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NORTHERN AND CENTRAL-EASTERN EUROPE MODELS OF CULTURAL AND ADMINISTRATIVE IDENTITY

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ABSTRACT:

THE PROTECTION OF NATIONAL AND ETHNIC MINORITIES REPRESENTS AN IMPORTANT ISSUE AT EUROPEAN LEVEL. THE GOAL OF THE MAIN INTERNATIONAL ORGANIZATIONS IS TO CONSOLIDATE A COMPLEX NORMATIVE SYSTEM IN COLLABORATION WITH THEIR MEMBER STATES, FUNCTIONING AS A BASIS FOR IDENTITY PRESERVATION. TO FACILITATE THE IMPLEMENTATION OF MEASURES, STATES NEED TO DEVELOP AND CONTINUOUSLY STRENGTHEN THEIR NATIONAL LEGAL AND INSTITUTIONAL FRAMEWORK IN THIS RESPECT. SINCE EACH ETHNIC GROUP HAS ITS OWN SPECIAL NEEDS, THIS SYSTEM HAS TO BE ADAPTED AND ADJUSTED IN ORDER TO ENSURE INTEGRATION, BUT AT THE SAME TIME, TO RESPECT THEIR DISTINCT CHARACTER. THIS REQUIRES GOOD DIALOGUE AND COLLABORATION BETWEEN PUBLIC ADMINISTRATION AND MINORITIES.

THIS ARTICLE AIMS AT POINTING OUT THE WAY IN WHICH COUNTRIES FROM DIFFERENT REGIONS OF EUROPE, NAMELY CENTRAL-EASTERN AND NORTHERN EUROPE, HAVE DECIDED TO MANAGE MINORITY PROTECTION AND IF THEIR APPROACH HAS A DIFFERENT HISTORICAL AND GEOPOLITICAL LOGIC.

KEY WORDS: MINORITY RIGHTS, INTERNATIONAL ORGANIZATIONS, LEGAL FRAMEWORK, INSTITUTIONAL FRAMEWORK, DOMESTIC POLICY.

INTRODUCTION

The cultural and ethnic identity of some national minority groups remains an important topic on the European agenda. The self-determination of minority groups raises controversies and radically opposed positions. While national states and majorities want a greater homogeneity, national minorities are more sensitive to issues regarding their identity as a group. The self-determination of the Sami people in Northern countries seems to contradict such an approach. Are the Northern European states a model regarding the respect for human rights and protection of national minorities? What are the gains for the Northern states and their majorities? Do they have a different perception on minorities compared to countries such as Romania, Hungary, Poland where the re-emergence of nationalism based on a growing crisis of the EU falls over a public that is increasingly disoriented by the effects of transnationalism and globalization?

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The hypothesis from which the analysis starts is whether historical and geopolitical contexts were determinants in domestic policy development.

In this respect, the article is divided in four main parts. The first part focuses on the theoretical framework, trying to define the concepts of national and ethnic minorities. The second part is a brief presentation of the legislative and institutional mechanisms used by the major international organizations in the protection of minority rights, including the United Nations, the Council of Europe and the European Union, taking into consideration the fact that all states mentioned in this analysis are members of these organizations. The third part explains the Central-Eastern Europe models of approaching minority rights and their way of addressing the international legislation and the Northern Europe models of dealing with this issue and their specific frameworks. The fourth part is a brief analysis of the effectiveness of the policies in all countries.

In order to demonstrate the working hypothesis the case study was used, taking into account all available data and examining the issue in an organized manner.

Regarding the methods of data collection, we mention document analysis and textual analysis, using a large number of primary and secondary sources. Primary sources include official documents such as treaties, conventions, resolutions, regulations, reports. The research is also supported by secondary sources such as books, journals, articles, as well as electronic means.

