

The Protection and Promotion of Linguistic Minorities: The Italian Law of Diversity at the Local Level

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Abstract The protection of linguistic minorities is a traditional topic within the study of the legal environment. In evaluating the protection and promotion of minority languages, the evolution of legal tools and constitutional principles is especially relevant, as is the role played by the international and supranational levels. The paper outlines a general conceptual and legal framework, and as a case study focuses on the legal arrangement of linguistic diversity in Italy. Special attention is paid to Italian Framework Law 482/99, which, as an application of the Constitution, recognizes twelve minority languages and provides for their protection in that country. Subsequently, the paper focuses on the role of local communities in effectively implementing the international and constitutional principles aimed at protecting and promoting linguistic minorities.

Keywords: • linguistic minorities • protection • legal framework • Italy

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1 Conceptual framework and theories

According to Eurobarometer¹ (2012), within the European Union linguistic pluralism is a widespread phenomenon. In the EU there are twenty-three officially recognized languages, more than sixty indigenous regional and minority languages, and many non-indigenous languages spoken by migrant communities. Thus, Europe expresses and is qualified by its own diversity in cultural and linguistic terms. It is useful to systematize and briefly analyse the current legal standard of linguistic protection and promotion at the European and international level.

Linguistic diversity conveys cultural, social and even religious plurality. It can be managed at the national level according to four main approaches of constitutional protection, which are inevitably dynamic and partially overlapping (Toniatti 1995, 206):

1. Repressive nationalist state: “The uniform national identity of the population is ideologically over-inflated (sometimes by the proclamation of a state religion) in terms of its exclusiveness and superiority,” by eventually legitimating policies which officially deny the mere existence of minorities.
2. Agnostic liberal national state: this approach envisages “the coincidence between the nationality (i.e. individuals belonging to the nation) and the citizenship of the population”; accordingly, it is indifferent to the existence and maintenance of cultural and religious identities of minorities, but it provides at the same time substantive rules and judicial instruments for the protection of the fundamental freedoms of individuals. The systems in France and the US, which grant formal equality to all their citizens irrespective of ethnic, religious and linguistic characteristics, are examples of this approach.
3. National state of multinational and promotional inspiration: this is characterized by “the predominance of a national group (the majority) and the presence of one or several minority groups, the recognition, protection and promotion of which are an integral component (...) of the constitutional order and its fundamental values”; this approach tends to provide institutional and legal ad hoc solutions in territorial areas where minorities are historically settled (examples include Italy and Spain).
4. Paritarian multinational state: “[D]espite the numerical difference between the distinct national communities, the constitutional order is framed (...) in order to incorporate and reflect the multinationality of its permanent social pattern on a paritarian basis”; this approach is reflected both in the territorial organization of the institutional system and in substantive legislation (examples include Bosnia-Herzegovina, Belgium, and Switzerland).

As for the legal definition of linguistic minorities, there is no common, shared and universal agreement. According to the European Court of Human Rights, “such a definition would be very difficult to formulate,” and the notion is not defined in any international treaty (Council of Europe 2004, 31). At the international level, the definition provided by Francesco Capotorti is generally accepted as common conceptual ground,

even if it lacks a binding nature: “A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, religion or language” (Capotorti 1977, 96).

It is thus possible to distinguish a set of indicators which can help to legally identify a minority, and which States are generally free to adopt. Minorities can be distinguished according to sets of criteria, such as:

- Objective criteria: e.g. distinguishing features, numbers, non-dominance; citizenship/durable ties with territory;
- Subjective criteria: e.g. awareness, acknowledgement and social relevance, will to preserve their characteristics and separate identity.

It must be highlighted that “[w]hat matters, in legal terms, is the legal recognition of a minority position and its subsequent legal treatment,” and that “[s]uch recognition ultimately depends, among others, on a political choice” (Deerso and Palermo 2013, 190).

In order to accommodate linguistic plurality within a constitutional state, a new theory has been proposed among scholars: the idea of diversity legislation, also called the “*Law of Diversity*”. According to this approach, “[t]he Law of Diversity indicates the complex bunch of legal instruments that can be adopted at all possible levels in order to deal with the requests for accommodation of potentially endless claims for diversity” (Palermo 2007, 70). The Law of Diversity metabolizes the large variety of instruments of protection, different legal sources and interrelated institutional levels as well as the great number of different actors which characterize the law of diversity, by awarding value to:

- Asymmetry regarding its application as well as single legal and institutional instruments;
- Pluralism of legal sources and of subjects involved (not only States but also the same minoritarian communities);
- Negotiation of its content in a quasi-contractual framework (Palermo and Woelk 2005).

