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EU: Language discrimination rife across EU

Calls for legislation to be drawn up or even for a Language Commissioner to be appointed have been made, in order to combat a rising number of discrimination cases across the European Union.

By Samuel Morgan

EurActiv.com (09.06.2016) - <http://bit.ly/1Yp0RsI> - At an event hosted by the GUE/NGL and EFA-Greens in the European Parliament last week, several MEPS and officials from other international institutions met to debate language discrimination in the EU and share examples of how it affects EU citizens.

Josu Juaristi MEP (GUE/NGL), who hails from the Basque Country, pinpointed a case in which the Spanish parliament refused to even consider a bill because it had not been translated into Castilian (standard Spanish) from its original Basque, despite Spain having signed and ratified the Council of Europe's Charter for Regional or Minority Languages.

Juaristi's countryman, Paul Bilbao-Sarria, later highlighted that the Spanish Constitution may give citizens the right to speak their own languages, but that Spaniards have "a

duty" to speak Castilian; a provision that has led to cases of Basque-speaking children unable to communicate with Castilian-speaking doctors; a staggering 1,000+ cases of discrimination were recorded last year alone, in a number of sectors.

France: a "rogue" nation

The Basque Country, much like its language, is a unique case, as linguistic rights vary depending on what side of the French/Spanish border you reside. France, which has not yet ratified the Council of Europe's charter, was branded a "rogue state" by Alexis Quentin from the Occitan institute, who also criticised France's legal framework, which means that language schools are not provided with funding until they have been running for five years.

Liadh Ní Riada MEP (GUE/NGL), who notably went on a "language strike" last year when she refused to speak anything but her native Irish in European Parliament meetings in order to highlight the "dismantling" of Irish by her national government, said that road-signs should only be in Irish, particularly in Irish-speaking regions. When English is included, she said that it "lowers the status" of the language.

Most of the event's attendees also disputed the use of the term "minority languages". Ramon Tremosa MEP (ALDE) said that Catalan should not be labelled as a "minority language" since the term suggests that there is a linguistic hierarchy. He also made the point that FC Barcelona, one of the largest and most successful football clubs in the world, tweets in Catalan and has more than five million followers.

In a similar vein, Davyth Hicks, the Secretary-General of the European Language Equality Network (ELEN) and a Cornish speaker, said that there are more than 60 regional and minority languages across the EU, spoken by 55 million people, which amounts to 10% of the bloc's population.

EU does little, should do more

In terms of how to address the issue, Hicks argued that the EU should draft legislation similar to other laws that protect other entities, like the Birds and Habitats directives.

Others suggested setting up an independent observer to ensure that the non-discrimination principles of the Charter of Fundamental Rights are completely respected or even appointing an Ombudsman or Commissioner to protect linguistic diversity and rights.

The Commission previously had a Multilingualism Commissioner between 2007 and 2010, when Romania's Leonard Orban held the position. It was short-lived partly because many in the executive thought it overlapped with other portfolios.

Conchúr Ó Giollagáin, an expert in the Scots-Gaelic, said that it was remarkable that languages such as his, as well as Irish and Welsh, had survived, given the "ethnocide" they have experienced. The professor recommended that an emergency commission be set up in order to change the attitude that less-spoken languages are a mere "aesthetic add-on".

Generally, the EU was accused of doing little to intervene on behalf of languages. But Kristina Cunningham of the European Commission's DG Education and Culture insisted that the executive's hands are tied when it comes to linguistic discrimination.

The Lisbon Treaty only grants the Commission the power to legislate against discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation—but not language.

Cunningham also said that even if the institution were granted the competence to do so, it is "ten times more difficult to propose something now than under the previous Commission".

When asked by a member of the audience whether the executive's failure to act in this area would lead to more anti-EU sentiment, she replied that "if it does, it is because of national governments scapegoating the EU".

Both Cunningham and Iryna Ulasiuk of the OSCE's high commission on national minorities stressed that sanctions and punitive measures are not the way to convince member states to promote linguistic diversity. Davyth Hicks disagreed. He argued that sanctions should be levied against states that do not comply with the charters.

Hicks also cited a 2015 infringement procedure opened by the Commission against Slovakia based on discrimination against Roma children. Although the case was officially opened because of the alleged lack of access to education on racial or ethnic grounds, ELEN insisted that it had, at least, some linguistic discrimination aspect to it.

KAZAKHSTAN: Nazarbayev blocks Russian TV in Kazakhstan

Eurasia Daily Monitor (05.01.2016) - In slightly over a generation, Kazakhstan has gone from being a republic in which ethnic Russians formed a plurality, to one in which ethnic Kazakhs form a two-thirds majority. But to keep that country within Russia's orbit, Moscow still counts on the fact that most urban Kazakhs speak Russian rather than Kazakh. Nonetheless, linguistic patterns in Kazakhstan are changing: Ever more Kazakhs are speaking their native tongue as well as foreign languages other than Russian. And ever more ethnic Russians in Kazakhstan are left with the choice of learning the national language or emigrating to Russia. Together, those linguistic and demographic shifts are changing Astana's political and geopolitical position.

A new Kazakhstani law, which went into effect on January 1, 2016, has thrown these changes into sharp relief. Nominally intended to protect domestic advertisers, the measure has the effect of banning Russian (and the few other non-Kazakhstani) channels from cable networks in the country. Such channels could meet the law's requirements by editing out all advertising. But doing so would mean that the owners would lose some or all of their profits and would need subsidies from Moscow to continue, subsidies that—in the current economic environment—the Russian government may not be able or willing to give (Asiarussia.ru, December 27, 2015).

About 75 percent of Kazakhstan's population, including virtually all ethnic Russians and a majority of urban Kazakhs, watch Russian-language television. Therefore, the end of these broadcasts will inevitably lead some to focus on Kazakh-language programming instead. And because this reflects President Nursultan Nazarbayev's long-standing commitment to advance the use of the national language in Kazakhstan, most citizens of this Central Asian republic will view the new law as an indication of how they should behave.

Kazakhstani political analyst Avdos Sarym, who has examined this situation, says that steps like this mean that in another decade, anyone who wants to advance in Kazakhstan will have to speak both Kazakh and Russian, rather than assume he or she can behave as in Soviet times and manage with the Russian language alone. Such a mental shift will deprive President Vladimir Putin of yet another segment of what he defines as "the Russian world" (Matritca.kz, November 28, 2015).

Most ethnic Russians in Kazakhstan even now speak only Russian, Sarym points out. If they know a second language, it is far more likely to be English than Kazakh. But “the absolute majority of Kazakhs speak both Kazakh and Russian, and an increasing share of the young speak English and Turkish. That general pattern, however, obscures the fact that the Russian-speaking segment of the population, which includes both Russians and Ukrainians, has split over the war in Ukraine and does not form “one and the same social and political stratum” in Kazakhstan. Kazakhstan’s Ukrainians and Russians have no “common values and markers,” although they may have “common fears,” Sarym argues (Matritca.kz, November 28, 2015).

“The main problem” in Kazakhstan today, he continues, is that Kazakhstani society “does not have even one idea commonly recognized by the majority. In essence, today, we have two ideas, which only rarely intersect, one of which [the Soviet Russian] is declining in size while the other [the Kazakh] is unceasingly growing.” The situation is changing rapidly in favor of the latter, Sarym says; the country will eventually be “Kazakh and Kazakh-speaking.” And “it would be good if this Kazakh and Kazakh-speaking society mastered as well not only Russian but also English, Turkish, Chinese and other languages” (Matritca.kz, November 28, 2015).

That increasingly presents special challenges to those who, today, speak only Russian. “It is no secret,” he continues, “that many of our fellow citizens still think Kazakhs are limited and that the possibilities of the Kazakh language and education are limited as well.” But that is simply wrong, although it is, in fact, sustained by the current educational system. “If the current system of ignoring the Kazakh language in the school is retained, then in a short time, Russian and Slavic youth will have a choice: to be uncompetitive in the labor market in Kazakhstan or to be ready to migrate.”

The shifting balance between Russian and Kazakh is already being registered in those businesses that depend on people aged 20 to 45. In that age group, Kazakh speakers predominate, and in younger cohorts, they are even more dominant. Almost 80 percent of those entering school now are ethnic Kazakhs, and they are the future customers and investors. Today, the average age of ethnic Kazakhs in Kazakhstan is 26–27; that of the Slavic residents of the country—46–47. Kazakh may not be the language of all the business community now, but it soon will be.