ETHNIC AND NATIONAL MINORITIES. THEORETICAL PERSPECTIVES

Defining a group as a minority has proven to be a difficult task, with several attempts throughout history. The first explicit definition was given in Recommendation 1201 of the Council of Europe, describing a national minority as “a group of persons in a state who reside in that state and are citizens thereof, maintain sustainable and strong links with that country, have distinctive ethnic, cultural, religious and linguistic characteristics, are a representative group, even if less numerous than the rest of the population of that state or of a region of that state, are motivated by the preservation of their common identity, including culture, traditions, religion and language [1].”

Besides the general definitions of minorities, Professor André-Louis Sanguin makes a relevant distinction between national and ethnic minorities, asserting that a “‘National minority’ is a community living in the border area of a state A, but whose ethnicity, language, customs and national sympathies relate to state B. For example, the Danish Schlesswig Germans, the Serbian Kosovo Albanians, those from Montenegro and Macedonia, Hungarians from Romania, Romanians from Moldova etc. ‘Stateless ethnic group’ defines a small community in isolated form, that has to defend a language which is not spoken anywhere else. Without having a sovereign state, the community cannot be based either on a homeland neighboring country or a linguistic hinterland, often evolving in a difficult context (see the cases of the Sami, Frisian, Welsh, Corsicans, Occitan, Bretons, Catalans, Basques, Sardinians etc.) [2].”

Analyzing the aforementioned definitions, one can notice some common elements that characterize a minority, like the numerical inferiority compared to the rest of the population, but still being citizens and having a close historical connection to that state and a sense of solidarity towards the preservation of the distinctive traits that create their collective identity. However, different minorities face different problems of integration in the political, social, cultural and economic life of the states. Therefore, the international organizations came up with solutions to reunite all these issues under the same umbrella, by adopting

legislation and creating institutionalized complex structures with a concrete role in protecting the rights of diverse groups.

MECHANISMS FOR MINORITY RIGHTS PROTECTION

United Nations

The UN works with the support of six main bodies. In addition, a number of subsidiary bodies complement the institutional framework of the organization.

The Office of the High Commissioner for Human Rights is the leading body on human rights, ensuring assistance in the implementation of human rights standards. The Human Rights Council is responsible for the protection and promotion of human rights worldwide. The Forum on Minority Issues promotes cooperation and provides expertise in the field of national, ethnic, religious and linguistic minorities [3].

The normative framework of the organization is extremely wide. In 1948, the United Nations drafted the Universal Declaration of Human Rights. It does not contain provisions on minorities, but introduces, among others, the principles of freedom, equality and non-discrimination, supports equality before the law, freedom of expression, the right to education, etc.

The Universal Declaration of Human Rights is the standard document, but has no legal value. Thus, the UN had to create an international legal framework for the promotion and protection of human rights.

The International Covenant on Civil and Political Rights promotes the principle of self-determination of peoples. Moreover, any form of racial, national or religious hatred must be prohibited by law. Article 27 of the Convention makes clear reference to the minorities issue: "In States where there are ethnic, religious or linguistic minorities, persons belonging to such minorities may not be deprived of the right to have, together with other members of their group, their own cultural lives, to profess and practice their own religion or to use their own language. [4]"

The International Covenant on Economic, Social and Cultural Rights states that all peoples have the right to freely establish their political status and economic, social and cultural development, and are free to dispose of their wealth and natural resources. In addition, the Convention supports gender equality, the right to work, to social security, to welfare, to medical services and education without discrimination [5].

The International Convention on the Elimination of All Forms of Racial Discrimination entered into force on 4 January 1969. According to it, member states have an obligation to condemn the propaganda of racial superiority and racial hatred, taking measures to avoid such manifestations. They must also guarantee equality before the law, take effective measures in the field of education, culture, information to combat prejudices that lead to discrimination and promote understanding, tolerance and friendship between nations and ethnic or racial groups [6].

The UN Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities, adopted in New York on 18 December 1992, mentions that: "States shall protect the existence and national or ethnic, cultural, religious and linguistic identity of minorities within their territories and will encourage the creation of conditions for the promotion of this identity [7]."

