



# Traditional Minorities, National Communities and Languages

*The issues raised in the European Parliament's Intergroup, 2009-2011*



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**Disclaimer**

*The views expressed in this book do not necessarily reflect the views of the authors or MEPs.  
The material discussed in the book is based on the recorded Minutes which were taken at each meeting with the knowledge of the speakers.  
They reflect the broad range of opinions from Intergroup members, institutions, and NGOs working in the field who were at the meetings.*



# Foreword

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Since beginning my work in the European Parliament I have been committed to standing up for and representing the interests of the traditional and linguistic minority communities of Europe. The protection and support for human, minority, and political rights derive from my professional background and personal attitude.

The task was and still is complex, however, the necessary tools were given to me: memberships in parliamentary committees where these questions were to be raised, in the Committee on Civil Liberties, Justice and Home Affairs as a Vice-Chair since 2007, in the Foreign Affairs Committee as a Substitute Member, in the Subcommittee on Human Rights, as a full Member, and finally in the Minority Intergroup as a Vice-Chair between 2004-2009. Since 2009 as the Co-Chair of the re-established Intergroup, my work continues driven by my commitments, using all the advantageous tools and possibilities in the Parliament. Due to the parliamentary practice my Co-Chairmanship ends at the beginning of 2012.

Whether we have succeeded in clearing the tiny, blurred picture painted by the Union about the national minority or linguistic minority communities generally, their problems and the solutions to these problems – well, my answer is definitely positive. I believe that the Union helps us to promote our interests, and that a strong Union strengthens us as well. We should bear in mind, however, that the Union is not going to solve our problems for us. We cannot blame the Union for the issues which are not handled correctly by Member States, for wrecking the rights of the traditional national minorities instead of ensuring a safe future for them.

“One swallow does not a summer make”, but there are many swallows among us who work hard with goodwill and empathy to bring about the spring. This builds upon and helps to describe our Intergroup work: finding partners, cooperation, and the empathy felt towards each other in any corner of Europe.

I hope that after reading this booklet it gives the reader a clearer understanding of the most important problems and concerns regarding traditional minorities, national communities and regional languages today, and you are able to join us in our efforts to work for a Europe which is truly “*United in diversity!*”

Your sincerely,



Brussels, December 2011

# Introduction

The European Parliament Intergroup for Traditional Minorities, National Communities and Languages (TMNCL)<sup>1</sup> serves as a meeting point for political groups, European institutions, non-governmental organisations and minority representatives. The Intergroup was re-established in December 2009 electing MEPs Mrs Kinga Gál (European Peoples Party) and Carl Haglund (Alliance of Liberals and Democrats for Europe) as Co-Chairs. Its over-arching function is to promote awareness of, and to give political representation to the interests of national and linguistic minority issues in Europe.

Originally established in 1983, the present form of the Intergroup continues a long tradition of the Parliament using the format of an unofficial, cross-party interest group, as a forum within the EP to exchange views and develop policy on national and linguistic minority questions. The current Intergroup has set out a dynamic and ambitious agenda which acts to underline that minority rights form an integral part of fundamental human rights, and as such reflects the new developments across Europe in the post-Lisbon era. This establishment of what has been described as a new fundamental rights architecture is coupled with the potential to improve the protection of national and linguistic minority rights. To its credit, and for those who have worked on it, for 27 years it remains one of the Parliament's most active Intergroups.

There are several hundred national minorities living in the geographical Europe, amounting to 75 million people representing 10.29% of the total population. Regarding languages, 50 million people in the EU, 10% of the population, speak a regional or minority language.

The policy area of national and linguistic minorities tends to suffer both from an overall lack of attention and from being blurred with other policy areas. It has a tendency to be handled jointly with policy areas for immigrants, for example, and to become included in the broader, and sometimes vague, policy area of minorities. These distinct communities have very different sets of problems; therefore a clear separation of these areas is required in order to address each type of minority problem successfully. As a result the Intergroup does not mix up different categories of minorities as the EU institutions often do (e.g. new immigrants, Roma, and traditional minorities), and concentrates on the traditional linguistic minorities and national communities who have historically inhabited their home countries and who constitute autochthonous minority communities in their home-countries.

In order to better explain the Intergroup's point of view of "minorities" and "regional or minority languages", the definitions from the European Charter for Regional or Minority Languages and the European Parliament Resolution on the protection of minorities from 2005 are cited below:

## ***Excerpts from the European Charter for Regional or Minority Languages (ECRML - 1992)<sup>2</sup>***

### *Part I – General provisions, Article 1 – Definitions*

*For the purposes of this Charter: a) "regional or minority languages" means languages that are: i) traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and ii) different from the official language(s) of that State; it does not include either dialects of the official language(s) of the State or the languages of migrants;*



**Excerpts from the European Parliament resolution on the protection of minorities and anti-discrimination policies in an enlarged Europe (2005/2008(INI))<sup>3</sup>**

"5. Emphasises the fact that minority rights are an integral part of basic human rights, and considers it necessary to draw a clear distinction between (national) minorities, immigrants and asylum seekers;

7. Points out the inconsistency of policy toward minorities - while protection of minorities is a part of the Copenhagen criteria, there is no standard for minority rights in Community policy nor is there a Community understanding of who can be considered a member of a minority; notes that nor is there a definition of minorities in the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, or in the Framework Conven-

tion (FCNM); recommends that such a definition should be based on the definition, laid down in Council of Europe Recommendation 1201(1993), of a "national minority" as groups of persons in a state who:

- reside on the territory of that state,
- maintain longstanding, firm and lasting ties with that state,
- display distinctive ethnic, cultural, religious or linguistic characteristics,
- are sufficiently representative, although smaller in number than the rest of the population of that state or of a region of that state,
- are motivated by a concern to preserve together that which constitutes their common identity, including their culture, their tradition, their religion or their language."

## Glossary

CoE	Council of Europe
CoR	Committee of the Regions
EBLUL	European Bureau for Lesser-Used Languages
ECHR	European Convention on Human Rights
ECJ	European Court of Justice (has its seat in Luxembourg)
ECtHR	European Court of Human Rights (has its seat in Strasbourg)
ECMI	European Centre for Minority Issues

ECRML	European Charter for Regional or Minority Languages (short: Language Charter)
EURAC	European Academy of Bozen/Bolzano
FRA	European Union Agency for Fundamental Rights
FCNM	Framework Convention for the Protection of National Minorities (short: Framework Convention)
FUEN	Federal Union of European Nationalities
HCNM	High Commissioner on National Minorities
ICH	Intangible Cultural Heritage (UNESCO)
MIDAS	Minority Daily Newspapers Association
NPLD	Network to Promote Linguistic Diversity
OSCE	Organisation for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the Council of Europe

<sup>1</sup> See more on the Intergroup: [http://galkinga.hu/en/minority\\_intergroup/](http://galkinga.hu/en/minority_intergroup/); or on the Facebook: <http://www.facebook.com/pages/Intergroup-for-Traditional-Minorities-National-Communities-and-Languages/125934977420371>

<sup>2</sup> See the convention: <http://conventions.coe.int/Treaty/en/Treaties/html/148.htm>

<sup>3</sup> See the report: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2005-0140+0+DOC+PDF+V0//EN>

# CHAPTER I

## History of the Intergroup for Traditional Minorities, National Communities and Languages







# 1983-2004

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The first Intergroup meeting was convened on 9 February 1983 under the chairmanship of the late Gaetano Arfè MEP from Italy, primarily focusing on minority languages and cultures. The minutes of this meeting record Mr Arfè describing the purpose of the meeting as

*"[...] to bring together those members of parliament who had shown an interest in promoting minority languages and cultures with a view to working together in Parliament to promote and monitor community policies in favour of minority languages and cultures."*

Mr. Arfè himself had presented two resolutions<sup>1</sup> prior to this, which led to the opening of a small budget line to support measures in favour of regional and minority languages. From this the European Commission agreed to give the newly created European Bureau for Lesser-Used Languages (EBLUL) a subvention for specific actions, including the publishing of a newsletter ("Contact Bulletin") and the organisation of a study visit programme. The next major initiative for lesser-used languages came in the form of a report and resolution prepared by Willy Kuijpers MEP from Belgium. The Kuijpers resolution<sup>2</sup> of 1987 was more ambitious and wide-ranging than the Arfè resolution and acted to ensure adequate financial resources for minority and regional language promoting NGOs.

In 1990 Irish MEP John Hume tabled a motion for a resolution calling for another report on lesser-used languages. This time the Rapporteur chosen was Mark Killilea MEP from Ireland and his subsequent report<sup>3</sup> focused very much on the then new European Charter for Regional or Minority Languages (ECRML). These initiatives came from the Intergroup and underline its crucial role in delivering actual financial support to lesser-used language communities.

It is useful to focus on this early Intergroup and to note its emphasis on language and culture. It dealt with comparatively politically "soft", non-controversial subjects rather than the more "hard" political issues concerning national minorities and actual rights that it deals with now. The changes in name reflect this, the Intergroup started off as the Intergroup for *Minority Languages and Cultures*. In 1999 this changed to the *Intergroup for Regional and Minority Languages*, echoing the European Charter for Regional or Minority Languages – itself relatively new on the scene. In contrast, early efforts to develop a base of support for the then highly controversial subject of actual rights for national minorities (e.g. those of MEPs Graf Stauffenburg and Siegbert Alber from Germany) did not get past committee stage. Many writers have commented on the huge morale boost during the 1980s and 90s that many language activists experienced in the knowledge that the Intergroup and the Parliament were listening, watching and taking measures in support of them.

The Intergroup led by Michl Ebner MEP from Italy was successful in drafting his own Report on lesser-used languages<sup>4</sup>, which led to the European Commission's Action Plan for Linguistic Diversity. This plan resulted in all lesser-used language projects being able to access EU language funding, from which, up until then, they had been excluded.

Within this period the Intergroup leadership has been undertaken by different political groups and usually with MEPs from national or linguistic minorities themselves. Its leaders include European parliamentarians such as Gaetano Arfè (Party of European Socialists, PSI, Italy), Bernd Posselt (European People's Party and European Democrats, CSU, Bavaria, Germany), Joan Vallvé (European Liberal Democrats, Democratic Convergence, Catalunya, Spain), Eluned Morgan (Party of European Socialists, Labour Party, Wales, United Kingdom), Marieke Sanders-ten Holte (European Liberal Democrats, Volkspartij voor Vrijheid en Democratie, Netherlands) and Michl Ebner (European People's Party, SVP, South Tyrol, Italy).

# 2004-2009



The Co-Chairs of the Intergroup Kinga Gál (EPP) and Carl Haglund (ALDE)

The Intergroup chaired by Csaba Tabajdi – compared to previous years – worked vigorously to broaden the topics covered by the Intergroup. Under his chairmanship and the vice-chairmanship of Kinga Gál the name was changed to the *Intergroup for Traditional National Minorities, Constitutional Regions and Regional Languages*, marking a move into the broader area of national minority protection, and recognising the importance of protection of the rights and of the autonomous regions and countries.

***“While in Central and Eastern these communities often refer to themselves as “national minorities”, in Western Europe such communities concentrate on their linguistic rights, and advocate regional language protection, while other ones regard themselves as constitutional regions.”***

As Kinga Gál commented at that time *“the reason the Intergroup gained a rather long name is that various approaches are used to define communities in Europe that are in a similar situation and who articulate the same objectives, and who have a high degree of intra-community linguistic and cultural cohesion. While in Central and Eastern these communities often refer to themselves as “national minorities”, in Western Europe such communities concentrate on their linguistic rights, and advocate regional language protection, while other ones regard themselves as constitutional regions. A ban on discrimination does not in itself represent a solution to the problems arising from their situation; the aim is for them to have a say in decisions that affect their lives, and to autonomously exercise their cultural, educational and linguistic rights.”*<sup>5</sup>

The changed name also reflected the 2004 enlargement, after which there was an increase in minority related concerns in the European Union. The extended EU included states with large and assertive national minorities, resulting in a new impetus in national minority protection.

## Post 2009

At the beginning of the new parliamentary term, in line with the rules of the European Parliament, all the Intergroups had to be re-established. During the autumn of 2009 the Intergroup was reinstated with the name Traditional Minorities, National Communities and Languages (TMNCL). Kinga Gál (EPP) together with Carl Haglund (ALDE) were elected to be the Co-Chairs of the Intergroup. The vice-chairs, Oriol Junqueras (EFA/Greens) from Catalonia, Csaba Tabajdi (S&D) from Hungary, and Janusz Wojciechowski (ECR) from Poland, were elected from the other participating political groups. The 44 Members of the Intergroup represent five political groups, 14 countries and more than 10 different national or linguistic minorities.



*Kinga Gál is a Hungarian MEP born in Transylvania, Romania, Carl Haglund is from the Swedish-speaking community of Finland*

Carl Haglund is a representative of the Swedish minority in Finland after being elected in June 2009 on the list of the Swedish People's Party in Finland. At university he was an active member of youth organisations, becoming secretary general of Svensk Ungdom, the youth organisation of the Swedish People's Party in Finland. Haglund has been a member of the Swedish Assembly of Finland since 2001. Currently he chairs his party group in the Assembly. Besides politics he has been actively involved in different fields of the Swedish-speaking media in Finland - being himself a journalist and editor of several newspapers. Before becoming an MEP he held the post of the State Secretary in Finland responsible for culture, sport, youth and equality matters. Currently he is an active member of the Budget Committee in the European Parliament.

The Intergroup meets in Strasbourg on a monthly basis, with additional *ad-hoc* meetings in Brussels. In conjunction with these, the Intergroup arranges meetings with relevant policy-makers, academic experts and non-governmental organisations. Intergroup events serve to share information and help draw up strategies and policies that promote minority interests. The Intergroup focuses on specific ongoing topics and problematic issues relating to minority rights

in Europe. Through its own network of contacts the Intergroup maintains relevant, up-to-date information on the situations and realities that affect the different national and linguistic minorities in Europe. The Intergroup keeps the European institutions updated on minority issues and by submitting written and oral questions reminds Commissioners of the importance of keeping these on the European agenda. Intergroup meetings may lead to the issuing of joint statements on certain issues which are released to the press.

