

Regional Law 29/2007 on the protection of friulian language

Brief historical and juridical background

The official recognition of the Friulian linguistic minority is quite recent and underpinned by three laws: Regional law no. 15 of 1996, State law no. 482 of 1999 and more recently Regional law no. 29 of 2007. Previously, the only references to the Friulian language that could be found in legal texts, both State and Regional, were purely incidental, ore inserted the protection of the language in a broader cultural promotion plan (Regional law no. 68 of 1981, though advanced, falls within this scope). Thus they were provisions that rather developed article 9 of the Italian Constitution (protection of cultural heritage) than the specific principle of minority protection, laid down by article 6, according to which “The Republic protects linguistic minorities by appropriate regulations”.

Regional law no. 15/96 was the first legal measure that officially recognised Friulian as a “language” and to explicitly establish the possibility for local entities to provide for its use in their committees, toponyms and, more generally, in their relationships with the citizens. The regional law has also identified an ad hoc linguistic policy body - the Osservatori pe lenghe e pe culture furlanis - in 2005 replaced by an autonomous agency: Agenzie regionál pe lenghe furlane (ARLeF) – and outlined the first actions to be undertaken in the public education and radio-television system sectors.

Though enforced with some delay, Law no. 482/99 enabled to complete and extend the scope of protection already defined by regional legal provisions. State law, in fact, contains more specific provisions on teaching minority languages in school and provides for a general right to use such languages in all public administration offices located in a given territory.

The legal regulations governing the planning of public radio and television are quite significant although, at present, basically not yet implemented.

The reasons behind a new law

After 11 years since the approval of Law no. 15/96 and eight years after the approval of the State law, the Region felt the need to “handle” the linguistic law on Friulian. This choice was especially dictated by the need to overcome some evident limits set by the aforesaid legal regulations as well as based on the new competences accepted by the Region following the reform of Title V of the Constitution, as well as the approval of Law Decree no. 223/2002 (a specific implementation decree of the Autonomy Statute dealing with minorities).

Thus, in December 2007, the Region enacted the new regional protection law, Regional law no. 29/2007, “Legal regulations for the protection and value-enhancement of the Friulian language”, drawing upon four different law proposals submitted during the 9th Regional Legislature including Bill no. 257 proposed by the Regional Council on 18 June 2007 (“Legal regulations for the protection, value-enhancement and promotion of the Friulian language”) that represented the starting text adopted at the Council Committee meeting.

According to the bill of the Regional Council the new legal regulations were supposed to be underpinned by five “principles”: 1) respect of autonomies (local entities and other public entities are expected to be obliged to adopt a linguistic policy plan, but the choices to include in the plan fall within the jurisdiction of the entity itself); 2) respect of citizens’ free choices (public entities will guarantee services in Friulian, but for the citizens these will always represent a mere opportunity, never an obligation); 3) the identification of the Agenzie Regionâl pe Lenghe Furlane as the entity in charge of the guidelines for the planning and coordination of the application of the law; 4) the flexibility of actions (the law is complete from a systematic and structural point of view, but does not strictly fix its parameters); 5) the verifications (administrative and accounting controls are envisaged, but also assessments on the effectiveness of any action undertaken). The text approved by the Council Committee meeting has basically complied with the five principles set out above although in some cases it departed from the Council’s proposal, either to restrict its scope or to extend it, in other cases to introduce completely new legal instruments. The content will be dealt with in detail in the next paragraphs, whereas the declaration of constitutional illegitimacy and some parts of the text under review will be examined in chapter 3.

General provisions and territorial delimitation

The law, subdivided into 8 chapters, has 34 articles. Chapter I (articles 1-5) is dedicated to general provisions. Article 1 defines the objectives pursued by the law, that is, above all, the protection, value-enhancement and promotion of the Friulian language, in its different expressions; in addition, the Region is committed to embrace an active policy for the preservation and development of the culture and traditions of the Friulian community. For the first time a piece of legislation defines Friulian as “the language” of the Friuli region.

