



FUEN

Federal Union of European Nationalities

RESOLUTIONS 2021

ASSEMBLY OF DELEGATES IN TRIESTE · TRST · ON 11 SEPTEMBER 2021



FEDERAL UNION OF EUROPEAN NATIONALITIES
FÖDERALISTISCHE UNION EUROPÄISCHER NATIONALITÄTEN
ФЕДЕРАЛИСТСКИЙ СОЮЗ ЕВРОПЕЙСКИХ НАЦИОНАЛЬНЫХ МЕНЬШИНСТВ
UNION FÉDÉRALISTE DES COMMUNAUTÉS ETHNIQUES EUROPÉENNES

RESOLUTIONS 2021

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FUEN MAIN RESOLUTION 2021

on the future of autochthonous national and linguistic minorities in the European Union

The Delegates of the Member Organisations of the Federal Union of European Nationalities (FUEN) adopted the following resolution at their Assembly of Delegates in Trieste, Italy, on 11 September 2021:

In due consideration of:

1. the basic principles and fundamental rights referred to in the FUEN Charter for the autochthonous national minorities in Europe of 2006;
2. the political demands formulated in its FUEN “Programmatic Declaration” adopted in Brixen
3. in 2013;
4. the aims included in its FUEN “Minority Manifesto” adopted in Flensburg in 2014;
5. the legislative proposals of the Minority SafePack European Citizens’ Initiative and the response of the European Commission thereon;
6. the Framework Convention for the Protection of National Minorities (FCNM) of the Council of Europe in 1998;
7. the European Charter for Regional or Minority Languages (ECRML) of the Council of Europe in 1998;
8. the Treaty on the European Union and the Treaty on the Functioning of the European Union;
9. the Conclusions of the European Council of 1993 which established the requirements a country must fulfil in order to be eligible to join the European Union (the Copenhagen criteria);
10. the Conference on the Future of Europe launched by the European Commission, the Council of the European Union and the European Parliament;

the Federal Union of European Nationalities:

Welcomes the Conference on the Future of Europe, a much-needed process of participatory democracy; considers it useful for the institutions of the European Union to provide for an open debate with citizens around their priorities for the EU.

Reiterates its strong disappointment regarding the Commission’s dismissal of the Minority SafePack European Citizens’ Initiative calling for legislative acts for the protection of the EU’s national and linguistic minorities, the founding values of the Union and Europe’s linguistic and cultural heritage; expresses nevertheless its hope that within the Conference due consideration will be given to citizens’ calls for the EU to act on behalf of national and linguistic minorities.

Points out that despite the fact that the European Union is today one of the most important guarantors of the respect of the rule of law and fundamental rights and that the EU Treaties enshrine the protection of minorities

and recognise the importance of cultural and linguistic diversity, a consistent policy for the protection of national and linguistic minorities at EU-level is still lacking.

Considers that that the European Union has to depart from its current practice and recognise its national and linguistic minorities as a value and act for the protection of this value; highlights that even within a narrow interpretation of the EU treaties in force, the EU has the capacity to build a policy framework for the benefit persons belonging to national and linguistic minorities, as it has been confirmed by the Court of Justice of the EU in its ruling on the Minority SafePack ECI” (Case T-391/17).

By using the opportunity provided by the Conference on the Future of Europe, calls on the European Commission to take urgent action on behalf of national and linguistic minority communities, cultures and languages both within the confines of the current treaties and - in case of an upcoming Treaty revision - beyond them.

Calls therefore on the European Commission to:

