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The Framework Convention on National Minorities

as Seen by Minority Member Organisations of FUEN

(Analysis of a survey among member organisations– autumn 2002)

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CONTENTS

0. Preliminary Remarks on the Project and Participating Member Organisations	3
1. Validity of the Framework Convention, Involvement of Minority Associations	4
2. Analysis of the Survey Results	4
2.1. Recognition as a National Minority as Contemplated by the Framework Convention	4
2.2. Size of Communities and Trends with Regard to Language	6
2.3. Fostering of the Cultural Needs of the Ethnic Groups	6
2.4. Fostering of Tolerant Co-existence between Majority and Minority Populations	7
2.5. Exercise of Ordinary Democratic Rights and Political Involvement	7
2.6. Access to the Media	8
2.7. Right to Use the Minority Language	9
2.8. Language and Culture of the National Minorities in the School System	11
2.9. Settlement Policies	11
2.10. International Contacts and Co-operation Across Borders	12
2.11. Problem Areas Cited by Individual Minority Organisations	12
a) Minorities in the Federal Republic of Germany	12
b) German Minority in Estonia	12
c) Ladin Minority in Italy	12
d) Slovenes in Austria	13
e) Minorities in Poland	13
f) Minorities in Russia	13
g) Minorities in Serbia and Montenegro	13
h) German Minority in Slovakia	13
i) German Minority in Slovenia	13
j) Slovaks in the Czech Republic	13
k) Minorities in Hungary	14

0. Preliminary Remarks on the Project and Participating Member Organisations

In the autumn of 2002, the General Secretariat sent out to FUEN members a questionnaire on the Council of Europe's Framework Convention on National Minorities. The aim of this survey was to gather the views of our member associations on this document, which has been in force now for five years. FUEN itself has already passed several resolutions commenting on the various fundamental aspects of the agreement. The analysis of the information received through the questionnaire complements the evaluations, with which we are already familiar, of the situation of national minorities according to the state reports/analyses of the expert committee of the Council of Europe. The responses we received gave us some useful ideas for FUEN's work.

When evaluating and using the data presented, please bear in mind that these represent – usually in condensed form – the positions of the respondent minority organisations, which have been analysed without further consultation. There may therefore be deviations from official or fuller information given elsewhere. If necessary, please consult the organisations in question (e-mail addresses listed on the FUEN homepage). Moreover, we would point out that the various minority representative groups set different standards by which to assess individual problem areas so that it is not always useful to compare the data of individual ethnic groups.

We received responses for analysis from 34 member organisations representing 32 ethnic groups from 21 states (Table 1).

This is a great increase compared with the survey conducted in 2000 in connection with the Charter for Regional or Minority Languages, when eleven organisations from seven states responded. Above all, the organisations of German ethnic groups took part in the survey, among other things because the analysis of the questionnaires on the Framework Convention were a subject discussed at the annual meeting in 2002 of the Association of German Minorities in

Chart 1: Participating Member Organisations of FUEN
(in brackets: the abbreviated form of the country name used in the following text and the date when the Framework Convention came into force)

COUNTRY	DATE	MINORITY
Denmark (dk)	01.02.1998	Germans
Germany (de)	01.02.1998	North Friesians Sorbs Danes
Estonia (ee)	01.02.1998	Germans
Georgia (ge)		Germans
Great Britain (gb)	01.05.1998	Cornish
Italy (it)	01.03.1998	Germans (South Tyrol) Ladins
Kazakhstan (kz)		Germans
Kirgisia (kg)		Germans
Croatia (hr)	01.02.1998	Hungarians
Lithuania (lt)	01.07.2000	Germans
Moldavia (md)	01.02.1998	
Austria (at)	01.07.1998	Slovenes
Poland (pl)	01.04.2001	Lemkos Germansx
Romania (ro)	01.02.1998	Germans
Russia (ru)	01.12.1998	Germans Mesheds Poles Greeks Nogays
Serbia and Montenegro (sm)	01.09.2001	Croats Germans
Slovakia (sk)	01.12.1998	Germans
Slovenia (sl)	01.07.1998	Germans
Czech Republic (cz)	01.04.1998	Germans Slovaks
Hungary (hu)	01.02.1998	Germans Romanians
Uzbekistan (uz)		Germans

Sankelmark.

Despite all the limitations to be considered in assessing the responses received, all in all they reflect the current situation of the ethnic groups and a trend in the implementation of the Framework Convention on National Minorities. The Presidium and General Secretariat thanks all member organisations which participated for their active co-operation on the project.

1. Validity of the Framework Convention, Involvement of Minority Associations

In all states involved, with the exception of Kazakhstan, Kirgisia and Uzbekistan (which are not yet members of the Council of Europe) and Georgia (the document signed in January 1999 has not yet been ratified by parliament), the Framework Convention has come into force. Most minorities (some because they are not recognised as such) were not generally included in the accession procedure, although the matters in hand concerned them. The German minorities in Denmark, Hungary and Slovakia, the Danes and Friesians in Germany, the Slovaks in the Czech Republic, the Carinthian Slovenes in Austria and the Romanians in Hungary were able to express their respective points of view in consultation with the public authorities. The positions of the Hungarian minority in Croatia and the German minority in Poland were represented by their members of parliament, the German national group in Serbia and Montenegro submitted a written appraisal to the government.