Therefore, it is “inevitably subject to constant revision, in terms of (...) proportionality, efficiency and sustainability, and directly linked to the changes of the [*sic*] societal reality” (Palermo and Woelk 2005, 9).

2 International declarations, legislations and treaties

Given the characteristics of the Law of Diversity – multilevel approach, plurality of legal sources – the description of the state of the art in this context will be focused essentially on the international level, where it is possible to detect legal standards capable of orienting States in adopting ad hoc measures for the protection and promotion of minorities.

In the European framework, the role of the Council of Europe² is especially relevant, while the European Union suffers from a lack of specific competence in the field. In very general terms, in the EU the legal instruments on minorities become relevant:

- By formally recognizing the protection of minorities within the binding criteria (the Copenhagen Criteria) which candidate States for EU accession must comply with by reforming their constitutional and legal frameworks;
- By applying the principle of non-discrimination for the purposes of minority protection (see for instance the implementation of the “Race Directive”³ by the European Court of Justice⁴ (OSI 2012);
- By acknowledging cultural diversity as one of the essential values on which the Union is built.

At the global level, the United Nations provides standards which may also be applicable in the context of minority protection. According to the International Covenant on Civil and Political Rights (ICCPR), “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language”.⁵

As is broadly known, this instrument, although legally binding, is not guaranteed by specific judicial remedies such as those that occur in the context of the European Convention on Human Rights, thus its effective fulfillment by Member States is guaranteed⁶ by the UN Human Rights Committee, a body of independent experts that monitors implementation of the Covenant by States through a mechanism based on cycles of monitoring activities and recommendations sent to States. In General Comment no. 23, the Committee⁷ states that “this article establishes and recognizes a right which is conferred on individuals belonging to minority groups and which is distinct from, and additional to, all the other rights which, as individuals in common with everyone else, they are already entitled to enjoy under the Covenant” (OHCHR 1994, Point 1) and that “States parties, therefore, have an obligation to ensure that the exercise of these rights is fully protected and they should indicate in their reports the measures they have adopted to this end” (OHCHR 1994, Point 9).

The UN Declaration on Rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities (1992) is a non-binding instrument. It declares that “States shall

protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity. States shall adopt appropriate legislative and other measures to achieve those ends” (ECRML 1992, Article 1).

At the European level, as anticipated, the Council of Europe framework is the most remarkable in the field. Although the European Convention of Human Rights (ECHR) does not contain any expressly “minority-oriented” provisions, many articles have been activated before the European Court of Human Rights (ECtHR) in relation to individuals belonging to a linguistic or religious minority:

- Article 8: Right to respect for private and family life;
- Article 9: Freedom of thought, conscience and religion;
- Article 10: Freedom of expression;
- Article 11: Freedom of association; and
- Article 3 of Protocol no. 1: Right to free elections.

On these legal grounds, the ECtHR has become one of the driving actors in enhancing the protection of minorities in Europe. In its case-law,⁸ the Court stated that “the existence of minorities and different cultures in a country was a historical fact that a ‘democratic society’ had to tolerate and even protect and support according to the principles of international law” (Council of Europe 1998, 20) and that “democracy does not simply mean that the views of the majority must always prevail: a balance must be achieved which ensures the fair and proper treatment of minorities and avoids any abuse of a dominant position” (European Court of Human Rights 1981).

As assessed by the European Commission for Democracy through Law (Venice Commission 2007), the role of the ECHR is limited to protection against excessive state interference in the classical human rights of individuals belonging to a minority, while it has produced very limited results under the prohibition of discrimination as concerns the obligation of States to implement special measures on behalf of minorities to compensate for their vulnerable and disadvantaged position (Venice Commission 2007).

As to the “minority-specific” legal tools in the Council of Europe framework, two international treaties play a crucial role in setting common standards for States: The European Charter for Regional and Minority Languages (ECRML 1992) and the Framework Convention on National Minorities (FNCM 1995, entered into force on 1 February 1998).

