



# THE RIGHT TO POLITICAL PARTICIPATION

for the autochthonous, national  
minorities in Europe

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# **The Right to Political Participation for the autochthonous, national minorities in Europe**

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The Right to Political Participation for the autochthonous, national minorities was presented in 2009 at the FUEN Jubilee Congress in Brussels and was adopted in 2010 during the 55th FUEN Congress in Ljubljana.

Elaborated in cooperation of FUEN with Oleh Protsyk, Senior Researcher at the European Centre for Minority Issues (ECMI).

Responsible: Heinrich Schultz, FUEN-vice-president

Federal Union of European Nationalities

FUEN is the largest European umbrella organisation of the autochthonous, national minorities in Europe.

President: Hans Heinrich Hansen

Contact:

FUEN Secretariat, Schiffbrücke 41, 24939 Flensburg, Germany

[www.fuen.org](http://www.fuen.org), [info@fuen.org](mailto:info@fuen.org)

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The Right to Political Participation for the autochthonous, national minorities in Europe may be used freely under the condition that the source is stated.

## PREFACE

The Right to Political Participation is the third part of the compendium of Fundamental Rights of the European autochthonous, national minorities that is published by FUEN and elaborated in cooperation with renowned academic institutes.

The aim is to develop a useable compendium on minority protection in Europe in addition to the Charter. The leading idea behind this is that only knowledge of the rights of persons belonging to the autochthonous national minorities makes it possible for them to use these rights and apply and develop them in an appropriate way. This is a condition for maintaining and development of the autochthonous national minorities, their identity, their languages that are often threatened to become extinct, their culture and traditions as irretrievable heritage and value of a Europe that is diverse and multilingual.

The Right to Political Participation and its implementation was worked out by Oleh Protsyk, Senior Researcher at the European Centre for Minority Issues (ECMI).

The document was first presented at the Jubilee Congress of FUEN in 2009 in Brussels and in 2010 it was adopted by the member organisations of FUEN in Ljubljana.

The Fundamental Right gives an overview of political participation in the context of international law and politics, in the context of direct democracy and political governance in the 21st century and demonstrates the purpose and conditions for the participation of minorities.

The Fundamental Right has been developed with the knowledge that differing premises in the European states, differing political systems and traditions and the situation of the individual minorities are determining how a specific minority should choose its actions in regard to its political involvement. There is not just one model – each minority should choose its own implementation and development. But what connects all is cooperation and political participation within the European context.

We thank all the committed member organisations and those who were active in the discussion and enhanced the compilation of the Fundamental Right with their contributions and thoughts.

Ljubljana, May 2010

# The Right to Political Participation for the autochthonous, national minorities in Europe

Referring to

the **Charter for the autochthonous, national minorities in Europe** and the self-conception of the European minorities, the fundamental principles and fundamental rights as well as the political demands that have been defined in this document that was adopted by the FUEN and YEN in 2006,

Referring to

the **universal human rights and freedoms** as defined in international law and in political documents,

And referring to

the following explicit **international legislation and political documents concerning the right to political participation and concerning the European minorities**,

- Universal Declaration of Human Rights; UN; 1948; Article 19, 20, and 21
- International Covenant on Civic and Political Rights; UN; 1966; Article 19, 21, 22, and 25
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; UN; 1992; Article 2
- Declaration on the Rights of Indigenous Peoples; UN; 2007; Article 5, 18,19, and 20
- European Convention on Human Rights; Council of Europe; 1950; Article 10 and 11; Article 3 of Protocol No. 1
- Document of the Copenhagen Meeting of the Conference on the Human Dimensions of the CSCE; 1990; Article 35
- Framework Convention for the Protection of National Minorities; Council of Europe; 1995; Article 15
- Lund Recommendations on the Effective Participation of National Minorities in Public Life; OSCE High Commissioner on National Minorities; 1999

the Federal Union of European Nationalities (FUEN) defines the right to political participation and the way it has to be implemented for persons belonging to autochthonous national minorities in Europe, taking into consideration the particular context of the minorities, in the following manner:

# Right to Political Participation

**The right to political participation is a universal human right to take part in government decision-making directly or through freely chosen representatives.**

## Objectives

Political participation is a condition for

- realizing the needs and aspirations of minority community members in various realms of public life,
- improving the conditions for maintaining, expressing, and promoting identities of minority communities,
- ensuring the presence and visibility of minority issues in public agendas, and inclusion of minority voices in public debates,
- promoting the full and effective equality for persons belonging to national minorities,
- fulfilling commitments to democratic governance and accountability in minority communities and society at large,
- achieving an inclusive, free, and harmonious society.