The International Labor Organization, the specialized agency of the United Nations, is responsible for the first international convention on indigenous peoples. The Indigenous and Tribal Peoples Convention (No. 169) of 1989 deals with issues such as racial discrimination and exclusion in terms of the development opportunities of indigenous peoples and has as its

fundamental objectives the assurance of equality, without having consequences on culture, traditions and way of life [8].

Council of Europe

The Council of Europe is the European organization that advocates for equality and protection of the rights of vulnerable categories through a series of conventions and bodies of experts.

The European Convention on Human Rights and Fundamental Freedoms, entered into force in 1953, does not provide information and does not deal strictly with the minorities issue, but some provisions are relevant to them, for example, freedom of thought, conscience and religion, freedom of expression and association [9].

Based on the European Convention on Human Rights and Fundamental Freedoms, the Council of Europe has drawn up a series of general and specific documents, two of them approaching minorities.

The Council of Europe's Framework Convention for the Protection of National Minorities, adopted in 1994, discourages the idea of forced assimilation, supporting tolerance, dialogue and cooperation regardless of ethnic, linguistic, religious or cultural identity. Minorities enjoy freedom of confession, thought and expression, have the right to associate, to use their mother tongue and to provide education in their mother tongue [10].

The European Charter for Regional or Minority Languages of the Council of Europe of 1992, commits states to remove any restriction on regional or minority languages that could jeopardize their harmonious development, ensure education at pre-school, pre-university and university level, total or partially, possibility for the speakers of these languages to address authorities in their mother tongue, encouraging media and any form of cultural manifestation of minority languages [11].

The implementation of the conventions is done through the institutions of the Council. The European Commission against Racism and Intolerance (ECRI) is the body specialized in issues of discrimination based on ethnic/national criteria, colour, citizenship, religion, language, sexual orientation or gender identity, xenophobia, anti-Semitism and intolerance of any kind. The European Court of Human Rights is an instrument for strengthening democracy and the rule of law in the member states, enabling individuals to use it in cases of breaches of civil and political rights [12].

European Union

With the enlargement and accession of Central and Eastern Europe states, the Union needed an approach to the issue of national minorities and the creation of a legal framework.

The Copenhagen Criteria of 1993 set out the requirements for accession, placing an emphasis on minority rights. The countries that wish to become members need to meet the criteria of "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities [13]."

Every state that respects the values mentioned in Article 2 of the Treaty on European Union may apply to become a member: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities [14]."

The EU's Charter of Fundamental Rights prohibits discrimination on ethnic grounds or belonging to a national minority, noting the importance of cultural diversity within the borders of the Union.

A major role in this issue was played by the Stability Pact for Central and South-Eastern Europe, whose purpose was to promote peace and stability in Eastern Europe, bringing together measures to prevent conflicts and solve minority problems.

Among specialized bodies, the European Union Agency for Fundamental Rights is engaged to defend the rights of all citizens of the Union, namely, non-discrimination based on gender, age, origin, ethnicity or disability, protection of personal data and access to fair and equal justice [15].

Thus, the conditions imposed by the international organizations have influenced the type of approach and communication between the state and minorities in various aspects regarding their identity and have accelerated the legislation in this respect.

CENTRAL-EASTERN AND NORTHERN EUROPE MODELS OF MINORITY POLICIES

Hungary

With several attempts to establish effective minority policies, after the fall of the communism, Hungary developed a model of non-territorial autonomy [16].

With the amendment to the Hungarian Constitution (Amendment No. XXXI, 1989), minorities have the right to culture, religion, use of their language, political representation, as mentioned in Article 68:

“(2) The Republic of Hungary shall provide for the protection of national and ethnic minorities and ensure their collective participation in public affairs, foster their cultures, the use of their native languages, education in their native languages and the use of names in their native languages

(3) The laws of the Republic of Hungary shall ensure representation for the national and ethnic minorities living within the country.

(4) National and ethnic minorities shall have the right to form national bodies for self-government [17].”

“These legislative changes have led, in 1993, to the promulgation of a law on minorities. In addition to the four nationalities recognized before 1993 as Germans, Slovaks, Romanians and South Slavs, the law recognized other nine ethnicities [18].”