The ECRML is a standard-setting instrument in terms of managing linguistic and cultural diversity more specifically than a traditional minority-rights treaty. It does not provide a catalogue of rights for individuals belonging to a linguistic minority, as the target of guarantees are languages traditionally spoken within the territory of Europe. Leaving to the States Parties a wide margin of appreciation, the Charter in its Preamble proclaims

that “the protection and promotion of regional or minority languages in the different countries and regions of Europe represent an important contribution to the building of a Europe based on the principles of democracy and cultural diversity within the framework of national sovereignty and territorial integrity” (ECRML 1992, Preamble). Interestingly enough, the Charter, differently from the Framework Convention in which a definition of national minority is not provided (see below), defines “regional or minority languages,” which are languages that are traditionally used within the given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and that are different from the official language(s) of the State (Article 1). Thus, the languages of migrants are expressly excluded from the scope of application of guarantees provided by the Charter.

Another distinctive feature of the Charter is its “à la carte” nature: States Parties are free to select, within all activities indicated in the Charter’s text in different contexts of private and public life (Education; Judicial authorities; Administrative authorities and public services; Media; Cultural activities and facilities; Economic and social life; Transfrontier exchanges), a minimum number of measures in order to fulfil the treaty’s obligations (Article 2). This feature inevitably broadens the discretionary power of States in implementing the Charter’s provisions.

The monitoring mechanism of the Charter is performed by a Committee of Experts, which periodically assesses the level of implementation of duties guaranteed by States Parties: this system does not provide for a judicial body legitimated to declare violations of the treaty (see the ECHR system), but guarantees on the one hand flexible accommodation to the concrete circumstances and specific characteristics of languages, although on the other hand faces the risk of excessively “diluting” States’ obligations, considering the vagueness and generality of principles and purposes declared in the Charter’s text.

The Framework Convention on National Minorities (FNCM 1995) provides, differently from the Charter, a developed catalogue of rights for individuals belonging to a minority. Within the Convention it is possible to distinguish three different and complementing levels of protection:

- The freedom to be (not be) part of a minority (“every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice” (Article 3);
- The right not to be discriminated against (“any discrimination based on belonging to a national minority shall be prohibited” (Article 4);
- And a set of linguistic rights, such as the right of every person who belongs to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion (Article 7), the right

to use freely his or her minority language in private and in public (Article 10) and the right to learn his or her minority language (Article 14).

An ad hoc Advisory Committee of experts assists the Council of Europe Committee of Ministers in evaluating the adequacy of the measures taken by States to give effect to the principles set out in the Convention (Article 26). States Parties are obliged to periodically transmit full information about legislative and other measures taken (Article 25), and the Committee of Ministers sends accordingly a set of recommendations to each State Party to overcome eventual omissions or failures in compliance with the treaty's obligations. The latter have political relevance only through constant dialogue between European and national authorities. This soft law is becoming increasingly effective in driving developments that occur in the context of minority protection and promotion at the national level.

Therefore, diversity legislation is characterized by different but interconnected normative systems which combine the global (UN system), regional (European) and national level, wherein the latter can be further complemented by various measures of minority governance at regional and local levels (Regions, Provinces, Municipalities).

3 A comparative case study

The goal of the case study is to clarify the essence and function of the main features of diversity legislation (also called the Law of Diversity) and to understand how it may effectively work within a national legal system. Moreover, an analysis of whether and how international standards can be implemented by States is also provided. The case study focuses on the Italian legal system of protection and promotion for linguistic minorities. Even if this evidently represents a single legal order, the case is relevant due to the characteristics of Italy's form of state, in general terms, and – more specifically – due to the specific aims of minority protection and the structure of its legal mechanisms and tools of implementation.

On the one hand, Italy is classified as a regional State wherein sub-national governmental entities (Regions, Provinces, Municipalities) are entitled to a significant number of functions and powers, both of legislative and administrative nature, which also become relevant in the “minority protection” context. In general terms, Regions share competences with central government in key areas concerning the protection and promotion of linguistic minorities, such as education and culture.

The distribution of competences among different frames of government is essential in diversity legislation, as by exercising normative autonomy Regions where linguistic minority groups are settled can choose to implement specific promotional measures which are specifically targeted to the concrete characteristics (numerical, cultural, linguistic, economic) of the involved minorities which apply exclusively within the

territory of the concrete Region or even within a circumscribed area within the Region. A limited number of Regions are entitled at the constitutional level to a special legal regime (Regions with a Special Autonomous Statute), thus exercising a higher level of legislative function than ones attributed to “ordinary” Regions.

This differentiated status derives and was originally justified mainly by recalling the historical presence in the respective regional territories of relevant linguistic minorities, the protection of which had legitimated their special institutional and legal status (French-speaking minority in Aosta Valley, a German-speaking one in Trentino-Alto Adige/South Tyrol and a Slovenian-speaking one in Friuli Venezia Giulia).

