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COMMITTEE OF EXPERTS  
FOR THE PROTECTION OF NATIONAL MINORITIES /  
COMITE D'EXPERTS  
POUR LA PROTECTION DES MINORITES NATIONALES

(DH-MIN)

Lists concerning minority rights within member and non-member States  
of the Council of Europe

Secretariat memorandum  
prepared by  
the Directorate of Human Rights /

Tableaux concernant les droits des minorités dans les Etats membres et  
non membres du Conseil de l'Europe

Note du Secrétariat Général  
préparée par  
la Direction des Droits de l'homme

This study is not intended to be exhaustive but was drawn up with the aim of determining which rights are granted to persons belonging to minorities in European States.

This is a provisional document. Experts are invited to examine the sections concerning them and to communicate possible observations or modifications to the Secretariat before the 7 December 1992.

Ce travail ne se veut pas exhaustif mais a été élaboré dans le but de déterminer quels sont les droits garantis aux personnes appartenant à des minorités.

Il s'agit d'un document provisoire; les Experts sont invités à examiner les parties les concernant et à remettre au Secrétariat toute observation ou modification éventuelle avant le 7 décembre 1992.



COE056858

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ALBANIE / ALBANIA

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                                                                                                                                                          | <p>Reconnaissance de la minorité nationale grecque dans des départements déterminés. Par conséquent, les minoritaires se trouvant en dehors de ces départements ne jouissent pas du droit à l'éducation en langue minoritaire.</p>                                                                                                                                                                                                                                                                                             |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS<br/>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                                                                                                                                                      | <p>Art. 27 (Draft Const.): "Individuals are equal in law and before the law. No one shall be discriminated or privileged on account of sex, race, skin colour, language, nationality, political opinions, religious beliefs, education, social position, financial situation, birth within or without marriage, parental heritage, or all other personal or social condition".</p>                                                                                                                                             |
| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <ul style="list-style-type: none"> <li>- Langue officielle: l'albanais.</li> <li>- Education minoritaire en albanais/grec dans les départements où la minorité grecque est reconnue.</li> </ul> <p>Art. 29 (Draft Const.): "The state guarantees to ethnic minorities the rights they are entitled to: free preservation and development of their ethnical, cultural, religious and language identity"</p> <p>Mais: Art. 32 (Draft Const.): "Religious education is free and shall be conducted in the Albanian language".</p> |
| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul>                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>   | <p><b>Art. 29.2 (Draft Const.):</b> "Individuals that belong to certain ethnical minorities are free not to be assimilated against their will".</p>                                                                                                                                                                                                                               |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                |                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul> | <p><b>Art. 29.2 (Draft Const.):</b> "Individuals that belong to certain ethnical minorities are free not to be assimilated against their will. They are free to establish and maintain contacts with people of the same ethnic origin inside the country and with foreign nationals of the same ethnical origin, cultural heritage and religious belief outside the country".</p> |

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| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <p>Loi sur les partis politiques (de juillet 1990): ne permet pas la création d'un parti politique sur des critères religieux, ethniques ou régionaux. Ainsi le parti de la minorité grecque "OMONIA" ne pouvait pas se présenter aux élections de 1992. Le parti des "Droits de l'Homme" soutenu par les minoritaires a eu seulement 2,9 % de votes alors qu'il devait en obtenir 4% pour pouvoir espérer être représenté à l'Assemblée. Pourtant des députés grecs ont été élus en tant que candidats des deux grands partis politiques albanais (Parti socialiste et Parti démocratique).</p> <p>Il faut souligner que la loi électorale interdit l'activité de tout parti totalitaire ou anti-nationaliste.</p> |
| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul>                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>SANCTION DE LA PROTECTION /</b></p> <p><b>ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

AUTRICHE / AUSTRIA

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| <p>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</p>                                                        | <p>Les groupes ethniques en Autriche et leurs membres jouissent de la protection des lois. Leur maintien et la sauvegarde de leur existence sont garantis. Leur langue et leur folklore doivent être respectés. [...] Chacun est libre de se réclamer d'un groupe ethnique. Aucun désavantage ne doit découler de l'exercice ou non des droits qui lui appartiennent en tant que tel. Nul n'est tenu de prouver son appartenance à un groupe ethnique (Art. 1, para. 1 et 3, loi des groupes ethniques, 1976).</p> <p>Sont des groupes ethniques, des groupes de ressortissants autrichiens résidents et indigènes dans des parties du territoire fédéral ayant une langue maternelle autre que l'allemand et un folklore propre (Art. 1, para. 2, loi de 1976).</p>                                                                                                                                                                                                                                                                                                            |
| <p>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS</p> <p>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</p> | <p>All Federal citizens are equal before law. Privileges derived from birth, sex, estate, class and religious confession are excluded (Art. 7, Const.).</p> <p>L'Autriche accorde à tous ses citoyens pleine et entière protection de leur vie et de leur liberté sans distinction de nationalité, langue, race ou religion (Art. 63, St-Germain).</p> <p>Tous les ressortissants autrichiens seront égaux devant la loi et jouiront des mêmes droits civils et politiques sans distinction de race, langue ou religion (Art. 66, St Germain).</p> <p>Les ressortissants autrichiens appartenant à des minorités ethniques, de religion ou de langue, jouiront du même traitement et des mêmes garanties, en droit et en fait, que les autres ressortissants autrichiens [...] (Art. 67, St-Germain).</p> <p>L'Autriche s'engage à ce que les lois en vigueur n'entraînent, ni par leur texte, ni par leurs modalités d'application, aucune discrimination directe ou indirecte en raison de la race, langue ou religion [...] (Art. 6, Traité de 1955 sur l'indépendance).</p> |

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| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p><b>Article 8 (Const.):</b> "Without violating the rights accorded by the Federal Law to the linguistic minorities, the German language is the official language of the Republic."</p> <p><b>Article 14, para 6 (Const.):</b> "Public schools are generally accessible to all without distinction of birth, race, language and religious confession [...]. The same applies analogously to kindergarten, centres and pupils' homes".</p> <p>L'égalité de droits de toutes les langues d'usage courant dans le pays dans l'enseignement, auprès des organismes administratifs et dans la vie publique est reconnue par l'Etat (Art. 19, Loi Fondamentale).</p> <p>Il ne sera édicté aucune restriction contre le libre usage, pour tout ressortissant, d'une langue quelconque [...] (Art. 66 St-German).</p> <p><b>Traité de Vienne, 1955, Art. 7:</b> "Les membres des minorités slovènes et croates en Carinthie, Burgenland et Styrie ont le droit à l'enseignement primaire dans leur langue et à un nombre proportionnel d'établissements propres d'enseignement secondaire. Dans les circonscriptions administratives et judiciaires de ces trois régions où résident des Slovènes ou des Croates, les deux langues seront admises comme langues officielles en plus de l'allemand.</p> <p><b>Minority School Act, Federal Land of Carinthia (1959):</b> "All pupils shall be entitled to use Slovene as the language of instruction or to learn it as a compulsory subject insofar as their legal guardians so desire; however, German shall remain a compulsory subject as the official language of Austria" (The law was amended in 1988 and 1990).</p> <p><b>Loi de 1976 sur les groupes ethniques:</b> Dans les contacts avec un organe du pouvoir ou ses services, chacun peut se servir de la langue du groupe ethnique. Dans leurs contacts oraux, et dans la mesure où ils maîtrisent la langue, les agents publics se serviront de la langue ethnique si cela facilite le contact avec les personnes (Art. 13). Une traduction des documents officiels sera remise sur demande (Art. 14). La langue ethnique peut être employée devant une Cour. Le cas échéant, les services d'un interprète pourront être utilisés sans frais supplémentaires. Les décisions et arrêtés seront expédiés dans la langue ethnique et en allemand (Art. 15, 16 et 22).</p> <p><b>Loi sur les écoles maternelles du Burgenland (1989):</b> fait obligation d'offrir, dans certaines conditions, l'éducation aussi en croate ou en hongrois.</p> <p>En Carinthie, un certain nombre d'écoles maternelles municipales assurent l'éducation aussi en slovène. 1977: Règlement administratif n° 307 admet le slovène comme langue officielle à côté de l'allemand. 1990: Règlement N° 231 admet le croate comme langue officielle complémentaire.</p> |
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| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul> | <p>Libre exercice, en privé ou en public, de toute foi, religion ou croyance dont la pratique ne sera pas incompatible avec l'ordre public et les bonnes mœurs (Art. 63, St-Germain).</p> <p>La différence de religion, de croyance ou de confession ne devra nuire à aucun ressortissant autrichien en ce qui concerne la jouissance des droits civils et politiques, notamment pour l'admission aux emplois publics, fonctions et honneurs ou l'exercice des différentes professions et industries (Art. 66 St-Germain).</p> <p>L'Autriche prendra toutes les mesures nécessaires pour assurer à tous, sans distinction de race, langue ou religion [...] la jouissance des droits de l'Homme et des libertés fondamentales y compris la liberté de culte [...] (Art. 6, traité de 1955 ).</p> <p>Les Eglises sont placées sur un pied d'égalité avec les organisations de groupes ethniques prévues à l'article 9, para. 2, Loi de 1976, en ce qui concerne les aides sur le budget public (Art. 9, para. 3, Loi de 1976).</p> <p>En Autriche, les Eglises ont joué et continuent à jouer un rôle très important dans la préservation de l'identité des groupes ethniques. Ce qui explique pourquoi elles sont mises en avant dans la loi sur les groupes ethniques.</p> |
| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>          | <p>Les prestations prévues par l'article 8, para. 2 (Loi de 1976) dans le budget fédéral seront accordées à des associations, fondations et des fonds dont l'objet est le maintien et la sauvegarde d'un groupe ethnique, de son folklore spécifique ainsi que de ses caractéristiques et de ses droits (Art. 9, para 2, Loi de 1976). Les associations culturelles sont placées sur un pied d'égalité avec les organisations citées au para. 2, Art. 9, 1976 (para 3, Art. 8).</p> <p>En application de la loi de 1976 (Art. 12), le Règlement Administratif 306/1977 prévoit la délimitation des zones dans lesquelles doivent être mises en place des inscriptions topographiques en allemand et en slovène; Règlement Administratif 308/1977 détermine le nom slovène des localités.</p> <p>En dépit de l'accroissement des subventions publiques ces dernières années, les groupes ethniques, dans de nombreux domaines sociaux, qui sont essentiels au maintien et au développement de leur identité ethnique ne dépendent que d'eux-mêmes. De plus, vu la relative faiblesse économique de leurs Institutions, les groupes ethniques ne sont pas en mesure de créer les conditions adaptées aux projets culturels, scientifiques, éducatifs et médiatiques.</p>      |

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| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat / INFORMATION</li> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                | <p>L'Autriche prendra toutes les mesures nécessaires pour assurer à tous sans distinction de race, langue ou religion [...] la jouissance des droits de l'Homme et des libertés fondamentales y compris la liberté d'expression de la pensée, la liberté de presse et de publication (Art. 6, traité de 1955).</p> <p>The ORF regularly broadcasts programmes on both radio and TV in Croatian, Slovene and Hungarian; these are part of the regional services for Burgenland and Carinthia. Thus, there are no regular broadcasts entirely in an ethnic language in the Vienna area and there are no programmes in Czech at all. Some time ago, the ORF began broadcasting a weekly half-an-hour TV programme (Heimat, Fremde Heimat) in the Vienna region aimed at <u>all</u> ethnic groups in the capital.</p> <p>Spring 1990      ORF Burgenland broadcasted an average of { 285 mn/week of Croatian radio<br/>                                { 30 mn/week of Croatian TV<br/>                                { 25 mn/week of Hungarian radio</p> <p>ORF Carinthia has a Slovene department which produced an average of 370 mn of Slovene radio/week and 30 mn Slovene TV/week.</p> |
| <p><b>LIBRE CIRCULATION ET Etablissement</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays / FREEDOM OF MOVEMENT AND SETTLEMENT</li> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul> | <p>Print media: in 1990 none of the ethnic groups had its own daily newspaper. Papers are generally issued on a weekly or fortnightly basis.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Loi sur les groupes ethniques du 7 juillet 1976, Article 3:</b> "En vue de la consultation du gouvernement fédéral et des ministres fédéraux sur les affaires ayant trait aux groupes ethniques, des CONSEILS CONSULTATIFS de groupes ethniques seront institués auprès de la chancellerie fédérale. Ils défendront et représenteront l'intérêt général des groupes sur le plan culturel, social et économique et seront entendus notamment avant la promulgation de normes légales et autres projets d'ordre général touchant leurs intérêts. Les conseils peuvent également aider les gouvernements provinciaux sur demande de ces derniers."</li> <li>• There is no nationwide political party devolved exclusively to representing the interests of ethnic groups. However, delegates identified with one ethnic group or another are frequently assigned seats in Parliament. In the same way, many political parties have party officials who belong to an ethnic group.</li> <li>• Burgenland State Diet has long made de facto provision for the Burgenland Croatians to be represented, and at times, Croatians have held State Government posts. However, Constitutional Court stated in 1981 (VFSIG. 9224/1981) that "none of the Constitutional rulings implies a statutory stipulation that the Slovene minority in Carinthia must be accorded its own representation in the State Diet".</li> <li>• At the level of local politics, ethnic groups are represented only in Carinthia, where Slovene electoral lists (notably "unitarian lists") hold seats on some municipal councils.</li> <li>• Ethnic groups articulate their specific interests most frequently and eloquently through the medium of associations at national, regional or local level. These bodies also include a number of umbrella associations which deal with a more or less wide range of issues related to the ethnic groups, but most frequently with cultural activities. There are also associations which represent the interests of <u>all</u> the ethnic groups. Finally, groups are frequently formed whose legal status is not that of an association.</li> </ul> |
| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                                                                     | <p>Les prestations sur le budget public fédéral (Art. 8, para. 2, loi de 1976) peuvent également être accordées aux collectivités territoriales ou locales (Art. 9, para. 5, loi de 1976).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions / ECONOMIC AND SOCIAL RIGHTS</li> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> | <p>Dans les villes et districts où réside une proportion considérable de ressortissants autrichiens appartenant à des minorités ethniques de religion ou de langue, ces minorités se verront assurer une part équitable dans le bénéfice et l'affectation des sommes qui pourraient être attribuées sur les fonds publics par le budget de l'Etat, les budgets municipaux ou autres, dans un but d'éducation, de religion ou de charité (Art. 68 St-Germain).</p> <p>Le ministre fédéral des finances prévoiera dans le projet de budget annuel un montant adéquat destiné à l'assistance aux groupes ethniques (Art. 8, loi de 1976).</p> <p>Les ressortissants autrichiens appartenant aux minorités slovénes et croates en Carinthie, Burgenland et Styrie participeront dans les mêmes conditions que les autres ressortissants autrichiens aux activités des organismes culturels, administratifs ou judiciaires dans ces territoires (Art. 7, para. 4, Traité de Vienne).</p> <p>Interdiction de discrimination économique sur la base de croyances religieuses (voir Religion).</p> <p>Les ressortissants autrichiens appartenant à des minorités ethniques, de religion ou de langue, auront un droit égal de créer, diriger et contrôler à leurs frais des institutions charitables, religieuses ou sociales, des écoles et autres établissements d'éducation [...]. (Art. 67 St-Germain).</p> |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>SANCTION DE LA PROTECTION / ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                           | <p>Si dans une procédure judiciaire pénale et en contradiction avec l'article 15, l'audience principale n'a pas aussi eu lieu dans la langue ethnique, la procédure est entachée de nullité aux termes de l'article 281, para. 1 du Code de procédure pénale de 1975.</p> <p>La violation de l'article 15 constitue également une cause de nullité aux termes de l'article 68, para. 4 du Code de procédure devant les tribunaux administratifs (Art. 17, loi de 1976).</p> <p>Sera interdite l'activité des organisations qui ont pour but de priver les populations croates ou slovénes de leur caractère et de leurs droits de minorités (Art. 7, para 5, Traité de Vienne).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

**BELGIQUE / BELGIUM**

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| <b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b>                                                     | According to Article 3 ter of the Constitution: Belgium comprises three communities: the French, the Flemish, the German speaking Community.                                                                                  |
| <b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS<br/>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b> | According to Article 6 of the Constitution, all Belgians are equal before the Law; article 6bis states that laws and decrees shall guarantee especially the rights and liberties of ideological and philosophical minorities. |

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| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p><b>Article 23</b> of the Constitution: the use of the languages spoken in Belgium is optional.</p> <p>In the French-speaking community, the official language is French; it is the role of the community to promote its study (Decree of the French Community on the endogenous regional language, December 14, 1990), according to article 3 of this decree the Walloon dialect but also the regional languages should be promoted and protected.</p> <p>Creation in the French speaking Community of an Endogenous Regional Languages Council to act as a consultative body in all matters relating to these languages.</p> <p><b>Article 3bis</b> of the Constitution: Belgium is divided in four linguistic regions: the French language region, the Dutch language region, the Bilingual region of Brussels-Capital and the German language region.</p> <p>Les affaires introduites devant la Cour d'arbitrage le sont en français, néerlandais ou allemand: l'instruction a lieu dans la langue de la demande (Art. 53 de la loi sur la Cour d'arbitrage du 28 juin 1953). Les arrêtés sont rédigés en français et néerlandais, avec traduction en allemand (Art. 55).</p> <p><u><b>La loi spéciale pour la Communauté germanophone du 31 décembre 1983</b></u> crée pour la région de langue allemande une Commission pour la traduction officielle allemande des lois et décrets (Art. 76).</p> <p>Selon la loi relative à l'emploi de la langue allemande en matière judiciaire, la langue utilisée devant les juridictions civiles et commerciales de 1ère Instance est fonction de la Province dans laquelle a lieu le procès. En Eupen: la procédure est faite en allemand (article 3). Devant le Conseil de guerre la procédure est faite au choix dans l'une des trois langues. Tout prévenu qui est traduit devant un tribunal dans lequel la procédure est faite dans une langue qu'il ne maîtrise pas, peut obtenir d'être traduit devant un tribunal utilisant une procédure dans sa langue (Art. 15). Lorsque le renvoi d'une décision a lieu devant une juridiction qui ne statue pas en allemand, il y a possibilité d'obtenir le service d'un interprète (Art. 19) sans frais supplémentaires pour la partie.</p> <p><b>Art. 25:</b> nul ne peut être nommé notaire en Eupen s'il ne justifie de la connaissance de l'allemand; cela est aussi vrai pour les fonctions judiciaires (Art. 28).</p> <p>Selon la loi du 30 juillet 1963 concernant le régime linguistique dans l'enseignement,</p> <ul style="list-style-type: none"> <li>- la langue de l'enseignement est le néerlandais dans la région de langue néerlandaise, le français dans la région de langue française et l'allemand dans la région de langue allemande;</li> <li>- dans certaines communes, l'enseignement à l'école primaire peut être donné dans une autre langue nationale si cette langue est la langue usuelle de l'enfant;</li> <li>- un établissement d'enseignement ne peut recruter dans son personnel que des personnes fournissant la preuve de leur connaissance approfondie de la langue qu'elles souhaitent enseigner.</li> </ul> |
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| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul> | <p>(Community Councils regulate the use of language for administrative matters, instruction, labor relations.) Les Conseils des communautés française et flamande réglementent par décret l'usage de la langue dans les domaines de l'Administration, de l'instruction et des relations de travail.</p> <p><u>La loi du 2 août 1963 sur l'emploi des langues en matière administrative</u> stipule que:</p> <ul style="list-style-type: none"> <li>- tout service local établi dans la région de langue française, néerlandaise ou allemande utilise exclusivement la langue de sa région dans ses rapports avec les particuliers,</li> <li>- dans les communes malmédiennes le français ou l'allemand pourront être utilisés aussi bien dans les rapports avec les administrés que dans la rédaction des actes,</li> <li>- nul ne peut être nommé à une fonction dans un service local s'il ne connaît pas la langue de la région (Article 15)</li> <li>- A Bruxelles-capitale, la langue utilisée par le service local sera celle que l'intéressé utilise lorsque celle-ci est le français ou le néerlandais,</li> <li>- les services centraux utilisent dans leurs rapports avec les particuliers celle des trois langues dont ces particuliers ont fait usage (Art. 30).</li> </ul> <p>Il est institué une Commission permanente de contrôle linguistique qui a pour mission de surveiller l'application de la présente loi (Art. 53).</p> |
| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>          | <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <p><b>Article 32 bis</b> of the Constitution: " the elected members of each Chamber are divided into a French-language group and a Dutch-language group in the manner established by the law."</p> <p><b>Article 49, para. 2:</b> [in the general elections] "the remaining seats are allocated to those districts with the largest surplus population not yet represented."</p> <p><b>Article 86 bis</b> of Constitution: "The Council of Ministers comprises an equal number of French speaking and Dutch speaking ministers."</p> <p>La Cour d'arbitrage est composée de 12 membres: 6 membres d'expression néerlandaise, 6 membres d'expression française (loi sur la compétence de la Cour d'arbitrage du 28 juin 1983).</p> <p>De plus, un membre au moins de la Cour doit justifier de la connaissance suffisante de l'allemand (Art. 22, para. 4). Art. 24: principe de la parité linguistique affirmé pour la nomination des référendaires. Selon la loi spéciale pour la Communauté allemande germanophone du 31 décembre 1983, c'est l'exécutif de la Région de Wallonie qui fixe le pourcentage à attribuer au Fonds Spécial pour la Communauté allemande (Art. 80).</p> |
| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                                                                     | <p>Il existe un Conseil et un Exécutif pour la Communauté française et un Conseil et un Exécutif pour la Communauté flamande. Les deux Conseils de communauté ont compétence dans les domaines de la culture, de l'éducation et de la coopération internationale (voir aussi l'Article 107 quater de la Constitution).</p> <p>C'est la Cour d'arbitrage qui détermine par voie d'arrêt les compétences respectives de l'Etat, des Communautés et des régions (loi du 28 juin 1983).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul>                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul> |  |
| <p><b>SANCTION DE LA PROTECTION /</b><br/><b>ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                       |  |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                            |  |

