

CONSTITUTIONAL PROTECTION OF MINORITY LANGUAGES IN THE EUROPEAN UNION

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“The limits of my language mean the limits of my world.”

Ludwig Wittgenstein (1921)

1. INTRODUCTION

In various parts of the European continent there are indigenous groups who speak a language different to that of the majority of the population of the state. It is estimated that as many as 40 million citizens of the EU regularly use a regional or minority language that has been passed on from generation to generation, generally in addition to the official language or languages of the states.

On the European continent alone we have a wide variety of languages and an even wider variety of social, political and linguistic situations. On its web pages the EU¹ ascertains that Catalan, for example, is spoken by some 7 million people in Spain, France and the town of Alghero in Sardinia. Most Catalan speakers live in autonomous communities of Spain where it is spoken by the majority of the population and has an official status alongside Spanish. Sami, in contrast, is a family of languages spoken by indigenous peoples in northern Finland, Sweden, Norway and the Kola Peninsula of Russia, some members of which have only a few hundred speakers and are in imminent danger of extinction.

Respect for linguistic and cultural diversity is one of the cornerstones of the European Union, now enshrined in Article 22 of the European Charter of Fundamental Rights², which states that "the Union respects cultural, religious and linguistic diversity." At the initiative of the European Parliament, which has adopted a series of resolutions on this subject, the European Union has taken the action³ to safeguard and promote the regional and minority languages of Europe. The languages intended to benefit from these activities are indigenous languages traditionally spoken by a part of the population of Member States of the European Union, or EEA countries. This definition does not include the languages of immigrant communities, artificially created languages or dialects of an official language of the state in question.

¹ http://europe.eu.int/comm/education/policies/lang/langmin/regmin_en.html

² <http://db.consilium.eu.int/df/default.asp?lang=en>

³ This action has taken two forms: Financial support for the European Bureau for Lesser Used Languages and the Mercator information network; up to the year 2000, project funding for practical initiatives aimed at protecting and promoting regional and minority languages (http://europe.eu.int/comm/education/policies/lang/langmin/regmin_en.html).

EU is now preparing for its biggest enlargement ever in terms of scope and diversity. 15 current countries will on May 1st join 10 accession countries.

In order to join the EU, “new” member states needed to fulfil the economic and political conditions known as the “Copenhagen criteria”. Those criteria require that in order to gain the membership, the candidate country must achieve:

- stability of institutions guaranteeing democracy, the rule of law, human rights and ***respect for and protection of minorities***;
- the existence of a functioning market economy as well as the capacity to cope with competitive pressures and market forces within the EU;
- the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union⁴.

While the European Commission supervises the fulfilment of above mentioned criteria in accession countries very precisely, and register its observations in Annual Regular Reports, some of the current member states still did not ratify The Framework Convention for the protection of National Minorities themselves. Of the ten accession countries, only Latvia has so far failed to join the Convention, while five EU states – the Netherlands, Belgium, Luxembourg, France and Greece – haven’t ratified the accord, and France hasn’t even signed it. This has led the Minority Rights Group International to accuse the EU of setting double standards.

We should also mention here the efforts of Hungary in the Convention for the Future of Europe. The country proposed that a provision on the protection of minority and ethnic rights be inserted in the European constitution. The proposal failed to gather necessary support⁵.

⁴ <http://europa.eu.int/comm/enlargement/intro/criteria.htm>

⁵ <http://www.euobserver.com/index.phtml?aid=12740>

2. HYPOTHESIS AND METHODS OF WORK

The hypothesis, which we will test in our paper is that in the European union ten accession countries in their constitutions guarantee a better or higher protection of ethnic minorities than fifteen current member states. The terms “better” and “higher” are rather arbitrary so we have to stress that we have focused on the number of provisions on the protection of ethnic minorities. Hence, we could say, the more provisions on protection of minorities the constitution include, the higher the protection of minorities. And inversely, the less provisions on protection of minorities the constitution include, the lower the protection.

We have to point out that our analysis deals with the written constitutional documents of the current member states of the European Union and the new member states. This is why we left out the analysis of the UK since it does not have a written constitution. Furthermore, we also have to stress that this is an analysis of the protection of minorities on the constitutional level only, whereas there are numerous other legal documents, instruments and bilateral treaties which can also provide some sort of the protection. Whatever the written part of the level of protection may be, constitutional or international, it does not give us a real insight into the quality of the actual protection of minorities in day-to-day life. The gap between constitutional protection and reality, as we know it, may quite often be considerably wider.

Since the minority rights span from general to special educational, religious, linguistic, cultural etc., we chose to pick only one field of minority protection, i.e. the protection of linguistic rights of minorities. For the analysis we used constitutions⁶ of 25 EU member and accession countries and the database of our international student research project “Democratisation and Resolution of Ethnic Conflicts”. The tables included in the following chapters are just a part of the whole table representing the review of all constitutional provisions dealing with minority protection.

You will find attached the whole table in the Appendix.

⁶See <http://www.oefre.unibe.ch/law/icl/index.html>

3. KEY DEFINITIONS

3.1. Ethnic/national minority

There are probably as many definitions of minorities as there are different authors in the field of ethnic studies or the studies of nationhood and nationalism. Moreover, there are many different theoretical concepts, such as ethnicity, nationality, nation, national minorities, ethnic minorities etc. Many of them – especially ethnic and national minorities – quite often act as synonyms but sometimes also create incompatible or even excluding set of concepts⁷. We could easily call this situation a definition-chaos and it would truly be a Sisyphean task to find a widely accepted definition of minority. This is also one of the reasons why it is so difficult to secure a balanced opinion on the situation in individual countries when it comes to ratifying certain international treaties or conventions. Furthermore, the majority of obligations of individual countries to protect its minorities is still at the level of only politically binding declarations (Komac, 1999: 12).

As a short introduction we can take a glance (a closer look could in the end be a separate piece of paper) into some of the definitions of our subject in question. As the concepts of ethnic and national minority are almost interchangeable, or rather inseparable, we first have to define these two words: nationality and ethnicity. Alter, for example, defines nationality as the social group which considers itself an ethnic minority and claims nothing more than the status of autonomous group. It does not fight to win the political power in the state in which it lives but rather strives for the cultural and political autonomy inside the particular state (Alter, 1991: 233). Veiter goes a bit further and makes a distinction between nationalities and national minorities. He claims that nationalities are peoples or parts of peoples, which co-operate in governing of multinational states. Only exceptionally are they ethnic groups in need of special help or protection, but never national minorities (Veiter, 1974: 287). As far as ethnicity is concerned, Smith gives us what is considered by most theorists the most systematic definition of the concept. Namely, he defines the fundamental criteria of ethnicity: a name, a myth of common ancestry, shared memories, a common culture and economy, a link with historic territory and a measure of internal

⁷ For example some modernist definitions of nations, which define 'nation' as all citizens of one state (Loone, 1999), hence people with its own state, might exclude nations such as the Scottish, Roma, etc.

solidarity (Smith, 1988). We could say that this definition includes or rather summarises a variety of different definitions of separate authors in the field.