Another trend that matters, Sarym says, is that Kazakhs, historically a rural population—in 1986, only 3 percent of the residents of Almaty were Kazakh—are moving into the cities. In the past, that meant Sovietization and Russification, but in the future, it will surely become the basis for the formation of an urban Kazakh identity. Kazakhstani cities have not yet become “Kazakh-friendly.” But if they do not become this soon, Sarym argues, there could be “collisions and problems”—not so much for the Kazakhs who, as a result of their numbers, will simply overwhelm the cities, but for the others who will find themselves embattled minorities waiting to leave.

LATVIA, ESTONIA, LITHUANIA: Citizenship and language rights of Russian-speaking minorities

HRWF (29.09.2014) - In the wake of the collapse of the Soviet Union, a wave of nationalism swept over the region such that secessionist republics moved to rid themselves of what was considered to be negative aspects of Soviet rule. Prominent among these reforms was the renunciation of the Russian language as the chief vehicle for communications between the many peoples that comprised the USSR. Indeed, the

Soviet regime had given considerable attention to the goal of establishing Russian as the official state language to be used throughout its territory.

In the early 1990s, many newly independent states set out to assert their national identities by enacting legal frameworks for the suppression of the Russian language and the promotion of its own state language to be used in the public sphere. This was no less the case for the three Baltic states of Latvia, Lithuania and Estonia.

Large numbers of ethnic Russians came to settle in the Baltic region as part of the Soviet programme of *russification*. In the post-independence push to recover the Baltic countries' national identity, the citizenship and language rights of Russian speakers in the region were compromised. Action was needed to close the gap between the dominant group and the Russian-speaking minority and to ensure the advance of democracy in each of the Baltic States.

All three Baltic countries are State Parties to the Framework for the Protection of National Minorities (FCNM), which came into force in 1998. This convention underscores minority protection as a core value of the Council of Europe. However, a number of states have lacked the political will to implement its provisions. The Baltic States could take a leadership role in fulfilling their international obligations by ensuring that the FCNM is taken seriously as a framework for strengthening tolerance, pluralism and respect for diversity within their borders.

By way of contrast, none of the three Baltic States have ratified the European Charter on Regional or Minority Languages (ECRML). This treaty, adopted in 1992, aims to protect and promote traditional regional and minority languages in Europe. It was not to be considered a threat to official languages. The presence of other linguistic groups is viewed as a cultural asset and not a detriment to the societies which host them. Even still, the Baltic States have found the ECRML to be too prescriptive in its detail and have been unwilling to ratify it.

Suppression of Russian Language

In **Latvia**, where 37% of the population¹ speak Russian as their native language, all government affairs must be conducted in Latvian. A constitutional referendum to adopt Russian as a second official language was defeated in 2012. This was hardly surprising: a sizable portion of the country's Russian speaking community cannot become citizens and were thus not permitted to vote in the referendum.

Latvia has systematically suppressed the use of Russian at numerous levels. Latvian is the only language that is authorised for use in the public sector. A fine is imposed on those who do not use the state language in conducting administrative or state affairs.² This has proven to be a hardship for the large Russian-speaking population in the country who need to conduct normal administrative tasks in a language that is not their own.

Recent legislation also aims to eradicate any 'foreign language' as a medium for instruction in the educational system. The government plans to discontinue all Russian-language instruction in schools by 2018.

Surnames in Latvia are changed on official documents to make them sound more Latvian. Employment opportunities are severely limited for Russian speakers. And the Latvian State Language Centre³ was established in 1992 to oversee the implementation of state policy on language and to impose fines on those who violate it. Thousands of

¹ 2000 Population Census

² Latvian Administrative Violations Code

³ Official website (in Latvian only)

<http://www.vvc.gov.lv/advantagecms/LV/aktualitates/index.html>

ordinary citizens and residents have been called up on charges of breaching the linguistic barrier in Latvia.

Estonia has likewise strengthened its language policy, imposing harsh fines and restrictions for those who are unable or refuse to conduct normal business in Estonian. UN and EU reports have highlighted the severe limitations on the use of minority languages in Estonia, including education and the public sector. The Russian language is especially targeted, referred to by the Estonian president as the language of the 'invaders.' During the final stage of EU accession talks, Estonia raised objections to the term 'integration' in reference to its Russian minorities.

Even still, 29,6 % of the Estonian population⁴ are composed of Russian minorities.

Legal experts have raised concerns for both Latvia and Estonia that despite constitutional and legal prohibitions against discrimination on the basis of race or nationality, these are not sufficient to comply with the EU Racial Equality Directive.

Among the Baltic States, **Lithuania** has distinguished itself as the country making the most progress toward respecting the linguistic rights of its population. This is arguably less challenging for a country where only 8 % of its population is Russian-speaking.⁵ A thoroughgoing reform of the educational system has resulted in a sufficient number of Russian schools of high quality; however, there are plans to sharply decrease the number of such schools by 2018. An increasing number of students from Russian-speaking families have opted for Lithuanian-based education, prompting a re-evaluation of the country's policy.

Deprivation of Citizen Rights to Russian Speakers

Most disconcerting are the persistent restrictions on citizen rights for Russian-speaking minorities in both Latvia and Estonia. To acquire Estonian nationality, candidates must demonstrate a high proficiency in the state language. The state provides free language courses; however, the situation is complex, especially for older Russians, and has left many Russian speakers in the country essentially stateless.

Similar conditions exist in Latvia, where employment is very limited for ethnic Russians with no official status and little command of the Latvian language. The political rights of Russians living in Latvia have been seriously limited since independence, as they are considered to be 'foreigners' and thereby excluded from the country's political life. They are not able to vote at national or even local levels. Access to Latvian citizenship is simply out of reach for many Russian speakers.

In Lithuania, most ethnic Russians have been granted the right to citizenship.

Russian minorities who are non-citizens in Estonia and Latvia are able to travel within the Schengen zone and the Russian Federation without a visa. Nonetheless, their statelessness remains a persistent problem and merits the attention of the international community.

LATVIA: Minority rights in Latvia 2013-2014

Submission for OSCE Human Dimension Implementation Meeting (29.09.2014) - The biggest source of concern for native speakers of minority languages (mostly Russian

⁴ 2014 government statistics <http://pub.stat.ee/>

⁵ 2011 Population Census

language – the family language of more than one third of the population, according to the 2011 census) is the initiative to switch to Latvian – only education in public schools (except subjects related to minority culture)

This aim was announced in the coalition agreement of the current government in January, 2014, with a plan to realize it by 2018. The intent obviously contradicts both Article 14 of the Framework Convention for the Protection of National Minorities and Paragraphs 11 to 18 of OSCE Hague Recommendation Regarding the Education Rights of National Minorities.

On 12 August 2014, Cabinet regulations No. 468 2 on the standards of basic education (grades 1 -9) were adopted. Their Annex No. 2 5 suggests several models of native/Latvian bilingualism for minority schools, all harshly restricting teaching in minority languages, and orders those schools which create their own model (an option which, on its own, should be welcomed) to teach at least 60 % of the curriculum in Latvian in grades 7 to 9. Notably, the long- term trend shows tragic reduction of the network of schools and “streams” (the latter – in “dual stream” schools with distinct Latvian – only and bilingual/minority classes) using Russian language as one of languages of instruction. In 1998/1999, there were 340 such schools and “streams”. By 2013/2014 (the most recent data available in the statistics section of the website of the Ministry of Education and Science), there were only 166 left.

Besides, the tertiary education system does not provide schools with teachers specifically taught to teach in minority schools, using minority languages as language of instruction (except teachers of languages themselves).

An additional obstacle is the fact that the government establishes mandatory Latvian language requirements for all teachers, irrespective of the language of instruction. Starting with 2008/2009 academic year in 10th grade and by 2010/2011 academic year in 12th grade of minority schools, tuition in the subjects of Latvian language and literature should follow the curriculum of Latvian – language schools. The first unified exam of Latvian language and literature (also applicable to private minority schools) was in 2012, and since that time, publishing exam results for Latvian – language schools and minority schools as separate groups was discontinued.

However, the results of every particular school are still published. After generalization, the results of 2013 exam are as follows:

It has to be noted that the results of the exams have an impact on the possibility to receive tertiary education in publicly – funded universities and colleges. The lack of distinction between pupils learning in Latvian only and bilingually, in the present situation, may amount to discrimination.

The role of Ombudsman’s Office in minority education issues

Sadly, the Ombudsman Mr. Juris Jansons also expresses the wish to switch minority education to majority language as the only means of instruction outside culture- related subjects, if at a later stage (since grade 6 or 7). To this end, the Ombudsman uses a mistranslation of the Paragraph 13 of Hague recommendations (on secondary schools).