Involvement in drawing up state reports is similarly diverse. Insofar as such reports have already been prepared, the minority representatives of Denmark, Germany, Hungary, Slovakia, Poland, the Czech Republic and Russia (only the German minority) were able to make their contribution, whereby this usually took the form of consultations or the submission of statements. The minorities in Serbia and Montenegro plan to draw up their own “alternative report” to the state report still to be prepared.

Chart 2: Member Organisations of FUEN which Took Part in the Survey

	ORGANISATION
at	Narodni Svet Korôskih Slovencev
cz	Landesversammlung der Deutschen
cz	CZ Obec Slovâkov v Ceskej republike
de	Domowina - Bund Lausitzer Sorben e.V.
de	Nationale Friiske (via SSF)
de	Sydslesvigsk Forening e. V.
dk	Bund deut. Nordschleswiger
ee	Verein der Deutschen Estlands (Eestimaa Sakslaste Selts)
gb	An Seneth Stenak Kernowek (The Cornish Stannary Parliament)
ge	Assoziation der Deutschen "Einung"
hu	Landesselbstverwaltg. d. Ungarndeut.
hu	Uniunea Românilor din Ungaria
hr	Horvatorszagi Magyarok Demokratikus Közössege
it	Südtiroler Volkspartei
it	Union Generela di Ladins dla Dolomites
kg	Volksrat der Deutschen Kyrgyzstans
kz	Rat der Deutschen in Kasachstan
lt	Verein der Deutschen in Klaipeda
md	Deutsches Kulturzentrum Hoffnung
pl	Masurische Gesellschaft e. V.
pl	VD Sozial-Kulturellen Gesellschaften
pl	Verband der deut.Vereinigungen V.d.V
pl	Deutsche Gemeinschaft
pl	Zjednoczenie Lemkow
ro	Demokratisches Forum der Deutschen
ru	IVDK Internaler Verband der deutschen kultur
ru	Kongre Polakow w Rosij
ru	Milletlerarasi Meshet Turkleri Cemiyeti »Vatan«
ru	Obiedinenie Gretschkij Obschestw
ru	The Interregional Public Organization of the Nogai People "Birlik"
sk	Karpatendeutscher Verein
sl	Gottscheer Allsiedler Verein
uz	Kulturzentrum der Deutschen in Usbekistan
sm	Demokratski Savez Hrvata u Vojvodini
sm	Deutscher Volksverband

2. Analysis of the Survey Results

2.1. Recognition as a National Minority as Contemplated by the Framework Convention

The term “national minority” is not defined in the Framework Convention. As a consequence, the states which have signed the agreement themselves define to which ethnic groups it applies. This is a fact that has always been criticised by FUEN because, despite this European agreement, the danger of national minorities in one and the same country receiving different treatment cannot be ruled out. Indeed, they can even be denied recognition as a minority. FUEN is of the opinion that the definition of the term “national minority” proposed in its Cottbus Declaration of 1992 would certainly do justice to the cause of minority protection without the danger, feared by some, of including non-autochthonous minorities or regional ethnographic groups.

Of the respondent ethnic groups, the following state that they do not enjoy recognition as an independent national minority (as contemplated by the

Framework Convention):

German minorities in Estonia, Kazakhstan and Slovenia

Meshed Turks, Greeks, Nogays and Poles in Russia

The Cornish in Great Britain.

With regard to the Croats in Serbia and Montenegro, the response of the DSHV was to the effect that “under federal law, only the Roma minority is expressly mentioned. It is assumed that the others, therefore also the Croats, fulfil the criteria according to which, based on practice, recognised minorities are treated as such by the state.”

It should be borne in mind that some of these

states pursue a policy towards their ethnic groups which entirely respects their specific identity and tolerates corresponding activities (by way of example, the Germans from Slovenia refer to a visit by the state president to their cultural centre). First beginnings do exist, therefore, which (probably also under the influence of the co-operative solidarity between European ethnic groups) could lead to actual recognition of national minorities.

For the autochthonous ethnic groups in question, lack of recognition as a national minority as contemplated by the Framework Convention clearly represents a violation of minority rights. Explanations for their non-recognition are in some cases of a historical nature, in some cases due to legal procedure and in others obviously also due to the minimal size of the group in question. This last is probably the reason in the case of the Cornish (only an estimated 500 people speak fluent Cornish), who, unlike other Celtic groups in Great Britain, do not receive adequate recognition.

The Meshed Turks and Nogays are, like several other national groups in Russia, autochthonous ethnic communities whose self-perception cannot in every case be adequately reflected in the term “national minority”. They see themselves as independent peoples within the multinational Russian federation of states. Some of these peoples were exposed to cultural and religious repression during the days of Tsarism and the Soviet Union, in some cases collectively accused of being enemies and persecuted, some were subjected to deportation and other forms of national repression. To this day, the consequences of this policy have not been entirely overcome and resultant reservations and ideologies as well as the complicated economic situation and democratic deficits make solving minority problems all the more difficult. Accordingly, it is understandable that the representatives of these peoples are unwilling to accept without further ado being classified under the term “national minority” and regard the Framework Convention at best as an attempt at and a point of departure for solving their existential problems (which are not immediately comparable with the “classic” minority problems in West and Central Europe).

