

The Committee of Ministers,

A. Having regard to Article 32 (art. 32) of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as "the convention");

Having regard to the report drawn up by the European Commission of Human Rights in accordance with Article 31 (art. 31) of the convention relating to the application lodged on 25 May 1964 by the "Regional Association for the Defence of Liberties" acting on behalf of 165 heads of family living in the area of Les Fourons, which application is known as "Inhabitants of Les Fourons against Belgium" (No. 2209/64);

Whereas on 27 May 1971 the Commission transmitted the said report to the Committee of Ministers and whereas the period of three months provided for in Article 32.1 (art. 32-1) of the convention has lapsed without the case having been brought before the Court in pursuance of Article 48 (art. 48) of the convention;

B. Whereas in their application, the applicants complained that linguistic regulations applicable to teaching in the townships of Les Fourons since 1963 violated Articles 8 and 14 (art. 8, art. 14) of the convention and Article 3 of the first protocol (P1-3);

Whereas the Commission, on 15 December 1964, declared the application admissible as far as Articles 8 and 14 (art. 8, art. 14) of the convention and Article 2 of the first protocol (P1-2) were concerned;

Whereas the Commission, in its report adopted on 30 March 1971, was of the opinion unanimously that the legislation governing the creation and subsidisation of French-speaking schools in the townships of Les Fourons violates, in the case of the applicants, the first sentence of Article 2 of the first protocol in conjunction with Article 14 (art. 14+P1-2) of the convention;

Whereas on the other hand the Commission was of the opinion by eleven votes to one that the legislation complained of does not violate the first paragraph of Article 8 in conjunction with Article 14 (art. 14+8) of the convention;

C. Having regard to the memorandum of 7 January 1974 from the Belgian Government;

Having taken into consideration the fact that the revision of the Constitution undertaken in Belgium has been achieved, as regards the questions relevant to the present case, only on 24 December 1970 and that the implementation of these new constitutional provisions has required numerous measures of application such as the Acts of 3, 21 and 26 July 1971;

Having furthermore taken into consideration the fact that the above-mentioned revision has in particular confirmed the existence of four "linguistic regions", i.e. the French-speaking region, the Dutch-speaking region, the bilingual region of Brussels-capital and the German-speaking region, while according at the same time constitutional recognition to the existence of three "cultural communities" - French, Dutch and German - endowed with certain powers of their own;

Having regard to the fact that in application of the Royal Order of 10 May 1973 (Moniteur belge of 24 May 1973, page 6477) and of the four Royal Orders of 19 October 1973 (Moniteur belge of 20 December 1973, pages 14659 ff.) the French-speaking schools in the six townships of the Fourons area which did not receive subsidies can now do so in the school year 1973-74 while at the same time the creation of new subsidised French-speaking schools has been made

possible and achieved;

D. Voting in accordance with Article 32.1 (art. 32-1) of the convention,

a. Takes note of the opinion expressed by the Commission in accordance with Article 31.1 (art. 31-1) of the convention;

b. Takes note of the constitutional, legislative and administrative provisions governing in Belgium the matter under consideration and in particular the Royal Orders of 10 May and 19 October 1973;

c. Decides in consequence that no further action is called for in this case.