Moreover, the first elections for self-governments took place, enabling minority organizations to become part of public administration. Article 5 of the Act LXXVII on the Rights of National and Ethnic Minorities regulates this issue: “In the Republic of Hungary minorities have a constitutional right to establish self-governments and national self-governments [19].”

The minority self-governments have the primary goal to ensure the cultural freedom and diversity of minorities while still being part of the Hungarian state. This includes language issues, minority education, cultural aspects, media, involvement in decisions that affect the group directly. The minority self-governments maintain a constant dialogue with the public administration. If the rights of a certain minority group are violated, they can address complaints to the institution of the Ombudsman.

The Fundamental Law of 2011, Article XXIX, includes provisions regarding identity preservation, such as the right of minorities to use their native languages and names, to develop their cultures, to receive education in their native languages and to establish local and national self-governments [20].

Consequently, the 1993 Act on the Rights of National and Ethnic Minorities was replaced by the 2011 Act on the Rights of Nationalities, a complex document stipulating the individual and collective rights of the 13 recognized groups residing in Hungary (Bulgarians,

Roma, Greek, Croatians, Poles, Germans, Armenians, Romanians, Rusyns, Serbs, Slovaks, Slovenians, and Ukrainians) [21].

The amendments on the Public Education Act of 2017 regulate, according to the European Commission's recommendations, the situations of segregations and equality of treatment.

Poland

In the case of Poland, the national legislation guaranteeing the rights of minorities is represented by the Constitution of the Republic of Poland of 1997, the Act on National and Ethnic Minorities and Regional Language of 2005, together with bilateral agreements with neighbouring countries and other states [22].

Article 35 of the Constitution recognizes the rights of national and ethnic minorities to linguistic, cultural, educational and confessional preservation: "The Republic of Poland shall ensure Polish citizens belonging to national or ethnic minorities the freedom to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture. National and ethnic minorities shall have the right to establish educational and cultural institutions, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity [23]."

The following Act on National and Ethnic Minorities and Regional Language of 2005 completes the legal framework. Article 2 is extremely relevant because it gives a proper definition of national and ethnic minorities and mentions the groups recognized in each category. A national minority has the following characteristics: "is numerically smaller than the rest of the population, has a different language, culture or tradition, strives to preserve its language, culture or tradition, is aware of its own historical, national community, and is oriented towards its expression and protection, its ancestors have been living on the present territory of the Republic of Poland for at least 100 years, identifies itself with a nation organized in its own state. The minorities recognized as national are: Byelorussians; Czechs; Lithuanians; Germans; Armenians; Russians; Slovaks; Ukrainians; Jews. An ethnic minority fulfils the same conditions, except for the fact that it does not identify itself with a nation organized in its own state. The following minorities are recognized as ethnic minorities: the Karaim; the Lemko; the Roma; the Tartar [24]."

Furthermore, the document offers a detailed presentation of the main rights. Regarding the use of a minority language, they have the right to use their language freely, to address the authorities in their language in regions where the number of people belonging to the minority is significantly high. The authorities take appropriate measures in ensuring education in minority languages, as well as financing cultural activities and institutions, media and press. The Kashubian language is recognized as a regional language, in conformity with the provisions of the European Charter for Regional or Minority Languages.

The institutions in charge of implementing the legal framework are the Ministry of the Interior and Administration, supported by the National and Ethnic Minorities Committee of the Sejm of the Republic of Poland, the Joint Commission of the Government and National and Ethnic Minorities, the Commissioner for Human Rights as well as the Government Plenipotentiary for Equal Treatment [25].