## Challenges for the future

The new EU architecture of fundamental rights, established by the coming into force of the Charter of Fundamental Rights and the Lisbon Treaty, has resulted in some progress in the potential to protect and promote national minority and linguistic rights.

*Kinga Gál Co-Chair, Kata Eplényi and Davyth Hicks, who worked as a Secretariat for the Intergroup*



## *Relevant paragraphs in the Lisbon Treaty and in the Charter of Fundamental Rights*

### *Article 2 of the Preamble of the Lisbon Treaty*

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

### *Article 21 of the Charter of Fundamental Rights*

#### Non-discrimination

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.
2. Within the scope of application of the Treaty establishing the European Community and of the Treaty on European Union, and without prejudice to the special provisions of those Treaties, any discrimination on grounds of nationality shall be prohibited.

### *Article 22 of the Charter of Fundamental Rights*

#### Cultural, religious and linguistic diversity

The Union shall respect cultural, religious and linguistic diversity.

Article 2 of the Preamble of the Lisbon Treaty and Articles 21 and 22 of the Charter have become reference points in the protection of minority rights at the community level. However, it should be emphasized that the Charter binds Member States or Community institutions only if they are implementing community law.

Therefore, the European Commission has no mandate to act in those cases which do not fall under community competence and belong to the sovereignty of Member States. The protection of national minorities and regional languages fall under Member States' competence. Thus in cases of infringements of, for example, language rights committed by Member States, the European Union cannot act directly. The Commission can act only if community regulations and directives are violated by the same legal act. However, basic EU values and principles have to be safeguarded while existing best practices should be strongly recommended by the European Commission.

By coincidence the coming into force of the Lisbon Treaty preceded the Intergroup's establishment by a matter of days. The Intergroup's cross-party statement issued at the time reflects these new opportunities.





The Intergroup statement on the Lisbon Treaty declares that *"the Intergroup looks forward to the development and implementation of autochthonous national minority and linguistic rights in the EU and its Member States. It welcomes the opportunity to work with the Commission and Council in establishing binding, meaningful legislation for national and linguistic minority protection in Europe."*<sup>7</sup>

Kinga Gál had also proposed a new approach of bringing the various relevant institutions, such as the Council of Europe, the OSCE, the European Commission, the Fundamental Rights Agency, the relevant bodies of the UN, as well as the civil society and research institutions working in the field, to set up an intra-institutional framework, and to use the Intergroup as the platform and forum to work on national and linguistic minority issues.

One of the first actions of the Intergroup was a joint letter sent to the President of the European Commission, Jose Manuel Barroso, in which the Members welcomed the intention to create a new portfolio within the Commission dealing only with Fundamental Rights. Furthermore, the Intergroup requested the appointment of a special officer for national minorities, constitutional regions and regional languages within this new portfolio. The same was directly requested by Kinga Gál in form of an oral question to the President of the Commission in the November Plenary 2010. The Intergroup considers it a success that there is a member in the Cabinet of Commissioner Reding who is also responsible for the 'rights of people belonging to minorities'. In 2011 the Intergroup also sent a joint letter to Jose Manuel Barroso, signed by 25 Intergroup Members, which calls on the President of the European Commission to discuss the rights of national and linguistic minorities and EU protection.

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<sup>1</sup> Resolution on a Community charter of regional languages and cultures and a charter of rights for ethnic minorities – "Arfé report"; 16 October 1981, OJ C 287, 9.11.1981, p. 106.

<sup>2</sup> Resolution on the languages and cultures of regional and ethnic minorities in the European Community – "Kuijpers resolution"; A2-150/87, 30 October 1987, OJ C 318, 30.11.1987, p. 160.

<sup>3</sup> Resolution on linguistic and cultural minorities in the European Community – "Killilea report"; A3-0042/94, 9 February 1994, OJ C 61, 28.2.1994, p. 110.

<sup>4</sup> Resolution with recommendations to the Commission on European regional and lesser-used languages – the languages of minorities in the EU – in the context of enlargement and cultural diversity; P5\_TA(2003)0372:

<sup>5</sup> Gál 2009, 73.

<sup>6</sup> See the list of the Members in the Annex.

<sup>7</sup> See the whole Statement on the Lisbon Treaty in the Annex.





# CHAPTER II

Working with European and international level institutions, the intra-institutional approach





*Kinga Gál and Professor Dr. Rainer Hoffman, the Chief of the Framework Convention Advisory Committee*

*Meetings between 2009 and 2011: the Commissioner for Education, Culture, Youth and Sport, Androulla Vassiliou; the Cabinet of the Commissioner for Justice, Fundamental Rights and Citizenship, Viviane Reding; the Director of the Fundamental Rights Agency (FRA), Morten Kjaerum; the Council of Europe (Alexey Kozhemyakov, Head of the Secretariat of the Council of Europe's European Charter for Regional or Minority Languages (ECRML); Professor Stefan Oeter, Head of the Charter's Committee of Experts; Professor Dr Rainer Hofmann, chief of the Advisory Committee of the Council of Europe's Framework Convention for the Protection of National Minorities (FCNM), and Michele Akip head of the FCNM Secretariat; Agnieszka Szklanna, Secretariat of the Parliamentary Assembly of the Council of Europe); the OSCE High Commissioner on National Minorities, Knut Vollebaek; Luciano Caveri from the Committee of the Regions; Project manager of the UNESCO's Convention for the Intangible Cultural Heritage; and representatives of the European Centre for Minority Issues (ECMI) the European Academy (EURAC) as research centres, the language NGO EBLUL, and the governmental organisation the NPLD.*

From the outset the Intergroup set itself the task of bringing the main stakeholders from the European institutions, international organisations, academics and NGOs together to work with the Intergroup on the topic of national and linguistic minorities. The aim of the intra-institutional strategy is to make the

Intergroup the chief forum for the national and linguistic minority issue at the EU level. Subsequently, for the first year of Kinga Gál's mandate as Co-Chair of the Intergroup, meetings were held with the representatives of these institutions and organisations.

*"They described the potential in terms of rights presented by the Lisbon Treaty and the Charter of Fundamental Rights is a 'revolutionary situation'."*

*Members of the Intergroup listening to the Commissioner for Education, Culture, Multilingualism and Youth*





# EU Institutions

The meeting with **Commissioner Reding's** Cabinet in February 2010 discussed what the Lisbon Treaty provides for national and linguistic minorities. The speakers described the potential in terms of rights presented by the Lisbon Treaty and the Charter of Fundamental Rights as a 'revolutionary situation'. They also confirmed that in future all new EU law will be checked against the Charter using impact assessment criterion. The November 2010 meeting with **Commissioner Vassiliou** focused on language issues which are discussed in the language chapter, but she also spoke about the Lisbon Treaty and the Charter of Fundamental Rights and how any actions undertaken under the Charter were restricted to when EU law was being implemented.

Morten Kjaerum, the Director of the **Fundamental Rights Agency** (FRA - [www.fra.europa.eu](http://www.fra.europa.eu)), presented the Agency's draft report<sup>1</sup> on minorities to MEPs, inviting them to give input into the draft. The FRA also spoke positively regarding the potential of the Lisbon Treaty and the Charter of Fundamental Rights to protect national minorities and how it has put the term 'national minority' into EU law for the first time. The Director welcomed the Intergroup's initiative on institutional cooperation, noting how it was important to think about how Council of Europe, Commission, FRA, and the OSCE can complement each other in their work. He explained that research for their draft minority report had commenced pre-Lisbon, and how in the post-Lisbon scenario there are new opportunities which have opened up, that these should be explored, but at the same time the possibilities should not be overrated.



*Morten Kjaerum the Director of the Fundamental Rights Agency (FRA) and Gabriel Toggenburg FRA Research Officer*

Gabriel Toggenburg, speaking as research officer for the FRA, noted the clear distinction between national minorities and new minorities. Toggenburg emphasised that the EU has an "obligation of protection", which is reinforced because of the minority protection clauses in the Lisbon Treaty and the anti-discrimination clauses in the Charter of Fundamental Rights, and will be further strengthened considering the prospect of the EU ratifying the ECHR. Together these measures have been described as the new EU-wide architecture for human rights. It gives the

*"The EU has an "obligation of protection", which is reinforced because of the minority protection clauses in the Lisbon Treaty and the anti-discrimination clauses in the Charter of Fundamental Rights, and will be further strengthened considering the prospect of the EU ratifying the ECHR."*

*Kinga Gál and the Commissioner Androulla Vassiliou*



Commission, as 'Guardian of the Treaties', the duty to protect Europe's national minorities. However, to date there has been little evidence of these obligations being fulfilled.

In the meeting MEPs emphasised that national minorities need a specific report focusing on their problems. For Intergroup MEPs minorities may be divided into three groups: new migrant, Roma, and traditional minorities, and that clear distinctions should be made between these three categories. Each different minority faces different kinds of problems therefore a

nuanced approach is required that best suits the minority in question. Referring to their current work programme the FRA said that they have to look to see if there is a sufficient EU competence in this area as the EU and FRA mandate concerning national minorities is fairly limited.

In September 2011 Luciano Caveri, Regional Councillor from Valle d'Aosta and a Member of the Committee of the Regions, discussed his Opinion for the **Committee of the Regions** on protecting historic linguistic minorities.

## Organization for Security and Co-operation in Europe



*The EP Intergroup welcomed for the first time the OSCE High Commissioner on National Minorities*

In May 2010 the Intergroup welcomed the OSCE **High Commissioner on National Minorities** (HCNM - [www.osce.org/hcnm](http://www.osce.org/hcnm)), Knut Vollebaek. He underlined how national minorities need a voice both within the EU and outside, and how the Parliament is best placed to take on this role. He emphasised how the 1993 Copenhagen criteria has helped achieve significant results and how the EU has had an impact in this area especially with the enlargement process being an incentive for change. The High Commissioner suggested that the Intergroup could be a kind of EU minority co-ordinator and be the forum to raise minority issues with accession and non-EU states.

The High Commissioner outlined his role as being part of an early warning mechanism designed to prevent conflict before it happens. There exist disturbing tendencies between minorities and majorities and the ever present danger that ethnic conflicts overspill and that minorities become scapegoats. In his opinion this is often compounded by national minorities who often look to co-ethnics for help in a response to

*"The Intergroup could be a kind of EU minority co-ordinator and be the forum to raise minority issues with accession and non-EU states."*



threats from their host state. In addition, he noted how civil society activists have expressed concerns that major players have sold out to strategic interests. On the positive side he noted how the enlargement process is an incentive for change, with the new initiatives for national minorities in Croatia and Serbia bearing witness to that. It was suggested that the HCNM should have a broader remit enabling him to act to prevent discrimination and conflict before it happens, for example, with Corsica and Brittany. It was noted that there are many situations where there is no actual conflict but where there are severe problems. Specific

questions were also raised over the Hungarians in Slovakia and how the HCNM can help there.

The High Commissioner said that his mandate is for conflict prevention, not human rights, and underlined the objective of integration of national minorities without assimilation. One of the main problems is with States not following up on their obligations and in this situation the EU is a positive force. His task is to assess *"where the fire could start"* and for MEPs to consider that the OSCE has to cover 56 states including central Asia, and actual conflicts such as in Kyrgyzstan.

## Council of Europe Institutions

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The two benchmarks for linguistic and national minority protection in Europe remain the Council of Europe's European Charter for Regional or Minority Languages (ECRML) and the Framework Convention for the Protection of National Minorities. The Intergroup has always had a close relationship with the Council of Europe in this regard, but between 2009 and 2011 the Intergroup has developed the relationship whereby the Secretariats of both the Language Charter and the Framework Convention have a proactive input into the Intergroup's work.

The **Language Charter Secretariat** regularly attends all the Intergroup meetings and to further consolidate the close cooperation they have proposed joint activities such as: regular reporting on ECRML monitoring; detailing progress with ratification; holding an exchange of views with the President of the Committee

of Experts of the ECRML; a presentation of the ECRML's annual report; and identifying new challenges. Partly as a result of these proposals Professor Stefan Oeter, President of COMEX, spoke to the Intergroup in September 2011.

The **Framework Convention Secretariat** highlighted how the five-year cycle of reports has resulted in a continuous dialogue between the State and the national minority. Continuing problems remain however, such as the lack of definition for the term 'national minority', and that the language of the FCNM gives States escape clauses from obligations over access to education, media and place-names, for example. Krzysztof Zyman from the Secretariat noted the importance of DH Min<sup>2</sup> as an interface between States and the Council of Europe. A close working relationship with the Intergroup was welcomed, as well as some discussion of the EU ratifying the FCNM.

In September 2010 the Intergroup welcomed Professor Dr. Rainer Hoffman, chief of the Framework Convention Advisory Committee, and Michele Akip head of the FCNM Secretariat. Professor Hoffman underlined the important contribution of NGOs and the close co-operation of the Intergroup to the work of the FCNM. He encouraged NGOs and MEPs to continue in their work of providing information and data to the Advisory Committee, and contributing to

its regular state reports. At the European level Professor Hoffman's presentation summed up many of the problems facing national minorities and offered numerous insights as the Convention continues to be implemented in most EU member states. The Framework Convention has had a positive impact for national minorities in EU accession states because the Convention sets a benchmark for those states to meet before they join. Most of the 39 Council of Europe Member States have ratified the Convention except for those that have signed but not ratified: Belgium, Greece, Iceland and Luxembourg; neither signed nor ratified: Andorra, France, Monaco, Turkey; and with a special regime for Kosovo.