He claims it to be “the number of subjects taught in the State language, should be increased significantly. Research findings suggest that the more pronounced the increase [of teaching in the State language], the better for the child”, while it reads “the number of subjects taught in the State language, should gradually be increased. Research findings suggest that the more gradual the increase, the better for the child”. Emphasis added. The Ombudsman is not referring to other paragraphs of the recommendations,

which show the desirability of education in minority languages in basic schools, like Para. 12.

Besides, the Ombudsman mistakenly writes in his letter to international partners that "40% of syllabic disciplines are taught in the respective minority language", while this is in fact the maximum allowed in grades 10 to 12 by Paragraph 9 of the Transitional Provisions of Education Law, not a share guaranteed.

Moreover, the Ombudsman's office, after a study in minority schools in 2013, has informed the State Language Center (under the Ministry of Justice) on several teachers allegedly not using Latvian good enough, and 6 of them were later fined by SLC.

Ombudsman's criticism of the teachers' Latvian skills was met with objections not only by trade union, but also by the Ministry of Education and Science.

However, a study conducted by Ombudsman's Office itself, in 2013, shows that only a quarter of minority school pupils surveyed wish to study in Latvian only.

Political context, hate discourse and access to democratic freedoms and information by minorities

On 16 March 2014, the annual march in Riga honouring the veterans of Waffen SS Latvian Legion has happened; it hasn't met any objections from the municipality (entitled to limit or prohibit illegal events).

The posters used have included Wolfsangel 12 and claims that the legionnaires were "freedom fighters. Almost a half of the population supports honouring the legionnaires, according to a survey made in February 2014.

The one positive fact was that one of government ministers, Mr Einārs Cilinskis, was forced to resign after claiming intention to participate. However, the Prime Minister had expressed "understanding" of his behaviour and other representatives of Mr Cilinskis' party (National Alliance) including MPs took part in the event among some 2000 participants (in a city with fewer than 700,000 residents).

Moreover, the Security Police has accused anti-fascist activists protesting against the march of being "divisive". Riga municipality has forbidden the anti-fascists to use sound enhancing during their counter-picket, and the prohibition was only partially cancelled by court. The bus with German participants of the counter-picket was twice stopped by Latvian police, delaying their arrival to Riga; several anti-fascist activists from Estonia were not allowed to enter Latvia.

It cannot be said that the march of the 16 of March was allowed due to respect for the freedom of assembly, even if misunderstood. The evidence is that pro-equality events regularly meet prohibitions by Riga municipality after advice given by Security Police.

This was the case with a meeting planned by Non-citizens' Congress on April 25 and an annual march planned by NGO "Rodina" on 9 May, both in the same city of Riga.

In May, 2014, the National Alliance has scored second place in the European elections with 14.25 % of votes.

In the campaign time, one of the leaders of its list, Mr. Edvīns Šnore, has attracted international attention with xenophobic statements and was appointed head of a governmental historical commission. In summer, he became the leader of one of National Alliance regional lists for parliamentary elections and came forward with opposing the view "that we need all Russians living here, that they all are friends of Latvia".

His ideas resonate with those of one of the leading sponsors of the National Alliance, Mr. Aivars Slucis, who called to reduce the number of Russian-speaking residents.

In August, 2014, Mr Gaidis Bērziņš (National Alliance) has returned to the post of the minister of justice (in 2012, he was forced to resign after resisting a more wholesome restitution of Jewish property lost during the Holocaust).

He appointed Mr. Jānis Iesalnieks to be the parliamentary secretary of the ministry (liaison officer for relations with the Parliament). Mr Iesalnieks is most (in-)famous with his 2011 statements blaming multiculturalism for the victims of Mr Breivik in Norway.

Concerning the access to information in minority languages: from time to time private electronic media are fined for insufficient share of time aired in Latvian language. In September, 2012, the Parliament adopted in second reading amendments to the Electronic Mass Media Law, intended to reduce the allowed share of minority languages content even further.

Most recently, this September the State Language Centre has prohibited Rezekne city Municipality from distributing a municipal newspaper in Russian language (it was published in Russian alongside Latvian, of course - not that the interests of Latvian-speakers weren't respected by the municipality). Notably, most residents of Rezekne speak Russian at home - see the results of the 2011 census.

Implementation of international obligation as defined in case-law

Another issue is the reluctance to implement decisions of international human rights bodies relevant to minority rights. Notably, the 2009 judgment delivered by the European Court of Human Rights in case Andrejeva v. Latvia, concerning discrimination of "non-citizens" (more than 270,000 former USSR citizens and their descendants lacking citizenship of any country. This group of people have permanent residence rights in Latvia and in almost a half of cases were born in Latvia) in calculating pensions in respect of time they worked in most of the republics of the former USSR, is only implemented in respect of a minority of those republics. It is, however, claimed by the government to be fully implemented, since an ex nunc remedy for those who worked in Russia, like Ms. Andrejev, is provided. More than 99 % of "non-citizens" belong to ethnic minorities.

In a UN Human Rights Committee case on forced Latvianization of minority names and surnames in documents (Raihan v. Latvia, decided in 2010), the reluctance is even stronger. Not only is the relevant legislation not changed (despite a clear HRC request to do so), even Mr Raihan himself is still forced to sue authorities in administrative courts to get the spelling of his name and surname corrected.

Some positive development was the judgment in favour of Mr. Raihan issued by the Administrative District Court on 6 March 2014 and requesting State Language Centre to issue a certificate necessary for correcting the name record in Mr Raihan's passport. However, the judgment was appealed against by the executive.

Recommendations:

For Latvia:

To reconsider the language policy based on wider use of minority languages as a medium of instruction in public education and as a means of communication with local authorities;

To sustain the network of public minority schools;

To swiftly implement the judgments of the European Court of Human Rights and views of the UN Human Rights Committee, as well as to allow bringing individual communications under the International Convention on the Elimination of All Forms of Racial Discrimination;

To withdraw the restrictive declarations to Articles 10 and 11, made while ratifying the Framework Convention for the Protection of National Minorities;

To send a clear signal from the top officials that honouring of Nazi collaborators by politicians is unacceptable, even if some of the collaborators weren't volunteers;

To affirm the leading role of individual choice in the writing of personal names in documents, as long as Latvian alphabet is used.

For OSCE:

To reaffirm its commitment to the use of minority languages in education, as expressed in the Hague Recommendations Regarding the Education Rights of National Minorities of 1996;

To invite all participating states to swiftly implement the decisions of international human rights courts and quasi-judicial bodies in individual cases, as well as to join the communications procedures of human rights treaty bodies, if they have not already done so;

To send a clear signal that honouring of Nazi collaborators by politicians is unacceptable, even if some of the collaborators weren't volunteers.

ESTONIA: National minorities in Estonia: risk of poverty and social marginalization

HUMAN DIMENSION IMPLEMENTATION MEETING (29.10.2014) -

Dear Chair, Excellences, Dear participants,

I am a representative of the Legal Information Centre for Human Rights, an Estonian NGO founded in 1994.

Our representatives participated in these events more than once.

In Estonia, national and ethnic minorities make up about 30% of all population and almost all of them are ethnic Russians or other Russian-speakers. Regrettably, in our country minorities face major risks of poverty and social marginalisation as compared to majority members.

According to Statistics Estonia, there are noticeable differences in the annual incomes of ethnic Estonians and non-Estonians. For instance, in 2012, the difference in average annual income among ethnic Estonians and minorities was about 20%.

In Estonia, there are more minorities among the poor as compared with ethnic Estonians. In 2012 at-risk-of-poverty rate of ethnic minorities was noticeably higher (30%) than that for ethnic majority (23%). The absolute poverty threshold of ethnic non-Estonians was 16% as compared with 13% of ethnic Estonians. (These figures concern rates before social transfers excluding pensions).

Statistical Office of Estonia also measures a material deprivation rate. It does it mind the calculation of the share of persons, who cannot afford at least three items of the nine.

The items of the list are:

1) to pay rent or utility bills, 2) keep home adequately warm, 3) face unexpected expenses, 4) eat meat, fish or a protein equivalent every second day, 5) a weeklong holiday away from home, 6) a car, 7) a washing machine, 8) a colour TV or 9) a telephone.

In 2013, this rate was 16% for ethnic Estonians and 29% for ethnic minorities.

Minorities seem to be overrepresented among homeless people. The study of homeless people in the capital city of Tallinn conducted in September - December 2011 involved 926 interviewees and 4/6 of them were Russian - speakers (the same year minorities made up less than half of all capital inhabitants).

Representatives of minority groups are in majority in the Estonian prison population.