The Ministry of the Interior and Administration's Department of Religious Denominations, and National and Ethnic Minorities executes minorities' rights through several programmes concerning equal treatment, preservation and development of identity, culture and language of the minority and social integration. Moreover, it elaborates policies in collaboration with other public administration bodies and drafts the budget for financial

support. The National and Ethnic Minorities Committee of the Sejm of the Republic of Poland monitors the implementation of minorities rights and deals with cases concerning the preservation of their cultural heritage. The Joint Commission of the Government and National and Ethnic Minorities is an advisory body that issues opinions especially in the field of education and culture, but also discrimination or funds. The Joint Commission reunites representatives of the public authorities and of national and ethnic minorities. The Commissioner for Human Rights has the role to support the preservation of minorities culture and the respect of their rights. In order to implement the EU's provisions on discrimination and equal treatment, the Commissioner is responsible of preventing racist or xenophobic behavior. In accordance with the EU's provisions, The Government Plenipotentiary for Equal Treatment is responsible for implementing the government's policy on equal treatment, including combating discrimination, in particular on grounds of sex, race, ethnic origin, nationality, religion, age, disability and sexual orientation [25].

Romania

In the case of Romania, the legislative framework for minority protection is represented first of all by Articles 6 and 32 of the Constitution: "the Romanian State recognizes and guarantees the right of national minorities to preserve, develop and express their ethnic, cultural, linguistic and religious identity.", respectively "The right of persons belonging to national minorities to learn and to be taught in their mother tongue is guaranteed; the ways of exercising these rights shall be established by law [26]."

The right of representation is guaranteed by Law No.70/1991 on Local Elections, which states in Article 2 that "Romanian citizens, irrespective of their nationality, race, language, religion, sex, political beliefs or profession, may equally exercise their election rights [18]."

Law No.27/1996 on Political Parties stipulates the rights of minorities in this respect. Members of organizations of citizens belonging to national minorities proposing candidates in elections can be part of a political party [27].

Law No.215/2001 on Local Public Administration, Article 19, states that in the territorial-administrative units where the number of minorities is over 20 percent, authorities need to ensure the use of mother tongue in their relations [28].

Law No.282/2007 for the Ratification of the European Charter for Regional or Minority Languages includes the linguistic rights of the following minorities residing in Romania: Albanian, Armenian, Bulgarian, Czech, Croatian, German, Greek, Italian, Yiddish, Macedonian, Hungarian, Polish, Roma, Russian, Ruthenian, Serbian, Slovak, Tatar, Turkish, Ukrainian [29].

The 2011 Law on Education brings several changes for minorities specifying in Art.45 that: "Persons belonging to national minorities have the right to study and learn in their mother tongue at all levels, types and forms of school education under the conditions of the law [30]."

The normative framework is supported by a number of institutions. The Department for Interethnic Relations promotes cultural diversity and combats racism and xenophobia. The Council of National Minorities is an advisory body of the Government, coordinated by the Department for Interethnic Relations and has as purpose to ensure a good communication with minority organizations. The National Council for Combating Discrimination, under parliamentary control, monitors the application of the principle of non-discrimination in accordance with the law.

Norway

In Norway, a distinction has to be made between national minorities represented by Jews, Kven (Finnish people living in northern Norway), Roma/Gypsies, the Romani people/Travellers and Skogfinn (Finnish people living in southern Norway) and indigenous peoples represented by the Sami. The first category is protected by the international conventions on minorities ratified by Norway, while the second is protected by the ILO Convention No.169 concerning Indigenous and Tribal Peoples, thus having a different status and a special legal and institutional framework.

The Norwegian law is based on a dualistic principle, so treaties do not automatically apply. Therefore, in order to introduce the provisions of an international treaty as internal law, a special act is needed [31].

The Constitution of Norway represents the basic legal instrument for human rights protection, with Article 2 ensuring religious freedom and Article 100 the freedom of expression.

In order to incorporate the European Convention on Human Rights and the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights into Norwegian legislation, the Human Rights Act of 1999 was introduced, stating general provisions regarding human rights protection [31].

The Education Act stipulates that pupils having a different mother tongue, other than Norwegian or Sami, have the right to special instruction in Norwegian until they have sufficient Norwegian skills to follow ordinary instruction in schools. Those who need more support, may benefit from instruction in their mother tongue or bilingual instruction until they reach a certain level of Norwegian [32].