BULGARIE / BULGARIA

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                             | <p>Reconnaissance de la minorité (nationale) turque.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS<br/><br/>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                    | <p><b>Art. 6.3 (Const.):</b> "All people are born free and are equal in dignity and rights,"<br/><b>2 (Const.):</b> clause de non-discrimination</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>LANGUE</b><br/>- officielle<br/>- dans l'éducation<br/>- relations officielles avec l'administration<br/>- droit d'association linguistique /<br/><b>LANGUAGE</b><br/>- official<br/>- in education<br/>- in official relations with administration<br/>- right to create and maintain associations to promote languages</p> | <p><b>Art. 36 (Const):</b> "1. Bulgarian citizens have the right and obligation to study and use the Bulgarian language.<br/>2. Citizens whose native tongue is not Bulgarian have the right to study and use their own languages as well as the obligation to study Bulgarian.<br/>3. Cases in which only the official language may be used are indicated in the law."<br/><br/>L'éducation secondaire en langue turque est à nouveau réintroduite dans l'enseignement public dans les régions où réside une forte communauté turque (majorité dans la région).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>RELIGION</b><br/>- liberté de croyance, de pratique et d'affiliation<br/>- liberté de créer des associations religieuses<br/>- financement /<br/><b>RELIGION</b><br/>- freedom of religious belief, practice and affiliation<br/>- freedom to create religious associations<br/>- financial support</p>                      | <p><b>Art. 13 (Const):</b> 1. There is freedom of religion"<br/>3. The Eastern Orthodox religion is the traditional religion of the Republic of Bulgaria.<br/>2. Religious institutions are separate from the State.<br/>4. Religious communities and institutions or religious convictions may not be used in the pursuit of political objectives".<br/><br/><b>Art. 37 (Const):</b> "1. Freedom of conscience, freedom of thought, and choice of religion or religious or atheistic views are inviolable. The State encourages tolerance and respect among believers of different faiths as well as between believers and non believers.<br/>2. Freedom of conscience and religion may not be detrimental to national security, public order, public health and morality, or the rights and freedoms of other citizens."<br/><br/><b>Art. 38 (Const):</b> "No one may be persecuted or have his rights restricted because of his convictions, or be detained or forced to provide information relative to his convictions or those of another person."</p> |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>                                                                            | <p><b>Art 54.1 (Const):</b> "The law acknowledges and guarantees to everyone the right to the benefits provided by national and universal human values, and the right to develop his own culture, in accordance with his ethnic affiliation."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          | <p>Les articles 280 et 281 du Code Pénal qui sanctionnent le "non-retour" au pays ne sont plus appliqués.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <p><b>Article 11 (Const) 1:</b> "Political life in the Republic of Bulgaria is based on the principle of political pluralism."</p> <p>2. "Political parties may not be founded on ethnic, racial, or religious base, nor is it permitted to found a party whose aim it is to assume State power by violent means."</p> <p><b>Article 3.2 (Loi sur les partis politiques):</b> "No political party can be constituted on a religious or ethnic basis..."</p> <ul style="list-style-type: none"> <li>- Le "Mouvement de Droits et de libertés" représente officiellement la minorité turque au Parlement bulgare (24 députés).</li> <li>- Parmi les parlementaires bulgares participant à l'Assemblée parlementaire du Conseil de l'Europe (2-10 octobre 1992), l'un était membre de la minorité turque.</li> </ul> |

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| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                           |  |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> |  |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                 |  |
| <p><b>SANCTION DE LA PROTECTION /</b></p> <p><b>ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                    |  |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                            |  |

CROATIE / CROATIA

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                             | <p>Reconnaissance de l'existence de minorités par la promulgation de la "Loi constitutionnelle des Droits de l'Homme et des droits des communautés ou des minorités nationales et ethniques dans la République de Croatie" de décembre 1991 (= Const. Law).<br/>De surcroît, l'Article 15 de la Constitution du 22 décembre 1990 mentionne l'existence des minorités.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS<br/><br/>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                    | <p><b>Art. 3 (Const. Law):</b> "The Republic of Croatia protects the equality of national and ethnic groups or minorities and thus encourages their universal development".</p> <p><b>Art. 15 (Const.):</b> "Members of all nations and minorities have equal rights in the Republic of Croatia".</p> <p><b>Art. 14 (Const.):</b> Non discrimination clause.</p> <p><b>Art. 17 (Const.):</b> No restriction on the right to equality based on race, sex, language, color, religion.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>LANGUE</b><br/>- officielle<br/>- dans l'éducation<br/>- relations officielles avec l'administration<br/>- droit d'association linguistique /<br/><b>LANGUAGE</b><br/>- official<br/>- in education<br/>- in official relations with administration<br/>- right to create and maintain associations to promote languages</p> | <p>Langue officielle: le croate (Const. 12.1).</p> <p><b>Art. 12.2 (Const.):</b> "In individual local areas, another language, as well as the Cyrillic or some other script, may be officially used along with the Croatian language and the Latin script, under conditions specified by law".</p> <p><b>Art. 7 (Const. Law):</b> "Members of all ethnic or national communities or minorities in the Republic of Croatia are entitled to the free use of their language and alphabet, both publicly and privately. In those municipalities where members of a national/ethnic community/minority represent the majority of the total population, the alphabet and language of that national/ethnic community/minority will be officially used together with the Croatian language and the Latin alphabet."</p> <p><b>Art. 14 (Const. Law):</b> "Members of ethnic/national communities/minorities living in the Republic of Croatia are educated in kindergartens and schools in their own language and alphabet, with programs adequately presenting their history, culture and science..."</p> <p><b>Art. 15 (Const. Law):</b> "In areas [...] where national and ethnic communities or minorities represent a relative majority of the population, separate educational institutions or school departments will be established in the language and alphabet of the particular national community [...]".</p> <p><b>Art. 16 (Const. Law):</b> "Besides municipal funds, the Republic of Croatia provides adequate funding for the realisation of the curricula enumerated in Article 14."</p> <p><b>Art. 17 (Const. Law):</b> "Members of [...] minorities may found private schools or other educational institutions."</p> |

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| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul> | <p><b>Art. 40 (Const.):</b> "Freedom of conscience and religion and free public professor of religion and other convictions are guaranteed."</p> <p><b>Art. 41 (Const.):</b> "All religious communities are equal before the law and are separate from the State. Religious communities are free to perform religious services publicly, in conformity with law, to open school, teaching establishments and other institutions, social and charitable institutions and to manage them, and enjoy in their scope of activity the protection and assistance of the State."</p> <p><b>Art. 49.3 (Const.):</b> "The Republic stimulates economic progress and social welfare and cares for the economic development of all religions."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>          | <p><b>Art. 4 (Const.):</b> "The Republic of Croatia will assist the development of the relations between national and ethnic communities with the people in their parent country in order to promote their national, cultural and language development."</p> <p><b>Art. 6 (Const. Law):</b> "The Republic of Croatia guarantees the members of all national or ethnic communities or minorities: [...] c. the right to identity, culture, religion, public and private use of a language and alphabet and education."</p> <p><b>Art. 9.1 (Const. Law):</b> "Members of national/ethnic communities/minorities are free to possess and use national or ethnic emblems and symbols."</p> <p><b>Art. 11 (Const. Law):</b> "Members of national/ethnic communities/minorities are free to found cultural and other societies aimed at preserving their national and cultural identity."</p> <p><b>Art. 12 (Const. Law):</b> "The Republic of Croatia protects historical monuments and the entire cultural heritage of national/ethnic communities/minorities."</p> <p><b>Art. 50 (Const. Law):</b> "Toponyms in the settlements in special statute municipalities shall be written primarily in Latin, and secondary in the Cyrillic alphabet."</p> |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                       | <p><b>Art. 10 (Const. Law):</b> "Members of national and ethnic communities or minorities are free to organise newspaper and book publishing in their native language and alphabet. The Republic of Croatia and local self-governing provide financial aid for the realisation of the rights listed in Paragraph 1 of this Article, congruent with their financial resources."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          | <p><b>Art. 18.1. (Const. Law):</b> "Members of national and ethnic communities or minorities who make more than 8% of the population of the Republic of Croatia are entitled to being proportionally represented in the Croatian Parliament and its Government and at the supreme legislative bodies.</p> <p><b>Art. 18.2. (Const. Law):</b> "Members of national and ethnic communities or minorities whose share in the population of the Republic of Croatia is below 8% are entitled to electing a total of five representatives to the House of Representatives of the Croatian Parliament."</p> <p><b>Art. 22 (Const. Law):</b> "Electing or appointing members of the Municipal Assembly of the special statute-municipalities and its Executive Council is based on the principle of proportional representation with regards to their national and ethnic or minority affiliation."</p> <p><b>Art. 25.5 (Const. Law):</b> "The statute municipality is independent in decision-making such as:</p> <ul style="list-style-type: none"> <li>- preservation and protection of cultural heritage of interest to national and ethnic minorities, promoting cultural and scientific activities [...]</li> <li>- special care about effecting human, civil and ethnic rights of all inhabitants.</li> </ul> |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                           | <p><b>Art. 4.2</b> (Const. Law): Ethnic and national communities or minorities have the right to self-organisation and association in order to realise their national or other rights in compliance with the Constitution of the Republic of Croatia and this law.</p> <p><b>Art. 5</b> (Const. Law): Ethnic or national communities or minorities within the Republic of Croatia are entitled to cultural autonomy.</p> <p><b>Art. 19</b> (Const. Law): "Members of national/ethnic communities/minorities are entitled to being represented in local self-governing bodies in proportion to their share in the total population of a particular local self-governing unit."</p> <p><b>Art. 20</b> (Const. Law): <i>établissement des "Agences pour des relations inter-ethniques" afin de mettre en oeuvre les dispositions de la "Loi constitutionnelle.."</i></p> <p><b>Art. 21</b> (Const. Law): "The municipalities (regions) with a special self-governing (autonomous) status in which members of an ethnic and national community or minority, according to the 1981 census, make more than 50% of the population have, within the system of local self-government of the Republic of Croatia, special statute. The structure of the municipalities (regions) enjoying the special statute must not be contrary to the constitutional order of the Republic of Croatia as an integral and indivisible State.</p> <p><b>Art. 22</b> (Const. Law) establishes Municipal Assemblies with special self-governing (autonomous) status.</p> <p><b>Art. 128.1</b> (Const.): "Citizens are guaranteed the right to local self-government".</p> |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> | <p><b>Art. 6</b> (Const. Law): "The Republic of Croatia guarantees the members of all national or ethnic communities or minorities [...]: d) the protection of equality in participating in public services."</p> <p><b>Art. 49</b> (Const.): "The Republic stimulates economic progress and social welfare and cares for the economic development of all regions."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                 | <p><b>Art. 47.2</b> (Const.): "Conscientious objection is allowed to all those who, for religious or moral belief, are not prepared to participate in the performance of military duties in the armed forces. Such persons are obliged to perform other duties specified by law."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| <b>SANCTION DE LA PROTECTION /<br/>ENFORCEMENT OF THE PROTECTION</b> | <p><b>Art. 39 (Const.):</b> "Any call for or incitement to war or resort to violence, national, racial or religious hatred or any form of intolerance is prohibited and punishable".</p> <p><b>Art. 60 (Const. Law):</b> "According to the criminal code of the Republic of Croatia every action, stimulation, organisation (...) which could endanger the existence of certain national and ethnic community or minority, provoke the national hatred, be conducive to discrimination or putting into an unequal position is forbidden and punishable.</p> |
| <b>PROJETS DE TEXTES / DRAFT TEXTS</b>                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

CHYPRE / CYPRUS

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                             | <p>Reconnaissance par la Constitution de deux communautés ethniques cohabitantes: la grecque et la turque (Art. 2.1,2). La Communauté turque constitue d'ailleurs une minorité linguistique et religieuse.</p>                                                                                                                                                                                                                                                                                                                                      |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS<br/>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                         | <p>Art. 28 (Const): "1. Tous les hommes sont égaux devant la loi, l'administration et la justice et ils sont en droit d'en attendre égalité de traitement et de protection.<br/>2. Les droits et libertés prévus par la présente Constitution s'appliquent à tous sans distinction, directe ou indirecte, de communauté, de race, de religion, de langue, de sexe, de convictions politiques ou autres."</p>                                                                                                                                        |
| <p><b>LANGUE</b><br/>- officielle<br/>- dans l'éducation<br/>- relations officielles avec l'administration<br/>- droit d'association linguistique /<br/><b>LANGUAGE</b><br/>- official<br/>- in education<br/>- in official relations with administration<br/>- right to create and maintain associations to promote languages</p> | <p>Art. 3.1 (Const): "Les langues officielles de la République sont le grec et le turc".<br/><br/>- Publication du Journal officiel en deux langues.<br/>- Utilisation des deux langues sur les pièces de monnaie, les billets de banque et les timbres.<br/>- Les débats judiciaires seront conduits et se dérouleront et les jugements seront rédigés en langue grecque si les parties sont grecques, en langue turque si les parties sont turques, et dans les langues grecque et turque si les parties sont grecque et turque." (Art. 3.4).</p> |
| <p><b>RELIGION</b><br/>- liberté de croyance, de pratique et d'affiliation<br/>- liberté de créer des associations religieuses<br/>- financement /<br/><b>RELIGION</b><br/>- freedom of religious belief, practice and affiliation<br/>- freedom to create religious associations<br/>- financial support</p>                      | <p>Art. 18.4 (Const.): "Chacun est libre et a le droit de professer sa foi et de manifester sa religion ou sa croyance, par le culte, l'enseignement, la pratique ou l'observance, à titre individuel ou collectif, en privé ou en public, et chacun a le droit de changer de religion ou de croyance."</p>                                                                                                                                                                                                                                         |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <p><b>Art. 62 (Const):</b> 1. Les Députés sont au nombre de cinquante, étant entendu que ce chiffre peut être modifié par une résolution de la Chambre des Représentants, adoptée à la majorité des deux-tiers des Députés élus par la Communauté grecque et des deux tiers des Députés élus par la Communauté turque. 2. Sur le chiffre des Députés prévu au paragraphe 1 du présent article, 70% doivent être élus séparément par la Communauté grecque, et 30% par la Communauté turque parmi les membres de chaque Communauté...".</p> <ul style="list-style-type: none"> <li>- Le Président de la République est le chef de l'Etat et doit être Grec. Le Vice-Président doit être Turc. Le Vice-Président a le droit de veto sur les décisions du Président. (Titre III de la Constitution).</li> </ul> |

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| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>SANCTION DE LA PROTECTION /</b></p> <p><b>ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Après 1974, des négociations ont été organisées à plusieurs reprises dans le cadre des bons offices du Secrétaire Général des Nations Unies. Tout récemment, le projet qui est en négociation à New-York envisage la création d'une fédération comprenant un Etat fédéré chypriote-grec un peu plus étendu que l'actuel territoire de la République de Chypre et un Etat chypriote-turc un peu moins étendu que les territoires occupés. Les problèmes sont vastes: retour des réfugiés chez eux, indemnisation, système de gouvernement, position des minorités dans les deux Etats fédéraux.</p> |

REPUBLIQUE TCHIQUE ET SLOVAQUE / CZECH AND SLOVAK REPUBLIC

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| <p>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</p>                                                                                                                                                                                                                                                      | <p>Art. 3, 24 and 25 of the Constitutional Act of the Federal Assembly of January 9, 1991 (See below)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS<br/>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</p>                                                                                                                                                                                                  | <p>Art. 3 of the Constitutional Act of January, 1991: "Fundamental human rights and freedom are guaranteed to every body irrespective of [...] ethnic or social origin, membership in a national or ethnic minority."<br/>• and Art. 24 states that the national or ethnic identity of any individual shall not be used to his or her detriment.<br/>• Art. 25: citizens who constitute national or ethnic minorities are granted the right to develop their own culture, the right to disseminate and receive information in their language, and the right to associate in ethnic associations.</p>                                                                                                                                                                                                                                                                                                                                       |
| <p>LANGUE<br/>- officielle<br/>- dans l'éducation<br/>- relations officielles avec l'administration<br/>- droit d'association linguistique /<br/>LANGUAGE<br/>- official<br/>- in education<br/>- in official relations with administration<br/>- right to create and maintain associations to promote languages</p> | <p>Under the Constitution, Czech and Slovak have equal status. They are the official languages.<br/>Education in Hungarian, German, Polish and Ruthenian is provided from pre-primary schools until the end of secondary schooling.<br/>• Octobre 1990: Slovak National Council passed a so-called language law stipulating that in those areas with an ethnic minority constituting at least 20% of the population, the minority's language should be allowed in official dealings.<br/>• Art. 25 al. 2 of the Constitutional Act of January 1991: Citizens constituting national and ethnic minorities are also guaranteed under conditions set by law:<br/>- the right to education in their language<br/>- the right to use their language in official contacts.<br/>• Art 37 al 4: Whoever states that he or she doesn't speak the language in which the proceedings are conducted is entitled to the services of an interpreter.</p> |

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| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul> | <ul style="list-style-type: none"> <li>- Ten national cultural Unions in Slovakia: Csemadok (Hungarians), Croatian Cultural Union, Carpathian German Society of Slovakia...</li> <li>- Hundreds of Hungarian language libraries in the districts where the Hungarian minority is concentrated; also Ukrainian and Russian libraries.</li> <li>- German and Croatian minorities have no libraries.</li> <li>- Grants from State resources are given to the cultural unions (22 million Kcs in 1991); but the Slovak Republic wants to encourage self-financing.</li> </ul> |
| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                       | <p>The Hungarian minority enjoys important cultural advantages (radio stations and publishing houses). It can receive Hungarian radio and TV programmes.</p> <p>The Slovak publishing houses publish few books in the languages of the minority groups.</p> <p>National minority periodicals published in Slovakia include 17 Hungarian, 3 Ukrainian and 1 Romany periodicals. All are given State grants.</p>                                                                                                                                                            |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <p>The Hungarian minority, representing 11% of the Slovak population, has 24 deputies (16% of the National Council) in Bratislava, within which it is permitted to speak Hungarian. At national level, the Hungarians are represented by the political movement "Coexistence" which also represents other minorities (10 Representatives at the Federal Parliament).</p> <p>Gypsies have also representatives at the Federal Parliament but they still ask for recognition as a specific minority.</p> <p>Regarding the election of Supreme Court Judges, six Judges must be citizens of the Republic of Slovakia, and six Judges must be citizens of the Czech Republic (Art. 10, 11, 12 of the Constitution).</p> |
| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul>                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>SANCTION DE LA PROTECTION /</b></p> <p><b>ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

DANEMARK / DENMARK

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| <p>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</p>                                                                                                                                                                                                                                                      | <p>The Danish Constitution of June 5, 1953 does not refer to national minorities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS<br/><br/>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</p>                                                                                                                                                                                             | <p>The Danish Declaration of March 29, 1955 protects the rights of the German minority. Paragraph 12 states the right to equal treatment, which means that nobody may suffer prejudice or be favoured because of his descent, language, origin or political opinion.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>LANGUE<br/>- officielle<br/>- dans l'éducation<br/>- relations officielles avec l'administration<br/>- droit d'association linguistique /<br/>LANGUAGE<br/>- official<br/>- in education<br/>- in official relations with administration<br/>- right to create and maintain associations to promote languages</p> | <p>Official language: Danish</p> <ul style="list-style-type: none"> <li>• Farø recognized as the principal language in Denmark, Greenlandic as the principal one in Greenland; either Danish or Greenlandic may be used for official purposes.</li> <li>• Schools for German minority in Denmark are organised on the municipal level. There are German schools for all levels until University entrance examination and the certificates are duly recognized. German is a compulsory subject in all Danish schools (cf Danish Declaration of 1955, Art. 2 et 3).</li> <li>• In the Farø Islands, Farø is recognized as the principal language, but Danish shall be taught, and the two languages are taught in official matters (Art. 11 of the Act respecting the Home Government of the Farø Islands, 23 March 1948).</li> <li>• In Greenland, Greenlandic shall be the principle language, but Danish must thoroughly be taught (Greenland Home rule Act 1978, Section 9)</li> </ul> |
| <p>RELIGION<br/>- liberté de croyance, de pratique et d'affiliation<br/>- liberté de créer des associations religieuses<br/>- financement /<br/>RELIGION<br/>- freedom of religious belief, practice and affiliation<br/>- freedom to create religious associations<br/>- financial support</p>                      | <p>Art. 71 of the Constitution of Denmark states freedom of religion.</p> <p>A decree of March 1948 establishes the right for the minority to conduct church services in German.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>                                                                            | <p>Freedom of expression and of the press is stated by the Copenhagen Declaration of 1955.</p> <p>A German language paper has been published for many years.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                         | <p>Freedom of expression and of the press is stated by the Copenhagen Declaration of 1955.</p> <p>A German language paper has been published for many years.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          | <ul style="list-style-type: none"> <li>• implicite</li> <li>• implicite</li> <li>• implicite</li> </ul> <p>The German minority is exempt from the requirement of a minimum support in writing by registered voters for recognition as a party. It was for several years represented in the Danish Folketing. Since this is no longer the case, a special contact Bureau, attached to the Prime Minister's Office in Copenhagen, represents the interests of the German minority and is consulted on all draft legislation of concern to it.</p> <p>In regional municipal councils, the representation is proportional and the minority party is therefore represented according to its election results.</p> <p>Farøe Island shall be represented by one member in the Upper House and two members in the Lower House (Art. 14 of the Act on the Farøe Islands, 23 March 1948).</p> |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>• The Greenland Home rule Act of 29 November 1978 states that Greenland is a distinct community within the Kingdom of Denmark. The Home rule authorities may determine the Jurisdiction in the field of taxes, organisation of local government, agriculture, country planning... (cf schedule at the end of the Home rule Act).</li> <li>• Farøe Islands constitute a self-governing national community within the Kingdom of Denmark (Art. 1 of the Act on the Farøe Islands, 29 March 1948).</li> </ul> |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> | <p>According to Section 16 of the Greenland Home rule Act, the Home rule authorities may demand in countries in which Greenland has special commercial interests Danish diplomatic missions employ officers specifically to attend such interests (para 1 and 2 and 3). In some cases, Greenland authorities may be authorised to negotiate directly.</p>                                                                                                                                                                                         |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- perte de nationalité</li> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                 | <p>According to section 13 of the Greenland Home rule Act, treaties which particularly affect Greenland interests shall be referred to the home rule authorities for their comments before they are concluded.</p>                                                                                                                                                                                                                                                                                                                                |
| <p><b>SANCTION DE LA PROTECTION /</b></p> <p><b>ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