## **Application of the Right to Political Participation**

For the application of the right to political participation, on the principle of equal opportunity, decision-making structures and processes must be organized so that they are available, accessible, acceptable and adaptable for all.

Political process shall include holding periodic and genuine elections to all levels of government. Such elections are a core element of a democratic system; they express the will of the people and form the foundation of government authority.

In the process of exercising the right to political participation, full and effective equality between persons belonging to a national minority and those belonging to the majority has to be guaranteed. While deciding on institutions, mechanisms, and procedures of government decision-making, state authorities shall take due account of the specific conditions of the persons belonging to national minorities.

## **Political Participation in the 21st Century**

Participatory democracy is a fundamental principle of political governance in 21st century Europe and, increasingly, in other parts of the world. Participation of citizens in government decision making either directly or indirectly, through their elected representatives, ensures government accountability and its responsiveness to the needs and aspirations of the people.

Political participation includes, but is not limited to, such activities as electoral participation and voting; contacting elected bodies and government officials; taking part in establishing and running political organizations; campaigning; standing for office; performing duties of a representative in elected and consultative bodies.

Citizen participation is a key element of modern democracy; high levels of participation signify vitality of political practices.

## **Political Participation and Minorities**

Political participation is essential for realizing the basic values and objectives that minorities have.

Political participation provides minorities with multiple means for strengthening their self-organization, securing adequate representation, and achieving political and policy goals. Through participation in political process, members of autochthonous national minorities renew their connection with fellow members, strengthen their self-identification, and re-affirm their will to act collectively. Political participation provides mechanisms for selecting minority community representatives

and for increasing minority visibility in a society. Political participation mobilizes minorities and empowers them to pursue their collective goals.

The pursuit of equal right to political participation by members of autochthonous national minorities is linked to their ability to assert and exercise other fundamental rights. These include, first of all, freedom of opinion and expression, freedom of assembly, and freedom of association.

**To be able to apply the right to political participation and fulfil the related objectives in an appropriate way based on international legislation and modern standards of political participation, against the background of the specific requirements and realities, and suited to the traditions and regional characteristics of every individual autochthonous national minority, FUEN underlines:**

### **Ratification and Implementation of Legal Obligations**

Essential for the application of the right to political participation is

- the ratification and adequate and full implementation, suited to the needs of the minority, of the international legislation, in particular the Framework Convention for the Protection of National Minorities by the individual states.
- the entrenchment of political participation standards and guarantees in the domestic legal order at the constitutional, legislative, or sub-legislative level.
- the introduction of clear and reliable mechanisms for the judicial resolution of conflicts related to the violation of political participation rights.

### **In this context FUEN demands**

- from all states to work towards the implementation of the principles, obligations and provisions of relevant documents for all minorities in the country.
- from the organizations representing the autochthonous national minorities to continuously use the existing opportunities to participate in monitoring processes and to contribute to a transparent system of reporting.

## **Recognition as a Pre-condition for Political Participation**

The existence of a minority group is a matter of fact and not of arbitrary regulation. States should avoid using their regulatory powers to deny minority groups recognition. Recognition is a minority right and an important precondition for the effective participation of minorities in the political process.

## **Comprehensive Approach to Political Participation**

According to current international standards and practices of democratic governance, the right to political participation encompasses many specific types of citizens' engagement in political process.

Political participation includes but is not limited to the following fields and activities:

- I. Electoral Participation and Voting
- II. Engagement in Political Party Activity
- III. Participation in Legislative Process
- IV. Participation in Executive Process
- V. Participation through Consultative Bodies
- VI. Minority Self-Governance and Autonomy
- VII. Internal Democracy

Autochthonous national minorities are entitled to have a say in general matters of government and to be represented in key institutions of state. Activities listed under items III-V refer to these types of entitlements. Minority communities also have authority to run their own affairs, which is an entitlement that involves various activities and practices summarized under item VI.

Electoral participation and engagement in party activity – items I and II – provide the foundation for the efforts of minority communities to participate both in matters of general state interest and minority self-governance.

## **Electoral Participation and Voting**

Elections to various levels of government constitute an essential feature of democratic governance. Through elections minorities choose their representatives both to state-wide and minority-specific institutions.

It is therefore necessary:

1. to ensure that no restrictions exist on the ability of persons belonging to the autochthonous national minorities to freely exercise their right of vote.
2. to guarantee objective enjoyment by minority community members of other electoral process –related rights such as the right to receive, express, and disseminate political information; to campaign on behalf of candidates; to contribute money; to stand for office.
3. to consider the implementation of special electoral mechanisms at national, regional, and local levels in order to ensure adequate representation of minorities in state-wide institutions .
4. to ensure openness, transparency, and competitiveness of elections to the institutions of minority governance.