*"Framework Convention has had a positive impact for national minorities in EU accession states, because the Convention sets a benchmark for those states to meet before they join."*

Professor Hofmann listed some of the FCNM's achievements, for example, the creation of a treaty-based mechanism to address majority/minority situations with a potential for destabilisation and conflict. Additionally, there has been an overall improvement in the legal protection of minority rights as human rights as a result of additional treaty law coupled with an international monitoring mechanism. For Professor Hoffman the main shortcomings of the FCNM

have been a lack of success in preventing ethnicity-based violence such as in the Balkans and the Caucasus; that not all EU Member States had ratified; and the double standards issue where 'new' EU states have to satisfy the Copenhagen criteria and ratify the FCNM, while not all of the 'old' states have done the same. Furthermore, there are shortcomings in the monitoring procedure in terms of duration (such as late reporting), the insufficient participation of minorities, a lack of transparency, and continuing problems ensuring the protection of the Roma. In addition, a 'revealed' problem is the integration of new minorities.

Professor Hoffman recommended that States should support measures for national minorities. Referring to the Lisbon Treaty and the negotiations for the EU to join the European Convention of Human Rights (ECHR), it was raised that EU law could now be used to set the standard on national minority protection. The FCNM Secretariat is now planning for new thematic reports on the effective participation of national minorities.

*Academics from EURAC and ECMI presented the 2009 European Yearbook on Minority Issues*



# Cooperation with research institutions and NGOs



The European Centre for Minority Issues (ECMI - [www.ecmi.de](http://www.ecmi.de)) is a research centre based in Flensburg and the European Academy (EURAC - [www.eurac.edu](http://www.eurac.edu)) is a research centre based in Bozen, South Tyrol. These centres produce essential research work on national minority issues and the European Yearbook on Minority Issues (EYMI). The Federal Union of European Nationalities (FUEN -

[www.fuen.org](http://www.fuen.org)) has been a close partner of the Intergroup during its work, as well as with the members of the former European Bureau for Lesser Used Languages (EBLUL), the representatives of the Network to Promote Linguistic Diversity (NPLD - [www.npld.eu](http://www.npld.eu)), and the Mercator Research Centres. The meetings with these organisations will be discussed under language issues.

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<sup>1</sup> The final version of the report 'Respect for and protection of persons belonging to minorities 2008-2010' is available here: [http://fra.europa.eu/fraWebsite/research/publications/publications\\_per\\_year/2011/pub-respect-protection-minorities\\_en.htm](http://fra.europa.eu/fraWebsite/research/publications/publications_per_year/2011/pub-respect-protection-minorities_en.htm)

<sup>2</sup> DH-Min or to give it its full title, the Committee of Experts on Issues relating to the Protection of National Minorities, is an inter-governmental committee of experts on national minority issues, established by the Committee of Ministers of the Council of Europe and acting under the aegis of the Steering Committee for Human Rights (CDDH).

# CHAPTER III

Identified problem areas  
for national and  
linguistic minorities





Tamás Korhecz, the President of the Hungarian National Council and the Co-Chairs



The following section discusses the main problem areas for national and linguistic minorities, which were raised during the TMNCL Intergroup meetings from second half of 2009 to the end of 2011. The examples and case-studies mentioned in this book do not cover every minority related concerns, and can not be considered as exhaustive. Rather than simply mention meetings chronologically the aim was to arrange the subjects thematically and examine the main issues and concerns raised. Therefore, the first chapter discusses language issues, the second education, the third media, and the fourth looks at political participation and other political issues.

## Language and Education Issues

*Main issues covered between 2009 and 2011: meetings with the Commissioner for Education, Culture, Multilingualism and Youth, Androulla Vassiliou; exchange of views with a Member of the Committee of Regions; meetings with the representatives of the Council of Europe, from the European Charter for Regional or Minority Languages, from the Framework Convention for the Protection of National Minorities and from the Parliamentary Assembly of the CoE; the case studies covered the Slovak language law, the non-recognition of the concept of 'national minority' or minority languages, and problems for regional languages in France (Breton), in Spain (Valencia, Balearic Islands, Galicia and Catalonia), in Greece and in Friesland, and Sámi language endangerment; the situation of Slovenian schools and bilingual signs in Italy, school-funding in the Danish-German border region, Hungarian higher education in Romania; furthermore meetings with the UNESCO Intangible Cultural Heritage (ICH), the EBLUL-EuroLang and the Network to Promote Linguistic Diversity (NPLD).*

Using the definition of the European Charter for Regional or Minority Languages there are approximately 60 regional or minority languages in Europe. Approximately 50 million people, 10% of the European Union, speak a minority language. Regional or minority languages are spoken in almost all European countries. The importance of the use of and education in the mother tongue for national and linguistic minorities cannot be stressed enough. First

and foremost for minorities to maintain and develop themselves it is vital that their schoolchildren are taught their language, culture and history. Mother tongue education, in the medium of the regional or minority language, is widely seen today as best practice in language maintenance and regeneration. Several Intergroup case studies underlined and gave current examples of this highly important issue.



## Exchange of views with Commissioner Vassiliou

Commissioner Vassiliou's presentation to the Intergroup in November 2010 summed up much of the progress that has been made from a European perspective. However, the debate that followed high-

*"Besides the official Member state languages there are 60 regional and minority languages in Europe, each of them part of our heritage and each cherished. We are committed to a multilingual Europe, it opens doors leading to greater opportunities."*

lighted many of the continuing problems in the field. The Commissioner for Education, Culture, Multilingualism and Youth described the Intergroup, as "Europe at its best." She continued that, *"Unity in Diversity is a pre-eminent EU project that includes linguistic diversity. Besides the official Member state languages there are 60 regional and minority languages in Europe, each of them part of our heritage and each cherished. We are committed to a multilingual Europe, it opens doors leading to greater opportunities."*

Ms Vassiliou informed the Intergroup that a substantive amount of Euros are spent yearly on language orientated projects, and that since 2004 regional and minority languages have been on an equal footing with official languages. She outlined the Commission policy on regional and minority languages whereby, using its programmes, the Commission encourages students to learn their neighbour's language and to raise awareness of people to learn regional and minority languages. The speakers of regional and minority languages are a "precious asset" because they are bilingual and because they represent the Barcelona objectives of 'mother tongue-plus-2', adding that *"regional and minority language communities can act as bridges between peoples"*.

The Commissioner assured members that regional and minority languages will continue to be an important part of Commission funding for the future; that the Commission intends to ensure that language will have a central place and to increase the language budget;<sup>1</sup> and the importance of equipping young people with language skills. *"The EU is an ambitious project,"* she concluded, *"it is our openness to languages and cultures which oils the wheels of the Union."*

According to the Commissioner the legal base provided by the Treaty gives the EU a supporting role in education and training policies. The Decision of the European

Parliament and the Council establishing the Lifelong Learning Programme (LLP)<sup>2</sup> states as a general objective the promotion of language learning and linguistic diversity. The LLP provides support for language projects, and all languages are eligible. Its Key Activity "Languages" of the transversal programme allows for the funding of multilateral projects and networks to promote linguistic diversity. The Commission sees

*"The speakers of regional and minority languages are a precious asset because they act as bridges between peoples."*

*Meeting with the Commissioner for Education, Culture, Multilingualism and Youth*



this as a considerable improvement as far as regional and minority languages are concerned. They are now on an equal footing with the official languages according to the Commissioner. For the first time, they are even given priority in the selection of projects for funding. The Commissioner continued that under Key Activity 2 on languages<sup>3</sup>, particular priority has been given in the last three years to projects and networks aimed at sustaining and increasing the vitality of lesser-used European languages. Multilingualism is a transversal Community policy and financial support for projects promoting linguistic diversity is also available through other programmes and instruments in the fields of Research, Culture, MEDIA, Civil Society and the Structural Funds. This means that regional and minority languages can benefit from a wide range of funding opportunities through EU programmes. The Commission considers that it fully supports regional and minority languages within the scope of its competences. It intends to continue to do so in the context of the new generation of programmes for education 2014 and beyond.

The issue of the Slovak State Language Law was also raised and what, if anything, could the Commission do about it. The Commissioner said that Lisbon Treaty re-affirms diversity and pledges to protect diversity, but that national language policies remain under the jurisdiction of the state. While the Article 21 of the Charter of Fundamental Rights prohibits any discrimination on the grounds of language, the Charter for Fundamental Rights only applies when implementing EU law, meaning that the Commission does not have the competence and is therefore limited in its ability to act. Referring to the recent Venice Commission recommendations that certain measures in the language law should be examined and possibly revised, she underlined the Commission's expectation that the Slovak Republic takes "*due consideration of the law and acts with caution and flexibility*". She added that the

Commission is watching developments carefully to see if the language law situation comes under EU law.

The theme of the lack of EU official status for some regional and minority languages such as Catalan and Basque raised specific questions from MEPs. The Commissioner underlined that the recognition of the official languages of the EU is the sole responsibility of Member States. This recognition is governed by Regulation n° 1/1958 of the Council. This Regulation, adapted after each enlargement, lists in its first Article the official languages of the European Union. It needs unanimity for adoption or modification by the Council, and requires no proposal from the Commission. She added that in 2005, the Commission concluded an administrative agreement with the Kingdom of Spain setting out the conditions under which people in Spain may address written communications to the Commission and receive replies in any of the co-official languages in Spain (Basque, Catalan and Galician). The Commissioner underlined that regarding the use of Catalan in the EP, this is for the Parliament to decide, and that the Commission cannot influence that.

Regarding endangered languages the point about the needs for a simplification for grant applications was raised. The change of criteria for pre-funding, and a lowering or removal of thresholds for grants would be essential so that small NGOs from these endangered language communities are able to apply. Furthermore, the language NGO EuroLang recommended that a special budget line or action fund should be established (e.g. within the Lifelong Learning Programme) which would directly fund endangered language projects. None of these proposals would entail extra costs, only the re-allocation of existing funds. Smaller language communities need direct micro-funding for school books, basic teacher training, and the provision of immersion education.

*"The Intergroup will work with the Commissioner to more fully explore the possibilities offered by the new framework of human rights in Europe, in terms of the Lisbon Treaty and the Charter of Fundamental Rights for the protection and promotion of regional or minority languages, and to work towards ensuring that these EU standards against discrimination on the grounds of language are applied. ... The Intergroup looks forward to continuing and enhancing our close cooperation and working relationship, a relationship that works to seek solutions and to work towards a harmonious co-existence between national minority communities and majorities, acknowledging each others rights to own cultural identity and each others values (history, languages and cultural heritage)." Excerpts from the Intergroup statement, November 2010.*

## Exchange of views with a Member of the Committee of Regions

Member of the Committee of the Regions (CoR - [www.cor.europa.eu](http://www.cor.europa.eu)) and former MEP, Luciano Caveri discussed his recently adopted Opinion<sup>4</sup> of the CoR on protecting historic linguistic minorities in September 2011. The Opinion calls for a specific EU policy on linguistic minorities that is adequately funded and underpinned by a legal basis. His presentation calls for concrete steps to prohibit language based discrimination, and for specific policy on linguistic minorities that is adequately funded and underpinned by a firmer legal basis within the EU. At the meeting his proposal for a broad ranging EU directive was seen as overly ambitious, but a targeted initiative to prohibit the discrimination on the grounds of speaking minority or regional languages would be achievable, at least in the long term.

Caveri's Opinion recommended *"that minority or regional languages become an integral part of Union policies, programmes and cross-cutting priorities, with special reference to policy on the audiovisual sector, education at all levels, the cultural sector and*



*Luciano Caveri Member of the Committee of the Regions, Rapporteur of the Report on 'Protecting and developing historical linguistic minorities under the Lisbon Treaty'*

*language learning, together with policy on territorial cooperation, regional development, the tourism sector and youth exchanges".* Furthermore, Caveri's opinion proposed that the Commission and consequently the Council that, in the forthcoming programming period, minority and regional languages play an appropriate part, in the context of regional policy, in the next framework programme on research, in the Culture and MEDIA programmes, and in programmes in the cultural, educational and training sectors, and in particular in the action programme on lifelong learning, and that the same should apply in areas such as the Structural Funds and the Digital Agenda.

## Exchange of views with the Representatives of the Council of Europe

One of the main problems of the **European Charter for Regional or Minority Languages** (ECRML - [www.coe.int/minlang](http://www.coe.int/minlang)), confirmed by Alexey Kozhemyakov, the Head of the Secretariat of the ECRML at the meeting in January 2010, is the lack of EU members on the Charter. So far only 16 EU Member States<sup>5</sup> have ratified the Charter, despite ratification being an obligation for EU membership under the Copenhagen criteria. Agnieszka Szklanna from the **Parliamentary Assembly of the Council of Europe** (PACE - [www.assembly.coe.int](http://www.assembly.coe.int)) also noted the lack of ratifications by European Union member states on her visit to the Intergroup in April 2011. Recently PACE had put out a new call to all EU member states to ratify the Charter. Those not ratifying included France, for example, where in February 2011 the government voted against a planned law on regional languages<sup>6</sup>, while Italy pointed to problems over a lack of compatibility with internal legislation before they would be able to ratify it.

Perennial problems remain the delayed reporting from States and the fact that the Council of Europe cannot compel states to implement the Charter. Furthermore, the recommendations of the **Committee of Experts** (COMEX)<sup>7</sup> of the ECRML do not amount to a legal obligation. Even in those countries where the Charter has been ratified, there are problems with implementation. This last fact has resulted in three cycles of Reports passing by with no change in the situation for language minorities. MEPs also noted the time lag between the ECRML reporting mechanism and the situation on the ground with the Slovak language law, and the rapid deterioration in the minority situation there.

Regarding the Slovak Language Law, it was pointed out that the last monitoring report on Slovakia was completed before the language law had been passed, and therefore it was not commented on in the Report. The Head of the Secretariat said that the CoE's aim is to minimise the politics in the issue and that the CoE's more technical approach can give more positive results, while admitting that the issue is challenging and complicated.

Clearly, the ECRML, perceived as relatively weak as a legal instrument, remains a mainstay for language rights while Lisbon and the Charter of Fundamental Rights have yet to prove themselves as tools of protection. Professor Stefan Oeter, chair of COMEX, confirmed this observation and added that it is the Copenhagen criteria, of which the ECRML is a part, that continues to be the most effective form of regional and minority language protection for the countries in the accession process.

