

FEDERAL UNION OF EUROPEAN NATIONALITIES
FEDERATION OF EUROPEAN NATIONALITIES
Федералистский Союз Европейских Народностей



CHARTER

for the autochthonous national
minorities in Europa

Bautzen / Budyšin
2006



Federal Union of European Nationalities
Youth of European Nationalities

Föderalistische Union Europäischer Volksgruppen
Jugend Europäischer Volksgruppen

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PREAMBLE

The autochthonous, national minorities /ethnic groups in Europe,

the members of the Federal Union of European Nationalities (FUEN) and the Youth of European Nationalities (YEN) that sign this Charter for the autochthonous, national minorities in Europe in the year 2006,

referring to the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights of the United Nations (1948) and the European Convention on Human Rights of the Council of Europe (1953),

having regard to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of the United Nations (1992) as well as to Article 27 of the International Covenant on Civil and Political Rights (1966),

having regard to the Framework Convention for the Protection of National Minorities (1995) and the European Charter for Regional or Minority Languages (1992),

having regard to the Charter of Fundamental Rights of the European Union and the Copenhagen criteria for membership of the European Union,

having regard to the documents of the CSCE/OSCE of Helsinki, Paris and Copenhagen,

whereas the minority right are part of human rights in general and protection of minorities and support for autochthonous, national / ethnic groups constitute an active policy of peace, brings along economic prosperity and both cultural and linguistic wealth,

in view of profound demographic and social change and its implications for autochthonous, national minorities/ethnic groups,

bearing in mind the lack of binding, international provisions, the gradual threat of assimilation, marginalisation and the perishing of languages and loss of culture and values,

are committed to freedom, democracy and the rule of law; tolerance and mutual respect; the right of individuals and peoples to self-determination, the principle of state sovereignty and the principle of territorial integrity,

are committed to a Europe of diversity as well as to the inalienable values and the intellectual heritage of our continent, especially to respect and support for linguistic and cultural diversity,

are committed to work for the protection of and support for language, culture, identity and characteristic features as part of Europe's irreplaceable wealth,

are committed to active and constructive creation of a European civil society which includes the autochthonous, national minorities / ethnic groups.

SIGNIFICANCE AND PURPOSE OF THE CHARTER

With this Charter for the autochthonous, national minorities / ethnic groups in Europe the signatories pursue the interest,

tying in with the Catalogue of Fundamental Rights in the Cottbus Declaration 1992 of the Federal Union of European Nationalities (FUEN) and the draft supplementary protocol to the European Human Rights Convention that was presented by FUEN in 1994 as well as with other adopted documents of FUEN and YEN,

referring to the Parliamentary Assembly of the Council of Europe (additional protocol to the European Convention on Human Rights 1993) and the Venice Commission (Draft European Convention for the Protection for Minorities 1991),

to emphasise the positive significance of the autochthonous, national minorities for the development of the European civil society,

to show the self-conception of the autochthonous, national minorities in Europe,

to call for the preservation of natural bilingualism and multilingualism and for the preservation of the regional or minority languages that are often threatened by extinction – as a natural richness of Europe and a factor of cultural and regional identification – by providing the necessary conditions and support,

to substantiate again the necessity on comprehensive minority protection and active support for minorities as the guarantors of stability, peace and diversity in Europe,

to bear out the need for further development of European minority protection, because the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages do not constitute the endpoint for a sustainable protection of minorities,

to urgently demand that minority protection remains a central topic of a political discourse at regional, national and European level, in which the autochthonous, national minorities are included.

FACTS

The autochthonous, national minorities / ethnic groups of Europe are a significant political, cultural, linguistic, economic, regional and intellectual factor in Europe:

In the 45 states belonging to Europe, there are more than 300 national minorities numbering about 100 million people, which means that almost every seventh European considers himself to belong to a autochthonous, national minority.

Around 90 languages are spoken in the European Union, of these 37 are official state languages and consequently 53 are so-called “stateless” languages, i.e. regional or minority languages.

SELF-CONCEPTION

To the autochthonous, national minorities/ethnic groups belong the minorities that came into being as a result of developments in European history, as a result of the changes of state borders and other historical events. To the autochthonous, national minorities/ethnic groups also the peoples of Europe belong who have never established a state and who live as a minority in the territory of a state.

DEFINITION

A legally binding definition of autochthonous, national minorities has been under discussion for decades, but it has not been possible yet to reach consensus. A legally binding definition is important because only a defined group can exercise rights collectively.

The signatories refer here to the definition in the FUEN declaration of 1994, which is given here in an adapted version.

An autochthonous, national minority / ethnic group should be understood as community,

- 1 that is resident in an area of a state territory or scattered around a state territory,**
- 2 that is of smaller number than the rest of the state population,**
- 3 the members of which are citizens of that state,**
- 4 the members of which have been resident in the area in question for generations,**
- 5 that is distinguishable from the state’s other citizens by reason of their ethnic, linguistic or cultural characteristics and who wish to preserve these characteristics.**

FUNDAMENTAL PRINCIPLES

We, the autochthonous, national minorities / ethnic groups, make clear that minority rights are part of human rights in general.

We, the autochthonous, national minorities / ethnic groups, are the guarantors of linguistic and cultural diversity and are an important political, economical, regional and intellectual factor in Europe,

We, the autochthonous, national minorities / ethnic groups, see ourselves as mediators between the cultures and guarantors of European diversity and would like to be recognised for the enrichment that we are and contribute to the development of a European civil society.

We, the autochthonous, national minorities / ethnic groups, invoke the right to protection from threat, to preservation of our own identity and to protection of our existence as well as to protection from assimilation.