ESTONIE / ESTONIA

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                                                                                                                                                          | <p>Art. 2 of the Law on Ethnic Rights of the Citizens of Estonia states that "residents" are obliged to abide the Constitution of Estonia and other laws of the Republic and to respect the culture, customs and traditions of Estonian and other ethnic groups. La loi fait une distinction entre, d'une part, les citoyens qui devraient jouir de "droits et libertés politiques, économiques et sociaux égaux" (Art. 1) et, d'autre part, les résidents qui doivent se conformer aux lois de la République. See also Article 54 and 55 of the Constitution.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS</b></p> <p><b>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                                                                                                                                            | <p>According to Art. 1 of the Law on the Ethnic Rights of the Citizens of Estonia (15 December 1989) equal rights to members of different ethnic groups are guaranteed.</p> <p>The resolution on ethnic equality of 1 December 1990: "Estonia states its commitment to guarantee the right of all its residents regardless of nationality, native language and political or religious beliefs."</p> <p>Article 12 of the Constitution (1992) states that all persons shall be equal before the law. "No one may be discriminated on the basis of nationality, race, language, origins..."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p>Article 6 of the Constitution: "Estonian is the official language".</p> <ul style="list-style-type: none"> <li>• Article 4 of the Law on the Ethnic Rights of the Citizens (15 December 1989) states that Estonian will create conditions for ethnic groups to freely develop their culture and language by allowing:             <ul style="list-style-type: none"> <li>- the creation of ethnic cultural associations</li> <li>- the ethnic groups to receive education in Estonian, Russian or other language in state schools or through cultural associations.</li> </ul> </li> <li>• Article 51 of the Constitution states that in localities where at least half of the permanent residents belong to an ethnic minority, everyone shall have the right to receive answers from the State in the language of the ethnic minority.</li> <li>• L'article 22 de la loi sur les langues prévoit la création de groupes d'étude ou d'écoles russes, mais seulement dans le cas où cela est conforme aux besoins et aux possibilités de la République. = limite à la liberté de l'enseignement.</li> <li>• See also "Cultural freedom" below and the Language Law.</li> </ul> |

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| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul> | <p>Paragraph 9 of the <u>Law on the basic principles of provisional Rule of Estonian Government</u> (16 May, 1990) guarantees freedom of religion to all residents of Estonia. This freedom includes the right to be religious, to receive and to give religious instruction, to belong to a church or religious organisation and to observe its customs.</p> <p>According to Article 40 of the Constitution (1992) everyone shall have freedom of religion, and may freely belong to a church or a religious association. Everyone shall have the right to practice his or her religion in public or private; alone or in community.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>          | <ul style="list-style-type: none"> <li>• <u>The Language Law</u>: <ul style="list-style-type: none"> <li>- basic aim: promote the use of the Estonian language and strengthen its position as the national language of Estonia (cf <u>Art. 1, Art 8, para. 1 and 2</u>).</li> <li>- Linguistic minorities can not use their language before the courts and authorities, but the assistance of interpreters or translators may be required</li> <li>- as regards "education, culture and science", <u>Art. 21</u> states that the teaching of Estonian language is compulsory at school, and that "all students at higher educational establishment who have no command of Estonian shall be taught the Estonian language".</li> </ul> </li> <li>• <u>Article 24</u> states that the development of the Estonian culture shall be granted in priority, even if the culture of the ethnic communities must also be supported. It also states that priority must be given to Estonian language publishing.</li> <li>• <u>Article 25</u>: states that ethnic communities may use their own language.</li> <li>• <u>Article 27</u>: places names shall be in the Estonian language; the name of a person shall be fixed in the Estonian Latin-based alphabet.</li> <li>• <u>Article 33</u>: the texts, signs, posters, advertisements displayed in public shall be in the Estonian language. Translations shall be added in consideration of the needs of the local population. It seems difficult to reconcile Article 33 with the principles of freedom of expression as protected under international treaties.</li> <li>• <u>Article 6 of the Law on Ethnic Rights of the Citizens of Estonia</u> (15 December 1989) states that ethnic, cultural and historical monuments and ethnic symbols will be protected by the State.</li> </ul> |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                       | <ul style="list-style-type: none"> <li>• Article 12 of the <u>Language Law</u> provides that the official language of international communication in firms, institutions and organisations situated on the territory of the Estonian SSR shall be Estonian.</li> <li>• Article 4 of the <u>Law on the Ethnic Rights of the Citizens of Estonia</u> states that citizens of all ethnic origins will have the right to distribute information and organise their cultural life in their own language.</li> <li>• Article 5 of the same law: Organisations promoting the development of ethnic culture can "outside the State and with their own funds", create cultural and educational institutions.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          | <p>According to the Constitution of April 1992, Article 34: "All persons legally present in Estonia shall have the right to freedom of movement and choice of abode, and according to article 35 "Everyone shall have the right to leave Estonia".</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <p>L'application stricte de la loi sur la citoyenneté de 1938 peut avoir pour conséquence que des parties substantielles de la population du pays se voient refuser le droit de devenir des citoyens et, par conséquent, ne soient pas être en mesure de prendre part aux élections parlementaires.</p> <p>De plus, l'article 31 du projet de Constitution Adams prévoit que les postes officiels dans les institutions de l'Etat et de l'Administration locale et dans les entreprises d'Etat peuvent être occupés par des citoyens estoniens et que les citoyens étrangers et les apatrides ne peuvent être nommés à ces postes.</p> <p>Plan en vue de l'instauration d'une certaine autonomie des minorités à l'échelon local.</p>                                                                                                                                                                                                                                                  |
| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                                                                     | <p>According to chapter 14 of the Constitution of April 1992, Article 154 to 160:</p> <ul style="list-style-type: none"> <li>- all local issues shall be resolved and regulated by local governments (article 154)</li> <li>- expenditures related to the obligations imposed on local government by law shall be covered from the national budget (Art. 154)</li> <li>- local governments shall have independent budget (Art. 157)</li> <li>- local governments shall have the right to impose taxes and fees and to collect them (Art. 157)</li> <li>- local governments shall have the right to form leagues and joint institutions together with other local governments (Art. 159)</li> </ul> <p>Are allowed to vote in the election of the local government, not only the citizens, but also all the persons</p> <ul style="list-style-type: none"> <li>- who have reached 18 years</li> <li>- who reside permanently on the territory of that local government unit.</li> </ul> |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul>                                           | <p>Selon la loi du 16 mai 1990 sur les principes du régime provisoire du gouvernement d'Estonie, la République garantira à tous ses résidents les droits sociaux, économiques et culturels ainsi que les libertés politiques fondées sur les normes internationales universellement reconnues (Art. 8).</p> <p>According to Article 30 of the Constitution only citizens can get positions in State and local government. But such positions may in exceptional cases be filled by foreign citizens or stateless persons.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul> | <p>Article 7 of the Law of Ethnic Rights of the Citizens of Estonia (15 December 1989) states that all citizens of the Estonian SSR have the right to "freely choose what ethnic group they wish to identify, according to their ethnic origin.</p> <p>No person shall be forced to renounce his or her ethnic origin."</p> <p>According to Article 49, everyone shall have the right to preserve his or her ethnic identity. Article 124 of the Constitution states that a person who for religious or ethical reasons refuses service in the Defence forces shall participate in alternative service.</p>                                                                                                                                                                                                                |
| <p><b>SANCTION DE LA PROTECTION / ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                  | <p>Article 8 of the Law on the Ethnic Rights of Citizens stipulates that any encitment to ethnic discrimination, superiority or hatred is punishable by law.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                            | <p>Une nouvelle Constitution est en cours d'élaboration. Il existe deux projets: le projet Adams et le projet Raidla. En ce qui concerne la question de la discrimination, le projet Raidla contient à l'article 10 une disposition garantissant l'égalité de tous devant la loi, indépendamment de la nationalité, de la race [...]</p> <p>L'article 50 établit une distinction entre deux groupes de droits fondamentaux:</p> <ul style="list-style-type: none"> <li>- ceux qui s'appliquent aux citoyens estoniens, citoyens des Etats étrangers et aux apatrides;</li> <li>- ceux qui s'appliquent également aux citoyens et non-citoyens sauf disposition contraire.</li> </ul> <p>Dans ce dernier groupe de droits on trouve, entre autres, la liberté de circulation, la liberté d'expression et d'association.</p> |

FINLANDE / FINLAND

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| <p>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</p>                                                     | <p>A Sami means a person who considers himself a Sami, provided he himself or at least one of his parents or grandparents learnt Sami as his first language (Sami Language Act, 1991).</p>                                                                                                                                                        |
| <p>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS<br/>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</p> | <p>All citizens of Finland are equal before law (Art. 5 Const).<br/>La Finlande soutient que les groupes minoritaires vivant sur son territoire n'ont pas besoin d'être officiellement reconnus par la loi pour exister et se voir reconnaître le droit de développer leur propre culture et de maintenir leur propre tradition linguistique.</p> |

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| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p>National languages shall be Finnish and Swedish; Right for a citizen to use his own language, Finnish or Swedish, in Court, before an Administrative authority, to obtain whatever document may be issued relating to him, shall be guaranteed by law (Art. 14 Const.).</p> <p>Acts and decrees as well as Government Bills to Parliament and the replies, proposals and other statements of Parliament to Government shall be issued in Finnish and Swedish (Art. 22 Const).</p> <p>In any rearrangement of borders of administrative districts, attention shall be paid to the fact that, where possible, the districts shall be monolingual, either Finnish or Swedish-speaking, or that the language minorities shall be as small as possible (Art. 50 Const.).</p> <p><u>Language Act 1922 as modified in 1975:</u> a municipality is not unilingual unless the minority which speaks the other language does not attain 890 (or 3 000 people). However, a bilingual municipality shall not be declared unilingual before the minority has shrunk under 690. The use of languages before a court of law or any authority shall be regulated in accordance with these percentages. The Act was further amended in 1991.</p> <p><u>Sami Language Act 1991:</u> Samis may use Sami before courts of law and other State or local authorities and agencies. When legally provided, official documents announcements as well as roads signs shall be issued also in Sami; this shall be done by the <b>Office of the Sami Language</b>; costs shall be borne by State or local authorities unless the party was not legally entitled to translation. Local authorities should make sure their personnel includes sufficient people knowing Sami. Civil servants working in Sami domicile area shall be entitled to paid leave of absence to acquire a knowledge of Sami necessary to carry out official duties. Right of Samis to receive comprehensive school education and day care in their native language.</p> <p><u>Laws governing education:</u> Schools Act and High Schools Act state that Language of instruction may be Sami in the four northern Sami municipalities. Act governing occupational training for the Samis stipulates that languages of instruction are Finnish and Sami. At University level, Same is taught in 3 universities.</p> <p><u>Romany:</u> Since 1990, Romany pupils in the region of Helsinki can learn their language at evening classes. First elementary course in Romany language was organised in 1989/90 at the Helsinki Vocational Training Centre. Romany usage is however diminishing despite special measures taken by government to encourage the studying of the language.</p> |
| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul>                                | <p>Every Finnish citizen has the right to practice publicly and privately a religion, [...], shall have the freedom to renounce the religious community to which he belongs and freedom to join another one (Art. 8 Const).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>                                                                            | <p>Cultural needs of Finnish-speaking and Swedish-speaking populations shall be satisfied by the State according to the same principles (Art. 14 Const).</p>                                                                                                                    |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                         | <p>The Swedish newspapers as well as radio and TV programmes have a long tradition in Finland.</p> <p>For years, there have been some periodicals and regular radio programme in the Sami language.</p> <p>Radio programmes in Sami are also transmitted at a Nordic level.</p> |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          |                                                                                                                                                                                                                                                                                 |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> |                                                                                                                                                                                                                                                                                 |

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| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                           | <p>Åland: Autonomy legislation contains some provisions which guarantee dominance of Swedish in the Island. However, a Finnish citizen is entitled to use Finnish in pursuing his own interest before a court and other State authority and to get official documents in this language.</p> <p>There exists a Sami Parliament called Sami Delegation.</p>                                                                                                                                                                                                                                                                                                                         |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> | <p>The economic needs of the Finnish-speaking and Swedish-speaking population shall be satisfied by State according to the same principles (Art. 14 Const.).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                 | <p>A conscript shall, unless he himself otherwise desires, first and foremost be assigned to a Unit whose rank and file have the same native language, Finnish or Swedish, as the conscript has, there to receive instruction in that language. The language of commands in the armed forces shall be Finnish.</p> <p>Advisory Board for Romany Affairs became permanent in 1990.</p>                                                                                                                                                                                                                                                                                             |
| <p><b>SANCTION DE LA PROTECTION / ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                                  | <p>Penal Code: 13:5 whoever spreads discrimination against a population group on the grounds of race, national, ethnic or religious origin, shall be sentenced to a fine or to imprisonment for at most 2 years.</p> <p>13:6 anyone who, in the performance of his duties or in his service in business, does not serve a customer because of the race, nationality, ethnic group or religion of this person, shall be sentenced to a fine or to imprisonment for at most 6 months.</p> <p>The arranger of a public amusement or of a public meeting is liable to the same prosecution if he refuses admittance on the basis of race, nationality, ethnic origin or religion.</p> |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

FRANCE

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| <p>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</p>                                                                                                                                                                                                                                                        | <p>Aucune minorité n'est reconnue au nom de l'indivisibilité de la nation. <b>Art. 5 (Const.)</b>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS<br/><br/>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</p>                                                                                                                                                                                               | <p><b>Article Premier</b> (Déclaration des Droits de l'Homme et du Citoyen): "Les hommes naissent et demeurent libres et égaux en droits (...)".</p> <p><b>Art. 2b (Const.)</b>: "Elle assure l'égalité devant la loi de tous les citoyens sans distinction..."</p> <p><b>Art. 77c (Const.)</b>: "Tous les citoyens sont égaux en droit, quelles que soient leur origine, leur race et leur religion. Ils ont les mêmes devoirs."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>LANGUAGE<br/>- officielle<br/>- dans l'éducation<br/>- relations officielles avec l'administration<br/>- droit d'association linguistique /<br/>LANGUAGE<br/>- official<br/>- in education<br/>- in official relations with administration<br/>- right to create and maintain associations to promote languages</p> | <p>• <b>Art. 2.c (Const.)</b>: "La langue de la République est le français"</p> <p>Les lois qui ont tenté d'établir une éducation locale en langues minoritaires sont inappliquées:</p> <p>• Loi N°51-46 (11 janvier 1951) relative à l'enseignement des langues et dialectes locaux.</p> <p>• Circulaire N° 82-261 (26 juin 1982)</p> <p>• La loi 91-428 sur la collectivité territoriale de Corse stipule : <b>Art. 53.2</b>: "L'Assemblée adopte (...), un plan de développement de la langue et de la culture corses, prévoyant notamment les modalités d'insertion de cet enseignement dans le temps scolaire. Les modalités font l'objet d'une convention conclue entre la collectivité territoriale de Corse et l'Etat."</p> <p>• Université en Corse enseignant la langue corse depuis 1980.</p> <p>• Ecoles primaires privées établies en Bretagne, qui enseignent le breton.</p> <p>• Cours en alsacien dans le cadre de l'option "Langue et culture régionales".</p> <p>• Depuis 1976, le flamand est enseigné comme deuxième langue (option) dans la "Vlaams Vrieden".</p> |

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| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul> | <p><b>Art. 10</b> (Déclaration des Droits de l'Homme et du Citoyen):<br/>"Nul ne doit être inquiété pour ses opinions, même religieuses, pourvu que leur manifestation ne trouble pas l'ordre public établi par la loi."</p> <p><b>Art. 23.</b> "... [La France] respecte toutes les croyances".</p> <p>Depuis 1905, séparation de l'Eglise catholique et de l'Etat. Toutefois, l'Alsace et la Lorraine sont demeurées sous régime établi par le Concordat avec le Saint-Siège du 15 juillet 1801, maintenu par la loi du 17 octobre 1919 et de nouveau par une loi de 1949.</p>                                                  |
| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>          | <p>Loi 71-428 sur le statut de la Corse:</p> <p><b>Art. 56:</b> "La collectivité territoriale de Corse définit les actions qu'elle entend mener en matière culturelle, au vu notamment de propositions qui lui sont adressées par les communes et les départements".</p>                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                       | <p>Emissions insuffisantes en langue minoritaire à la TV et à la radio dans les régions des minorités.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>        | <p><b>Art. 1er</b> (loi 89-548 du 8 août 1989): "La République française a, dès sa proclamation, affirmé ses principes d'hospitalité et de tolérance.<br/>En conséquence, elle interdit et condamne, sur tous les territoires où elle a autorité, le racisme, l'antisémitisme et la xénophobie.<br/>Les agissements discriminatoires des débiteurs de l'autorité publique, des groupements ou des personnes privées, la provocation à la discrimination, à la haine ou à la violence, la diffamation et l'injure au motif de l'appartenance ou de la non-appartenance à une ethnie, une race ou une religion sont interdits."</p> |

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| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                                                                     | <p>(Les cas des Départements et des Territoires d'Outre-Mer ne sont pas examinés)</p> <p>Statut particulier de la Corse:<br/>Loi N° 91-428 (du 13 mai 1991) portant statut de la collectivité territoriale de Corse: Art. 2: "La Corse constitue une collectivité territoriale de la République au sens de l'article 72 de la Constitution. Elle s'administre librement dans les conditions fixées par la présente loi [...]. Les organes de la collectivité territoriale de Corse comprennent l'Assemblée de Corse et son Président, le Conseil exécutif de Corse et son Président assistés du Conseil économique, social et culturel de Corse".</p> |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul>                                           | <p>Titre IV de la loi 91-428 sur la Corse: "Du développement économique de la Corse".</p> <p>Titre V: "Des ressources de la collectivité territoriale de Corse".</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>SANCTION DE LA PROTECTION /</b><br/><b>ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                 | <p><b>Art. 1.2 (loi N° 89-548):</b> "Les agissements discriminatoires de détenteurs de l'autorité publique, des groupements ou des personnes privées, la provocation ou la discrimination, à la haine ou à la violence, la diffamation et l'injure au motif de l'appartenance ou de la non-appartenance à une ethnique, une nation, une race ou une religion sont interdits".</p>                                                                                                                                                                                                                                                                     |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>40 propositions de lois ont été rédigées et publiées depuis 1958 sur les langues minoritaires en France mais sont restées sans suite.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

ALLEMAGNE / GERMANY

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                                                                                                                                                          | <p><b>Article 5</b> of the Constitution of Schleswig-Holstein stipulates that anybody may declare that he belongs to a national minority, however these people still fulfill the general duties of a citizen.</p> <p>Le Traité germano-polonais de 1992 reconnaît aux personnes d'origine tchèque ou slovaque le droit à être considérées comme appartenant à une minorité (Art. 21).</p>                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS</b></p> <p><b>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                                                                                                                                            | <p><b>Article 3</b> of the Basic Law stipulates equality before Law; according to article 33, all Germans have equal political status.</p> <p><b>Protocol N° 14</b> re <b>Article 35</b> of the Unification Treaty lays down the State's particular responsibilities for the preservation and further development of the Sorbian culture and traditions.</p> <p>See also <b>Article 5</b> of the Constitution of Schleswig-Holstein amended in 1990.</p>                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p>La langue officielle est la langue allemande, de même qu'elle est la langue judiciaire. Devant la Justice, possibilité pour les parties de recourir à un interprète.</p> <p>But Sorbs have the right to speak Sorbian when appearing in Court in their own area (<b>Protocol N° 14</b> re <b>article 35</b> of the Unification Treaty).</p> <p>According to the School law of Schleswig-Holstein (<b>Articles 38, 50 et 55</b>), Danish schools must be allowed if the Danish school association makes the request. This is a special rule for the minority, as other private schools are only allowed by permission of the Minister of Education.</p> <p>The final school certificates are valid both in Denmark and Germany.</p> <p>Danish is taught as a foreign language in many German schools.</p> |
| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul>                                | <p>Freedom of faith, of conscience and religion is stated by <b>article 4</b> of the Basic Law, and <b>para. 3</b> stipulates that religion instruction shall be given in accordance with the tenets of the religious communities; <b>para. 4</b> stipulates the right to establish private schools.</p> <p><b>Article 138</b> of the Weimar Constitution, which have a constitutional value, states in <b>para. 2</b> what rights of religious bodies or associations shall be guaranteed, and <b>Art. 134</b> stipulates that the religious bodies shall be permitted to perform religious acts.</p>                                                                                                                                                                                                      |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>                                                                            | <p>In the German-Sorbian area, public buildings, streets and squares are signposted in both languages. In the authorities and administrations of the Sorbian-German area the Sorbian language is permitted alongside the German language.</p> <p>In October 1991, Saxony with Brandenburg and the Federation set up a non independent public law foundation whose aim is to promote institutions of Sorbian culture (Budget 20,5 DM million).</p> <p>The Bonn-Copenhagen Declaration of March 1955 establishes in Germany, for the Danish minority, the principle of free national and cultural choice (cf. Art. 1 et 2 ci-joint).</p>                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                         | <ul style="list-style-type: none"> <li>• La minorité danoise résidant au Schleswig jouit d'une situation favorable en matière de média puisqu'elle peut recevoir les émissions télévisées et radiophoniques danoises. Un journal danois est publié à Flensburg.</li> <li>• 20 heures de programmes radiophoniques en langue sorabe sont émises par semaine, un quotidien est publié en sorabe ainsi qu'un mensuel et un magazine pour enfants.</li> <li>• Des deux côtés de la frontière germano-danoise, les minorités sont consultées par les gouvernements et sont libres de développer des relations culturelles avec leur mère-patrie.</li> <li>• En ce qui concerne les autres minorités, de petits journaux communautaires sont publiés soit en allemand comme "Kontakt" pour les Espagnols, soit en deux langues comme le journal grec, ou dans la langue maternelle comme le journal serbo-croate. La diffusion est assurée par des organisations communautaires, des Eglises.</li> </ul> |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <ul style="list-style-type: none"> <li>• On the federal level, article 6 para. 4 of the Federal elections Law of 1953 stipulates that the election lists of national minorities are not subject to the minimum threshold of the 5% of the votes cast.</li> <li>• On the Land level, article 3 of the Land election law of Schleswig-Holstein states that the Danish minority is not subject to the 5% rule.</li> <li>• Art. 36 of the Basic Law stipulates: "les fonctionnaires des autorités fédérales suprêmes doivent être choisis dans tous les Länder selon une juste proportion".</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                 |