Different linguistic minorities settled in different Regions can thus legitimately receive different legal protection according to the more effective, suitable and adequate design of promotional measures. This can involve the use of minority languages in public administration, in school, and also the implementation of special guarantees for the political representation of linguistic minorities and economic support for their activities. Thus, the regional and decentralized nature of the Italian form of government reveals itself as functional in strengthening the asymmetry and differentiation of measures aimed at protecting and promoting linguistic minorities, which are two of the main features of the Law of Diversity.

On the other hand, Italy represents a paradigmatic example of a national State of multinational and promotional inspiration⁹ wherein the recognition, protection and promotion of minorities are an integral component of the constitutional order. Article 6 of the Italian Constitution states that safeguarding linguistic minorities is a binding constitutional obligation of the Italian Republic. By taking advantage of the regional and decentralized nature of the State, protection is applied through an asymmetrical and differentiated approach which is consistent with the equality principle (Article 3 of the Italian Constitution). According to the area of settlement, “historical” (with a traditional presence in the territory) linguistic groups are subject to different protection and promotional measures, although within a common general framework of principles defined by law.

Only minorities which are explicitly recognized by the State can benefit from protection under Article 6 of the Constitution (Art. 2, Law no. 482). This means that the State must formally recognize a linguistic group as a minority within a given region and accordingly implement specific legislative measures to protect that minority (Art. 2). The Law itself recalls those languages and cultures which are formally recognized by the State – Albanian, Catalan, German, Greek, Slovenian and Croatian populations –, and individuals who speak French, Friulian, Ladin, Provençal-Occitan and Sardinian.

The concrete implementation of promotional measures provided by Law no. 482 is attributed to local authorities, thus each minority is entitled to a different level of

protection, and to differentiated measures aimed at promoting its language and culture. This system, based on asymmetry and differentiation, has led to the categorization of Italian linguistic minorities into three general types.

- The first is “recognized, super-protected” minorities, which includes groups that are settled in regions with special autonomous powers, such as Aosta Valley (French-speaking), Trentino-Alto Adige/South Tyrol (mainly German-speaking, but also Ladins¹⁰ and, in Trentino, also Cimbrians¹¹ and Mocheni¹²), and Friuli Venezia Giulia (Slovene minority). These groups enjoy a high degree of protection, with the highest level accorded to the German-speaking group in South Tyrol.
- The second category is “recognized minorities with possible protection”: these are groups that, while recognized under Law 482/1999, might be but are not necessarily protected. This is linked to legislation stipulating that different levels of protection depend on the implementation of legislative measures at the local level.
- The third category is “non-recognized minorities,” which are not recognized by the state as linguistic minorities; notably Roma and migrants. These last groups are only guaranteed protection against discrimination but do not enjoy special protection under Law no 482.

The Italian system of protection for linguistic minorities is also relevant because the implementation of the principle of territoriality, according to which special protection applies exclusively in fixed geographical areas where a minority group has historically settled (i.e., in specific territories within the same Region, such as occurs with Slovenians in Friuli Venezia Giulia), produces different levels of protection for the same minority groups when the latter settle in different areas of the State.

The analysis of differentiation within the same linguistic minority may become very relevant in understanding how exactly the Law of Diversity works, and whether – and under which conditions – it is consistent with the principle of equality and non-discrimination on the grounds of language or culture.

This arrangement can be demonstrated by the case of the Ladin language. Ladin-speaking people are distributed across three different Provinces (South Tyrol, Trentino, and Belluno), which belong to two different Regions (respectively, Trentino-Alto Adige/South Tyrol, and Veneto). Depending on the location, three different legal regimes thus apply to Ladins:

- They are a “super-protected” minority in South Tyrol;
- An “almost” super-protected minority in Trentino;
- And simply a “recognized minority with possible protection” in Veneto.

This is not merely a formal classification but influences the concrete measures that are implemented.

As an example, if we consider the political representation of the former in the representative local bodies (Provincial or Regional Councils), the following arrangements are in place.

- Ladins are entitled only in South Tyrol to a guaranteed seat on the South Tyrol Council of Province, thus at least one minority representative will be a member of the Council.
- In Trentino the electoral law also provides for promotional measures but does not guarantee a reserved seat in the Council of Province: instead of the establishment of a reserved seat, representation is favoured by reserving one seat within the Council for the territory of those municipalities where Ladins are historically settled (Article 48, Statute).
- Differently, the Regional Statute of Veneto does not provide any special guarantee in terms of political representation for the Ladins which live in the Province of Belluno, which belongs to Veneto.

