiliating with a minority,⁹ to quality and inclusive education is an integral part of their personal development and a precondition for reaching their fullest potential. Similarly, this right should also ensure the development of respect for the children's and their parents'¹⁰ and other caregivers' cultures, identities and religions, while at the same time imparting the values of the state.¹¹ The needs and interests of the child also play a central role in education, confirming children's right to be heard, to participate and to have their views heard pursuant to their evolving capacities.¹²

5. Concerning international standards on minority rights pertaining to education, the UNESCO Convention against Discrimination in Education enshrines the rights for persons belonging to national minorities to set up and maintain their own schools, teach minority languages and ensure at the same time an understanding of society as a whole, including through the knowledge of official languages.¹³ The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities also provides for the right to learn a minority language, and calls on states to foster knowledge among wider society about the minorities in a country and to provide persons belonging to minorities with opportunities to "gain knowledge about the society as a whole".¹⁴ The UN Sustainable Development Goals give high priority to inclusive and quality education as a main driver of development, including for children belonging to indigenous peoples and children in situations of vulnerability.¹⁵

6. At the European level, the Organization for Security and Co-operation in Europe (OSCE) High Commissioner on National Minorities (HCNM)'s Hague Recommendations regarding the Education Rights of National Minorities provide key guidance to participating states in this field, recognising that education plays an important role in maintaining and promoting minority cultures and languages and in preventing future conflicts involving national minorities.¹⁶ Similarly, the HCNM's Ljubljana Guidelines on Integration of Diverse Societies highlight the significance of education for the integration of society and for the promotion of respect for diversity.¹⁷ The HCNM's 2023 Recommendations on the Effective Participation of National Minorities in Social and Economic Life emphasise the link between access to quality education and economic advancement, taking into account the need for an intersectional approach, particularly on the grounds of gender, disability and age.¹⁸ Additionally, they highlight the broader correlation between socio-economic inclusion, also within education, conflict prevention, and youth engagement and empowerment. The foundation of such empowerment lies within schools.

7. The work of the Advisory Committee in the field of education is interconnected with other areas of the Council of Europe's activities and other treaties, for instance the European Charter for Regional or Minority Languages, which the Advisory Committee encourages states to join if they have not done so, with a view to protecting regional or minority languages as part of common cultural wealth. In addition to the case law of

7. United Nations (UN) Committee on Economic, Social and Cultural Rights (CESCR), [General Comment No. 13](#), paragraph 6, 1999; Human rights obligations in education: [the 4-A scheme](#), (2001), UN Special Rapporteur on the Right to Education, Katharina Tomaševski (1998-2004).

8. Article 29 of the UN Convention on the Rights of the Child (CRC); UN CRC, [General Comment No.1](#) on the Aims of Education.

9. Although the text of the Framework Convention refers to "persons belonging to national minorities", the Advisory Committee also uses the expression "affiliating with national minorities" to emphasise the agency of individuals to avail themselves of the right to self-identify freely in order to have access to the rights contained in the Framework Convention. See ACFC Thematic Commentary No. 4, paragraph 14.

10. In the understanding of the ACFC, and drawing on the Recommendation [CM/Rec\(2011\)12](#) of the Committee of Ministers to member States on children's rights and social services friendly to children and families, a "parent" refers to the person(s) with parental responsibility according to national law. In cases where the parent or parents are absent or no longer have parental responsibility, this can be a guardian, an appointed legal representative or the child's immediate caregiver. See also footnote 108 for the interpretation of the term "parents" by the European Court of Human Rights under its case law on Article 2 of Protocol No. 1 of the European Convention on Human Rights.

11. Article 29 (c) of the UN CRC.

12. Article 13 of the UN CRC.

13. [UNESCO Convention against Discrimination in Education, 1960, Article 5 \(c\)](#).

14. [Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities](#), adopted by the UN General Assembly on 18 December 1992, UN GA Resolution 47/135, Article 4(4).

15. [Incheon Declaration and Sustainable Development Goals \(SDG\) 4 – Education 2030 Framework for Action](#), 2016.

16. The OSCE HCNM [Hague Recommendations](#) regarding the Education Rights of National Minorities, 1996.

17. The OSCE HCNM [Ljubljana Guidelines](#) on Integration of Diverse Societies, 2012.

18. The OSCE HCNM [Recommendations on the Effective Participation of National Minorities in Social and Economic Life](#), 2023.

the European Court of Human Rights (the “Court”), the work of the European Commission against Racism and Intolerance (ECRI)¹⁹ and the Commissioner for Human Rights²⁰ are especially relevant in the Advisory Committee’s work, with their particular focus on inclusive education as well as promoting equality and non-discrimination and ensuring social cohesion. There are also many recommendations of the Committee of Ministers of the Council of Europe which provide relevant frameworks for action in the field of education, with two recent ones of particular note – on plurilingual and intercultural education, and on the active political participation of national minority youth.²¹ The Advisory Committee further acknowledges the Council of Europe Reference Framework of Competences for Democratic Culture, which contains a number of key indicators on values, attitudes, skills, knowledge and critical thinking, including “openness to cultural otherness” as well as “valuing cultural diversity”,²² and a guide for educators to implement the framework. The Advisory Committee has taken these standards into account in monitoring the implementation of the Framework Convention.

The evolving context for the enjoyment of the right to education

8. New developments and new challenges in societies have arisen since the adoption of the First Thematic Commentary. As society’s cultural and linguistic diversity has increased due to increasing migration and mobility to urban centres from areas traditionally inhabited by persons affiliating with national minorities, the expectations towards education have also evolved. These are particularly notable in big urban centres with sizeable, often even numerically stronger, national minority populations than in the traditional settlements of those minorities. Expectations also include those derived from efforts to reclaim and revitalise national minority languages, especially in areas subjected to past language bans and strong policies of assimilation. Today’s children are exposed to diversity at an early stage, both in a social context and when starting school. Educational systems are facing the challenge of including learners with different language repertoires and with multiple identities. Enabling pupils and students to understand and appreciate that identities are typically multifaceted is a precious tool for strengthening social cohesion and preventing future conflicts. At the same time, by seeping into every aspect of contemporary life, technology, in particular the digitalisation of education, has reshaped the educational field: artificial intelligence has the potential to fundamentally alter our societies in ways which, in 2024, are still not known. The Covid-19 pandemic also showed the growing role of digitalisation in education, which left many minority children severely affected due to limited access to distance learning.

9. Recent years have seen a surge in xenophobic movements and radical nationalism, which have had an overall negative impact on the enjoyment of minority rights, particularly in post-conflict areas. Minority rights have also become more subordinate to perceived security concerns. This has led persons affiliating with national minorities to be overly cautious in expressing their ethnic affiliation, claiming access to minority rights or questioning limitations on their rights by the authorities, due to a fear of being stigmatised as disloyal in a fragile security situation. Such security concerns have further been exacerbated by terrorist incidents as well as by the Russian Federation’s aggression against Ukraine since February 2022. These rapid and unexpected developments and trends across Europe have affected the functioning of the human rights regime in general, and the implementation of the Framework Convention in particular. Worryingly, all this has contributed to the re-securitisation of minority politics and policies, and to stronger and more frequent ad hoc bilateralisation of minority issues, as observed by the Advisory Committee in its monitoring work.²³

10. In addition to such an evolving societal context, which has led to new challenges, some obstacles to effective access to quality education have been observed by the Advisory Committee throughout the past five monitoring cycles, including segregation in education resulting from a wider context of pre-existing marginalisation of a particular minority or prejudice against a particular group or against particular groups. At structural and individual levels, segregation in education maintains social divides and entrenches generational social distance between communities and persons belonging to them. Such segregation, even if self-induced, is one of the worst forms of discrimination and a serious violation of the rights of the children concerned, as their learning opportunities are harmed by isolation and lack of inclusion in mainstream schools. Segregation is understood not only as a deliberate policy, but also as a consequence of housing or spatial segregation. In this sense, the

19. See in particular [ECRI General Policy Recommendation No. 10](#) on combating racism and racial discrimination in and through school education.

20. Council of Europe Commissioner for Human Rights, [Thematic work](#).

21. Recommendation [CM/Rec\(2022\)1](#) of the Committee of Ministers to member States on the Importance of plurilingual and intercultural education for democratic culture, adopted on 2 February 2022; Recommendation [CM/Rec\(2023\)9](#) of the Committee of Ministers to member States on the active political participation of national minority youth, adopted on 4 October 2023.

22. Council of Europe, Reference [Framework of Competences for Democratic Culture, Descriptors of Competences](#).

23. ACFC eleventh activity report covering the period 1 June 2016 to 31 May 2018, paragraph 8; ACFC Twelfth activity report covering the period 1 June 2018 to 31 May 2020; ACFC Thirteenth activity report covering the period 1 June 2020 to 31 May 2022.

Advisory Committee draws a clear distinction between segregation in education and separate education provided in minority languages as part of the minority rights protected under the Framework Convention. At the same time, it has also stressed that separate education should avoid applying exclusive criteria based on ethnicity and should be open to all. Efforts should be put in place to provide for contact and exchange between persons affiliating with different communities. This goes beyond the need to learn each other's language and encompasses regular possibilities for children and teachers to interact in and out of school.

11. Recent years have again increasingly seen cases in which states promote the official language(s) at the expense of minority language education, leading to the reduction and even removal of classes in minority languages from the education system. In the Advisory Committee's view, learning of the official language(s) for students belonging to national minorities contributes to the integration of society as a whole. It can also help ensure these students' effective socio-economic and political participation and access to equal opportunities. However, learning and knowledge of official languages should not be the sole basis of an integration policy, which must simultaneously respect the right to education in or of minority languages as protected in Article 14 of the Framework Convention. In this sense, where states have introduced measures to promote the official languages, it is particularly important that these go hand in hand with measures to protect, develop and use national minority languages, always bearing in mind the prevention of involuntary assimilation as enshrined under Article 5 of the Framework Convention.

12. Another persistent challenge concerns educational materials, including on history, which often do not reflect the diversity that exists in our contemporary societies. There is a shortage of teachers in general as well as a lack of pre- and in-service training providing the competences necessary to meet the challenges of societal diversity. In terms of educational outcomes, disaggregated data are seldom collected, or not collected systematically, to enable an assessment of any disparities linked to ethnic and linguistic affiliations of pupils and students, or to their gender, socio-economic situation or the education or employment status of their parents. In this context, the principle of free self-identification as established in Article 3 of the Framework Convention should be strictly respected, including multiple and situational affiliations, and no disadvantage should result from this choice or from the exercise of the rights connected to that choice.

Structure of the revised Thematic Commentary

13. The Framework Convention has three distinct provisions (Articles 12-14) guaranteeing the right to education and rights in education of persons who affiliate with national minorities. Article 12 comprises three sub-paragraphs addressing a wide range of aspects relevant to accommodating the needs and interests of those persons in the field of education and ensuring contact among all persons and communities living in a country. This provision is followed by the right to set up and manage their own private educational establishments (Article 13) and by the provision of language rights in education (Article 14). In addition, Article 6 of the Framework Convention identifies education as an area of specific importance regarding state efforts to encourage a spirit of tolerance and intercultural dialogue. The link between Article 6 and Article 12, both of which have a broad scope of application,²⁴ is strong in that both provisions support the core ethos of the Framework Convention as one of intercultural dialogue,²⁵ integration of society and social cohesion. Article 4 is of strong relevance also in the field of education, as it prohibits discrimination and requires states parties to adopt adequate measures to promote full and effective equality, including through access to education. Article 5 elaborates on the necessity to promote adequate conditions for maintaining and developing minority cultures and the essential elements of the identities of persons affiliating with national minorities. The education system is one of the key areas in which this principle can be implemented.

14. In the view of the Advisory Committee, the Framework Convention, as a living instrument, serves as a key tool for enabling the accommodation of increasing pluralism through minority rights in a way that carefully balances broader societal concerns with individual rights. It supports relevant authorities and other actors at all levels in creating appropriate conditions that allow for the expression and acknowledgement of difference, for equal access to rights and resources despite difference and for social interaction and inclusion across difference. Accordingly, this revised Thematic Commentary holds that educational systems must be designed in such a way that persons affiliating with national minorities can effectively: i. express difference and have that difference recognised; ii. gain equal access to resources and rights despite difference; and iii. engage in social interaction on the basis of respect and understanding across difference.²⁶

24. ACFC Thematic Commentary No. 4, 2016, part V.

25. ACFC Thematic Commentary No. 4, 2016, paragraph 59.

26. *Ibid.*, paragraph 4.

15. Articles 6 and 12 provide a legal basis for designing educational systems that allow for interaction across difference, dealt with in Part II of this revised Thematic Commentary. Part II raises general issues relevant for education systems and societies in general, including how education is organised and the principles that should underpin the design, content and implementation of curricula and educational materials, among other issues. In Part III, Article 12(3), which requires states to provide access to education on an equal basis, and Article 4, which covers non-discrimination and explicitly provides for the adoption of special measures to correct factual inequalities, offer the framework for ensuring equal access to quality education and thus guaranteeing effective equality despite difference. To this effect, the Advisory Committee also examines in Part III the importance of Article 6, in particular relating to its findings on gender-based violence against women and girls and on children's rights, underlining the multiple and intersectional dimension of issues. Part IV focuses on the role of education in ensuring the expression and recognition of difference, through the right to learn minority languages in line with Article 14 of the Framework Convention, which functions also as a bulwark against involuntary assimilation. The expression of difference through education is also key to the implementation of Article 5, which provides for the protection and promotion of national minority cultures and identities. The role of private education and the provision of minority language education as covered under Article 13 are also considered in this final Part IV. Last, the conclusions in Part V point to potential challenges in education in the near future for persons affiliating with national minorities and for diverse societies.

16. Underpinning the Advisory Committee's findings and recommendations both in this Thematic Commentary and in its opinions are the key and interlinked principle of effective participation and the concept of intersectionality, reflecting intra-community diversity, including its gender dimension. Effective participation, as a principle and as a right protected under Article 15 of the Framework Convention and further elaborated on in the Second Thematic Commentary, should be ensured at all levels, in all decisions affecting persons belonging to national minorities and should involve all relevant actors. In the field of education, these include children, parents and other caregivers, teachers and other educational experts and competent school authorities. Moreover, it means that a wide representation of persons affiliating with national minorities is ensured, including women, girls, young people, elderly people, persons with disabilities affiliating with national minorities, those from diverse social backgrounds and a diversity of opinion – including political – or with diverse gender identities, sexual orientation or sex characteristics. In this sense, the mainstreaming of issues facing women and girls belonging to national minorities is crucial and must be conceived of both as a goal – to promote gender equality – and integrated as part of the processes designed to achieve the goals. These cross-cutting principles and concepts are underlined across the different parts of this Thematic Commentary, in light of the different dimensions and approaches of the various aspects of the Framework Convention. This also reflects the need for a genuinely participatory approach to implementing the Framework Convention, including as applicable to the field of education.

Part II

Education and the integration of society as a whole

17. Since the first monitoring cycle, the Advisory Committee has been concerned with how education interacts with the integration of society as a whole.²⁷ The basis of this stems from Article 12(1) of the Framework Convention, which requires states to “take measures ... to foster knowledge of the culture, history, language and religion of their national minorities and of the majority”. As the Explanatory Report elucidates, this is taken “in an intercultural perspective” with “the aim ... to create a climate of tolerance and dialogue”.²⁸ These obligations are further anchored under Article 6 of the Framework Convention, which calls on states to “encourage a spirit of tolerance and intercultural dialogue and promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons’ ethnic, cultural, linguistic or religious identity, in particular in the field of education”. The concepts of “spirit of tolerance” and “mutual respect and understanding” are intrinsically linked and it is necessary to have a purposeful encouragement of “a spirit of tolerance and intercultural dialogue”, backed by effective measures to recognise, embrace and promote diversity within society as its integral part.²⁹

18. The intercultural element of education³⁰ is firmly situated in the Advisory Committee’s discussion of the integration of society as a whole, understood as involving all persons in society. The details of what this entails have been firmly established over five monitoring cycles under Articles 6 and 12. The Advisory Committee has underlined the importance of “adequate information on the composition of society, including national and other minorities ... form[ing] part of the public curriculum and of textbooks and education materials used in all schools throughout the territories of states parties”.³¹ General principles, such as the importance of teacher training, the key role played by history teaching in fostering integration and critical thinking, and the knowledge of cultures, histories and religions of the minorities and of the majority, have also been underlined.³² All these issues should be discussed and decided through effective consultation and participation reflecting a diversity within minorities.

1. Promoting respect for ethnic, religious, linguistic and cultural diversity, intercultural dialogue and reconciliation (Articles 6 and 12)

19. While states have a margin of appreciation as to the education systems in place, it is fundamental that the promotion of tolerance and respect for diversity be integrated as a core value, into all educational efforts,³³ from preschool to universities, adult and vocational training, and across the whole territory of states. Carrying an essential societal value, any policies and initiatives taken to this effect should be adequately resourced.³⁴ A diverse range of national minority organisations and individuals should be involved in their design, implementation and evaluation.³⁵

27. This is to be understood as how the structure and operation of the education system itself may help or hinder societal integration, how subjects and curricula work to foster integration or to entrench divisions.