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| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                           | <p>L'amendement à la Constitution du Schleswig-Holstein, en date du 13 juin 1990, dans son <b>article 5</b> reconnaît la liberté d'appartenir à une minorité. Les spécificités culturelles et la participation politique de la minorité nationale sont sous la protection du Land, de la commune et du groupement de communes. Il ajoute que la minorité danoise et le groupe ethnique Frisou doivent promus et protégés.</p> <ul style="list-style-type: none"> <li>• Au Schleswig-Holstein, c'est la minorité danoise qui administre ses écoles, du jardin d'enfants au secondaire.</li> <li>• Selon l'article 74 de la Loi Fondamentale, la législation concurrente (législation pour laquelle le Land ou le Bund est compétent) s'étend au droit d'association et de réunion, à la nationalité dans les Länder.</li> </ul> |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>SANCTION DE LA PROTECTION / ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                                  | <p>Articles 166 and 167 of the Penal Code punish people who publicly insulted a religious society recognized by public law, or who disturbed a religious service.</p> <p>The Penal Code also punishes people who gave incitement to racial hatred (Art. 130) or people whose design was to wholly or partially destroy a national racial, religious or ethnic group (Art. 220a concerning genocide). In the last case people shall be punished by confinement for life.</p>                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

**GREECE / GRECE**

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                                                                                                                                                          | <p>La minorité musulmane est la seule reconnue de jure: Convention de Lausanne, 1923, Art. 45. La même minorité est reconnue de facto en tant que minorité linguistique turcophone par l'établissement de l'éducation minoritaire.</p>                                                                                                                                                                                                                                 |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS</b></p> <p><b>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                                                                                                                                            | <p>Art. 4 (Const.): "All Greeks are equal before the law".</p>                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <ul style="list-style-type: none"> <li>• Langue officielle: le grec.</li> <li>• Education minoritaire pour les Musulmans de Thrace en grec et en turc.</li> <li>• Possibilité d'avoir un interprète devant une instance selon les codes de procédure pénale et civile (cas général).</li> <li>• Lois qui organisent l'éducation minoritaire en Thrace occidentale: 694/16.9.77 et 695/77</li> <li>NA 25.8.1923 et accord bilatéral de 1951 avec la Turquie.</li> </ul> |
| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul>                                | <p>Art. 3 (Const.): "The prevailing religion in Greece is that of the Eastern Orthodox Church of Christ...".</p> <p>Art. 13 (Const.) 1. "Freedom of religious conscience is inviolable..."</p> <p>2. "All known religions shall be free and their rites of worship shall be performed unhindered and under the protection of law.".</p>                                                                                                                                |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>                                                                            |                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                         | <ul style="list-style-type: none"> <li>• Emissions en langue turque à la radio de Thrace.</li> <li>• Réémission d'une chaîne de télévision turque à Comotini.</li> <li>• Publication de 5 journaux en langue turque et une édition bilingue à Xanthi et Comotini (importants centres urbains de Thrace).</li> </ul>                                          |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          | <p>La mise en oeuvre de l'article 19 du Code de Nationalité Grecque implique la perte de la nationalité grecque pour les minoritaires qui ne résident pas en Grèce ou qui agissent de manière hostile aux intérêts de l'Etat grec.</p>                                                                                                                       |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <ul style="list-style-type: none"> <li>• En 1990 deux députés Musulmans ont été élus pour la première fois à l'Assemblée grecque à titre indépendant.</li> <li>• La même année, la loi électorale a été modifiée de manière à ce que seuls les candidats appartenant à des partis ayant obtenu au moins 3% au niveau national puissent être élus.</li> </ul> |

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| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>• En ce qui concerne les questions de droit successoral et de droit familial, les musulmans de Thrace occidentale ont droit à un recours auprès de leur chef religieux, le "Mufti".</li> <li>• Pas de service militaire alternatif ou civil pour les objecteurs de conscience (cas des Témoins de Jéhovah).</li> <li>• Cas de perte de la nationalité notamment pour les Turcs/Pomaks qui quittent souvent le pays. <b>Article 19</b> du Code de Nationalité. (Voir conformité avec l'Art. 4.3. de la Constitution)</li> </ul> |
| <p><b>SANCTION DE LA PROTECTION /</b><br/><b>ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

HONGRIE / HUNGARY

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                             | <p>Article 68 of the Constitution stipulates that national and ethnic minorities living in the Republic of Hungary shall be part of the power of the People; they shall be constituent factors of the State.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS<br/>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                         | <p>Article 70 A of the Constitution stipulates that the Republic of Hungary shall grant everyone residing on its territory human and civil rights, without discrimination founded on race, language, national or social origin. All civil rights anchored in Constitution are guaranteed to national and ethnic minorities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>LANGUE</b><br/>- officielle<br/>- dans l'éducation<br/>- relations officielles avec l'administration<br/>- droit d'association linguistique /<br/><b>LANGUAGE</b><br/>- official<br/>- in education<br/>- in official relations with administration<br/>- right to create and maintain associations to promote languages</p> | <p>In Hungary, Hungarian is the <i>de jure</i> and <i>de facto</i> language of the authorities. The codes of civil, criminal and administrative procedure stipulate that individuals must be addressed "in a language which they understand" and that they are entitled to the assistance of an interpreter if needed.</p> <p>The speakers of minority languages are free to use their language in the debates of the National Assembly or meetings of local elected representatives. Almost all public documents are written and printed only in Hungarian. In areas where linguistic minority groups are in majority, place, names, public and civic notices and the names of public institutions (School, municipal council) are nevertheless given in two or even three languages.</p> <p>The State has guaranteed the existence of primary and secondary schools with a remit to promote "education in the mother tongue". The schools have been either teaching in the minority language or teaching the minority language as a curricular subject. Higher education in minority languages is provided by a number of departments of education and university faculties of science and arts.</p> <p>Gipsy languages are not used for official purposes; gipsy languages are neither taught nor used in schools.</p> |
| <p><b>RELIGION</b><br/>- liberté de croyance, de pratique et d'affiliation<br/>- liberté de créer des associations religieuses<br/>- financement /<br/><b>RELIGION</b><br/>- freedom of religious belief, practice and affiliation<br/>- freedom to create religious associations<br/>- financial support</p>                      | <p>According to Article 60 of the Constitution, freedom of religion is guaranteed. This right includes:</p> <ul style="list-style-type: none"> <li>- freedom to choose or to adopt a religion</li> <li>- freedom to manifest his or her religion and belief in worship</li> <li>- freedom to manifest his or her religion in community or individually, in public or in private (Para. 2).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>   | <p><b>Article 68 para. 2</b> of the Constitution stipulates that the Republic of Hungary shall protect national and ethnic minorities. It shall guarantee:</p> <ul style="list-style-type: none"> <li>- the development of their own culture</li> <li>- the use of their mother tongue, education in their mother tongue</li> <li>- the right to use their names in their own language.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                | <p>The linguistic minorities have their own newspapers published in their own languages. These weekly publications (<i>Neue Zeitung</i>, <i>Ludive Noviny</i>, <i>Narodne Novine</i>) are independent newspapers. A considerable part of their expenditure is funded from the national budget.</p> <p>The national radio network (3 stations) broadcasts six 20 minutes programmes per minority language per week. The national television network (2 channels) broadcasts two 30 minutes programmes per minority language per month, plus 5-minute news bulletins per minority language per week.</p> <p>Radio and television broadcasts from neighbouring countries are not blocked, and so can be received by the speakers of minority languages in Hungary.</p> |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <ul style="list-style-type: none"> <li>• According to the Constitution, article 32 B, the Parliamentary Commissioner for the rights of national and ethnic minorities shall be empowered to examine abuses which have come to his notice relating to the rights of national and ethnic minorities, and to take the initiative of general or specific measures to redress such abuses.</li> <li>• <b>Article 68 para. 2, 3, 4, 5</b> stipulates that the Republic of Hungary shall guarantee             <ul style="list-style-type: none"> <li>- the collective participation in public life of national and ethnic minorities</li> <li>- the representation of national and ethnic minorities living in the national territory.</li> </ul>             Moreover national and ethnic minorities may set up local and national self-management bodies.           </li> <li>• According to <b>chapter XI</b> of the Law on elections for the local self-administration (August 3, 1990) if a candidate belongs to a national or ethnic minority, this fact must be given on ballot. If the candidate wishes it, his name must be given in his mother tongue. A candidate of national minority will win mandate if he reached <b>2%</b> of the number of valid votes given into the deputy with the smallest number of votes (<b>para. 49</b>).</li> <li><b>Para. 50:</b> National minorities can have their own independent list of candidates.</li> <li>• There are about two dozen deputies in the Hungarian National Assembly who belong by birth to one of the minority groups. These deputies take part in the work of the National Assembly's standing Committee on Human Rights, Minority and Religions Affairs.</li> <li>In September 1990 was established by the Government an institution responsible for the policy toward the minorities: the Office for National and Ethnic Minorities. To facilitate a permanent dialogue with the State authorities, the minority organisations have established a consultative body: the Round Table of Hungary's National and Ethnic Minorities.</li> </ul> |
| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                                                                     | <p>Councils operate in the Capital, the counties, the cities and the communities (<b>article 42</b> of the Constitution). The council represents the interest of the population, within its territorial venue and functions as a self governing body of the population</p> <ul style="list-style-type: none"> <li>- it determines the budget and social economic plans</li> <li>- it ensures the implementation of the central State <u>and</u> the local objectives</li> <li>- it organises the full fulfilment of the needs of the population (<b>article 43</b>)</li> </ul> <p><b>Article 44:</b> A Council elects an executive Committee, establishes specialised administrative branches.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> |                                                                                                                                                                                                                 |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                 |                                                                                                                                                                                                                 |
| <p><b>SANCTION DE LA PROTECTION /<br/>ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                              | <p>According to Article 32 B of the Constitution, everyone may apply for measures to be taken by the Parliamentary Commissioner in case of abuses relating to the rights of national and ethnic minorities.</p> |

# PROJETS DE TEXTES / DRAFT TEXTS

The Constitution refers directly to the National and Ethnic Minorities Act which has not been already ratified by the Assembly. The draft law deals with:

- The conditions to be considered as a minority:
  - live on the territory of Hungary for at least a century
  - be an Hungarian citizen
  - have specific tongue, culture and traditions
- Basic provisions: (Chapter 1). Are guaranteed:
  - the right to national or ethnic identity
  - the right to exist and survive as a national or ethnic community
  - the right to live on its motherland and to maintain undisturbed relations with the motherland
- Individual minority rights: (Chapter 2). Are guaranteed:
  - the right to equal chances in political, social and economic life
  - the right to establish associations, organisations
  - the right to preserve minority traditions
  - the right to register one's name in its mother tongue
- Communal rights of minorities (Chapter 3):  
Ethnic or national minority groups are guaranteed:
  - the preservation of their identity
  - the right to have public radio and TV programmes in their tongue, and the reception of radio and TV programmes from the mother land
  - the right to develop their own national network of educational, cultural and scientific institutions (para. 17)
  - the right to be determined to parliamentary representation
- Minority self-government (Chapter 4):
  - possibility to establish local minority self-governments if more than 50% of the representation were elected as candidates of a national or ethnic minority (para. 21). If at least 30% of the representatives were elected as candidates of one and the same minority they can form minority political groups in the self-government (para. 2 al. 2)
  - the self governmental groups determine the organisation of the self-government, its budget, the local holidays, establish competitions, scholarships, operate institutions
- National self-government
  - the Assembly of the National self-government shall be made up on the basis of the principle of proportional representation of delegates of minority area.
  - local minority ombudsman to request information on matters affecting the minorities.

IRLANDE / IRELAND

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS</b></p> <p><b>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                                                                                                                                            | <p>Selon l'Article 40 de la Constitution, tous les citoyens sont égaux devant la loi.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p>La langue irlandaise en tant que langue nationale est la première langue officielle (Article 8 de la Constitution). La langue anglaise est reconnue comme deuxième langue officielle.</p> <p>En cas de conflit entre les textes d'une loi enregistrés, en vertu de l'Article 25, dans les deux langues officielles, le texte dans la langue nationale prévaut. (Article 25, alinea 6 de la Constitution).</p> <p>A partir de l'âge de 4 ans, quand débute l'école primaire, l'irlandais, comme l'anglais et les mathématiques, est considéré comme un enseignement majeur. L'étude de l'irlandais est étendu mais a cessé d'être obligatoire depuis 1973.</p> |
| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul>                                | <p>Article 44 of the Constitution declares that the Catholic Church, as the guardian of the faith of the great majority of citizens, has a special position in the State.</p> <p>In various areas, the law of the State has been interpreted according to the catholic doctrine and applies equally to Catholic and Protestants. As the number of mixed marriages is steadily increasing, there is a steady decline in the number of Protestants as a result of this ruling by the Church.</p>                                                                                                                                                                   |
| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>                                         | <p>La Constitution prévoit que des mesures peuvent être prises pour l'emploi exclusif de l'une des deux langues à des fins officielles, dans la totalité de l'Etat ou dans une partie de celui-ci.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                         |  |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          |  |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> |  |
| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                                                                     |  |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul>                                           |  |

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| SANCTION DE LA PROTECTION /<br>ENFORCEMENT OF THE PROTECTION |  |
| PROJETS DE TEXTES / DRAFT TEXTS                              |  |

ITALIE / ITALY

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                                                                                                                                                          | <p>Reconnaissance des minorités linguistiques: <b>Art. 6 (Const.):</b> "The Republic safeguards linguistic minorities by means of special provisions".</p> <p>Reconnaissance, comme langues minoritaires de l'allemand dans le Trentin - Haut-Adige, du français dans le Val d'Aoste et du slovène dans le Frioul-Vénétie Julienne (voir leur statut spécial) de même que le ladin dans le Trentin - Haut-Adige ainsi que plusieurs groupes linguistiques peu nombreux.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS</b></p> <p><b>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                                                                                                                                            | <p><b>Art. 3.1. (Const.):</b> "All citizens are invested with equal social status and are equal before the law, without discrimination as to sex, race, language, religion, political opinions and personal or social condition".</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p>Langue officielle: l'italien</p> <p>Langues minoritaires reconnues:</p> <p>① L'allemand dans la région du Trentin - Haut-Adige (Accord de Paris, 1946, Statut spécial de 1948, Décret présidentiel N° 670 de 1972)</p> <p><b>Art. 99, 100 du Statut:</b> "Dans la région, la langue allemande est mise sur un pied d'égalité avec la langue italienne (...)", "Les citoyens de langue allemande de la Province de Bolzano ont la faculté d'utiliser leur langue dans leurs rapports avec [les autorités]."</p> <p>- Education minoritaire en allemand ou en ladin dans cette région.</p> <p>② Le français dans la région du Val d'Aoste (statut spécial, Loi constitutionnelle du 26 février 1948, N° 4, Loi N° 196 du 16 mai 1978).</p> <p><b>Art. 30 (de la loi constitutionnelle):</b> "Dans le Val d'Aoste la langue française est mise sur un pied d'égalité avec l'italien. Les actes publics peuvent être rédigés dans l'une ou dans l'autre langue: <b>Art. 39</b> concernant l'enseignement minoritaire.</p> <p>③ Le slovène dans la région du Frioul - Vénétie Julienne (statut spécial annexé au Memorandum d'Accord signé à Londres le 5 octobre 1954, Traité d'Osimo du 10 novembre 1975, Loi N° 73 du 14 mars 1977, lois N° 1012 du 19 juillet 1961 et 932 du 22 décembre 1963).</p> <p><b>Art. 3 du Statut spécial:</b> "Dans la région une égalité de droits et de traitement est reconnue à tous les citoyens, quel que soit le groupe linguistique auquel ils appartiennent, ainsi que la protection de leurs caractéristiques ethniques et culturelles respectives".</p> <p>Enseignement minoritaire organisé par les lois de 1961 et 1963.</p> |

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| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul> | <p><b>Art. 8.1 (Const.):</b> "All religious denominations are equally before the law".</p> <p><b>Art. 19 (Const.):</b> "All citizens are entitled to freely profess their religion convictions in any form, individually or in associations, to propagate them and to celebrate them in public or in private, save in the case of rites contrary to morality."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>          | <ul style="list-style-type: none"> <li>- <b>Art. 103</b> du Statut spécial du Trentin - Haut-Adige: "Le développement des initiatives et activités culturelles (presse et loisirs) est garanti aux populations ladines, ainsi que le respect de leur propre toponymie et de leurs traditions populaires".</li> <li>- La liberté culturelle est assurée dans les statuts spéciaux pour les minorités du Val d'Aoste, du Trentin - Haut-Adige et du Frioul - Vénétie Julienne.</li> <li>- <b>Art. 49</b> du DPR du 24 juillet 1977 N° 616 qui renvoie aux Régions l'exercice d'actions concrètes dans les secteurs de la tradition, des coutumes et du folklore et permet aux Régions d'oeuvrer aussi pour soutenir les expressions linguistiques locales.</li> <li>- Loi régionale du 20 juin 1979 N° 30 concernant la "Protection du patrimoine linguistique et culturel du Piémont" (Piémont).</li> <li>- Loi régionale du 6 mai 1981 N° 85 relative aux "Mesures dirigées à favoriser l'étude du dialecte sicilien et des langues des minorités ethniques dans les écoles de l'île" (Sicile).</li> <li>- Loi du 12 mai 1980 N° 42 relative à "la mise en valeur de la culture des minorités ethniques par des mesures appropriées pour la connaissance linguistique historique et du folklore local" (Pouilles).</li> </ul> |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                       | <ul style="list-style-type: none"> <li>- <b>Art. 19</b> (loi du 14 avril 1975, N° 103): "La société assure en plus de la gestion des services concédés:             <ul style="list-style-type: none"> <li>a. l'installation, selon les plans techniques approuvés par le Ministère des Postes et Télécommunications, de chaînes de transmission télévisée dans les zones frontalières bilingues, pour les rendre aptes à retransmettre les programmes d'organismes étrangers avoisinants (...),</li> <li>b. les émissions radiophoniques et télévisées de langue allemande et ladine pour la Province de Bolzano, de langue française pour la région autonome du Val d'Aoste et de langue slovène pour la région autonome du Frioul - Vénétie Julienne".</li> </ul> </li> <li>- Loi du 5 août 1981 N° 416 sur la réglementation des entreprises d'édition et les mesures en faveur de l'édition: accorde des subventions pour l'édition (<b>Art. 22</b>) pour les quotidiens édités entièrement en langue française, ladine, slovène et allemande dans les régions autonomes du Val d'Aoste, Frioul - Vénétie Julienne et Trentin - Haut-Adige.</li> </ul>                                                                                                                                                                   |

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| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <p><b>Art. 57 (1) (Const.):</b> "The Senate of the Republic is elected on a regional basis. Senators number is three hundred and fifteen. No region may have less than seven senators but Molise is attributed two and Valle d'Aosta one (...)."</p> <p>Loi du 24 janvier 1979 N° 18 concernant les élections des représentants de l'Italie au Parlement Européen: Art. 12: "chacune des listes éventuellement présentées par les partis ou les groupes politiques issus de la minorité de langue française du Val d'Aoste, de langue allemande de la province de Bolzano et de langue slovène du Frioul - Vénétie Julienne peut se rattacher, en vue de l'octroi des sièges prévus par les articles 21 et 22, à une autre liste de la même circonscription présentée par un parti ou un groupe politique présent dans toutes les circonscriptions avec le même sigle".</p> |
| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                                                                     | <p><b>Art. 5 (Const.):</b> "The Republic, which is one and indivisible, recognizes and promotes local autonomy (...)."</p> <p><b>Art. 116 (Const.):</b> "Particular forms and conditions of autonomy in accordance with special statutes adopted by constitutional law are attributed to Sicily, Sardinia, Trentino-Alto Adige, Friuli-Venezia Julia and the Valle d'Aosta."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul>                                           | <p>Le développement économique des régions est décentralisé.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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| <p><b>SANCTION DE LA PROTECTION /<br/>ENFORCEMENT OF THE PROTECTION</b></p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                               | <ul style="list-style-type: none"> <li>• Projet de loi concernant les "Mesures en faveur des populations de langue slovène des provinces de Trieste et Gorizia et de celles d'origine slave de la province d'Udine".</li> <li>• Projet de loi concernant les "Normes en matière de protection des minorités linguistiques" (A.L. N° 612). Le projet représente une tentative de développer la conscience de nation qui, bien que constituant une unité, est composé d'une pluralité des cultures et traditions: l'Article 1: indique que l'engagement de la République vise à protéger non seulement la langue mais aussi la culture des communautés minoritaires, incluant entre autres les Albanais, les Catalans, les Grecs, les Gitans, les Slaves, les Ladins, les Franco-Provençaux, les Occitans, les Friouliens, les germaniques et les Sardes. On prévoit l'apprentissage de la langue (sous condition) dans les écoles maternelles et primaires et - à la demande des intéressés - dans les classes moyennes obligatoires.</li> </ul> |

LETONIE / LATVIA

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| <p>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</p>                                                     | <p>Le paragraphe 1 de la <u>loi sur le libre développement et le droit à l'autonomie culturelle des nationalités et groupes ethniques</u> garantit à tous les résidents "quelle que soit leur nationalité" la jouissance égale des Droits de l'Homme.</p> <p>Cette même loi garantit à tous les résidents permanents la liberté de déterminer leur nationalité (para. 2). Les associations culturelles formées de membres de groupes ethniques ou nationaux doivent respecter la souveraineté et l'indivisibilité de la République. (para. 6).</p> <p>According to Article 12 of the Constitutional Law: all people in Latvia are equal under the law regardless of race, nationality, language [...].</p>                                                                                                                                                                                                          |
| <p>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS<br/>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</p> | <p>According to the Constitutional Law of December 10, 1991, Article 5: the Rights and responsibilities of all citizens are equal regardless of the manner in which citizenship is obtained.</p> <p>Selon la <u>Résolution du 15 octobre 1991 concernant la restauration des droits des citoyens de Lettonie et les principes fondamentaux de la naturalisation</u>: "la citoyenneté ne peut être accordée:</p> <ul style="list-style-type: none"> <li>- à ceux qui servent dans les forces armées, de l'intérieur ou de sécurité de l'URSS,</li> <li>- à ceux qui, après avoir servis dans ces forces, se sont établis en Lettonie alors qu'ils n'y résidaient pas auparavant d'une manière permanente,</li> <li>- à ceux qui ont été envoyés après le 17 juin 1940 au service du Parti communiste de l'URSS.</li> </ul> <p>La Résolution exclut le cumul de la citoyenneté lettone avec celle d'autres Etats.</p> |

**LANGUE**

- officielle
- dans l'éducation
- relations officielles avec l'administration
- droit d'association linguistique /

**LANGUAGE**

- official
- in education
- in official relations with administration
- right to create and maintain associations to promote languages

L'emploi des langues est réglé par la loi du 5 mai 1989. Le letton est la langue officielle de l'Etat (Article 1er). C'est aussi la langue de travail de ses autorités et services, sans préjudice de l'emploi du russe ou d'autres langues dans certains cas. On peut s'adresser à ces services et autorités en letton ou en russe; leur personnel doit avoir une connaissance adéquate de chacune des deux langues (Articles 4 et 8 de la loi).

