



*Comitato nazionale federativo minoranze linguistiche*

*d'Italia (CONFEMILI)*

## **REPORT**

I warmly thank the Ministry of the Interior for having wanted to involve the Italian linguistic minority associations in drafting the 5th Report.

The commitment made by the Committee of Experts of the Council of Europe through the four opinions has favored the improvement of the legislative situation in favor of minorities in Italy.

This brief report presents a review of the implementation of measures to protect linguistic minorities in Italy, a summary of the problems that remained open and the priorities to be pursued urgently.

The CONFEMILI, from the end of the eighties operates as a network between the various historical linguistic communities, protecting the common interests and proposing concrete objectives especially in the field of school, mass media and public administrations

The CONFEMILI has committed to the approval of the law 482/1999 and of the law 38/2001 and participates, as a representative of the associations of minorities, to the central and peripheral state bodies charged with implementing the law itself, to the technical advisory committee of the Law 482/99 established at the Ministry for Regional Affairs, at the Working Group on Historical Linguistic Minorities Institute at the Ministry of Education, University and Research. Furthermore, with the appointment of the Council of Ministers, members of CONFEMILI are members of the joint institutional committee for the questions of the Slovenian minority.

The Committee acknowledges that the protection of minorities, more than fourteen years after the enactment of law 482/1999, is widely guaranteed, as also demonstrated by the increase in the demand for the use of minority languages, by the greater awareness of the value of languages and minority cultures, from the cultural and social progress of the communities concerned, from initiatives for the preservation of written heritage, from exchanges with "countries of origin", and from the organization of official events.

While confirming the value that the law preserves, it nevertheless notes that the implementation of the legislation has not always been complete and effective, weighed down in its central bureaucratic management.

Unfortunately the current critical economic situation does not facilitate the life of institutions, not even cultural ones. Even the linguistic minorities of our country are experiencing a delicate moment following the substantial cuts in funding made in recent years to the budgets of laws 482/99 and 38/2001; therefore we hope a decisive change of direction in the management of this delicate matter, in order to guarantee an effective implementation of the legislative framework in force.

In this sense, attention is drawn to the urgency of equipping Law 482/99 and Law 38/2001 with financial resources adapted to real needs. The reduction of the original funds of the laws does not in fact make it possible to secure the financing for the projects planned by the local authorities, negating the objectives of the law and the international commitments signed by our country.

Therefore, the need to intensify the commitment of the institutions, at every level of responsibility and in every sector of intervention, is highlighted for a policy of protection and enhancement of linguistic minorities.

It is also believed that cross-border and interregional cooperation should be strengthened, which makes it possible to strengthen cultural, social and linguistic ties according to relations of friendship and collaboration also within the framework of European Union programs.

#### **A- A regulation in favor of linguistic minorities.**

Law 482/99 recognizes that the rights of minorities are a reason of interest also for the majority, as recognition of a fundamental human right: that of one's own language and culture.

Almost 20 years after its approval, the balance of its implementation is positive overall. This law has favored in our country a favorable climate and a sensibility that is not superficial and not only folkloric towards minority language communities. The law has started various local, regional and national initiatives involving thousands of people of all groups and ages, giving back prestige to languages that have long been discriminated against and pride to thousands of Italian citizens.

- 1) As far as the public administration is concerned, the Ministry for Regional Affairs, through the Special Advisory Committee, elaborates the criteria for allocating funds and finances the projects sent by the local administrations and having relations with the bodies themselves. It must be said that, despite some bureaucratic difficulties in the presentation of the projects, there was a fair participation on the part of all the local administrations concerned. The Offices carry out their task with great professionalism
- 2) The action carried out by the Ministry of Education in favor of the introduction of minority languages in the school curriculum and in educational practice has been appreciable. In recent years, with a curricular planning of learning units, many schools have developed specific educational and didactic courses, aimed at safeguarding minority languages and cultures and using all the organizational and educational spaces provided. Unfortunately, the financial availability over the years has been progressively reduced, passing from around € 347.099 in 2012 to the current € 174.457. Furthermore, knowledge of the presence of linguistic minorities present in the regional territory should be encouraged through targeted educational paths, so that this peculiarity also emerges in the subjects, first of all, history and law. The presence of minorities and the related protection under the two laws 482/1999 and 38/2001 is still not accepted as a resource and heritage by Italian citizens. In this sense, promotion projects should be developed so that the presence of national and linguistic minorities is actually perceived as a national heritage even before it is European.
- 3) The competent Ministries in the communications that have followed one another since 2000, in fact, have not yet implemented the art. 12 of Law 482/99, which provides for the start of radio and television broadcasts in protected languages. Only in the last service contract, after many efforts and pressures, transmissions were foreseen also in the Friulian language even if the reference to Sardinian is missing. Therefore, it is required that the competent Minister set up the planned Joint Ministry-RAI Commission as soon as possible, and quickly implement the provisions of L.482, the Convention between the State and the RAI and the Rai negotiators and the Government have the possibility to dismiss a text of the improved and punctual service contract on some other decisive points for the industrial and editorial project of the public service "Generalist and thematic television, almost 20 years after the enactment of Law 482/1999 , seem to suffer from illiteracy; linguistic minorities exist only when we want to document in a folkloristic way the usual "stories of the vanquished" and the their complete museification with a lot of eno-gastronomic "seasoning".