28. Explanatory Report to the Framework Convention for the Protection of National Minorities, paragraph 71.

29. Article 6 and ACFC Thematic Commentary No. 4, 2016, paragraph 53 and 54. See also the Fifth Opinion on Italy; Fifth Opinion on Austria and Fourth Opinion on Kosovo*. All opinions of the Advisory Committee are referenced as “Monitoring cycle, country”. All opinions can be accessed via [the website of the Advisory Committee](#) in the Council of Europe portal.

30. According to the 1992 Commentary of the UN Declaration on the Rights of the Persons belonging to National or Ethnic, Religious or Linguistic Minorities, intercultural education is defined as “learning to interact constructively with each other” (p. 15). See also ACFC Thematic Commentary No. 3, paragraphs 82-83. Further, the [Explanatory Memorandum](#) to Recommendation [CM/Rec\(2022\)1](#) of the Committee of Ministers to member States on the importance of plurilingual and intercultural education for democratic culture explains that “intercultural education should embrace diversity as a resource that enriches the educational experience of all learners”.

31. ACFC Thematic Commentary No. 4, paragraph 59.

32. ACFC Thematic Commentary No. 4, paragraphs 59-60.

33. Fourth Opinion on Cyprus.

34. Fourth Opinion on North Macedonia; Fifth Opinion on Malta; Fourth Opinion on Kosovo*.

35. Third Opinion on Poland.

20. Segregation in education (see Part I) adversely impacts the integration of society as a whole by maintaining divisions between individuals and communities.³⁶ The Advisory Committee has firmly underlined that segregated education is a breach of the human rights of the children concerned by it and runs counter to the development of the spirit of mutual respect and understanding and co-operation that are central to the Framework Convention.³⁷ Segregation operates at different levels – in some cases through separate school buildings or separate classes in the same school buildings, sometimes in the same buildings but operating in different shifts, and sometimes through separate curricula for the same types of schools.³⁸ In this regard, “special” schools or classes predominantly composed of students belonging to Roma and/or Travellers, for example, have been found to be discriminatory and to contribute to stigmatisation and negative stereotypes about these communities, acting as an obstacle to the integration of society as a whole. The case law of the European Court of Human Rights has also been clear on states’ obligations to prevent and act against segregation in the education system – regardless of its manifold causes (see Part III).³⁹

21. In some cases, separate education provided in minority languages at schools primarily dedicated to the education of particular minority persons in their minority languages is wrongly conflated with segregated education. Such separate educational institutions are one viable means of ensuring space for the expression and strengthening of minority identities and languages, as an integral part of society. Nevertheless, ensuring expression of difference must not give rise to fixed identities and must go hand in hand with ensuring intercultural contact and mutual dialogue. In other words, while separate education does not create segregation per definition, it might inadvertently create segregative effects if it fails to operate in an appropriately inclusive and intercultural spirit (see also Part III).

22. In this regard, bilingual, multilingual and plurilingual approaches⁴⁰ to education can also be important means of fostering mutual respect and appreciating the diversity of society.⁴¹ As elaborated on in the Advisory Committee’s Third Thematic Commentary on language rights, these approaches promote awareness of national minorities by drawing attention to linguistic diversity as an expression also of cultural wealth (see Part IV).⁴² States should also make education in minority languages available to all, including students belonging to the majority, as this contributes to genuine intercultural dialogue.⁴³ The Advisory Committee has welcomed instances when states make the learning of the minority language compulsory for everyone in the country or in parts of the country.⁴⁴ It is more conducive to genuine integration when children’s competence in a language other than the official language(s) is not considered a deficit, but as an asset for individuals and for the entire society. Plurilingual education is closely linked to intercultural competences, which in turn contribute to equitable and inclusive education, educational success, participation in democratic culture and societal integration.⁴⁵

23. Shared spaces and displays in kindergartens, schools, universities and adult education institutions (such as corridors or classrooms) should also be used to highlight diverse minority cultures and languages. This makes educational institutions welcoming and open to all. It simultaneously increases interaction across difference in a way that enhances mutual understanding while valorising minority cultures and boosting the self-confidence of minority students.⁴⁶

24. Last, bullying on ethnic, racial, religious or linguistic grounds negatively impacts not only the integration of society as a whole, but also educational outcomes for national minority pupils and students (see Part III) and should be effectively tackled. Various forms of violence in the digital space, such as cyberbullying, will

36. Fifth Opinion on the United Kingdom.

37. Fourth and Fifth Opinions on Bosnia and Herzegovina.

38. Fourth and Fifth Opinions on Bosnia and Herzegovina; Fifth Opinion on Romania; Fifth Opinion on Kosovo*.

39. See: *X and Others v. Albania*, 2022, paragraphs 81-87; *Szolcsán v. Hungary*, 2023, paragraphs 45-59; *Elmazova and Others v. North Macedonia*, 2022, paragraphs 73-79. See also Council of Europe’s Commissioner for Human Rights (CommDH), *Position Paper on fighting school segregation in Europe through inclusive education*, 2017.

40. Recommendation *CM/Rec(2022)1* of the Committee of Ministers to member States on the importance of plurilingual and intercultural education for democratic culture offers the following definitions: i. Multilingualism: the presence of two or more languages in a community or society; ii. plurilingualism: the potential and/or actual ability to use several languages to varying levels of proficiency and for different purposes.

41. See also Commissioner for Human Rights of the Council of Europe, *Human Rights Comment: Language policies should accommodate diversity, protect minority rights and defuse tensions*, 2019.

42. The Advisory Committee stated in its Third Thematic Commentary (on language rights) that “language policies should ensure all languages that exist in society are audibly and visibly present in the public domain so that every person is aware of the multilingual character of society and recognises him- or herself as an integral part of society”. See also Second Opinion on Kosovo*; Fourth Opinion on Latvia.

43. Fourth Opinion on Montenegro [forthcoming]; Fifth Opinion on Italy; Fifth Opinion on North Macedonia; Sixth Opinion on Denmark.

44. First Opinion on Italy; First Opinion on Slovenia.

45. Fourth Opinion on Latvia.

46. Fifth Opinion on Armenia; Fifth Opinion on Albania; Fifth Opinion on Kosovo*.

require greater attention in this regard, especially in terms of their impact on women and girls belonging to national minorities who are at greater risk of bullying on intersecting grounds.⁴⁷ In this connection, the Advisory Committee has taken positive note of instances where reporting cases of ethnic or racial bullying via a national system that also allows for the disaggregation of data has been made compulsory for schools and teachers.⁴⁸

2. Curricula and educational materials (Article 12)

25. Curricula and educational materials are important tools to enable individuals to acquire the knowledge and competences needed to participate actively in democratic societies. To do so, these materials must aim to value diversity, nurture respect for difference, and seek to develop analytical and critical thinking skills. Curricula and educational materials are therefore key to raising awareness of national minorities and persons belonging to them.⁴⁹ The absence of national minorities from curricula and educational materials contributes to their invisibilisation in public life, especially in situations where they are numerically smaller and issues facing them do not occupy much space in societal discourse.⁵⁰

26. In the Advisory Committee's view, curricula and educational materials should also take into account the diversity within minority communities⁵¹ and be developed with the active participation of the representatives of these communities in an inclusive manner.⁵² This helps to avoid the perpetuation of negative stereotypes, including those related to gender, myths or falsehoods about national minorities,⁵³ while combating prejudice, superficial or oversimplified images and folklorisation of minorities and persons who affiliate with them.⁵⁴ Content should incorporate human rights and respect for diversity as core values, which can in turn also promote equal access to education (see Part III).⁵⁵

27. Minority cultures, histories, languages, religions and identities should be present across a wide range of subjects – literature, the arts, sciences and geography, for example – and at all educational levels.⁵⁶ This should include imparting knowledge about the history of the relationships between cultural practices, individuals and communities, and how each of these has contributed to the development, growth and creativity of the others.⁵⁷ Stories of prominent or significant individuals belonging to national minorities should also be highlighted, while acknowledging and respecting the diversity that exists within national minorities.⁵⁸ Such an approach raises societal awareness about national minorities and about persons who affiliate with them as well as the self-awareness and self-confidence of those persons, in particular those belonging to numerically smaller or historically disadvantaged communities.⁵⁹ Including content about national minority cultures, histories and languages in education can also mitigate the risk of drop-out and absenteeism among students belonging to national minorities (see Part III), as well as improving their educational outcomes.

28. Innovative ways have been found in states parties to bring the experiences of minority youth to the fore in classrooms. Initiatives where minority youth visit schools across the country can be a dynamic and successful means to present minority cultures and identities in a more direct and immediate way.⁶⁰ Such participatory methods ensure that persons affiliating with national minorities are involved in the representation of their cultural practices and are seen as empowered individuals and rights holders rather than being portrayed in a folkloristic way.⁶¹

47. Fifth Opinion on the United Kingdom; Fifth Opinion on Finland. See also the study "[Protecting women and girls from violence in the digital age: the relevance of the Istanbul Convention and the Budapest Convention on Cybercrime in addressing online and technology-facilitated violence against women](#)", 2021; [GREVIO General Recommendation No. 1](#) on the digital dimension of violence against women.

48. Fifth Opinion on the United Kingdom.

49. ACFC Thematic Commentary No. 3, paragraph 34. See also First and Fourth Opinions on Poland; Fifth Opinion on Malta.

50. Second Opinion on Bosnia and Herzegovina.

51. First Opinion on Georgia; Third Opinion on the Russian Federation.

52. ACFC Thematic Commentary No. 2, paragraph 155; Fourth Opinion on Ukraine.

53. Fourth Opinion on Portugal; Fifth Opinion on Albania.

54. Fourth Opinion on Azerbaijan; Fourth Opinion on Slovakia; Fourth Opinion on Ukraine; Fifth Opinion on Romania; Fifth Opinion on Slovenia.

55. Third Opinion on Georgia; Fifth Opinion on Armenia.

56. Fifth Opinion on Albania.

57. See [Recommendation CM/Rec\(2011\)6](#) of the Committee of Ministers to member States on intercultural dialogue and the image of the other in history teaching and [Recommendation CM/Rec\(2020\)2](#) of the Committee of Ministers to member States on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials.

58. Fifth Opinion on Albania.

59. ACFC Thematic Commentary No. 4, paragraph 59. See also Third Opinion on Germany; Fourth Opinion on Serbia; Fourth Opinion on Ireland; Fifth Opinion on Armenia.

60. Fifth Opinion on Norway; Fourth Opinion on Latvia.

61. Fifth Opinion on Albania; Fifth Opinion on Bosnia and Herzegovina.

29. Mutual respect and understanding are core values that should be promoted in the education system.⁶² In this regard, the Advisory Committee encourages states⁶³ to make the knowledge of human rights, including minority rights, democracy and rule of law, a compulsory part of the national curriculum.⁶⁴ This knowledge can be imparted through a dedicated subject like civic education or be mainstreamed throughout the curriculum. Such content should aim to challenge prejudicial attitudes, be that in the form of antigypsyism, antisemitism, anti-Muslim hatred or other forms of racism, extremism and hate speech.⁶⁵

30. Finally, curricula and educational materials should be regularly reviewed, evaluated and adjusted accordingly, ensuring the diverse participation of a wide array of stakeholders, including persons belonging to national minorities and education and minority experts, and avoiding abuse of the topic for political aims. Guaranteeing children the right to express their views on such evaluations and having these views taken into account is also crucial to understand if such curricula achieve their desired effect, including when civic and human rights education are mainstreamed across curricula.⁶⁶

31. The Advisory Committee underlines that states have the primary responsibility for producing their own high-quality educational materials,⁶⁷ through which they should seek to promote societal integration and recognition of minority identities as an integral part of society.⁶⁸ In this respect, sufficient and sustainable funding is imperative for the provision of such materials. As envisaged in Articles 17 and 18 of the Framework Convention, co-operating with other states in order to procure educational materials (see Part IV) can play a positive role in minority protection. However, where educational materials are imported from other states without adapting them to the specific national context, these may not only lack information about the minorities concerned but may also include inappropriate content or promote particular historical or geographical narratives detrimental to interethnic relations, integration of societies and interstate relations. The Advisory Committee also notes that commissions set up for cross-border co-operation in educational matters concerning minorities can make a helpful contribution to ensuring that mutual respect and a spirit of tolerance and intercultural dialogue are encouraged.⁶⁹ The Advisory Committee underlines that such commissions should include active participation by relevant representatives of national minorities.⁷⁰

32. Societal developments, as well as challenges arising from extraordinary situations such as the Covid-19 pandemic, have had a significant impact on educational environments, including teaching methods and learning materials. While transitioning to online learning has exacerbated inequalities in access to education (see Part III) and made the digital divide more visible among certain national minorities, as in the case of Roma, it has also brought opportunities on certain occasions and contributed to ensuring the availability of education for dispersed communities and communities with an itinerant way of life. The Advisory Committee has therefore encouraged states to evaluate the modes of new teaching and learning materials covering national minorities in schools and their impact on the educational outcomes and the well-being of pupils and students (see also Part IV).

3. Teaching of history and historical research (Article 12)

33. Article 12 of the Framework Convention emphasises the need to foster knowledge of the cultures, histories, languages and religions of national minorities and of the majority in the field of education and research. Education also ought to promote reconciliation and a shared civic identity based on common interests and values, in particular in societies that are still in the process of dealing with a recent history of violent conflict.⁷¹ It should avoid fomenting polarisation and should serve to combat hatred or tensions between people or groups within society. It should also contribute to peaceful interethnic relations and good neighbourly relations. In this sense, history teaching should also be seen as part of broader human rights education and serving the same goals. In the Advisory Committee's view, states should ensure the diverse representation of persons

62. Fourth Opinion on Ireland; Second Opinion on Poland; Second Opinion on Cyprus; Fifth Opinion on Spain.

63. See also the Council of Europe [Charter on Education for Democratic Citizenship and Human Rights Education](#).

64. Second and Third Opinions on Montenegro.

65. Fifth Opinion on Norway. See also ECRI revised General Policy Recommendation (GPR) No. 5 on preventing and combating anti-Muslim racism and discrimination; ECRI revised General Policy Recommendation No. 9 on preventing and combating Antisemitism and ECRI General Policy Recommendation No. 13 on combating antigypsyism and discrimination against Roma.

66. Fifth Opinion on the Czech Republic.

67. Third Opinion on Georgia.

68. OSCE HCNM Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations.

69. Second Opinion on Austria; Third Opinion on the Republic of Moldova; Fourth Opinion on Bosnia and Herzegovina; Fifth Opinion on Slovenia; Fifth Opinion on Kosovo*.

70. Fourth Opinion on Poland; Fifth Opinion on Germany; Sixth Opinion on Denmark.

71. Fifth Opinion on the Republic of Moldova; Fifth Opinion on Bosnia and Herzegovina. See also OSCE HCNM Ljubljana Guidelines.

belonging to national minorities in the design of curricula and educational materials for history education, as well as the monitoring of the effects of such curricula. These materials should be adjusted over time to reflect the concerns of such persons and the results of any new historical research.⁷²

34. The Advisory Committee has consistently underlined the need for multiple perspectives in history teaching, to reflect appreciation of and encourage critical reflection on different perspectives, grounded in methodologically rigorous and independent historiography.⁷³ Practice has shown however that history teaching may be an increasingly fraught, contested and challenging aspect of education. The two World Wars and their legacies are examples that carry particular weight across states parties. Other wars and conflicts of the 20th and 21st centuries as well as the colonial past of some states parties also pose challenges in terms of how to convey historical facts and lived experience of individuals on all sides, and address multiple perspectives on the causes and consequences of these wars and conflicts.

35. The Advisory Committee therefore pays close attention to how these events are taught and how persons belonging to national minorities feature within these histories. This includes consideration of whether minorities are directly or indirectly linked to the majority community of another state, leading in some cases to the securitisation and bilateralisation of minority issues. In this sense, and with the aim of fostering a shared civic identity, states should engage with different competing historical narratives and debunk such narratives that are based on fraudulent sources or claims. Moreover, a lack of knowledge of historical events relevant for persons belonging to national minorities has a knock-on effect; if policy makers are insufficiently aware of the histories of different minorities, policy measures across different fields can be misapplied, mismanaged or inadequately dealt with, which can foment future tensions.⁷⁴ In this context, it is particularly important that history education is not used to incite hatred or intolerance towards a minority or to construct dichotomous narratives of polarisation towards particular groups and persons belonging to them.

36. Multiperspectivity as an approach should also be included in educational materials and form part of teachers' pre- and in-service training.⁷⁵ This approach is however distinct from the baseless dispute of independently established historical facts. For instance, the denial of the Holocaust cannot be considered a legitimate perspective. Indeed, the public expression of such views is proscribed in some states and is not protected under the European Convention on Human Rights.⁷⁶ It is nonetheless important to raise the existence of such views, with the aim of giving students the tools and capacity for critical thinking, both to effectively resist and to counter the misrepresentation of contemporary forms of mass human rights violations and hence be full and active citizens of democratic societies.

37. The way in which the histories of national minorities and persons belonging to them are presented in the education system is also of interest to the Advisory Committee. Some individuals belonging to national minorities may have played a significant role in the history of some states, whether in terms of contributing to the development of a state or in a more contentious role. Where the latter is the case, acknowledgement of such facts should not encourage a perception among students that persons affiliating with national minorities individually or collectively may have disloyal or irredentist tendencies towards the state in which they live. On the contrary, education should recognise minorities as an integral and valued part of contemporary society⁷⁷ and individuals of the present day belonging to national minorities with this kind of history should not have their access to rights limited or be discriminated against because of that history.⁷⁸ In this connection, it is also important to present notable histories of minority individuals who have contributed prominently to the development of the contemporary state, including minority women.⁷⁹ Due attention should also be paid to the histories of numerically smaller national minorities.