The Ethnicity Anti-Discrimination Act of 2014 prohibits discrimination based on ethnic or national grounds, colour, language or religion. In this respect, people may submit a complaint to the Equality and Anti-Discrimination Ombud and Tribunal [33].

The Culture Act of 2007 enables cultural diversity and activities with the support of the authorities [33].

The institutional framework is represented by the Ministry of Local Government and Modernisation coordinating national minorities policies. The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) is the body dealing with preventing discrimination based on gender, disability, sexual orientation, identity and expression, ethnicity and belief [33].

Other bodies are the Contact Forum reuniting representatives of the government and those of national minorities, the Arts Council providing support and funds for cultural projects aiming at preserving the cultural heritage and activities of national minorities and the Language Council as the advisory body on language issues.

Special Sami legal provisions and institutions

The main documents regulating the indigenous peoples' status in Norway are the Sami Act, the Constitution of the Kingdom of Norway and the Finnmark Act.

The Constitution of the Kingdom of Norway of 17 May 1814 has one article stipulating the protection of Sami rights, Article 110a: "It is the responsibility of the authorities of the State to create conditions enabling the Sami people to preserve and develop its language, culture and way of life [34]."

The Sami Act adopted on 12 June 1987 mentions that the Kingdom of Norway is established on the territory of two peoples, the Norwegian and the Sami. Therefore, they have a different status from other minorities [35]. The Sami Act intends to regulate the relationship

between the two parts, enabling the Sami to preserve their way of life and all that it includes, from education to cultural aspects. Moreover, the Sami have their own Parliament that protects their rights and interests, called Sameting, and both Norwegian and Sami are considered official languages of the country [36].

Following the Alta controversy, the legal status of the Sami takes shape, with the Finnmark Act being one of the most representative. According to this act, the land from the Finnmark district previously owned by the Norwegian state was transferred to an agency representing the Sami, called Finnmark Estate. The act refers to the right over the traditional land and natural resources as part of the Sami heritage: “facilitate the management of land and natural resources in the county of Finnmark in a balanced and ecologically sustainable manner for the benefit of the residents of the county and particularly as a basis for Sami culture, reindeer husbandry, use of non-cultivated areas, commercial activity and social life [37].” Through the Sami Parliament, the Sami can express their point of view regarding their interests in the region and get actively involved in the decision-making process.

Sweden

Same as with Norway, treaties do not automatically become part of the national law of Sweden, they must be incorporated in new laws.

The Swedish Constitution stipulates that: “the public institutions shall combat discrimination of persons on grounds of gender, colour, national or ethnic origin, linguistic or religious affiliation, functional disability, sexual orientation, age or other circumstance affecting the individual. The opportunities of the Sami people and ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own shall be promoted” and “no act of law or other provision may imply the unfavourable treatment of anyone because they belong to a minority group by reason of ethnic origin, colour, or other similar circumstances or on account of their sexual orientation [38].”

The Language Act of 2009 mentions that the recognized minority languages are Finnish, Yiddish, Meänkieli, Romani Chib and Sami. According to this act, the authorities need to ensure the protection, development, learning and use of these languages.

The National Minorities and Minority Languages Act mentions that: “the objective of Sweden’s minority policy is to protect the national minorities, strengthen their power to influence and support the historical minorities languages to keep alive [39].”

According to the Act, five minorities are recognized as national: Sami, Finns, Tornedalers, Roma and Jews. Because Sami, Finnish and Meänkieli are territorially linked languages, they are more protected than Yiddish and Romani. Therefore, the specific legislation is applied in their respective administrative areas, where they have the right to address the authorities in administrative and judicial issues in their mother-tongue. Children have the right to education and the elderly to care in the minority language [39].

The three main objectives of the policy refer to education, culture and anti-discrimination measures. In the field of education, the school curricula provides instruction on national minorities and minority languages for all Swedish children. Mother tongue and bilingual instructions are regulated by the National Agency for Education. Regarding culture, the government encourages literary and cultural publications of minorities. The Institute for Language and Folklore is responsible for Yiddish, Roma, Finnish and Meänkieli and the Sami Parliament for the Sami. Moreover, including minorities in the decision-making process is one of the core purposes of the Act. Therefore, consultative meetings have been carried out between the Government and minority organizations that receive financial support for their activities [39].