Still, in the history of the European continent there were very few modern national movements that were actually based on a strong ethnic consciousness. Rather, most of the states created after World War I through the Woodrow Wilson's criteria of self-determination, were not a product of the primordial aspirations as stated in the Smith's definition, but the constructs of cultural elites (Hobsbawm, 1992: 37). Throughout Europe we can find 'nation-states' whose territorial borders rarely coincide with actual ethnic ones. Few exceptions to this fact are Iceland, Norway and Portugal, where boundaries of the state and those of ethnic group are identical (Ra'anana, 1989). Europe as we know it today is a world of multi-ethnic states, where national/ethnic minorities are far more than just rarity. An effective protection of the rights of people belonging to national minorities and their communities is hence the only way to reduce ethnic tensions and guarantee democratic cohesion and pluralism.

Thus we agree with the words of the Parliamentary Assembly of the Council of Europe's Recommendation 1492 (adopted in 2001), which believes that: "... the protection of minorities is essential to the implementation of fundamental human rights, stability, democratic security and peace on the European continent." It also points out that: "... the price to be paid for failing to respond positively to the needs of national minorities may be an escalation in social tension, an increase in the number of asylum seekers, reluctance to reinforce unity between the member states of the Council of Europe and a climate of insecurity which would be detrimental to trade and investment."⁸

If we take a look at some historic documents, already the 1919 Treaties of Versailles and Saint-Germain⁹ refer to inhabitants who differ from the majority of the population in terms of race, language or religion, and mention "ethnic, religious and linguistic minorities" (as written in Article 67 of the Treaty of Saint-Germain). Nevertheless, it is significant for our paper that there are no United Nations legal instruments on the issues of ethnic, religious or linguistic minorities. The international law has so far failed to provide us with a

⁸ See <http://assembly.coe.int/Documents/AdoptedText/TA01/EREC1492.htm>

⁹ See <http://www.lib.byu.edu/~rdh/wwi/versailles.html> and http://www.oefre.unibe.ch/law/icl/au05000_.html

universally accepted and binding definition of a minority. Because of this lack of a valid definition, states still decide autonomously which distinct communities are given the status of officially recognised national minorities. Some politicians even deny the existence of special minority rights, stating that any kind of special rights are always a form of unacceptable legal discrimination (Žagar and Novak, 1999).

One of the attempts to define a minority was, for example, the definition set out in the Recommendation 1201 (1993) on an additional protocol on the rights of national minorities to the European Convention on Human Rights. In this draft protocol the Assembly proposed the following definition of the term "national minority":

"a group of persons in a state who: reside on the territory of that state and are citizens thereof; maintain longstanding, firm and lasting ties with that state; display distinctive ethnic, cultural, religious or linguistic characteristics; are sufficiently representative, although smaller in number than the rest of the population of that state or of a region of that state; are motivated by a concern to preserve together that which constitutes their common identity, including their culture, their traditions, their religion or their language".¹⁰

The definition of minority we will use in our paper, and which is considered by far the most effective and useful definition, is the following one by UN Special Rapporteur Francesco Capotorti (1977):

"A group, numerically inferior to the rest of the population of a State, in a non-dominant position, whose members- being nationals of the State- possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or **language**".

The last word in this definition of minority, namely the language or better, the *protection of minority languages*, will be the focus of our analysis, which we will present in greater detail.

¹⁰ See <http://assembly.coe.int/Documents/AdoptedText/TA93/EREC1201.HTM>

3.2. Language

Many times it is the language that differentiates members of minority from the majority population in particular state. This element is an intrinsic part of minority culture and to constrain it means to constrain the world of minorities as well – to play with Wittgenstein's quote a bit. Indeed, it is one of the elements, although often the most important one, that makes our identity as members of particular group, *ethnie*, nation, and without the possibility to use our languages freely we are in fact robbed of an important part of who we are, how we think and how we express our thoughts¹¹.

This is why the language is certainly one of the most important as well as burning questions when it comes to minority protection rights. These minority rights vary greatly. They span from the general rights to use the minority language in public or private sphere, to the situations where they are given the status of official language by the state, usually only on the certain territory or region of this state (Bešter, 2001). Only in this last instance however, i.e. when the minority language is elevated to the status of official language, we can say that it obtains its true value (Komac, 1999).

But what is a minority language? For our paper we will use the definition as written in the Article 1 of the European Charter for Regional and Minority Languages, which defines regional or minority language as: "...traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and is different from the official language(s) of that State. It does not include either dialects of the official language(s) of the State or the languages of migrants"¹².

Palley writes about special minority rights regarding the language, for example: the official status of the minority languages, the right to use the minority language in education and in courts. To this list Bešter (2001: 82) adds: the right of minorities to maintain and develop their linguistic identity, the right to disseminate and obtain the information in their language and the right to special financial support of the state in education and learning of minority

¹¹ Or as for example Hobsbawm has questioned: "Does not ignorance of another group's language constitute the most obvious barrier to communication and therefore the most obvious definer of the lines which separate groups...?" (Hobsbawm, 1992: 51).

¹² See <http://conventions.coe.int/treaty/en/Treaties/Word/148.doc>

languages. We will be looking for the existence of such provisions in our analysis and comparison between EU-members and EU-accession states.

Because of their historic importance as well as the lack of space in this paper, we will mention just the two most important international (i.e. European) legal instruments on the subject, both of which were created by the Council of Europe. These are the European Charter for Regional and Minority Languages and the Framework Convention for the Protection of National Minorities.

3.3. European protection of minorities – Council of Europe

3.3.1 Framework Convention for the Protection of National Minorities

The Framework Convention for the Protection of National Minorities came into force on 1 February 1998. It has been ratified by Albania, Austria, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Malta, Moldova, Norway, Poland, Portugal, Romania, the Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, “the former Yugoslav Republic of Macedonia”, Ukraine, the United Kingdom, Armenia, Azerbaijan and Bosnia-Herzegovina and Serbia and Montenegro. It has been signed but not ratified by Belgium, Georgia, Greece, Iceland, Latvia, Luxembourg and the Netherlands.