38. The Advisory Committee has welcomed instances where parts of a curriculum reserved for teaching about particular localities, especially their history, are used also for teaching about national minorities living there. It has also encouraged authorities to provide guidance to teachers on how to make use of such reserved parts of curricula or how they should fill in open parts of a curriculum.⁸⁰ Initiatives such as "living history", whereby

72. Fourth Opinion on the Netherlands; Fourth Opinion on Slovakia; Fourth Opinion on Ukraine; Fourth Opinion on Azerbaijan; Fifth Opinion on Romania; Fifth Opinion on Slovenia.

73. Fourth Opinion on Kosovo*; Fourth Opinion on Ukraine; Fifth Opinion on Croatia.

74. Fifth Opinion on the United Kingdom.

75. Third Opinion on Austria; Third Opinion on Estonia; Third Opinion on the Czech Republic; Third Opinion on the Russian Federation; Fourth Opinion on Ukraine.

76. *Pastörs v. Germany*, 2019, paragraphs 36-49; *Zemmour v. France*, 2022, paragraphs 56-67 (in French only).

77. Fifth Opinion on Albania.

78. Fourth Opinion on Latvia.

79. Fifth Opinion on Albania.

80. Third Opinion on Montenegro.

persons identifying with minorities go into classrooms to speak about their individual experience, should also be considered⁸¹ as a means of decollectivising the understanding of past conflicts. Resources for teaching these elements of local or regional history should be expanded across the whole territory of the state party in question to raise awareness of minority histories more widely.⁸² Likewise, age-appropriate teaching about the histories of national minorities should be included at all levels of the education system.⁸³

39. The Advisory Committee reiterates the relevant recommendations of the Committee of Ministers of the Council of Europe, notably on teaching about Roma and/or Traveller histories,⁸⁴ as an effective tool for combating all forms of hatred, discrimination and prejudice. In a context of rising antisemitism across Europe, persistent antigypsyism and decreasing levels of awareness of the Holocaust against Jews and Roma and others, teaching on the issues in question should also be ensured as a bulwark against denialism and revisionism, both of which perpetuate intolerance and hate speech.⁸⁵ Education should therefore further be used as a tool in the fight against hate speech and hate crime.⁸⁶ Moreover, education about the Holocaust and human rights violations is vital to prevent future crimes against humanity, by showing how such crimes can occur and the (inter)generational trauma they engender.⁸⁷ Teaching of these elements helps students to identify the root causes of continuing exclusion and discrimination within contemporary societies, including antigypsyism. This can facilitate increased public awareness of such historical events and lend support to measures such as public inquiries, apologies and compensation.⁸⁸ In this connection, the Advisory Committee has continuously reiterated the importance of recognising past human rights violations and addressing them thoroughly, for example by engaging in truth and reconciliation processes, as in the case of the Sami and the Tornedalians/Kvens/Lantalaïset.⁸⁹

40. Historical research by academics and students concerning national minorities should favour multiperspectivity. It should be actively supported by states and also be carried out with the active involvement of persons belonging to national minorities in order to foster trust in the independence of the research, while respecting academic freedom and autonomy.⁹⁰ Cross-border co-operation in the academic sphere, between universities and research institutions from different countries, including independent joint research projects supported by states as well as bilateral commissions of historians, is important for good neighbourly relations and can promote positive relations between different communities. It can also have positive implications for attitudes towards national minorities in the states concerned, hence also contributing to the integration of society as a whole.

41. The Advisory Committee has also recommended that states actively share good practices and seek out opportunities for learning from successful models. In this sense, the Advisory Committee encourages states to join in the work of the Council of Europe Observatory on History Teaching in Europe, which provides data on the state of history teaching through its general and thematic reports and serves as a forum for knowledge transfer and factual discussion with the aim of promoting quality history education in order to enhance democratic culture.⁹¹

4. Teacher training (Article 12)

42. The role of teachers and other educators is crucial in shaping how students understand, interpret, internalise and learn the content of curricula and what competences they acquire through education. The Advisory Committee emphasises the importance of actively recruiting teachers belonging to national minorities to the education system, as this can offer role models to minority students and integrate the experiences of national

81. Fourth Opinion on Sweden; Fifth Opinion on the Czech Republic.

82. Fourth Opinion on the Netherlands; Fourth Opinion on Serbia; Fifth Opinion on Germany.

83. Fifth Opinion on Germany. See also Transnational History Education and Co-operation Laboratory ([HISTOLAB Resource hub](#)) of the Council of Europe's Observatory on History Teaching in Europe.

84. Recommendation [CM/Rec\(2011\)6](#) of the Committee of Ministers to member States on intercultural dialogue and the image of the other in history teaching; Recommendation [CM/Rec\(2020\)2](#) of the Committee of Ministers to member States on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials.

85. Fourth Opinion on Hungary; Fifth Opinion on Romania.

86. Fifth Opinion on Slovenia. See also Recommendation [CM/Rec\(2022\)16](#) of the Committee of Ministers to member States on combating hate speech, Chapter 4, in particular paragraphs 45-49, and Recommendation [CM/Rec\(2024\)4](#) of the Committee of Ministers to member States on combating hate crime.

87. Fifth Opinion on Switzerland.

88. Third, Fourth and Fifth Opinions on Norway; Fifth Opinion on the United Kingdom.

89. Fourth and Fifth Opinions on Sweden; Fifth Opinion on Finland.

90. Third Opinion on Montenegro; Fourth Opinion on Serbia; Fourth Opinion on Montenegro [forthcoming]; Fifth Opinion on Slovenia; Fifth Opinion on Croatia.

91. Fifth Opinion on Romania. See also OSCE HCNM Ljubljana Guidelines and Resolution [CM/Res\(2020\)34](#) of the Committee of Ministers confirming the establishment of the Council of Europe Enlarged Partial Agreement on the Observatory on History Teaching in Europe.

minorities into classrooms in a tangible way.⁹² Such recruitment could be supported through offering financial incentives, including scholarships⁹³ or bonuses for teachers.⁹⁴ Obstacles in the recruitment procedures, such as strict state language requirements, may contribute to the shortage of teachers belonging to national minorities.⁹⁵

43. Pre- and in-service training for teachers, supported with suitable teaching materials, should be provided to ensure that educational policies are effective in practice.⁹⁶ Teachers working with multicultural and multi-lingual intakes of students should receive training in how to accommodate this diversity in classroom settings, encouraging contact between students of different cultures.⁹⁷ Teacher training about national minorities should be ensured by the relevant authorities for all teachers,⁹⁸ including relating to Roma and/or Traveller cultures.

44. Teachers at all relevant stages should also be trained on human rights, including minority rights, and the principles of non-discrimination and understanding of respect for diversity as a value. Furthermore, it is also necessary to help teachers recognise and address their personal biases and prejudices that could impact their teaching practice.⁹⁹ Such training helps teachers understand and better address problems that persons belonging to minorities often face (see also Part III).¹⁰⁰ They should be able to recognise signs of abusive behaviour, including forms of discrimination against minority pupils and students, and counter them in the classroom.¹⁰¹ They should also be aware of their duty to report such behaviour.

5. Extracurricular projects and activities

45. Non-formal education and extracurricular activities and projects can also play an important role in promoting intercultural dialogue, especially where educational institutions are separate on linguistic or religious grounds. The intercultural dimension of educational, artistic, sports and cultural activities should be included in such activities to foster mutual knowledge, interactions and dialogue.¹⁰² Teacher training should also include working on extracurricular activities with intercultural elements.¹⁰³ The Advisory Committee has encouraged states to ensure that the activities delivered by civil society organisations genuinely work to promote intercultural dialogue and that such organisations receive the necessary funding to carry out their activities.¹⁰⁴ Such activities should be held regularly to enable all pupils and students to have the opportunity to make meaningful connections with their peers affiliating with other national or ethnic, linguistic or religious communities, as intercultural dialogue must also be achieved through experiencing it in reality.¹⁰⁵

46. The Advisory Committee also finds that extracurricular activities do not make up for insufficient opportunities to interact within the formal education system. Rather, such activities must aim at complementing and deepening the curricula, resources and contact between students already in place. These activities can also be the beginning of a process of overcoming school systems segregated along ethnic lines – but this should form part of a more encompassing plan to address these fundamental issues that extracurricular activities in themselves may be too piecemeal to tackle (see Part III).¹⁰⁶

6. Religion, education and integration of society (Articles 6 and 8)

47. The freedom of religion of persons belonging to national minorities as well as the right to manifest this religion and establish religious institutions are protected under Articles 7 and 8 of the Framework Convention. The Advisory Committee has welcomed instances where multiple perspective and non-confessional religious education has been used as a tool to increase mutual understanding and tolerance.¹⁰⁷ Parents'¹⁰⁸ rights to

92. Fourth Opinion on North Macedonia; Fifth Opinion on the United Kingdom.

93. Fifth Opinion on Romania; Fifth Opinion on Sweden.

94. Fifth Opinion on Hungary; Fifth Opinion on Slovenia.

95. Fifth Opinion on Estonia.

96. First Opinion on Ireland; Fifth Opinion on North Macedonia.

97. Fourth Opinion on North Macedonia; Fourth Opinion on Croatia; Fourth Opinion on Slovenia.

98. Fifth Opinion on Armenia; Fifth Opinion on Spain.

99. See Council of Europe Reference Framework of Competences for Democratic Culture, [Teacher self-reflection tool](#).

100. Fifth Opinion on Cyprus.

101. Fourth Opinion on Austria; Fifth Opinion on Hungary.

102. Second Opinion on the Republic of Moldova; Fourth Opinion on Montenegro [forthcoming].

103. Fourth Opinion on Croatia.

104. Fifth Opinion on North Macedonia; Fifth Opinion on Estonia.

105. Fifth Opinion on the United Kingdom, Northern Ireland shared education.

106. Fifth Opinion on the United Kingdom.

107. Third Opinion on the United Kingdom.

108. In this particular context, the definition of parents should be understood in line with the case law of the European Court of Human Rights. See the [Guide on Article 2 of Protocol No. 1](#), paragraph 64.

ensure education in conformity with their own religious and philosophical convictions¹⁰⁹ should be respected. In this regard, separate education on religious grounds is protected under the Framework Convention, but should not be used as a ground for separating students against their will or that of their parents.¹¹⁰ While states may organise religious classes, these should be optional and adequate alternative classes should be provided for students who do not wish to attend them.¹¹¹ For instance, “ethics” or “intercultural learning” classes are an alternative in some states.¹¹² Curricula and educational materials should not reproduce negative stereotypes about religious minorities¹¹³ and should raise awareness about their historical presence in states¹¹⁴ and cover broader ethical questions.¹¹⁵

48. Educators and educational institutions should not exert pressure on minority students to conform to a particular (majority) religion and school environments should be welcoming to all religions, as situations in which this is not guaranteed can in particular violate the right to protection from forced assimilation, as guaranteed in Article 5 of the Framework Convention.¹¹⁶ In this regard, all students should also learn to respect the rights of others to practise and manifest their religion or to refrain from so doing. In schools and kindergartens, the Advisory Committee has called for finding adequate solutions to accommodate different diets¹¹⁷ or religious holidays,¹¹⁸ also taking into account the needs and interests of persons belonging to minorities.

109. Article 2 of Protocol No. 1 to the European Convention on Human Rights. It should be noted that provided the curriculum is conveyed in an objective, critical and pluralistic manner, the fact that it may conflict with some parents’ convictions is not a breach of this article. See *Folgerø and Others v. Norway* [GC], paragraph 84; *Hasan and Eylem Zengin v. Turkey*, 2007, paragraphs 47-55.

110. Fourth Opinion on the United Kingdom.

111. See European Court of Human Rights, *inter alia*, *Folgerø and Others v. Norway* [GC], 2007; paragraphs 95-102; *Hasan and Eylem Zengin v. Turkey*, 2007, paragraphs 71-76; *Mansur Yalçın and Others v. Turkey*, 2014, paragraphs 73-77.

112. Second Opinion on Norway; Second Opinion on North Macedonia; Third Opinion on Georgia; Third Opinion on the Russian Federation; Fourth Opinion on Armenia.

113. First Opinion on Georgia.

114. Fourth Opinion on Romania.

115. Fourth Opinion on Cyprus.

116. Second Opinion on Georgia.

117. Fourth and Fifth Opinions on Bulgaria [forthcoming].

118. Fourth Opinion on Estonia.

PART III

Education and equal opportunities

49. In line with Article 12(3) of the Framework Convention, states should promote equal opportunities for access to education for all persons belonging to national minorities at all levels, from preschool to universities, adult and vocational training. This right should also be understood in the context of Article 4 on the prohibition of discrimination against persons belonging to national minorities and the provision of positive measures to promote full and effective equality in access to education. The implementation of this Article requires vigilance with regard to Article 6, concerning the levels of hostility and racism faced by certain communities and persons who affiliate with them and states' duty to protect them from violence. Given the strong connection between disadvantaged socio-economic status and lower educational outcomes, and the cycle of poverty in which this connection may hold people generationally, Article 12(3) is also closely linked with the right to effective participation of persons belonging to national minorities in socio-economic life as protected under Article 15 of the Framework Convention.

50. Ensuring access of all persons belonging to national minorities to quality education means that states need to act resolutely to, *inter alia*, ensure that all children are duly enrolled in schools and to monitor school attainments, including absenteeism and drop-out rates, literacy, completion of studies, grades, gender disparities, access to higher educational levels and subsequently access to employment.¹¹⁹ Furthermore, the Advisory Committee highlights that for the right to equal opportunities for access to education to be effectively implemented in practice, legislation and policies need to be complemented by effective enforcement mechanisms. This includes the possibility of legal recourse, which requires that the right to education be justiciable, therefore holding states accountable for their actions or lack thereof.

51. Efforts to ensure equal opportunities are also supported through efforts to ensure the integration of society as a whole through the education system, in particular through ensuring schools are welcoming environments for all, and that national minority cultures and identities appear in curricula and educational materials. In this connection, Article 12 of the Framework Convention also calls for concrete measures to promote knowledge about minority and majority languages.¹²⁰ These efforts are therefore all the more successful when the provision of national minority languages is fully ensured as enshrined in Article 14(2) of the Framework Convention, and pupils and students learn their first language in the classroom. The Advisory Committee has addressed the lack of knowledge of the official language as a factor leading to reduced opportunities in education. Likewise, it has also praised the learning of a minority language by everyone living in the same area.

1. Equality data and equal opportunities (Articles 4, 12 and 15)

52. Ensuring equal opportunities in access to education requires accurate, reliable and regularly collected disaggregated data in order to identify problems as well as plan preventive solutions and positive action to address inequalities and ensure equity in education. Key indicators of disaggregation include ethnic, linguistic and religious affiliations, gender, age, geographical location, parents' educational levels, employment status¹²¹ and other socio-economic indicators, including housing status and whether families are in receipt of welfare assistance.¹²² Principles for collecting and processing such data include free self-affiliation (including multiple affiliations), voluntary participation, confidentiality, informed consent and community participation.¹²³ Community participation is particularly important given that states have sometimes been reluctant to collect data on ethnic affiliations, while individuals have (for historical reasons) not always consented to share such information. Nevertheless, states should look into ways and means of also collecting disaggregated equality data through independent research and empirical surveys.¹²⁴ The collection of such data should cover all parts of the education system from preschool to university, adult and vocational training and allow monitoring of drop-out rates (persistent non-attendance), attendance rates, educational outcomes and educational or professional directions (such as higher education, apprenticeships or employment), and exclusion or expulsion rates.¹²⁵ Data should also be collected to assess the relative proportion of minority children enrolled in preschool education and in school compared to the overall proportion of persons belonging to national minorities in the population at large.¹²⁶

119. Fifth Opinion on Kosovo*.

120. ACFC Thematic Commentary No. 3, paragraph 79.

121. Second Opinion on Ukraine.

122. Fourth Opinion on Poland.

123. European Network against Racism, [Equality data collection: facts and principles](#), 2015.

124. Fifth Opinion on Norway.

125. Fifth Opinion on the United Kingdom.

126. Fifth Opinion on Romania.

53. These comprehensive data should allow policy makers to form a full picture of the range of issues impacting equal access to education and subsequently form the basis for concrete action to address problems identified, including through designing appropriate policies, national strategies and action plans promoting effective equality¹²⁷ and the inclusion of persons belonging to national minorities.¹²⁸ Within these strategies and action plans, outcome indicators should be designed to monitor progress in tackling the issues involved.¹²⁹ National minority representatives as well as a broader range of stakeholders, including education professionals working with pupils and students from minority communities, should be consulted on and involved in the monitoring and evaluation of all public policies aiming to improve access to education and equal opportunities.¹³⁰

54. In a contemporary societal context increasingly shaped by mobility, and in particular where persons belonging to national minorities continue to follow an itinerant way of life, the Advisory Committee has welcomed instances where states regularly share data and information with neighbouring and other states, in order to be able to monitor whether children belonging to national minorities continue to access education if they move between countries. Such transfrontier co-operation, as encouraged under Article 18 of the Framework Convention, can assist states in addressing the situation of students belonging to national minorities who have migrated during the academic year, by designing targeted measures in response to any issues identified.¹³¹ Similar attention is needed in the context of mobility within a state.