Open profession by individuals of belonging to a national minority is possible in nearly all states, in other words, there are no official state restrictions in place in this respect. Problems do exist with regard to the Meshed Turks (hereafter referred to as “Mesheds”), who are classed as Turks by the state although they regard themselves as Meshed Turks who, though ethnically related to the Turks, are nonetheless an independent people. Accordingly, they are not included in the Russian census of nationalities. It must further be noted that an ethnic self-profes-

sion diverging from the common perception can also be repressed by varying forms of discrimination. This was a point to which the Cornish referred. Particulars regarding state and/or social discrimination due to membership of an ethnic group (see Table 3) must at the same time, therefore, be interpreted as a component liable to discourage free profession of ethnic membership even where no open restrictions exist.

Chart 3: Particulars of Discrimination against National Minorities

COUNTRY	Discrimination	
	State	Social
Great Britain		The Cornish
Yugoslavia		Croats
Kazakhstan	Germans x	Germans
Croatia		Hungarians
Moldova		Germans
Austria	Slovenes xx	Slovenes
Poland		Lemkos ii
Russia		Mesheds
Serbia and Montenegro	Croats xxx	Croats iiiii
	Germans iii	Germans iii
Croats iiiii		
Slovenia		Germans v
Czech Republic		Germans vi
Uzbekistan	Germans xxxx	Germans

- x Belonging to the “Russian-speaking” population, under which all non-Kazakh sections of the population are counted, entails discrimination
- xx „It occurs in practice (chiefly in the workplace and in contact with the public administration), but the true reason cannot usually be proved as the discriminating person/authority does not refer to the national factor in any case, instead giving some other pretext.” (Council of Carinthian Slovenes)
- xxx in state administration, in some cases at local level, in schools
- xxxx Discrimination concerning access to state positions etc
- i Discrimination in professional life and in acquiring housing
- ii Anti-Ukrainian stereotype in parts of the population
- iii No members of the minority in prominent social positions
- iiii Discrimination in business and the media
- v Parts of the population associate all Germans with Nazism
- vi Discrimination in the provision of social services and in access to higher education

2.2. Size of Communities and Trends with Regard to Language

Member organisations representing ethnic groups of very different size in terms of the number of people speaking the minority language took part in the survey. Table 4 shows the trend forecasted by the member associations regarding development of speaker numbers. Even though it is practically impossible to comment generally on the figures given,

majority population particularly by reason of their smaller size). Rather, a deciding factor should be that members of minority groups should be given every opportunity to preserve and develop their culture, language and identity and to enjoy self-determination in this regard. Only such an approach would be in keeping with the spirit of the Framework Convention.

Chart 4: Size of Language Communities and Trend

Trend	up to 10,000	up to 50,000	over 100,000
Number of speakers generally on the increase	Cornish Germans (ee, ge, lt, md)	Danes (de) Germans (sk)	Germans (it, pl) Lemks (pl) Poles (ru)
Number of speakers remains constant		Germans (dk, ro) Ladins (it)	Germans (cz) Greeks (ru) Croats (sm) Nogays (ru)
Number of speakers generally on the decline	Germans (kg, sm, North Frisians (de)	Germans (uz) Rumanians (hu) Slowaks (at) Sorbs (de)	Germans (hu, kz) Mechets (ru) Slowaks (cz)

it is possible to deduce that the development of language communities is determined by very complex factors, not merely by the size or social status of the minority. On the one hand, very small communities in adverse circumstances may (at times) have thoroughly positive prospects. On the other hand, we find relatively large minorities living in positive social conditions which nonetheless note a falling number of speakers (for example, in line with the general demographic tendency or in regions with a high level of ethnic diversity. FUEN works on the assumption that, with regard to minority policies, the size of the community should be of little or no importance (the aim is, after all, to protect ethnic groups from the

How- ever, in some arti- cles of the Framework Convention itself, direct or indirect reference is made to quan- titative as- pects. For example, in Article 10 (2), refer-

ence is made to areas which “are inhabited by mem- bers of national minorities, traditionally or in con- siderable number,” and then certain rights are made dependent upon this. The lengthy dispute over place- name signs in Carinthia and the minimum 25% mi- nority requirement laid down in the Austrian National Minorities Act of 1976 as necessary for claiming cer- tain rights clearly reflect the potential for conflict in the application of quantitative criteria. FUEN will therefore continue to strive to establish the existen- tial needs of the ethnic group affected as the basis for the granting of rights to and fostering of minori- ties.

2.3. Fostering of the Cultural Needs of the Ethnic Groups

Article 5 of the Framework Convention emphasises the importance of fostering the culture of national minorities as an essential factor in the preservation of their specific identity and real equality: “The contracting parties undertake to foster such conditions as enable the members of national minorities to cultivate and further develop their culture and to preserve the chief elements of their identity, namely their religion, their language, their traditions and their cultural heritage.” Table 5 summarises the information provided by the member organisations.

The spectrum of cultural support is wide. It spans the provision of financial means and the maintenance of special cultural institutions and contractually secured financial funding. The ethnic groups in question do not in every case have sole right of decision regarding the use of such funds. It is not uncommon for the amount of subsidies provided to be deemed to small. This certainly does not apply to economically weak Eastern European states alone, but also, for example, to the Carinthian Slovenes in Austria and the German minority in Denmark (here

¹ Hierbei sind die Angaben der Minderheitenverbände übernommen worden. Es wird auf abweichende Daten (z. B. offizielle Angaben der betreffenden Staaten oder von verschiedenen Minderheitenforschern) hingewiesen. Eine solide und kompakte Übersicht findet sich u. a. in: Christoph Pan/Beate Sibylle Pfeil, Die Volksgruppen in Europa, Wien 2000)

with regard to extracurricular cultural activities). Insofar as national minorities have as yet received no or insufficient cultural support, reference is made to failed endeavours to secure it (e.g. Germans in Estonia, Slovenes in Uzbekistan).