According to the 2013 report of the Ministry of Justice, in the past ten years minorities made up slightly less than 60% of all prisoners. In the Crime and Security Survey, conducted by Statistics Estonia at the end of 2008, 25% of ethnic Estonians and 29% of minorities were victims of crimes (except consumer fraud) within the last 12 months.

Russian-speakers are more likely to be trafficked. Many of them reside in the economically depressed

North-Eastern part of the country. The 2006 study conducted by the Estonian Open Society Institute showed that Russian - speaking women suffered two times bigger pressure from recruiters than Estonian women. Furthermore, according to various experts 70-85% of Estonian prostitutes are of Russian or other minority origin. Minorities are also much more vulnerable in terms of spread of drug abuse and HIV/AIDS.

In recent years, the unemployment rate among minorities has been almost two times higher than among ethnic Estonians. Poor proficiency in the Estonian language is an important explanation of this phenomenon. However, discrimination (including structural discrimination) may be another major factor behind the inequality in the labour market.

The researchers of the Institute of International and Social Studies of the Tallinn University have made important analysis, based on the results of the Estonian Labour Force Studies for 2000-2010. The researchers concluded that it is much less likely for minorities to work in the upper levels of the professions when compared to majority members, even with the same human capital.

In corroboration, it should note that according to the 2011 national census minorities (aged 10 and older) there were more representatives of with tertiary education (34%) than ethnic Estonians (28%).

Dear Chair, Dear participants,

A considerable trend of social marginalisation of Russians and other Russian-speaking minorities who actually belong to well- educated social strata deserves special attention and appropriate action on the national level.

Thank you for your attention.

RUSSIA: Non-Russians in the Russian Federation fighting a two-front language war

Jamestown Foundation Blog (23.01.2014) - The non-Russian nations within the Russian Federation are increasingly fighting a two-front war in their struggle to preserve their languages and national identities. On the one hand, they are seeking to ensure that members of their own nationalities continue to speak their native languages despite all the pressures from the Russian government and the increasingly pervasive Russian-language media environment. And on the other, they are pushing for the governments of their republics to require that all residents study the language of the titular nationality and not be able to opt out if they are ethnic Russians or non-Russians who view Russian as a path to preferment.

These struggles are nothing new, but they have intensified in recent months, with the non-Russians in some of the republics winning victories and those in others suffering clear if not yet irreversible defeats. Two republics on the front lines of these struggles are now Buryatia, a Buddhist republic adjoining Mongolia with whose people its nation is closely related, and Udmurtia, a Finno-Ugric republic in the Middle Volga that has developed ties not only with other Finno-Ugric republics in the Russian Federation but also with Estonia and Finland.

In Buryatia, a group of cultural figures have launched on YouTube an appeal to their co-ethnics to speak Buryat as much as possible

They have also launched an online petition to Vyacheslav Nagovitsyn, the president of the Buryat Republic, to do far more to promote the use of the Buryat language there

On YouTube, the Buryat writers and artists say that "our language is who we are" and that any failure to use it or to view it as simply a legacy of the past condemns the Buryats to extinction. Significantly, at least from Moscow's point of view, those making the appeal talk about the Buryats not only in the Buryat Republic but in the two Buryat autonomies that Putin has amalgamated into larger Russian-majority federal subjects. And in the appeal, which is offered in both Russian and "Mongol," given the shared language of the Buryats and the Mongols—the Buryats were called Buryat Mongols until the late 1930s, when Stalin changed their name to stress their distinctiveness and isolate them from Mongol influences—provides a more detailed enumeration of Buryat complaints and demands. It adds that if Buryats are deprived of their language, that will also undermine the Buddhist traditions of the people because Buryat is the language of prayer.

It notes that, at present, street signs in Buryatia are typically only in Russian, as are government documents and declarations. "This year," the authors of the appeal say, Buryats even "were prohibited from writing commentaries and articles in their native language on the Internet," even though "many national republics in Russia" permit that. The time to act is now, the appeal continues, because Moscow media often refer to the Buryats as "the most russified nation in Russia." Given that Buryat is a government language in the republic it says, that situation must be changed, and a necessary first step is to make the study of Buryat compulsory and the use of Buryat equal to that of Russian in all public spheres.

That is what the Buryat residents of the republic want, the appeal says, noting that at present some 15 to 20 young people compete for each space in the few Buryat-language schools and that demand for Buryat-language publications far outstrips demand. At least

ten additional Buryat-language schools need to be opened, local television must increase Buryat-language programs, and the republic government should follow Tatarstan's lead and give bonus pay to officials who know Buryat. Tatarstan currently pays officials who know Tatar 16 percent extra. In Buryatia, the appeal suggests, the figure could be 10 percent.

But perhaps the most intriguing demand the appeal makes is to ask for the introduction of lessons in schools in the Old Mongolian script, something that would open the common Mongolian past to Buryats today, and for the establishment of free courses in Buryat for all in the republic who want to learn it.

These are ambitious demands, and the Buryats are unlikely to have all of them satisfied. One indication of that is in Udmurtia where local nationalists have been pressing for making Udmurt a required subject for all students in the republic

Russian parents have actively opposed that idea, arguing that none of their children need to know Udmurt and that any time spent on Udmurt is wasted given that students must pass university entrance examinations in Russian.

According to reports this past week, the Russian parents have won, and the Udmurt's have lost. In February, Udmurt officials will promulgate a law that says no one has to study Udmurt, an action that is likely to spark new protests there and elsewhere

BELGIUM: ECJ condemns 'restrictive' language law in Flanders

By Martin Banks

The Parliament Magazine (30.04.2013) - The Flemish community in Belgium has been condemned for allegedly infringing EU freedom of movement by only drafting workers' contracts in Dutch.

Under Flemish law on the use of languages, employees must complete their employment contract in Dutch.

Failure to comply with the law can result in a cancellation of the contract, even if the worker comes from abroad.

However, in a new ruling, the European Court of Justice (ECJ) says the Flemish law infringes the freedom of movement of workers within the EU.

The judgment by the ECJ – the EU's highest court – said, "The court notes that only the Dutch text is authentic in the drafting of cross-border employment contracts concluded by employers whose established place of business is in the Dutch-speaking region of Belgium.

"Consequently, such legislation, which is liable to have a dissuasive effect on non-Dutch-speaking employees and employers from other member states, constitutes a restriction on freedom of movement for workers."

The ECJ, which is based in Luxembourg, found that the Flemish community had infringed the rights of a Dutch national named Anton Las who was working for a multinational group whose registered office is in Singapore.

Soon after Las was hired as chief financial officer of PSA Antwerp, his employers terminated his contract, which was drafted in English.

The Flemish government said the language law was justified as part of a strategy to "protect and promote the Dutch language."

But the ruling by the ECJ said, "The court states that such a restriction is justified only if it pursues an objective in the public interest, is appropriate to ensuring the attainment of that objective, and is strictly proportionate."

"Yet parties to a cross-border employment contract do not necessarily have knowledge of Dutch.

"In such a situation, the establishment of free and informed consent between the parties requires those parties to be able to draft their contract in a language other than the official language of that member state."

Meanwhile, UK Conservative MEP Kay Swinburne says that making Welsh an official EU language would waste millions of euros a year.

Instead, she argues, the steps taken over the last 20 years to ensure Welsh survive should be used as a model to protect other minority languages across Europe.

She said that making Welsh an official language "would not advance its cause in the slightest."

Her comments come after Plaid Cymru MEP Jill Evans last week declared that Welsh should become an official language of the EU.

Evans said: "We won semi-official status for the Welsh language in Europe in 2008. That was a welcome step and has done a great deal to raise the profile of Wales and our language and culture.

"But I see it as a step towards achieving real equality, which means full official status."

AZERBAIJAN: Azerbaijan 'may ban Russian names'

BBC (05.03.2013) - The names that can be given to children in Azerbaijan could soon be strictly defined - with Russian sounding names like Maria and Mikhail banned.

The country's Terminology Commission has expressed concern about names which do not sound Azeri.

"Russian names like Maria, Yekaterina, Olya or Alya will not be permitted," said Sayali Sadigova, the deputy head of the commission.

Azerbaijan was part of the Soviet Union until 1991.

Ms Sadigova has said that Russian-sounding names - even if they are not technically of Russian etymology - are of particular concern to the commission as they are still perceived as having come from the former Soviet Union.

Speaking to BBC Azeri, she commented on families who call their child Dmitri: "Not everyone in Azerbaijan wants to marry their daughter off to a boy called Dmitri."