2. Early years and preschool education and equal opportunities (Article 12)

55. Early years (kindergarten) and preschool education are important determinants of future life opportunities. The dynamic nature of changing demographics, whether related to gender roles, family and work structures, community composition or parental income, has an impact on preschool education, the provision of which increasingly tends to be compulsory. States should continually raise awareness among minority parents of the benefits of early years education in terms of securing equal opportunities for their children later in life.¹³² Quality preschool education is recognised in the United Nations Sustainable Development Goals as a crucial indicator to ensure lifelong learning,¹³³ and research has shown that early years education has a significant impact on closing the gap between pupils of different social backgrounds before starting primary school.¹³⁴ Disaggregated data on preschool attendance need to be collected by the relevant authorities and effective measures need to be taken by them where these data show that children belonging to national minorities are lagging behind the general population in terms of their inclusion in preschool education for various reasons, including availability, affordability and accessibility.

56. In addition to being a place for developing competences in minority languages (see Part IV), preschool institutions can be a venue for first exposure to and learning of the official language(s). Considering the crucial role language plays in promoting integration and mutual respect in diverse societies, preschool education is an opportunity for teaching the official language to pupils who may not otherwise have the opportunity to learn it,¹³⁵ and can help minority pupils have equal opportunities for participating in the education system. However, this should be without prejudice to the importance of language as an expression of minority identity. The Advisory Committee has found that monolingual preschool institutions that only teach the official language may act as an inhibiting factor for persons belonging to national minorities to send their children to preschool.¹³⁶ Preschool should form a bridge between the home environment and the future school environment. It should give children belonging to national minorities the linguistic competences to succeed, using both minority languages and the official language(s). To this end, states can develop bilingual or multilingual kindergartens and preschools, as well as preschools offering instruction in minority languages (see also Part IV).¹³⁷

57. The Advisory Committee has also noted a certain reluctance among some minority parents to send their children to kindergartens. While this may in some cases be for cultural reasons or relating to traditions, it may also be for material reasons. Awareness-raising campaigns are needed to ensure parents understand the benefits of preschool education. Other measures, such as the presence of mediators, assistants or social workers in

127. Third Opinion on Azerbaijan; Fifth Opinion on Malta.

128. Third Opinion on Latvia; Fourth Opinion on Ireland; Fifth Opinion on Cyprus.

129. Third Opinion on Albania; Fourth Opinion on Portugal.

130. Fifth Opinion on Romania.

131. Fourth Opinion on Poland; Fifth Opinion on the United Kingdom.

132. Third Opinion on Montenegro; Fourth Opinion on Portugal.

133. SDG 4.2, Goal 4, Department of Economic and Social Affairs (un.org).

134. "Why early childhood care and education matters", UNESCO.

135. Fifth Opinion on Norway.

136. Fifth Opinion on Austria.

137. Fifth Opinion on Norway.

schools, can also further enhance parents' trust in the educational environment. In relation to material reasons, where fees are charged for kindergartens, these should be waived for persons in socio-economically disadvantaged situations,¹³⁸ due to the important role of these institutions in securing long-term access to education. There is also a need to look into and address effectively any correlation between a low employment rate of women belonging to national minorities and difficulties in accessing preschool education for their children.¹³⁹ Kindergartens in economically disadvantaged areas, often inhabited by national minorities, in many places offer only a few hours of care, which does not allow parents to take up full-time work.

58. Community-led initiatives can, in this respect, have a role in providing some initial education for such children – in particular in providing minority language education combined with some grounding in the official language. However, the relevant authorities must remain responsible for co-ordinating these initiatives and for providing oversight and sufficient funding as well as ensuring educational standards are met.¹⁴⁰ Furthermore, as elsewhere in the education system (see below), positive measures to promote attendance in preschool can also have a role – for instance, financial incentives or free meals provided to children and free transfers. Caution must be exercised, however, to ensure that such measures do not result in segregated institutions or stigmatise persons who affiliate with national minorities.¹⁴¹ The Advisory Committee has therefore encouraged states to follow this incentive-based approach as opposed to a punitive approach, for example removing welfare payments from parents if their children do not attend kindergarten,¹⁴² having in mind the impact on the family as a whole, as well as the impact on children and their best interests. Also, area-wide provisions are needed to address socio-economic vulnerabilities and disadvantages.

3. Segregation in education

59. Segregation in education (see Part I) is a form of discrimination that prevents equal access to education, and in particular to quality education for all.¹⁴³ Segregated educational institutions tend to provide low-quality education and to have higher drop-out rates and worse academic outcomes. This has knock-on effects concerning access to employment, healthcare, housing and participation in the social, cultural and public life of a country. In the Advisory Committee's view, segregation affecting Roma and/or Travellers and other communities in a socio-economically disadvantaged situation can have a particularly stigmatising effect.¹⁴⁴ Reinforcing cycles of exclusion and marginalisation in society and further contributing to antigypsyism and other forms of racism, segregation both results from and perpetuates the social exclusion of those affected by it and must be comprehensively tackled – even in situations where, for various reasons, it has been chosen by persons belonging to these minorities.¹⁴⁵

60. Segregation is most egregious when minority children living in socio-economically disadvantaged and marginalised situations, in particular Roma and/or Traveller children, are diagnosed disproportionately with special educational needs and are placed in institutions commonly referred to as "special schools". The Advisory Committee has positively noted the phasing out in a number of states parties of such institutions. Where such schools still exist, the Advisory Committee has repeatedly stated that any diagnosis or assessment of special educational needs should be conducted in a manner which takes into consideration the individual background of the child concerned – in particular their linguistic and cultural background – and should be regularly monitored and reassessed.¹⁴⁶ Lack of familiarity with practices in the school environment¹⁴⁷ or of linguistic competence – in particular a lack of knowledge of the official language – should not be used as the basis for placing children in schools for children with special educational needs. Rather, targeted measures, such as classroom support and enrolment in preschool, should be used to boost competence in the official language(s). Any disproportionate representation of children belonging to minorities in "special schools" should be duly scrutinised by the relevant authorities, and the reasons identified and effectively remedied in a timely manner.¹⁴⁸

138. First Opinion on Slovenia; First Opinion on Spain; Second Opinion on Romania; Third Opinion on Ukraine; Fourth Opinion on Spain; Fourth Opinion on Bulgaria; Fourth Opinion on the Czech Republic; Fourth Opinion on the Slovak Republic.

139. Fifth Opinion on Slovenia; Fifth Opinion on Hungary.

140. Fifth Opinion on Bosnia and Herzegovina; Fifth Opinion on Kosovo*.

141. Fifth Opinion on Albania.

142. Fifth Opinion on Bosnia and Herzegovina; Fifth Opinion on Bulgaria [forthcoming]; Sixth Opinion on Denmark.

143. Third Opinion on the Czech Republic; Third Opinion on Portugal; Third Opinion on Spain; Fourth Opinion on Bulgaria; Fourth Opinion on Serbia; Fourth Opinion on the Czech Republic; Fifth Opinion on Hungary.

144. Third Opinion on the Russian Federation.

145. Fifth Opinion on Romania; Fifth Opinion on Albania. See also Feasibility study on desegregation and inclusion policies and practices in the field of education for Roma and Traveller children (the Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI)) [forthcoming].

146. Fourth Opinion on the Czech Republic; Fifth Opinion on the Slovak Republic.

147. Fifth Opinion on the Slovak Republic.

148. Third Opinion on Latvia.

61. Tackling school segregation is therefore not only necessary to safeguard the right to quality education and effective equality in the education system, but is also key to improving the effectiveness and performance of the system as a whole. In the Advisory Committee's experience, states have taken different measures to address segregation in education, and indeed the trend over time has been to legally prohibit it. If such prohibition only applies where there is an "intent" to segregate and hence discriminate on racial or other grounds, then legal protection will not be sufficient.¹⁴⁹ For instance, such legislation would not cover situations when Roma and/or Traveller parents choose to send their children to schools attended by other children from their ethnic group due to the fear of racist bullying and intimidation.¹⁵⁰ In such circumstances, authorities sometimes refer to the "voluntary" nature of this form of segregation and view it as a matter of parental choice or minority "demand".¹⁵¹ In line with the case law of the European Court of Human Rights, the Advisory Committee considers that no waiver of the right not to be subjected to racial discrimination can be accepted¹⁵² and recalls the importance of the justiciability of the right to education.

62. Persons belonging to national minorities have also been faced with situations of segregation caused by other factors, including housing and spatial segregation. In addition, in some states, generations of Roma and/or Traveller families have continued to attend the same school¹⁵³ or a school has become known as "Roma-friendly", resulting in high proportions of Roma and/or Travellers attending them. This often leads parents of children belonging to non-Roma communities to withdraw their children from such schools, which adds to the perpetuation of negative stereotypes about these minorities.¹⁵⁴ Sometimes, even positive measures, such as free meals provided by international or other organisations, can have the unintended consequence of disproportionately increasing the number of Roma and/or Traveller children in a particular school. The Advisory Committee has also deplored cases where the authorities have grouped Roma and/or Traveller pupils together in particular schools to better address their needs, resulting again in *de facto* segregated institutions where the quality of education was demonstrably lower.¹⁵⁵

63. The Advisory Committee has found that, regardless of the manifold reasons for segregation, authorities have a positive obligation to adopt a comprehensive approach to end educational segregation, including situations that lead to it, such as housing or spatial segregation as well as racist bullying in schools.¹⁵⁶ In line with the findings of the Court, the Advisory Committee has also called for vigilance on the part of the authorities in cases where situations of spatial or housing segregation have resulted or risk resulting in educational segregation.¹⁵⁷ The Advisory Committee recognises however that this comprehensive approach to ending segregation in education takes time, demands sustainable funding and requires the trust of persons identifying with national minorities and in particular children and parents. While desegregation remains an overarching aim, until it is achieved steps must be continuously taken and regularly monitored to ensure that the quality of education is improved for all.

64. In cases where segregated education has been introduced to ensure continued access to education in the aftermath of a violent conflict,¹⁵⁸ it should be understood as a temporary measure that has to be reorganised into inclusive and integrated education as soon as possible and to the greatest extent possible. Often, extra-curricular activities bringing together pupils or students from different communities are a first step towards providing integrated education. These activities require sustainable funding and should not be exclusively run on a project basis supported by external or foreign donors alone.¹⁵⁹ However, practice has shown that such efforts, while commendable, are seldom sufficiently regular or sustainable enough to meaningfully bridge strong intercommunal divides resulting from conflict, which are often instrumentalised and perpetuated by political elites, sometimes also from other states.¹⁶⁰

149. Fourth Opinion on Bulgaria. See for instance, *D.H. and Others v. the Czech Republic* [GC], 2007, paragraphs 175-210.

150. First Opinion on the United Kingdom.

151. Fourth Opinion on Bulgaria.

152. *D.H. and Others v. the Czech Republic*, paragraph 204.

153. Fifth Opinion on Albania.

154. Fifth Opinion on Hungary.

155. Third Opinion on Spain; Fourth Opinion on Latvia; Fifth Opinion on Croatia; Fifth Opinion on Slovakia.

156. Fifth Opinion on Albania; Fifth Opinion on North Macedonia; Fifth Opinion on the United Kingdom.

157. Fifth Opinion on Bosnia and Herzegovina. See also: *X and Others v. Albania*, 2022, paragraphs 81-87; *Szolcsán v. Hungary*, 2023, paragraphs 45-59; *Elmazova and Others v. North Macedonia*, 2022, paragraphs 73-79.

158. Fourth and Fifth Opinions on Bosnia and Herzegovina.

159. Fifth Opinion on the United Kingdom.

160. Fifth Opinion on the United Kingdom.

65. In this respect, it is vital that education systems are provided with the necessary resources to move towards fully integrated models. This means in particular financing to employ sufficient numbers of teachers and providing the necessary infrastructure in terms of school buildings to fulfil demand.¹⁶¹ Content-wise, curricula in integrated education programmes should aim to bridge divides between communities, and parents and other caregivers should be actively involved in the establishment, running and governance of such institutions.¹⁶² In instances where parents, for whatever reason, opt to send their children to segregated education, the relevant authorities should make efforts to change attitudes through measures to build trust, such as by involving mediators or assistants from the communities concerned and social workers,¹⁶³ and raise awareness of international standards for inclusive, quality education and the benefits this brings for learners and for society as a whole.

4. Socio-economic conditions (Articles 6, 12 and 15)

66. Socio-economic disadvantages experienced by pupils and students belonging to national minorities influence how they can access the education system. Isolated housing conditions – whether due to rurality or within urban environments – are a major factor influencing access to quality education. Without adequate transportation, children belonging to national minorities may have difficulties physically reaching a school. Coupled with poor infrastructure, especially road networks without lighting, this can negatively affect whether minority children attend school, as the journey to school could feel, or indeed be, unsafe, in particular for girls.¹⁶⁴ Free school transportation must therefore be provided to persons belonging to national minorities living in situations of economic precarity and in rural or other isolated areas (see also Part IV).¹⁶⁵ The Advisory Committee has consistently called upon states to adopt an approach to ensure equal access to education for all, including those living in rural areas or in mountainous or island regions, for instance.¹⁶⁶ Itinerant schools¹⁶⁷ and online education¹⁶⁸ have also been raised as possible ways to address this problem.

67. As regards multiple and intersectional forms of discrimination, the Advisory Committee emphasises that people might be discriminated against because of one or more characteristics that are part of or are perceived as part of their identities. The concept of multiple discrimination recognises that discrimination can occur on the basis of more than one (perceived) characteristic. For instance, being a woman belonging to a national minority can create a cumulative disadvantage. Intersectional discrimination happens when two or multiple grounds operate simultaneously and interact in an inseparable manner, producing a new and unique type of discrimination.¹⁶⁹

68. The intersection of gender and socio-economic disadvantages contributes to reinforcing gender-biased outcomes in education among persons belonging to national minorities. For instance, a patriarchal view of the role of women combined with economic hardship for parents can result in girls being married before the legal age of consent for marriage¹⁷⁰ and then dropping out of school when they become pregnant and are expected to run a household.¹⁷¹ Under-aged boys may also be impacted by early marriages. They may also be expected to enter the job market earlier than their majority peers – including for seasonal work in places other than their ordinary place of residence. This means that they may not attend school for a number of months per year. These factors are particularly prominent among families in situations of socio-economic marginalisation.¹⁷²

69. Early and forced marriages are harmful practices that violate, abuse or impair human rights, including minority rights, and are linked to and perpetuate other harmful practices and human rights violations. These phenomena are often raised as a concern to the Advisory Committee by persons who affiliate with national minorities themselves. Importantly, and in line with the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), forced

161. Fourth and Fifth Opinions on Bosnia and Herzegovina.

162. Fifth Opinion on the United Kingdom.

163. Fourth Opinion on Montenegro [forthcoming].

164. See for instance the examples of bridal kidnapping in Fifth Opinion on Armenia.

165. Third Opinion on Montenegro; Fifth Opinion on Armenia.

166. Third Opinion on Azerbaijan; Third Opinion on the Russian Federation; Fifth Opinion on Italy.

167. Fourth Opinion on the Russian Federation.

168. Fourth Opinion on Sweden.

169. Sixth Opinion on Denmark. See also the Council of Europe's [Intersectionality and Multiple Discrimination](#).

170. Fifth Opinion on Norway.

171. Fourth Opinion on Bulgaria; Fourth Opinion on Poland.

172. See, for example, the Fourth and Fifth Opinions on Armenia; Fifth Opinion on Albania; Fifth Opinion on North Macedonia.

marriage should be criminalised and appropriately prosecuted.¹⁷³ Such harmful practices have a disproportionately negative impact on girls belonging to national minorities. They constitute a serious threat to multiple aspects of their physical and psychological health and hinder the right to quality education to which every child is entitled.¹⁷⁴ In this context, any prevalence of early and forced marriages will require that the authorities understand the historical and societal context for such harmful practices, in order to properly acknowledge the underlying social and economic drivers of the issues and address them by means of an evidence-based approach and with the effective participation of persons affiliating with national minorities.¹⁷⁵

70. Barriers to accessing the right to education are exacerbated further by inadequate access to healthcare, including sexual and reproductive health and rights, especially among persons belonging to national minorities living in spatially segregated areas.¹⁷⁶ In the Advisory Committee's view, states therefore need to make up for this disparity by enabling educational institutions to provide or direct students towards such services and, in the longer term, providing these services in areas where persons belonging to national minorities live, even, as a first step, through mobile clinics with culturally sensitive staff, including minority health mediators.¹⁷⁷

71. Minority-focused educational action plans or strategies addressing socio-economic disadvantages must therefore directly address the position of minority women in society and within their communities. In designing, implementing and evaluating measures to promote equal access to education, the responsible authorities must involve a wide range of minority representatives, including women. They should also be proactive in equipping relevant officials, including police officers, social workers, officers of courts and judges, with the linguistic and cultural competences necessary to address issues of intersectional discrimination appropriately and sensitively.¹⁷⁸

72. During the Covid-19 pandemic, distance learning in education was not experienced equally.¹⁷⁹ The Advisory Committee has found that many persons belonging to national minorities facing socio-economic marginalisation lacked the necessary hardware (computers, tablets) to effectively attend classes. In this respect, the Advisory Committee has praised initiatives to provide such hardware to children belonging to national minorities.¹⁸⁰ However, in some cases, a lack of electricity meant that even where the necessary devices were provided, they could not be recharged.¹⁸¹ In overcrowded houses, it was difficult to find the necessary space for concentration;¹⁸² and many persons belonging to national minorities struggled to secure an adequate internet connection.¹⁸³ It has been well established that the Covid-19 pandemic exacerbated existing inequalities, including in educational outcomes and access to education. Hence, the Advisory Committee invites states to address the negative long-term consequences of distance learning on the educational outcomes and the mental and physical well-being of pupils and students, and to ensure that, as a lesson learned from the Covid-19 pandemic, school closures are avoided and education is primarily provided face-to-face in the future.¹⁸⁴

5. Ensuring enrolment, attendance in and completion of education (Articles 6 and 12)

73. There are strong linkages between absenteeism and drop-out rates and the socio-economic conditions experienced by persons belonging to national minorities. There are also factors such as the prevalence of early and forced marriages and migration that impact school attendance, in particular in the latter case where parents return to their country of citizenship following a period of living in another country.¹⁸⁵ In these cases, children may have been born in the temporary host state, potentially without having been properly registered, which can make enrolment in school in the country of the parents' citizenship challenging. This is on top of issues such as linguistic competence and varying levels of education across states. Statelessness or lack of citizenship

173. Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ([Istanbul Convention](#)), ETS. No. 210, Article 37.

