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Diaspora cultures

Recommendation 1688 (2004)

Reply from the Committee of Ministers

adopted at the 952nd meeting of the Ministers' Deputies (11 January 2006)

1. The Committee of Ministers has carefully considered Parliamentary Assembly Recommendation 1688 (2004) on diaspora cultures. It recognises that the Assembly has identified an important question, which is closely linked to the human geographical development of our continent.
2. The Committee of Ministers would like to draw the Assembly's attention to the fact that the recommendation uses such notions as "diaspora", "immigrants" and "migrants" with no differentiation; it is difficult to apply the same policy without distinction to these three different groups. On the other hand, if the expressions "host country" and "country of settlement" have the same meaning, it is better to use one expression through the whole text.¹
3. The Committee of Ministers notes that in paragraph 8, sub-paragraph iii, of the recommendation, the Assembly invites the Committee of Ministers to "endeavour to ensure that all diasporas within the scope of the Council of Europe enjoy the same conditions of freedom and tolerance and are treated in accordance with such conventions as the European Human Rights Convention (ECHR), the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Minority or Regional Languages". None of the texts mentioned recognises or defines the notion of "diasporas" as such. With regard to the ECHR, it protects the rights and freedoms of everyone within the jurisdiction of the Contracting Parties. In particular, Article 14 of the ECHR "Prohibition of Discrimination" says, "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." Protocol No. 12 to the ECHR broadens this to a general prohibition of discrimination.
4. As regards the FCNM, its aim is to protect the rights of persons belonging to those population groups which are considered national minorities, irrespective of whether they are "diasporas" or not. But quite clearly where a group having its origins in a diaspora constitutes a national minority under the Framework Convention in a State Party, it will benefit from its protection. One pertinent article in this context is Article 5, which states, "The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation."
5. As for the "interaction in the cultural field between countries of origin, host countries and diaspora communities" and "the role of governmental and non-governmental organisations in the protection and study of diaspora cultures", Article 17 of the FCNM states: "1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other states, in particular those with whom they share an ethnic, cultural,

¹ This difference of terminology exists only in the English version of the recommendation.

linguistic or religious identity, or a common cultural heritage. 2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.”

6. The European Charter for Regional or Minority Languages protects and promotes those languages which are defined in its Article 1 as follows: “languages that are traditionally used within a 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 that state. It does not include either dialects of the official language(s) of the state or the languages of migrants.” In the case of old Diaspora groups whose language has in the course of time become traditionally present in the host country, the Committee of Ministers notes that the European Charter for Regional or Minority Languages constitutes a particularly valuable instrument with a view to enabling the said groups to preserve their specific language and culture.

7. Moreover, as regards the Assembly’s recommendation 8.2, Article 14 of the Charter provides for transfrontier exchanges: “The Parties undertake to apply existing bilateral and multilateral agreements which bind them with the states in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the states concerned in the fields of culture, education, information, vocational training and permanent education.”

8. The Committee of Ministers believes that the work of the European Commission against Racism and Intolerance (ECRI) should also be taken into account when dealing with this subject. ECRI, which takes a “rights-based” approach to its work, undertakes activities aimed at ensuring that the right to freedom from discrimination is enjoyed by all persons present on the territory of Council of Europe member states. It works to prevent violence, discrimination and prejudice faced by persons or groups of persons on grounds of race, colour, language, religion, nationality and national or ethnic origin.

9. As for “migrants”, the European Convention on the legal status of migrant workers defines in its Article 1 the term “migrant worker” as “a national of a Contracting Party who has been authorised by another Contracting Party to reside in its territory in order to take up paid employment.” The Convention foresees that host countries teach migrants’ children their mother tongue with a view to their integration into school when back in their home country. Thus, in the Convention’s spirit, migrants are temporary residents and not a diaspora. This being said, one could argue nowadays that there is a link between a diaspora’s formation and migration. This subject has been recently raised anew in the context of the committee of experts on countries of origin. The European Committee on Migration (CDMG) has been showing interest in the work of this group because of its definition of a migrant, which includes minorities that have developed as a result of migration. For this reason, the group’s work on community relations is not limited to the second or third generation of migrants only.

10. As regards the question of links between the countries of origin and the countries of settlement, the Committee of Ministers would like to point out Article 12 of the Framework Convention for the Protection of National Minorities which stipulates that: “The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority. In this context the Parties shall, *inter alia*, [...] facilitate contacts among students and teachers of different communities.”

11. Also in this context, the Committee of Ministers would like to refer to its reply to Assembly Recommendation 1410 (1999)² where it states: “The Committee of Ministers stresses the importance of close co-operation between governments, members of parliament and associations in strengthening links with nationals living abroad, while noting that such co-operation is a matter for the interested parties.” The allocation of special funds in the budgets of the countries of origin, aimed at fostering links, especially in the field of culture, between the countries of origin and the countries of settlement, is pragmatic and could be recommended to the Council of Europe member states, be they a country of origin or a country of settlement or both.

12. As regards the promotion by the Council of Europe of the role of non-governmental organisations in the protection and study of diaspora cultures (paragraph 8.iv), the policy of the Council of Europe regarding NGOs promotes integration in the life of society and European integration. The Committee of Ministers

² Links between Europeans living abroad and their countries of origin.

cannot but encourage its member states where diaspora communities live to support non-governmental/civil organisations working with and for the benefit of diaspora communities and functioning for them as integrating bodies.

13. Finally, as regards assimilation, it is mentioned in the Opatija Declaration on intercultural dialogue and conflict prevention adopted by the European Ministers responsible for Cultural Affairs in October 2003 that forced or involuntary assimilation may be a source of conflict. But even voluntary assimilation may have negative results in the long run on the life and health of the individual, as well as lead to identity problems. It is known that biculturalism and bilingualism have special value and that the diaspora communities therefore need encouragement to preserve their own language and culture. The latter are a key factor in the promotion of cultural diversity, intercultural and interreligious understanding and tolerance.

14. The Committee of Ministers has put intercultural and inter-religious dialogue high on its agenda. This is clearly reflected in the Action Plan adopted by the Heads of State and Government at the Third Summit on 16 and 17 May 2005 in Warsaw. This is the result of the work already done by the Council of Europe since 2001. The Council of Europe's Programme of Activities for 2005 takes these questions forward. This year's programme on intercultural dialogue includes, *inter alia*, a follow-up to the Conference of the European Ministers of Culture and the Declaration on intercultural dialogue and conflict-prevention (Opatija, 20-22 October 2003). The Steering Committee for Culture has expressed an interest in identifying means of encouraging interaction in the cultural fields between countries of origin, host countries and diaspora communities, in the framework of multicultural and intercultural participation at the local, regional, national and transnational levels.

15. The Council of Europe is facing up to a new challenge of intercultural education. The 2005 programme aims at raising awareness of decision makers, education specialists and teachers of the best practices of intercultural education both in school and out of school. Policies for linguistic diversity as a component of successful interculturalism, and especially on language education for minorities and migrants in priority countries have a prominent place in the Organisation's work programme too. This work is reinforced by action to support the development of civil society and youth participation. In addition, the CDMG is developing guidelines to support migrants' associations in the development of links with their countries of origin/destination which will be finalised in 2006.