The rules would apply only to ethnically Azeri children - people of other nationalities living in Azerbaijan will still be able to give their offspring names of their choice.

Double or triple names will also be forbidden.

What's in a name?

Ms Sadigova has criticised names like Haji Najafgulu Agha, saying that parents should pick either Najaf or Gulu: "Names should be short, concise and concrete," she says.

The commission has already made proposals to the relevant government bodies about the changes.

"A new list of names is being prepared under the president's decree and, when ready, it is expected to be sent to all registry offices in the country. Because of the president's decree, no further discussion is expected."

Though there is already a law about name-giving in the country which stipulates that names "which can damage the child's interests, which do not comply with the person's gender or are ludicrous" are not allowed, the commission believes that more regulation is needed.

This is not the first time that lawmakers in Azerbaijan have been concerned with naming trends.

Calling surname endings a "national domain" in any country, Ali Hasanov, an adviser to Azerbaijan's president, has previously said they should be changed to -az and -yaz.

"Our internet domain is also .az, and it is also the first syllable of the name of the country, the nation", he explained in an interview with a local news site.

Having been part of the Soviet Union for over 70 years, many surnames in Azerbaijan still carry the Russian -ov, -ova, -yev or -yeva endings - though some have started changing them to -li (from the Azerbaijani for "from") or -zada (from the Persian "born of").

While some Azeris agree with the proposed changes, others in the country say any strict regulations will unfairly limit their freedom to choose names which are already in widespread use or which have special meanings within their families.

OSCE: Language rights under focus at the OSCE/ODIHR in Warsaw

Address by Knut Vollebaek OSCE High Commissioner on National Minorities to the Human Dimension Implementation Meeting OSCE ODIHR

(02.10.2012)

Excellencies,
Ladies and Gentlemen,

It is with great pleasure that I return to Warsaw and the annual Human Dimension Implementation Meeting on the topic of rights of persons belonging to national

minorities. This is an important meeting as all participating States today are multi-ethnic. We know that respect for minority rights and the relations between majority and minorities are of utmost importance for the stability and prosperity of our societies. I am encouraged to see not only representatives of participating States, but also representatives of non-governmental organizations and look forward to your comments and contributions.

The protection of minority rights as part of general human rights plays a key role in my Mandate. The establishment of the Institution was itself an acknowledgment that violations of human rights when not addressed at an early stage become a fertile ground for conflicts. The Institution of the High Commissioner on National Minorities was created at a time when large-scale human rights violations were being committed within the OSCE area. These violations often took the form of ethnic discrimination which led to conflict and wars. The founding mothers and fathers of my Institution saw a need to address inter-ethnic relations and defuse tension at an early stage in order to avoid repetition of the bloody Balkan wars during the early 1990s. This was considered best done through securing the rights of the various minorities, including their right to full participation in the societies and states where they live.

As outlined in the Annotated Agenda for this meeting, I have chosen language and education rights as the topics for the two working sessions today. They are important not only for the preservation of individual identity, but are equally important as tools for the integration of society. Language and education rights of national minorities have remained the focus not only throughout my tenure, but throughout the history of my Institution.

Excellencies,
Ladies and Gentlemen,

Let me start with language rights. Language rights have been enumerated in various international instruments and policy recommendations. These include for example the International Covenant on Civil and Political Rights, the Framework Convention on National Minorities, in the OSCE Copenhagen Document and the 1998 HCNM Oslo Recommendations.

The question of language arises in all aspects of life. Language is a means of communication and may be the defining characteristic of an individual's identity. Ethnic diversity also implies linguistic diversity. The Copenhagen Document of 1990 states that persons belonging to national minorities have the "right to freely use their mother tongue in private as well as in public". In addition to being a right I can assure you that my experience from a number of countries tells me that the right to use one's own language is important to most individuals and groups. Providing this right to members of minorities often is taken as a sign of a Government's respect for all its citizens and its inclusiveness. Complaints about the lack of ability to use one's mother tongue in the public domain are often a source of resentment against a Government or local authorities.

However, since language is our main means of communication, participating States need to adopt a legal framework and secure implementing policies that provide for an adequate balance between protection and promotion of minority languages and providing opportunities for learning the State language.

Language barriers may prevent members of minorities from fully participating in all aspects of their society because they cannot speak the official language. This will mean that employment and education opportunities are limited for them. A poor command of the State language leads to difficulties in accessing higher level education and risks increased unemployment and exclusion. Such an exclusion can certainly be a problem for members of minorities, but it is also a problem for the State if a number of its citizens

are deprived of their fundamental rights and opportunities. That is why the HCNM over the years have promoted multilingualism and facilitated implementation of such programmes.

Language issues may also be a source of inter-ethnic tensions. Majority groups often fear that the focus on minority language protection will result in driving the majority and the minority groups further apart. Minorities on the other hand may fear the loss of their identity and heritage along with their language, through perceived or real assimilation. I have witnessed how issues of language may have a divisive impact on a society, despite the fact that a Government sometimes may try and adhere to minority rights standards. That is why I encourage States to support the maintenance of minority languages, while ensuring real and accessible opportunities to increase knowledge of the State language through formal and informal lifelong education.

There is no magic formula to prevent unintended results. Policies should be based on international law. At the same time they will also be contextual and informed by various socio-political and historical factors. At the end these policies are not only about the words contained within them, it is also about the considerations given to how the policies are implemented.

An inclusive approach to the development of policies leads to a shared ownership and thus sustainability. This means, that majority and minority communities are able and are actively encouraged to participate in the formulation of the policies which impact their language rights.

In more concrete terms, comprehensive policies should promote the strengthening of the State language while also ensuring the protection of minority languages. For example, according to the 1990 OSCE Copenhagen Document, persons belonging to national minorities should have adequate opportunities for instruction of their mother tongue or in their mother tongue. However, it also stresses the need to learn the State languages. To learn State languages, real and practical opportunities have to be provided so that all can acquire this knowledge. This is not a "zero-sum game". My experience shows that the whole society can benefit from a policy where multilingualism is promoted.

I have also learned that a positive approach based on promoting and creating incentives and opportunities to learn is more effective than one based on punitive or exclusionary measures.

Punitive policies lead to resentment and possible alienation, thus negatively influencing the cohesion of society. Therefore, rather than imposing penalties, the accessibility of language learning, both through availability of classes and development of methods for teaching language should be considered.

It is important to emphasize that multilingual policies cannot exist only on paper; they must be implemented. Thus, they have to come with a budget. The financial investment required for the implementation of language rights may be demanding, especially with the economic situation in the world today. Nevertheless, it is important that participating States retain their commitment to language rights as financial investment today will result in benefits tomorrow.

Excellencies,
Ladies and Gentlemen,

This brings me to the topic of discussion for this afternoon: namely education rights. The right to education is a recognized human right. The Council of Europe's Framework Convention for the Protection of National Minorities requires that every person belonging to a national minority has the right to learn his or her minority language. Furthermore,

the right to education in one's mother tongue is recognized in OSCE and Council of Europe documents.

Education is an area in which I have frequently and consistently engaged. The languages of instruction are an excellent way to ensure full proficiency in both minority and majority languages. This approach can be a key element of efforts to strike a balance between supporting maintenance of minority identity, if a person desires this, and the guarantee that all school graduates should have no linguistic obstacles to take full advantage of the opportunities of life, whether in higher education or employment, or in playing his or her role as an active citizen. In my experience, bilingual and multilingual education does exactly that.

The challenge is how to organize the educational system in a manner that encourages respect for cultural diversity and plurality of views, while concurrently developing and maintaining minority groups' languages, cultures and identities. Much like language policies, there is no set formula that I can prescribe. The content of education policies will depend on the particularities of the participating State in question. However, what I can elaborate on is the manner in which these policies are created. Throughout the process of establishing an education policy, national minorities need to be consulted and their inputs, critiques and suggestions taken into consideration and as far as possible accommodated.

When developing an education system, it is important to take into account that an inclusive approach to education is in the interests of everyone in society. Both the State and the national minorities have a stake in all children acquiring knowledge of the official language while maintaining their right to education in their mother tongue. As I already have pointed out, this means that States must also provide genuine and accessible opportunities for the national minorities to learn the State language.

Yet, multilingual education alone does not suffice. Inclusive educational programmes promote respect for diversity and create opportunities for interaction between pupils. The alternative, a divided education system, sacrifices the quality of education. Furthermore, the ability of majority and minority pupils to interact with each other will be limited, if not eliminated. Pupils miss out on the opportunity to learn about their peers and to enrich their own understanding of their society. Perhaps, most importantly, they miss the opportunity to learn how to grow in an environment that is respectful of diversity. An environment where diversity is respected leads to greater individual and collective development. It fosters intellectual growth and leads to greater potential for these children to become active participants in their societies.