We, the autochthonous, national minorities / ethnic groups, refer to the principle of non-discrimination, equal treatment and real equal opportunity. We reaffirm the necessity for countervailing support to achieve real equality. This principle of “positive discrimination” does not violate the principle of equal rights or non-discrimination under international law, but takes into account the special need of the autochthonous, national minorities to be protected and supported.

We, the autochthonous, national minorities / ethnic groups, underline the principle according to which declared membership of a national minority is a matter of individual freedom and not subject to official scrutiny.

We, the autochthonous, national minorities / ethnic groups, repeat the demand for collective rights for the autochthonous, national minorities of Europe and refer to the right to self-determination of peoples.

We, the autochthonous, national minorities / ethnic groups, demand the right to cultural autonomy and to appropriate forms of self-administration.

We, the autochthonous, national minorities / ethnic groups, ensure active integration of young people as the rising generation and the guarantee for the continued development of the autochthonous, national minorities as well as continuous and permanent support for the younger generation.

We, the autochthonous, national minorities / ethnic groups, will work for a contemporary implementation of the fundamental rights that have been defined in minority protection legislation.

FUNDAMENTAL RIGHTS

Minority protection as part of human rights in general ensures the following fundamental rights to the autochthonous, national minorities / ethnic groups:

- 1 The right to language/the right to use the mother tongue in dealings with public authorities and in a court of law.
- 2 The right to education/the right to schools and the right to classes given in the mother tongue
- 3 The right to culture
- 4 The right to religion
- 5 The right to establish organisations of its own
- 6 The right to unhindered contact across national boundaries
- 7 The right to information and media of one's own
- 8 The right to representation in public administration
- 9 The right to adapted forms of self-administration and cultural autonomy
- 10 The right to political representation and political participation
- 11 The right to spell and pronounce one's name in one's own language
- 12 The right to use and make visible traditional place, field and street names in signposting and other topographical signs.
- 13 The right to protection of the ancestral area of settlement.

POLITICAL DEMANDS

The signatories of the Charter for the autochthonous, national minorities in Europe, reaffirm the following indispensable demands, aimed at both the international organisations as well as the individual states, for

binding minority protection under international law and a definition of minority protection in human rights legislation,

participation in political dialogue on the basis of equality and constructive involvement in social change,

recognition and strengthening of the civil organisations of the autochthonous, national minorities / ethnic groups in Europe as well as an improvement in the conditions for non-governmental organisations (NGOs) of the autochthonous, national minorities / ethnic groups, in particular for FUEN and YEN,

full cooperation between the international organisations, in particular the European Union, the Council of Europe, the OSCE and the United Nations,

in the field of the protection of and support to minorities. The signatories warn against the creation of competing structures,

a concept, in which norms and standards of similarities and differences are defined between the autochthonous, national minorities and the groups that came into being as the result of immigration or as refugees.

The signatories of the Charter for the autochthonous, national Minorities in Europe, demand from the European Union

the implementation of the Union's motto "United in diversity" – however, not merely restricted to the national cultures and languages of the member states, but extended to all the cultures and languages of Europe,

the reopening of negotiations concerning the future of the European Constitutional Treaty respectively the adoption of the fundamental rights – Part II of the Constitution,

that non-compliance with minority standards as laid down in the Copenhagen criteria will remain a condition for refusal of membership of the EU. In this connection, we urge for an improvement in the monitoring system and refer to the experiences and competences of the Council of Europe,

an end to the "double standards on minorities" under which new member states are called upon to implement effective regulations in favour of minorities while many "old member states" do not apply them or even deny the existence of minorities in their state territory,

minority protection to be integrated into the monitoring system for human rights of the European Union, thereby establishing European minority standards;

minorities to be integrated into all projects, funding programmes and other proposals – especially where the support for multilingualism and language teaching as well as regional development are concerned;

it to become a party to the European Convention on Human Rights.

The signatories of the Charter for the autochthonous, national Minorities in Europe, demand from the Council of Europe

to expand its hitherto very innovative mechanisms with a new, strategic orientation in minority protection and a clear concept aimed at preserving linguistic and cultural diversity,

a concept that enables organised civil groups that are directly affected to have a say in the policy-forming and decision-making process of the Council of Europe,

the stringent further development of functioning minority-protection mechanisms which have by no means come to an end with the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities,

a further development of control mechanisms within the scope of the existing legal documents. Thereby the direct involvement of the minorities affected and the organisations representing their interests must always be taken into consideration,

– referring to the recommendation on an additional protocol to the European Convention on Human Rights by the Parliamentary Assembly of the Council of Europe and to the proposed draft European Convention for the Protection for Minorities by the Venice Commission of the Council of Europe – concrete further development of minority protection to be initiated in a consistent way. The top priority here must be minority protection with enforceable collective rights.

The signatories of the Charter for the autochthonous, national minorities in Europe, demand from the European states

the recognition of all autochthonous, national minorities/ethnic groups in their state territory,

the ratification of the European documents – the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages,

the appropriate and complete implementation of the provisions of the documents mentioned above,

the consistent implementation of the laws created in the course of accession to the EU as well as their application in the “old member states” of the European Union as well,

to upkeep and improve the minority standards already achieved in close dialogue with the minorities and the organisations representing their interests.

The signatories of the Charter for the autochthonous, national minorities in Europe as well as both umbrella organisations of the autochthonous, national minorities in Europe – the Federal Union of European Nationalities and the Youth of European Nationalities – commit themselves to,

accept and adhere to the principles that underlie this Charter,

secure the linguistic and cultural diversity in Europe and to contribute to the development of the regions of Europe,

active participation in the creation of a European civil society and a European community that is based on the indispensable values and intellectual heritage, in particular on the linguistic and cultural diversity.

Adopted by the Assembly of Delegates of FUEN

Bautzen / Budyšin, 25th of May 2006

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