One of the very important sectors for the protection of linguistic minorities is also the mass media. The media in the minority language do in fact have a dual function: in addition to guaranteeing the speakers of minority languages the information, they also convey the language daily. In Italy the minorities are, from the linguistic point of view, weak, and, perhaps with the exception of the

German in the Province of Bolzano, without tools that guarantee their daily use of the language to communicate in everyday language.

In Italy the publishing reform law, recently approved by Parliament, contains special provisions for newspapers in minority languages. In our opinion, this is a norm in support of democracy, given that a lack of public support would seriously damage these newspapers, to jeopardize their existence.

Unfortunately, we were therefore surprised by the recent statements by the Undersecretary of State to the Publishing who hypothesized a reduction or even suppression of funding for the periodical press in minority language. We believe that this funding is not wasteful, but fulfills one of the fundamental tasks of democracy, in support of linguistic minorities, a principle that Italy has borrowed from the most important international conventions to which it has adhered. It is necessary, above all, to provide for the possibility of financially supporting the newspapers in the language, which still today constitute the most widespread instrument of penetration of the written language between the members of the minority, as well as the main form of expression of the minority itself.

*We trust in the Consultative Committee of the Council of Europe to act as a stimulus for the Italian authorities to solve the problems highlighted here.*

- 4) Note the appreciable work carried out by the Ministry of the Interior. The Office of Historical Minorities has prepared reports on various minority issues, pre-arranged the dossiers for discussion in the Chambers of the ratification of the European Charter for regional or minority languages, drawn up the V Report sent to the Council of Europe in compliance with the obligations of the Framework Convention for National Minorities.

## **B- Integrations to Law 482/99**

Law 482/99, partly implemented and partly still to be implemented (especially with regard to radio and television broadcasts in minority languages), would still need two important amendments.

- 1) Review the articles concerning the financing for projects carried out by schools of linguistic minorities. It is asked to assign more substantial funds to the Ministry of Education, both to support the pilot experiences of bilingualism and to reinforce the activity of bilingual schools.
- 2) Extension of funding to associations. One of the shortcomings of Law 482 is the lack of funds for the associations. It is proposed that an additional funding of 2.5 million euros per year be allocated to the coordinating and proposal bodies, as defined in article 3, paragraph 3, of Law 482, and of the coordinating bodies of the existing communities in a province alone. The activity carried out by the associative world was fundamental for the safeguarding of minority languages. The movement of rebirth and self-awareness of linguistic minorities is rooted in the disinterested activity of associations which, supported by scholars and activists, have promoted the knowledge of a submerged reality with writings, publications and various works. It is therefore not fair that their activity is not recognized and is excluded from any financing.

## **C- Legislation in favor of Roma language and culture**

From the law 482 the Rom language was excluded, with the motivation that its protection cannot be activated only on a territorial basis. When the L.482 was approved, the government had accepted an agenda that committed it to a separate treatment of the protection of this community. However, nothing has been done so far. The Committee of Experts of the Council of Europe in previous years noted the lack of national legislation in favor of the Roma among the shortcomings of the application of the Framework Convention for the protection of national minorities, and addressed a specific call to Italy.

A law to protect Roma communities is urgent also in virtue of the commitments made by our country under the European framework for national strategies up to 2020, presented by the

European Commission and approved by the GAI Council, for the preparation of the National Strategy for inclusion of Roma, Sinti and Caminanti.

This Strategy was communicated to the EU Commission on 1 March 2012 by the Italian Government.

The CONFEMILI urges on this sensitive matter, an ad hoc legislative proposal in favor of the Roma from the government or the majority parties, which is considered more suitable than the modification of the L. 482, also taking into account also relevant suggestions from the DDL *Rules for the protection and equal opportunities of the Roma and Sinti minority* proposed by Senator Francesco Palermo (S. 770) in the last legislature.

#### **D- The law of 23 February 2001, n.38**

This law aims to safeguard the Slovenian linguistic minority, which until its entry into force in the three provinces of Trieste, Udine and Gorizia did not enjoy the same degree of protection. It homogenises the protection for all Slovenes living in the Friuli-Venezia Giulia region and explicitly affirms adherence to the principles of the European Charter for Regional and Minority Languages. The immediate formalities required by this law were basically two:

- 1) the creation of the joint institutional committee for the problems of the Slovenian minority;
- 2) the approval of the DPR for the delimitation of the territory where the law applies;

These two points are basically implemented.

The procedures for the renewal of the members of the joint institutional committee for the problems of the Slovenian minority, established by Presidential Decree no. 65 of 27 February 2002 in implementation of law no. 38 of 23 February 2001, concerning the rules for the protection of the Slovenian linguistic minority in Friuli Venezia Giulia-

*On the situation of the Slovenian minority, reference is made to the Report prepared by the Joint Committee for the Slovenian minority to which the writer belongs.*

It should also be noted that with the Decree of the Minister of the Interior of 4 July 2012, the permanent institutional Table on questions pertaining to the Slovene-speaking minority in Italy was set up, with advisory functions. The results of the first activities were positive because they facilitated the dialogue between the Offices of the central and peripheral State administration in the resolution of specific problems.