As a result, an intercultural approach to education is needed. By the term "intercultural", I mean that the curriculum is inclusive and contains learning about different languages and cultures. Intercultural education is not about offering a specific course within the curriculum; rather it is a comprehensive approach to teaching and to education which relates to all subjects. Education should promote understanding, tolerance and good relations among all nations, racial and religious groups. This type of approach finds its roots in international norms, for instance in the Universal Declaration on Human Rights. Can education or language policies alone ensure peace and security in a State? No. I encourage policies that cover all relevant areas, not because such policies are the solution to all problems, but because they form the foundation upon which a more peaceful society may be built.

Excellencies,
Ladies and Gentlemen,

I am conscious that it is a difficult task to find the right balance between the interests of the State and the needs of the minorities. To find this balance, States must seek to

develop tools to integrate society. Language rights and education rights may be tools for integrating societies, if all members of society exercise both their rights and actively take on their responsibilities.

The State has to recognize that its interests are served in an approach that seeks to protect and promote the rights of national minorities. At the same time, national minorities should also be encouraged to learn the official language and to participate in the work of State institutions. Advancement of a shared society comes with the cooperation of all; with the State, the national minorities and the majorities working together with the understanding that only respect for diversity will allow the integration process to begin to take form.

The process of integration reflects the evolving values of the society. This process is subject to change. However, the goal remains constant: ensuring that all are included and their diversity respected.

There is no quick-fix solution to enhance the rights of national minorities. Nor can I prescribe a solution appropriate for all of the concerns of today caused by, for instance, aggressive nationalism and internal tensions. What is needed is the consolidated effort of all States within the OSCE area to deliver on their commitments and to work together to find solutions. What is equally important is the need to acknowledge that the mere protection of rights, including minority rights, is insufficient to fully integrate societies. The process of integration serves as an additional dimension. Common to both promotion and protection of rights and the process of integration is the requirement for long-term commitment.

I thank you for your attention.

TURKEY: Aramean request for education in mother tongue rejected

Today's Zaman (16.08.2012) - The Education Ministry has recently rejected a request by Turkey's Aramean (Syriac) community to open its own kindergarten and deliver education in their mother tongue on the grounds that the community is not designated a minority in the Constitution.

The request marked a first in the history of the Turkish Republic. In remarks appearing in the Vatan daily on Thursday, Sait Susin, a representative from the Aramean community in Turkey, said the İstanbul-based Syriac Kadim Community foundation was planning to open its kindergarten, which would also offer Syriac language lessons. The community submitted a petition to the İstanbul branch of the Education Ministry on June 6 and they received a response rejecting their request on July 26.

Susin talked about the community's experience to deputy chairman of the ruling Justice and Development Party (AK Party) Hüseyin Çelik during an iftar (fast-breaking dinner) event last week. Çelik disagreed with the education authorities and said the İstanbul head of the Education Ministry must have misunderstood the request.

"Our government will meet this demand. We are open to requests by minorities' foundations," Susin quoted Çelik as saying.

There are roughly 25,000 Arameans in Turkey and 85 percent of their population lives in İstanbul. Susin said the Syriac language dates back to 5,000 years ago and the language was named as such after Arameans were converted to Christianity. The 1923 Treaty of

Lausanne, the main agreement regulating minorities in Turkey, recognized only Jewish, Armenian and Greek Orthodox communities as minorities. These groups were given legal rights to establish foundations and deliver education in their languages.

CYPRUS: Council of Europe publishes report on regional or minority languages in Cyprus

CoE (14.05.2012) - The Council of Europe Committee of Ministers has today made public the third report on the application of the European Charter for Regional or Minority Languages in Cyprus. The report has been drawn up by a committee of independent experts, which monitors the application of the Charter.

On the basis of this report, the Council of Europe calls on Cyprus to adopt a structured policy for the protection and promotion of the Armenian and Cypriot Maronite Arabic languages. Furthermore, it recommends the Cyprus authorities to provide teacher training for Armenian and Cypriot Maronite Arabic.

The Council of Europe also calls on Cyprus to strengthen the teaching in and of Cypriot Maronite Arabic.

FINLAND: Council of Europe publishes report on regional or minority languages in Finland

CoE (14.05.2012) - The Council of Europe Committee of Ministers has today made public the fourth report on the application of the European Charter for Regional or Minority Languages in Finland. The report has been drawn up by a committee of independent experts, which monitors the application of the Charter.

On the basis of this report, the Council of Europe calls on Finland to further strengthen education in Sámi, notably through the development of a structured policy and a long-term financing scheme.

Urgent measures to protect and promote Inari and Skolt Sámi, in particular by means of the provision of language nests on a permanent basis, should also be taken.

The Council of Europe also recommends the Finnish authorities to take further measures to ensure the accessibility of social and health care in Swedish and Sámi.

The Finnish authorities are also called upon to develop and implement innovative strategies for the training of Romani teachers, extend the production of teaching materials in Romani and increase the provision of teaching of Romani.

Furthermore, the Council of Europe recommends to take measures to increase awareness and tolerance vis-à-vis the regional or minority languages of Finland, both in the general curriculum at all stages of education and in the media.

BELGIUM: The political (mis)management of linguistic diversity

HRWF (04.04.2011) – <http://www.hrwf.net> - For more 250 days, Belgium has been living without a duly elected federal government and the end of the gestation is neither in sight nor foreseeable.

The last parliamentary elections in June 2010 revealed a societal and political fracture that was much deeper than expected between the Dutch-speaking community (Flanders) and the French-speaking community (Wallonia). For the first time in Belgium's history, a political party, the NVA, which did not exist ten years ago won a landslide victory in all the Flemish constituencies. In Wallonia, the election was won by the Socialist party. The problem is that the long-term objective of the NVA, a separatist party, is the independence of the Flanders and the other Flemish parties want more autonomy while the French-speaking parties want to limit the devolution of powers to the regional levels.

Moreover, the economic programs of the two winning parties are quite conflicting and last but not least there remain some sensitive linguistic problems in and around Brussels despite the constitutional provisions protecting the citizens' linguistic rights. However, all parties still agree not to go back to the polls but to find a negotiated solution. The talks are going on...

Federalism, an attempt to solve linguistic problems

Since the constitutional reform of 1993, the unitary Belgium has been converted into a federal state with a federal parliament, three regional parliaments (Flanders, Wallonia and Brussels-Capital) and three community parliaments (the communities of Dutch-speakers, French-speakers and German-speakers).[1] This complex double federalism (territorial federalism and community-based federalism) is a unique example in the world. It was meant to put an end to linguistic tensions between the two main communities and to guarantee the linguistic rights of the Belgians whatever their mother tongue.

The country has been divided into four language regions (three monolingual and one bilingual): the Flemish Region (about 6 million inhabitants), the Walloon Region, (about 3.3 million inhabitants), the German-speaking Region (about 70,000 inhabitants living in 9 municipalities of the Walloon Region) and the bilingual Region of Brussels-Capital (about 1 million inhabitants)[2]. The 1962-1963 language laws fixed the boundaries of the linguistic regions.

In Belgium, the territoriality principle *inter alia* requires that within each monolingual region, all communications between the public authorities and the public take place in the language of that region.

In the federal framework, competences in many policy areas were transferred from the national level to the regions and the communities. These are now invested with legislative and executive powers in many areas. The community governments have authority for person-related issues: among other things, education, culture, media and use of languages in administrative matters while regional governments have authority for territory-related issues: environment, protection of nature, housing, water and energy policy, transport and road networks, and so on.

Protection of linguistic minorities

In the various regions of the country, linguistic minorities are protected through several mechanisms. In the region of Wallonia, the German-speakers have their own community

parliament and government in charge of administration, school education, sport, tourism, culture, radio and television, and so on in their linguistic sub-region. In the Flemish Region, the French-speakers of six municipalities contiguous to the Brussels-Capital Region enjoy a number of linguistic facilities because they represent a large share or the majority of the local population. In the Brussels-Capital Region, the Dutch-speakers are a minority (less than 20%) but have a guaranteed political representation in the parliament despite their small number.

The German-speaking minority in the Walloon Region

The German-speaking Community is the smallest of the three Communities. It has a population of some 70,000 inhabitants.

The parliament of the German-speaking Community consists of 25 directly elected members from the German-speaking Region. One of them also sits in the federal senate. They take the oath in the German language.

The parliament issues decrees. These decrees are only valid in the German-speaking Region.