Article 2 mentions the fundamental juridical (international, state and regional) references of the law: at international level, the Universal Declaration of Human Rights, the European Convention on Human Rights and Fundamental Freedom, the Tool of the Central European Initiative for the protection of national minorities, the OECD documents, signed by Italy, the European Chart for regional and minority languages, the European Union Constitutional Treaty; at state level, Law no. 482/1999; at regional level, Law no. 15 of 22 March 1996. Strangely, no reference is made to the Framework Convention for the protection of national minorities of the European Council, although ratified by the Italian state.

Article 3 defines the territorial scope of the law, i.e. the one delimited pursuant to Law no. 15/96 (any change in the territorial delimitation is regulated by the “Final regulations” of article 32 according to which, a change can be made within 2 years of enforcing the law, by Decree of the President of the Region, based on compliant and motivated resolutions passed by the single Municipal Committees). Still article 3 provides for initiatives for the knowledge of the language in the rest of the region as well as measures for Friulian emigrants and, through conventions, for Friulian-speaking people of the Veneto region.

Article 4 provides for the possibility of collaborating with the institutions of the different Ladin-speaking communities in Veneto, Trentino-Alto Adige/Südtirol and the Canton of Grisons, as well as between internal linguistic minorities (Slovene, Friulian and German). Article 5 confirms the official spelling of the Friulian language (art. 13 of Regional Law no.

15/96), providing that it can be amended by Decree of the President of the Region, upon proposal by ARLeF and in agreement with the Universities of Udine and Trieste. The deeds and documents in Friulian of the Region, local entities and their operating units as well as concessionaries of public services are drawn up using the official spelling.

Public uses and toponymy

Chapter II (articles 6 - 11) deals with the public uses of the Friulian language.

Article 6 regulates the public uses of the Friulian language organizing what had already been provided by Law 482/99 and the jurisprudence of the Constitutional Court and extending its protection.

The provisions apply to all Local entities, offices and entities of the Regional administration, as well as to the concessionaries of public services operating in the delimited municipalities. However, the scope of the provision was reduced, by the last paragraph (introduced, at the last minute, in the Meeting Room to guarantee the majority of votes) which states that "the concerned entities are responsible for the gradual application of the provisions according to the annual planned projects, as part of linguistic policy plans".

Article 7 provides that the knowledge of the Friulian language be certified by a "language certificate". This action is necessary both to establish a single modality and in line with European directives to evaluate the knowledge of Friulian, and to allow for the application of some legal regulations already in force. Article 8 provides that any deeds communicated to all citizens, as well as other general information (i.e. institutional communications and advertisements) must be drawn up also in Friulian. As for art. 6, here too the application of the provision will be gradual.

Article 9, as laid down in article 7 of Law 482/1999, reiterates the right to use the Friulian language at City Council meetings and other governing bodies of the Municipalities that fall within the territorial delimitation, entrusting the single entities with the responsibility of regulating the modalities that guarantee an adequate translation in Italian to those who do not understand Friulian. Article 10 introduces, only as far as the delimited territory is concerned, the visual use of the Friulian language, beside the Italian one, in road signs, in any other signage for the general public (still with uncertainties linked to the "progressive application").

The Chapter ends with a specific provision (article 11) dedicated to toponymy in Friulian. To guarantee the uniform use of toponyms - and especially as far as road signs are concerned, that is quite widespread on the territory - the responsibility for assigning official names in Friulian rests with ARLeF, in agreement with the Municipalities concerned. In any case, based on the provisions of Law Decree no. 267/2000, local entities can decide to make the use of Friulian toponyms official.

Teaching system and list of qualified Friulian teachers

Chapter III (articles 12 - 18) defines the actions required in the education sector. Article 12 inserts the learning and teaching of the Friulian language in a multilingual educational process in nursery, primary and lower secondary schools located in the delimited municipalities. The provision also provided, at the pre-enrolment stage, for the "informed objection" of parents, according to which "without prejudice to the schools", the parents, subject to receiving adequate information and written request from the school,

communicate their decision to not opt for the teaching of the Friulian language. Thus the provision added a minor favour compared to the linguistic option system that had been applied till then, according to which parents were expected to opt for their children to attend Friulian classes; a favour that, as we will see later on, was nullified by the decision of the Commission.