**E) Then there is the problem of the precariousness** of those who work professionally for the protection of minorities. I refer to the counter operators and teachers. This perform an appreciable work and have acquired skills, responsibilities and excellent professionalism both in responding to the needs of the people who want to use their language in contacts with the administration, both in promoting the culture of minority language communities, and in the preparation of projects. But it is a precarious person who often due to the cuts of funding remains inactive. I am therefore of the opinion that this wealth of experience and professionalism should not be dispersed and that, despite the constraints imposed by the cuts in the budget that also affects our law, the possibilities to ensure certainty and stability in the management of the activities should be found. Furthermore, I have the impression that the system linked to the financing of individual projects has worked very well as a first emergency intervention. It will continue to do so for a while, but at least on an ideal level the communities must be ready to overcome this phase. The project formula was used to accustom everyone, school and society, to the presence of Minority Languages; however the direction should be that of a normality of such presence, normality obtainable also through different sources of financing that are not those that are extemporaneous for a single project and that do not necessarily depend on the increasingly smaller funds made available by Law 482/1999. A possible model seems to emerge in which the communities are aimed at increasing, in the construction and evaluation of projects, the relationship with other territorial entities such as museums, libraries, mountain communities, linguistic and cultural observatories, institutions for the care of the territory and so on. This is especially true for the minorities of the north of Italy;

unfortunately, in the communities the communities of the central -sud are for the moment the weakest ones.

The current situation, confirmed also by the type of projects proposed, is that of a strong autonomy which on the one hand frightens and makes us feel lonely, but on the other it makes us responsible and instills enthusiasm: very hardly we would now be willing to question all the effort made by you, each one individually and limited, so to speak, to their community - unfortunately for the past twenty years these relationships have been weaker for the time being

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#### **F) Ratification of the European Charter for Regional and Minority Languages.**

The Italian Parliament has not yet ratified the European Charter for Regional or Minority Languages of the Council of Europe. As already happened in the previous two legislatures, in the XVI legislature the process of approval of the bills for the ratification of the Charter has not been completed. In this regard, the Foreign Affairs Committee of the Chamber began, on December 20, 2011, the examination of two legislative proposals for a parliamentary initiative (AC 38 and AC 265), which was subsequently combined with a government bill (AC 5118), adopted as basic text. However, the referent process was not completed before the end of the legislature.

CONFEMILI, which was audited by the Constitutional Affairs Committee of the House in the past legislatures, urges the final ratification of the Charter, possibly re-proposing the draft government bill Ratification and execution of the European Charter for regional or minority languages, made in Strasbourg on 5 November 1992 . (C. 5118)

#### **G) Permanent Conference of State-Regions-Local Authorities- Minorities**

IL CONFEMILI invites the current government to reactivate the permanent linguistic minority conference, already set up by the Minister for regional affairs Enrico La Loggia with the task of monitoring the status of the individual linguistic minorities and verifying the implementation of the relevant legislation. This proposal could be drawn up as part of the review of Law 482/99, defining the objectives and working procedures of this Conference and coordinating the initiative with the Coordination Committee required by the bill ratifying the European Charter for regional languages or minority.

#### **Some final reflections.**

As known. There is a strong regulatory asymmetry in the legal treatment of minorities. in Italy, in doctrine it was opportunely distinguished between "superprotected" minorities, identified with the most protected groups established in the special regions of the Alpine arc (Trentino-Alto Adige, Valle d'Aosta, Friuli Venezia Giulia) and very different from each other as intensity of protection, and minorities recognized for possible protection (those listed in the framework law n. 482/1999, whose different degree of protection depends on whether or not the various instruments made available by the law are activated). tools is decisive for the achievement of the objectives of the law itself: it is that of ensuring tendentially uniform forms of protection for the different linguistic groups historically present in our territory.

Naturally these forms of protection must increasingly penetrate the state system that is composed not only of norms but also of behavior, practices and customs

#### **Finally, three operational proposals.**

- 1) a stronger integration between public and private subjects engaged in the sector for a better management of the available resources (amendment to the Regulation of the law 482)

- 2) the launch of an evaluation and proposal work program, shared by all the linguistic communities of Italy, in the imminence of the twentieth anniversary of the approval of the relevant state legislation.
- 3) Amend the Regulation implementing the law of 15 December 1999, n. 482 in order to identify new forms of disbursement of funds exceeding the rigidity of the current provisions that are mainly focused on the financing of linguistic branches. An intervention to revise the Regulation, which would be an alternative to the amendment of Law no. 482/1999, could have a more streamlined process and would not expose the protected linguistic minorities to possible reductive interventions of the protections they currently enjoy.

*IL CONFEMILI hopes that these issues will be presented in the next opinion of the Advisory Committee*

Thanks for your attention !

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