174. Fifth Opinion on Armenia; Fifth Opinion on Italy.

175. Fifth Opinion on Kosovo*; Fifth Opinion on Armenia.

176. See Commissioner for Human Rights, [Follow-up report on sexual and reproductive health and rights in Europe: progress and challenges](#), 2023.

177. Fifth Opinion on Hungary; Fifth Opinion on Bulgaria [forthcoming].

178. Fifth Opinion on Norway; Fifth Opinion on Armenia.

179. Fifth Opinion on Italy.

180. Fifth Opinion on Croatia; Fifth Opinion on Italy.

181. Fifth Opinion on Bosnia and Herzegovina.

182. Fifth Opinion on Romania.

183. Fifth Opinion on Kosovo*; Fifth Opinion on Switzerland; Fifth Opinion on Italy.

184. Fifth Opinion on Croatia. See also 2021 [Guidelines of the Committee of Ministers](#) of the Council of Europe on upholding equality and protecting against discrimination and hate during the Covid-19 pandemic and similar crises in the future.

185. Fourth Opinion on Poland.

can also hinder access to education by acting as a barrier to enrolment.¹⁸⁶ To remedy this, states should ensure that a lack of identity documents or registration does not lead to the denial of access to quality education for minority children, including Roma and/or Traveller children¹⁸⁷ or children of migrants and refugees. Positive measures also need to be taken to actively remedy situations of statelessness and to ensure that minority children are registered at birth.¹⁸⁸ Minority representatives should also be involved in designing, implementing and evaluating any measures taken in this regard.¹⁸⁹ When it comes to enrolment of first graders, targeted awareness-raising measures among parents and other caregivers should be systematically provided in a joint effort by education and municipal authorities, civil society organisations and schools.¹⁹⁰

74. Legally, a number of measures should be put in place for tackling absenteeism. The Advisory Committee has expressed caution about lowering the age of completion of compulsory education in this context.¹⁹¹ Absenteeism and drop-outs should also be clearly defined in education regulations, and administrative systems put in place to track them.¹⁹² The starting point for dealing with absenteeism and drop-outs is for states to gather data on the issues, disaggregated by minority affiliation and gender, among other relevant grounds.¹⁹³ Gender-sensitive research should then be conducted to assess the root causes of these circumstances among different communities, in co-operation with persons belonging to these communities, including children, parents and mediators.¹⁹⁴ Many states have adopted Roma Action Plans, and it is vital that measures contained in these plans to tackle absenteeism and drop-out rates are strong enough, adequately resourced through permanent budgetary lines and developed with a gender perspective.¹⁹⁵ For instance, in the Advisory Committee's view, Roma inclusion strategies should consider how fees payable for childcare and preschool may detrimentally impact parents' (especially young mothers') opportunities to undertake secondary or higher education and/or their participation in the labour market. Attention should also be given to how these costs – which may be prohibitive – impact children's equal access to quality education.¹⁹⁶

75. The Advisory Committee considers that school presence should be ensured mainly through active awareness-raising of the importance and value of education among parents and children,¹⁹⁷ rather than through punitive measures.¹⁹⁸ In systems where financial penalties are introduced for non-attendance at school, the Advisory Committee has stated that the individual circumstances and the best interests of the child should be considered before enforcing such penalties.¹⁹⁹ Where pupils who never enrolled in school do eventually enrol in first grade (often at a much older age than their classmates), transitional measures must be put in place, such as recruiting teaching assistants to help them adapt to the school.²⁰⁰ At the same time, the Advisory Committee has recommended that parents be closely involved in discussions on different education options and on potential problems with attendance and/or drop-outs affecting their children.

76. One common problem is a low rate of continuation between primary and secondary school, as the transition between the two levels may often entail moving to an educational institution in a different location. Where secondary institutions are further away, this can create additional barriers, particularly in situations where infrastructure is of poor quality.²⁰¹ Besides physical barriers, there may be other issues at play, in particular in the socio-economic field (early parenthood and child labour, for instance). Therefore, scholarships for attending secondary and tertiary education should provide a meaningful incentive to remain in school and be commensurate with what students might earn on the labour market.²⁰² Reserved places in universities with scholarship funding attached for national minority students are a particularly positive way to promote access to quality education and can also be used to promote access to particular careers for persons who affiliate with national minorities – for instance, teaching, journalism, health, public administration and law enforcement.²⁰³

186. Second Opinion on Germany; Third Opinion on Kosovo*; Third Opinion on the Netherlands.

187. Second Opinion on Montenegro; Third Opinion on Bosnia and Herzegovina.

188. Third Opinion on Montenegro; Fifth Opinion on North Macedonia.

189. Second Opinion on Georgia; Second Opinion on Montenegro; Third Opinion on Italy.

190. Fifth Opinion on North Macedonia.

191. Fifth Opinion on Hungary.

192. Fifth Opinion on Armenia.

193. Fifth Opinion on Bosnia and Herzegovina.

194. Second Opinion on Montenegro; Fifth Opinion on Italy.

195. Fourth Opinion on Kosovo*.

196. Fourth Opinion on Ireland.

197. Third Opinion on Montenegro; Fifth Opinion on Slovenia; Fifth Opinion on North Macedonia.

198. Fourth Opinion on Portugal; Fourth Opinion on Romania; Fourth Opinion on Poland; Fifth Opinion on Cyprus; Fifth Opinion on Spain.

199. Fourth Opinion on Bulgaria.

200. Fifth Opinion on Bosnia and Herzegovina.

201. Fifth Opinion on Armenia.

202. Fourth Opinion on Portugal; Fourth Opinion on the United Kingdom; Fifth Opinion on Cyprus; Fifth Opinion on Kosovo*.

203. Fifth Opinion on Armenia; Fifth Opinion on Kosovo*.

77. The school environment can also be a factor influencing drop-out rates. Bullying of students belonging to national minorities by other students and even teachers can push students to stop attending school (see also Part II). In the context of increased use of artificial intelligence in schools, teachers must also be aware of its potentially discriminatory effects – including profiling of learners and exclusion biases based on the use of big data.²⁰⁴ Furthermore, the presence of minorities and their languages in curricula and teaching and learning materials – as well as visible displays relating to minorities' histories, cultures or symbols in communal areas of schools – can make environments appear and feel more welcoming for minority pupils and students and create the understanding that schools are “for them” too.²⁰⁵

6. Itinerant way of life (Article 12)

78. Itinerant or semi-itinerant ways of life are protected under the Framework Convention²⁰⁶ and the European Convention on Human Rights²⁰⁷ as an integral part of the identities of some Roma and/or Traveller as well as other communities in different states parties.²⁰⁸ The Framework Convention therefore requires that states accommodate this way of life within provisions guaranteeing access to the right to quality education by offering positive measures to secure the right of children to grow up in their own culture. Tolerance and respect for these ways of life within schools, including among teachers and administrative staff, should also be promoted, to ensure that no practical barriers are placed to receiving education remotely.²⁰⁹ While in some states this will also raise a question of resources, the Advisory Committee considers it vital that children's ethnic or minority identities are not compromised through “sedentarisation”, while at the same time it strongly emphasises the importance of receiving quality education as a universal human right.²¹⁰

79. Remote or distance learning may have its limitations and drawbacks in terms of outcomes and results for students. The approach to this question for students with an itinerant or semi-itinerant way of life should therefore be carefully considered and needs to address the socio-economic barriers to quality distance learning highlighted during the Covid-19 pandemic (see also Part IV).²¹¹ In particular, states need to show flexibility²¹² by providing children with an itinerant or semi-itinerant way of life with tools for distance learning – meaning hardware (computers, tablets), internet access and ensuring that the quality of sites (whether transient, temporary or permanent) is such that there is a stable electricity connection.²¹³ The Advisory Committee has also welcomed examples where states provide specialised staff assigned to work with children with an itinerant or semi-itinerant way of life in order to ensure that they attend school and to provide an individualised approach.²¹⁴ Administrative procedures for parents to access these forms of remote education should not be too burdensome.²¹⁵

7. School mediators and teaching assistants (Article 12)

80. School mediators and teaching assistants working with students belonging to national minorities have been shown to have a beneficial effect on educational outcomes as well as on reducing school drop-outs and absenteeism by working with families, children, schools and other relevant authorities to offer a coherent, targeted and multifaceted approach to education, and building trust among parents and understanding on the side of the authorities.²¹⁶ Mediators can have a more wide-ranging role, also working in areas such as healthcare²¹⁷ and employment, whereas assistants tend to focus more on schools and the classroom. Often, mediators or

204. Recommendation [CM/Rec\(2019\)10](#) of the Committee of Ministers to member States on developing and promoting digital citizenship education; Commissioner for Human Rights (CommDH), [Recommendation on unboxing artificial intelligence: 10 steps to protect human rights](#), 2019 and the [Follow-up recommendation Human rights by design – Future-proofing human rights protection in the era of AI](#), 2023. See also Committee on Artificial Intelligence (CAI), [Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law](#) (CETS No. 225).

205. Fifth Opinion on Albania; Fifth Opinion on Armenia.

206. Fourth and Fifth Opinions on the United Kingdom; Fourth and Fifth Opinions on Switzerland; Fifth Opinion on Norway.

207. *Chapman v. United Kingdom*, 2001, § 73 reads as follows: “The Court considers that the applicant's occupation of her caravan is an integral part of her ethnic identity as a Gypsy, reflecting the long tradition of that minority of following a travelling lifestyle”.

208. “Gypsies” in the context of the United Kingdom, or “Romani/Tater” in Norway.

209. First Opinion on Romania.

210. Fifth Opinion on Armenia.

211. Fifth Opinion on Italy; Fifth Opinion on Sweden.

212. Fifth Opinion on Norway.

213. Fourth Opinion on Norway; Fourth Opinion on Switzerland.

214. Fifth Opinion on Switzerland.

215. First Opinion on Romania.

216. Fourth Opinion on Kosovo*.

217. Fifth Opinion on Bulgaria [forthcoming].

assistants are employed on a project basis and for the duration of a school year, which does not provide the requisite certainty for such a key role. It may lead to frequent turnover of staff, which further increases the need for ongoing training. It may also mean that mediators or assistants are concentrated in local areas where such projects are run. Where these projects are successful, they should be rolled out nationwide and included within the education system formally,²¹⁸ to provide a level of predictability and security to the position.

81. Likewise, mediators or assistants should be employed on permanent contracts, meaning they are able to plan their own future work and continue working with students throughout their time in education.²¹⁹ Adequate pay for mediators or assistants working with students belonging to national minorities is also important. In general, funding for such positions should be ensured nationally (that is, should not be solely under the purview of the municipalities concerned) and for the long term, rather than relying exclusively on internationally funded projects. All this will also prevent further marginalisation of those individuals who work as minority mediators or assistants. Efforts should be made to ensure that teaching staff and others working in a school are aware of mediators and/or assistants and are equally aware of the importance of their role, and regularly co-operate with them to the benefit of pupils.

82. Mediators or assistants are, it has been shown, more trusted by communities when they themselves identify as belonging to a national minority – in particular Roma and/or Travellers.²²⁰ Targeted measures should therefore be taken to boost the training and recruitment of persons affiliating with national minorities and speaking minority languages (see Part IV), especially Roma and/or Travellers. In this context, the authorities should offer exemptions from formal education criteria for such mediators and provide for pre- and in-service training. This also means that national minority languages are present in the classroom, which makes it easier for children belonging to national minorities to communicate should they not have a sufficient proficiency in the official language, and furthermore provides national minority role models within the classroom, as part of a wider strategy to increase the numbers of minority teachers, as well as school leaders from national minorities too.

83. For pupils and students belonging to national minorities who have special educational needs, the presence of teaching assistants who are adequately trained and speak minority languages is essential for their educational outcomes. The Framework Convention therefore requires states to ensure adequate provision of minority language education to accommodate the needs of these pupils and students.²²¹

8. Learning of the official language(s)

84. Learning of the official language(s) alongside minority language education is a key element for ensuring persons belonging to national minorities have equal access to employment or higher education and can participate effectively in society.²²² To this end, states need to take measures to ensure persons affiliating with national minorities have access to both of these rights as one of the tools enabling effective participation in all spheres of life within society. Teachers therefore need to be adequately trained to carry out multilingual or plurilingual education, as this will have a direct impact on the development of intercultural competences and of democratic culture.²²³

85. In cases of states with more than one official language, or where another language besides the official one is commonly used (as a language of “interethnic communication”),²²⁴ schools should be adequately equipped to provide education that ensures the acquisition of such language competences in a systematised way. If civil society organisations are tasked with providing some of this education, they should also receive the requisite funding.²²⁵ To this end, targeted multilingual or plurilingual teaching methodologies need to be developed in situations such as this, adapted to the education system in place and the needs and interests of persons identifying with national minorities.²²⁶ Past policies regarding the use of these languages, even if imposed, should not be the reason for preventing the use of them by persons who communicate in those languages or for whom those languages are their first language.²²⁷

218. Fourth Opinion on the Slovak Republic; Fourth Opinion on Serbia.

219. Fourth Opinion on Poland; Fourth Opinion on Latvia.

220. Third Opinion on Bosnia and Herzegovina; Third Opinion on Hungary; Fourth Opinion on Austria.

221. Fourth Opinion on Latvia; Fifth Opinion on the United Kingdom.

222. Third Opinion on Georgia.

223. Fourth Opinion on Latvia.

224. Fifth Opinion on the Republic of Moldova.

225. Fourth Opinion on the Republic of Moldova.

226. Third Opinion on Georgia; Fourth Opinion on the Republic of Moldova.

227. Fourth Opinion on Latvia.

86. Examinations in official language(s) are a common prerequisite for finishing compulsory education. This makes it all the more important that students with a minority language as a first language are given the tools to develop adequate proficiency in the official language and to be examined in a way adapted to the fact that this language is their second language so as to ensure they have equal chances of success at these examinations, and are not put at a disadvantage due to a minority language being their first language.²²⁸ In addition, the fear of potential negative outcomes by students belonging to national minorities can act as a deterrent and lead to a decrease in demand for minority language education.²²⁹ The Advisory Committee has therefore called on states to carefully monitor these situations and make adjustments to teaching methodologies and examinations based on outcomes and feedback received.²³⁰

228. Fourth Opinion on Lithuania.

229. Fourth Opinion on the Russian Federation.

230. Fourth Opinion on Ukraine; Fifth Opinion on Romania.

PART IV

Education and minority languages

87. Article 14(1) of the Framework Convention establishes the right to learn one's minority language. This right is to be understood within the framework of educational settings, beyond the practice in the private sphere of each individual, to give space for the use of the language in different public settings, such as the media or public administration, where certain conditions are met.²³¹ Language is intrinsically linked with individual and collective identities, and it is undeniably a key element of these identities. While the Framework Convention protects individual rights, linguistic rights have a clear collective dimension and the use of one's minority language can be exercised in community with others (Article 3(2) of the Framework Convention). Language serves the purpose of communication and communication requires interaction among individuals. Learning one's minority language is a key element for the survival of national minorities and it is central to the prevention of involuntary assimilation (Article 5). This is even more so in the case of indigenous peoples, where it is often linked to a traditional way of life. In addition, minority language education can help maintain or inculcate a degree of fluency and literacy that enables the learner to use the language both in public and private life and to pass it on to the next generation, thereby contributing to the preservation of the language as an essential element of minority identities, as also enshrined in Article 5(1).²³²

88. Article 14(2) establishes the right "that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language." The overall purpose of these provisions is to ensure individuals identifying with national minorities to fully express and develop their minority identities and to have them recognised by acquiring language competences, which include adequate opportunities for minority language pupils and students to develop transfer and translation skills. Minority language education can take different forms depending on the specific context of each language and education system, as well as the needs and interests of persons belonging to each national minority. This is done under certain conditions and "without prejudice of learning the official language or the teaching in this language" (Article 14(3)).