The same phenomenon occurs in the field of education and the right to learn a minority language in schools.

In Trentino-Alto Adige/South Tyrol, the protection and promotion of minority languages through education is guaranteed at the Autonomous Statute level, thus gaining constitutional relevance. Notwithstanding this, protection in the educational context encounters differentiated implementation according to the specific minority (German speakers, Ladins, Cimbrians and Mocheni) and territory (Province of South Tyrol, Province of Trentino, specific areas of the two Provinces, according to the territoriality principle). With specific regard to Ladins, in the field of education this group also receive differentiated legal status. In South Tyrol, the Ladin language is used in nursery schools and is taught in primary schools only within Ladins' traditional areas of settlement, which historically coincide with the Badia and Gardena Valleys (Article 19 Autonomous Regional Statute). Within the same areas, the teaching of the Ladin language is guaranteed in schools of all levels. Interestingly enough, the teaching of the Ladin language must be provided both in Italian and German according to a principle of equivalence in terms of teaching hours and final outcomes. Moreover, Ladin schools are separated, including in organizational terms, from Italian and German schools, and are autonomously managed by the Ladin linguistic group.

The arrangement is different in term of the Ladins who inhabit the Province of Trento. While in South Tyrol a model of "equal school" ("*paritaria*") is enforced, whereby teaching is equally shared between languages (Italian and German), neither of which is the students' mother tongue (Ladin), in Trentino a different educational system is implemented. This can be classified as being among the majority schools which provide promotional and asymmetrical mechanisms for teaching the minority language. This approach is designed to meet the educational needs of small numbers of students living in the limited areas of a territory, such as is the case of the Ladin minority in Trentino.

The teaching of minority language and culture is guaranteed only in their traditional settlement areas (Article 102, Autonomous Statute). Statutory Law at the Provincial level guarantees the vehicular use of the Ladin language at schools and provides, with specific reference to Ladin schools, special mechanisms of organizational and administrative autonomy (Fassa Valley Ladin School; Law no. 5/2006).

Within Trentino Province, a further level of asymmetry and differentiation in the educational context can be detected due to the differentiation between Ladins, on the one hand, and Cimbrians and Mocheni, on the other. Even if the three linguistic groups receive the same protection at the Regional Autonomous Statute level (Article 102), Provincial Law no. 5/2006, in the light of implementing the general principle of favoring the teaching of minority languages and cultures, provides that within the schools located within municipalities where the latter minorities are settled (Cimbrians and Mocheni) the teaching of minority languages – together with German – shall be guaranteed, according to the concrete availability of competent teachers (Art. 95, Law no. 5/2006). Thus, the effective implementation of the promotional measure is predicated on the availability of human resources capable of teaching the minority language: this condition is not present within the regulation of Ladin schools, thus introducing a further element of differentiation, which can be justified in the light of the small numbers of scholars and teachers.

Analysis of the Provincial system of educational promotion for linguistic minorities in Trentino is also useful for understanding the relationship between the international standards set forth by the international treaties referred to in this paper,¹³ and concrete measures implemented at the national level. If we consider the Framework Convention Article 14 states that “The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language” (FNCM 1995).

However, the concrete implementation of the acknowledged right to learn is conditioned on a set of conditions and requirements which are strictly linked to the specific circumstances and characteristics of each minority in a given territory: the right may be guaranteed “in *areas inhabited* by persons belonging to national minorities” (territoriality principle); “traditionally or *in substantial numbers*” (quantitative criteria); “if there is *sufficient demand*” (subjective criterion); “*as far as possible* and within the framework of their education system” (contextual/organizational criteria); or based on “*adequate opportunities* for being taught the minority language”. If we consider all the conditionality clauses contained in Article 14, the acknowledgement that States Parties have a broad margin of appreciation in effectively implementing international standards is clear (Toniatti 1995).

This is also plainly affirmed in the Explanatory Report to the FCNM, where it is stated that “[i]n recognition of the possible financial, administrative and technical difficulties associated with instruction of or in minority languages, this provision has been worded

very flexibly, leaving Parties a wide measure of discretion”. Thus, “[t]he obligation to endeavour to ensure instruction of or in minority languages is subject to several conditions; in particular, there must be 'sufficient demand' from persons belonging to the relevant national minorities” (FNCM 1995, 21, Article 14, Paragraph 2). The wording “as far as possible” indicates that such instruction is dependent on the available resources of the Party concerned.