L'Etat garantit le droit à l'enseignement général en letton ou en russe, il doit permettre l'enseignement de la langue maternelle des résidents d'autres nationalités (Article 11). Les pièces que délivrent les autorités d'Etat sont rédigées en letton ou en russe ou dans les deux langues (Art. 8). Dans leurs relations avec le public, les autorités utilisent le letton (Art. 9).

Tout établissement prodiguant l'enseignement en une langue autre que le letton doit inscrire à son programme des cours de langue lettone (Art. 13). Les noms de lieux et d'institutions doivent être en letton, avec au besoin une traduction en russe ou dans une autre langue. (Art. 16 et 17). L'Etat garantit le maintien et le développement des dialectes issus du letton ainsi que de la langue des Livoniens, les autres cultures ethniques traditionnelles étant également garanties (Art. 15).

La loi impose nettement le letton comme langue officielle et rend sa connaissance obligatoire non seulement pour pouvoir postuler à un poste dans la fonction publique, mais aussi pour obtenir un diplôme post-secondaire (Art.12 et 13).

L'emploi d'autres langues que le letton par les services publics semble être laissé à la bonne volonté de ceux-ci. Enfin les inscriptions figurant sur les biens produits en Lettonie doivent être rédigées en letton; elles doivent aussi l'être en russe ou en une autre langue s'il s'agit de biens produits pour l'exportation (Article 20).

The right of each national community in Latvia to preserve and to develop its national language is confirmed by the law "On People's Education" of June 1991. It reads: "the Republic of Latvia guarantees any individual the right to be educated in the State language. The right to be educated in native language and the corresponding guarantees are granted also to the residents of other nationalities. State creates conditions for the realisation of this right."

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| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul> | <p>La liberté et la pratique de la religion sont réglementées par la <u>Loi sur les organisations du 11 septembre 1990</u>.</p> <p>La loi garantit l'égalité des habitants de Lettonie, quelle que soit leur attitude à l'égard de la religion. Mais elle ne permet à personne de se soustraire en raison de ses convictions religieuses aux obligations civiles imposées par la loi (Art. 1 et 2).</p> <p>Elle proclame la laïcité de l'Etat, tout en l'obligeant à protéger les organisations religieuses et à les aider à leur demande. Elle les autorise à utiliser des moyens de communication de masse et elle reconnaît aux cultes dont les statuts ont été enregistrés légalement le droit d'être représentés au Conseil consultatif des affaires religieuses (Art. 2).</p> <p>Elle garantit le libre exercice du culte et des autres activités religieuses dans les lieux privés et dans les Eglises; elle le permet aussi dans les autres lieux publics, moyennant l'autorisation des autorités locales (Art. 6).</p> <p>Elle reconnaît aux autorités religieuses le droit de dispenser l'enseignement religieux dans leurs propres institutions ainsi que par la voie de cours facultatifs dans les écoles d'Etat ou dans les écoles privées. Elle prévoit que les autorités locales doivent, dans les limites de leurs possibilités, leur fournir à cette fin des ressources matérielles (Art. 3).</p> <p>Elle leur garantit aussi:</p> <ul style="list-style-type: none"> <li>- le droit à la propriété des biens qu'elles ont acquis (Art. 7)</li> <li>- le droit d'exercer des activités économiques et de presse (Art. 8)</li> <li>- des exemptions fiscales (Art. 7).</li> </ul> <p>According to <u>Article 30 of the Constitutional law</u> (December 1991) "no one may be forced to express his religious or other views."</p> |
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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>   | <p><u>La loi concernant le libre développement et le droit à l'autonomie culturelle des nationalités et des groupes ethniques du 19 mars 1991</u> garantit à tous les résidents permanents de Lettonie la liberté:</p> <ul style="list-style-type: none"> <li>- de déterminer leur nationalité (para. 2)</li> <li>- d'observer leurs traditions nationales, de faire usage de leurs symboles nationaux et de célébrer leurs fêtes nationales (para. 8)</li> <li>- le droit de développer leurs propres établissements d'enseignement par leurs propres moyens.</li> </ul> <p>Selon cette même loi:</p> <ul style="list-style-type: none"> <li>- l'Etat doit promouvoir l'activité de ces sociétés, associations et organisations et les assister matériellement (para. 5)</li> <li>- les organisations culturelles nationales bénéficient de modérations d'impôts (para. 14)</li> </ul> <p>L'Etat doit aussi promouvoir la création de conditions matérielles pour le développement de l'enseignement, de la langue et de la culture des nationalités et des groupes ethniques habitant la Lettonie, et prévoir à cette fin des ressources budgétaires (para. 10 al. 1). Il doit promouvoir la publication de périodiques et d'ouvrages littéraires nationaux (para. 13 al. 2) et protéger les monuments et objets nationaux de caractère historique et culturel (para. 15).</p> <p>La loi prévoit spécialement que l'Etat doit promouvoir le maintien de l'identité nationale et de l'environnement culturel historique des Livoniens (para. 4).</p> <p><u>Article 40 of the Constitutional law</u> states the right to establish educational institutions with any language of instruction under the State's supervision. The right of each national community in the Latvian Republic to preserve and to develop its national language is confirmed by the law "On people's Education"</p> |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                | <p><u>La loi sur le libre développement et le droit à l'autonomie culturelle des nationalités et groupes ethniques</u> (11 mars 1991) reconnaît aux personnes appartenant à des minorités le droit de faire usage des moyens de communication de masse de l'Etat et d'en avoir eux-mêmes (para. 13 al. 1).</p> <p>45 sociétés culturelles nationales sont établies en Lettonie aujourd'hui.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul> | <p><u>La loi sur le libre développement et le droit à l'autonomie culturelle des nationalités et groupes ethniques</u> garantit à tous les résidents permanents de Lettonie la liberté de sortir de Lettonie et d'y rentrer (para. 9), ainsi que d'établir et d'entretenir des relations avec leurs compatriotes à l'étranger.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <p><u>La loi sur le libre développement et le droit à l'autonomie culturelle</u> reconnaît à toutes les nationalités et à tous les groupes ethniques le droit d'être représentés au Conseil consultatif des nationalités et de participer aux travaux de celui-ci, notamment quant à l'élaboration des lois (para. 7), ainsi que le droit de développer leur propre vie artistique (para. 12).</p> <p>Au Conseil suprême élu en 1990, la communauté lettone est largement sur-représentée et la communauté ukrainienne l'est faiblement, alors que les communautés russe et biélorusse y sont sensiblement sous-représentées. Cela semble résulter du fait que cette assemblée a été élue au scrutin majoritaire à deux tours. Or, selon la Constitution de 1922, le Parlement doit être élu par le système de la représentation proportionnelle dans le cadre de circonscriptions dont le nombre de députés doit être proportionnel au nombre d'électeurs. C'est normalement ainsi que devrait être élu le prochain Parlement.</p> |
| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul>                                           | <p><u>La loi sur le libre développement et le droit à l'autonomie culturelle des nationalités et groupes ethniques</u> (9 mars 1991) garantit à tous les résidents permanents de Lettonie, quelle que soit leur nationalité, des droits égaux en matière de travail et de rémunération; elle interdit, quant au libre choix des professions et des métiers, toute discrimination fondée sur la nationalité (para. 3).</p> <p>D'autre part, la loi prévoit le renouvellement et le développement de l'infrastructure socio-économique des territoires habités par les Livoniens.</p> <p>Les lois régissant les activités commerciales ne limitent pas la participation des personnes physiques selon le principe de leur affiliation à l'Etat, mais en application de la loi "sur la propriété de la terre à la campagne" du 21 novembre 1991, seuls les citoyens lettons peuvent posséder la terre.</p>                                                                                                                             |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>SANCTION DE LA PROTECTION / ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>On September 19, 1990 the Supreme Council of the Republic of Latvia adopted the declaration about the condemnation of genocide and anti-semitism in Latvia.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

LITHUANIE / LITHUANIA

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| <p>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</p>                                                     | <p>Ethnic minorities are recognized by the <u>Law on Ethnic Minorities</u> (article 1).</p> <ul style="list-style-type: none"> <li>• According to article 8, every citizen shall be free to choose his nationality on the grounds of the nationality of his parents or of one of his parents.</li> <li>• According to article 15 of the <u>Law of Citizenship</u> (3 November 1989) a person may be granted citizenship if he has been living for 10 years in Lithuania and if he knows the Lithuanian language. The person accepting citizenship shall respect the State sovereignty, the State language, culture, customs and traditions.</li> </ul>                                                                                                                                                                         |
| <p>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS<br/>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</p> | <p>According to article 14 of the <u>Provisional Fundamental Law</u> "citizens of Lithuania are equal before law regardless of race, social origin, religion or nationality"; cf. also article 16 which stipulates that any establishment of privileges on the basis of belief or nationality is prosecuted by law.</p> <p>Article 8 of the <u>Law on the Legal Status of Foreigners</u> stipulates: "Foreigners staying in Lithuania shall enjoy freedom of thought, conscience, religion and convictions".</p> <ul style="list-style-type: none"> <li>• Article 7 of the <u>Law on Ethnic Minorities</u> stipulates that the State shall guarantee to all ethnic minorities free development, and shall respect every nationality and its language. See also the Resolution on ethnic equality (1 December 1990).</li> </ul> |

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| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p>According to article 7 of the provisional fundamental law "the Lithuanian language is the State language".</p> <p>The Court hearing must be conducted in Lithuanian (article 121), but people who do not speak Lithuanian are given the right to speak their native language at the Court and can have an interpreter.</p> <p>Possibilities are created for citizens of other nationalities residing in Lithuania to have schools in which their children are taught in their native language (article 57).</p> <p>A policy of positive discrimination is operated to a certain extent in universities. A number of university places are reserved for students from minority groups. Entrance examinations can be taken in minority languages.</p> <p>According to a decree of the Soviet Supreme (25 January 1989) Lithuanian shall conduct the business of state and social bodies as well as the one of enterprises in institutions. The State shall enhance the prestige of the Lithuanian language, preserve Lithuanian personal names and place names.</p> <p>According to article 2 of the <u>Law on Ethnic Minorities</u> the Republic of Lithuania shall guarantee the ethnic minorities the right to learn in one's native language, providing them with conditions to have pre-school institutions, secondary schools, as well as subsidiaries at the institutions of higher learning (Amended on 29 January 1991).</p> <p><b>Article 3</b> stipulates that, depending on possibilities Lithuanian institutions shall train specialists for the needs of ethnic cultures.</p> <p>- shall also be guaranteed (article 2):</p> <ul style="list-style-type: none"> <li>• the right to form ethnic cultural organisations</li> <li>• the right to perform religious or folk rites in one's native language</li> </ul> |
| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul>                                | <p><b>Article 31</b> of the <u>Provisional Fundamental Law</u> stipulates the freedom of conscience and religious faith, and equal rights to profess convictions and views singly or in groups.</p> <p>The <u>Law on Ethnic Minorities</u> stipulates in <b>Article 2</b> the right for minority groups to profess any or no religion.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

# **LIBERTE CULTURELLE**

- nom de famille
  - noms de villes
  - indications routières
  - associations culturelles (+ subventions) /
- ## **CULTURAL FREEDOM**
- surname
  - names of cities
  - road signs
  - cultural associations (+ financial support)

- According to a decree on the state language, in the districts and cities where the majority of non-Lithuanian speaking minorities live, only requirement of minimal knowledge of the State language apply to high ranking officials until 1995.

The State will provide to high ranking officials and service sphere workers programmes to provide them the conditions to learn and use the Lithuanian language by January 1, 1991.

- According to **article 7** of the Law on Ethnic Minorities:
  - cultural organisations of ethnic minorities have the right to establish educational instructions with their own money
  - but the State shall provide a financial support.
- According to **article 6**: historical and cultural monuments of minorities shall be protected by the State.
- In offices and organisations located in areas with substantial minority groups:
  - beside the State language, the language spoken by the minority is used (amended on 29 January, 1991)
  - information signs used in these areas can be both in Lithuanian and in the language used by that minority.

The Poles feel discriminated against because:

- they are not allowed to celebrate messes in the Polish language in the Cathedral of Vilnius
- Polish personal names and places names have to be spelled in Lithuanian; still the decree of 29 January 1991, entitles the Poles to use Polish names written in the Polish tradition.

- The old Polish "Stefan Batory University" has been renamed the "University of Vilnius". The University does not have any department for Polish language and literature.

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| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                         | <p>Selon l'article 44 de la loi sur la liberté de la presse (1990) les informations diffusées par les média le seront en lituanien, mais, si la demande est suffisante, elles pourront l'être aussi dans d'autres langues.</p> <p>Citizens of Lithuania are guaranteed freedom of expression, press, assembly (...) (cf Article 28 of the provisional fundamental law).</p> <p>Les minorités disposent d'un temps d'antenne à la radio et à la télévision, et les plus importantes d'entre elles, publient en toute liberté leurs propres journaux.</p> <p>The Law on ethnic minorities stipulates in article 2 the right for minority groups to establish "contact with their fellow-countrymen residing outside Lithuania".</p> <p>The Polish programme, which used to be broadcast nationally is now sent only by the local TV stations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          | <p>The Declaration on friendly relations with Poland states that both States Lithuania and Poland intend to liberalise the principles of people migration through the border.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <ul style="list-style-type: none"> <li>• According to Article 30 of the provisional fundamental law, "citizens have the right to organize and join political parties and social organisations to realise their political (...), cultural, religious and other interests."</li> </ul> <p>The Law on Ethnic Minorities stipulates the right for the ethnic minorities:</p> <ul style="list-style-type: none"> <li>- to be represented in governments bodies of all level on the basis of universal, equal and direct election</li> <li>- to hold any post in the State power or government bodies, enterprises, institutions and organisations.</li> </ul> <ul style="list-style-type: none"> <li>• According to article 10 of the Law on ethnic minorities, public committees of ethnic minorities can be established by local councils.</li> </ul> <p>Under the Council of Ministers of the Republic of Lithuania a nationalities committee has been established dealing with social and cultural needs of ethnic minorities.</p> <p>There are no Polish ministers or high officials.</p> <p>Le mode d'élection (scrutin majoritaire uninominal) rend difficile la représentation des minorités au parlement. A part les Litaniens, seuls les Russes, Polonais et Juifs sont représentés. Au niveau local ce même système fait que la population polonaise est nettement sous-représentée au Conseil municipal.</p> |

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| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>• According to <b>article 55</b> of the provisional fundamental Law, ethnic minorities comprising a significant proportion of the citizens have the right to independently manage the affairs of their ethnic culture, education, charity and mutual assistance. The State provides them with financial support.</li> <li>• According to the Resolution of 29 January 1991 (published on 31 January 1991) the area near Vilnius mainly inhabited by Poles should have its own local government and a certain degree of autonomy. In this area, local councils consisting mainly of Poles have been elected in 1991. But they have been dismissed on 9 September 1991, and the two regions are now being governed by two Lithuanian commissars appointed by the government. These commissars do not master the Polish language. All Poles employed in the administration of the two counties were dismissed and replaced by Lithuanians.</li> </ul> <p>The spreading of the Polish population may also reduce the possibilities for obtaining Polish representation in the Lithuanian parliament.</p> |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> | <ul style="list-style-type: none"> <li>• Within the local council administration all Poles are said to have been replaced by Lithuanians, even school inspectors.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>SANCTION DE LA PROTECTION /</b></p> <p><b>ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                    | <p>According to <b>article 1</b> of the Law on Ethnic Minorities: "any discrimination with regard to race, nationality, language or other aspects related with a nationality shall be prohibited and punishable according to the procedure established by laws of the Republic of Lithuania."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Un projet de Constitution a été approuvé par le Conseil Supérieur le 13 Octobre 1992 et va faire l'objet d'un référendum.</p> <p>Actuellement, c'est toujours la Loi Fondamentale provisoire du 31 mars 1990 qui est en vigueur.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

LUXEMBOURG

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS</b></p>                                                                                                                                                                                                                                                                                                                                                                                              | <p>According to article 11 of the Constitution, Luxembourgers shall be equal before the law.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p>The law of 24 February 1984 states that national language is Luxembourgish.</p> <p>Legislative acts and their implementing regulations are drawn up in French. Only the French version is the authentic Act.</p> <p>In administrative matters, litigation and before Courts, German and Luxembourgish may be used.</p> <p>Replies to petitions written in either of the three languages should be answered by the administration in the language used by the applicant when possible.</p> <p>Le luxembourgeois est la langue maternelle de la grande majorité des habitants; il est la langue la plus utilisée à l'oral, mais n'arrive qu'en troisième position à l'écrit après l'allemand et le français. Dans l'enseignement, la langue utilisée en majorité est l'allemand; dans l'enseignement post-primaire, le luxembourgeois n'a plus que peu d'importance.</p> <p>= situation du bilinguisme ou trilinguisme simultané.</p> |
| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul>                                | <p>The Constitution of Luxembourg guarantees:</p> <ul style="list-style-type: none"> <li>- freedom of religion and of public worship</li> <li>- freedom to express one's religious opinion (article 19)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>                                                                            | <p>Dans les classes à forte proportion d'étrangers, l'enseignant a la possibilité de donner certaines explications en français.</p> |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                         |                                                                                                                                     |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          |                                                                                                                                     |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> |                                                                                                                                     |

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| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                           |  |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> |  |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                 |  |
| <p><b>SANCTION DE LA PROTECTION /</b></p> <p><b>ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                    |  |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                            |  |

MALTE / MALTA

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS</b></p> <p><b>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                                                                                                                                            | <p>Every person is entitled to the fundamental rights and freedoms whatever the race, place of origin [...] (Art. 32 Const.)</p> <p>No law shall make any provision that is discriminatory either itself or in its effect (Art. 45, para. 1 Const.).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p>Maltese is the national language. Maltese and English together with other languages which may be prescribed by not less than Parliamentary 2/3 majority, shall be official languages. Administration may use any of the said languages for all official purposes. Any person may communicate with the Administration in either of the official languages and they must be answered in that language.</p> <p>Maltese is the language of the Courts. Parliament may make provision for the use of English in certain cases and conditions. When dealing with its own procedure, Parliament may establish the language(s) which may be used in the oral procedures and written records of the House (Art. 5 Const.).</p> <p>Save otherwise provided, every law shall be enacted in both Maltese and English, the Maltese text prevailing in case of any conflict (Art. 74 Const.).</p> <p>Maltese is the first language used in teaching but the teacher should also seek to speak English so as to accustom children to understand and speak the language. Children who speak English at home should be trained to a more correct use of the language, in addition to their being taught Maltese.</p> |
| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul>                                | <p>All persons in Malta shall have full freedom of conscience and enjoy free exercise of their respective mode of religious worship (Art. 40 Const.).</p> <p>A requirement that the Roman Catholic Apostolic Religion shall be taught by a person professing that religion shall not be held to be inconsistent with or in contravention of article 45 (Art. 45, para. 9).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>                                                                            |                                                                                                     |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                         |                                                                                                     |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          |                                                                                                     |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <p>Proportional representation in the House of Representatives (Art 52 (1) de la Constitution).</p> |

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| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                           |  |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> |  |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                 |  |
| <p><b>SANCTION DE LA PROTECTION /</b></p> <p><b>ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                    |  |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                            |  |