It is the first legally binding multilateral European instrument devoted to the protection of national minorities. The Framework Convention sets out the principles that the contracting countries have to respect and implement in order to combat discrimination, promote full and effective equality between the majority and national minorities, promote the conditions necessary for national minorities to maintain and develop their culture and to preserve their language, identity, religion and traditions, as well as a whole series of principles in other aspects of life (for example education, political participation, the media, transfrontier contacts, etc.) (Bindig, 2001). It does not, however, contain a definition of national minorities and is therefore up to the individual contracting country to decide which communities/groups will be considered as national minorities.

It is interesting to note, that in many countries there is a consensus about the Roma being a national minority and therefore come under the Framework Convention. In fact, as Bindig stresses, territory is not a vital element for application of the Convention. On the other hand, non-European minorities resulting from immigration are causing debates as to whether or not the Framework Convention is applicable to them as well (Bindig, 2001).

In the Recommendation 1492¹³ the Parliamentary Assembly of the Council of Europe also notes that the Charter of Fundamental Rights of the European Union, as accepted at the Summit meeting in Nice in December 2000, does not tackle the question of minority rights. It states that the only article of the Charter, that could indirectly imply the protection of minorities, is the Article 22. The latter stipulates that »the Union shall respect cultural, religious and linguistic diversity«¹⁴. In explanatory notes of the Charter, however, we can also read that: »...the Article 22 of the Charter should guarantee the respect of all cultural, religious or linguistic minorities within the Union«¹⁵.

3.3.2 The European Charter for Regional or Minority Languages

The Charter came into force on 1 March 1998. It has been signed and ratified by Armenia, Austria, Croatia, Cyprus, Denmark, Finland, Germany, Hungary, Liechtenstein, the Netherlands, Norway, Slovenia, Slovakia, Spain, Sweden, Switzerland and the United Kingdom. It has been signed but not ratified by Azerbaijan, Czech Republic, France, Iceland, Italy, Luxembourg, Malta, Moldova, Poland, Romania, Russia, "the former Yugoslav Republic of Macedonia" and Ukraine. The main goal of this Charter is to protect and promote regional or minority languages (see definition above, page 7) in Europe as integral parts of the European cultural heritage, wealth and traditions. The definition excludes dialects of the official language(s) and the languages of migrants. However, it does reserve a special treatment for "non-territorial languages" which cannot be identified with a particular area of the state (e.g. Yiddish and Romany).

The Charter deliberately disregards politics since it concentrates itself on cultural aspects, providing a framework for protecting languages in a variety of fields. In our opinion, the

¹³ See <http://assembly.coe.int/Documents/AdoptedText/TA01/EREC1492.htm>

¹⁴ See http://www.europarl.eu.int/comparl/libe/elsj/charter/default_en.htm

¹⁵ Ibid.

greatest as well as the most problematic aspect of the Charter is, that individual countries can tailor this framework to the situation of the various languages existing within their territory and provides only, as Bindig (2001) named it, "a la carte" commitments, listed in the Charter in decreasing order of importance. The contracting countries first specify which of the regional or minority languages will be covered by the Charter in their territory and then pick the commitments which best suit them (the governments, that is), from "the menu". Even an official language, for instance, can be protected by the Charter¹⁶.

The objectives and principles to be applied by the contracting countries are: recognition of the regional or minority languages, respect for the geographical area covered, the need for resolute action to promote these languages, providing guarantees on teaching and study of these languages and facilities for non-speakers to learn them, to them just a few. In the end, the Charter provides for measures to promote the use of regional or minority languages in public life (education, judicial system, administrative authorities and public services, the media, cultural activities and facilities, economic and social life and transfrontier exchanges)¹⁷.

The Committee of Experts¹⁸ is discussing the possibility of including sign languages in the Charter as well. The only country in the world so far, as we shall see in the following chapters, that has included sign language in its constitution, is Finland. The aim of the Committee is also to secure about thirty ratifications, particularly from the larger countries which have not yet ratified the Charter (including France and Italy for example).

¹⁶ In Bosnia-Herzegovina, for example, the three official languages at Federal level (Bosniac, Croat and Serb) can be protected as the less common official languages in the entities where they are not the official languages (Bindig, 2001).

¹⁷ see: <http://conventions.coe.int/treaty/en/Treaties/Word/148.doc>

¹⁸ The Committee is comprised of persons of recognised competence in the field of regional or minority languages. At the same time, by placing emphasis on the intrinsically personal trait of the "highest integrity", the charter makes clear that the experts appointed to the committee, in carrying out their task, should be free to act independently and not be subject to instructions from the governments concerned (Bindig, 2001).

4. CONSTITUTIONAL PROVISIONS REGARDING PROTECTION OF MINORITY LINGUISTIC RIGHTS

4.1. EU old member states

As already mentioned, we can clearly see from our Table 1 that the old democracies and their constitutions have indeed less provisions on protection of minorities (see also Appendix A for the whole table). This can in part be explained with time-frame of adoption of constitutions in these countries, since all of them (with exception of Finland's new constitution from 1999) were adopted long before any of the international legal documents on the protection of minorities were written (for example aforementioned *Convention for the Protection of National Minorities* and *The European Charter for Regional or Minority Languages*, both of which came into force in 1998). The protection of minorities as one of important cornerstones of democracy was usually part of the criteria for joining the European institutions like the EU or the Council of Europe. Out of the old EU members from our table, France has not even signed the Convention for the Protection of National Minorities. In France, the problem is constitutional deadlock. Namely, the French State Council holds that the Framework Convention runs counter to the principle of the equality of all citizens. This, in our opinion, is nothing but a rigid traditional stance, since we could argue that "special rights cannot be treated as some "privilege" of ethnic minorities, but simply as a framework which should allow and encourage the process of equalisation of "starting points" between members of the majority nation and members of minorities... for free competition in their environment, which leads to genuine *equality*" (Komac, 1999: 14, stress-points added). In Belgium too, the Flemish Government was initially against the signing of the instrument. Belgium had in the end signed the instrument in 2001, but still hasn't ratified it. Similarly, some of the larger countries in Europe have not yet ratified the Charter for Regional or Minority Languages either (including France and Italy). Germany, UK and Spain, as already mentioned, are the only major countries to have ratified it.