Article 13 defines the framework of the relationship between the Region, the Regional Education Office, the School Authorities in general for the purpose of implementing the provisions contained in the law, whereas the articles 14 and 15 that follow outline the application and financial framework within which the Region must build (through an appropriate regulation) the Regional system of Friulian language teaching.

In brief, the Region, complying with the autonomy of school institutions, is required to define a structural system for implementing the law, overcoming the fragmented logics of allocating funds by project and adopting a “System application plan” that gradually introduces the teaching of Friulian in schools. The law also provides for Regional support with the production of teaching material (art.16) The “Permanent Commission on Friulian Language Teaching”, the technical and scientific body responsible for sustaining the competent Regional Office in supporting schools and defining a framework of criteria for assessing teachers’ skills, plays a key role in this process.<0}

Article 17 deals with the problem associated with securing the supply of Friulian teachers; to this end, it provides for adequate training courses but also for establishing a “List of qualified teachers of Friulian”. Through article 18 the Region commits itself to undertake training and information initiatives aimed at disseminating the plan for the introduction of Friulian in schools among families; furthermore, the Region sustains and promotes Friulian teaching initiatives for adults, immigrants and schools located in the non-delimited territories. The Chapter ends with (article 19) with “language volunteering” activities, along the lines of the programme promoted by the Generalitat de Catalunya “Voluntaris per la llengua”.

By Decree of the President of the Region no. 0204/Pres. of 23 August 2011, the Region has adopted the regulation provided by articles 14, paragraph 2, 17, paragraph 5 and 18 paragraph 6, of the Law. It sets out the provisions for implementing the rules of Chapter III of the Law, and more specifically of articles 12, 14, paragraphs 1 and 4, 15, 17, paragraphs from 1 to 4 and 18, paragraphs from 1 to 4 as regards the Plan for the implementation of the Friulian teaching system, access to the Regional list of teachers and use of the same to teach Friulian and promotional activities for the use of Friulian on the regional territory.

Media, membership and language planning

Chapter IV (articles 20 - 23) deals with the actions in the media sector, without introducing major changes, except for the provision of a specific regulation to govern contribution activities. The same can be said of Chapter V (article 24) on the activities carried out by cultural associations.

Conversely, Chapter VI (articles 25 - 27) which deals with planning is very important and innovative. Article 25 provides that, every five years, ARLeF proposes a General linguistic policy plan (PGPL) approved by Decree of the President of the Region, after hearing the Council Committee. Based on the PGPL and taking account of the funds available, the Regional Council, upon proposal by ARLeF, every years adopts the Priority Action Plan

(article 26), which sets out the objectives to be achieved in the year. Article 27 provides that every five years the Local entities and public service concessionaires approve a Special Linguistic Policy Plan (PSPL) to establish the objective-projects to be achieved every year in each action area. The approval and a law-compliant application of the Special linguistic policy plans represent, for local entities and public service concessionaires, the conditions for obtaining the financings envisaged by the law. Chapter VII (articles 28 - 30) concerns implementation and verification. Article 28 sets out the role of ARLeF (the body in charge of defining the linguistic policy guidelines for Friulian) and establishes its duties. Article 29 introduces the evaluation clause, assigning to the Regional Council the responsibility of submitting to the Council a yearly report on the implementation stage of the law. Furthermore, every five years, before presenting the PGPL for the following five-year period, the Council must submit to the Committee a relationship on the results obtained in terms of increased use of the Friulian language. Article 30 entrusts the President of the Committee with the duty of convening, once every five years, a Conference to verify and propose the implementation stage of the law. The law ends with Chapter VIII dedicated to temporary and final legal regulations.