MOLDAVIE / MOLDOVA

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                                                                                                                                                          | <p>La déclaration d'indépendance du 27 août 1991 reconnaît l'existence de groupes nationaux, ethniques, religieux et linguistiques et leur assure l'exercice des droits économiques, culturels et des libertés politiques.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS</b></p> <p><b>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                                                                                                                                            | <p>The declaration of independence (27 August 1991) guarantees cultural and political rights for all the citizens, including these of national, ethnic, religious and linguistic groups.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <ul style="list-style-type: none"> <li>• The law concerning the status of the language of the Moldavian SSR (August, 1989) stipulates that: <ul style="list-style-type: none"> <li>- the state language of Moldavia is the Romanian language</li> <li>- the protection and development of the Gagauz language will be guaranteed</li> <li>- the use of the Russian language as a communication language among the different nations of the USSR will also be guaranteed.</li> </ul> </li> <li>• According to the law on the function of languages on the territory of Moldova (31 August 1989): <ul style="list-style-type: none"> <li>- in the localities where the Gagauzian constitutes the majority, the official language in different spheres of life is the State language, the Gagauz language and the Russian language;</li> <li>- the Moldavian SSR assumes the use of the Ukrainian, Russian, Bulgarian, Ivrit, Yiddish, Gipsy language as language of ethnic groups which live on the territory of the Republic.</li> <li>- the Russian is the language of communication among nations of the USSR; it is used side by side with the Romanian language as a communication language.</li> </ul> </li> </ul> |
| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul>                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>                                                                            | <p>The Parliament of Moldava acknowledges in a Declaration of May 1992, the fact that the persons who belong to the ethnic, linguistic and religious minorities have their own educational, cultural and religious institutions. It includes the right of education in their mother tongue to the citizens who belong to a minority.</p> <p>According to the law on the function of languages on the territory of Moldava (31 August 1989):</p> <ul style="list-style-type: none"> <li>- in localities where linguistic minority groups are in majority, their native language shall be used for communication,</li> <li>- at congresses, sessions, meetings which take place in the Moldavian SSR, the choice of language is not limited.</li> </ul> |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                         | <p>The national television stations broadcast 5 hours on the average daily in Russian, a monthly 3 hours each in Ukrainian, Gagauzian and Bulgarian, and 1,5 hours monthly in Ivrit and Yiddish. The situation is similar also as regards the radio situation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                           |                                                                                                                                                                                                                                    |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> |                                                                                                                                                                                                                                    |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                 | <p>The law concerning the alternative service (9 July 1991) allows the citizens to refuse military service on the ground of their religious convictions. Instead these persons are obliged to perform the alternative service.</p> |
| <p><b>SANCTION DE LA PROTECTION /</b></p> <p><b>ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                    |

**PROJETS DE TEXTES / DRAFT TEXTS**

Un projet de loi sur "les garanties des droits des citoyens appartenant aux groupes nationaux ou ethniques" est actuellement discuté au parlement. Selon ce projet de loi:

- l'Etat garantit à ses citoyens indépendamment de leur nationalité, origine ethnique, langue ou religion, les droits et libertés fixés par la Constitution (Article 2);
- l'Etat reconnaît le droit des citoyens à l'identité ethnique, linguistique et religieuse (Article 3);
- le citoyen moldave peut déclarer sa nationalité en fonction de l'origine ethnique de ses deux parents ou bien de l'un d'eux (Article 5). Nul ne peut être contraint à renoncer à sa nationalité; sont aussi garantis:
- le droit de créer des associations culturelles, des établissements scolaires, de respecter les rites, coutumes et traditions (Article 7)
- la protection des monuments de groupes nationaux et ethniques par l'Etat (Article 8)
- selon l'Article 9 l'Etat s'engage à assurer les conditions nécessaires au le développement de la langue officielle ainsi que des langues de groupes nationaux ou ethniques;
- la liberté de culte et de religion est garantie par l'Article 11;
- l'article 14 prévoit la mise en place:
  - d'une commission permanente du Parlement sur les droits de l'homme et des relations nationales en matière de culture et de cultes.
  - d'un Département d'Etat pour les problèmes nationaux
  - d'un Département d'Etat pour la garantie de l'utilisation des langues sur le territoire
- selon l'Article 15, les organes d'autogestion locale peuvent créer des commissions publiques chargées de traiter des problèmes nationaux ou religieux.

**PAYS-BAS / THE NETHERLANDS**

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| <b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b>                                                                                                                                                                                                                                                                                                                                                                                         | <p>La langue frisonne a statut de langue "officielle régionale".</p>                                                                                                                                                                                                                                                                                         |
| <b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS<br/><br/>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b>                                                                                                                                                                                                                                                                                                                                | <p>According to Article 1 of the Constitution all persons in the Netherlands shall be treated equally in equal circumstances. "Discrimination on the grounds of religion, belief, political opinion, race shall not be permitted".</p>                                                                                                                       |
| <b>LANGUE</b><br><ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <b>LANGUAGE</b><br><ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p>En Frise, l'enseignement obligatoire du frison dans les écoles a été institué en 1980. La province est explicitement reconnue comme une province bilingue. L'utilisation du frison dans les affaires administratives est permise, mais tout document en frison doit être traduit en néerlandais. Le frison a statut de langue "officielle régionale".</p> |
| <b>RELIGION</b><br><ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <b>RELIGION</b><br><ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul>                                |                                                                                                                                                                                                                                                                                                                                                              |
| <b>LIBERTE CULTURELLE</b><br><ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <b>CULTURAL FREEDOM</b><br><ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>                                         | <p>According to Article 23, para. 3 of the Constitution, education provided by public authorities shall respect everyone's religion or belief.</p> <p>Since 1975 Frisian is used in primary schools and is a compulsory study subject in Friesland. Frisian cultural autonomy has been safeguarded.</p>                                                      |

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| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                         |                                                                                                                                                                                                               |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          |                                                                                                                                                                                                               |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <p>There is a Frisian party who only won 6% of the Frisian vote in the elections of the Frisian Provincial Council in March 1991. The foremost goal of the party is the maintenance of cultural autonomy.</p> |
| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                               |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul>                                           |                                                                                                                                                                                                               |

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| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul> | <p>Policy of "emancipation of minorities" developed by the authorities by conducting specific affirmative action and laying down positive quotas in civil service.</p>                                                                                                                                                                                              |
| <p><b>SANCTION DE LA PROTECTION / ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                  | <p>Pursuant to the constitutional principle set in Article 1 of the Constitution, the criminal code and civil code together with specific regulations make it possible to combat discrimination.</p> <p>→ criminal sanctions: Art. 127 c, d, e, Art. 429 ter, Art. 429 quarter of the criminal code</p> <p>→ civil action: (civil code): Art. 15, 16 and 140.1.</p> |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                     |

NORVEGE / NORWAY

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                                                                                                                                                            | <p>Reconnaissance de la minorité ethnique saami par la législation interne.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS</b></p> <p><b>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                                                                                                                                              | <p>"The State Authorities have a duty to create conditions in order to make the Sami population able to secure and develop its language, culture and social life". (Art. 110)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p><b>Sami Act 1987 as amended in 1990:</b> In the administrative area (6 municipalities in the countries of Finnmark and Troms where Sami have a strong position, local public bodies are obliged to answer in Sami whenever people take contact in Sami. The Regional public bodies covering the whole or part of the administrative area are liable to the same obligation. The Government extended these duties to some nationwide public bodies that regularly deal with Sami questions. Employees of the above cited public bodies have a right to paid leave in order to learn Sami.</p> <p>Courts Act earlier stated that if someone did not understand Norwegian, he/she was entitled to an interpreter. The Sami Act extended this right for Sami speakers since someone is entitled to use Sami language whether they understand and master Norwegian or not, and the Court must provide an interpreter. The same type of rights apply for patients/clients in health and social institutions (eg hospitals) and where individual church services are concerned.</p> <p>Official announcements which are directed especially to the population in the administrative area shall appear in both Sami and Norwegian. Laws and regulations which especially concern the Sami population shall be translated into Sami. Official forms to be used in contact with public bodies in the administrative area, shall be available in Sami and Norwegian.</p> <p>Concerning internal administration, municipal councils are given the authority to decide that in the whole or parts of their administration, Sami shall be equal to Norwegian.</p> <p>Everyone shall have a right to learn Sami, either through adult education or in accordance with Act on primary school education.</p> <p>In prisons: inmates have the right to use Sami to one another and to their family, for oral notice of appeal to the prison authority.</p> |

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| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul> | <p>All inhabitants of the Kingdom shall have the right to free exercise of their religion. The Evangelical Lutheran religion shall remain the official religion of the State. (Art. 2 Const.)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>          | <p>On the basis of the existing Committee on Sami Cultural Affairs, the Ministry of Cultural Affairs plans to establish a Sami Cultural Council; when it is done, it will most likely be linked to the Sami Parliament.</p> <p>The authorities cover all expenditures in producing literature in the Sami language.</p>                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                       | <p>There shall be liberty of the Press; No one must be punished for any writing [...] unless he wilfully and manifestly has either himself shown or incited others to [...] contempts of religion [...]</p> <p>Regular radio broadcasting in Sami started in 1946; nowadays, the Norwegian Broadcasting Corporation (NRK) transmits through the Sami Radio in Karasjok some 300 hrs/year. In addition, radio programmes in Sami are also transmitted on a Nordic level ie: programmes broadcasted to Sami speakers in Norway, Sweden and Finland.</p> <p>The Sami Radio has a TV team that produces TV programmes for the NRK; the latter is planning to establish a nationwide radio channel in Sami.</p> |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul>                                                                                                                                                                                                                                                                                                                | <p>There exists a Sami Parliament. The Sami Assembly was established in 1989 (Sami Act 1987); it is a body with some executive powers and with consultative status vis-à-vis the national authorities where questions concerning the Sami population are concerned. It consists of 39 members elected by registered Samis through a process identical to General elections.</p> |
| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>To officials posts in the State shall be appointed only Norwegian citizens who speak the language of the country [...] (Art. 92 Const.)</p> <p>Lois sur la chasse, les pâturages, la pêche visant à protéger le milieu de vie et les ressources économiques des Lapons.</p>                                                                                                  |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul> | <p>SANCTION DE LA PROTECTION /</p> <p>ENFORCEMENT OF THE PROTECTION</p> <p>PROJETS DE TEXTES / DRAFT TEXTS</p>                                                                                                                                                                                                                                                                  |

POLONIE / POLAND

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                                                                                                                                                          | <p>Obligation pour les personnes appartenant à une minorité de s'acquitter loyalement des obligations qui découlent du statut de citoyen de leur Etat (Art. 67 al. 3 de la Constitution)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS</b></p> <p><b>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                                                                                                                                            | <p>Egalité de tous les citoyens affirmée par la Constitution (cf Art. 67 al. 2): "Citizens of the Republic of Poland shall have equal rights irrespective of birth [...], nationality, race..."</p> <p>Mais il existe des dispositions spéciales pour assurer les droits des minorités: loi sur l'enseignement du 7 octobre 1991; Traité germano-polonais de juin 1991.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <ul style="list-style-type: none"> <li>• Langue officielle: le polonais</li> <li>• La loi sur l'Education du 7 septembre 1990 oblige les écoles publiques à professer un enseignement dans la langue d'origine des étudiants appartenant à des minorités linguistiques. Un nombre d'élèves minimum est cependant requis.</li> <li>• Devant les tribunaux, seul le polonais est admis; si la personne a du mal à comprendre le polonais elle peut bénéficier des services d'un traducteur.</li> <li>• Par le Traité germano-polonais du 17 juin 1991, la Pologne s'engage à promouvoir l'identité culturelle de la minorité allemande (Art. 21) notamment en autorisant la création d'associations, d'institutions éducatives ou culturelles pouvant solliciter une aide financière publique.</li> <li>• Le Ministère de la culture assure d'autre part le financement d'organisations regroupant les membres d'autres minorités (Union of the Ukrainians, Bielorrussian social cultural society, Lithuanian cultural Society).</li> </ul> |
| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul>                                | <p>Liberté de croyance et de pratique: trente Eglises reconnues par l'Etat, même si les Témoins de Jéhovah ne sont pas reconnus.</p> <ul style="list-style-type: none"> <li>• La religion catholique est enseignée à l'école, mais les élèves n'appartenant pas à cette confession ne sont pas obligés de suivre ces cours. Les organisations religieuses (essentiellement catholiques, puisque 95% de la population est de cette confession) bénéficient d'avantages fiscaux.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>                                                                            | <p>Aide financière publique à des journaux de langue polonaise concernant les différents groupes minoritaires (<i>Massada</i> pour les Juifs par exemple), mais aussi contribution financière à la publication de périodiques dans la langue des groupes minoritaires.</p> <p>Les noms des administrations locales, les instructions et autres textes administratifs sont bilingues dans les communautés territoriales de Arowa et Spiez ou vivent les Slovaques. Le même privilège a été demandé par les Lituanais du district de Sawalki et par les Allemands de Silésie.</p> |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                         | <p>Aide et promotion de la presse en langue minoritaire ou écrite en polonais pour les populations minoritaires.</p> <p>Libre communication avec l'étranger: est surtout assurée pour la minorité allemande de Silésie. L'article 20, para. 3 du Traité germano-polonais de juin 1991 autorise la minorité allemande de Pologne à établir des contacts transfrontaliers avec des citoyens d'autres Etats "ayant en commun une origine ethnique, nationale, culturelle, ou religieuse".</p>                                                                                      |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <p>During the last general elections, many organisations were created by the State in order to help the candidate of the minorities.</p> <p>Usually candidates are registered on national lists and must gain enough support in 5 to the 40 districts of Poland to be elected. But this is not the case for candidates of minority groups who only need the support of the district where they are candidates to be elected.</p> <p>In the lower Chamber: 5 deputies are representing the German minority group.</p>                                                            |

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| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                           | <p>The Education Act of 7 September 1989 gives more powers to the local communities in the ground of Education:</p> <ul style="list-style-type: none"> <li>- Primary and Secondary schools will depend in a near future on the communities instead of the State</li> <li>- in this way, communities will be able to modify a part of the programmes in order to promote the culture of the minority groups, in the area where they prevail.</li> </ul> |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>SANCTION DE LA PROTECTION / ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

PORTUGAL

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| <p>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Art. 13 (Const.): "All citizens shall have the same social dignity and shall be equal before the law. No one shall be privileged, favoured, injured, deprived of any right or exempt of any duty because of his ancestry, sex, race, language, territory of origin, religion, political or ideological convictions, education, economic situation or social condition".</p> |
| <p>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS</p> <p>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</p> <p>LANGUE</p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p>LANGUAGE</p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul>                                                                                                                                                                                                                                                                                                                                                  | <p>Art. 41.1 (Const.): "Freedom of conscience, religion and worship shall be inviolable".</p>                                                                                                                                                                                                                                                                                  |
| <p>RELIGION</p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p>RELIGION</p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul> <p>LIBERTE CULTURELLE</p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p>CULTURAL FREEDOM</p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul> <p>Promotion de la culture des Mirandes, locuteurs de langue minoritaire (peu nombreux).</p> |                                                                                                                                                                                                                                                                                                                                                                                |

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| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat / INFORMATION</li> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          | <p><b>Art. 44 (Const.):</b> "The right of all citizens to travel and to settle freely anywhere in national territory shall be safeguarded. The right to emigrate or leave the national territory and the right to return to it shall be secured to everyone."</p>                                                                                                                                                    |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <p><b>Art. 51 (Const.) 3.:</b> "without prejudice to the philosophy or ideology inspiring their programmes, political parties shall not use names that contain terms directly related to any religion or church or use emblems which may be mistaken for national or religious symbols"</p> <p><b>4.:</b> "No party shall be set up whose name or displayed aims indicate a regional nature or field of action."</p> |
| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                                                                     | <p>Regions autonomes (Art. 227 de la Const.): les Açores et Madère.</p>                                                                                                                                                                                                                                                                                                                                              |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul>                                           | <p><b>Art. 227 (Const.) 1:</b> "The special political and administrative arrangements for the archipelagos of the Azores and Madeira shall be based on their geographical, economic, social and cultural characteristics and the historical aspirations of the peoples of the islands to autonomy."</p>                                                                                                              |

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| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul> |  |
| <p><b>SANCTION DE LA PROTECTION /<br/>ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                              |  |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                            |  |

ROMANIE / ROMANIA

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| <p><b>RECONNAISSANCE PAR L'ETAT / RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                                                                                                                                                              | <p>Art. 6 (Const.): "1. The State recognizes and guarantees for members of the national minorities the right to preserve, develop and express their ethnic cultural, linguistic and religious identity".</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>EGALITE DES CITOYENS / EQUALITY BETWEEN CITIZENS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Art. 16.1 (Const.): "Citizens are equal before the law and before public authorities, with no privileges and with no discrimination."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>VS. DISPOSITIONS SPECIALES / SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p>Langue officielle : le roumain (Art. 13 Const.)</p> <p>Art.32.3 (Const.): "The right of members of ethnic minorities to learn their mother tongue and the right to be taught in this language are guaranteed; the means of exercising these rights are stipulated by law".</p> <p>Art. 235.a (Const.): "The person detained or arrested shall be promptly informed, in the language which she understands".</p> <p>Art. 127 (Const.): "Citizens belonging to ethnic minorities, as well as persons who do not understand or speak the Romanian language have the right to be informed on all the documents and items in the file, to speak in court, and to offer conclusions, through an interpreter. This right is ensured free of charge in criminal trials".</p> <p>Education en langue minoritaire hongroise et allemande.</p> |
| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul>                                | <p>Art. 29 (Const.): "1. Freedom of thought and opinion, as well as the freedom of religious belief, may not be restricted in any way. No one can be forced to adopt an opinion or to espouse a religious belief contrary to his convictions".</p> <p>6. Parents or guardians have the right to ensure, in accordance with their own convictions, the education of minor children for whom they are responsible".</p>                                                                                                                                                                                                                                                                                                                                                                                                                  |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                         | <p><b>Art. 31 (Const.):</b> "The public services of radio and television are autonomous. They must guarantee that significant social and political groups have the right to broadcast. The organisation of these services and the monitoring of their activity by Parliament are regulated by statutory law".</p> <p>- Emissions de télévision et de radio en hongrois et en allemand.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <p><b>Art. 59.2 (Const.):</b> "Organisations of citizens belonging to national minorities, which fail to obtain the number of votes for representation in Parliament, have the right to one Deputy seat each, under the terms of the electoral law. Citizens of a national minority are entitled to be represented by one organisation only".</p> <p><b>Loi n° 68/1992</b> sur l'élection de la Chambre des députés et du Sénat:</p> <p><b>Art. 4:</b> "les organisations de citoyens appartenant à une minorité nationale, légalement constituées, qui n'ont pas obtenu aux élections au moins un siège de député ou de sénateur, ont le droit toutes ensemble, conformément à l'article 59, al. 2 de la Constitution, à un siège de député, si elles ont obtenu, dans le pays entier, un nombre de suffrage égal au moins à 5% du nombre moyen de suffrages valablement exprimés dans le pays entier pour l'élection d'un député."</p> <p>→ Parti de la minorité hongroise: l'"Union démocratique hongroise".</p> |

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| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> | <p>Législation économique qui touche les droits économiques des minorités en Roumanie.</p> <p>Loi 31/1990 sur les associations commerciales: Clause 93 stipule que le président des associations commerciales doit être "Roumain" (le terme "citoyen roumain" a été rejeté par le Parlement).</p> <p>Loi 31/1990 sur les associations de travail: elle a touché l'égalité des entrepreneurs appartenant aux diverses communautés ethniques.</p> <p>Lois 18/1991 et 35/1991 concernant les transactions foncières: touchent les fortunes immobilisées, notamment celles des minoritaires hongrois.</p> |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>SANCTION DE LA PROTECTION / ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                                  | <p>Art. 30.7 (Const.): "Any defamation of the country and the nation, any instigation to a war of aggression, to national, racial, class or religious hatred, any incitement to discrimination, territorial separatism or public violence, as well as any obscene conduct contrary to morality, shall be prohibited by law."</p> <p>Art. 317 du Code pénal: interdit la propagande nationaliste-chauviniste.</p>                                                                                                                                                                                      |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

SLOVENIE / SLOVENIA

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><b>Art. 64</b> (Const.) entitles "special rights of autochthonous Italian and Hungarian national communities in Slovenia".</p> <p><b>Art. 65</b> (Const.) entitles "position and special rights of Romany communities in Slovenia".</p> <p><b>Art. 5</b> (Const.): "[The State] protects and guarantees the rights of autochthonous Italian and Hungarian ethnic communities".</p> <p>- Pas de reconnaissance des minorités serbe et croate.</p>                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS</b></p> <p><b>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p> <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p><b>Art. 14</b> (Const.) "Everybody in Slovenia is guaranteed equal human rights and basic liberties, without respect to nationality, race, sex, language, religion, political or other convictions, material state, birth, education, social status or any other personal circumstances. All are equal before the law."</p> <p><b>Art. 61</b> (Const.): "All persons shall have the right to express freely affiliation to this nationality or national community, to nurture and express his/her culture and to use his/her language and script".</p> <p><b>Art. 62</b> (Const.): "All persons shall have the right to use their own language and script in the realisation of their rights and duties and in procedures before State and other bodies who perform public services in a manner which is specified by law".</p> |
| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul>                                                                                                                                                                     | <p><b>Art. 7</b> (Const.): "The State and religious communities are separated. Religious communities have equal rights; their activities are free."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>                                                                            | <p>Art. 64.1 (Const.): "The autochthonous Italian and Hungarian national communities and their members are guaranteed the right to use freely their national symbols and to found organisations for the preservation of their national identity, and to develop economic, cultural and scientific-research activities, and activities in the field of public information and publishing.</p> |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                         | <ul style="list-style-type: none"> <li>- Institutions de culture italienne financées par l'Etat</li> <li>- Promotion de la culture italienne et hongroise</li> <li>- Programmes à la radio en langues italienne et hongroise.</li> </ul>                                                                                                                                                     |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          |                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <ul style="list-style-type: none"> <li>- Les minorités italienne et hongroise sont représentées au Parlement slovène par deux députés chacune.</li> <li>- Art. 64.3 (Const.): "... The national communities shall be directly represented in the representative body of local self-government and in the State assembly".</li> </ul>                                                         |