## **Engagement in Political Party Activity**

Political parties occupy a central place in the political process in modern democracies. Parties are key intermediaries between society and state. Involvement of minority community members in party activity is a prerequisite of effective minority political participation.

In order to guarantee such involvement it is important that:

1. the basic human right of freedom of association is fully respected; the regulation of the formation and activity of political parties complies with the principle of freedom of association.
2. parties based on communal identities are allowed to operate.
3. electoral provisions provide minority parties with meaningful opportunities to gain representation in the institutions of the state.
4. minority participation in mainstream political parties is facilitated by rules and regulations enabling minority candidates to achieve positions of influence in these organizations.

## Participation in Legislative Process

Legislative bodies constitute the main fora for discussing and deciding public policies. Through participation in legislative bodies minority community members engage in the process of making state-wide decisions. Minority participation through these bodies also raises the visibility of minority issues, allows for debate on policies affecting minority communities, and, through the process of deliberation, secures the majorities' support for these policies.

Minority participation in legislative process requires that:

1. electoral provisions enable minority presence in national and regional assemblies; when possibilities for minority representation through regular electoral mechanisms are in practice limited, special mechanisms should be considered.
2. consideration of special electoral mechanisms should include such provisions as lower numeric thresholds for minority parties, reserved seats arrangements, adjustment of geographic constituency boundaries, forms of preference voting.
3. parliamentary practices allow minority representatives to have meaningful input in legislative decision making.
4. specialized parliamentary bodies on minority issues are established in the form of standing committees or sub-committees.
5. transparency of legislative process and accessibility of representatives' legislative records is guaranteed.

## Participation in Executive Process

Minority communities are entitled to have a say in the implementation of public policies at all levels of government. Effective inclusion and adequate access of minorities both to political and administrative offices of executive government is important in this respect.

Ensuring minority inclusion and access to executive decision making requires that:

1. measures ensuring minority representation in the political offices of the executive are implemented.
2. both formal and informal approaches to allocating to minority community members cabinet positions or other executive government posts are considered.
3. recruitment and promotion practices in the public administration take into account the need to have a civil service that reflects the diversity of society.

4. affirmative measures are implemented to rectify inequalities in public sector employment practices of some national minorities, especially the most marginalized.
5. specialized government bodies on minority issues are established in the structure of executive government.

## **Participation through Consultative Bodies**

Minority participation in government decision making is enhanced when advisory or consultative bodies provide additional channels for communication and dialogue between minority communities and government authorities. These bodies often provide innovative mechanisms for engaging minority communities in political process.

To ensure the effectiveness of minority participation through consultative bodies it is necessary that:

1. consultative bodies enjoy a clear legal status and operate under rules and regulations that provide for efficient and consistent consultations.
2. adequate resources are made available to support the effective functioning of consultative mechanisms.
3. consultative bodies are involved in decision-making on issues that directly or indirectly affect them on a regular and permanent basis.
4. inclusiveness, representativeness, and accountability of consultative bodies is ensured through transparency of appointment/election process.

## **Minority Self-Governance and Autonomy**

Minority right to political participation cannot be fully realized without minority ability to have control over their own affairs. The degree of this control and its forms depend on the specific circumstances of individual minority groups. Both territorial and non-territorial forms of self-government are important for preserving minority identity and fulfilling other objectives of minority communities.

Effective participation of autochthonous national minorities in political process require that:

1. states fully respect the aspirations of minority communities for self-government.
2. there is division of competencies between bodies of self-government and state authorities, and that the nature and scope of self-government provisions are clearly specified.

3. territorial self-government arrangements provide bodies of self-government with sufficient authority to respond effectively to the needs and concerns of minority communities.
4. non-territorial arrangements allow for meaningful delegation to minority self-government bodies competences in the fields of minority culture, language, education, and other agreed-upon areas.
5. states devote adequate resources for implementing self-governance and autonomy provisions.

## **Internal Democracy**

In organizing their internal life minority organizations commit themselves to the principles of participatory democracy. Minority community members should expect from their organizations the following:

1. respect for pluralism and differences of opinion.
2. inclusiveness and representativeness of organizational structures.
3. responsiveness and accountability of minority representatives.
4. openness and transparency of organizational decision-making processes.
5. encouragement of direct engagement of minority group members in the life of their communities through community-wide referendums, popular initiatives, and various forms of consultation.