Chart 5: Cultural Fostering i

Minority culture is	
fostered	not fostered
German minorities in cz, dk, hu, it, kz, lt, pl, ro, ru, sk, sm x, zu x	German minorities in ee xx, ge xx, md, sl
Danes (de), Greeks (ru), Croats (sm) x, Ladins (it), Lemks (pl), North Frisians (de), Rumanians (hu), Slovaks (cz), Slovenes (at), Sorbs (de), Hungarians (hr)	Cornish (gb) Mesheds, Nogays, Poles (all ru)

i No details about the German minority in Kirgisia
x With limitations
xx Support solely from the Federal Republic of Germany

2.4. Fostering of Tolerant Co-existence between Majority and Minority Populations

Most minority organisations stated, in the survey, that they consider it necessary for measures to foster tolerance between majority and minority populations to be improved and intensified. Development of appropriate co-existence as called for in Article 6 of the Framework Convention poses great problems. In some minority regions, prejudices exist against national minorities as a result of different interpretations of historical experiences and historical processes, religious differences or for language reasons. In some cases, these are even regarded as an imaginary threat. Frequently, ignorance of one another makes harmonious co-existence difficult or clichés have a detrimental effect. Problems arise in the forming of relationships between ethnic groups due to the factors set out further above, such as the lack of recognition of a national minority or discrimination of an individual for belonging to that minority. Under certain circumstances, these may lead to serious conflicts.

Several minority organisations named the following

as an effective means of fostering tolerance, but at the same time also as the most serious areas of difficulty by those organisations dissatisfied with the situation up to now:

- teaching about minorities in schools
- cultural activities and encounters (festivals, cultural exchanges)
- Meetings between minority representatives and high-ranking political figures
- Teaching of the minority language (in some cases mandatory) in schools
- Adequate coverage of minority problems in the media

Also named were legal minority protection and political goals bound into constitutions or laws. Representatives of the following minorities regard their present situation as critical: the Cornish, the German minorities in Estonia and Slovenia, the North Frisians and Sorbs in Germany and the Mesheds in Russia.

2.5. Exercise of Ordinary Democratic Rights and Political Involvement

Article 7 of the Framework Convention on National Minorities stipulates that minorities should have the right to unhindered expression of their opinion and accordingly be able to assemble freely in accordance with democratic practice. Article 15 further calls for such prerequisites to be fulfilled as would enable members of national minorities to take part in all public affairs.

It can generally be said that nearly all minorities are able to exercise their basic democratic right to freedom of assembly. Only the German ethnic group in Uzbekistan perceives itself to be restricted in this right due to supervision by state security services. All minority organisations expressed that being able to cultivate international contacts without restrictions was a positive aspect. This is significant as it means that representatives of national minorities have the

opportunity to articulate their concerns and problems internationally and to play a role in the activities of international NGOs, not least those of FUEN. Clearly, economic aspects render this more difficult, above all for organisations from Eastern Europe and the former Soviet Union, so that they continue to need our solidarity and support.

The opportunities for national minorities to contribute towards shaping the life of the society in which they live and thereby to express and realise their own special needs are complex. On this point, the Cornish and the Mesheds take an extremely negative view of their situation. This can be explained not least by the fact that neither ethnic group is deemed a national minority either in the context of the Framework Convention or by reason of the actual granting of specific rights. The German minority in Uzbekistan

sees its position in a similarly negative light. Most minority organisations are able to indicate that they have the opportunity to become involved in the politics of their respective countries (Table 6).

The survey reveals that the involvement of representatives of ethnic groups is focused on minority advisory bodies/committees/contact

Preconditions for the election of own parliamentary representatives (ie of members of parliament nominated by ethnic parties) are that the spectrum of political opinion of sufficient voters is focused on minority issues and/or that there is an adequate concentration of the ethnic group in the constituency. Both are met in the case of the representation of the German ethnic group in Italy in the form of the South

Chart 6: Opportunities for National Minorities to Play an Active Role in Public Life (with regard to their specific needs)

Form of democratic involvement on minority issues	Ethnic group / national minority
Election of own members to state/federal parliaments	Danes (de), Germans (it, ro, pl), Ladins (it), Hungarians (hr),
Minority advisory bodies/committees etc at state/federal level, other central institutions	Danes, North Frisians, Sorbs (de) Germans (cz, dk, ge, md, pl, ro, ru, sk) Greeks (ru), Lemks (pl), Poles (ru) x, Slovaks (cz), Slovenes (at), Hungarians (hr)
Election of own delegates at regional/municipal level, minority self-government	Ladins (it), Slovenes (at), Hungarians (hr),
Other forms of minority involvement	Germans (ee, sm)

x Members of all minorities can belong to the Russian Committee for Questions of Nationality. The Nogays stated that they are not represented on the committee and the Germans in Russia consider it to be insufficiently effective at present.

committees. The organisations chiefly rate this as positive. Apart from the fact that opinions about their individual effectiveness differs, they generally hold consultative status and can therefore only have an indirect influence on minority policies. Only the German ethnic group in South Tyrol and the national minorities in Hungary have self-governing bodies and corresponding competencies (which, in South Tyrol, are also exercised for the Ladin ethnic group). The need for autonomy (territorial or cultural, depending on the circumstances) is brought up, among others, by the Lusatian Sorbs and the Nogays, while the Ladins in Italy point out that a supraprovincial institution would be necessary for their minority, which occupies three provinces.

