

Modification Proposal for a Common European Constitution

Transylvania Community College - TCC

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Târgu-Mureş | Marosvásárhely | Neumarkt | Romania

The European Union aims at achieving equal rights between all residents, this including national minorities. The Transylvania Community College 2003 participants, representing a view of the European youth, believe that issues concerning national minorities have not been properly dealt with and we therefore propose several changes in current European Union documents with the goal of seeing these provisions included in the future European Constitution:

We place utmost importance on the fact that “the Union is founded on the values of [mutual] respect of human dignity, liberty, democracy, equality, the rule of law and respect for human rights. These values are common to the Member States in a society of pluralism, tolerance, justice, solidarity and non-discrimination”ⁱ,

additionally, we would like to express our strong support for cross-border cooperation at both internal and external borders of the European Union, as well as support for youth programs in order to raise awareness,

considering the forthcoming enlargement of the European Union, we believe that the rights of minorities should not go beyond the rights of the majority but they should be provided with any rights necessary to preserve their existing unique characteristics and therefore see the need for the European Council to adopt affirmative measures to ensure equal exercising of rights for national minorities (in order to secure peace, stability, justice and democracy of our common future),

stressing that discrimination based on belonging to a national minority shall be prohibited, the Union should strive to get an equal level of minority protection throughout all its territory through trans-frontier cooperation and all other measures needed,

furthermore, we strongly recommend that a section of the ombudsman office should be dedicated to deal with issues of national minorities, as well as placing emphasis on the importance of creating an informational campaign on the new competences given to the ombudsman.

I. Definition

A national minority in the European Union is a group of persons who reside on the territory of the Union, are present in a significant number and are in a non-dominant position in member states or in an administrative, historical, or geographical region in which they reside, "...maintain longstanding, firm and lasting ties with that State... display distinctive ethnic, cultural, religious or linguistic characteristics"ⁱⁱ and preserve and develop together that which constitutes their common identity.

II. Rights

Identity

"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 that are connected to that choice."ⁱⁱⁱ

Citizenship

Access to citizenship should be guaranteed to national minorities. All rights related to citizenship and stipulated in the European Constitution should be guaranteed for all persons belonging to national minorities and citizens of any EU member state.

Language

"Every person belonging to a national minority shall have the right freely to use his/her mother tongue in private and in public, both orally and in writing. This right shall also apply to the use of his/her language in publications and in the audiovisual sector."^{iv}

Education

"Every person belonging to a national minority shall have the right to learn his/her mother tongue and to receive an education in his/her mother tongue at an appropriate number of schools and of state educational and training establishments, located in accordance with the geographical distribution of the minority.

The persons belonging to a national minority shall have the right to set up and manage their own schools and educational and training establishments within the framework of the legal system of the state."^v

Every person belonging to a national minority has the right to choose whether to receive compulsory education in his/her mother tongue or in the majority language.

Politics

“All persons belonging to a national minority shall have the right to set up their own organizations, including political parties.”^{vi}

Self-governance

“[In the regions where they are in a majority the persons belonging to a national minority shall] have the right to be appropriately represented at all levels of local and regional government, or have a specific status, which should allow them to exercise the competences [matching the specific historical and territorial situation and in accordance with the domestic legislation of the state.]”^{vii}

Non-manipulation of demographics

“Deliberate changes to the demographic composition of the region in which a national [and/or ethnic] minority is settled, to the detriment of that minority, shall be prohibited.”^{viii}

Media

In order to promote tolerance and permit cultural pluralism:

Persons belonging to a national minority have the right to access to the media: sound of radio, television broadcasting, cinema enterprises, Internet, printed or any other media and are not discriminated against in their access.

Persons belonging to a national minority have the possibility of creating and using their own media.

III. Duties

National minorities have the duty to learn the official language (or at least one of the official languages) of the state.

Any person belonging to a national minority shall respect the national legislation and the rights of others (including culture and religion), in particular those of persons belonging to the majority or to other national minorities.

IV. Institutions

Ombudsman

To be added to the **Role of the Ombudsman**:

“The ombudsman deals with cases of mal-administration [and infringement of human and minority rights, as defined by the European Constitution,] by community

institutions and bodies, [but also by national administration in cases where no sufficient protection of these rights is provided at a national level.”]

Committee of Regions

To be added to the **Powers** of the Committee of Regions:

1. Opinions issued on the request of other Institutions
 - a. Mandatory consultation
 - o Culture [Article 151 (129)] [and National Minority Issues]

National minority representatives shall be present at the Committee of Regions plenary sessions.

European Commission

A special unit of the European Commission should be created in order to draft proposals for further co-operation among states on minority issues.

European Parliament

To be changed in the Main Features of Electoral Laws of the European Parliament:

“[In all member states,] nominations may be submitted if they are endorsed by the required number of signatures or electors [and not just by political parties and organizations.]”

To be changed in the Constituency Boundaries

[We support regional constituencies as the basic level for European Parliament elections.]

V. Means

Awareness should be raised about problems concerning national and/or minorities especially by providing a permanent dialogue between national and/or ethnic minorities and majorities and working in close cooperation with these groups.

ⁱ Draft Treaty Establishing a Constitution for Europe, adopted by consensus by the European Convention on 13 June and 10 July 2003

ⁱⁱ Council of Europe Parliamentary Recommendation 1201 (1993) on an additional protocol to be adopted by the Assembly on February 1 1993.

ⁱⁱⁱ Article 3.1 of the Framework Convention for the Protection of National Minorities, Strasbourg, 1. II. 1995

^{iv} Article 7.1 of the Recommendation 1201 on an additional protocol on the rights of national minorities to the European Convention on Human Rights, of 1993

^v Article 8.1 of the Recommendation 1201 on an additional protocol on the rights of national minorities to the European Convention on Human Rights, of 1993

^{vi} Article 6 of the Recommendation 1201 on an additional protocol on the rights of national minorities to the European Convention on Human Rights, of 1993

^{vii} Article 11 of the Recommendation 1201 on an additional protocol on the rights of national minorities to the European Convention on Human Rights, of 1993

^{viii} Article 5 of the Recommendation 1201 on an additional protocol on the rights of national minorities to the European Convention on Human Rights, of 1993