The French-speaking minorities in the Flemish Region: the 6 municipalities with "language facilities"

The 1962-1963 language laws provided for "linguistic facilities" for the inhabitants of 27 communes with linguistically mixed populations and contiguous to a different linguistic region. They included the right to request that, in their dealings with the authorities (regarding i.e. administrative matters, education and relations between employers and employees), the language other than that of the region in which the communes are located can be used. Ever since the adoption of a constitutional amendment in 1988, the linguistic facilities in these 27 communes cannot be changed except by a federal law with a qualified majority.

6 of these 27 communes lying in the Flemish region are contiguous to the bilingual Brussels Region and have a large share, sometimes a majority, of French-speaking inhabitants. While the Walloon Government applies the original laws concerning the use of languages in administrative matters in the municipalities with facilities of the Walloon Region, the Flemish government has adopted decrees and circular letters "interpreting" the federal legislation on the facilities. Hence the tensions and the problems in the 6 municipalities near Brussels.

School education is one of the areas of conflict. In principle, Dutch-language schools accept all pupils both from the 6 municipalities with facilities and from outside. However, the access to the local French-language schools is limited to the local French-speaking residents and denied to children living in the contiguous bilingual Region of Brussels-Capital.

There are also a number of conflicting issues in the cultural sphere. According to a decree of the Flemish Parliament, public libraries can only be subsidized if at least 75% of the books are in Dutch. The result is the establishment of private libraries with more than 25% of the books in French in the municipalities with facilities where the majority of the population is French-speaking. The financing of local French-language magazines by the French Community of Belgium has met with the opposition of the Flemish Government on the grounds that this is a violation of the territoriality principle. Several TV programmes aired from France have also been eliminated by the local cable distributors.

Another source of controversy is the language to be used in communal councils where the mayor and most of the councillors are French-speaking. According to the Flemish

Government, the facilities only apply to the administered and only Dutch may be spoken in the meetings of the council. However, according to the French Community of Belgium citing a decision of the Court of Arbitration of 10 March 1998, the obligation to speak Dutch only concerns the mayor and his deputies, not to individual councillors.

The Dutch-speaking minority in the Brussels-Capital Region

The Parliament of the bilingual Brussels-Capital Region (19 municipalities) consists of 89 directly elected members: 17 Dutch-speaking and 72 French-speaking. The Dutch-speaking minority is protected by a fixed quota of deputies despite the steadily decreasing number of Dutch-speaking voters. The 89 elected members are divided into two language groups. With regard to Community matters (culture, education, tourism, health policy, and so on), they sit separately but they sit together in a joint assembly for the management of institutions that do not exclusively belong to a specific community. The members of the Government also sit separately, according to the language group they form part of.

The Parliament issues ordinances. These govern the regional matters of Brussels. They have almost the same legal force as decrees. However, there is a control on the constitutionality of ordinances.

A domestic remedy: the Permanent Commission for Language Supervision

At the domestic level, a mechanism has been put in place to collect individual complaints against alleged violations of language legislation by the federal state, the communities, the regions, the provinces and all municipalities of Belgium: the Permanent Commission for Language Supervision (PCLS). The Commission, which is an advisory body, has been mandated to investigate any alleged violation of the administrative language legislation by any administrative body of the state. The Commission is divided in a Flemish and a French section, each retaining competence over their respective regions. However, for the Brussels Region and for particularly sensitive areas such as municipalities with linguistic facilities and the protection of minorities, the PCLS convenes in a joint assembly made up of both sections.

Achilles' heel of Belgian federalism

Despite all the political agreements in the last few decades and all the mechanisms put in place to give more autonomy to the linguistic communities and the regions, there remain a number of sensitive linguistic issues. Moreover, the federalization of the state, the national territory and the national community has led to further divisions of other Belgian institutions and an irresistible fragmentation process because of the lack of contacts between people on both sides of the linguistic border and because of the lack of will to learn and practice the "other" language (especially by the French-speakers). The media and school education on both sides have also largely contributed to the emergence of two civil societies and two political and social cultures as it has been clearly reflected in the outcome of the last elections.

The last weakest point of Belgium federalism is however the fact that candidates to the federal parliament and government are elected in their sole region and only by the voters of their linguistic community, not by all the Belgians, which means that they defend the political agenda of their community at the federal level and not the well-being of all the Belgians. Hence the fracture that Belgium now experiences.

nAchilles' heel of Belgium is therefore the absence of a national constituency for the federal elections and it can be expected that the federal state will be replaced tomorrow by a confederal state and the day after tomorrow by two states.

ARMENIA: Moscow enters Armenian language controversy

Eurasia Daily Monitor Volume 7/ Issue 206 / HRWF (01.12.2010) – <http://www.hrwf.net>
- Moscow has expressed its disapproval of a public uproar in Armenia against a government bill allowing the existence of private schools where the main language of instruction is not Armenian. Visiting Yerevan in mid-November, a senior Russian parliamentarian warned there is a sense in Moscow that vocal opposition to the measure voiced by local public figures and opposition politicians is primarily directed against greater use of the Russian language in the ethnically homogenous former Soviet state (Zhamanak, November 12).

By law, Armenian was its sole official language even before the collapse of the Soviet Union. In practice, though, Russian was heavily used in the documentation of state bodies, industrial enterprises and other institutions, especially those dealing with the central government in Moscow and other Soviet republics. It also increasingly penetrated Soviet Armenia's educational system, with the number of Russian-language schools starting to increase in the 1970's.

That came to be seen as a threat to Armenian identity and culture by a section of the pro-establishment intelligentsia and, more importantly, nationalist and anti-Communist intellectuals increasingly challenging the ruling regime. Some of those intellectuals ended up in the republic's first non-communist leadership that came to power in 1990. One of its first major steps was passing a law banning ethnic Armenians from studying in foreign-language schools and courses in state-run universities. That was followed by a gradual but successful transformation of several dozen Russian-language schools into Armenian institutions.

Only a limited number of such schools and foreign-language classes within Armenian-language schools have been allowed to operate since the mid-1990's. Armenia's law on public education stipulates that only those students who have non-Armenian or mixed ethnicity can study there. Also, such schools are allowed to temporarily enroll ethnic Armenian students who have lived abroad with their families. The current Armenian government moved to abolish the ban in April 2010 with corresponding amendments to legislation on education and the state language. Government officials claimed that this would make it possible for renowned international private schools to open branches in Armenia and thus help reverse the post-Soviet decline in educational standards. They also stressed that Armenian will remain the main language of instruction in public schools.

These assurances failed to prevent an angry backlash from many politically active Armenians who believe the government initiative is unconstitutional and dangerous. A vocal pressure group formed by several journalists, civic activists and other young professionals in May has been instrumental in the outcry, staging street protests and making public statements on a regular basis. It quickly won the backing of the country's main opposition groups, key members of the Armenian National Academy of Sciences and even President Serzh Sargsyan's Public Council, an advisory body comprising pro-establishment politicians and prominent public figures.

Vazgen Manukian, the council's chairman who served as prime minister in 1990-1991, denounced the government bill in May as a "step towards the abyss." "During all those centuries when the Armenians had no state ... our intellectuals and public were bound together by two ideas: an independent state and the national school. And for our

enemies, the first target of their attacks was always the national school," Manukian said during a news conference (www.armenialiberty.org, May 18).

The controversy forced the government to significantly water down the draft amendments before pushing them through parliament, in the first reading, on June 23. In particular, they stipulate that only two private foreign-language schools teaching above the elementary level can operate in the country. These schools would have to be located in the resort towns of Dilijan and Jermuk and to teach one-third of their subjects in Armenian. The latter requirement also applies to up to nine foreign-language high schools that could be opened elsewhere in Armenia only in accordance with inter-governmental agreements signed on a case-by-case basis (Hayastani Hanrapetutyun, June 24).

These changes failed to satisfy the critics, who insist that the bill must be withdrawn from the National Assembly altogether. The legal reference to Dilijan came as a further indication that the government initiative was inspired, in large measure, by Ruben Vardanian, a Russian-Armenian businessman. Vardanian began building what he hoped will become a prestigious international school in one of Armenia's most popular resorts even before the publication of the controversial amendments. The school was intended to have some 600 students, most of them diaspora Armenian children.

In a statement in July, Vardanian's Moscow-based charity said it was considering scrapping the school project in view of the fierce opposition from "some of the progressive and active representatives of the Armenian society," adding "It would be inherently wrong to establish the school in a hostile environment" (Hraparak, July 16). However, that did not prevent the Armenian government from continuing to press for the bill's passage in the second and final reading, which is expected in the coming weeks.