We have to take into account various bilateral treaties among different countries. Since naming all of them would be a "mission impossible" and since our analysis deals with constitutional provisions only, we won't list them here. However, for a better understanding of the presented situation in our Table 1, we might add a note on Germany, which has a significant number of bilateral and multilateral treaties, wherein it recognises certain

minority protection. Some level of protection is also given in constitutions of its federal units - *Länder*. As far as Belgium is concerned, we have to point out, that we have a specific situation there as well. The question of symbiosis between different national and linguistic communities is regulated by different forms of federalism. In this case, therefore, we cannot speak about the classic minority protection (Bešter, 2001). In Spain there are regions with autonomous status (*Comunidades Autónomas*) where historical nationalities have preserved their specific features for centuries under Unitarian Spain (Poggeschi 1999: 314). Portugal, on the other hand, is one of the few countries in Europe, where boundaries of the state and those of ethnic groups coincide.

DENMARK, FRANCE, GERMANY, GREECE, IRELAND, THE NETHERLANDS, PORTUGAL AND SWEDEN

All of this reflects itself in our table as well. More than half of all current EU members (eight out of fourteen) have no provisions on minority protection regarding the language. These countries are Denmark, France, Germany, Greece, Ireland, the Netherlands, Portugal and Sweden. Two of them, France and Ireland, have only provisions on official language: in France the French language as the language of the Republic (Art. 2/1 of the Constitution), whereas in Ireland the constitution recognised two official languages – Irish as the national language and English as the second language (Art. 8). We should mention here, that although not in the Constitution, Denmark does have a special provision mentioning languages of Faroe Islands and Greenland as the principal languages of both of those regions respectively. They may be used in official matters (together with Danish), but only in Faroe Islands and in Greenland (Art. 11 of The Greenland Home Rule Act).

ITALY AND LUXEMBOURG

In Italy, the protection of linguistic minorities is regulated by special measures only and is as such not included in the constitution (Art. 6). In Luxembourg too, the law regulates the use of languages in administrative and judicial matters (Art. 29).

BELGIUM AND SPAIN

The aforementioned specific situation in Belgium and Spain reflect in our table as well. In Belgian constitution, the Art. 4 stipulates that Belgium has four linguistic regions: The French-speaking region, the Dutch-speaking region, the bilingual region of Brussels Capital and the German-speaking region. The use of languages is optional, but only the

law can rule on this matter, and only for acts of the public authorities and for legal matters (Art. 30). As we do not have a case of classic minority protection, we put a minus with a note under these two articles. As far as the use of language in education goes, Belgian Constitution stipulates that The French and Dutch Community Councils rule on this by decree, excluding the federal legislator (Art. 129/1). Spain recognises Castilian as the official language of the Spanish state, as well as other Spanish languages that are official in the respective autonomous self-governing regions. It adds, that the richness of the different linguistic modalities of Spain is a cultural heritage which shall be specially respected and protected (Art. 3), whereby it gives the autonomous regions competence over the promotion of culture and research and the teaching of the regional language (Art. 148/1/xvii). Like Belgium, Spain was given a minus for its provision on the use of language, since we cannot label it as a classic minority protection.

FINLAND AND AUSTRIA

In fact, only two of all the countries from our table mention minorities explicitly. One is Austria, which mentions Austrian nationals of Slovene and Croat minorities in its State Treaty for Re-establishment of an Independent and Democratic Austria (Art. 7). The other is Finland, which mentions the Sami, as an indigenous people, as well as the Roma and other groups, which have the right to maintain and develop their own language and culture (Art. 17/3).

Finland recognises two official languages, Finnish and Swedish (Art. 17/1), and the right to use them before courts of law and other authorities, and to receive official documents in either language (Art. 17/2). Both of them, Finnish or Swedish, are used in parliamentary work as well (Art. 51). Finland is also the only country in the world to include the provision on sign language in its constitution (Art. 17/3).

As far as the “real” classic minority protection is concerned, Austria has by far the most provisions on minority protection regarding the language. It recognises German as the official language and commits to the linguistic and cultural diversity which has evolved through time and finds its expression in the autochthonous ethnic groups. It pledges that the language and culture, continued existence and protection of these ethnic groups shall be respected, safeguarded and promoted (Art. 8 of the Constitution). Special provisions on linguistic rights are also mentioned in The Treaty of Saint-Germain, where we read that

Austrian nationals who belong to racial, religious, or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Austrian nationals. In particular they shall have an equal right to establish, manage, and control at their own expense charitable, religious, and social institutions, schools, and other educational establishments, with the right to use their own language and to exercise their religion freely therein (Art. 67 of the Treaty of SG). It also states that no restriction shall be imposed on the free use by any Austrian national of any language in private and public life, religion and in the press (Art. 66/3 of the Treaty of SG and again in Art. 7 of the State Treaty) and that adequate facilities shall be given to Austrian nationals of non-German speech for the use of their language, either orally or in writing, before the courts (Art. 66/4 of the Treaty of SG). Austria is also the only country from our table that includes the right to financial support of the state in ensuring the right to use and learn a minority language (Art. 68 of the Treaty of SG). Slovene and Croat languages are also recognised as official languages in addition to German in administrative and judicial districts of Carinthia, Burgenland and Styria (Art. 7 of the State Treaty). Austria is also the only country to include the provision on prohibition of organisations whose aim is to deprive the Croat or Slovene population of their minority character or rights (Art. 7 of the State Treaty).

4.2. EU accession countries

From Table 1 we can see that constitutions of EU accession countries include more provisions on protection of minority linguistic rights than constitutions of the current EU member states. One reason for this situation could be, that the most of the ten accession countries are “new” or “young” democracies, which underwent a dramatic constitutional development after the fall of communist regimes. Some of them amended existing communist constitution (e.g., Hungary); some countries initially amended existing communist constitutions, then prepared and adopted their new democratic constitutions (e.g., Poland, Slovenia); some countries immediately replaced old communist constitution with new democratic constitutions (e.g., Bulgaria, Croatia, Romania); some countries replaced their communist constitution with pre-World War II democratic constitutions (e.g., Estonia) (Zagar and Novak, 1999: 179).

Since in the 1990s the protection of national minorities became an important issue and preconditions for the international recognition of newly independent countries and above all one of the criteria for the Council of Europe and EU membership, most of those countries introduced into their constitutions and legal systems provisions on minority protections (Zagar and Novak, 1999: 179).