Comparative analysis has highlighted a further characteristic of the Law of Diversity: it is not only asymmetrical in its content and plural in its regulatory and political tools, but also negotiated. The institutional and regulatory environment shall provide adequate procedural and substantive tools capable of favouring the active and direct participation of minority groups in law-making, law-enforcement and monitoring. The case study also reveals one of the most challenging deficiencies which can arise in the protection of linguistic minorities, and which the Law of Diversity approach tries to avoid: the lack of effectiveness of policies and regulations due to a number of factors intrinsically linked to the characteristics of the particular national and regional context. The disconnection between intended goals and concrete means and achievements is due to the difficulty of tailoring both institutional and functional assets to the concrete size and resources of minority groups living in the particular area. It is thus crucial to provide for mechanisms to monitor and assess the impact of promotional policies in order to regularly bring them into line with the principles of adequateness and empowerment of communities.

In conclusion, comparison within the Italian legal system of protection for linguistic minorities is able to paradigmatically reveal the pros and cons of a Law of Diversity approach. It also highlights the potential impact that international standards can produce in orienting national policies, although the margin of appreciation acknowledged to States is usually very broad. Finally, it also expresses the different steps that minority protection has historically involved by constructing a climax: guaranteeing the mere physical existence of individuals belonging to linguistic minorities; guaranteeing legal recognition on the part of States; assuring respect of the right not to be discriminated against; and developing ad hoc positive activities that overcome factual and legal gaps.

Once these goals are reached, the Law of Diversity approach aims to achieve two further objectives: the self-empowerment of minorities and increasing the effectiveness of promotional policies.

4 Glossary of terms

Minority (stimulating definitions):

*“Even though I may not have a definition of what constitutes a minority, I would dare to say that I know a minority when I see one”.*¹⁴

“Minorities as such do not exist. Rather, there exist large and small, numerous and otherwise, social groups. In abstract, all groups, each endowed with its own identity, equally represent the natural and cultural diversity of the human species” (Toniatti 1995, 200).

National minority: minority groups within a State, which individuals belonging to national minority are citizens of, having a historical connection with a kin-state.

Linguistic rights: special rights which are acknowledged to individuals belonging to a linguistic minority which aim at guaranteeing and promoting the freedom to know, use and disseminate minority language and culture. These can be comprised of the right to use minority language in private and in public, such as in front of public administration, social and political life and in the media; and the right to learn and to be taught in a minority language at school (see the catalogue of rights provided by the Framework Convention for the Protection of National Minorities).

Framework Convention for the Protection of National Minorities: International treaty within the framework of the Council of Europe which represents one of the most comprehensive treaties designed to protect the rights of persons belonging to national minorities (FNCM 1998).

European Charter for Regional or Minority Languages: International treaty which aims to provide a set of principles and standards for the protection and promotion of languages used by traditional minorities within the Council of Europe (ECRML 1992).

Notes:

¹ Eurobarometer is a series of public opinion surveys conducted regularly in the Member States of the European Union on behalf of the European Commission.

² The Council of Europe is an international organization of 47 states. Its stated aim is to uphold human rights, democracy and the rule of law in Europe.

³ The Race Equality Directive (Directive 2000/43/EC) prohibits discrimination on grounds of race and ethnic origin.

⁴ The European Court of Justice (ECJ), officially just the Court of Justice, is the supreme court of the European Union in matters of European Union law.

⁵ Art. 27; Available at:

<https://www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/standards.aspx> (15 March, 2019).

⁶ UN Human Rights Committee, for further information see:

<https://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx> (15 March, 2019).

⁷ The rights of minorities, Art. 27.

⁸ Case law refers to a set of past rulings by a tribunal, if these rulings can be cited later as precedents.

⁹ See the classification of approaches of constitutional protection, as provided under “Conceptual framework and theories” at the beginning of this paper.

¹⁰ Ladin is a Romance language consisting of a group of dialects, mainly spoken in Northern Italy.

¹¹ Cimbrian language: several local Upper-German language varieties, mainly spoken in north-eastern Italy.

¹² The Mòcheno language is an Upper-German language variety, closely related to Bavarian, mainly spoken in north-eastern Italy.

¹³ See in this paper under the heading “International declarations, legislation and treaties”.

¹⁴ Keynote address of Mr Max van der Stahl, CSCE High Commissioner on National Minorities at the CSCE Human Dimensions Seminar on “Case Studies on National Minority Issues: Positive Results”, Warsaw, 24 May 1993.

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