2.6. Access to the Media

Article 9 of the Framework Convention states: The contracting parties ensure, within the framework of their legal system, that members of a national minority are not discriminated against in connection with their access to the media.” Balanced, objective reporting on the co-existence of ethnic groups, which is not focused solely on spectacular news or conflicts and attention given to the history, culture and language of the minority, contribute greatly towards fostering a society based on tolerance. However, the media can also disrupt such co-existence. Media reporting on minorities in Uzbekistan, for example, is censored and the Mesheds say, in their own regard:

Tyrolean National Party and in their territorial autonomy. The Danish-orientated South Schleswig Electors’ Association in Schleswig-Holstein and also the parliamentary movement of the German minority in Poland certainly have a substantial number of potential voters, but are nonetheless reliant upon the invalidity of restrictive clauses. Parliamentary representation of minorities in Hungary, Croatia, Romania and Slovenia (for the Hungarian and Italian minorities) is secured by preferential mandates. Involvement in regional and municipal bodies played a minor role according to respondents, but should on no account be underestimated in the shaping of minority policies.

“We are confronted at every step by lies and the violation of the dignity of our people in chauvinist newspapers and are not in a position to combat them because no court in Russia would accept our petition.” The representatives of the Croats in Serbia and Montenegro and the Greeks in Russia also draw attention to similar problems.

Most of the respondent minorities has access to the public media existing in their country in their own language. Various organisations do, however, criticise that the needs of minorities are not always sufficiently or objectively reflected in these media. In our survey, the following minority representations stated that they

had insufficient or no access at all to the public media: German ethnic groups (ee, ge, kg, md, sl); Mesheds and Nogays (ru); Friesians (de). The following reported restrictions: Danes (dk), Germans (cz, dk, lt, sm, uz), Croats (sm), Lemkos (pl), Slovaks (cz). This means that many minority organisations indicate

speakers), Slovenia, Georgia, Estonia, Kirgisia and Uzbekistan, all respondent minorities have print media at their disposal in their minority language. The extent of such media coverage does, however, vary greatly. In the case of the Cornish, it is limited to a weekly column in a local newspaper. Most of

Chart 7: Presence of the Minority Language in the Electronic Media

Monthly broadcasting (minutes)	Radio	Television
No details of broadcasting times	Germans (sk, ro), Nogays, Greeks (ru)	Germans (sk, ro, uzs), Nogays, Greeks (ru)
Bis 30	Cornish (gb), North Friesians (de)	Cornish (gb), Lemks (pl)
30 bis 120	Germans (sm)	Germans (hu, pl), Rumanians (hu), Sorbs (de), Hungarians (hr)
120 bis 240	Germans Lemkes (pl), Slovaks (cz)	Ladins (it), Croats (sm), Slovenes (at),
über 240	Germans (hu, it), Croats (sm), Ladins (it), Rumanians (hu), Slovenes (at), Sorbs (de), Hungarians (hr)	Germans (it)

x State broadcasts not influenced by minority representatives

deficits where this important question is concerned. This also applies to states where minority policies are generally rated as positive, such as Germany and Denmark, for example.

With the exception of the German minorities in Moldavia (impossible due to the minimal number of

the respondent minorities also had electronic media at their disposal, although the broadcasting times available (see Table 7) are considered insufficient and in some cases, the programmes cannot be received in all of the regions populated by members of the ethnic groups.

2.7. Right to Use the Minority Language

For many national minorities, language is one of the chief elements of their specific identity and cannot be separated from other minority rights (own media, educational institutions, organisations). Moreover, unhindered use of one's own language is an important element of the human right to free speech and also in the development and fostering of a co-existence based on tolerance between majority and minority populations. Language rights are therefore highly significant in the assessment of the overall situation of ethnic minorities. In the Framework Convention, eight articles in Section II touch on aspects connected with language. Article 10 concerns the opportunities for using the minority language in private and public life, Article 11 is devoted to the right to be named in the minority language and to use the minority language in inscriptions visible in public as well as to its use in place and street names. In the view of all respondent member organisations, there are no legal restrictions placed on personal (private) use of the minority language. Individual use of the minority language in public is also possible in principle (only the Germans in Uzbekistan and the Mesheds gave "no" as their answer). The Cornish as well as the Germans in Serbia and Montenegro and Denmark, however, consider the general atmosphere in society (for example, in the light of historical resentment still existing towards the Germans in Denmark) not conducive to use of the respective language in public.

Greater problems are seen in the opportunities to use the minority language in dealings with public authorities. In Article 10 (2), the Framework Convention provides for extensive restrictions:

- **in areas populated in considerable numbers by the members of national minorities**
- **in areas traditionally populated by minorities**
- **when there is no actual (not defined further) demand.**

No wonder, then, that only a third of the respondent member organisations confirmed having the right to unhindered use of their language in dealings with public authorities and a quarter of the organisations, the opportunity to use their language in court. In some cases, it was added that this right exists only "in theory", but that the practical prerequisites (civil servants and judges with knowledge of the language, free translation) were lacking. Further limitations on the use of the language in the public sector exist in some cases at regional level (striking, here, the fairly extensive language rights of the Ladins in South Tyrol compared with those of the members of that ethnic group living in the neighbouring provinces) and also in regions with a minority population of at least 20% (in Romania) and 25% (Austria).