Yerevan might now have another, no less important, reason for passing the bill. The issue was discussed by a Russian-Armenian inter-parliamentary commission on bilateral cooperation at a regular session in Yerevan on November 11. Its Russian co-chairman, Nikolay Ryzhkov, told journalists afterwards that the vehement protests against foreign-language schools are causing concern in Russia. "Our newspapers have been arguing that the main target of the non-adoption of the law is the Russian, rather than, say, English language," Ryzhkov said, adding that the existence of a large Armenian community in Russia alone necessitates its prompt passage (Zhamanak, November 12).

Viktor Krivopuskov, a diplomat in the Russian Embassy in Yerevan, likewise called for the bill's passage the next day, pointing to Armenia's close economic and military ties with Russia. "After all, [Russian] is the language of Armenia's security, given its membership in the Collective Security Treaty Organization," Krivopuskov said, according to the Aravot daily on November 13 (www.aravot.am).

LITHUANIA: War of words spells trouble

About the Polish minority

Warsaw Business Journal (2-7.11.2010) / HRWF (10.11.2010) – <http://www.hrwf.net> - Relations between Poland and Lithuania have taken on a decidedly heated tone of late. An October row over whether the Polish minority in Lithuania should be able to use letters from the Polish alphabet to write their names on official documents initially spelled trouble for the countries, while a series of provocative verbal exchanges between officials over a number of other issues did not serve to improve matters.

Commenting on the incendiary rhetoric heard in recent weeks, Foreign Minister Radoslaw Sikorski told Polskie Radio last Wednesday, "I think, in fact, our relations with Lithuania have been this way for many years, but only now have they been precisely described." And Sikorski himself also spelled out some of Poland's gripes, leading Lithuania to lambaste him for accusing it of not addressing problems which concern both nations, such as Lithuania's ethnic Polish minority and state-owned refiner Orlen's Lithuanian asset in Mazeikiai.

Lithuanian Prime Minister Andrius Kubilius responded to Sikorski's words, saying "I am a little surprised at the heating up of the atmosphere, which seems to be done consciously by some Polish politicians, and at the absolutely unfounded accusations about Lithuania." He added that he considered Poland's criticism "offensive."

Rights and wrongs

The Polish minority in Lithuania accounts for around seven percent of the country's population, but Poland claims their rights are poorly observed.

For one thing, ethnic Poles do not have the right to spell their names on official documents using specific characters from the Polish alphabet and disputes over Polish assets confiscated by communist authorities in Lithuania remain unresolved.

Furthermore, Poland complains that street signs in predominantly Polish areas are not bilingual.

The country also fears that a new law could see Polish-language schools in Lithuania closed down.

Caustic words from Lithuania's leading politicians have not helped the situation. (...) Mr Sikorski himself has vowed not to visit Lithuania until members of the over 200,000 strong Polish minority there are granted the right to spell their names using Polish characters. A draft law which would have allowed for this recently failed to make it into Lithuania's statute books.

BELGIUM: The trouble with Belgium

Wall Street Journal (26.04.2010) / HRWF (30.04.2010) - www.hrwf.net - The country that gave surrealism to the art world is now turning political surrealism into an art form. Last week, Belgium's Prime Minister Yves Leterme tendered his resignation for the fifth time since his Flemish Christian-Democratic party romped to victory in the federal elections of June 2007. At the behest of a weary King, the leader of the francophone conservatives, Didier Reynders, engaged in a last-ditch mediation effort. It proved as utterly pointless as the previous three years of constant internal crisis. The government has fallen and early elections loom.

Belgium's problems have deep and intricate roots. Situated on the murky borderline between the Latin and German cultures in Europe, Belgium was formed almost by accident in the 19th century as a then-strategic buffer state between France and Great Britain. Artificial in its origin, Belgium's profound cultural differences-symbolized by different languages and an international capital whose identity is to have no identity-have been compounded by its own history. The newly born Kingdom of Belgium committed the original sin of imposing French as the official language on its Flemish majority. This historic discrimination constitutes the bedrock of the Flemish autonomy movement that first fought for equal rights and since 1970 has fueled the gradual evolution from a unitary kingdom to a federal country, with ever more regional autonomy.

Along its decades-long tortuous but peaceful path of devolution, Belgium has acquired a linguistic border, formally separating the Dutch-speaking north (Flanders) from the French-speaking south (Wallonia). Brussels is an officially bilingual enclave in Flanders, surrounded by a string of Flemish communities with special rights for French-speaking inhabitants. In reality, however, Brussels is cosmopolitan, with French as the dominant language and Dutch marginalized, while its surrounding Flemish communities have become increasingly francophone through internal Belgian migration. The reverse never happens. In an apparent testament of cultural inferiority, Flemings who move south learn or speak French, to become francophone after a couple of generations.

The problem that has gridlocked the Belgian political scene for the last three years is part of this unholy quagmire. Known in Belgium as "BHV," the acronym for Brussels and the two Flemish cities Halle and Vilvoorde, it represents the only election constituency that ignores Belgium's linguistic border. French-speaking inhabitants of both Flemish cities can vote for Walloon political parties that can normally only present themselves in Wallonia or in Brussels.

The Flemish want to split up "BHV," period. In their eyes, it is a constitutional absurdity and a tool for francophone expansionism into Flanders. For the Walloons, it is the guarantor of the civil rights of a linguistic minority in Flanders. The issue is therefore as fundamental as it is personal. It is not just about two different cultural communities having difficulties living together; it is about a profound difference in understanding of what it means to respect the other culture. For the Flemish, people living in Flanders should respect the fact that Dutch is their official language. For the Walloons, the language choices of individuals are sacrosanct, irrespective of their place of residence.

What makes this cultural divide a political chasm is the fact that Belgium has no federal political parties: All political parties are exclusively regional, as are all the media. All the Flemish and Walloon parties can freely grandstand on language issues before their own regional constituencies. But since they are condemned to governing together at the federal level, such grandstanding comes back to haunt them in any federal majority.

The recent tendency of traditional parties to form alliances with more radical linguistic parties has aggravated this situation. Mr. Leterme's Flemish Christian-Democrats achieved electoral victory in 2007 through cooperation with Flemish nationalists. This particular marriage of convenience did not survive the ongoing institutional crisis. Mr. Reynders' conservatives are bedfellows with a militant francophone party. It was hoped that their alliance could be the weakest link that may yet give way and finally offer the possibility of a compromise among just the mainstream parties.

Hope springs eternal, but failed to break this particular deadlock. Belgium's federal government is now a caretaker government. With yet another coalition effort seemingly out of the question, the country is en route for early elections in June. BHV, in the meantime, is not going anywhere. A 2003 ruling by Belgium's constitutional court forces the country to reconsider this atypical constituency. Flemish political parties may now try to force a vote in parliament, only for Walloon parties to resort to delaying tactics. The end result could well be an election radicalized by the language issue and open to constitutional challenge.

Even solving delicate "BHV" would only be a temporary reprieve. Belgium's internal divisions are not only cultural and historical, institutional and political; they are also economic and financial. Flanders is more a mixture of social conservatism and free market thinking, while Wallonia is rather a mixture of social liberalism and old-school socialism.

The economic development of both regions is dramatically different. Thriving Flanders complains that it is subsidizing bankrupt policies in Wallonia. Wallonia complains that greedy Flanders is abandoning solidarity in her hour of need.

More than anything, the problem with Belgium is one of incredible internal complexity that stifles democratic decision-making. Brussels stands out as a basket case: A medium size city of little over a million souls is "governed" by 19 different smaller cities, one regional government, two regional communities, and one shared community-don't even try to understand all the distinctions. What makes political leadership in this country is not the energy to govern with conviction but the ability to reach compromises for the sake of compromise, essentially maintaining the status quo and serving various interest groups in an ever more complex web of checks and balances.

As a result, Belgium consistently lags behind its European peers in crucial areas of policy reform. The combined weight of the economic crisis and demographic aging will therefore pose a much bigger challenge to the Belgian compromise than the essentially symbolic case of "BHV" suggests. A ballooning deficit, unfunded social security entitlements, and generous funding for the regions, have left the Belgian federal level virtually cash stripped.

Complexity is the price for diversity, but the time when that price becomes simply too high is approaching fast.

Belgium's internal divisions are bound to resurface after the next federal elections. Increasingly, they will deal with the substance of key economic, social, and fiscal policies, not with the symbolism of language and culture. Not only "BHV," but the future of the labor market, of pensions, health care or taxation, will be the bone of north-south contention. The surrealism of Belgium's predicament will become very real.