The Education Act of 2010 ensures that education in mother tongue should be provided even if only one student asks for it and starting from 2015 no previous knowledge of the minority language is required [40].

The institutional basis for minorities protection is represented by several agencies, bodies and councils. To mention a few, the Equality Ombudsman is a state authority that ensures non-discrimination. The Forum for Living History deals with issues relating to democracy, tolerance and human rights on the basis of the Holocaust. The Swedish Arts Council deals with cultural issues and funding of cultural activities [41].

Regarding the Sami Parliament, it was inaugurated in 1993, having 31 members elected every fourth year, being both an elected parliament and a state agency. The Sami Parliament Act of 1992 states clearly that the Parliament is an agency and not a body for self-determination, but a strengthened status of the Sami is noticeable with the presence of this agency. The tasks of the Parliament concern reindeer husbandry, use of land and water, distribution of funds, language and education [42].

Finland

International law does not apply automatically in Finland either. The main treaties and conventions are incorporated in separate documents or the provisions may be harmonized with national law.

The Finnish Constitution provides references regarding discrimination and equality before the law, the freedom of association, confessional freedom, freedom of expression.

According to the Constitution, Finnish and Swedish are both official national languages. Those who use them have the right to address the authorities and receive documents, as well as support for their cultural and societal needs [43].

The constitution also recognizes Sami as an indigenous people: “The Sami, as an indigenous people, as well as Roma and other groups, have the right to maintain and develop their own language and culture [43].”

According to the Non-Discrimination Act of 2014, discrimination based on age, ethnic origin, nationality, language, religion, belief, opinion, health, disability or sexual orientation is prohibited [44].

The Sami Language Act of 1992, revised in 2004, stipulates the right of the Sami to use their mother tongue before the authorities, to benefit from translations of documents in Sami and various linguistic services. The purpose of the Act is to: “ensure, for its part, the constitutional right of the Sami to maintain and develop their own language and culture [...] the right of the Sami to a fair trial and good administration irrespective of language and to secure the linguistic rights of the Sami without them needing specifically to refer to these rights [45].”

Regarding education, primary and secondary schools in the Sami homeland provide education in their mother tongue. Outside these areas, online teaching methods are used. At academic level, there are three universities ensuring Sami studies [46].

According to the Act on the Autonomy of Åland (1991), the language of education in schools maintained by public funds must be Swedish in the autonomous province of Åland [47].

In the process of monitoring discrimination, a number of bodies were appointed: the Advisory Board for Ethnic Relations, the Advisory Board for Sami Affairs, the Advisory Board for Roma Affairs, the Advisory Board for Language Affairs. The complaints about minority rights violations are addressed to the Ombudsman. Since 2014, the institution of the Ombudsman for Åland deals with discrimination issues in the Åland province [47].

The Sami are represented nationally by the Sami Parliament, inaugurated in 1996, a self-government body, having as purpose to deal with issues concerning them directly, such as: language, culture and status as indigenous people. It has 21 members and 4 deputies elected every four years and it is an independent legal entity, not a state authority. The Act on the Sami Parliament regulates the negotiations with the authorities in matters that affect the status of the Sami as an indigenous people, especially the use of lands, conservation areas, mining, traditional occupations, Sami teaching, social and health services [48].

ANALYSIS OF CENTRAL-EASTERN AND NORTHERN EUROPE MODELS OF MINORITY POLICIES

As one may notice from the above information, both Northern and Central-Eastern countries follow certain patterns and there are several similarities, but also differences between the two models of minority policies. All of them have a developed legal framework, due to the fact that they are members of international organizations and have ratified most of the main documents regarding the protection of national or ethnic minorities. The implementation of laws and provisions is directed towards some specialized institutions, agencies, bodies or councils, representing the interests of the minority groups. The main difference here is the existence of a Sami Parliament in all three Northern countries, dealing with issues concerning their basic rights as indigenous people. Though there are bodies especially created to maintain a good dialogue with national minorities' representatives, we cannot speak of an equivalent institution in Central-Eastern Europe countries, not at the same level of influence, at least.