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| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                           |  |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> |  |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                 |  |
| <p><b>SANCTION DE LA PROTECTION /</b><br/><b>ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                       |  |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                            |  |

ESPAGNE / SPAIN

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                                                                                                                                                          | <p>La Constitution espagnole reconnaît l'existence de diverses nationalités (Art. 2) ou de divers groupes linguistiques (Art. 3) dont les droits sont protégés au sein des "Communautés Autonomes".</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS</b></p>                                                                                                                                                                                                                                                                                                                                                                                              | <p>Art. 14 (Const.): "Spaniards are equal before the law, without any discrimination for reasons of birth, race, sex, religion, opinion or any other personal or social condition or circumstance."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                                                                                                                                                                                                               | <p>Art. 139 (Const.): "All Spaniards have the same rights and obligations in any part of the territory of the State (...)."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p>Art. 3.1 (Const.): langue officielle de l'Etat: l'espagnol</p> <p>Art. 3.2 (Const.): les langues des Communautés Autonomes sont également officielles dans les "Autonomies" respectives.</p> <p>- Communautés Autonomes avec une langue propre: la Catalogne, le pays de Valence, les îles Baléares, le Pays basque, la Navarre et la Galice. Dans les régions bénéficiant du statut d'Autonomie, la langue régionale est promue, au même titre que l'espagnol, au rang de langue officielle.</p> <p>Education minoritaire instituée par les statuts des "Autonomias" et organisée par leurs lois locales. Le catalan est enseigné en Catalogne, dans le pays de Valence et dans les îles Baléares, le basque au Pays basque et en Navarre et le galicien en Galice.</p> <p>Art. 3.3 (Const.): "The richness of the linguistic modalities of Spain is a cultural patrimony which will be the object of special respect and protection".</p> <p>Usage des langues officielles (si elles existent) dans la procédure pénale: droit du juge et des autres participants au procès d'utiliser une des langues officielles.</p> |
| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul>                                | <p>Art. 16 (Const.): "1. Freedom of ideology, religion and cult of individuals and communities is guaranteed without any limitation in their demonstration other than that which is necessary for the maintenance of public order protected by law.</p> <p>2. No one may be obliged to make a declaration on his ideology, religion or belief.</p> <p>3. No religion shall have a state character. The public powers shall take into account the religious belief of Spanish society and maintain the appropriate relations of cooperation with the Catholic Church and other denominations."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>                                                                            | <p><b>Art. 44.1 (Const.):</b> "The public authorities shall promote and watch over access to culture, to which all have a right".</p> <p><b>Art. 46 (Const.):</b> "The public authorities shall guarantee the preservation and promote the enrichment of the historical, cultural and artistic patrimony of the peoples of Spain and the property to that make them up, regardless of their juridical status and their ownership. The penal law shall punish any offences against this patrimony."</p> <p><b>Art. 4.2 (Const.):</b> "The statutes may recognize flags and ensigns of the autonomous communities. These will be used beside the flag of Spain on their public buildings and in their official acts."</p> <p><b>Art. 148 (Const.):</b> "The Autonomous Communities may assume competences in the following matters: (...) 17. Promotion of the culture, research, and, where applicable, the teaching of the language of the Autonomous Community."</p> |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                         | <p>Emissions à la télévision et à la radio, bilingues ou uniquement en langue minoritaire, publications en langue minoritaire: d'après les initiatives des "Autonomias" (notamment en Catalogne, dans la région de Valence et au Pays basque).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          | <p><b>Art. 19 (Const.):</b> "Spaniards have the right to freely select their residence and to travel in the national territory. They also have the right to enter and leave Spain freely under conditions established by law. That right cannot be restricted because of political or ideological motives."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <p>Représentation au Congrès et au Sénat – déterminée par la Constitution – (Art. 68.2 et 69.3, 4) de villes espagnoles situées en Afrique: Ceuta et Melilla.</p> <p>Toutes les "Autonomias" sont représentées par un sénateur pour un million d'habitants (Art. 69.5).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                           | <p>L'Etat espagnol est divisé en 17 "Autonomias" auto-gouvernées ayant la faculté d'édicter des lois locales: cf. la loi sur l'"organisation territoriale de l'Etat" (Art. 137, 143), et l'Article 2 de la Constitution: "The Constitution is based on the indissoluble unity of the Spanish nation, the common and indivisible homeland of all Spaniards, and recognizes and guarantees the right to autonomy of the nationalities and regions which make it up and the solidarity among all of them."</p> |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> | <p>Art. 148 (Const.): "The Autonomous Communities may assume competences in the following matters: (...) 4. Public marks (...). 5. Railways and highway (...). 8. Woodlands and forestry. 12. Interior fairs. 13. Promotion of the economic development of the Autonomous Community within the objectives marked by the national policy".</p>                                                                                                                                                               |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                                                 | <ul style="list-style-type: none"> <li>- Dans le cadre des compétences spéciales des "Autonomias", il existe des systèmes de tribunaux de juridiction locale.</li> </ul>                                                                                                                                                                                                                                                                                                                                    |
| <p><b>SANCTION DE LA PROTECTION / ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                                  | <p>Art. 173 (Code Pénal): "Sont illicites les associations [...] 4. qui promeuvent la discrimination raciale ou qui y incitent."</p>                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

SUEDE / SWEDEN

| RECONNAISSANCE PAR L'ETAT /<br>RECOGNITION BY THE STATE                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| EGALITE DES CITOYENS /<br>EQUALITY BETWEEN CITIZENS                                                                                                                                                                                                                                                                                                                                                                                               | No law or other decree may imply discrimination of any citizen on the grounds of his belonging to a minority on account of his race, skin colour or ethnical origin (Art. 15 Chap.II Const.).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| VS. DISPOSITIONS SPECIALES /<br>SPECIAL PROVISIONS                                                                                                                                                                                                                                                                                                                                                                                                | The possibilities of ethnic, linguistic or religious minorities to preserve and develop a cultural and social life of their own should be promoted (Art. 2 Chap.I Const.).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>LANGUE</p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p>LANGUAGE</p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p>Swedish authorities only use Swedish. However, according to a Convention signed by Nordic countries, the citizens of a Nordic country can use their own language in any of the other four. Minority languages are not concerned and, fundamentally, the authorities are obliged to use an interpreter when the person does not speak Swedish or any other Nordic language (Administrative Procedure Act, Code of Procedure for Administrative Courts, Code of Criminal and civil procedures). When an interpreter is required it does not involve extra expenses for the person concerned.</p> <p>Sami school board has got at its disposal certain funds to enable it to arrange for integrated Sami education at ordinary primary schools. Sami pupils are enrolled in primary schools and taught special Sami subjects separately. For those children not attending a special Sami school, tuition is available in their native language and culture under the auspices of the Home Language Programme.</p> <p>Adults' education: since 1942 has been existing a special residential folk college for the Samis, which has given adults some degree of compensation for their inadequate schooling. Many courses are taught in Sami; education is free.</p> <p>For other minority in Tornedalen, there are no special schools; children must complete their compulsory schooling in the regular State-supported schools. Tuition is however available in their language under the Home Language Programme.</p> <p>1975 Act: choice of minorities' languages is free under the principle of parents' freedom and equality to decide.</p> |
| <p>RELIGION</p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p>RELIGION</p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul>                                | <p>Freedom to practice one's religion either alone or together with others (Art. 1, para. 6, chap. II Const.).</p> <p>Protection against any compulsion to make known one's religious opinion and to participate in any meeting with a view to integrating a religious community (Art. 2, Chap II Const.)</p> <p>Restrictions, provided for by Constitution, to fundamental rights and freedoms cannot be made solely on grounds of religious or such other ideas (Art. 12, Chap. II Const.).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul> | <p>There exists an intensive co-operation between Sweden, Finland and Norway on programme production in Sami. Protection against any compulsion to make known one's opinion in any cultural or other such matter and to participate in any meeting for the purpose of the formation of cultural opinion (Art. 2, Chap. II, Const.).</p> <p>When dealing with fundamental rights and freedoms no restriction can be made solely on the grounds of cultural or other such ideas (Art. 12, Chap. II Const.).</p> <p>Special Sami position in relation to the majority population as well as other minority groups was granted by Parliamentary Resolution in 1977 to Sami, owing to their Status of indigenous population.</p> <p>Sami Fund has been created since 1977 to support Sami Culture: 1991: 6 million Sw Cr were granted + many other subsidies from general grant giving bodies (eg National Arts Council).</p> <p>A Sami museum was erected through public investment in Jokkmokk and run by special public and corporate funding.</p> <p>A Sami theatre group, DALVADIS, receives support from Sami Fund and Arts Council.</p> <p>Nordic Sami Institute in Kautokeino is a research centre co-financed by the five Nordic countries through the Nordic Council of Ministers.</p> |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                              | <p>The public service of radio and TV acts with a high degree of independence (Broadcasting Act); it has a broad mandate to serve the interests of minority groups to a reasonable extent, both linguistic and others, but it cannot be ordered by Government to allocate a minimum amount for that purpose.</p> <p>Initiatives from the minority groups themselves can be met within the non-public service Community radio: "Närradio"</p> <p>Programmes for Sami speaking viewers and listeners amount to:</p> <p style="padding-left: 40px;">8 hrs/year TV<br/>220 hrs/year radio.</p> <p>Majority of it is broadcasted in traditional Sami territories. Some are over national network since many Sami have settled in other parts of Sweden.</p> <p>Finnish speaking minority in Tornedalen: local radio broadcasting: 2 hrs/week + easy access to TV programmes broadcasted from Finland.</p> <p>Programmes in Sami are also transmitted on a Nordic level.</p>                                                                                                                                                                                                                                                                                                                      |

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| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          |                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> |                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul>                                           | <p>Diverses lois protégeant certains aspects essentiels de la vie des Lapons (pâturages, chasse, pêche).</p>                                                                                                                                                                                                                                        |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                                                           | <p>Protection against discrimination on account of ethnical origin is also granted to any foreigner within the Realm. This includes protection against any compulsion to participate in meetings for the purpose of the formation of opinions or to belong to a religious community or other association: see Art. 2 and 20, Chap. II (Const.).</p> |

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| <b>SANCTION DE LA PROTECTION /<br/>ENFORCEMENT OF THE PROTECTION</b> |  |
| <b>PROJETS DE TEXTES / DRAFT TEXTS</b>                               |  |

**SUISSE / SWITZERLAND**

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS<br/>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p> | <p>La loi suisse relative aux langues protège les minorités linguistiques sur la base de la reconnaissance de l'égalité des différentes langues nationales devant la loi.</p> <p>La Constitution Fédérale Suisse ne contient pas de dispositions spéciales en faveur des minorités. Celles-ci peuvent invoquer l'Article 4 (Const.) en vertu duquel les droits fondamentaux doivent être appliqués sans aucune discrimination.</p> |

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| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p><b>Art. 116, para. 1</b> de la Constitution Fédérale dispose qu'il existe en Suisse quatre langues nationales: l'allemand, le français, l'italien et le romanche représentant les quatre zones linguistiques composant le territoire national. Cet article consacre en outre le principe de territorialité qui a pour but de garantir la pluralité linguistique de la Suisse. La compétence linguistique relève exclusivement des Cantons. Dans un cas seulement la Confédération est intervenue pour assurer la protection des langues et cultures romanches et italiennes dans les Cantons des Grisons et du Tessin (Loi du 24 juin 1983). La Fédération alloue au Canton des Grisons une subvention annuelle de FS 3 millions pour sauvegarder la culture et la langue rëto-romanes ainsi que la culture et la langue dans les vallées italophones. De ce montant, FS 1,5 millions au moins doivent être alloués à la <i>Lia Rumantscha</i> et FS 450.000 au moins à l'association <i>Pro Grigioni Italiano</i> pour son activité en faveur de la culture et de la langue dans les vallées italophones. De son côté, le Canton des Grisons doit allouer une subvention de FS 400.000 à la <i>Lia Rumantscha</i> et une autre de FS 100.000 à <i>Pro Grigioni Italiano</i>.</p> <p>La subvention fédérale au Canton du Tessin est de FS 2 millions.</p> <p>Les Cantons des Grisons et du Tessin présentent un rapport annuel obligatoire sur l'emploi fait des subventions.</p> <p>Le romanche n'est pas actuellement langue officielle. Cependant, la pratique, dont le ministère de la Défense est à l'origine, est que "rien n'interdit la traduction et la publication en romanche de documents officiels dès lors que cela peut être utile" (1938). Une loi fédérale de 1983 protège encore plus la langue et la culture rëto-romanche.</p> <p>Un département des langues a été créé à l'Office Fédéral de la Culture pour traiter entre autres, des problèmes des minorités linguistiques.</p> <p>Des directives ont été données pour améliorer la représentation des minorités linguistiques au sein de l'administration fédérale.</p> <p>Les débats au Parlement se déroulent dans les trois langues officielles avec traduction simultanée. Au sein de l'Administration fédérale les trois langues peuvent être utilisées soit à l'intérieur de l'Administration même, soit dans les rapports avec les particuliers (dans ce dernier cas les autorités doivent s'adresser aux minorités dans leurs propres langues). Enfin le Tribunal Fédéral peut être saisi dans chacune des trois langues et ses arrêts sont rédigés dans la langue de la décision attaquée. Le principe de territorialité et des langues officielles est également appliqué, <i>mutatis mutandis</i>, dans les trois cantons bilingues de Berne (minorité francophone), de Fribourg et du Valais (minorités germanophones). Les deux langues peuvent être utilisées dans les rapports avec les autorités cantonales. Le Canton des Grisons est le seul canton bilingue avec une majorité germanophone et deux minorités romanche et italophone. Le trilinguisme n'est cependant pas appliqué de manière absolue (ce sont en effet les communes du canton qui règlent elles mêmes le problème de la langue officielle).</p> <p><b>Education:</b> principe de territorialité; si le canton est multilingue, l'idiome utilisé est celui du district ou de la commune. Dans les rares communes qui hébergent des minorités linguistiques, le problème est généralement résolu par des accords avec d'autres communes. Toutefois, selon la jurisprudence du Tribunal Fédéral, les individus n'ont aucun droit à exiger une éducation dans leur langue maternelle en-dehors du territoire de cette dernière, et les cantons sont libres de restreindre l'usage d'une langue minoritaire dans les écoles privées.</p> |
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| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul> | <p>Les églises dépendent des cantons; ceux-ci entretiennent presque tous des relations très étroites avec la religion dominante mais ils confèrent généralement des avantages semblables à la confession minoritaire.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>          | <p>Les organisations culturelles et sociales jouent un rôle clé dans l'unité de la Suisse, au-delà des frontières linguistiques, régionales et cantonales.</p> <ul style="list-style-type: none"> <li>• Accord sur les relations cinématographiques Suisse/France (1977); avenant de 1986. But: développement de la coopération entre la Suisse et la France dans le domaine cinématographique par des actions concrètes en faveur d'oeuvres de qualité dans le respect mutuel des identités culturelles.</li> <li>• Accord République Fédérale d'Allemagne/Suisse sur les relations cinématographiques ayant pour but de développer et d'encourager la création cinématographique dans les deux pays (616, 1984)</li> <li>• Accord Autriche/Suisse sur les relations cinématographiques, 1990 (même but).</li> <li>• Protocole instituant une Commission culturelle italo-suisse (1986). But: développer les relations culturelles entre les deux pays, en particulier ce qui concerne les rapports culturels entre la République et les Cantons du Tessin et des Grisons d'une part, et les institutions culturelles siégeant en Lombardie et Piémont d'autre part. La Commission ne peut formuler que des recommandations (1986).</li> </ul> |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                       | <p>Article 55 bis of the Federal Constitution gives radio and television a mandate to contribute to cultural development and also to take account of the country's distinctive features and the canton needs. The independence of television and radio vis-à-vis the State is stated by the Constitution.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"><li>- droit d'entrer et de sortir du pays</li><li>- libre circulation et établissement à l'intérieur du pays /</li></ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"><li>- right to enter and leave the country</li><li>- freedom of movement and settlement within the country</li></ul> |  |
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**PARTICIPATION AUX AFFAIRES PUBLIQUES**

- existence de partis minoritaires
- financement
- représentation proportionnelle
- participation aux organes de l'Etat /

**PARTICIPATION IN PUBLIC AFFAIRS**

- existence of minority parties
- financing
- proportional representation
- participation in the State organs

Le **Conseil national** se compose de 200 députés; la répartition des sièges se fait selon le système de la représentation proportionnelle. Le territoire national est divisé en 26 circonscriptions électorales qui correspondent au territoire des 26 cantons suisses. Chaque canton ou demi canton a droit à un siège au moins (Art. 72 et 73 Const.).

La **Chambre Haute** ou **Conseil des Etats**, se compose de 46 députés, deux par canton et un par demi canton (Art. 80 Const.). Très souvent les deux représentants à la Chambre Haute sont élus de manière à ce que les différentes composantes du canton, par exemple les deux langues, les deux confessions, etc. soient représentées. Comme les députés y votent sans instruction (Art. 91 Const. Féd.), ces diverses tendances peuvent s'exprimer lors des votes.

Le **Gouvernement: Conseil Fédéral: Art. 96 (Const.)** prévoit qu'il n'est pas possible de choisir plus d'un membre dans le même canton, de telle sorte que le plus grand nombre possible de cantons puisse être représenté. Une règle non écrite veut en outre que sur les sept membres, les minorités romandes soient représentées par deux, parfois par trois, Conseillers fédéraux.

Le **Tribunal Fédéral: l'Article 107 (Const.)** dispose qu'en élisant les juges et leurs suppléants, l'Assemblée fédérale aura égard à ce que les trois langues officielles de la Confédération y soient représentées.

En conclusion, l'idée force sous-jacente à la composition de tous les organes fédéraux est celle de la proportionnalité.

Chaque révision de la Constitution Fédérale doit être approuvée par la majorité du peuple et par la majorité des cantons (Art. 123 Const.). Cette double majorité est également requise pour la ratification des traités particulièrement importants (Art. 89 Const.). Dans ce système, c'est la majorité des citoyens du canton qui détermine le vote de chaque canton; chaque canton n'a qu'une voix. Huit cantons peuvent demander qu'une loi fédérale adoptée soit soumise au référendum. Chaque canton peut présenter au Parlement fédéral une initiative tendant à l'adoption d'une loi ou d'un article constitutionnel (Art. 93 Const.).

Selon une pratique bien établie chaque fois que la Gouvernement fédéral prépare une loi, il en soumet le projet à la procédure dite de consultation dont le but est de recueillir l'avis de diverses entités intéressées dans les cantons. Si un projet de loi n'est pas favorablement accueilli, le Gouvernement renonce en général à la soumettre au parlement ou le modifie.

**Art. 121 (Const.)** permet à **100.000** citoyens de demander la modification de la Constitution (ceci est favorable aux minorités).

