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Marácz, L.K.

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László Marácz
European Studies, University of Amsterdam, Netherlands

Language Policies in Central and East European States with Hungarian Minorities: Implications for Linguistic Rights Protection of National Minorities in the EU

Due to the peace treaties of the twentieth century Hungarian minorities live in seven different Central and East European states, including Slovakia, Ukraine, Romania, Serbia, Croatia, Slovenia and Austria. In agreement with Central and Eastern European tradition the most important feature of ethnic identity is mother tongue. Hence, these states are de facto multilingual states but not all of them consider themselves de jure as such but rather as monolingual, national states. In the latter cases, the Hungarian minorities are confronted with exclusive language laws restricting the use of the Hungarian language in the public and official space. This leads to discriminative practices and to polarized, divided societies along the lines of ethno-linguistic cleavages.

This paper compares exclusive and inclusive language policies in multilingual Central and Eastern European states with Hungarian minorities. We will investigate the legal system in these countries concerning the use of the languages of national minorities. It will be concluded that the position of the Hungarian language in the countries concerned can be classified in two groups, namely (1) Slovakia, Romania and Ukraine and (2) Serbia, Slovenia, Croatia and Austria. In the first group, the minority language is discriminated having a marginal position in the official domains. In the second group, the minority language is equal to the language of the majority and included into the official domains. Hence, the first case does not match EUs democratic standards whereas the latter case respects these standards.

This grouping is an interesting fact because all the countries involved are subject to the process of Europeanization. All seven countries are members of the Council of Europe and have ratified the European Charter for Regional or Minority Languages (ECRML) and foremost four countries, including Austria, Slovenia, Romania and Slovakia are members of the Union. Two of these countries, Romania and Slovakia are however not in the group where democratic values are satisfied. From this it follows that membership of the Union is not a guarantee for the protection of the linguistic rights of national minorities. Hence, we observe a discrepancy between the theory of the Union celebrating linguistic diversity and
democratic values and the practice in new member-states. It turns out that there are no effective controlling and sanctioning mechanisms in the Union available when linguistic rights of national minorities are violated and multilingual practice is banned from the public and official space. The state of affairs in group (1) is not only violating human rights but undermines the cohesion of the Union and affects the deepening of conflicts between the states with Hungarian minorities and the kin state Hungary. This implies that we have to reconsider the controlling and sanctioning mechanisms in the legal framework of the Union. An important step forward would be the adoption of the Council of Europe’s ECRML as a bench-marking system by the Union.