In his presentation in September 2011 Professor Oeter described the ECRML as being successful in general standard setting and helping many languages that otherwise would have remained under threat. However, he also underlined continuing problems, especially the implementation gap from when a state

*"NGOs should be more outspoken in protecting their languages and feel free to name and shame offending states."*

first ratifies to actually having the measures implemented. Low German was given as an example, where, despite ratification, it was nearly 12 years before the Lander regional government took action. He added that *"NGOs should be more outspoken in protecting their languages and feel free to name and shame offending states"*. For Professor Oeter Charter implementation remains a *"mixed picture, there are serious problems, even where there is political goodwill"*.

Professor Hofmann, the President of the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM - [www.coe.int/minorities](http://www.coe.int/minorities)), also mentioned linguistic rights in his talk at the meeting in September 2010 and described the “chilling” effect that some state legislation has had on national minority languages, such as Hungarian in Slovakia. Such behaviour is incompatible both with the FCNM and European norms, and often adversely affects neighbourhood relations.

In 2009 the Parliamentary Assembly of the Council of Europe adopted several reports on national minority protection and basic standards and concerning additional protocols to the European Convention on Human Rights (ECHR) for national minorities, but these are often just political documents, as the Committee of Ministers only “takes note” of PACE reports. Agnieszka Szklanna in her presentation in April 2011 focused on the Berényi Report<sup>8</sup> adopted at the end of 2010. Its main objective was to promote ratification of the ECRML, which so far has only been ratified by 25 Council of Europe (CoE) Member States. The Report discussed many of the problems with current ECRML implementation. In the process of finalising the report questionnaires were sent out to Member States, the completed questionnaires contained some interesting comments from States, for example Lithuania, France and Latvia only “admitted” that they had regional and minority languages in their territories.

*“The Language Charter is a unique instrument and that it would be useful, if states could exchange best practice on ECRML implementation.”*

Overall there was still a lot of work to do both with ratification and with implementation.

Several good examples were given where the ECRML had even been used in domestic legal proceedings: Hungary, Czech Republic, Cyprus, Finland, Sweden, mostly with reference to education and public services. There were other examples of the ECRML being used in political debate over implementation, such as in the Czech Republic, Finland, Sweden and Germany (e.g. over Sorbian secondary schools). According to Ms Szklanna the Language Charter is a unique instrument and that it would be useful if states could exchange best practice on ECRML implementation.

*Professor Stefan Oeter, the Chair of the Committee of Experts of the Council of Europe Language Charter (ECRML)*



## Exchange of views with the UNESCO representative on the Intangible Cultural Heritage Convention (ICH)

In June 2011 the UNESCO project manager Frank Proschan spoke to the Intergroup about the **Intangible Cultural Heritage Convention** (ICH - [www.unesco.org/culture/ich](http://www.unesco.org/culture/ich)) describing the functioning of the ICH in detail, how there have been rapid ratifications by States, but how some states such as the UK, Germany and Finland had still not signed up. The ICH is innovative because it recognises the

importance of communities, collective rights, and depends on communities themselves to define their cultural heritage rather than States deciding. Once a State has signed up to the ICH it is obliged to create institutions that will facilitate safeguarding of the specified cultural item.

UNESCO had met with problems from some States who were against the ICH including languages. The situation led to some ambiguity in what is defined as intangible cultural heritage in the Convention so as to allow for language projects. Proschan also noted how joint nominations from states and disfavoured peoples had a priority and how this could be used for heritage projects for the Kurds or the Roma, for example. Proschan also pointed out how Corsica was successful in levering State resources to aid a Corsican project which has helped cultural transmission.

*"The ICH is innovative because it recognises the importance of communities, collective rights, and depends on communities themselves to define their cultural heritage rather than States deciding."*

Exchange of views with Frank Proschan project manager, representative of the UNESCO Intangible Cultural Heritage Convention (ICH)





## Exchange of views with regional or minority language governmental and non-governmental organisations

Dr. Davyth Hicks (co-author) discussed the work of **European Bureau for Lesser-Used Languages** (EBLUL) and EuroLang (www.eurolang.net) and gave the NGO perspective on the problems facing regional and minority language communities in February 2010. EBLUL was set up in the 1980s with the backing of the European Parliament, funding from the Commission, but closed its EU level offices in January 2010 because of lack of funding.

EBLUL was a non-governmental organisation that was set up to promote linguistic diversity and languages, and to represent the 10% of EU citizens who speak a regional or minority language. It was founded in 1982. The organisation had close ties with both the European Parliament and the Council of Europe, and was funded by both the European Commission and local and regional governmental organisations. For 25 years EBLUL worked successfully to promote lesser used languages and linguistic diversity, helping to set up the first EP Intergroup, safeguarding many endangered languages, raising awareness, and ensuring that the issue stayed on the agenda of the EU institutions.

*"The current static situation in Europe for our lesser used languages shows that there is a continuing need for an NGO that can act to intervene, to inform, and to persuade on behalf of Europe's linguistic minorities."*

However, the majority of its member organisations gave EuroLang, set up as an NGO in its own right, the mandate to continue representing them while a new network was set up. In July 2011 a new civil society network the European Language Equality Network (ELEN) was launched comprising most former EBLUL members, EuroLang, and individual language NGOs from across Europe. According to Hicks, "the current static situation in Europe for our lesser used languages shows that there is a continuing need for an NGO that can act to intervene, to inform, and to persuade on behalf of Europe's linguistic minorities."

NPLD is a pan-European network which encompasses constitutional, regional and smaller-state languages to promote linguistic diversity in the context of a multilingual Europe. The Network will build upon the existing structures that are in place to promote constitutional, regional and smaller-state languages in Europe. The objectives of NPLD are to share and exchange best practice and experience (via study visits, seminars and conferences), to set up projects in language development and to influence EU policy and decision making in the field.

The **Network to Promote Linguistic Diversity** (NPLD - www.npld.eu) brought a useful discussion to the Intergroup in February 2011. The Chair of the NPLD, Meirion Prys Jones, outlined that the network gathers together the language planning boards and departments of Member-States (e.g: Ireland, Estonia) and autonomous jurisdictions (Wales, Catalonia).

The NPLD noted that *"language communities often face similar problems, but are on different points on the axis"*. One of the difficulties facing all regional and minority languages is that it is likely that there will be no

funding of any regional and minority languages projects from the Commission's Lifelong Learning Programme for the next financial term. The NPLD aims to influence the decision-makers in the Commission to benefit regional and minority languages projects before the completion of the next financial framework.

The meetings with the EBLUL, Eurolang, and the NPLD also illustrated the serious problems with EU-funding. Many NGOs see 2004 as the high tide for language rights in the EU. At this time the Commission, following the Parliament's Ebner Report, allowed for all European regional or minority languages to apply for EU

language project funding, from which up until 2004 they had been excluded. A further difficulty is that small regional and minority language NGOs have to compete with large, state-funded language organisations for language project money. Their lack of resources in terms of financial and operational capacity and the problem of co-funding puts EU language pro-

*"There needs to be administrative simplification over grant applications proportionate to grant size, a change of criteria for pre-funding, and a lowering, or preferably a removal, of thresholds for grants to make it easier for small NGOs from endangered language communities to apply."*

ject funding beyond the reach of most small regional and minority language NGOs. As the recent Report from the NGO Platform for Multilingualism<sup>9</sup> has recommended there needs to be administrative simplification over grant applications proportionate to grant size, a change of criteria for pre-funding, and a lowering, or preferably a removal, of thresholds for grants to make it easier for small NGOs from endangered language communities to apply. The SMiLE Report<sup>10</sup> issued in 2002 showed that regional and minority language speakers, while comprising 10% of the EU population, received 5% of EU language project funding. This was seen as inadequate at the time. However, compared with today's projection that in 2012 regional and minority language projects will receive almost no funding, it illustrates the decline in real terms of EU support for regional and minority languages.



*Davyth Hicks from Eurolang discussed the work of the European Bureau for Lesser-Used Languages*

# Case Studies

The Intergroup featured several case studies from EBLUL France focusing on Breton, Occitan and Alsatian, on Catalan in the Balearic Islands and in the Valencia region, and on Galician and Frisian, as well as on several occasions the Slovak Language Law. While each language has a specific linguistic situation many MEPs were disappointed to hear about the lack of progress and regressive measures that many language communities are experiencing. An overall theme that emerges is one of the lack of



*József Berényi, President of the Hungarian Coalition Party from Slovakia*

implementation of existing measures such as the Language Charter (ECRML) or with state policies that have the effect of jeopardizing regional languages.

## Slovak Language Law

A repeatedly raised issue during the Intergroup meetings was the case of the new Slovak Language Law, which was adopted by the Slovak Parliament on June 30<sup>th</sup> 2009, and which approved amendments to the already existing Law on the State Language (Act No. 270/1995) which came into force on September 1<sup>st</sup> 2009. The amended law restricts the use of other languages other than Slovak and adds punitive measures with heavy fines for using the minority language or incorrect language use, thereby possibly criminalizing members of national minorities over language use and discriminating against citizens on the basis of

their language use and ethnic origin. Because of the discriminatory approach of the Law the OSCE High Commissioner on National Minorities had to intervene. Despite some amendments to the law by the government the problem remains with a provision for punitive measures to be taken against people not using Slovak in the public sector. Besides the overt effect of having punitive measures, there is also a longer term covert effect whereby the minority language, for example Hungarian, is becoming stigmatised within the minority population. The law may appear unclear to many and some reports indicate that people will feel discouraged from trying to use Hungarian. It means that a whole linguistic domain, in this case usage in the public sector, is being eroded from general use by minority language speakers.

## Languages in the French state

For its July 2011 meeting the Intergroup listened to EBLUL France ([www.eblul-france.eu](http://www.eblul-france.eu))<sup>11</sup> and the Breton NGO Kevre Breizh ([www.kevre.over-blog.com](http://www.kevre.over-blog.com)). Discussion focused on the discrimination faced by regional language speakers in France. The lack of a legal base for regional languages which means that there is a constant questioning over the teaching of these languages, and where, according to the representative of EBLUL France, this lack of status means that a bilingual sign in French and Occitan was deemed a risk to public security. Furthermore, the

addition of regional languages as being "part of France's heritage" to the Constitution when tested legally (in May 2011) was revealed to "mean nothing" according to a court. The language law proposal led by deputy Armand Jung, which had an obligation for regional language teaching, was branded as not compatible with the French constitution. In the Alsace, for example, it is forbidden to advertise for someone with a knowledge of a regional language for a job requiring that language as it would be 'discriminatory' against French speakers. Similarly, a Breton language crèche had its public subsidies stopped because it used Breton. The delegation called for all national and linguistic minorities in Europe to have the same rights and noted the recent exchange with Commissioner Reding over the Breton complaint<sup>12</sup>.

## Catalan language use, Valencia, Balearic Islands

Oriol Junqueras MEP (EFA), the Vice-Chair of the Intergroup in his presentation in May 2010 pointed out that there are around 12 million Catalan speakers, Catalan is the tenth most used language in the EU,

and tenth most used language on the internet. In contrast it is a 'hidden' language in the European Parliament. In 2011 a major controversy has arisen over Catalunya's language immersion policy with the autonomous government having to defend it from court action. On the invitation of Oriol Junqueras in June 2010 Professor Ferran Suay, the representative of the Acció Cultural del País Valencia (ACPV - [www.acpv.net](http://www.acpv.net)), spoke about the treatment of Catalan in Valencia. According to him Catalan-medium education is under threat, while Catalan TV3 had been cut off. Júlia López-Seguí from Obra Cultural Balears (OCB - [www.ocb.cat](http://www.ocb.cat)) described the complex situation for Catalan in the Balearic islands. In 1997 a 'Minimum' decree was passed so that at least 50% of education was taught through Catalan, but since then there have been steps taken to undermine it. In addition, visibility for the language is poor with few visitors realising that the islands spoke Catalan.

*Oriol Junqueras, the Vice-Chair of the Intergroup invited the Catalan speakers*



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## Galician language education

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The Galician umbrella NGO Queremos Galego (<http://www.queremosgalego.org>) visited Brussels in April 2010. According to them a new decree, which

reduces the amount of Galician used in schools, is seen as unravelling the gradual progress made with Galician language development. Measures include reducing the amount of subjects taught in Galician from 50% to 33%, introducing English, and disallowing the teaching of maths and science subjects through Galician. Queremos Galego underline that the decree also infringes the Galician Language Normalization Act and Spain's obligations under the ECRML.

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## Frisian

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In January 2011 the Intergroup met with a delegation of Frisian politicians and NGOs who described that, for the third time, the ECRML Committee of Experts had made several recommendations to the Netherlands, such as further decentralisation to Friesland, measures to ensure the use of Frisian in education and the media, more consultation with the Frisian government, and more use of Frisian in court. However, so far the Dutch government has not taken any action on the issue even though in 1998 the Netherlands was one of the first five states who signed and ratified the Language Charter. The delegation described how a shop worker was com-

pelled to use Dutch even though she was working in a 90% Frisian-speaking area, where young parents are advised not to speak Frisian to their children as it 'may damage them', and that while racial discrimination was prohibited, there are no laws against linguistic discrimination. Some children are "losing the language, because they feel that its not useful or being impolite if they don't use Dutch" – said one delegate. Proposals for a language act that would give Frisian equality of status with Dutch were discussed and it was emphasised that many problems could be solved by fuller decentralisation of competences to Friesland so that it could oversee language policy and legislation. The Frisian presentation further underlines the fact that languages that were once thought to be well protected in a supportive member state continue to experience problems.