1. Legal framework and conditions requiring provision of minority language education

89. Learning a minority language is a right under Article 14(1) and the authorities therefore have the obligation to adopt a clear legal framework that ensures that minority language education is and remains effectively available²³³ and to remove all undue obstacles hampering access to such education.²³⁴ To set up adequate minority language education, different social, political and historical contexts are to be taken into account in order to meet the needs and interests of persons belonging to different national minorities. Demands for the provision of minority language education should be accommodated in an equitable manner and where they are refused, there should be the right to legal remedy.²³⁵ The refusal for such provision cannot be justified, for example, under the pretext of a lack of qualified teachers who could teach minority languages or in them.²³⁶ Authorities are expected to regularly review the level of demand and how to ensure quality minority language education that guarantees this right enshrined in Article 14(1), by means of adequately training teachers and providing quality teaching and learning materials, among other things.

231. See also Articles 9 and 10 of the Framework Convention.

232. Fourth Opinion on Slovenia; Fifth Opinion on North Macedonia; Fifth Opinion on Estonia; Fifth Opinion on the Czech Republic.

233. Second Opinion on Switzerland.

234. Fourth Opinion on Bosnia and Herzegovina.

235. Third Opinion on Ukraine; Fifth Opinion on Italy; Fifth Opinion on Slovakia; ACFC Thematic Commentary No. 3, paragraph 69.

236. Fourth Opinion on Sweden.

90. As a guiding principle, states must actively involve representatives of minorities in the design, application and evaluation of measures to ensure the implementation of Article 14. This also includes wider educational reforms or decentralisation measures, as these often have an impact on reorganisation of the services provided (including availability of teachers, etc.).²³⁷ States parties must also dedicate the financial resources necessary for the implementation of adopted legislation at national, regional and local level. Budgetary cuts often disproportionately impact minority language education²³⁸ and can even lead to mergers with other schools or closures of minority language education schools. Where closure or mergers of schools are the only option, the Advisory Committee has called on the authorities to guarantee that such mergers pose no risks to the protection and the promotion of the minority identity²³⁹ and the relevant minority language(s).²⁴⁰ In such cases, it has also called for these measures to be taken, such as ensuring that minority students do not have to travel far and/or incur additional expenses as a result of the new set-up,²⁴¹ and that the quality of education is ensured.²⁴²

91. In addition, when considering requests for or questions of access to minority language education, the principle of free self-identification as established in Article 3 of the Framework Convention should be strictly respected.²⁴³ The Advisory Committee has observed that in some states, implicit or explicit hierarchies in society, which often emanate from unequal power relations between different groups of speakers,²⁴⁴ have led persons belonging to some national minorities to fear potential exclusion or stigmatisation as a result of such identification, thus jeopardising the right to freely self-identify as such. This may have an effect on establishing the demand for minority language education.²⁴⁵ In light of this, measures should be taken to address and to avoid public stereotyping of certain minorities and to break patterns of discrimination preventing persons affiliating with national minorities from publicly identifying as such (see also Part II).

92. As a result, schools must be equipped to enable the right to learn a minority language, for example, by informing parents or other caregivers of the possibility of minority language education or by requesting support from the authorities in setting it up. As self-identification does not always imply mastery of the minority language, a flexible approach to the design of minority language education is required in order to adapt to each specific context and guarantee the right to learning one's minority language.²⁴⁶ Finally, minority language education should also be accessible for all children, including those who affiliate with a majority community.

93. The Framework Convention requires that some conditions are met for setting up minority language education. Such education is to be set up in "areas inhabited by persons belonging to national minorities traditionally" or where they live "in substantial numbers" (Article 14(2)). In this vein, the criterion of traditional settlement applies regardless of the number of persons belonging to national minorities, encompassing also cases of numerically smaller minorities or minorities who live geographically dispersed, which requires targeted solutions to maintain the language or, in some instances, revitalise it.²⁴⁷ The traditional presence of the given minority therefore requires adapted solutions to fit the specific context. Traditional presence is often called into question in states and the Advisory Committee has called for a non-arbitrary and inclusive and rights-oriented approach to identifying traditional presence.²⁴⁸ A flexible approach to interpreting this condition is therefore required in the context of current social trends leading to changes in population, from movement between countries to demographic moves to urban centres within one country,²⁴⁹ since a strict interpretation might hamper the right to minority language education. Efforts are thus also required to accommodate the demand of persons affiliating with these minorities outside their traditional settlement areas.²⁵⁰

237. Fourth Opinion on the Republic of Moldova; Fourth Opinion on the Russian Federation; Fifth Opinion on Estonia; ACFC Thematic Commentary No. 3, paragraph 74.

238. Fourth Opinion on the Netherlands.

239. First Opinion on Austria; Fourth Opinion on Slovakia.

240. Third Opinion on the Russian Federation.

241. Fourth Opinion on Lithuania; Fourth Opinion on the Republic of Moldova.

242. Fourth Opinion on Ukraine.

243. Fifth Opinion on Albania; Second Opinion on Ukraine.

244. Second Opinion on Georgia; Fourth Opinion on the Russian Federation; Fifth Opinion on Germany; ACFC Thematic Commentary No. 3, paragraph 8; Thematic Commentary No. 4, paragraph 43.

245. Fifth Opinion on Bulgaria [forthcoming].

246. Fifth Opinion on Croatia.

247. Fifth Opinion on Finland.

248. Third Opinion on Austria.

249. Fourth Opinion on Bulgaria; Fourth Opinion on Norway; Fifth Opinion on Croatia; Fifth Opinion on Austria; Fifth Opinion on Albania; Fifth Opinion on Switzerland; Fifth Opinion on Italy.

250. Fourth Opinion on Spain; Fourth Opinion on the Netherlands; Fourth Opinion on the Czech Republic; Fourth Opinion on Denmark; Fifth Opinion on Croatia; Fifth Opinion on Norway.

94. The other relevant criterion is “substantial numbers”,²⁵¹ which the Advisory Committee has insisted be interpreted in light of specific circumstances, taking into account historical factors and the accuracy of data collected.²⁵² Through the monitoring cycles, the Advisory Committee has observed how legislation in states parties has set minimum thresholds that must be reached in order to set up minority language education. These are often linked to the share of the population affiliating with national minorities in a given administrative unit, often at municipality level.²⁵³ Where these exist, they should not constitute an insurmountable barrier for accessing minority language education. Persons affiliating with numerically smaller minorities can be made particularly vulnerable when thresholds are applied, as the survival of their languages might be at stake. An absence of thresholds is arguably the best way to guarantee such access, and the Advisory Committee has considered it good practice to offer minority language education regardless of the number of persons affiliating with national minorities.²⁵⁴ Where thresholds exist, the Advisory Committee has called for their lowering in situations where they have been found to be too high or even manifestly prohibitive, such as when no national minority can reach them and therefore minority language education remains only a theoretical possibility.²⁵⁵ An overly strict and inflexible approach to the application of thresholds should be avoided.²⁵⁶ Regular assessment and adjustment to new contexts to guarantee minority language education are therefore required.

95. When establishing minority language education, “sufficient demand” should be the main criterion applied by the authorities. Despite this requirement implying action from persons affiliating with minorities themselves, authorities cannot take a passive approach. On the contrary, they have an important role in stimulating the demand for minority language education and in fact a duty to do so. They have the responsibility on the one hand to raise awareness of the possibility and right contained in the Framework Convention to learn a minority language or be instructed in it,²⁵⁷ and, on the other, to regularly monitor minority language education requests well ahead of each school year to assess the need for it and to provide for the possibilities to this effect accordingly.²⁵⁸ Consideration must also be given to ensuring stability of access to minority language education over time.

96. Pupils and students, as well as their parents, should be aware and encouraged to make use of their rights to minority language education,²⁵⁹ as well as being made aware of the benefits of such education.²⁶⁰ Standard procedures can be put in place to systematically reach out to the greatest degree possible.²⁶¹ Nevertheless, the Advisory Committee considers that awareness-raising activities should not only concern persons affiliating with national minorities but also the broader population, so that children and parents can make a free choice to express demand for minority language education.

97. In some states, a minimum number of pupils per class or per school is required to establish minority language education.²⁶² The Advisory Committee has welcomed instances where classes have been set up, even though the number was below the official number set for the provision of such classes. In some states, this number was as low as one student requesting such education. In such cases, the state concerned must make sure that other necessary conditions, including the availability of teachers, are such that minority language education does not remain a theoretical possibility.²⁶³

98. Article 14(2) further provides that if the above conditions are met states parties shall endeavour to ensure “as far as possible”, the teaching in or of minority languages. As clarified in the Explanatory Report, this means that such instruction will depend on the available resources of the state concerned.²⁶⁴ Furthermore, states are required to provide “adequate opportunities” for minority language education. This wording applies to possibilities both for instruction in the minority language and teaching of the minority language. In assessing whether “adequate opportunities” have been provided, the Advisory Committee takes account of the specific

251. See also ACFC Thematic Commentary No. 4, 2016, Part III, paragraph 34, and Part VII, paragraph 79.

252. Fifth Opinion on Albania.

253. Fifth Opinion on Albania; Fifth Opinion on Bosnia and Herzegovina.

254. Fifth Opinion on Slovenia.

255. Fifth Opinion on Bosnia and Herzegovina.

256. ACFC Thematic Commentary No. 3, paragraph 57; Third Opinion on the Slovak Republic; Fourth Opinion on Albania.

257. Third Opinion on the Russian Federation; Third Opinion on Bosnia and Herzegovina; Third and Fourth Opinions on Bulgaria; Fifth Opinion on Slovenia; Fifth Opinion on North Macedonia.

258. Third Opinion on Bosnia and Herzegovina; Fifth Opinion on North Macedonia.

259. Fifth Opinion on the Czech Republic; Fifth Opinion on Slovenia; Fourth Opinion on Azerbaijan.

260. Fourth Opinion on Bulgaria; Fifth Opinion on North Macedonia.

261. Fourth Opinion on Bulgaria.

262. First Opinion on North Macedonia; First Opinion on Germany; Third Opinion on the Czech Republic; Fifth Opinion on Italy.

263. Fifth Opinion on Sweden.

264. Explanatory Report to the Framework Convention for the Protection of National Minorities, paragraph 75.

circumstances of the state, and considers that a narrow and restrictive interpretation of this criterion is inappropriate. This has been the situation in cases where states have tried to justify the lack of teaching in the minority language, the replacement of teaching in the language by the teaching of it, or when an insufficient number of hours of teaching of the language – or a reduction in the number of hours – has taken place.²⁶⁵ The lowering of the existing standard of protection, contrary to the needs and interests of – or done without consultation with – persons affiliating with the minority concerned runs counter to the spirit of the Framework Convention. The Advisory Committee has also noted that states parties are responsible for providing specific guidelines to schools on requirements to set up minority language classes in order to guarantee that the rights of persons belonging to national minorities to learn their own language is equally guaranteed for all.²⁶⁶

2. Organisation of minority language education (Article 14)

99. Article 14(2) lays down the conditions for the provision of minority language education and it covers both teaching of or in the minority language. The Advisory Committee has consistently interpreted these two possibilities as not mutually exclusive.²⁶⁷ Minority language education can take different forms depending on the specific context of each language and education system, as well as the needs and interests of persons affiliating with each national minority. These can include teaching of the minority language as a subject, teaching in the minority language or the use of different bilingual and multilingual approaches involving the entire population of a state or part of a state.²⁶⁸ Although persons affiliating with national minorities often express a preference for the model using the minority language as a medium of instruction (teaching in the minority language), all of them remain valid models that can be used based on different specific contexts, as no one solution fits all scenarios (see also section 2.1 below).

100. States parties shall recognise the autonomy of schools in matters of education. In this sense, regardless of the specific form or model of minority language education in specific schools, a participatory approach should be mainstreamed throughout all aspects of the organisation of minority language education. It is important that the ethnic and linguistic diversity of pupils and students is also reflected in their decision-making structures,²⁶⁹ to guarantee that the above-mentioned context specificity is adequately reflected and the needs and interests of persons affiliating with national minorities are respected. These aspects are crucial to ensure that when reviewing frameworks for teaching in and of minority languages, including curricula,²⁷⁰ these accurately respond to the educational needs of persons affiliating with national minorities²⁷¹ and to the core aims of minority language education. The latter are particularly important where there is an element of low prestige of the minority language.

101. Teaching of minority languages as an “opt-in” subject based on parent demand does not always sufficiently encourage minority pupils to learn their minority language while pursuing their studies. This is likely to negatively affect their ability and motivation to preserve this language as a core element of their minority identity.²⁷² In some instances, making a minority language an elective subject might in practice lead minority students to have to choose between learning their first language or foreign languages or, for example, religious education,²⁷³ thus making access to the right as established under Article 14(1) more difficult.

102. In several states parties, the use of “Sunday schools” has served to complement minority language education, especially for numerically smaller national minorities seeking to preserve and develop their languages as one facet of their cultures and in cases where there is a need for language revitalisation. While the Advisory Committee has called for adequate financial support for these types of “schools”, it has however insisted that they serve as a supplement to other forms of formal education, which should remain the principal means of minority language education.²⁷⁴ The Advisory Committee has argued that it is best practice to guarantee the right to learn a minority language by including minority languages in the public school system and in the mandatory part of the curriculum.²⁷⁵ This includes those spoken by numerically smaller minorities as the presence and learning of their language would increase its visibility and prestige.²⁷⁶

265. Fourth Opinion on Latvia.

266. Second Opinion on Latvia.

267. First Opinion on Sweden; First Opinion on Norway.

268. Third Opinion on the Netherlands; Third Opinion on Switzerland.

269. First Opinion on Kosovo*.

270. Second Opinion on Armenia.

271. Fifth Opinion on Italy.

272. Second Opinion on Serbia; Fifth Opinion on Italy.

273. Third Opinion on Bulgaria.

274. Fifth Opinion on Estonia.

275. First Opinion on Lithuania; Fourth Opinion on Sweden; Fifth Opinion on Slovenia.

276. Fifth Opinion on Finland; Fifth Opinion on the Czech Republic.

103. Continuity of the provision of minority language education must run from preschool to higher, professional and adult education and be ensured where the conditions contained in Article 14(2) are met.²⁷⁷ Minority language education must guarantee that minority language competences are adequately developed and can present an added value for their speakers.²⁷⁸ The Advisory Committee has observed that there are particular gaps in provision in preschool and secondary levels that need to be countered, as they reduce the attractiveness of minority language education to both parents and students alike.²⁷⁹ It has underlined that since preschool is the first level of regular education, it is a highly important stage for learning a minority language, especially when that language is not the main one used in the family.²⁸⁰ It has considered it good practice to put in place monitoring measures seeking to identify where there could be a low number of minority language students and anticipate and remedy problems before they appear.²⁸¹ It is important to ensure continuity and certainty of this provision.²⁸²

104. In cases of mergers of municipalities, the Advisory Committee has called for special attention to be paid so they do not entail negative consequences for the use of minority languages and to ensure continued access to minority language education.²⁸³ As stated in Article 16 of the Framework Convention, states should “refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention”. Consultation with communities concerned is therefore of paramount importance in cases of mergers, including with persons affiliating with national minorities,²⁸⁴ as also established under the European Charter of Local Self-Government.²⁸⁵

2.1. Benefits of bilingual and multilingual education models

105. The Advisory Committee considers that bilingual and multilingual education models can be one way to strike the right balance between learning both official and minority languages,²⁸⁶ and therefore ensure compatibility both with Article 14(1) on the right to minority language education and 14(3) on ensuring this right without prejudice to learning the official language. Children with both minority and majority affiliations benefit from bilingual and multilingual education models and these should be open to all.²⁸⁷ These models can also cater for children who grow up bilingually or in ethnically diverse families and support societal integration based on acceptance of diversity as an integral and valued part of society (Article 6).²⁸⁸ The Advisory Committee has praised situations where these models are applied to certain areas, including all children and regardless of the size of the minority concerned.²⁸⁹ In addition, the Committee of Ministers has highlighted the importance and added value of plurilingual and intercultural education for “personal and professional development, equity, societal integration, the exercise of human rights and participation in democratic culture”.²⁹⁰

106. Some fears might exist about the potential implications of these models for the preservation of minority languages. States parties should therefore regularly evaluate the outcomes of such models to make sure they do not result in practice in lowering the level of proficiency in the minority language.²⁹¹ To dissipate such fears, the Advisory Committee has on numerous occasions emphasised the various benefits of these models, including broader academic achievement in life and the learning of second languages to a higher degree of proficiency,²⁹² in addition to the value of the preservation of the minority language, cultural heritage and identity.²⁹³ Education

277. Fifth Opinion on Slovenia; Fifth Opinion on the Czech Republic; Fourth Opinion on Latvia; ACFC Thematic Commentary No. 3, paragraph 75.

278. Fourth Opinion on Switzerland; Fifth Opinion on Italy; Fifth Opinion on Germany; Fifth Opinion on Norway.

279. ACFC Thematic Commentary No. 3, paragraph 75.

280. Fifth Opinion on the Czech Republic.

281. Fourth Opinion on the Netherlands.

282. ACFC Thematic Commentary No. 3, paragraph 75.

283. Fourth Opinion on the United Kingdom; Fourth Opinion on the Republic of Moldova.

284. Second Opinion on Montenegro; Fourth Opinion on the Netherlands; ACFC Thematic Commentary No. 3, paragraph 91.

285. European Charter of Local Self-Government (ETS No. 122), 1 September 1988, 46 ratifications, Article 5 on the protection of local authority boundaries: “Changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute”; Fifth Opinion on Armenia.