**Droit de Référendum: 50.000** citoyens peuvent demander qu'une loi votée soit soumise à l'approbation populaire.

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| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                         | <p><b>Article 3 (Const.):</b> "The cantons are sovereign insofar as their sovereignty is not limited by the Federal Constitution and, as such exercise all rights which are not entrusted to the federal power."</p> <p>Plusieurs Etats fédéraux prévoient la possibilité de créer de nouveaux Etats fédérés à l'intérieur de l'Etat. En Suisse, tel n'est pas le cas. Cela ne signifie pourtant pas qu'une minorité incorporée dans un canton ne puisse pas accéder à l'autonomie en se constituant en un nouveau canton, comme le montre l'exemple de la création du Canton du Jura dont la population francophone et majoritairement catholique avait été rattachée au Canton de Berne, à majorité protestante alémanique. La création de ce nouveau canton en 1974 s'est effectuée dans le respect de deux grands principes: le principe démocratique (la majorité de la population du Canton de Berne a accepté en 1970 le principe d'une séparation éventuelle des districts jurassiens) et le principe fédéraliste (le Jura n'est devenu canton que lorsque la majorité du peuple et des cantons suisses ont accepté de modifier l'Article 1 de la Constitution Fédérale).</p> <p>Constitutions cantonales:</p> <p><b>FRIBOURG:</b> "La majorité tant des membres que des suppléants du Tribunal cantonal doit posséder la connaissance des langues française et allemande" (Art. 61).</p> <p><b>VALAIS:</b> "Les membres du Tribunal cantonal doivent connaître les deux langues nationales" (Art. 62).</p> <p><b>BERNE:</b> "Le gouvernement est un conseil exécutif de sept membres. Un siège est garanti au Jura Bernois" (Art. 33).</p> |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> | <p>Voir rubrique <i>Langue</i></p> <ul style="list-style-type: none"> <li>- Subventions annuelles du Canton des Grisons pour sauvegarder la culture et la langue rhéto-romane ainsi que la culture et la langue italophone.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>SANCTION DE LA PROTECTION / ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| PROJETS DE TEXTES / DRAFT TEXTS | <u>Draft Amendment to the Constitution:</u><br><br><p data-bbox="212 215 342 1382"><b>Art. 116, para. 3:</b> "The Confederation and the Cantons shall take care to safeguard and promote the four national languages in the territories where they are used. The Cantons shall take particular measures to protect the national languages which are threatened in a given territory; the Federation shall grant them support for this purpose."</p> <p data-bbox="378 197 440 1382"><b>Art. 116, para. 4:</b> "The Confederation and the Cantons shall encourage understanding among the linguistic communities and the use of the four national languages throughout Switzerland."</p> <p data-bbox="475 221 570 1382"><b>Art. 116, para. 5:</b> "German, French and Italian are the official languages of Switzerland. Romansh is an official language for the Confederation's dealings with Romansh citizens and Romansh institutions. Procedures are regulated by law."</p> |
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TURQUIE / TURKEY

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| <p><b>RECONNAISSANCE PAR L'ETAT / RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                                                                                                                                                              | <p>Reconnaissance de minorités religieuses non-musulmanes d'après l'article 39 du Traité de Lausanne (24 juillet 1923).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>EGALITE DES CITOYENS / EQUALITY BETWEEN CITIZENS</b></p> <p><b>VS. DISPOSITIONS SPECIALES / SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                                                                                                                                                    | <p>Art. 90 (Const.): "All individuals are equal without any discrimination before the law; irrespective of language, race, color, gender, political opinion, philosophical, belief, religion and sect, or any such considerations".</p> <p>Art. 39.2 (Traité de Lausanne): "Tous les habitants de la Turquie, sans distinction de religion, seront égaux devant la loi".</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p>Art. 3.b (Const.): langue officielle , le turc.</p> <p>Art. 26.c (Const.): "No language prohibited by law shall be used in the expression and dissemination of thought (...)"</p> <p>Art. 28.b (Const.): "...Publication shall not be made in any language prohibited by law."</p> <p>Art. 42.i (Const.): "No language other than the Turkish shall be taught as mother tongue to Turkish citizens at any institutions of training or education. The law shall determine the foreign languages to be taught..."</p> <p>Art. 40 (Traité de Lausanne): "Les ressortissants turcs appartenant à des minorités non musulmanes [...] ont le droit de faire librement usage de leur propre langue et d'exercer librement leur religion".</p> <p>Art. 41 (Traité de Lausanne): enseignement minoritaire prévu pour les non-musulmans</p> <p>[Il se pose la question de la conformité des articles 26.c, 28.b et 42.c de la Constitution avec les articles 40 et 41 du Traité de Lausanne].</p> <p>- La langue kurde était interdite jusqu'en avril 1991 (Art. 1 et 3, loi 2932). D'autre part, une loi anti-terroriste restreint la liberté d'expression, notamment en ce qui concerne les Kurdes (Art. 23 de la loi N° 3713 du 12 avril 1991).</p> |
| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul>                                | <p>Art. 24 (Const.): "Everyone has the right to freedom of conscience, religious belief and conviction".</p> <p>- Siège du Patriarcat oecuménique à Istanbul.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>                                                                            | <p>Art. 28.b (Const.): "Publication shall not be made in any language prohibited by law".</p>                                                                                       |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                         |                                                                                                                                                                                     |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          |                                                                                                                                                                                     |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <p>Art. 68.d (Const.): "The statutes and programmes of political parties shall not be in conflict with the indivisible integrity of the State with its territory and nation..."</p> |

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| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                           |  |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul> |  |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                 |  |
| <p><b>SANCTION DE LA PROTECTION /</b></p> <p><b>ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                    |  |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                            |  |

ROYAUME-UNI / UNITED KINGDOM

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| <p>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</p>                                                     | <p>The United Kingdom recognizes itself as a multi-ethnic society. Its law makes reference to the concept of "ethnic minorities" and "race relations".</p> <p>United Kingdom argues that minority groups living on its soil do not have to be officially recognized by the law to exist and to be granted the right to develop their own culture and maintain their own linguistic traditions.</p>                                                                                                                                          |
| <p>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS<br/>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</p> | <p><u>Race Relations Act 1976</u> aims at eradicating "discrimination on racial grounds" that is to say "any of the following grounds, namely colour, race, nationality or ethnic or national origins. The Act covers various fields such as employment, education, goods, facilities, services and premises, housing, etc.</p> <p><u>Public Order Act 1986</u> aims at eradicating "racial hatred" that is to say "hatred against a group of persons in Great Britain defined by reference to [...] race, ethnic or national origins."</p> |

## LANGUE

- officielle
- dans l'éducation
- relations officielles avec l'administration
- droit d'association linguistique /

## LANGUAGE

- official
- in education
- in official relations with administration
- right to create and maintain associations to promote languages

## \* WALES

Welsh Courts Act 1942: The Lord Chancellor may make rules prescribing a translation in the Welsh language of any form as the form of any oath or affirmation to be administered and taken or made by any person in any court. And such an oath or affirmation administered and taken or made in any Court in Wales in the translation prescribed by such rules shall, without interpretation, be of the like effect as if it had been done in English. A significant use of Welsh is made in the Public services in Wales both by central and local Government. Local authorities of central government departments are normally able to deal with customers in the language of their choice. Members of the public are free to communicate with central government in Welsh and, if they do so, will be replied to in the same language. Central and local government produce an increasing number of bilingual documents and forms.

Welsh Forms Act (1964) authorises the use of election forms in Welsh through Wales.

Welsh Language Act 1967: In any legal proceeding in Wales or Monmouthshire the Welsh language may be spoken. Any provision for interpretation shall be made accordingly. Where any enactment specifies the form of any document or any form the appropriate Minister may by order, prescribe a version of the document or words in Welsh or partly in Welsh and English.

Education Act, 1980: Grants for education in Welsh: the Secretary of State shall, by regulations, make provision for the payment to local education authorities and other persons of grants in respect of expenditure incurred or in connection with the teaching of the Welsh language or the teaching in that language of other subjects.

1988: Secretary of State for Wales established the Welsh Language Board to advise him on all matters relating to the use of Welsh in both the public and private sectors. The Welsh Office administers a scheme of grant worth £ 4.6 million in 1989/1990 to support developments in bilingual education and Welsh organisations more generally.

Local education authorities are required under the terms of the 1944 Education Act to respond to the demands of parents for their children to be taught through the medium of Welsh (1944 Education Act).

1988 Education Reform Act states Welsh should in future be taught to all pupils in all schools in Wales.

## \* SCOTLAND

Small Landholders (Scotland) Act 1911 requires that one member of the Land Court must be a Gaelic speaker. Although the Act states Gaelic may be used before the Land Court, there have never been written proceedings in Gaelic.

Forms in Gaelic may be prescribed although it is not general practice at the moment.

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| <p><b>LANGUE (suite) / LANGUAGE (cont'd)</b></p>                                                                                                                                                                                                                                                                                                                                                                                 | <p>★ <b><u>SCOTLAND</u></b> (cont'd)</p> <p><u>Education (Scotland) Act 1982</u>: provides for the teaching of Gaelic in Gaelic-speaking areas. The grants for Gaelic language Education Regulations 1985 make provision for payments to local education authorities for projects connected with the teaching of Gaelic.</p> <p>★ <u>British Nationality Act (1981)</u>: "The requirements for naturalisation as a British citizen are that the applicant [...] has a sufficient knowledge of the English, Welsh or Scottish Gaelic language" (<b>Schedule 1</b>).</p> <p><u>Road Traffic Regulation Act (1984)</u>: the Act states that bilingual road signs may be erected on specific authorisation of the Secretary of State.</p> <p>★ <b><u>ULSTER</u></b></p> <p>There are generally no restrictions on anyone in Northern Ireland or in the rest of the United Kingdom to speak, write or publish in the Irish language. However, for security reasons, prisoners have to communicate in English (unless they cannot do so) and there are limitations on the use of Irish in public services for reasons both of practicality and available resources and of political sensitivity (to avoid tension between the two sides).</p> <p>Draft legislation for Education Reform provides that secondary schools may offer Irish and pupils may choose their language to fulfil their curriculum requirement for language study. It also provides that Irish is to be a compulsory subject in schools which teach through the medium of Irish.</p> <p>In 1988, the Government published a bilingual map and gazettees and funded a research project on Irish place-names (£ 0.5 million over 5 years) in Belfast.</p> <p>The Government recognizes and accepts the use in official business of the Irish version of personal names and also accepts official correspondence in Irish, although the reply will be in English.</p> |
| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>   | <p>Government funding for the arts and cultural activities is, in the main, channelled through the Welsh Arts Council. It supports a large number of language activities including theatre, music and literature. The Government provides financial support towards the annual running costs of the Royal National Eisteddfod, an annual Welsh language festival.</p> <p>The Government and the Arts Council jointly fund the Welsh Books Council which administers a scheme of grants to publishers currently with £ 400,000 aimed at encouraging the publication of Welsh books, which, because of the limited readership, would not otherwise be commercially viable. The Welsh Books Council have been involved in joint publication arrangements with organisations representing other European minority languages.</p> <p>Government support for cultural activities in Northern Ireland is channelled through the Northern Ireland Arts Council which provides financial support for traditional arts and within that area it provides Irish Language publications and cultural activities.</p> <p>Support for Irish language Activities is also being provided by the Government's Central Community Relation Unit as part of a cultural traditions programme launched in 1989.</p>                                                                                             |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                | <p>1980 Broadcasting Act established the Welsh TV Channel (S4C) on which all Welsh TV programmes are now broadcasted. The BBC is required to contribute 10 hrs of programmes a week. It also provides a national Welsh language radio service called Radio CYMRU. A number of Welsh language newspapers and periodicals are published on a weekly or monthly basis. English language newspapers published in Wales often have articles in Welsh sometimes specifically aimed at learners.</p> <p>Numbers of Gaelic speakers in Scotland do not, given the lack of available TV frequencies and other technological limitations, justify the setting up of a separate Gaelic TV channel. However, the importance of broadcasting to Gaelic language and culture is recognized. About 100 hrs of TV programmes in the Gaelic language are broadcasted each year and a separate Gaelic radio service, Radio NANGAEIL, exists. National and local newspapers give coverage in Gaelic.</p> <p>Legislation is planned to establish a radio authority to licence the proposed development of new and less regulated radio services, and the Government will consider any proposal put forward for an Irish language radio station in Northern Ireland.</p> <p>The Northern Ireland Arts Council provides financial support for the only Irish language daily newspapers, based in Belfast.</p> |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <p>La loi anglaise accorde au Pays de Galles un minimum de 35 sièges aux Communes, à l'Ecosse un minimum de 71 sièges et à l'Ulster un minimum de 17. Ces trois régions bénéficient d'une représentation plus forte que ne l'exigerait la stricte arithmétique.</p>                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                                                                     | <p>The day-to-day running of the education service is, in Wales, the responsibility of local education authorities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul>                                           | <p>Fair Employment (North Ireland) Act 1989 was adopted under the terms of the Anglo-Irish Agreement. It aims at eradicating job discrimination. Employers must register, monitor their work forces and regularly review their recruitment, training and promotion practices. They must take affirmative action measures. There are both criminal fines and economic sanctions, involving loss of business and grants, for those guilty of bad practice. There are two new enforcement bodies: the Fair Employment Commission and the Fair Employment Tribunal. In addition, indirect discrimination, whether international or not, is outlawed.</p> |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul>                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>SANCTION DE LA PROTECTION / ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

UKRAINE

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| <p>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</p>                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS<br/><br/>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</p>                                                                                                                                                                                             | <p>The Ukrainian State guarantees all peoples, national groups and citizens inhabiting its territory equal political, economic, social and cultural rights. Discrimination on grounds of national traits is prohibited and punishable by law (<u>Declaration Supreme Council, November 1991, Art. 1</u>).</p> <p>The Ukrainian SSR Supreme Soviet, [...], respecting the national rights of all the peoples, [...]; The Ukrainian SSR Soviet Supreme guarantees all the nationalities living on the territory of the Republic the right to their free national and cultural development (<u>Declaration of Ukrainian Sovereignty, July 1990</u>).</p>                                                                                      |
| <p>LANGUE<br/>- officielle<br/>- dans l'éducation<br/>- relations officielles avec l'administration<br/>- droit d'association linguistique /<br/>LANGUAGE<br/>- official<br/>- in education<br/>- in official relations with administration<br/>- right to create and maintain associations to promote languages</p> | <p>The Ukrainian State guarantees to undertake the creation of requisite conditions for the development of all national languages and cultures (<u>November 1991 Declaration, Art. 2</u>).</p> <p>The state guarantees all peoples and national groups the right to make free use of their native languages in all areas of public life, including education, production, acquisition and distribution of information. The State shall safeguard the right of citizens to make free use of Russian. In districts densely inhabited by members of several national groups, any language acceptable to the entire population of the area may be used alongside Ukrainian, the State language (<u>November 1991 Declaration, Art. 3</u>).</p> |
| <p>RELIGION<br/>- liberté de croyance, de pratique et d'affiliation<br/>- liberté de créer des associations religieuses<br/>- financement /<br/>RELIGION<br/>- freedom of religious belief, practice and affiliation<br/>- freedom to create religious associations<br/>- financial support</p>                      | <p>The right of all Ukrainian citizens of every nationality to profess their religion is stated (<u>1991, November Declaration Art. 4</u>).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>   | <ul style="list-style-type: none"> <li>• According to the November 1991 Declaration: <ul style="list-style-type: none"> <li>- Right of all Ukrainian citizens of every nationality to profess their religion, make use of their national symbols, celebrate their national holidays and take part in their peoples traditional rituals is guaranteed (<u>Art. 4</u>).</li> <li>- Monuments to the history and culture of peoples and national groups in Ukraine shall be protected by law (<u>Art. 5</u>).</li> <li>- Ukrainian State guarantees all nationalities the right to establish their own cultural centres, societies, regional associations and amalgamations. Such organisations may engage in activities with a view to the development of their national culture, organise mass events as permitted by law, help to establish national newspapers, publishing houses, museums, artists' collectives, theatres and film studios (<u>Art. 6</u>).</li> </ul> </li> </ul> <p>National cultural centres and societies and national minorities shall have the right to unrestricted contact with their historical homelands.</p> <p>Februar 26, 1989 Cultural Alliance of the Transcarpathian Hungarians (= KMKSZ) was formed as independent social organisation, free from any intervention of State.</p> |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul> | <p>Residents of Transcarpathian Territory can travel to Hungary since USSR abolished the limited border travel in 1990.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> | <p>Representatives of peoples and national groups shall be elected on an equal footing to organs of State power at every level and may hold any post in organs of government businesses, institutions and organisations (November 1991 Declaration Art. 1).</p> |
| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                                                                                                                                                                     | <p>The Ukrainian State guarantees all nationalities the right to maintain their traditional patterns of settlement and shall make provision for national administrative entities (November 1991 Declaration, Art. 2).</p>                                       |
| <p><b>DROITS ECONOMIQUES ET SOCIAUX</b></p> <ul style="list-style-type: none"> <li>- "fair employment" dans le secteur privé et public</li> <li>- développement économique des régions /</li> </ul> <p><b>ECONOMIC AND SOCIAL RIGHTS</b></p> <ul style="list-style-type: none"> <li>- fair employment in the private and public sectors</li> <li>- economic development of regions</li> <li>- safeguard of the environment of minority groups</li> </ul>                                           |                                                                                                                                                                                                                                                                 |
| <p><b>SANCTION DE LA PROTECTION / ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                 |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>In the Ukrainian-Hungarian Declaration, the High Contracting Parties confirm "their intention to promote the international legal codification of the rights of the national minorities on bilateral, regional and universal levels".</p>                     |

YUGOSLAVIE / YUGOSLAVIA

[Etat fédéral composé par la Serbie et le Monténégro / Federal State composed by Serbia and Montenegro]

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| <p><b>RECONNAISSANCE PAR L'ETAT /<br/>RECOGNITION BY THE STATE</b></p>                                                                                                                                                                                                                                                                                                                                                                                          | <p><b>Art. 11 (Const.):</b> "The Federal Republic of Yugoslavia shall recognize and guarantee the rights of national minorities to preserve, foster and express their ethnical, cultural, linguistic and other particularities, as well as to use the naturel symbols, in accordance with international law."</p> <p>- Déclaration de l'Assemblée Yougoslave du 27 avril 1992, par laquelle la Yougoslavie s'engage à reconnaître les minorités nationales sur son territoire.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>EGALITE DES CITOYENS /<br/>EQUALITY BETWEEN CITIZENS</b></p> <p><b>VS. DISPOSITIONS SPECIALES /<br/>SPECIAL PROVISIONS</b></p>                                                                                                                                                                                                                                                                                                                            | <p><b>Art. 19 (Const.):</b> "The freedoms rights and duties of man and the citizen which ensure the equality of people and citizens on the Republic of Yugoslavia shall be laid down by the present constitution".</p> <p><b>Art. 20 (Const.):</b> "Citizens shall be equal irrespective of their nationality, race, sex, language, faith, political or other beliefs, education, social origin, property or other personal status. Everyone shall be equal before the law (...)"</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>LANGUE</b></p> <ul style="list-style-type: none"> <li>- officielle</li> <li>- dans l'éducation</li> <li>- relations officielles avec l'administration</li> <li>- droit d'association linguistique /</li> </ul> <p><b>LANGUAGE</b></p> <ul style="list-style-type: none"> <li>- official</li> <li>- in education</li> <li>- in official relations with administration</li> <li>- right to create and maintain associations to promote languages</li> </ul> | <p><b>Art. 15 (Const.):</b> "In the Federal Republic of Yugoslavia, the Serbian language in its ekavian and ijekavian dialects and the cyrilic script shall be official, while the latin script shall be in official use as provided for by the constitution and law. In regions of the Federal Republic of Yugoslavia inhabited by national minorities, the languages and scripts of these minorities shall also be in official use in the manner prescribed by law."</p> <p><b>Art. 46 (Const.):</b> "Members of national minorities shall have the right to education in their own language, in conformity with the law. Members of national minorities shall have the right to information media in their own language".</p> <p><b>Art. 49 (Const.):</b> "Everyone shall be guaranteed the right to use his language in proceedings before a tribunal or other authority or organisation with the performance of their public powers decide on his rights and duties in the course of these proceedings to be informed of the facts in his own language".</p> |
| <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- liberté de croyance, de pratique et d'affiliation</li> <li>- liberté de créer des associations religieuses</li> <li>- financement /</li> </ul> <p><b>RELIGION</b></p> <ul style="list-style-type: none"> <li>- freedom of religious belief, practice and affiliation</li> <li>- freedom to create religious associations</li> <li>- financial support</li> </ul>                                | <p><b>Art. 18 (Const.):</b> "Church and State shall be separate".</p> <p><b>Art. 43 (Const.):</b> "Freedom of religion, public or private profession of religion, and performance of religious sites shall be guaranteed. No one shall be obliged to reveal his religious beliefs".</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| <p><b>LIBERTE CULTURELLE</b></p> <ul style="list-style-type: none"> <li>- nom de famille</li> <li>- noms de villes</li> <li>- indications routières</li> <li>- associations culturelles (+ subventions) /</li> </ul> <p><b>CULTURAL FREEDOM</b></p> <ul style="list-style-type: none"> <li>- surname</li> <li>- names of cities</li> <li>- road signs</li> <li>- cultural associations (+ financial support)</li> </ul>                                                                            | <p><b>Art. 45 (Const.):</b> "Freedom of the expression of national sentiments and culture and the use of one's mother tongue and script shall be guaranteed. No one shall be obliged to declare his nationality".</p> <p><b>Art. 47 (Const.):</b> "Members of national minorities shall have the right to establish educational and cultural organisations or associations, in conformity with the law, which are financed on the principle of voluntary contributions, and may also receive assistance from the state".</p> |
| <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- émissions TV et radio</li> <li>- journaux en langue étrangère</li> <li>- aides financières de l'Etat /</li> </ul> <p><b>INFORMATION</b></p> <ul style="list-style-type: none"> <li>- TV &amp; radio programmes</li> <li>- newspapers in foreign languages</li> <li>- State financial support</li> </ul>                                                                                                                         | <p><b>Art. 46.b (Const.):</b> "Members of national minorities shall have the right to information media in their own language".</p>                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>LIBRE CIRCULATION ET ETABLISSEMENT</b></p> <ul style="list-style-type: none"> <li>- droit d'entrer et de sortir du pays</li> <li>- libre circulation et établissement à l'intérieur du pays /</li> </ul> <p><b>FREEDOM OF MOVEMENT AND SETTLEMENT</b></p> <ul style="list-style-type: none"> <li>- right to enter and leave the country</li> <li>- freedom of movement and settlement within the country</li> </ul>                                                                          | <p><b>Art. 30 (Const.):</b> "Citizens shall be guaranteed freedom of movement and residence and the right to leave and return to the Federal Republic of Yugoslavia. The freedom of movement and residence and the right to leave the Federal Republic of Yugoslavia may be restricted by federal statute. If so required form criminal proceeding, to prevent the spread of contagious diseases, or for the defense of the Federal Republic of Yugoslavia"</p>                                                              |
| <p><b>PARTICIPATION AUX AFFAIRES PUBLIQUES</b></p> <ul style="list-style-type: none"> <li>- existence de partis minoritaires</li> <li>- financement</li> <li>- représentation proportionnelle</li> <li>- participation aux organes de l'Etat /</li> </ul> <p><b>PARTICIPATION IN PUBLIC AFFAIRS</b></p> <ul style="list-style-type: none"> <li>- existence of minority parties</li> <li>- financing</li> <li>- proportional representation</li> <li>- participation in the State organs</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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| <p><b>AUTONOMIE LOCALE</b></p> <ul style="list-style-type: none"> <li>- degré</li> <li>- financement /</li> </ul> <p><b>LOCAL AUTONOMY</b></p> <ul style="list-style-type: none"> <li>- degree</li> <li>- financing</li> </ul>                                                                                                                           | <p>Le Kosovo et la Voïvodine ne bénéficient plus de leur ancien statut de province autonome; ces deux provinces ont été juridiquement intégrées à la République de Serbie.</p>                                                                          |
| <p><b>DIVERS DROITS ET PRATIQUES</b></p> <ul style="list-style-type: none"> <li>- droit à un recours devant une instance spécialisée</li> <li>- perte de nationalité</li> </ul> <p><b>OTHER RIGHTS AND PRACTICES</b></p> <ul style="list-style-type: none"> <li>- right of recourse before a specialised court</li> <li>- loss of nationality</li> </ul> |                                                                                                                                                                                                                                                         |
| <p><b>SANCTION DE LA PROTECTION /</b><br/><b>ENFORCEMENT OF THE PROTECTION</b></p>                                                                                                                                                                                                                                                                       | <p><b>Art. 50 (Const.):</b> "Any incitement or encouragement of national, racial, religious or other inequality as well as the incitement of national, racial, religious or other hatred and intolerance shall be unconstitutional and punishable".</p> |
| <p><b>PROJETS DE TEXTES / DRAFT TEXTS</b></p>                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                         |