- fully incorporate the monitoring of the situation of national and linguistic minorities within its rule-of-law mechanism;
- to make use of the Open Method of Coordination to provide recommendations to Member States or to promote the sharing of available best practices in the field of minority protection;
- to draw up, in line with the request of the European Parliament a common framework of EU minimum standards for the protection of rights of persons belonging to minorities, which are strongly embedded in a legal framework guaranteeing democracy, the rule of law and fundamental rights throughout the EU;
- to initiate and engage in a mutually reinforcing cooperation with the Council of Europe in the area of protecting the rights of national and linguistic minorities, building on achievements and experience of the Council of Europe in the area of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages and to include their recommendations in its rule-of-law mechanism;
- to actively encourage all Member Countries, who have not yet signed up to or ratified the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages to do so;
- to take urgent action for the protection of the EU’s endangered minority languages, including through the creation of a European Language Diversity Centre as it has been called for both by the European Parliament and the Minority SafePack European Citizens’ Initiative;
- to issue a strategy for the protection of its citizens belonging to national and linguistic minorities, akin to the LGBTIQ Equality Strategy 2020-2025 and the EU Roma strategic framework;
- to issue a Draft Council Recommendation for the protection of national and linguistic minorities, as it has been requested in the Minority SafePack European Citizens’ Initiative;
- to include the added value of multilingualism and intercultural skills of national minorities in EU development strategies and funding programmes, such as the European Regional Development Fund (ERDF) and the European Social Fund (ESF);
- to sufficiently address the concerns of minorities regarding cross-border access to media content broadcast across national borders including by providing exceptions in existing legislation for localisable linguistic minorities living in clearly defined areas so that they can view and listen to content broadcast across national borders in their mother tongue and to ensure that minority language concerns are included in future regulations.

Calls therefore on the Member States that at possible Treaty Change following the Conference on the Future of Europe to:

- Expressly include in its Treaties the protection of national and linguistic minorities and their cultures and languages as an unambiguous competence and obligation for the EU.
- Expressly include in its Treaties that the respect for the Copenhagen criteria is not limited to accession countries but is a continuous obligation for all Member States.

RESOLUTION 2021-01

Rhodes, Kos and the Dodecanese Turks Culture and Solidarity Association (ROISDER)

The Delegates of the Member Organisations of the Federal Union of European Nationalities (FUEN) adopted the following resolution at their Assembly of Delegates in Trieste, Italy, on 11 September 2021:

Resolution on the situation of the Rhodes, Kos and the Dodecanese Turks

1. Greece refuses to recognize the cultural identity of the Turks living in Rhodes and Kos

On 26 December 2020, the Greek website “Greek City Times” published an excerpt from an article written by **Emmanouil Konsolas**, the Deputy Minister of Tourism of the Parliament of the Dodecanese, who had claimed that there were no Turks in the Dodecanese. The fact that there are Turks living in the Dodecanese has been confirmed not only in the resolutions adopted by the Council of Europe and the Greek Helsinki Monitor (GHM), but also in many international publications.

2. Greece prevents Turkish Muslims from expressing their beliefs or observing their religious practice freely in Rhodes and Kos.

The report of the Greek Ministry of Education and Religious Affairs regarding the attacks on places of worship and regulations on religious communities in Rhodes and Kos in 2019 is far from objectivity and not in compliance with reality. There are certain restrictions imposed on the rights to freedom of religion and worship as well as the right to organize. Today, the Turkish Muslim minority in the islands are not entitled to religious representation.

3. In Rhodes and Kos the Turkish Muslim cultural heritage is not respected and preserved

During a visit to Kos, the then Greek Culture and Sports Minister **Lina Mendoni** made a statement in which she said that the maintenance and repair of damaged mosques should not always be expected from the state. Unable to receive necessary support from the state, Turkish Muslim Foundations are forced to sell their immovable properties at fire sale prices. Hence, cultural genocide has accelerated with the destruction of the bonds between identity and space.

Possible solutions to improve the cultural and religious rights of Rhodes and Kos Turks”, can be summarized as follows:

- Their Turkish identities should be recognized and oppressive laws and practices that prevent them from organizing with their cultural identities should be repealed;
- Turkish children should be granted the right to education in their mother tongue - at least in primary education - on the basis of bilingualism;
- Turkish Muslims should be allowed to observe their religious practice freely;
- Greek governments should show attention to the protection, maintenance and repair of cultural works of art inherited from the Ottoman Turks.

RESOLUTION 2021-02

Turkish Minority of Western Thrace, submitted by the Federation of Western Thrace Turks in Europe (ABTTF), the Friendship, Equality and Peace (FEP) Party and the Western Thrace Minority University Graduates Association (WTMUGA)

The Delegates of the Member Organisations of the Federal Union of European Nationalities (FUEN) adopted the following resolution at their Assembly of Delegates in Trieste, Italy, on 11 September 2021:

Violations by Greece of the Right to Freedom of Association of the Turkish Minority of Western Thrace

The freedom of assembly and association constitute cornerstones of the representative democratic system and they are essential to the development of civil society and thus to the strength of democracy. Persons belonging to national minorities have the right to freely express, preserve and develop their ethnic, linguistic or religious identities and to maintain and develop their culture in all its aspects, free of any attempts at assimilation. To this end, national minorities have the right to establish and maintain organisations or associations within their country and to participate in international non-governmental organisations.