CYPRUS

The Constitution of Cyprus does not guarantee any specific minority rights. In the country in which 85,2 percent of population is Greek and 11,6 percent of population is Turkish¹⁹ the official languages are Greek and Turkish (Art. 3/1). Judicial proceedings shall be conducted or made and judgements shall be drawn up in the Greek language if the parties are Greek, in the Turkish language if the parties are Turkish, and in both the Greek and the Turkish languages if the parties are Greek and Turkish. The official language or languages to be used for such purposes in all other cases shall be specified by the Rules of Court made by the High Court under Article 163 (Art. 3/4).

CZECH REPUBLIC

Some provisions regarding protection of minority languages are found in The Charter of Fundamental Rights and Freedoms (CFRF) which is part of the Czech constitution. In general citizens who constitute national or ethnic minorities are guaranteed all-round development, in particular the right to develop with other members of the minority their own culture, the right to disseminate and receive information in their language, and the right to associate in national associations. Details are provided by law (CRFR Art. 25/1).

Citizens belonging to national or ethnic minorities are also guaranteed under conditions set by law (a) the right to education in their language and (b) the right to use their language in official contact. (CFRF Art. 25/2 a, b). In judicial proceedings everybody who states that he or she does not speak the language in which the proceedings are conducted is entitled to the services of an interpreter (CFRF Art. 37/4).

¹⁹ <http://www.cia.gov/cia/publications/factbook/geos/cy.html#People> (14.04.2004)

ESTONIA

The official language of Estonia is Estonian (Art.6), but the constitution guarantees minorities among some special rights also some linguistic rights. In localities where at least half of the permanent residents belong to an ethnic minority, everyone shall have the right to receive answers from state and local government authorities and their officials in the language of that ethnic minority (Art. 51/2). In localities where the language of the majority of the population is other than Estonian, local government authorities may use the language of the majority of the permanent residents of that locality for internal communication (Art. 52/2).

Everyone shall have the right to instruction in Estonian. Educational institutions established for minorities shall choose their own language of instruction (Art. 37/4). The use of foreign languages, including the languages of ethnic minorities, by state authorities and in court and pre-trial proceedings shall be determined by law (Art. 52/3).

HUNGARY

Hungarian constitution includes some very interesting provisions regarding the protection of minority rights. Concerning linguistic rights of minorities, the Republic of Hungary shall provide for the protection of national and ethnic minorities and ensure their collective participation in public affairs, the fostering of their cultures, the use of their native languages, education in their native languages and the use of names in their native languages (Art.68/2).

LATVIA

In the Latvian constitution we can find only one provision regarding linguistic rights of minorities, it states that persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity (Art. 115).

LITHUANIA

The Lithuanian Constitution guarantees to citizens who belong to ethnic communities the right to foster their language, culture, and customs (Art. 37). In the Republic of Lithuania, court trials shall be conducted in the State language, but persons who do not speak Lithuanian shall be guaranteed the right to participate in investigation and court proceedings through an interpreter (Art. 117).

MALTA

Since in Malta classic ethnic or national minorities don't exist, Maltese constitution doesn't include any provision regarding minority rights. Otherwise the Maltese and the English languages and such other language as may be prescribed by Parliament shall be the official languages of Malta. The administration may for all official purposes use any such languages. The National language of Malta is the Maltese language (Art. 5/1). The language of the Courts shall be the Maltese language: Provided that Parliament may make such provision for the use of the English language in such cases and under such conditions as it may prescribe (Art. 5/3)

POLAND

Article 35/1 of Polish constitution ensures Polish citizens belonging to national or ethnic minorities the freedom to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture. National and ethnic minorities shall have the right to establish educational and cultural institutions, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity (Art. 35/2). Polish shall be the official language in the Republic of Poland. This provision shall not infringe upon national minority rights resulting from ratified international agreements. (Art. 27)

SLOVAK REPUBLIC

The comprehensive development of citizens representing national minorities or ethnic groups in the Slovak Republic is guaranteed, particularly the right to develop their own culture, together with other members of the minority or ethnic group, the right to disseminate and receive information in their mother tongue, the right to associate in national minority associations, and the right to set up and maintain educational and cultural institutions (Art. 34/1).

Persons belonging to national minorities or ethnic groups also have, under conditions defined by law, a guaranteed (a) right to education in their own language and (b) right to use their language in dealings with the authorities (Art. 34/2).

SLOVENIA

Slovenian Constitution guarantees special rights to two specifically enumerated minorities – the Italian and Hungarian ethnic communities, which are both autochthonous in Slovenia (Art. 5). It should also be noted that although the official language in Slovenia is Slovene, Italian and Hungarian are also official languages in regions of communities in which Italian and Hungarian national communities live (Art.11).

Both national communities and their members have the right to upbringing and education in their own languages as well as to the formation and development of this upbringing and education (Art. 64/1). The law determines the regions in which bilingual education is compulsory.

* * *

From the constitutional provisions presented above we can conclude that among accession countries only Cyprus and Malta do not guarantee any specific minority rights. Constitutions of all other accession countries include at least general provisions on rights of minorities, all of them also provisions on linguistic rights. Regarding the linguistic rights, all the constitutions guarantee the members of ethnic/national minorities at least the right to preserve and develop their language.

The constitutions of the Czech Republic, Estonia, Hungary and the Slovak Republic guarantee their minorities the right to education in their language. A special case in this field is Slovenia. The official language in Slovenia is Slovene. In the regions where Italian and Hungarian national minorities live²⁰, Italian and Hungarian are also official languages. Both, national minorities and their members have the right to upbringing and education in their own languages; the law determines the regions in which bilingual education is compulsory.

In the Czech Republic and Estonia (in localities where at least half of the permanent residents belong to an ethnic minority) members of ethnic minorities have the right to use their language in dealings with authorities.

²⁰ We should mention here that Slovene constitution calls them national communities.

In Estonia the law determines use of the languages of ethnic minorities by state authorities and in court and pre-trial proceedings; in the Slovak Republic the members of ethnic minorities have the right to use their language in dealings with the authorities. According to the Constitutions of the Czech Republic and Lithuania, in judicial proceedings everybody who doesn't understand the language, in which the proceedings are conducted, is entitled to the services of an interpreter.

