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Minorities and Minority Languages in a Changing Europe

Conference on the occasion of the 20th anniversary of the Framework
Convention for the Protection of National Minorities and the European
Charter for Regional or Minority Languages

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Panel session: Civil society and the Implementation of the Council of Europe's Conventions on Minority Rights

Mr Loránt Vincze, President of the Federal Union of European Nationalities (FUEN)

Ladies and Gentlemen!

My first thought is gratitude, for the work of so many that made possible the creation of the two legal instruments 25 years ago. Listening to the previous discussions I was just wondering if this achievement would still be possible today. Would the recognition and protection of national minorities trigger such a pressure that it makes necessary the preparation of legal instruments?

My short memento does not intend to open the question that you are never supposed to ask: what would have happened if. The question we should ask from ourselves today is if the two legal instruments achieved their initial aim, *if persons belonging to national minorities may exercise their rights and enjoy the freedoms flowing from the principles enshrined in the framework Convention individually as well as in community with others* – as stated in article 3 paragraph 2.

The honest answer from the point of view of the Federal Union of European Nationalities – as the main umbrella organization of the national minorities and language groups in Europe, 95 members from 33 states – is that not entirely. Important steps have been made in many states in the last twenty-five years. Sure it is regrettable that so many states haven't signed nor ratified the two instruments yet. This topic has been touched several times today. But the states that have signed and ratified the Convention and the Charter really do everything in their power to respect their commitments? Not all of them, I must say.

I am amazed by the humility and openness of some states, on the critics arising from the monitoring cycles and the honest aim to do better in the next years and I could name two states, because I know them better, hopefully they're others as well: Denmark and Germany. While other states, unfortunately also my own country, Romania not only delayed the presentation of the country reports for several years, but also in the end strongly criticized, not itself for not doing more to protect its minorities, but the advisory committee for having and I quote "unreasoned approach" in its assessment.

In many states one can witness a regress in minority rights, but probably, in most cases there are also positive evolutions. This is undeniable. It is however problematic when the states affirm that they have done all their homework and the situation of minorities on their territory is exceptional, while the minority representatives claim the contrary. A step forward means collective rights for the minorities who are asking for it. Denying it means that the dialogue, cooperation and the willingness to make step forward, or to solve complaints are missing. This attitude means the scope of the two legal instruments being compromised.

Speaking about minority rights as extra human rights is denying the very essence of minority promotion. Minority rights are part of human rights. It is a privilege to be member of a minority community, as I am proud to be Hungarian from Romania, but it is not a privilege to have equal rights as citizens, members of different traditional communities in the different fields of minority

rights: the right to use the mother tongue in the public sphere, to have education in mother tongue, to get tools and means for preserving minority culture and traditions.

Of course we all know the limits of our legal instruments, the fact that naming and shaming states is not equivalent in compelling states to make changes, to start a real dialogue and actually solve shortcoming. Gently put a stronger sanctioning mechanism against the states is not on the horizon. And I am realistic when I say, in the upcoming few years a fundamental change of these documents is improbable.

However the implementation of the instruments could leave some space of maneuver. On behalf of the FUEN, I would like to introduce in the discussion a few proposals:

1. Firstly a general consideration. Citizens do not know their rights. Twenty-five years after the Charter's adoption there is still a serious awareness gap. This deficiency could be easily addressed through **communication campaigns**.
2. European minorities still believe in the Language Charter and the Framework Convention, but they don't have time and expertise to draft shadow reports following the structure of the Charter. They must be aware of the obligations their state undertook when ratifying this instrument. This can be achieved by facilitating the elaboration of **practical guidelines**.
3. A **conformity check** of the provisions agreed by the states with the domestic legislation should be realized, especially if there are contradictory provisions with national laws. It ought to be mandatory for the states to adopt structured domestic norms of application.
4. The national minorities and the civil society should have an equal role with the representatives of the member states and the Advisory Committees in the preparation, monitoring and recommendation phase of implementing the legal instruments. An **open debate** would better accommodate challenges like digitalization, the role of minority groups in the economic policies, regional policies, and public services.
5. The **cooperation with local and regional authorities** is increasingly important in cases where, within their sphere of competence, these authorities want to go further than their member states in protecting regional languages. The Congress of Local and Regional Authorities could have a meaningful role in it.
6. The **delay of country reports**. It may be good to find out the reason for these delays. Anyhow an up-to-date reporting period should be introduced even if the states are late in the submission of their reports. It is obvious a reporting delay of more than one year reduces the effects of monitoring and recommendations as well.
7. The **system of triennial reporting** is not suited for minority organizations, pressing problems occur more often than three years. Representatives of the minorities should be offered a way to forward their specific complaints and observations to the implementation of the instruments. And they should also be able to get a reaction afterwards from the advisory committees.
8. We are concerned that some member states suggest applying the Language Charter equals excessive **bureaucracy and high costs**. This approach should be rejected since, preserving the minority languages is neither a luxury nor a burden, but a right.
9. The **menu-like system** does not offer any flexibility. A White Book, containing a survey of European minorities, which focuses on their situation and their objectives, would be much welcomed. It would make much easier to adapt the menu to the real needs of the different communities. It would enable them to tell what they would truly need from the menu before their states make the choice on their behalf. It should also be possible to reconsider the menu after some years.

10. **One last but very important conclusion** that I would like to repeatedly make in the context of the forth-thematic commentary of the framework convention: the two legal instruments are exclusively tailored for the protection of national minorities. Pluralism, inclusive societies, managing diversity, accommodating new minorities are increasingly important challenges, but the Language Charter or the Framework Convention cannot address those. Other tools and means should be developed for that purpose. Traditional minorities still face assimilation pressure and demographic decline, which makes their situation special and this needs to be addressed not only as a matter of diversity, but also as a fundamental right.