*The Frisian delegation on the Intergroup meeting*





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## Danish - German border region

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The Intergroup meeting in May 2011 featured the issues faced by the Danish minority in Germany and, similar to the Slovenes, a minority that has relatively good legal protection, but where the State has been failing to implement existing measures. It has led to a situation where there have been transgressions of national minority protection laws that would never have happened 20 or 30 years ago. Mr Flemming Meyer, Member of Schleswig-Holstein Parliament, set the scene describing wide ranging cuts in Schleswig, which were hitting the Danish minority hardest. Danish language schools are now getting only 85% of what German schools receive. The loss of 15% funding leads to job losses and school closures. Mr Olaf Runz, from Skoleforening<sup>13</sup>, added that some of the 47 Danish schools will be lost. The Danish community had been told by German government that if they wanted 100% funding they could go to a German

language school. For Mr Runz such an attitude amounts to a policy of assimilation. The situation has now taken on its own dynamic, he continued, the Federal state has said that it will cover the shortfall with 3.5 million euro, but this will only act as a "sticking plaster" on the problem, meanwhile employees need paying and schools maintaining.

According to the Danish minority representatives the action of the regional government amounts to an abandonment of the principle of equal treatment and established best practice in minority policy. There is a knock-on effect in the EU especially when the region is seen as an example of peaceful co-existence. Discussions are ongoing between the German Government and Danish Foreign Office with Denmark supporting the Danish communities' demands showing how a national minority issue can affect international relations. Currently the situation is worsening, the projected budget for 2012 also includes the 15% budget reduction and a delegation member reported that since the Intergroup meeting one Danish-medium school in Flensburg was closed in September 2011 because of the cuts.

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## Swedish-speaking minority in Finland

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The position of the Swedish-speaking minority in Finland has been good historically and it is often held up as an example of European best practice in minority protection, but some recent developments have weakened its position as a minority. Dr Markus Österlund,

secretary of the Swedish Assembly of Finland, in his speech to the Intergroup in September 2011 presented the "The Action Programme for a Bilingual Finland" written by a group of experts headed by former Finnish president, and Nobel Prize winner, Martti Ahtisaari. One of its main aims was to create a sense of ownership of the Swedish language in Finland, to highlight the benefits of bilingualism, and to show how language was more than just a tool for communication but at the core of people's identity.



The Sámi youth delegation dressed in traditional costumes

## Sámi languages

The Sámi delegation from Sámi Youth (Sáminuorra - [www.saminuorra.org](http://www.saminuorra.org)), visited the Intergroup in October 2011, pointed out that all nine of the Sámi languages are designated as endangered. In Sweden there is little opportunity to learn the languages, coupled with a lack of teachers and an overarching lack of an educational infrastructure to provide

Sámi-medium education. The delegation described their parents as the “lost generation” as they were witness to a breakdown in intergenerational language transmission coupled with no opportunities to learn Sámi at school. The Sámi example portrays the same problem that EBLUL and NPLD had previously mentioned. There are many the tools to regenerate languages, however it is difficult to access EU funding by endangered language organisations, the ones that need funding the most, as they are often unable to meet the thresholds set in the application criteria.

## Slovenes from Italy

The June 2011 meeting of the Intergroup featured a dynamic presentation from the Slovenian Youth organisation (Mladi za Mlade) of Italy. (Slovenes number between 60- 80,000 spread over 36 communities, from Gorica to Trieste.) They illustrated the wide distribution of Slovene medium schools in 1915 in the Trieste and Gorica areas. During the fascist period all the Slovene schools were closed but the 1954 Memorandum of Understanding (MoU)<sup>14</sup> led to the re-opening of all the schools. However, since 2010 a new

problem has arisen following a sharp decline in the number of Slovene schools despite protection by international treaties. The speakers also outlined the many problems facing the existing Slovene schools such as lack of funding, fewer teachers, less pedagogic material, and the need for new school buildings. They suggested that problems could be resolved at regional level instead of a central or state level. They also emphasised that young people are interested in their future but face problems because their grading system is not recognised, coupled with a general lack of resources and no incentives to learn Slovene. *“We love our culture and the place where we live”, said one, “but we want it to improve.”*

*"We love our culture and the place where we live, but we want it to improve."*

During the presentation they also raised the problem of the lack of bilingual signs in the context of the earlier 1954 Memorandum of Understanding between

Italy and Yugoslavia which makes the provision of bilingual signage a requirement. In the 1990s the situation improved a little with bilingual signage at the entrance and exit of villages. In 2001 legislation was passed that created lists of where bilingual signage would be applied, but left out some villages plus most of Trieste.

## Hungarian higher education in Romania

In November 2011 at the invitation of László Tőkés, Intergroup member and Vice-President of the European Parliament, the Intergroup heard from a Hungarian Professor, Attila Brassai, from the University of Medicine and Pharmacy of Târgu Mureş/Marosvásárhely, Romania. The Hungarian community from Transylvania, numbering one and a half million people, have traditionally had their own Hungarian higher education institutions up until 1959. However, today there is no separate Hungarian state university in Transylvania. Along with the long running campaign for the re-establishment of the Bolyai University in Cluj-Napoca/Kolozsvár, the University of Medicine and Pharmacy of Târgu Mureş/Marosvásárhely is a strategically important institution for the Hungarian minority. It can only fulfil its mission of Hungarian-medium medical and pharmaceutical training at the highest level by having independent Hungarian departments. According to the law this is permitted. However, the Romanian leadership of the Medical University, despite university regulations, has rejected the re-establishment of Hungarian departments claiming



*László Tőkés, member of the Intergroup and Vice-President of the European Parliament*

that in its present state the Hungarian Faculty did not comply with the demands of the Romanian University Accreditation Council. Currently, Hungarian minority representatives are calling for the implementation of the law.

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<sup>1</sup> In July 2011 the Commission has announced a 73% increase in the education budget. EU officials assure the authors that this increase will filter down to language orientated projects across the board.

<sup>2</sup> See more: [http://ec.europa.eu/education/lifelong-learning-programme/doc78\\_en.htm](http://ec.europa.eu/education/lifelong-learning-programme/doc78_en.htm)

<sup>3</sup> See more: [http://eacea.ec.europa.eu/llp/ka2/languages\\_en.php](http://eacea.ec.europa.eu/llp/ka2/languages_en.php)

<sup>4</sup> Opinion of the Committee of the Regions on 'Protecting and developing historical linguistic minorities under the Lisbon Treaty.' Rapporteur Luciano Caveri (IT/ALDE), Regional Councillor of the Autonomous Region of Valle d'Aosta. 91st plenary session, 30 June-1 July 2011.

<sup>5</sup> Austria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Luxembourg, Netherlands, Poland, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom have been ratified the ECRML.

<sup>6</sup> See Armand Jung's proposals. [http://r-p-s.info/IMG/pdf/PP\\_L\\_Armand\\_JUNG\\_-\\_Langues\\_regionales.pdf](http://r-p-s.info/IMG/pdf/PP_L_Armand_JUNG_-_Langues_regionales.pdf)

<sup>7</sup> The Committee of Experts is responsible for carrying out the monitoring mechanism provided for by the Charter. Its role is to examine the real situation of the regional or minority languages in each State, to report to the Committee of Ministers on its evaluation of a Party's compliance with its undertakings and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

<sup>8</sup> Report on the European Charter for Regional or Minority Languages (Doc. 12422), 21 October 2010, adopted by the Committee on Legal Affairs and Human Rights, Rapporteur: József Berényi, Slovak Republic - Party of the Hungarian Coalition, Group of the European People's Party.

<sup>9</sup> See more: [http://ec.europa.eu/languages/pdf/civilsocprapport-full-version\\_en.pdf](http://ec.europa.eu/languages/pdf/civilsocprapport-full-version_en.pdf)

<sup>10</sup> SMILE Report: [http://ec.europa.eu/languages/documents/eu-policy-to-protect-and-promote-regional-and-minority-languages-support-report\\_en.pdf](http://ec.europa.eu/languages/documents/eu-policy-to-protect-and-promote-regional-and-minority-languages-support-report_en.pdf)

<sup>11</sup> As an explanatory note EBLUL France functions independently as a NGO separate from the EU level EBLUL. It comprises all the RML language NGOs in the French state, Bretons, Corsicans, Occitans, Flemish, Alsacians, Catalans, Basques, Creole, other languages. See more: <http://www.eblul-france.eu/www/ebulul/>

<sup>12</sup> For the complaint see: <http://kevre.over-blog.com/article-plainte-aupres-de-la-commission-europeenne-53311976.html>

<sup>13</sup> Danish schools association in South Schleswig. <http://www.skoleforeningen.org/>

<sup>14</sup> The 1954 Memorandum of Understanding signed by the UK, USA, Italy and Yugoslavia, designated Slovenian medium schools and Slovene language signage. It was confirmed by the Osimo Treaty of 1975.

# Media Issues

*Main issues covered between 2009 and 2011: discussions with Commissioner Vassiliou over broadcasting rights, Minority Dailies Association (MIDAS) and the importance of minority language newspapers, Catalan TV and re-broadcasting, Rundfunk-Anstalt Sud Tirol (RAS) and the problems in receiving German language media, Sámi media.*

Media is a vital domain for national and linguistic minorities in terms of language maintenance. While some media is in the public domain and thus enabling linguistic minorities to have radio, TV, print and internet material in their language, most media is in the private sector where the problem remains of ensuring that there is provision of media in regional and minority languages. While it may seem obvious to some, without media, internet, TV, radio, films, newspapers and magazines, it is increasingly difficult for the minority to live their lives in their language. This may act to deter the younger generation from using the languages as they perceive that it has little relevance in the 21st century.

The existence of **daily newspapers** in minority and regional languages is crucial, as they play a central role in the life of minority language communities. They provide the vital daily services that national newspapers offer in majority languages, but this is not their only function. They also protect and promote marginalised cultures which in turn help to maintain and extend the scope of their written languages. These publications make minorities visible to the majority which often remains ignorant of them. Further difficulties are the lack of financial support for minority media sources, the lack of visibility in the majority dominated media, the decreasing number of minority readers (because of the decreasing number of the national minority population in most of the cases, and the increasing

use of internet), which might lead to the closure of minority newspapers, and finally the lack of education in minority language journalism.

One area in media that national and linguistic minorities are making progress is on the **internet and with social media**. This growing form of media provision is used by the young especially and driven by the community, and it is encouraging to see the number of websites in lesser-used languages in Europe. Social media, an area where most people are active in, is far more available in lesser used languages than other media. Facebook for example is available in Galician, Catalan, Welsh and Gaelic while Twitter and blog sites can be used in any language (e.g.: <http://indigenoustweets.com/>). Many language communities now have their own online radio stations and as broadband rolls out there will be more online TV

*Toni Ebner, the President of the European Association of Daily Newspapers in Minority and Regional Languages (MIDAS) in Strasbourg*





channels. The developments on the internet show the possibilities and the way forward in providing media for Europe's national and linguistic minorities, and it is an area that the EU should be more active in supporting.

A theme which clearly stands out from the case studies is the problems **with cross-border broadcasting**, a problem that the EU is in a good position to help out with. Moreover, if minority communities are able to

receive media in their own language and if the EU can be without borders in this field it would go a long way in helping solve some of the grievances over access to media held by national and linguistic minorities today.

Clearly, there remains a lot of ground to make up in the domain of media. Media is often a private sector activity and therefore difficult to regulate, let alone bring under EU standards in national and linguistic minority protection.

## Exchange of views with the Minority Dailies Association

MIDAS was formed in the year 2001. It represents 30 minority dailies, which are published on 13 different languages from 14 different countries. The aims of Midas are to coordinate the strategies of minority newspapers and to stimulate cooperation in the areas of information exchange, printing, and marketing; to organise campaigns to promote its member publications; and to obtain support from EU institutions for minority languages and their print media. As nation states still violate minority rights and the freedom of the press, MIDAS, as a network, intervenes to resolve all kinds of conflict in solving minority issues. To serve these functions properly, MIDAS provides opportunities, such as study visit programmes for journalists in order to develop knowledge through the exchange of information and report on minority protection and cultural diversity in Europe.

Mr Toni Ebner, President of the European Association of Daily Newspapers in Minority and Regional Languages (MIDAS - [www.midas-press.org](http://www.midas-press.org)) and editor of South Tyrol's Dolomiten newspaper gave a presentation to the Intergroup in September 2011.

Mr Ebner underlined the successes of the organisation in terms of being an example of best practice and the importance of providing media in regional languages. However, he noted the difficulties that many minority language newspapers face both financially and organisationally. All papers are dealing with a decreasing income from advertisements and economic crises on one hand, coupled with a decreasing number of minority readers on the other, making their survival more and more difficult. Furthermore, the lack of education in minority language journalism makes it difficult to produce high quality material. In some cases newspapers have had to close down such as Galicia Hoxe and the Irish paper Lá. Mr Ebner added that if big Italian newspapers such as Corriere della Sera are backed with EU funds then so should minority language newspapers.

# Case Studies



*The delegation from Rundfunk-Anstalt Sud Tirol, Georg Plattner the Director and Rudolf Gamper the President of RAS with Kinga Gál Co-Chair and Herbert Dorfmann MEP from South Tyrol*

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## Broadcasting problems in South-Tyrol

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A delegation from Rundfunk-Anstalt Sud Tirol (RAS - [www.ras.bz.it](http://www.ras.bz.it)) from South Tyrol, featuring Rudolf Gamper, President of RAS, discussed the restrictions facing minority language broadcasting at the Inter-group meeting in July 2010. Mr Gamper highlighted how FIFA, for example, ensures that broadcasting

rights go to States only and that German media such as ZDF and ARD cannot broadcast in South Tyrol. Mr Gamper pointed out the paradox where free reception via satellite is allowed throughout Europe, but where terrestrial reception (the norm in Italy) is prohibited. RAS wrote to FIFA to ask if South Tyrol could be considered as an overspill area to allow it to receive German language media. FIFA responded that “we regret that we cannot help you with your request as FIFA’s rights are marketed by territory.” Referring to the 2007/65/EC EU Directive that ensures the freedom of TV reception from other member states, Mr Gamper proposed that the 2007 Directive is strengthened with

an added clause making it a right for national minorities to receive broadcasts in their own language from a neighbouring state. FAS also made the interesting proposal that broadcasting rights should not be assigned by state, but by language group. In response the Intergroup agreed to re-visit the topic and look at ways to discuss the issue in the Parliament's Culture Committee.