TABLE 1 – EU MEMBERS – Special rights of minorities – LANGUAGE (See Appendix for the abbreviations)

State	Provisions on minorities					
	MME	Special rights of minorities		Language		
		E	L	OL	E	C
1. Austria	-	-	+	+	-	-
- Constitution, 1929			8/2	8/1		
- Treaty of St.Germain, 1918	-	+	+	-	+	+
		67, 68	66/3, 66/4, 67, 68		67	66/4
- State Treaty , 1955	+	+	+	+	+	-
	7	7	7	7	7	
2. Belgium, 1970	-	-	-	-	+	-
				4, 30	129/1	4, 30
3. Denmark, 1953	-	-	-	-	-	-
4. Finland,1999	+	+	+	+	+	+
	17/3	17	17, 51	17	17	17
5. France, 1958	-	-	-	+	-	-
				2/1		
6. Germany, 1949	-	-	-	-	-	-
7. Greece, 1975	-	-	-	-	-	-
8. Ireland, 1937	-	-	-	+	-	-
				8		
9. Italy, 1947	-	-	-	-	-	-
		6	6		6	6
10. Luxembourg, 1868	-	-	-	+	-	+
				29		29
11. Netherlands, 1983	-	-	-	-	-	-
12. Portugal, 1976	-	-	-	-	-	-
13. Spain, 1978	-	-	-	+	-	-
		148/1/17	148/1/17	3	148/1/17	
14. Sweden, 1975	-	-	-	-	-	-

TABLE 2 – EU ACCESSION COUNTRIES – Special rights of minorities – *LANGUAGE* (See The List of Abbreviations)

State	Provisions on minorities					
	MME	Special rights of minorities		Language		
		E	L	OL	E	C
1. Cyprus, 1990	-	-	-	+	-	+
	App. E			3/1		3/4
2. Czech republic, The Charter 1960	-	+	+	-	+	+
		25/1 CFRF	25/1 CFRF		25/1 CFRF	25/2b, 37/4 CFRF
3. Estonia, 1992	-	+	+	+	+	+
		37	37/4, 51	6, 52	37/4	52/3
4. Hungary, 1949	-	+	+	-	+	-
		68/2	68/2		68/2	
5. Latvia, 1922	-		+	+	-	-
			114	4		
6. Lithuania, 1992	-	+	+	+	-	+
		45	37	14		117
7. Malta, 1964	-	-	-	+	-	+
				5		5/3
8. Poland, 1997	-	+	+	+	-	-
		35/2	35	27		
9. Slovakia, 1992	-	+	+	+	+	+
		34	34	6	34	34/2b
10. Slovenia, 1991	+	+	+	+	+	+
	64, 65	64/1	64/1, 11, 61	11	64/1	11

5. COMPARISON

Since most of the current EU member states are the representatives of so called “Old Europe” and are old democracies, whose constitutions were adopted long before the already mentioned international legal documents for protection of minorities, the latter could not (as the time period is concerned) and would not (as later subjective attitudes are concerned) be incorporated into their particular constitutions. On the other hand, countries of Central and Eastern Europe formulated their constitutions so as to include as many provisions as possible on the protection of national minorities, since this was also one of the criteria for joining the Council of Europe and the EU. The Parliamentary Assembly of the Council of Europe, for example, has made early ratification of the Framework Convention a condition for the accession of new member States to the Council of Europe (and recently Armenia and Azerbaijan acceded to the Framework Convention even before joining the Council of Europe). Moreover, in majority of cases these countries have higher standards of the protection of national minorities than the existing standards in the national legislation of the Western European countries or the international law (Žagar and Novak, 1999).

From all the facts stated above we can conclude that we had in fact proven our hypothesis right. Indeed, we found out that in the European Union, ten accession countries guarantee a higher protection of ethnic minorities in their constitutions than fifteen current member states.

6. CONCLUSION

We feel that there is a need for special protection of minorities and their rights in order to promote equality between national minorities and the majority, and to prevent discrimination in Europe, especially now, in light of EU enlargement and many prejudices and reservations surrounding it. Let us therefore conclude with a variation of the theme of this conference: “It is in this spirit that the rights of linguistic and other minorities must be seen: measures aimed at reaching a balance of harmony and inclusion rather than conflict and exclusion” (De Varennes, 1997).

7. THE LIST OF ABBREVIATIONS

PER - Provisions on Ethnic Relations: the Constitution mentions or acknowledges the existence of ethnic, linguistic, cultural pluralism and in some cases religious pluralism.

MME - Minorities Mentioned Explicitly: the constitution must enumerate minorities or distinct communities.

Special Rights of Ethnic (National, Linguistic, Religious) Minorities: include those rights that are guaranteed solely to persons belonging to ethnic, national, linguistic minorities or to these communities as collective entities

E - Education: minorities are given special position regarding education

L - Language: Constitution includes special provisions on languages of minorities

PP - Political Participation: minorities are guaranteed certain participation in political process (whether on local or national level)

R - Religion: minorities are given special rights pertaining to their (usually different from prevailing) religion

Provisions on language and religion are general provisions which apply to all citizens alike (and not to minorities specifically).

Language - these provisions do not address minorities specifically, but can be used to protect certain aspects of minority rights (e.g. Everyone is allowed to use his language in the court - the provision does not protect minority right *per se*, but enables the minority member to use his language - *it can also apply to minorities*)

OL - Official Language(s): constitutional provisions regarding official language(s) of the state

E - Education: provisions which allow for the use of two or more languages of education

C - Courts: guarantees that *everyone* can use one's language (or a language which one can understand) in front of the court

Religion this provisions do not address minorities specifically, but can be used to protect certain aspects of minority rights

SR - State Religion: the provisions that indicate that one of the religions has the position of official state religion

F - Freedom of Religion: the provision that guarantee freedom of religion (creed) to everyone

E - Equality: provision which explicitly states that all religions are equal

Non-discrimination

EBL - Equality before Law: provisions guaranteeing equality before law

Culture

MC - Multiculturalism: provisions indicating that a constitution recognises multiculturalism as an advantage and is striving to preserve this cultural diversity

PC - Promotion of Culture: provisions requiring a state to take an active position in trying to promote different cultures existing within it

Autonomies

O - F,U - organisation - Federal or Unitarian (Unitary): provisions indicating whether a state is organised as a federation or a Unitarian (unitary) state

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10. APPENDIX

CONSTITUTIONAL PROVISIONS ON MINORITY LINGUISTIC RIGHTS

EU CURRENT MEMBER STATES

- AUSTRIA

CONSTITUTION

Article 8:

(1) German is the official language of the Republic without prejudice to the rights provided by Federal law for linguistic minorities.