Even if the legislation is clear and specific in all countries, there are still gaps from theory to practice in the implementation of special measures regarding discrimination, racism and xenophobia, education in mother tongue, addressing administrative or judicial issues, social inclusion.

In all six countries, intolerance, racism, xenophobia and hate speech are still present. Unfortunately, these type of incidents occur, especially in the media and political field. In the case of Hungary and Poland these actions are directed towards Roma, Jews and to some extent, Muslims. In the case of Romania, the negative sentiment towards the Hungarian and Roma minorities is of concern. In Norway, discriminatory attitudes regarding Travellers and Roma still occur.

The main problems of the Northern countries are related to education and administration, the lack of teachers for minority children or prepared administrative staff to deal with minority languages in different areas. Moreover, the issue of land and resources seems to continue. If in Norway there is a special law transferring the traditional land from the Finnmark district to the Sami through an agency, in Sweden and Finland the situation is debatable, with the Sami Parliaments trying to mediate and find a proper solution to benefit the Sami, but also the states. In addition, unlike Norway, Sweden and Finland's decision to ratify the ILO Convention No.169 is still pending, making the Sami rights recognition as an indigenous people slower.

On the other hand, Central and Eastern Europe countries face slightly different problems. One of the major issues is the failure of several Roma inclusion programmes. Even if there are positive steps forward, the minority faces discrimination, illiteracy, poverty, health problems and precarious living standards. Furthermore, the shift in policies and attitudes following the refugee crisis in Europe, together with a growing nationalism have led to a backlash against minority groups, especially in Hungary and Poland, accompanied by hostile reactions and anti-minorities rhetoric from the majority and sometimes even the

authorities. Unfortunately, the spread of right-wing extremism has hit the Northern countries too. Facing a high influx of migrants, asylum-seekers and terrorist attacks, their openness towards new groups became limited, with a lot of restrictions, social segregation and an increased islamophobia.

CONCLUSIONS

Comparing the Northern approach on minority integration with the Central-Eastern Europe approach, one can notice that both models were influenced by some important factors.

In Central and Eastern Europe, during the communist period, minorities had limited rights, facing assimilation policies based on strong nationalism. After 1989, however, the situation changed due to certain circumstances. The motivation for establishing legal frameworks and clarifying the status of minorities started from geopolitical reasons and the compliance with international standards. The shift to democracy meant also protection for human and minority rights. Joining organizations such as the European Union imposed through their accession criteria a certain legal and institutional stability in this field. Moreover, the geopolitical changes in Central and Eastern Europe at the beginning of the 90's made the former communist countries rethink the issue of national minorities, trying to protect those who share the same origin, but live in neighbouring countries after the readjustment of borders and political reorganization. In this respect, several bilateral agreements were signed.

The Northern countries practiced long periods of assimilation, based on a sense of homogeneity and nationalism. But changes in the international system after World War II made them reshape policies towards an increased multiculturalism. Being members of the same international organizations as the Central-Eastern ones, except for Norway that is not a member of the European Union, they had to comply with the same rules. However, the Sami self-determination approach as an indigenous people played an important role in this respect, due to their strong sense of identity, constant activity and involvement in the recognition of their rights, but also due to a favorable environment created by the Northern states. The authorities together with the society agreed to adopt a modern approach on indigenous and minority rights, focusing on ensuring the legal framework and the social background to help preserving minority identity while integrating them into the society as a whole. The amendments of the Constitutions, together with special laws are all examples of a shift in policy, supporting minority interests and giving them a sense of equality in diversity. But even if this pattern seems to work well in the Northern countries, there are still gaps and problems to solve regarding indigenous land and resources, situation that may affect the Sami traditional activities and heritage on the long run.

Thus, historical and geopolitical factors played an important role in influencing and shaping minority policies for these countries.

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