Chart 8: Restrictions x in the Right to Use the Minority Language

8a) Use in the Public Sector

Not possible	Germans (uz), Mechets (ru)
Possible only to a degree	Germans (dk, ge, sm)

8b) Use in Dealings with Public Authorities

Not possible	Germans (cz, dk, ge, kg, md, pl, ru, sl, sm, uz,) Poles, Nogays, Mechets, Greeks (alle ru), Lemks (pl)
Possible only to a degree	Danes (de), Ladins (it), Hungarians (hr)

8c) Use in Courts of Law

Not possible	Cornish (gb), Germans (cz, dk, ge, kg, kz, md, pl, ro, sl, sm, uz), Ladins (it), Lemks (pl), Mechets (ru),
Possible under certain circumstances	Germans (dk, lt), Croats (sm), Nogays (ru), North Frisians (de), Poles (ru), Slowenes (at)

8d) Use of Name in the Minority Language

Not possible	Germans (ge, md, uz,), Lemks (pl), Mechets (ru) Lemks (pl), Mechets (ru)
Possible only to a degree	Hungarians (hr)

8e) Use of Inscriptions and Notices for Private Purposes in Public

Not possible	Germans (ge, sm, uz), Mechets (ru), Hungarians (hr), Lemks (pl),
Possible only to a degree	Danes (de), Germans (ee), Poles (ru)

8f) Place-name Signs, Street Names, Topographical Signs

Not possible	Germans (dk, ee, kz, lt, pl x , sl, sm, uz)
Possible only to a degree	Germans (ro, sk), Slowenes (at)

x Minorities who are allowed unrestricted use of their language in the area in question or who have provided no information are not included

xx The German organisations in Poland assume that appropriate provisions will be made in the minorities law currently under preparation

The individual right provided for under Article 11 to use one's minority language name is regarded by most member organisations to exist. Certain minorities from the CIS states draw attention to limitations, where in some cases the use of the Russian Cyrillic letters and grammar rules of the state language is compulsory.

The public presence of the minority language as "bilingualism in everyday life" is of significance in shaping and preserving identity. In addition to the opportunity to use it in dealing with official institutions, this also means using it in various spheres of everyday life. These include, for example, private inscriptions on the signs of businesses, facilities and institutions, in tourism offers and in advertising as well as tombstone inscriptions in the minority language. Article 11 states: "The contracting parties undertake to recognise the right of each person belonging to a nationality minority to put up in public view inscriptions and signs as well as notices of a private nature in his or her minority language."

Of the respondent minority organisations, six stated that putting up inscriptions in their language was out of the question (according to the information of the German ethnic groups in Georgia, Serbia and Montenegro and Uzbekistan, the Hungarians in Croatia, the Mesheds in Russia and the Lemkos in Poland). Another four ethnic groups state that restrictions existed; in Estonia, for instance, the ruling that the state language should also always be used. Further, Article 11 of the Framework Convention focuses on the need for traditional place names, street names and also certain topographical signs to be put up in the minority language. This is, however, limited to areas which are "traditionally populated by a considerable number" of minority members and "if sufficient demand exists". Thus, the state enjoys a great deal of freedom in making decisions and this is not always used to the full benefit of the minorities. On this issue, therefore, what is needed is a basically minority-friendly atmosphere if the ethnic groups are to be assisted in asserting their interests. This is

clearly demonstrated by the Slovenes' long-standing fight to introduce bilingual place-name signs in Carinthia. Sixteen of the respondent minority organisations stated that bilingual topographical signs could be used. These also include those groups associated with high minimum clauses (20 per cent in Slovakia and Romania, 25 per cent in Austria). In a judgement pronounced in autumn 2001, the

Austrian Constitutional Court found that the minimum of 25 per cent laid down in the Ethnic Groups Act of 1976 was clearly too high and in breach of the constitution of 1955. It deems a minimum population of ten per cent to be permissible. Since this judgement, the organisations of the Carinthian Slovenes have accordingly been striving to enforce the introduction of bilingual place-name signs.

2.8. Language and Culture of the National Minorities in the School System

True equality for the members of national minorities cannot be achieved if the elementary prerequisites for this are not created in the field of education. Moreover, the objective of the Framework Convention to foster a climate of tolerance and co-operation between ethnic communities and consideration of the specific aspects of minorities both in the school education of members of these communities as well as in that of the majority population.

Twenty-two minority organisations stated that it was possible for them to have their language and culture integrated into the school system. A negative response came from the following ethnic groups: the Cornish in Great Britain, German minorities (here, the ordinary teaching of German as a foreign language was in some places not taken into account where no connection with the minority exists) in Serbia and Montenegro, Slovakia, Slovenia, Uzbekistan and in the Czech Republic, Slovaks in the Czech Republic and Mesheds in Russia.

The teaching available in the minority language is regarded as insufficient by the North Friesians – Friesian is taught almost exclusively at private schools run by the Danish ethnic group. The Germans in Hungary and Poland as well as the Ladins point out that teaching in the minority language is not available in all areas populated by their ethnic group. This problem also applies to a relatively large territory of widely dispersed minority populations in Russia and the CIS states and some other countries – in some cases, such teaching is impossible due to lack of extra funding.