286. Fourth Opinion on Ukraine.

287. ACFC Thematic Commentary No. 3, paragraph 72; Third Opinion on the Czech Republic; Fourth Opinion on Lithuania; Fifth Opinion on North Macedonia; Fifth Opinion on Slovenia.

288. Third Opinion on Sweden; Fourth Opinion on the Russian Federation.

289. Fifth Opinion on Slovenia; Fifth Opinion on Denmark.

290. Recommendation *CM/Rec(2022)1* of the Committee of Ministers to member States on the Importance of plurilingual and intercultural education for democratic culture, Appendix, p. 11.

291. Fourth Opinion on the Netherlands.

292. Second Opinion on Latvia; Fourth Opinion on Finland; Fourth Opinion on Germany.

293. Second Opinion on Austria; Second Opinion on Norway.

in several languages can therefore provide strong functional, cognitive and emotional assets and contributes to fostering employability, personal fulfilment, active citizenship, intercultural understanding and social inclusion (see also Parts II and III).²⁹⁴ Research shows that time spent developing literacy and other skills in a minority language does not undermine the development of the same skills in a majority language.²⁹⁵

107. These types of education can also contribute to reducing shame and guilt about openly expressing one's minority identity, and thereby foster free self-identification as contained in Article 3.²⁹⁶ The Advisory Committee has emphasised that knowledge of minority languages should be considered a valued competence, in order to encourage minority students and parents to learn them.²⁹⁷ It has further pointed out that bilingual education that guarantees proficient language learning in minority and other languages may also provide an adequate response to the education needs of persons affiliating with numerically smaller minorities.²⁹⁸

108. Using minority languages as languages of instruction often remains the preferred model for many persons affiliating with national minorities when it comes to minority language education. Since their needs and interests are at the core of the Framework Convention, the preservation of such models should be guaranteed (see also Part II).²⁹⁹ In addition, using language immersion can be a particularly important model for languages that are only spoken by small numbers of people, to promote their revitalisation.³⁰⁰ The Advisory Committee has also highlighted the positive benefits that compulsory study of a minority language from an early age by persons affiliating with the majority can have for minority language preservation.³⁰¹

2.2. Balance between minority and official language learning

109. Learning the official language is a right of persons belonging to national minorities, as well as a legitimate aim to be promoted by the authorities. In practice, this means that persons affiliating with national minorities should have the possibility to learn both the minority language and the official language(s) simultaneously. Ensuring that the right to minority language education is "implemented without prejudice to the learning of the official language or the teaching in this language" requires a balanced approach (Article 14(3)).³⁰² Authorities are therefore required to seek effective consultation with persons affiliating with national minorities when adopting measures promoting the official language and its teaching.³⁰³ This is to avoid any potential negative effects on the quality of education at schools using minority languages as a medium of instruction³⁰⁴ and to ensure that adequate opportunities are in place to acquire sufficient minority language competence.

110. Since a lack of knowledge of the official language(s) can limit opportunities for equal participation in society for persons affiliating with national minorities, adequate development of the speakers' proficiency in the official language must be provided by schools using minority languages as a medium of instruction (see also Parts II and III).³⁰⁵ The Advisory Committee has therefore emphasised the need for continuous evaluation of whether minority language students develop a level of competence in the official language that is adequate to ensure their full participation in society,³⁰⁶ while providing the space for the development of multiple identity affiliations.³⁰⁷

111. It is important that children identifying with national minorities develop a multilingual repertoire that corresponds to their linguistic environment. In this context, the Advisory Committee has emphasised that at times there might be a strong need to promote the minority language to raise its prestige,³⁰⁸ to secure its survival in an environment dominated by the majority language or to ensure its revitalisation and thus retrieve heritage often lost due to deliberate assimilationist policies. It is thus particularly important to ensure the functionality of a minority language in different spheres of public life, such as in communication with administrative authorities. This in turn stimulates demand for minority language education³⁰⁹ and contributes overall to the preservation of the minority identity.

294. Fourth Opinion on Latvia.

295. Council of Europe (2010), *The linguistic and educational integration of children and adolescents from migrant backgrounds*, p. 16; ACFC Thematic Commentary No. 3, paragraph 20.

296. Fourth Opinion on Bulgaria.

297. Second Opinion on Bulgaria; Fourth Opinion on Lithuania.

298. Third Opinion on Poland.

299. Fifth Opinion on Croatia.

300. Fifth Opinion on Croatia; Fifth Opinion on Armenia; Fifth Opinion on the Slovak Republic.

301. Sixth Opinion on Denmark.

302. Fourth Opinion on the Republic of Moldova; Fourth Opinion on Latvia; Fifth Opinion on Estonia.

303. First Opinion on Latvia.

304. Third Opinion on Lithuania.

305. Third Opinion on Georgia; Fourth Opinion on Serbia; Fifth Opinion on North Macedonia; Fifth Opinion on Kosovo*.

306. Fifth Opinion on North Macedonia; Fifth Opinion on Kosovo*.

307. ACFC Thematic Commentary No. 3, paragraph 39.

308. Fourth Opinion on the Russian Federation.

309. Fifth Opinion on Bulgaria [forthcoming]; Fourth Opinion on Georgia.

3. Quality of minority language education and resources

112. The quality of minority language education is a key element for ensuring it is an attractive option for students and parents. States parties therefore have the duty to ensure that minority language education is of good quality and provides pupils and students with an adequate level of education at each stage, in line with Article 12(3), and with a sufficiently developed multilingual linguistic repertoire that corresponds to their linguistic environment, in line with Articles 14(2) and (3). The Advisory Committee has highlighted the role that school or education inspectorates should play in monitoring the quality of minority language education (both teaching in and teaching of minority languages) and it has called on authorities to provide adequate support to these bodies to be able to adequately perform their duties.³¹⁰

113. Several elements are therefore examined by the Advisory Committee as preconditions for ensuring quality minority language education: the availability of qualified teachers and teacher training; access to quality educational materials, including textbooks; and adapted teaching methods and methodologies (see also Part II).³¹¹

3.1. Teachers of or teaching in minority languages

114. The availability of qualified teachers for teaching of or teaching in minority languages requires the promotion of pre-service and in-service training of minority language teachers, as well as recruitment and retention of teachers affiliating with national minorities and/or speaking minority languages.³¹² To adequately train teachers, university courses, study programmes and research – including, where appropriate, in minority languages – should be made available and provided with adequate support.³¹³ It is essential that teachers are trained in sufficient numbers to meet the demand for each minority language, both in and outside areas traditionally inhabited by persons affiliating with national minorities, for all levels of education, including at preschool level,³¹⁴ and for all subjects that, according to the respective educational system, must be offered in minority languages.

115. The shortage of teachers in general and of minority language teachers in particular is a recurrent challenge facing states parties. Nevertheless, the Advisory Committee does not accept it as a reason not to offer teaching in or the teaching of minority languages³¹⁵ where no positive measures have been taken to promote training and recruitment. Instead, the Advisory Committee has repeatedly encouraged states parties to provide incentives to remedy shortages of teachers.³¹⁶ To do so, a number of measures can be put forward, such as specific scholarships,³¹⁷ salary premiums and other financial measures,³¹⁸ including when teachers are deployed to rural, remote or isolated areas.³¹⁹ Other positive measures to make the profession more attractive could be put in place, such as increased advertising of minority language teaching positions,³²⁰ retraining native speakers in pedagogy and, where possible, temporarily recruiting teachers from other states.³²¹ More long-term measures could include developing the higher academic education of national minority languages and teachers.³²²

3.2. Teaching and learning materials

116. As regards teaching and learning materials, adequate tailoring to the specific needs and interests of persons affiliating with national minorities should be a matter of priority. The lack of an appropriate supply of educational materials in minority languages negatively impacts the quality of the education offered to minority children³²³ and adds barriers to the interest pupils, students and parents may have when deciding whether to choose minority language education.³²⁴

117. The Advisory Committee has called for authorities to provide adequate resources for the development of minority language educational materials. In some cases, persons affiliating with national minorities participate directly in the development of such materials and in such cases adequate support and resources should be made

310. Fourth Opinion on the Netherlands.

311. Fourth Opinion on Ukraine; Fifth Opinion on the United Kingdom; Fifth Opinion on Italy.

312. First Opinion on Georgia.

313. Third Opinion on Bulgaria.

314. Fifth Opinion on Finland; Fifth Opinion on Germany.

315. Fourth Opinion on Sweden.

316. Fifth Opinion on Hungary; Fifth Opinion on Slovenia; Fifth Opinion on Italy.

317. Fifth Opinion on Romania; Fifth Opinion on Slovenia.

318. Fifth Opinion on Armenia.

319. Fifth Opinion on the Republic of Moldova.

320. Fourth Opinion on the Netherlands.

321. Fourth Opinion on Sweden.

322. Fifth Opinion on Slovakia.

323. Fourth Opinion on Ukraine.

324. ACFC Thematic Commentary No. 3, paragraph 77.

available to them.³²⁵ When such materials are translated directly from the official language, especially for the teaching of subjects other than language and literature, good-quality translation is a precondition for ensuring that quality education is available to all and that students affiliating with national minorities are not left behind (see also Part III).³²⁶ The Advisory Committee has been adamant that teaching and learning materials for minority language education are free of charge or at least not more expensive than those for official language education.³²⁷

118. The use of educational materials from other states raises questions regarding the alignment of their content with the national public curriculum, in particular where the teaching of history is concerned (see also Part II).³²⁸ The Advisory Committee has highlighted that the learning of a minority language should always promote the perception of belonging to the civic community and of minorities as an integral part of the society they live in. In this vein, states bear the responsibility to produce good-quality teaching and learning materials in consultation with persons affiliating with minorities and to regularly update them.³²⁹

3.3. Teaching methodologies and methods

119. Minority language education requires adapted teaching methodologies and methods, as minority languages can be taught as a first, second or other language, as well as being the medium of instruction for different subjects. In some states, minority languages are also taught as a foreign language. This is usually the case where the specific minority language is also an official language in another state,³³⁰ albeit not exclusively.³³¹ Although in some circumstances this option can be valid, in others it might not be, as it would not be conducive to maintaining the languages as living minority languages.³³² In any case, education authorities should adapt teaching methodologies to the level of language competences and linguistic repertoires of minority pupils and students. This applies in particular to the current context of reclaiming minority identities and promoting minority language revitalisation.

120. In order to develop sufficient competences in minority languages for minority pupils and students, an adequate number of hours of teaching of the minority language is required, including in non-traditional settlement areas such as big urban centres.³³³ This will depend on the specific context as well as on the needs and interest expressed by persons affiliating with national minorities. The Advisory Committee has therefore called for an increase in the level of provision where it is very limited.³³⁴ In addition, it has highlighted that measures aimed at increasing the share of education in the official language should not negatively impact the quality of education in minority language schools.³³⁵

121. The same methodology for teaching the official language to those learning it as a first language should not be used to teach minority students who learn it as a second or other language,³³⁶ since they have different needs to those who learn it at home as a first language. The starting point for language learning is therefore a different one and this should be reflected in teaching methods. This is particularly relevant in areas where minorities live compactly, as the use of the official language might not be as widespread as the main language of communication in both private and public life. In addition, teachers should have the adequate skills and competences to teach the official language as a second or other language.

122. Regarding state exams, the Advisory Committee has reiterated that they require some adjustment for students affiliating with national minorities, so that they adequately reflect these students' language competences and do not negatively impact on their future opportunities. This could mean ensuring that exams are carried out in the minority language or considering providing the option to choose the language of the exam.³³⁷ Final exams for the official language for those to whom it is taught as a second language will also require some adaptation.³³⁸ Careful monitoring of the performance of students affiliating with national minorities in state exams is therefore required, and the results should be used to adjust teaching and examination methodologies (see also Part II).

325. Fourth Opinion on Poland; Fifth Opinion on the United Kingdom.

326. Third and Fourth Opinions on Georgia; Fifth Opinion on the United Kingdom.

327. ACFC Thematic Commentary No. 3, paragraph 77.

328. Fifth Opinion on Bulgaria [forthcoming].

329. Fourth Opinion on Switzerland; Fourth Opinion on Azerbaijan; Fifth Opinion on Italy.

330. Fourth Opinion on Poland; Fifth Opinion on Austria; Fifth Opinion on Italy; Fifth Opinion on Slovenia; Fifth Opinion on Germany; Fifth Opinion on the Czech Republic; Fifth Opinion on Estonia; Sixth Opinion on Denmark.

331. Fifth Opinion on Finland.

332. Fifth Opinion on Slovenia.

333. Fourth Opinion on Sweden; Fourth Opinion on Bulgaria.

334. Fourth Opinion on Poland; Fourth Opinion on Bulgaria; Fourth Opinion on Latvia.

335. Fifth Opinion on Estonia.

336. Second Opinion on Georgia; Fourth Opinion on Estonia; Fourth Opinion on the Slovak Republic.

337. Third Opinion on Ukraine; Third Opinion on Lithuania.

338. Fifth Opinion on Romania.

123. In instances where the minority language is taught as a second or other language, this provides the opportunity for students affiliating with the minority speaking it, but who for whatever reason do not regularly use it at home, to learn it. This includes students with parents speaking different first languages, students reclaiming their minority language and students returning from other countries. This approach further allows students not identifying with the minority to learn the minority language. Insufficient minority language competences cannot lead to exclusion from accessing minority language education.³³⁹ In such contexts, teaching methodologies and methods need to cater for groups of learners with very heterogeneous minority language competences.

124. The Advisory Committee considers it highly beneficial for language learning to expose children to official or minority languages in a playful and non-formal setting from a young age.³⁴⁰ This is important in order to ensure the survival or, in some cases, revitalisation of minority languages, in particular those spoken by persons affiliating with numerically smaller national minorities or indigenous peoples.

4. Revitalisation of minority languages and reclaiming of minority cultures and identities (Articles 5 and 14)

125. The Advisory Committee has reiterated that specific attention must be given to the learning of numerically smaller minority or indigenous languages,³⁴¹ as often, past state policies of assimilation have had a strong negative impact on these languages.³⁴² A longstanding power imbalance with official languages as well as additional barriers, including high thresholds to access minority language education and lack of standardisation, have left some of these languages in a very weak position. Current trends of reclaiming minority identities and revitalising the languages of smaller minorities or indigenous peoples, including among younger generations, are leading towards stronger advocacy for redress measures and adequate implementation of international commitments entered into by state authorities, including under the Framework Convention.

126. In this sense, states parties have the duty and responsibility to provide support to ensure the preservation of small, endangered, indigenous and non-standardised languages spoken by persons affiliating with national minorities. With that in mind, comprehensive and targeted measures to revitalise languages are required. These should not focus exclusively on the teaching of the minority language but be a part of broader schemes of language revitalisation in general, including also efforts to ensure the functionality of minority languages in relations with public administration in line with Article 10³⁴³ and that persons belonging to national minorities can maintain and develop their cultures and preserve their identities, in the sense of Article 5. Thus, such schemes could take the form of action plans containing specific measures also dealing with other sectors, such as administration and cultural production.³⁴⁴ It is important to monitor the implementation of such plans and measures with the involvement of persons affiliating with the national minorities concerned, to assess whether results are being achieved in revitalising endangered languages.³⁴⁵

127. In such cases, strong political will and commitment is needed and sends a positive message about the added value of minority language education, which can lead to its promotion.³⁴⁶ Revitalisation measures in the field of education can take different forms. For instance, revitalisation can be done with the help of language immersion or through the creation of separate classes.³⁴⁷ The Advisory Committee has found that minority language immersion at preschool age, such as through language nests, is a promising way to revitalise numerically smaller languages.³⁴⁸ Several states parties have applied these methods with smaller minority languages, yielding positive results.³⁴⁹ Persons affiliating with geographically dispersed minorities should also have the possibility to receive minority language education, and online learning can be one way to guarantee access to this right.

339. ACFC Thematic Commentary No. 3, paragraph 69; Fifth Opinion on Bulgaria; Fifth Opinion on North Macedonia; Fifth Opinion on Sweden.

340. Fourth Opinion on Lithuania; Sixth Opinion on Denmark.

341. Fifth Opinion on Armenia.

342. Fifth Opinion on Finland.

343. Fourth Opinion on Norway.

344. Fifth Opinion on Norway.

345. Third Opinion on Germany; Fourth Opinion on Norway; Fourth Opinion on Croatia; Fifth Opinion on the United Kingdom.

346. Fifth Opinion on Germany.

347. ACFC Thematic Commentary No. 3, paragraph 69.

348. Fourth Opinion on Sweden.

349. Fifth Opinion on Finland.

128. Persons affiliating with numerically smaller minorities, including those residing on islands or in mountainous areas, can face further difficulties when their schools close, as they might have to attend schools not offering minority language education. Additional efforts are therefore required to guarantee that their right to learn their minority language is ensured. In such cases, the Advisory Committee has pointed to potential special measures that the authorities could foresee, including outside the traditional settlement areas, such as supporting the opening of classes in the minority language, recruiting trained minority language teachers or training them, and developing adequate bilingual and intercultural methodologies in schools in consultation with persons affiliating with national minorities.³⁵⁰ In this regard, low thresholds or providing for exemptions from thresholds can convey a message of flexibility and facilitate the establishment of minority language education.