This question was also raised in the discussion with the Commissioner Vassiliou, whether the Commission

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## Newspaper affected by Slovak language law

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At the meeting in November 2010 MEPs had the opportunity to question Commissioner Vassiliou about a newspaper affected by the Slovak Language Law. The law led to a newspaper being heavily penalised

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## Sami media

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The Sámi youth organisation (Sáminuorra - [www.saminuorra.org](http://www.saminuorra.org)) also highlighted problems with their media not only in that it is underfinanced, but the broader issue that the existing media does not give a Sámi angle on the news and does not criti-

could guarantee the re-broadcasting of sporting events in different languages throughout the European Union and how to ensure that Member States guarantee the freedom of reception of television broadcasts from other Member States in order to not discriminate against the language of national minorities. According to the reply a number of Commissioners were looking at the topic of media rights, copyright, and broadcasting, and are preparing measures for it.

for using Hungarian. Members commented that clearly the law is interfering with economic transactions and hampers cross-border development. Such a punitive measure by the Slovak authorities raises the question of the breach of the free movement of services, which is one of the fundamental principles of the EU. The Commissioner pointed out that if the Slovak newspaper case affects the application of EU law then it will be an EU competence and the Charter of Fundamental Rights will apply. If not, it remains under the jurisdiction of national law.

cally assess activities in the Sámi and Swedish Parliaments, for example. The delegation added that given the tools the Sámi communities would be able to develop adequate news coverage. A similar point can be made for all European national minorities in this case where the minority view is rarely heard in comparison with the majority dominated media, and it further underlines the importance of national minorities having their own media in all its forms.

# Political Participation, Political Issues

*Main issues covered between 2009 and 2011: autonomy as best practice in minority governance in the German speaking community in Belgium, the tool of regionalism in minority protection, Hungarians in Slovakia, the non-inclusion of Cornish on the Framework Convention, the Hungarian National Council in Serbia, the importance of the Copenhagen criteria, the issue of double standards and policy towards third countries.*

The case studies on political issues brought many insights and some indications on how these issues may be resolved. Salient Europe-wide problems remain over political participation and lack of representation of national minorities on the national and EU level. The problems brought about by the lack of implementation of the Copenhagen criteria contrasted with the positive message where political autonomy has evolved as an example of European best practice in national minority governance. Referring to the EU double standards issue, the EU cannot continue on the path of only requiring accession states to meet national minority protection criteria when several 'old' states flagrantly ignore them. Further outstanding issues remain the debate over traditional minorities versus new minorities (i.e. immigrants), and individual versus collective rights.

A common theme on national minority issues found in many of the presentations is the lack of knowledge by majorities of the national minorities they share their state with, similarly at the European level a lack of awareness is a major shortcoming and often leads to bad political and policy decisions. While the ECRML and FCNM obliges states to teach their citizens about national minorities and lesser used languages very few have achieved this. Another overarching problem is the gap between existing legislation and its implementation. This is seen time and again and was a common feature of numerous Intergroup presentations. Questions remain as to why is there such a lag between law and implementation, is it the lack of political will, certainly in some cases, but is it also a systemic problem embedded in States' legal framework?

## The importance of the Copenhagen criteria

In September 2011 the presentation of József Berényi, President of the Hungarian Coalition Party from Slovakia (MKP – [www.mkp.sk/eng/](http://www.mkp.sk/eng/)) and a former Member of the Parliamentary Assembly of the Council of Europe (PACE) summed up many of the frustrations felt by national and linguistic minorities across Europe over the failure by States and the EU to implement benchmark protection standards such as the Copenhagen criteria and Council of Europe treaties.

Berényi spoke about the problems facing all of Europe's national and linguistic minorities. According to him in the 1990s the Council of Europe (CoE) and the OSCE were "full of energy" to do things for human rights and for minorities, these based on two instruments the Framework Convention (FCNM) and the Language Charter (ECRML). Both Treaties can only issue recommendations and in his opinion there has been a loss of authority of these bodies as these Treaties are mostly ignored. There has been a big devaluation of the ECRML and FCNM after the accession of the new member states, which might become a more widespread EU-wide problem for the future. The CoE Parliamentary Assembly Report, for which he was

rapporteur, calls for an increase in competences for the CoE and OSCE and for more EU states to ratify the ECRML. In addition, József Berényi highlighted the lack of follow-up on the Copenhagen criteria, which has been one of the few effective tools for national minority protection, especially since the passing of the Lisbon Treaty.

The Copenhagen criteria are the rules that define whether a country is eligible to join the European Union. The criteria require that a state has the institutions to preserve democratic governance and human rights, has a functioning market economy, and accepts the obligations and intent of the EU. These membership criteria were laid down at the June 1993 European Council in Copenhagen, Denmark, from which they take their name. An excerpt from the Copenhagen Presidency conclusions states: *"Membership requires that candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union."*

József Berényi, the President of the Hungarian Coalition Party from Slovakia, summed up the importance of the Copenhagen criteria.





Many Intergroup presentations referred to the Copenhagen criteria, where MEPs underlined their continuing importance as benchmarks for national minority protection. But, as we have seen all too often they are not being implemented, or, after accession they are not being followed up. In addition, there's a tendency for the criteria to be watered down. However, as the OSCE High Commissioner noted when he addressed the Intergroup, the criteria have helped achieve significant results for the EU. Especially with

the enlargement process being an incentive for change. As the EU looks to continue its enlargement it will fall upon the European Parliament, national parliaments and NGOs to act as watchdogs to ensure that the Copenhagen criteria continue to be upheld. In several Intergroup meetings Kinga Gál commented on the tendency for the Copenhagen criteria to be watered down by some Member States, underlining that the Parliament must oppose this.

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## Double standards

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The accession process in 2004 brought to light a discrepancy with regard to the protection of minorities. Acceding States had to demonstrate, under very strict scrutiny, respect for and protection of minorities and ratify under the Copenhagen criteria the Language Charter and the Framework Convention. However, old Member States were never obliged or recommended to sign up to the same criteria. This discrepancy results in ambiguity and has led to MEPs and civil society warning that the EU applies double standards.

On the one hand, the accession of new States was and still is conditional upon the guarantee that they will ensure respect for and protection of minorities. On the other hand, the requirement to respect and protect minorities does not exist in the '*acquis communautaire*'. Thus, externally the EU requires candidate States to ensure that adequate measures for the protection of minorities are put in place coupled with the ratification of a requisite number of human rights treaties. However, internally, the EU has not yet articulated a clear standard for the protection of minority rights. As a consequence, the new Member States could rightly claim that their minority right provisions are more up-to-date and extensive than those of the older Member States.

# Case Studies

## Autonomy as best practice in minority governance

In March 2011 the Intergroup discussed the benefits and challenges of regionalism with members with the presentation from Karl-Heinz Lambertz, Minister President for the German-speaking Community of Belgium ([www.dglive.be/en](http://www.dglive.be/en)). The Minister President described the situation of the German community, numbering 75,000 people, and how their autonomy came about after the 1919 Treaty of Versailles. Subsequently Belgium became a federal state, the territory was divided on linguistic lines, and today the process of federalisation continues. It led to the German community having big competences for a small territory, a challenge in itself. A new idea for today's Belgium is that it is divided into four entities with Brussels having its own autonomy, while the German community gains extra powers. Some may point to the small size of the German-speaking region but the Minister President underlined that the German-speaking community has no alternative, *"either we progress or we will disappear"*. Their autonomy and their language are of a high priority for the Belgian Germans, *"and it is highly important that they are able to use their language on a normal everyday basis"*, he said.

Despite lack of size and resources the Minister President pointed to three unique selling points of the German community. Firstly, there is an advantage in being a national minority; secondly, being a small



József Komlóssy is the Vice-President of the Society for the Enhancement of Nationalities in Europe (SENCE)

*"...it is highly important that they are able to use their language on a normal everyday basis."*

region with legislative powers allowed for creativity in government; thirdly, the situation as a frontier region between two German Lander, Luxembourg, Limburg, Wallonia and Flanders, and with four 'big' languages being spoken, led to many opportunities for cooperation.

He continued that the situation of minorities in Europe is an important test for the EU over its commitment to diversity. Actual diversity can be witnessed the most clearly in border regions, he said. It meant that they are a laboratory to see what is best practice in both human rights and economic exchange. It was concluded that it is important for people to see the minority issue not as a defence against something and a problem, but that national minorities should be seen as an asset. MEPs praised the success of autonomies such as that of German community, how this meant that there was no need to change borders, and, importantly, how it showed other States that autonomy is a good thing and that it was important *"not to change borders but to change mentalities"*.

At the same meeting József Komlóssy, the Vice-President of the Society for Enhancement of Nationalities in Europe (SENCE), pointed out that a majority of national minorities live in rural areas and that by protecting their language and culture, and giving such territories autonomy, states also protect the environ-

ment by helping to keep young people in these areas. He referred to the Swiss canton of Bern where the people in the countryside voted to set up their own canton of Jura, using the example to emphasise that communities should always be consulted on the set up of the regional divisions in their countries.

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## Catalan referendum

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Oriol Junqueras MEP (EFA), the Vice-Chair of the Intergroup, informed the Members in May 2010 about Catalonia's, civil society referendums and the largest

ever demonstrations for Catalan independence. It was mentioned that if Spain would be a "real" federal state (with taxes, languages, infrastructure, etc., decided on by the different territories) autonomy could work out better. In the debate questions were raised whether civil society can organise referenda, or are referenda a privilege of states, and do people want an improved autonomy or independence.

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## Cornish

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The October 2010 Intergroup heard about the Cornish non-inclusion on the Framework Convention for the Protection of National Minorities (FCNM) and ongoing youth work from the Cornish NGO CERES ([www.ceres.cafebabel.com/en](http://www.ceres.cafebabel.com/en)). Non-inclusion on the FCNM has been justified by the UK under their Race Relations Act whereby the Cornish do not qualify as a 'racial' group. The Race Relations Act criteria also undermines the FCNM itself as the UK's interpretation of the FCNM and its inclusion of some new minorities

as national minorities, but not the Cornish, raises questions about the Convention. However, the campaign for inclusion continues, a new shadow report has been issued since the meeting, stating that: *"Cornish national minority status will legitimise the Cornish in the eyes of statutory bodies and decision-makers. It will ensure that the Cornish are not impeded from maintaining and celebrating their distinct identity. National minority status will confer upon the Cornish the dignity of visibility. It will deliver tangible social, cultural and economic benefits for the Cornish and the United Kingdom, and will particularly aid the Cornish language revitalisation effort and the teaching of Cornish history and culture at school!"*<sup>1</sup>

## Hungarians in Slovakia

The meeting of September 2011 focused on the situation of the Hungarians in Slovakia, numbering over half a million people. József Berényi, the President of the Hungarian Coalition Party from Slovakia (MKP) noted in the meeting that the CoE Venice Commission

*"Nothing much can be achieved in an atmosphere of hostility within a State and that trust was key in establishing good relations between communities."*



*Edit Bauer MEP representing the Hungarians in Slovakia*

and the OSCE had made 40 recommendations to Slovakia relating to the Slovak State Language Act, all of which had been ignored because they were only recommendations. The problem required the joint action of international organisations to act with national minorities.

*"There is an increase of hate-speech against autochthonous national minorities. While hate-speech against other minorities is rightfully condemned that against national minorities is not."*

In terms of kin-state relations, the need for cooperation was underlined and the responsibilities of the kin-state to support its minorities. He added that *"nothing much can be achieved in an atmosphere of hostility within a State and that trust was key in establishing good relations between communities."* Berényi also described how striking it is that States justify their lack of action by comparing themselves with other countries, and use that as a justification not to do anything. He highlighted another unfortunate development which is the increase of hate-speech against autochthonous national minorities, while hate-speech against other minorities is rightfully condemned that against national minorities is not. Such a trend is affecting many national minorities in Europe.

In the discussion the issue of dual citizenship was also raised, an already existing practice for example in Slovakia, Romania, Serbia and Croatia. However, since Hungary enables Hungarians abroad to have Hungarian citizenship, dual citizenship has been banned in Slovakia, where a deep mistrust between the majority and the Hungarian minority has emerged on the

*"A state which hurts its minorities actually hurts itself."*

issue. Berényi pointed out that the dual citizenship issue is an EU level problem, and that its not acceptable for the EU to go along with a denial of citizenship arbitrarily. MEPs agreed, and pointed out that the

dual citizenship question affected fundamental freedoms of all people and that a State which hurts its minorities actually hurts itself. Intergroup MEPs highlighted that the Commission avoids the issue by stating that national minority and dual nationality issues remain the competence of member states, while Hungarians in Slovakia are “humiliated nearly every month with some new measure”.

One consequence of this atmosphere of mistrust may be seen in the fact that the Hungarian minority is declining in numbers according to official figures. In many European countries the new national census took place in 2011. The representatives of minority communities anticipate that the numbers of people who are from a national minority in Europe, such as

*“Member States – who have the primary responsibility to protect national minorities living in their countries – have not been doing their homework.”*

the Hungarians in Slovakia, will decrease similarly to 2001. This clearly shows that Member States – who have the primary responsibility to protect national minorities living in their countries – have not been doing their homework. Furthermore, worries were raised over the uncertainties of the process of data collection, especially regarding nationality related questions. The same problem has been reported in Romania.