States have a legal obligation to comply with international standards and commitments and, pursuant to Art. 46 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, also with the judgments of the European Court of Human Rights (ECtHR) delivered against them.¹

There are three cases against Greece before the ECtHR concerning the dissolution and refusal to register associations established by the persons belonging to the Turkish community in Western Thrace²:

- 35151/05 Bekir-Ousta and Others, which concerns the Evros Minority Youth Association
- 26698/05 Tourkiki Enosi Xanthis and Others, which concerns the Xanthi Turkish Union
- 34144/05 Emin and Others, which concerns the Cultural Association of Turkish Women in the Prefecture of Rodopi

Following the ECtHR judgments, the applicants requested the cancellation of the decision dissolving them or submitted a new registration of their associations before the national courts. On 30 June 2021, the Court of Cassation rendered its decision³ on the Xanthi Turkish Union and rejected the appeal. The hearing of the appeals lodged by Bekir-Ousta and Others and Emin and Others with the Court of Cassation has been scheduled for 1 October 2021.

1 https://www.echr.coe.int/documents/convention_eng.pdf

2 <https://pace.coe.int/en/files/28996/html>

3 <https://hudoc.exec.coe.int/eng#%7B%22fulltext%22:%5B%22bekir-Ousta%22%2C%22EXECDocumentTypeCollection%22:%5B%22CEC%22%2C%22EXECIdentifier%22:%5B%22004-15567%22%5D%7D>

3 <https://extapps.solon.gov.gr/mojwp/faces/LdoPublicDetails>

Another application for registration by the Cultural Association of Turkish Women in Xanthi was rejected in 2017 by a final judgment of the Court of Cassation on grounds already criticised by the European Court in its 2008 judgments concerning the present case. This association remains unregistered today, therefore applied to the ECtHR on 6 July 2018 and still awaits admissibility.

At its latest meeting on 7-9 June 2021, the Committee of Ministers of the Council of Europe adopted an Interim Resolution CM/ResDH(2021)105⁴ on the Bekir-Ousta and Others group of cases and exhorted the authorities to ensure that the outstanding appeals in three cases are decided by the Court of Cassation promptly and in full and effective compliance of Article 11 of the Convention and the Court's caselaw.

The FUEN and the delegation of the Turkish Minority of Western Thrace in FUEN remain deeply concerned over the non- execution by Greece of the three judgments in the Bekir-Ousta and Others group of cases. Non-execution of the European Court's judgments is due to the deeply rooted problem of denial of the Turkish identity of the Minority in the region combined with the lack of necessary political will at the national level. The issue has been very politicized over the years and has been perceived to be an issue of national sovereignty. These are finally the reasons to open disagreement with the European Court's judgment at the judiciary in Greece.

The FUEN Assembly of Delegates calls on Greece to:

- execute the judgments of the European Court in the cases, Bekir-Ousta and Others v. Greece, Tourkiki Enosi Xanthis and Others v. Greece and Emin and Others v. Greece.
- allow the registration of associations under the names of the choice of their founding members whether they contain the name of the Turkish ethnic group or the word "minority".
- immediately ratify the Council of Europe's Framework Convention for the Protection of National Minorities.

The FUEN Assembly of Delegates asks the Council of Europe and the EU to:

- send a strong political message to Greece regarding the right to freedom of association of this national and historical minority group in Europe, the restriction of which presents a serious concern with an open threat to democracy, European values and the rule of law in Greece.

4 https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680a2c28e

RESOLUTION 2021-03

Society of Carpatho-Rusyns in Ukraine

The Delegates of the Member Organisations of the Federal Union of European Nationalities (FUEN) adopted the following resolution at their Assembly of Delegates in Trieste, Italy, on 11 September 2021:

Resolution on recognition of the Carpatho-Rusyns/Ruthenians as an autochthonous national minority in the Ukraine.