129. There are also other valuable initiatives with respect to the teaching of the languages of some of the numerically smaller minorities or indigenous peoples that have been used by states parties.³⁵¹ In some cases where the situation of the minority language is precarious, small steps such as the organisation by schools of a few hours of optional lessons per week on a culture and language that is not the language of instruction in the school, upon request by parents, have proven to be important for pupils.³⁵² “Sunday schools” can serve as a way to begin a process of revitalisation,³⁵³ and the Advisory Committee has encouraged authorities to provide resolute support to them to ensure they are sustainable and viable arenas for the teaching of the minority languages of numerically smaller national minorities.³⁵⁴ However, this and other non-formal means of minority language education are to be framed within wider strategies for language revitalisation if these processes are to be successful and not remain isolated measures. When developing the required standards for introducing classes teaching minority languages that are spoken by persons affiliating with numerically smaller groups, practical considerations should be kept in mind, including the necessity to identify teachers and train them.³⁵⁵ A holistic approach is therefore needed to ensure the right to learn one’s language is also guaranteed for persons affiliating with numerically smaller communities.

130. Other measures used by states parties to revitalise numerically smaller languages, including indigenous languages, make use of new technologies to the advantage of the minority language, such as distance learning.³⁵⁶ These methods, if they guarantee equal access for students, can present benefits, especially for students living in remote areas or where “sufficient demand” as established in Article 14(2) is not met. At the same time, remote or distance learning may also present good opportunities for students with an itinerant or semi-itinerant way of life to gain access to minority language education, although consideration must be given to potential socio-economic barriers they may face (see also Part III).

131. These valuable initiatives with demonstrated positive results, especially at preschool level, require adequate institutionalisation and sustainable funding and infrastructure, and should not depend on project-based funding and parent-led initiatives,³⁵⁷ which not only threaten their predictability³⁵⁸ but risk leading parents to select other forms of education to guarantee the continuity of the learning process for their children.³⁵⁹ At the same time, this is also at odds with the right to maintain and develop the culture of persons belonging to national minorities as established in Article 5 of the Framework Convention. The authorities should additionally ensure that adequate human and financial resources, as well as premises, are available.³⁶⁰

132. Absence of standardisation or codification of some minority languages has proven to be a barrier to setting up minority language education. This has been used at times as a justification for the absence of teaching in or teaching of the Romani language(s). Lack of codification can raise legitimate questions around teaching in or the teaching of such minority languages and efforts are therefore required to seek solutions in co-operation with persons identifying with the national minority in this matter. Options could include the use of the language orally at preschool or primary school, which has been welcomed by the Advisory Committee as a temporary measure in cases where codification was underway.³⁶¹ Also, approaches that allow students to use different language varieties seem often an appropriate solution. The sharing of good practices for

350. Fifth Opinion on Italy.

351. First Opinion on the Russian Federation.

352. Second Opinion on Estonia.

353. Fifth Opinion on Armenia.

354. Fifth Opinion on Estonia.

355. Second Opinion on Georgia.

356. Fifth Opinion on Finland.

357. Fifth Opinion on Finland.

358. Fifth Opinion on Norway.

359. Fifth Opinion on Estonia.

360. Fourth Opinion on Lithuania; Fifth Opinion on Armenia.

361. Third Opinion on Montenegro.

standardisation between states parties is also a practical way to address this issue, including through sharing educational materials.³⁶² This should be seen as a transitional measure while states develop their own resources that can better reflect the precise variants spoken in the state party concerned.

5. Cross-border contacts and bilateral and multilateral agreements

133. Exchanges across states in the field of education can be advantageous for the promotion of minority language education at all levels, from preschool to university. The Framework Convention sets out the possibility for external co-operation, in order for persons belonging to national minorities to maintain and develop their cultures and identities through, among other things, cross-border contacts (Article 17) and bilateral and multilateral agreements (Article 18). In some cases, such co-operation may be highly significant for persons belonging to national minorities, and any restrictions on this should be carefully considered and be proportionate to the aims (see also Part II).³⁶³

134. These types of co-operation can facilitate the provision of minority language education by means of, for example, raising the linguistic competence of prospective teachers,³⁶⁴ facilitating the temporary recruitment of teachers from other countries where the language is spoken to address shortages of teachers of minority language,³⁶⁵ and providing minority language educational materials (including online resources).³⁶⁶ In addition, it can also help overcome shared challenges in the field of education, including language revitalisation, student and teacher exchanges or even teacher training in cases where there is no possibility to become a teacher of or to teach in a minority language in the given state (for numerically smaller minorities, for example).³⁶⁷ Multilateral agreements have been a useful means of sharing good practice in different aspects of minority protection and providing a platform to learn from different initiatives, such as those developed by Sami communities living in the Nordic countries.³⁶⁸

135. In the case of languages that were once used by persons affiliating with national minorities but are no longer spoken by them – for example, the Romani language in some states parties – the Advisory Committee has recommended the use of available materials and employment of teachers, including from other countries, to set up non-formal education in order to start the process of language revitalisation where there is demand by persons affiliating with national minorities.³⁶⁹ In such cases, support from other countries can be a helpful transitory measure for the promotion of the right to learn minority languages³⁷⁰ that have become (almost) extinct in a state party, often due to past assimilatory policies.

136. Instances of external support from other countries have been welcomed by the Advisory Committee and also acknowledged as a useful complement to minority language education,³⁷¹ in line with Article 18 of the Framework Convention. For example, bilateral agreements can be an effective means of ensuring mutual recognition of diplomas.³⁷² External support has been welcomed by the Advisory Committee in cases concerning the provision of educational material where nothing exists or in terms of teacher training, especially when a given language is in decline or spoken only by a small number of persons. External support should nevertheless always guarantee an intercultural approach³⁷³ and does not exempt the state from its obligation to take a proactive approach to guaranteeing quality minority language education³⁷⁴ with all this entails (provision of adequate materials, teacher training, etc.), including any financial implications emanating from it.³⁷⁵ In some cases, the Advisory Committee has also highlighted the potential negative effects that support from other countries can have on the quality of education, as materials might not be sufficiently adapted to the needs of minority pupils and students and the standards of the national curricula. This can indeed create differences in equal opportunities between students following minority language education and those who do not. Finally, the Advisory Committee has reiterated that the protection of minority rights cannot be made

362. Third Opinion on Montenegro.

363. Fifth Opinion on Norway.

364. Fifth Opinion on Romania; Fourth Opinion on Ukraine.

365. Fifth Opinion on Germany.

366. Fourth Opinion on Azerbaijan.

367. Fifth Opinion on Norway.

368. Third Opinion on Sweden.

369. Fourth Opinion on Portugal.

370. Fourth Opinion on Cyprus.

371. Second Opinion on Switzerland.

372. Fifth Opinion on Kosovo*.

373. First Opinion on Latvia; Fourth Opinion on Azerbaijan; Fifth Opinion on Italy.

374. Fifth Opinion on Italy.

375. Fourth Opinion on Poland.

conditional on reciprocity or on issues of bilateral relations with other states and that the existence or lack of bilateral and multilateral agreements should therefore not become a basis for discrimination against specific minority languages.³⁷⁶

6. New technologies and distance education

137. The development and progress in the technological sphere have inevitably had an impact on minority language education. The use of digital teaching materials and methods has become common practice in schools and, as such, it has played and can play an important role in minority language teaching as well. For example, while the Framework Convention as originally drafted refers only to textbooks, these are no longer the only type of educational material available. With this in mind, in the field of education, the Advisory Committee has maintained a flexible approach to the interpretation of the Framework Convention as a living instrument, to ensure that it remains up to date with technological developments and that the materials used are suitable to guarantee the right to learn one's minority language.

138. In line with this, new technologies have allowed for the possibility to offer real-time distance education using online means, which has been a tool that has proved useful for ensuring increased opportunities for minority language learning and, in addition, for the preservation of lesser-spoken varieties of some minority languages. Such options are to be developed on a case-by-case basis and specific context is to be taken into account, as at times distance education might not be an appropriate method, for example at beginner level. The Advisory Committee has emphasised that this tool should remain a complement to the existing educational system, but should not replace it because school is also a space for social learning in face-to-face contexts.³⁷⁷ Notwithstanding their benefits, the Advisory Committee has called on states parties to regularly evaluate such teaching methods to ensure their effectiveness and relevance on a context-specific basis,³⁷⁸ for example in cases of emigration and movement of populations to urban settings, and that support is provided for their adequate functioning.³⁷⁹

139. The Covid-19 pandemic presented many challenges, including in the field of education (see also Part III).³⁸⁰ The lockdowns imposed in many countries led schools to shift to an online format. It is worth noting that throughout the pandemic, minority language teaching was not always ensured as the emphasis of education shifted towards main subjects, leaving children affiliating with national minorities in many cases without the right to learn their minority language (see also Part II).³⁸¹

140. Some good practices were nevertheless identified throughout the pandemic as regards minority language education. For example, in some states parties "Sunday schools" continued to guarantee minority language education through online teaching while in-person meeting restrictions remained in place.³⁸² In highly digitalised countries, online teaching was easily put in place and minority language education was guaranteed.³⁸³ In other states parties, online training activities for teachers contributed to disseminating knowledge about the presence of certain minorities in the country.³⁸⁴

141. Some states parties have started digitalising teaching and learning materials for minority language education and making them available free of charge for all students through internal online platforms.³⁸⁵ Such cases have been considered as positive developments by the Advisory Committee. Nevertheless, the Advisory Committee has cautioned against the potential risks of digitalisation, which it has observed in some states parties. Accessibility should not be a barrier for persons identifying with national minorities living in rural or poorer areas, where the necessary hardware is sometimes difficult to obtain and internet impossible to access, also beyond situations like the Covid-19 pandemic.³⁸⁶ This also concerns minority children living in poor socio-economic conditions, including in settlements where they might not have regular access to

376. Fourth Opinion on Latvia; Fifth Opinion on Kosovo*. See also [OSCE HCNM \(2008\), Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations](#), Recommendation 15.

377. Fourth Opinion on Sweden.

378. Fifth Opinion on Sweden.

379. Fifth Opinion on Finland.

380. See Committee of Experts of the European Charter for Regional or Minority Languages, [Statement on the use of regional or minority languages in education in the context of the Covid-19 pandemic](#), 3 July 2020.

381. Fifth Opinion on Germany.

382. Fifth Opinion on Armenia.

383. Sixth Opinion on Denmark.

384. Fifth Opinion on Italy.

385. Fourth Opinion on Poland.

386. Fifth Opinion on North Macedonia.

electricity.³⁸⁷ This can add hurdles for minority children and subsequently lead to inequalities in access to education, which should be prevented (see Part III).

142. The development and progress in the technological sphere have also increased the need for research and development into the use of digital tools designed to support minority language learning and teaching. States parties could thus promote the development of apps that help translation and can function as a dictionary for minority languages. This is also very important for the development of newer vocabulary (neologisms) in minority languages.

7. Private educational and training establishments (Article 13)

143. In addition to having the right to learn the minority language through the public education system, national minorities also have the right to set up and manage their own private educational and training institutions, as established in Article 13(1) of the Framework Convention. States parties must therefore refrain from prohibiting such schools³⁸⁸ and must actively remove all barriers preventing the establishment of private educational and training establishments providing education in minority languages.³⁸⁹ This concerns all levels of education, from preschool to higher education institutions.³⁹⁰ Private education and training establishments are therefore valid means of education in a minority language, which can play a central role in language preservation and promotion (see Part II).³⁹¹

144. The authorities may apply certain criteria to the establishment of such schools to match the ones set for public institutions, but those should be objective and conform to the principle of non-discrimination.³⁹² It is also legitimate for the authorities to supervise the compliance and harmonisation of the standards of private education institutions with the wider educational system, following the same principles.³⁹³ It is for instance legitimate for states parties to require that students from private educational institutions acquire sufficient proficiency in the official language. They should, however, not impose in detail the means by which this is achieved.³⁹⁴

145. Although Article 13(2) establishes that the right to set up private educational institutions does not imply a financial responsibility from the state, the Explanatory Report clarifies that it does not exclude such a possibility. In this vein, the Advisory Committee has repeatedly welcomed instances where states parties have provided financial support to private educational and training establishments,³⁹⁵ especially in cases where these are the only options for ensuring the maintenance and development of a minority culture or language.³⁹⁶

146. At the same time, financial support provided to students with different affiliations wishing to attend such institutions has also been welcomed by the Advisory Committee.³⁹⁷ It is important that persons affiliating with national minorities are freely able to seek funds from domestic and international sources to establish their own private institutions.³⁹⁸ Additionally, it is important that funds allocated to national minority organisations in the context of support for preservation and development of minority cultures, as protected under Article 5 of the Framework Convention, are not relied upon as the sole basis for the funding of private educational establishments teaching in minority languages. This can weaken the support for culture and in parallel does not provide adequate sustainability or predictability of funds for schools supported in this context.³⁹⁹

387. Fifth Opinion on Albania.

388. First Opinion on North Macedonia; First Opinion on Serbia and Montenegro.

389. First Opinion on Bosnia and Herzegovina; First Opinion on Switzerland; First Opinion on “the former Yugoslav Republic of Macedonia”; Fourth Opinion on Latvia.

390. First Opinion on Georgia; First Opinion on Latvia.

391. First Opinion on Sweden.

392. First Opinion on Latvia; First Opinion on Bosnia and Herzegovina.

393. First Opinion on Latvia.

394. Fourth Opinion on Latvia.

395. First Opinion on Austria; Second Opinion on Cyprus; Second Opinion on Estonia; Fourth Opinion on Austria; Fourth Opinion on Germany; Fifth Opinion on Denmark.

396. First Opinion on Estonia.

397. Second Opinion on Cyprus.

398. First Opinion on Bosnia and Herzegovina.

399. Fifth Opinion on Austria.

PART V

Conclusions

147. Many changes have occurred in the field of education over the past 20 years; new challenges have emerged and new avenues have come to light for promoting integration of society through education and providing equal opportunities to access education and minority language education. The rights of the child and the principles of equality and non-discrimination have been put at the core, promoting equal opportunities for everyone regardless of how they self-identify. Although it is difficult to predict what challenges will arise in the field of education, the Advisory Committee considers that three main sectors will require close attention in the upcoming monitoring cycles from the perspective of persons affiliating with national minorities and their right to education.

148. First, current geopolitical trends in Europe with emerging post-conflict areas and the need for transitional justice, alongside high securitisation of minority issues in some states, pose an immediate threat to the rights of persons affiliating with national minorities, as well as to societal integration and cohesion. In this context, increasing restrictions on minority language education and societal hierarchisation, including hierarchisation of languages, can now be seen across Europe and will certainly remain a challenge. At the same time, trends for reclaiming minority identities and the revitalisation of minority languages will not disappear and the claim for the rights of persons affiliating with national minorities could become even more important in the near future.

149. Second, the development of digitalisation and artificial intelligence (AI) will bring benefits but also many uncertainties and potential for discrimination if not adequately regulated. The risks of algorithmic discrimination, for example, could reinforce patterns of exclusion and further entrench inequalities for persons identifying with national minorities. States will need to remain vigilant and duly regulate AI-powered technology and guarantee that its use does not negatively and disproportionately impact on persons affiliating with national minorities and their languages. Generative AI can distort information about national minorities, resulting in a negative picture of them among the majority population and thus creating tensions in societies. Various forms of violence in the digital space are already present in schools through cyberbullying and online hate speech, among other phenomena, and schools must be adequately equipped to deal with technology-facilitated violence against children identifying with national minorities, including in terms of how to deal with it from an intersectional and multiple discrimination perspective. New technologies can nevertheless also offer further possibilities for distance education and more affordable educational materials, and these can facilitate access to minority language education and contribute to the revitalisation of the languages of persons identifying with national minorities.

150. Last, educational institutions and teachers alike have needed to adapt to the needs of increasingly multilingual classrooms and therefore bilingual, multilingual and plurilingual methodologies have been put to the test in many states. Continued migration and globalisation trends may put a strain on states, but these can also present new opportunities for societal integration and the cognitive development of children, as well as highlight the benefits of diversity. Providing the adequate environment for children affiliating with national minorities to develop their multilingual repertoires and meet their needs and interests will certainly remain a challenge in increasingly diverse areas. In that sense, it will remain important for states to guarantee that socio-economic differences do not present additional barriers to accessing minority language education, also in light of potential new pandemics.

151. This revised Thematic Commentary has looked into how the Advisory Committee in its monitoring practice and jurisprudence has reflected the trends from the past 20 years and has sought to provide guidance to states parties on fulfilling their obligations under the Framework Convention related to education for persons affiliating with national minorities. Nevertheless, unknown challenges will certainly develop and the Advisory Committee through its monitoring will need to adapt as things evolve to ensure persons affiliating with national minorities have the rights enshrined in the Framework Convention guaranteed.

The protection of national minorities is a core issue for the Council of Europe, and one of the major achievements in this field is the Framework Convention for the Protection of National Minorities (Framework Convention). The entry into force of this convention, on 1 February 1998, was an event of universal stature, as it is the first legally binding multilateral instrument devoted to the protection of national minorities.

In addition to country-specific opinions on the implementation of the Framework Convention, the Advisory Committee on the Framework Convention for the Protection of National Minorities has developed a more transversal approach to its work conducted after the first monitoring cycle. In 2004, the committee launched more thematic work with the aim of summarising its experience and views on the most important issues it has come across in its monitoring of the Framework Convention. The results of this work take the form of “thematic commentaries” on specific topics.

Thematic commentaries have been adopted so far on education (2006, revised in 2024), participation (2008), language rights (2012) and the scope of application (2016).



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