Teaching in the minority language is in most cases provided by state schools. The German ethnic group

in Denmark and the Danes in Germany traditionally have privately funded schools as a substitute for state minority schools. These are recognised and supported by the state. The opportunity to establish such schools is also provided for within the scope of developing self-administrations for the minorities in Hungary. Private schools to make up for the lack of state schools for the minority are not being sought by any minority organisations. To the extent that private schools are under consideration at all, this is for ethnic groups already receiving the appropriate teaching. Private schools are considered with a view to being better able to influence the quality of teaching in the minority language (Croats in Serbia and Montenegro) and/or to circumvent the disproportionately high minimum requirement regarding the number of minority pupils at state schools (Sorbs in Germany). The lack of financial backing is given as a stumbling-block for the setting-up of private minority schools. Of the 22 ethnic groups with appropriate teaching at their disposal, only eight considered teaching of the minority language to be adequate (although different standards were set, here). With the exception of the Hungarians in Croatia and the Slovenes in Austria, all of these are German minorities (Italy, Georgia, Denmark, Romania, Poland and Lithuania). Support from the kin state must have contributed towards this evaluation. To the extent that language teaching was rated inadequate, the reasons given for this were that teaching was not available throughout the country, too few teaching hours, lack of or insufficient qualified teaching staff and lack of teaching material. The lack of or only partial information about the minority in text books was also often criticised.

2.9. Settlement Policies

The history of many minorities in Europe is associated with discriminating measures related to settlement policies. Particularly striking are expulsions and resettlements such as those which took place during Stalin's dictatorship in the former Soviet Union, during and following the Second World War and at the collapse of Yugoslavia. They have destroyed the ethnocultural structures which had evolved historically in many regions of Europe and inflicted deep material, cultural and emotional

wounds on those affected. In our survey, seven minority organisations stated that they had been affected by such intrusions in the past (before 1989), including, in connection with Stalinism in Eastern Europe, the Germans in Russia (until the mid-1970s they were subject to reprisals, also with regard to liberality), the Nogays (after 1956, they lost the autonomous regions which had existed until then) and the Lemkos in Poland (who were exposed to deportation at the end of the 1940s). To this day, the

Ladin minority in Italy regards the division in 1922 of its settlement area into three provinces as seriously detracting from its minority rights, resulting, for example, in differences in cultural sponsorship, appropriate teaching and media available. In the home regions of the national minorities in Serbia and Montenegro and in Croatia, the ethnodemographic situation altered as a result of the developments of the 1990s with the settlement of refugees and/or the restructuring of administrative regions in favour of the ethnic groups.

Also deemed intrusions of settlement policies are resettlement for economic reasons (extensive mining), changes in administrative structures (administrative regions, constituencies) resulting in a change in the ethnodemographic structure to the detriment of the minorities. The Cornish, the

2.10. International Contacts and Co-operation Across Borders

In accordance with basic human and civil rights and liberties, the members and federations of national minorities can cultivate peaceful international contacts unhindered. This applies both to cultivating contacts with the same or neighbouring national minorities and with kin states and also involvement in international organisations. For member organisations of FUEN, such contacts are a great boon and an important encouragement in their efforts to secure qualified and effective minority rights. They can introduce their problems and experiences into an international discourse, profit from the experiences of others and gain an international hearing as well as

solidarity and support when it is a question of solving problems. Wiedergeburt, the German organisation in

2.11. Problem Areas Cited by Individual Minority Organisations

In addition to completing the questionnaire, the minority organisations were given the opportunity to comment on other problems. The most important information is summarised below.

a) Minorities in the Federal Republic of Germany

The North Friesians criticise the extremely low consideration given to them in the electronic media (just 3 minutes) on just one regional radio station. Also judged to be inadequate was teaching about the Friesian culture and tradition so that more Friesian lessons should be given and also more extracurricular activities held in the Friesian language.

The Danes would like to see greater state support for their institutions (eg museum). The umbrella organisation of the Sorbs, Domovina, considers that it would be appropriate for the general conditions necessary for cultural autonomy to be created. It would like to see the political influence of the Sorbs improved by means of permanent mandates in the

Germans in Romania and Poland, the Lemkos, the Lusatian Sorbs and the Carinthian Slovenes refer to such problems. Such measures are not, however, (with the exception of the redistribution of the constituencies in Carinthia in 1979) not expressly considered to be directed against the minority. Nonetheless, they have a negative effect on the influence of the minority on cultural, linguistic and local political matters. The representative body of the German minority in Denmark fears the same will result from the planned restructuring of regional administrations there.

Article 16 of the Framework Convention prohibits such measures insofar as they curtail the rights and freedoms of the members of national minorities established under the agreement.

Uzbekistan, puts it like this: The German minority can only solve its problems in conjunction with the German organisations of other countries and with international organisations. Joining FUEN has brought about a new understanding of our own problems and tasks, opened up new ways to solve those problems and broadened our horizon with regard to the problems of minorities in our own country and in other states.