(2) The Republic (the Federation, Laender and municipalities) is committed to its linguistic and cultural diversity which has evolved in the course of time and finds its expression in the autochthonous ethnic groups. The language and culture, continued existence and protection of these ethnic groups shall be respected, safeguarded and promoted.

TREATY OF SAINT GERMAIN

Article 66:

(3) No restriction shall be imposed on the free use by any Austrian national of any language in private intercourse in commerce, in religion, in the press, or in publications of any kind, or at public meetings.

(4) Notwithstanding any establishment by the Austrian Government of an official language, adequate facilities shall be given to Austrian nationals of non-German speech for the use of their language, either orally or in writing, before the courts.

Article 67:

Austrian nationals who belong to racial, religious, or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Austrian nationals. In particular they shall have an equal right to establish, manage, and control at their own expense charitable, religious, and social institutions, schools, and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

Article 68:

(1) Austria will provide in the public educational system in towns and districts in which a considerable proportion of Austrian nationals of non-German speech are resident adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Austrian nationals through the medium of their own language. This provision shall not prevent the Austrian Government from making the teaching of the German language obligatory in the said schools.

(2) In towns and districts where there is a considerable proportion of Austrian nationals belonging to racial, religious, or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal, or other budgets for educational, religious, or charitable purposes.

STATE TREATY (FOR THE RE-ESTABLISHMENT OF AN INDEPENDENT AND DEMOCRATIC AUSTRIA)

Article 7: Rights of the Slovene and Croat Minorities

1. Austrian nationals of the Slovene and Croat minorities in Carinthia, Burgenland and Styria shall enjoy the same rights on equal terms as all other Austrian nationals, including the right to their own organizations, meetings and press in their own language.
2. They are entitled to elementary instruction in the Slovene or Croat language and to a proportional number of their own secondary schools; in this connection school curricula shall be reviewed and a section of the Inspectorate of Education shall be established for Slovene and Croat schools.
3. In the administrative and judicial districts of Carinthia, Burgenland and Styria, where there are Slovene, Croat or mixed populations, the Slovene or Croat language shall be accepted as an official language in addition to German. In such districts topographical terminology and inscriptions shall be in the Slovene or Croat language as well as in German.
4. Austrian nationals of the Slovene and Croat minorities in Carinthia, Burgenland and Styria shall participate in the cultural, administrative and judicial systems in these territories on equal terms with other Austrian nationals.
5. The activity of organizations whose aim is to deprive the Croat or Slovene population of their minority character or rights shall be prohibited.

- **BELGIUM**

Article 4:

Belgium has four linguistic regions: The French-speaking region, the Dutch-speaking region, the bilingual region of Brussels Capital and the German-speaking region. Each «commune» (county borough) of the Kingdom is part of one of these linguistic regions.

The limits of the four linguistic regions can only be changed or modified by a law adopted by majority vote in each linguistic group in each Chamber, on the condition that the majority of the members of each group are gathered together and from the moment that the total of affirmative votes given by the two linguistic groups is equal to at least two-thirds of the votes expressed.

Article 30:

The use of languages current in Belgium is optional; only the law can rule on this matter, and only for acts of the public authorities and for legal matters.

Article 129:

§ 1. The French and Dutch Community Councils rule by decree, inasmuch as each is concerned, excluding the federal legislator, on the use of language for:

- 1° administrative matters;
- 2° education in those establishments created, subsidized, and recognized by public authorities;
- 3° social relations between employers and their personnel, in addition to corporate acts and documents required by law and by regulations.

- **DENMARK**

Act Representing the home Government of the Faroe Islands

Article 11:

Faroe is the principal language in the Faroe Islands and Greenlandic is the principal language in Greenland. Both languages may be used in official matters (together with Danish), but only in Faroe Islands and in Greenland (The Greenland Home Rule Act, Section 9 (1),(2)).

- **FINLAND**

Article 17:

1. The national languages of Finland are Finnish and Swedish.

2. The right of everyone to use his or her own language, either Finnish or Swedish, before courts of law and other authorities, and to receive official documents in that language, shall be guaranteed by an Act. The public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis.

(2) 3. The Sami, as an indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own language and culture. Provisions on the right of the Sami to use the Sami language before the authorities are laid down by an Act. The rights of persons using sign language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed by an Act.

Article 51:

The Finnish or Swedish languages are used in parliamentary work.

The Government and the other authorities shall submit the documents necessary for a matter to be taken up for consideration in the Parliament both in Finnish and Swedish. Likewise, the parliamentary replies and communications, the reports and statements of the Committees, as well as the written proposals of the Speaker's Council, shall be written in Finnish and Swedish.

- **FRANCE**

CONSTITUTION

Article 2/1:

The language of the Republic shall be French.

- **IRELAND**

Article 8:

1. The Irish language as the national language is the first official language.

2. The English language is recognised as a second official language.

- **ITALY**

Article 6:

The Republic safeguards by means of appropriate measures linguistic minorities.

- **LUXEMBOURG**

Article 29:

(Révision du 6 mai 1948) La loi réglera l'emploi des langues en matière administrative et judiciaire.

- **SPAIN**

Article 3:

- (1) Castilian is the official Spanish language of the State. All Spaniards have the duty to know it and the right to use it.
- (2) The other Spanish languages shall also be official in the respective Self-governing Communities in accordance with their Statutes.
- (3) The richness of the different linguistic modalities of Spain is a cultural heritage which shall be specially respected and protected.

148/1/xvii:

The promotion of culture and research and, where applicable, the teaching of the Self-governing Community's language.

EU ACCESSION COUNTRIES

- **CYPRUS**

Article 3:

- (1) The official languages of the Republic are Greek and Turkish.
- (4) Judicial proceedings shall be conducted or made and judgements shall be drawn up in the Greek language if the parties are Greek, in the Turkish language if the parties are Turkish, and in both the Greek and the Turkish languages if the parties are Greek and Turkish. The official language or languages to be used for such purposes in all other cases shall be specified by the Rules of Court made by the High Court under Article 163.

- **CZECH REPUBLIC**

CHARTER OF FUNDAMENTAL RIGHTS AND FREEDOMS

Article 25:

- (1) Citizens who constitute national or ethnic minorities are guaranteed all- round development, in particular the right to develop with other members of the minority their own culture, the right to disseminate and receive information in their language, and the right to associate in ethnic associations. Detailed provisions in this respect shall be set by law.
- (2) Citizens constituting national and ethnic minorities are also guaranteed under conditions set by law
 - (a) the right to education in their language,
 - (b) the right to use their language in official contact,
 - (c) the right to participate in the settlement of matters concerning the national and ethnic minorities.