Despite the Constitution of Ukraine and the Ukrainian Law on National Minorities, the Carpatho-Rusyns/Ruthenians have still not been recognized as an autochthonous national minority in Ukraine, even after 30 years of Ukrainian independence.

However, several states, in which the Carpatho-Rusyns/Ruthenians live, recognize them as an individual nationality and grant them the same rights as other minority groups. Appeals by Ruthenian and European organisations as well as the UN Committee on Decolonisation and the Elimination of Racial Discrimination to the Ukrainian authorities in this regard have so far remained unanswered.

Furthermore, the Carpatho-Rusyns/Ruthenians are not recognised as an indigenous people in the Ukraine, hence they are not mentioned in Ukraine's Law on Indigenous Peoples. The Carpatho-Rusyns/Ruthenians have lived as an indigenous people on their territory, the present Transcarpathian region of Ukraine, for more than 1,500 years¹. The nationality of the Carpatho-Rusyns/Ruthenians was effectively suppressed by the Stalinist regime in what is now the Transcarpathian region of Ukraine, then Podkarpacki Rus, which was part of Czechoslovakia, after the annexation of the area during the Second World War in 1944.

Moreover, the rights of the Carpatho-Rusyns/Ruthenians are infringed. Due to the non-recognition as an individual nationality and national minority in Ukraine, the community is hindered from studying in their native language, fully engaging with their original culture, learning about the history of their region from their perspective and receiving official funding for their community. Furthermore, there is no representation of Carpatho-Rusyns/Ruthenians in the Supreme Council of Ukraine.

Based on this situation, FUEN calls on the Ukraine:

1. to recognise the Carpatho-Rusyns/Ruthenians as an individual nationality and as an autochthonous national minority and to grant them all rights in accordance with the international treaties ratified by Ukraine;
2. to include in the next census the possibility to identify as "Carpatho-Rusyns/Ruthenians" in the official questionnaires;
3. to add the Carpatho-Rusyn/Ruthenian to the list of indigenous peoples of Ukraine's Law on Indigenous Peoples.

¹ Paul R. Magocsi: Encyclopedia of Rusyn history and culture. University of Toronto Press 2002, S. 185 ff.

URGENT RESOLUTION 2021-04

NGO “Russian School of Estonia”

The Delegates of the Member Organisations of the Federal Union of European Nationalities (FUEN) adopted the following resolution at their Assembly of Delegates in Trieste, Italy, on 11 September 2021:

Resolution against the closure of Russian Schools in Estonia and the imprisonment of human rights activist Sergei Seredenko

The Federal Union of European Nationalities (FUEN) is worried about systematic and accelerating policy of closing of Russian schools in Estonia. This is especially evident in the regions. The Russian Keila primary school has been already closed. The only Russian schools in Mustvee and Kiviõli are also being closed.

As a result of the administrative reform that took place in 2017-2018 aimed at enlarging the administrative districts, the districts of the descendants of the Old Believers were liquidated by merging them with Estonian districts. The new enlarged districts became predominantly Estonian, and the descendants of the Russian Old Believers lost their self-government. This is a violation of the Framework Convention for the Protection of National Minorities (Article 16). As the result these enlarged districts are now closing the Russian schools located on their territory. Despite protests local authorities are refusing to recognize the problem.

The closure of Russian schools is made under the pretext of “optimization” and “providing equal opportunities”. The government, represented by the Ministry of Education, is not even shy about its assimilation plans. The Ministry of Education and Science has developed a Program for the Development of the Estonian Language for 2021-2035, which provides for the complete elimination of education in the Russian language, starting with kindergartens.

On March 3, 2021, Russian human rights activist Sergei Seredenko was arrested. He is charged with “anti-state activity” and a criminal case has been opened against him. Detention in prison was chosen as a preventive measure. It can be assumed that the opposition publicist has become a victim of persecution for his political views and activity as human rights activist. For more than ten years, the human rights lawyer performed the public duties of the “Russian Ombudsman of Estonia”, defending representatives of national minorities in the courts. As one of the co-authors of a study entitled “Prosecution of human rights defenders in the Baltic states,” Sergei Seredenko himself became a victim of this practice.