A positive finding of the survey was that all minority organisations which took part were able to report that they were able to cultivate international contacts unhindered (within the scope of their financial possibilities).

regional parliaments as well as the fostering by public authorities and in the civil service of an ongoing intercultural dialogue with the majority population.

b) German Minority in Estonia

Many members of this ethnic group do not hold Estonian citizenship. Above all, it would be unreasonable to expect elderly people to take the language tests required for this. As before, this continues to lead to migrations to Germany. The meeting places of the German associations in Estonia play an outstanding role in preserving the identity and cohesion of the members of the minority. Estonia's joining the European Union is expected to bring about an improvement in the situation of minorities.

c) Ladin Minority in Italy

One of the concluding remarks of the General Union of Ladins is: "The main problem is the division into

three provinces with different legislation and related protective measures. A reunification into one province would facilitate preservation of the culture and language.”

d) Slovenes in Austria

The Council of the Carinthian Slovenes makes the following problems the main focus of its activities: improvement of media coverage, realisation of constitutional requirements with regard to official language and topography and establishment of a minority mandate in the regional parliament. Furthermore, bilingualism should be fostered and the Slovenian minority bound into regional and international projects. This would benefit the structurally weak border regions and have a positive effect upon the ethnic group's basis of existence as well as on the linguistic and cultural diversity of the region.

e) Minorities in Poland

The Lemko organisation draws attention to the negative stereotype image of Ukrainians and Lemkos in Poland. Even cemeteries have not been respected. The organisation has an extremely weak infrastructure (exclusively honorary work within the organisation, no cultural institution and no building for its activities) at its disposal with which to preserve its identity, language, culture, traditions and religion. There are a number of organisations representing the interests of the Germans in Poland, partly because of the geographical separation of the minority (Upper Silesia, Masuria). The Masurian society expresses the following opinion: The organisation of those Germans who remained in their homeland perceives itself as a link and bridge between Germany and Poland. This element of entente also renders the further existence of the minority politically desirable. The German ethnic group, like the Ukrainian and Lithuanian minorities, contributes to the cultural diversity of the region. National and religious uniformity would be synonymous with cultural impoverishment.

The organisation *Versöhnung und Zukunft*, which is active in Upper Silesia, regrets the lack of its own German-speaking schools in the region.

f) Minorities in Russia

The Russian Germans see the scattered settlement pattern of their ethnic group resulting from deportations under Stalin and the repression of the language and culture during the communist era as making their work particularly difficult. Added to this, there has been mass emigration to Germany. In order to preserve the culture, language and identity of the ethnic group, a socio-cultural infrastructure with community centres, media, language teaching and children's and youth clubs needs to be established.

The crucial issue for the Meshed Turks is to gain recognition as an independent people.

This would render possible the application of legal provisions existing in Russia (the law for the rehabilitation of repressed peoples and the law

governing national and cultural autonomy). It is regarded as necessary for structures to be established which would constantly deal with minority issues (eg in the form of a minority ombudsman). *Watan*, the Meshed organisation, is involved in a number of activities designed to make progress in improving the situation of the minority, whose existence is deemed under threat, and maintains to this end contacts with the government, the parliament and other authorities

Birlik, the group representing the interests of the Nogay people views the (re)-instatement of territorial autonomy within the framework of the Russian Federation as the central focus in solving its problems.

g) Minorities in Serbia and Montenegro

Since 2002, a federal law for the protection of national minorities has been in force. The Germans in Serbia perceive the danger of Serbia being left with legal minority protection in the event that the confederation with Montenegro were to break up. The institution of an ombudsman for minority issues is regarded as necessary. The activities of the German national organisation aim to achieve protection of the interests of the German national minority, preservation of its culture, language and identity and, to this end, to enable a constructive dialogue with the majority population and the other minorities in Voivodina/Serbia and Montenegro to be developed. The umbrella association of the Croats, Democratic Union of Croats in Voivodina, regards the implementation of legal provisions as the biggest problem and draws attention to considerable deficits in such areas as the courts of law, state inspection authorities, recognition of foreign (Croat) school certificates and the official use of the minority language in dealings with public authorities. In addition, the opportunity to sue for minority rights does not exist.

h) German Minority in Slovakia

No substantial change in the unsatisfactory situation since 1991 is reported. The Germans feel they are at a disadvantage compared with other minorities. German church services are called for in communities where Germans account for 10 per cent of the population.

i) German Minority in Slovenia

It is noted that the existence of the German minority in Slovenia was denied for decades. Only recently have there been signs of recognition which need to be increased. It calls for a minority-protection law, stable funding of its activities to be assured and also the introduction of German classes at two junior schools.

j) Slovaks in the Czech Republic

The Slovak national minority came into being in the wake of the division of the former Czechoslovakia. It is subject to great assimilation. It is felt that both the domicile state and the mother country undertake

too little to halt this process. Along with the other minorities in the Czech Republic, the Slovaks are endeavouring to bring about an amendment to the minority law, which is considered too declamatory. It calls for the still outstanding ratification of the Charter for Regional or Minority Languages.

k) Minorities in Hungary

The cultural union of Romanians in Hungary draws attention to the contradiction between far-reaching and legally assured minority rights, on the one hand, and the actual needs of the minorities, on the other. It is deemed necessary for politicians to focus to a greater extent on the practical needs (and not on formal aspects) of fostering the language and culture of the minorities.

The national self-administration of the Hungarian Germans expresses similar views. "Since the legal situation can be described as above average, our most important task is to minimise the discrepancy between the law on paper and everyday practice. Modification of minority protection, representation in parliament with its own law and establishment of its own private schools are the main strategic objectives."

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