## Statement on the Polish minority in Belarus

The Intergroup issued a Statement following the visits to the Parliament by Andzelike Borys from the Polish Union in Belarus (ZPB), who represents the Polish minority, and the 2006 Sakharov Prize winner, Aleksander Milinkevich, who is the leader of the

Belarus opposition. The meetings followed several incidents of harassment by the Belarusian authorities. As a result the Intergroup issued a statement stating that, *“The Intergroup ... strongly condemns the actions taken by the Belarusian authorities against the largest Polish minority organization and the members of the minority community. The facts, which include arrests, fines and a forced office closure, show a clear violation of not only minority, but also basic human rights. These actions further substantiate the undemocratic nature of the political system in Belarus.”*

*Kinga Gál participated on the press conference together with Aleksander Milinkevich, the leader of the Belarus opposition, the Polish MEP Jacek Saryusz-Wolski (EPP), the Vice-Chair of the Delegation to the Euronest Parliamentary Assembly, Andzelike Borys from the Polish Union in Belarus (ZPB), and Jacek Protasiewicz MEP (EPP) also from Poland, the Chair of the Delegation for relations with Belarus (from right to left)*





## Serbia, Vojvodina – minority self-governance and regional autonomy

Tamás Korhecz, the President of the Hungarian National Council (HNC - [www.mnt.org.rs](http://www.mnt.org.rs)) in Serbia, and Katinka Beretka, the adviser on language use in the HNC, at the meeting in September 2011 described the innovative system for national minorities in Serbia, perhaps best described as a form of non-territorial autonomy. National Councils, enabled by legislation passed in 2009, are democratically elected minority self-governments that represent national minorities in areas of education, culture, media, and official language use. The Council provides material support for pupils in Hungarian classes, works on the reform of the curricula for Serbian language learning, and develops activities in the diaspora. For example, the Council has a fellowship programme which provides financial support for Hungarian students on university level, and aims to work towards establishing Hungarian higher education departments. Along with the Hungarian community 18 other national minorities elected their national councils in 2010. With its 35 elected members the Council decides on issues in their area of competence (language use, education, culture, and media) and has a consultative function on other decisions. Korhecz outlined that the legal base for the National Councils is progressive, but that they still need to focus on implementation, on the rights to decide competences in practice, and to have adequate administrative capacity and funding. He observed that the offer of minority rights without the necessary financial or administrative tools to implement them cannot be effective.

The current accession process of Serbia serves as a useful example on whether or not the Copenhagen criteria are going to be implemented adequately. While there has already been some accommodation for national minorities in Serbia in recent years, controversy remains over Serbia's law of restitution which has been criticised as perpetuating the concept of collective guilt for the Hungarian minority.

The paper of Elvira Kovacs, a Member of the Parliamentary Assembly of the Council of Europe (PACE) also from Vojvodina, Serbia, at the Intergroup meeting in March 2011, informed the Members about the territorial autonomy of the Province of Vojvodina, which is a region with a mixed ethnic population. She highlighted the benefits of regional autonomy, which is favourably complemented by the system of national councils which are responsible for education and minority language teaching, plus they have various economic competences. However, she outlined continuing problems with lack of funds for the region.



*Tamás Korhecz, the President of the Hungarian National Council and the Co-Chairs*

<sup>1</sup>The new Cornish National Minority Report II, See more: <http://www.oldcornwall.org/Cornish%20Minority%20Report%20final%20doc.%20PDF.pdf>

# CHAPTER IV

Challenges  
for the future –  
Concluding remarks





# Conference on minority protection

The conference organised by Kinga Gál in June 2011 on the theme 'What does the Lisbon Treaty bring to the National and Linguistic Minorities?' raised many

*"According to the Foreign Minister the line between individual and collective rights is not always clear (e.g. whether it is a community or an individual right to have a bilingual sign), bearing in mind that there is no obligation in international and EU law to recognise collective rights. However, there is no prohibition either."*

of the questions discussed in Intergroup meetings and helped to further clarify the salient problem areas. The conference helped to illustrate the diverse approaches the different institutions take in relation to the protection of national and linguistic minorities.

Speaking on behalf of the Hungarian Presidency of the Council of the EU, János Martonyi (Foreign Minister of Hungary), underlined that one of the most important assets of the EU is its linguistic and cultural diversity, something which needs reinforcing. Therefore, there is a need to concentrate on practical solutions in order to improve the situation. According to the Foreign Minister the line between individual

and collective rights is always clear (e.g. whether it is a community or an individual right to have a bilingual sign), bearing in mind that there is no obligation in international and EU law to recognise collective rights. However there is no prohibition either.

The European Commission was represented by two high level officials at the conference. Françoise Le Bail, the Director-General for Justice, described the role of the Commission vis-a-vis Lisbon and the Charter of Fundamental Rights, underlining that the Commission does not have general powers regarding minorities, this is the responsibility of Member-States, adding that, "We cannot define what is a minority either".

On language policy Mr Jan Trzuszczynski, Director General for Education, Training, Culture and Youth, stressed the support that the Commission has given to regional and minority lan-

guages and its commitment to protect them, but in terms of actual protection noted that there is no EU legislation or case law on the issue. The Commission therefore, while willing to protect national and lin-

*"The Commission does not have general powers regarding minorities, this is the responsibility of Member-States"; she added that, "We cannot define what is a minority either."*

guistic minorities, has to keep within its competences in its relations with member states and so far appears to follow a strict interpretation of these competencies rather than a more generous interpretation which would see it act occasionally to prohibit discrimination on the grounds of language or being a member of a national minority.





On behalf of the Hungarian Presidency of the Council of the EU, János Martonyi the Foreign Minister of Hungary addressing the conference

The director of the European Union Agency for Fundamental Rights, Morten Kjaerum posed the question whether the Lisbon Treaty offers grounds for im-

*“Lisbon has brought in the first explicit mention of national minorities into primary EU law. The European Court of Justice now needs to clarify what the term means and that EU law complies with the Charter of Fundamental Rights..”*

provement or is the Treaty only a case of the Emperor's new clothes? Clearly its difficult to build a solid edifice of Europe-wide minority protection. However, the Director pointed out that the value of Lisbon lies in its general principles and underlining that it has brought in the first explicit mention of national minorities into primary EU law. The European Court of Justice now needs to clarify what the term means and that EU law complies with the Charter of Fundamental Rights. For Kjaerum it shows that the fight against discrimination is an essential concern of the EU.

*“There are two ways of looking at what Lisbon and the Charter of Fundamental Rights offers following the classic metaphor of whether your glass is half empty or half full.”*

According to Professor Stefan Oeter, the Chair of the Committee of Experts of the Council of Europe

Language Charter, the EU never had legal competence for minority protection and still hasn't and noted the EU's limited activity with regional and minority languages. The most important impact that remains is the accession process with the Copenhagen criteria. Regarding the Charter of Fundamental Rights, the scope of the application is rather limited as it only covers EU institutions, or Member States implementing EU law. Thus the Charter of Fundamental Rights does

not help that much because the EU can't enter into the national and linguistic minority area. However, aspects such as teacher-training are important and are an area where the EU could do something and be much more active. Clearly, there are two ways of looking at what Lisbon and the Charter of Fundamental Rights offers following the classic metaphor of whether your glass is half empty or half full.

The conference with the active participation of both Intergroup Members and international actors serves as another example of how the Intergroup has fulfilled one of its objectives in bringing the institutional stakeholders together to work on the national and linguistic minority issue. Not only are there formal channels of communication open, but with the Commission, the Council of Europe, the OSCE, and the FRA, Intergroup MEPs are contributing to their work on the issue in terms of inputting into Reports and policy matters.

In working with the EU level organisations it is clear that their competence and their ability to intervene on behalf of national minorities is restricted. Although with the Lisbon Treaty and the accompanying Charter hopes were raised that the situation will improve, even though little has happened so far.

National minority rights are still best protected by the benchmark 1990s treaties such as Framework

Convention and the Language Charter of the Council of Europe, however, they may not always offer the solution required. In the European context we see that while many national minorities have substantial protection above and beyond the Framework Convention and the Language Charter, there has been an erosion of their rights chiefly because of the failure to implement existing measures by states. It is of grave concern that this is happening also to formerly well protected minorities where that protection has been long standing and normalised within their respective state's legal systems. Languages that were thought to be secure backed by domestic language legislation, embedded in the educational infrastructure, and in some cases backed by bilateral treaties, are facing issues that were accepted as being dealt with 20 years ago. Therefore, benchmark treaties such as the FCNM and ECRML have become more important than ever. It also serves as a warning that the topic must remain high on the EU agenda.

## Language

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From the discussions on language issues within the Intergroup a picture emerges of an uneven patchwork of implementation of legislation in favour of regional and minority languages and some success stories, but at the same time major problems for many language communities from across Europe. There is still no EU level language policy and planning for regional and

*"Furthermore, if the EU has acted successfully to protect endangered species, it raises the obvious question why not endangered languages."*

minority languages, furthermore the discrimination on the grounds of language use, especially the use of regional and minority languages and the mother tongue, remains a serious problem. The lack of direct EU-funding is worsening the situation for endangered languages, the ones that need funding the most. This is a technical matter that could easily be resolved.

The Commission's reasoning that it is outwith the bounds of EU competence to act over internal member state issues such as language policy explains its reluctance to engage with member states over clear transgressions of language rights. However, in turn, this raises questions about the efficacy of the anti-discrimination clauses in the Lisbon Treaty and the Charter of Fundamental Rights. Furthermore, while the EU has taken action to protect endangered species it raises the obvious question why not act to protect endangered languages.





*Speakers of the conference*

Despite the many challenges facing national and linguistic minority communities there are several avenues open that can be fruitfully explored along with the legal possibilities offered by Treaty of Lisbon and the Charter of Fundamental Rights by working closely with the Commission in its education programmes

such as the Lifelong Learning Programme (LLP), Culture and Interreg, to develop more regional and minority language projects. Not only does this apply to the traditional education resources, but also to structural funding, regional funding, and the Social Fund.

## Education

A recurring theme in the field of minority language education is the lack of finance. This simple fact affects every area of regional and minority language education, from a lack of teachers, a lack of good quality pedagogic materials on minority languages, the threat of closure of schools, and finally in some cases either hostility or intransigence from the state towards any national minority education that varies from a centralist viewpoint. All these factors undermine parental confidence in the ability of the regional

or minority language schools to provide satisfactory education. Such factors may combine to deter parents from sending their children to a regional or minority language school. They do so furthermore out of the fear that their children can not progress in the future if they are educated in a minority school and not in a

*“Such factors may combine to deter parents from sending their children to a regional or minority language school.”*

majority school. In turn, this may lead to a decline in attendance at the regional or minority language school which may itself result in further cutbacks or closure.

# Media

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The existence of daily newspapers in minority and regional languages is crucial, as they play a central role in the life of minority language communities. Difficulties seem to be the lack of financial support for minority media sources, the lack of visibility in the majority dominated media, the decreasing number of minority readers (because of the decreasing number of national minorities, and the increasing use of internet), which might lead to closure of minority newspapers, and finally the lack of education in minority language

journalism. One area in media that national and linguistic minorities are making progress is with the internet and social media. Many language communities now have online radio stations and as broadband rolls out there will be more online TV channels. The developments on the internet show the possibilities and the way forward in providing media for Europe's national and linguistic minorities, and it is an area that the EU should be more active in supporting.

*"The existence of daily newspapers in minority and regional languages is crucial, as they play a central role in the life of minority language communities."*

# Political issues

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National minority issues are highly sensitive and clearly have a tendency to become over politicised. It raises questions as to methods of conflict resolution and ways to seek arbitration and that the EU needs to do much more in terms of ensuring justice and equal rights for national minorities.

Lack of implementation of the Copenhagen criteria is one recurring problem, as we have seen in the post-

*"To be effective accession states must perceive the Copenhagen criteria as a process and not a single event, and ensure that national minority rights are constantly upheld."*

2004 accession countries. National minorities need to have the criteria implemented both at the time of accession, and that such implementation is an ongoing process that needs to be followed up on with some form of monitoring mechanism coming from the EU that ensures implementation. To be effective accession states must perceive the Copenhagen criteria as a process and not a single event, and ensure that national minority rights are constantly upheld. The EU double standards issue remains a thorn in the side of the EU and its member states credibility in protecting national and linguistic minority rights.

A failure to follow up on existing protection mechanisms for Europe's national and linguistic minorities, the time lag in their implementation, and/or the lack of implementation of these mechanisms, as well as in national legislation, can be witnessed in several cases. This applies to new States both during and after the accession process, and to the old member states over either their failure to implement or their lack of ECRML and FCNM ratification.



Meeting of the Intergroup

## Challenges for the future

The future rests with the promotion of a **peaceful co-existence** for traditional minority communities with the majority.

The co-existence of peoples, especially between traditional national minorities and majority populations, is an art of living together rather than just next to each other. Cultural differences may result in a fear and rejection of other people's rights. Prejudices, intolerance, xenophobia and discrimination are an ever present threat to the social coherence of national and local communities.

*"There is a need for acknowledgement of each other's rights to their own cultural identity and to each other's values, history, languages and cultural heritage."*

The main concerns of the traditional national minorities, in contrast to immigrant groups, are neither problems of "social inclusion" nor that of "gender equality", nor can they be adequately covered by simply the promotion, reinforcement and acquisition of lesser-used European languages. There is instead a need for acknowledgement of each other's rights to their own cultural identity and to each other's values, history,

languages and cultural heritage. Therefore, it is necessary to teach and learn each other's history via intercultural education, to teach and learn each other's languages in both directions – not only the minority learning the majority language, but also the majority learning the minority language, leading to a far better understanding of each other.

The projects, joint actions or awareness raising events arranged by civic initiatives, civil society organizations, local municipalities, or youth organizations supporting this kind of co-existence, could contribute to developing long term strategies for peaceful co-existence among traditional communities and help prevent situations where the rights of national minorities are endangered.

Among several proposals arising from the Intergroup meetings one of the most important may be the **initiative for a draft resolution on Europe's endangered languages**, as the problems for Europe's lesser-used languages continue and in many cases worsen. This proposal might get the necessary cross-party support in the European Parliament being less controversial. Another key proposal is for a **joint action plan** for Europe's national and linguistic minorities, possibly on the model of the recently adopted EU Roma Framework Strategy. It aims to **draw up a road map** that will reverse the worsening situation for Europe's national and linguistic minorities and result in the EU and States implementing measures to protect them. It was proposed to **create a working group** which would be led by leading

political personalities and which will work towards specific targets and deadlines.