Based on the above situation

FUEN calls on the Government of Estonia:

- to end the policy of closing Russian schools in Estonia and revise the Program for the development of the Estonian language for 2021-2035, taking into account the interest of the Russian national minority to preserve Russian schools and kindergartens.
- to respect all articles of the Framework Convention for the Protection of National Minorities
- to consider objectively the case of human rights activist Sergei Seredenko. The prosecution of human rights defenders and activists of the Russian national minority is unacceptable.

FUEN calls on the European Institutions:

- to pay attention to the policy of Estonia in relation to the Russian national minority, which contradicts the Framework Convention for the Protection of National Minorities (Art. 5, 14, 16 and others) and the Hague Recommendations of the OSCE.
- to draw attention to the case of Sergei Seredenko as an example of the unjustified prosecution of human rights defenders in Estonia.

URGENT RESOLUTION 2021-05

Central Council of German Sinti and Roma

The Delegates of the Member Organisations of the Federal Union of European Nationalities (FUEN) adopted the following resolution at their Assembly of Delegates in Trieste, Italy, on 11 September 2021:

The FUEN Assembly of Delegates condemns police violence against Roma

In June 2021, Stanislav Tomáš, a Rom, died as consequence of excessive use of force during a police intervention in Teplice, Czech Republic, similar to the circumstances under which George Floyd died during a police intervention in the United States. A video shows how up to three police officers knelt on Stanislav Tomáš. One of the police officers knelt for six minutes on the neck and back while Stanislav Tomáš was lying on the ground, even when he couldn't move anymore. During the arrest, Stanislav Tomáš cried out repeatedly and onlookers attempted to warn the police that he couldn't breathe. Stanislav Tomáš died in an ambulance car on the way to a hospital.

According to the police statement, he died of an amphetamine overdose. The court had ordered an autopsy which revealed that there is no connection between the death of Stanislav Tomáš and the police intervention. The authorities, including the Minister of Internal Affairs justified the obvious excessive force of the law enforcement officers. The request for an independent autopsy has been rejected.

The unproportioned use of force against Stanislav Tomáš is only one example of a number of cases of police misconduct and brutality against Sinti and Roma, many of them leading to serious injuries or even the death of the victims. Among them is an incident in which a young Roma was shot dead by the police, after a fight with another person.

Human rights organisations point at that in most of the cases state authorities do not undertake the necessary steps to properly investigate misconduct and brutality of law enforcement officers against Sinti and Roma and to sanction the involved officers. In most of the cases, police officers that has carried out an overproportioned use of force are acquitted possible racist motivation or antigypsyism as the reason for the excessive use of force or of misconduct in general is in most cases not investigated or denied.

In consequence, prevails a strong mistrust of the police among Sinti and Roma which also led to an underreporting of police misconduct and brutality against community members.

Misconduct and police brutality against Sinti and Roma is one of the expressions of antigypsyism which is widely spread in society as is the acceptance of violence in general towards Sinti and Roma.

Further core problems with regard to law enforcement institutions throughout Europe are racial profiling, discriminatory investigation procedures and a racist, antigypsyistic discourse. Furthermore, the existing legal framework has proven to be insufficient to ban police misconduct and brutality against Sinti and Roma.

The FUEN Assembly of Delegates calls upon the Czech government:

- To carry out an independent investigation of the circumstances of the death of Stanislav Tomáš in accordance with the call of the Council of Europe for an urgent, thorough, and independent investigation in line with the European Convention on Human Rights. This should find out whether there was an antigypsyist motivation in the action of the police officers.
- In case the independent investigation proves misconduct of the law enforcement officers involved, to sanction them according to the applicable Czech legislation.

The FUEN Assembly of Delegates calls upon the European countries:

- To step up their efforts in banning police misconduct and brutality and ethnic profiling against Sinti and Roma
- To ensure non-discriminatory treatment by law enforcement
- To record, investigate and if appropriate to sanction acts of misconduct, brutality and racial profiling against Sinti and Roma by law enforcement officers
- To enable independent monitoring of interventions of law enforcement officers against Sinti and Roma
- To ensure appropriate training programmes on antigypsyism and ways to combat it for law enforcement institutions
- To publically condemn the spread of hatred against Sinti and Roma and of antigypsyism in media and political discourses
- To implement needed measures to combat antigypsyism as foreseen in the new EU Roma Strategic Framework for Equality, Inclusion and Participation” and in the EC Council Recommendations on Roma Equality, Inclusion and Participation.



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