Article 37:

- 4) Whoever states that he or she does not speak the language in which the proceedings are conducted is entitled to the services of an interpreter.

- **ESTONIA**

Article 6:

The official language of Estonia is Estonian.

Article 37:

Everyone has the right to education. Education is compulsory for school-age children to the extent specified by law, and shall be free of charge in state and local government general education schools.

In order to make education accessible, the state and local governments shall maintain the requisite number of educational institutions. Other educational institutions, including private schools, may also be established and maintained pursuant to law.

Parents shall have the final decision in the choice of education for their children.

Everyone has the right to receive instruction in Estonian. The language of instruction in national minority educational institutions shall be chosen by the educational institution.

The provision of education shall be supervised by the state.

Article 51:

Everyone has the right to address state agencies, local governments, and their officials in Estonian and to receive responses in Estonian.

In localities where at least one-half of the permanent residents belong to a national minority, everyone has the right to also receive responses from state agencies, local governments, and their officials in the language of the national minority.

Article 52:

The official language of state agencies and local governments shall be Estonian.

In localities where the language of the majority of the residents is not Estonian, local governments may, to the extent and pursuant to procedure provided by law, use the language of the majority of the permanent residents of the locality as an internal working language.

The use of foreign languages, including the languages of national minorities, in state agencies and in court and pre-trial procedure shall be provided by law.

- **HUNGARY**

Article 68:

(2) The Republic of Hungary shall provide for the protection of national and ethnic minorities and ensure their collective participation in public affairs, the fostering of their cultures, the use of their native languages, education in their native languages and the use of names in their native languages.

- **LATVIA**

Article 4:

The Latvian language is the official language in the Republic of Latvia. The national flag of Latvia shall be red with a band of white.

Article 114:

Persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity.

- **LITHUANIA**

Article 14:

Lithuanian shall be the State language.

Article 37:

Citizens who belong to ethnic communities shall have the right to foster their language, culture, and customs.

Article 45:

Ethnic communities of citizens shall independently administer the affairs of their ethnic culture, education, charity, and mutual assistance.

The State shall render support to ethnic communities.

Article 117:

In all courts, the consideration of cases shall be public. A closed court sitting may be held in order to protect the secrecy of private life of the human being or his family, also if the public consideration of the case may disclose a State, professional, or commercial secret.

In the Republic of Lithuania, court proceedings shall be conducted in the State language.

Persons who do not speak Lithuanian shall be guaranteed the right to participate in investigation and judicial acts through a translator.

- **MALTA**

Article 5:

(1) The National language of Malta is the Maltese language.

(2) The Maltese and the English languages and such other language as may be prescribed by Parliament (by a law passed by not less than two-thirds of all the members of the House of Representatives) shall be the official languages of Malta and the Administration may for all official purposes use any of such languages:

Provided that any person may address the Administration in any of the official languages and the reply of the Administration thereto shall be in such language.

(3) The language of the courts shall be the Maltese language:

Provided that Parliament may make such provision for the use of the English language in such cases and under such conditions as it may prescribe.

(4) The House of Representatives may, in regulating its own procedure, determine the language or languages that shall be used in Parliamentary proceedings and records.

- **POLAND**

Article 27:

Polish shall be the official language in the Republic of Poland. This provision shall not infringe upon national minority rights resulting from ratified international agreements.

Article 35: The Republic of Poland shall ensure Polish citizens belonging to national or ethnic minorities the freedom to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture.

National and ethnic minorities shall have the right to establish educational and cultural institutions, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity.

- **SLOVAK REPUBLIC**

Article 6:

- (1) Slovak is the state language on the territory of the Slovak Republic.
- (2) The use of other languages in dealings with the authorities will be regulated by law.

Article 34:

- (1) The comprehensive development of citizens representing national minorities or ethnic groups in the Slovak Republic is guaranteed, particularly the right to develop their own culture, together with other members of the minority or ethnic group, the right to disseminate and receive information in their mother tongue, the right to associate in national minority associations, and the right to set up and maintain educational and cultural institutions. Details will be set out in a law.
- (2) In addition to the right to master the state language, citizens belonging to national minorities or ethnic groups also have, under conditions defined by law, a guaranteed
 - a) right to education in their own language,
 - b) right to use their language in dealings with the authorities,
 - c) right to participate in the solution of affairs concerning national minorities and ethnic groups.
- (3) The enactment of the rights of citizens belonging to national minorities and ethnic groups that are guaranteed in this Constitution must not be conducive to jeopardizing the sovereignty and territorial integrity of the Slovak Republic or to discrimination against its other inhabitants.

- **SLOVENIA**

Article 11:

The official language in Slovenia is Slovene. In those municipalities where Italian or Hungarian national communities reside, Italian or Hungarian shall also be official languages.

Article 64:

- (1) The autochthonous Italian and Hungarian national communities and their members shall be guaranteed the right to use their national symbols freely and, in order to preserve their national identity, the right to establish organisations and develop economic, cultural, scientific and research activities, as well as activities in the field of public media and publishing. In accordance with laws, these two national communities and their members have the right to education and schooling in their own languages, as well as the right to establish and develop such education and schooling. The geographic areas in which bilingual schools are compulsory shall be established by law. These national communities and their members shall be guaranteed the right to foster relations with their nations of origin and their respective countries. The state shall provide material and moral support for the exercise of these rights.
- (2) In order to exercise their rights, the members of these communities shall establish their own self-governing communities in the geographic areas where they live. On the proposal of these self-governing national communities, the state may authorise them to perform certain functions under national jurisdiction, and shall provide funds for the performing of such functions.
- (3) The two national communities shall be directly represented in representative bodies of local self-government and in the National Assembly.
- (4) The position of the Italian and Hungarian national communities and the manner in which their rights are exercised in the geographic areas where they live, the obligations of the self-governing local communities for the exercise of these rights, and those rights which the members of these national communities exercise also outside these areas, shall all be regulated by law. The rights of both national communities and their members shall be guaranteed irrespective of the number of

members of these communities.

(5) Laws, regulations and other general acts that concern the exercise of the constitutionally provided rights and the position of the national communities exclusively, may not be adopted without the consent of representatives of these national communities.

Article 65:

The status and special rights of the Romany community living in Slovenia shall be regulated by law.