Furthermore, the Lisbon Treaty established the **European Citizens Initiative** whereby with a petition of one million signatures the Commission is obliged to take measures to accommodate the petitioners. Such a **petition**, and it has been proposed many times at

*"However, the pre-eminent way forward would however be to develop the concept of the "obligation of protection" by states and the EU of national minorities into something which has a legally based reality."*

Intergroup meetings, could be **raised on behalf of Europe's national and linguistic minorities** calling for EU framework strategy, or standard setting in this field.

However, the ideal way forward would however be to develop the concept of the **"obligation of protection"** by states and the EU of national minorities into something which has a legally based reality. Finally, if the Commission wishes to refer to itself as the "Guardian of the Treaties" it should live up to that statement and act to protect Europe's national and linguistic minorities.





# ANNEXES







László Tőkés, Gyula Winkler, Alojz Peterle, Izaskun Bilbao Barandica, Sir Graham Watson, László Surján, Herbert Dorfmann, Ivo Vajgl, Alajos Mészáros, Oriol Junqueras Vies, Kinga Gál, Ádám Kósa, Carl Haglund, Francois Alfonsi, Csaba Sógor, György Schöpflin, Edit Bauer, Csaba Tabajdi, Catherine Greze and Bernd Posselt

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## Members of the Intergroup for Traditional Minority and National Communities, and Languages (2009 - 2011)

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### *EPP (Group of the European People's Party):*

BAUER, Edit, Slovakia - representing the Hungarian minority; DORFMANN, Herbert, Italy - representing the German community of South Tyrol; **GÁL, Kinga, Hungary, Co-Chair**; GAHLER, Michael, Germany; KÓSA, Ádám, Hungary; LAMASSOURE, Alain, France; MÉSZÁROS Alajos, Slovakia - representing the Hungarian minority; NIEBLER, Angelica, Germany; PETERLE, Alojz, Slovenia; POSSELT, Bernd, Germany; SCHÖPFLIN, György, Hungary; SÓGOR, Csaba, Romania - representing the Hungarian minority; SURJÁN, László, Hungary; TÖKÉS, László, Romania - representing the Hungarian minority; WINKLER, Gyula, Romania - representing the Hungarian minority; ZVER, Milan, Slovenia.

### *S&D (Group of the Progressive Alliance of Socialists & Democrats in the EP):*

GÖNCZ, Kinga, Hungary; GURMAI Zita, Hungary; HERZOG, Edit, Hungary; ROUCEK, Libor, Czech

Republic; RODUST, Ulrike, Germany; SERRACCHIANI Debora, Italy; **TABAJDI, Csaba, Hungary, Vice Chair.**

### *ALDE (Alliance of Liberals and Democrats for Europe):*

BILBAO BARANDICA, Izaskun, Spain - representing the Basque community; **HAGLUND, Carl, Finland (Co-Chair) - representing the Swedish speaking community**; ROCHEFORT, Robert, France; TAKKULA, Hannu, Finland; TREMOSA i BALCELLS, Ramon, Spain - representing Catalonia; UGGIAS, Giommaria, Italy; VAJGL, Ivo, Slovenia; WATSON, Graham, United Kingdom; WEBER, Renate, Romania; WIKSTRÖM, Cecilia, Sweden.

### *Greens/EFA (The Greens/European Free Alliance in the EP):*

ALFONSI, Francois, France - representing the regional languages of France, coming from Corsica; GREZE, Catherine, France; **JUNQUERAS VIES, Oriol, Spain (Vice Chair) - representing Catalonia**; KIIL-NIELSEN, Nicole, France; ZDANONKA, Tatjana, Latvia.

### *ECR (European Conservatives and Reformists Group):*

CYMAŃSKI, Tadeusz, Poland; CZARNECKI, Ryszard, Poland; KOWAL, Pawel Robert, Poland; KURSKI, Jacek Olgierd, Poland; **WOJCIECHOWSKI, Janusz, Poland, Vice Chair.**

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# List of the Intergroup meetings (2009-2011)

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## 1. 22 October 2009, Strasbourg:

Setting up the Intergroup, formal establishment.

## 2. 26 November 2009, Strasbourg:

Setting up the Intergroup, a discussion on its functioning.

## 3. 17 December 2009, Strasbourg:

First official meeting of the Intergroup, election of the Chairs and Vice-Chairs, decision on the name, discussion on the working programme.

## 4. 21 January 2010, Strasbourg:

(1) Krzysztof Zyman and Niall Sherrin from the Secretariat of the Framework Convention for the Protection of National Minorities (FCNM).  
(2) Alexey Kozhemyakov, Head of the Secretariat and Stefania Kruger, Simone Klinge from the Secretariat of European Charter for Regional or Minority Languages (ECRML).

## 5. 11 February 2010, Strasbourg:

(1) Micheal Shotter and Bartholomeus Pronk from the Cabinet of the Commissioner for Justice, Fundamental Rights and Citizenship, Viviane Reding;  
(2) Davyth Hicks, Eurolang director, on the NGO EBLUL.

## 6. 2 March 2010, Brussels:

Meeting with representatives from the Minority Dailies Association (MIDAS).

## 7. 14 April 2010, Brussels:

Representatives from the Galician language umbrella organisation Queremos Galego discussing the current situation of Galician.

## 8. 20 May 2010, Strasbourg:

(1) Ambassador Knut Vollebaek, the OSCE High Commissioner on National Minorities and HCNM Cabinet member Natalie Sabandze.  
(2) Case-study on the Catalan civil society independence referendums, presentation by Mr Oriol Junqueras MEP, Vice-Chair.

## 9. 10 June 2010, Brussels:

Meeting with the researchers from the EURASIA-Net Project.

## 10. 17 June 2010, Strasbourg:

Morten Kjaerum, the Director of the Fundamental Rights Agency (FRA), and Gabriel Toggenburg FRA Programme Manager.

## 11. 8 July 2010, Strasbourg:

(1) Rudolf Gamper (President) and Georg Plattner (Director) of the Association of Radio and Television Stations (RAS) of South Tyrol, discussing broadcasting issues.  
(2) The situation of regional languages in France and a new draft resolution for endangered languages, introduced by Francois Alfonsi MEP.

## 12. 23 September 2010, Strasbourg:

Professor Dr Rainer Hofmann, Chair of the Advisory Committee of the Council of Europe's Framework Convention for the Protection of National Minorities (FCNM), and Michele Akip head of the FCNM Secretariat.

## 13. 21 October 2010, Strasbourg:

Presentation from John Fleet and David Ainsley from the Cornish NGO CERES.

**14. 24 November 2010, Strasbourg:**

Meeting with Androulla Vassiliou, the Commissioner for Education, Culture, Youth and Sport.

**15. 16 December 2010, Strasbourg:**

Meeting with the experts from the European Centre for Minority Issues (ECMI) and the European Academy (EURAC), with a presentation of the Yearbook on Minority Issues (EYMI). Speakers: Tove Malloy, Director of the ECMI, and EYMI editors: Rainer Hofmann (Chief of the Advisory Committee of the FCNM), John Packer (Human Rights Centre, University of Essex), Sia Spiliopoulou Akermark (Director, Åland Islands Peace Institute), and Karin Riis-Jørgensen. Additional guests were Alexander Osipov and Ulrike Barten from ECMI, and Guenther Rautz and Maren Meyer from EURAC.

**16. 20 January 2011, Strasbourg:**

Frisian delegation speaking on the situation of the Frisian language. Speakers were: Geart Benedictus, Senator in the Dutch Second Chamber, Jannewietske de Vries, Frisian Provincial Executive responsible for Culture and Language, Richt Sterk, EBLT, Dutch EBLUL, Corrie Hartholt Van der Veen, Steatekomitee Frysk of the Frisian Provincial Council.

**17. 17 February 2011, Strasbourg:**

Meirion Prys Jones, the Chair of the Network Promoting Linguistic Diversity (NPLD).

**18. 10 March 2011, Strasbourg:**

(1) Karl-Heinz Lambertz, Minister President of the German-speaking Community of Belgium  
(2) Role of regionalism in minority protection by József Komlóssy from the Hungarian NGO Society for the Enhancement of Nationalities in Europe (SENCE), and by Elvira Kovacs, a Member

of the Parliamentary Assembly of the Council of Europe also from Vojvodina, Serbia.

**19. 7 April 2011, Strasbourg:**

(1) Agnieszka Sklanna, CoE PACE Secretariat, discussion of the Berényi Report on ECRML implementation.

(2) The Basque political situation, Professor Juan Jose Alavarez Robio, Basque Country University, and Dr. Didier Rouget, human rights lawyer.

**20. 12 May 2011, Strasbourg:**

(1) Italian Slovene national minority delegation with Damijan Terpin, Regional Secretary of Slovenska Skupnost; Tomaž Špacapan, Zgonik commune councillor and member of Mladi za Mlade youth organisation; Vida Forčič, Matija Mozenič, and Barbara Ferluga, representatives of Slovenian high school students in Italy.

(2) Danish – German national minority delegation; Flemming Meyer, Member of Schleswig-Holstein Parliament, SSW-Chairman; Jens A. Christiansen, Sydslesvigsk Forening -Secretary General; Udo Jessen, Vice-Chairman of Skoleforening; Olaf Runz, Head of School Department (Skoleforening); and Jan Diedrichsen, FUEN Director.

**21. 9 June 2011, Strasbourg:**

(1) Frank Proschan. Intangible Cultural Heritage section, UNESCO.

(2) Catalan language in Valencia and on Balears, Professor Ferran Suay, Acció Cultural del País Valencià (ACPV) and Júlia López Seguí, Obra Cultural Balear (OCB).

**22. 7 July 2011, Strasbourg:**

Breton and Alsatian language situation: Tangi Louarn, President EBLUL France, Kevre Breizh, Jean Marie Woerling, Vice-President

EBLUL France, and Jean Pierre Levesque, Kevre Breizh and Bretagne Reunie.

*23. 15 September 2011, Strasbourg:*

- (1) József Berényi, President of the Hungarian Coalition Party (MKP –Slovakia), former Member of PACE.
- (2) Dr Markus Österlund, Secretary of the Swedish Assembly of Finland.

*24. 29 September 2011, Strasbourg:*

- (1) Professor Stefan Oeter, Chair of the Committee of Experts (COMEX) of the ECRML.
- (2) Luciano Caveri, Member of the Committee of Regions, Val d'Aoste.
- (3) Toni Ebner, MIDAS President.

*25. 27 October 2011, Strasbourg:*

- (1) Sámi Youth organisation, Sáminuorra.
- (2) Tamás Korhecz, the President of the

Hungarian National Council (HNC) in Serbia, and Ms Katinka Beretka, the legal advisor of the HNC on education issues.

*26. 17 November 2011, Strasbourg:*

- (1) ABTTF, on the situation of the Western Thrace Turks.
- (2) A Hungarian delegation from Romania, from the University of Medicine and Pharmacy of Targu Mures / Marosvásárhely.

*27. 15 December 2011, Strasbourg:*

- (1) The movement of reconciliation between the nations of Central-Eastern Europe, the Charta XXI Movement.
- (2) Olivér Boldoghy, the first to be deprived of his Slovak citizenship after having obtained the Hungarian citizenship.
- (3) The presentation of the book about the life of János Esterházy.

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## Statements of the Intergroup on the Lisbon Treaty - Strasbourg, 20 January 2010

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The Intergroup on Traditional National Minorities, Constitutional Regions and Regional Languages takes note of the entry into force of the Lisbon Treaty, which increases the role of the European Parliament, and which has a historic significance for the European integration process.

The Intergroup welcomes that the Treaty of Lisbon strengthens the basic values and rights of the European Union, by including the rights of persons belonging to minorities in Article 2 of the Treaty on European Union.

Furthermore, Article 6 of the Treaty on the European Union is an enabling provision for the Charter of Fundamental Rights giving the Charter the “same legal value as the Treaties”. It gives EU citizens a comprehensive catalogue of rights, in particular Articles 21.1 and Article 22, by prohibiting discrimination on the grounds of ethnic origin, being from a national minority, and language.

Therefore, the Intergroup looks forward to the development and implementation of autochthonous national minority and linguistic rights in the EU and its

Member States. It welcomes the opportunity to work with the Commission and Council in establishing binding, meaningful legislation for national and linguistic minority protection in Europe.

This Intergroup particularly welcomes the new Commissioner for Justice, Fundamental Rights and Citizenship has also responsibility for minority discrimination issues. In order for this progress to continue we suggest that the new Commissioner has, as part of her portfolio, a specific responsibility for autochthonous national and linguistic minorities. The Intergroup welcomes that the Commissioner intends to appoint a special advisor on the topic, which will also align with OSCE and Council of Europe best practice.

The Intergroup sees that there can be significant benefits of having education, culture, multilingualism and youth in the same portfolio. Language and culture are two sides of the same coin, representing the wide diversity of which we are so proud. This diversity needs to be promoted, particularly by supporting minority languages in Europe. The Intergroup however wants

to stress the fact that multilingualism had its own portfolio in the previous Commission and that these issues should not be overshadowed by the many other important tasks in the Commissioner's portfolio.

The Intergroup also welcomes the recognition of regional and local self-government in Article 4 (2) of the Treaty on European Union and the inclusion of the regional and local level in the subsidiarity clause of Article 5 (3) of the Treaty on European Union.

The Intergroup insists that the political culture of the European Union and its Member States must follow these institutional changes. The Intergroup therefore calls for a sincere application of the subsidiarity and partnership principles and for the acknowledgment of stateless nations and regions as genuine partners in the EU governance system. Multilevel governance must be implemented throughout the whole decision-making process of the European Union. Therefore the Intergroup will promote a culture of multilevel governance.



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