

# Contribution by the European Free Alliance to inform the UN Special Rapporteur on minority issues' 2026 visit to the European Union

## Foreword

The European Free Alliance (EFA) is one of the 12 registered European Political Parties (EUPPs), recognised by EU Regulation 1141/2014. Our members consist of political parties around Europe (primarily in the EU but also in other states) that represent stateless nations, national minorities, and autonomous regions. As such, we are the only European political party that programmatically fights for the right to self-determination and minority rights as our core business.

While EFA has structured cooperation with the Greens in the European Parliament ("Greens/EFA"), our political party is broader and also includes MEPs and member parties who sit in different EP Groups. Due to representing small communities, many of our member parties do not have any representation at the European level and so depend on EFA to be their sole voice in Europe. This text is submitted by the EFA party, not only the EFA members of the EP. The EFA leadership, our MEPs, and our member parties around Europe would like to **extend an invitation to the Special Rapporteur to meet with us** during his visit to the EU to discuss these matters in more depth.

## Key questions

### QUESTION 2

Article 2 TEU definitely plays a positive role. For example, in the enlargement reports the Commission refers to the rights of persons belonging to minorities extensively (see, e.g. the [2024 Ukraine Report](#), pp.42-43). However, the enlargement reports sometimes lack a consistent approach or single methodology regarding the benchmarks to be used and applied to candidate states and existing members of the EU. This inconsistency undermines the enlargement process and the seriousness with which EU institutions treat the values and freedoms enshrined under Art 2. For example, among candidate countries, Türkiye has not signed and ratified the Framework Convention for the Protection of National Minorities, while the European Charter for Regional or Minority Languages is not signed or ratified by Albania, Georgia, Moldova, Macedonia and Türkiye.

In terms of political representation, it is frequently the case that candidate countries are already more advanced than many EU member states when it comes to minority representation. Many countries of the Western Balkans have multiple minority-representing parties, dedicated seats in parliament, constitutional protections for minorities, and/or a prominent role for minority parties in public/political

life (consider e.g. Macedonia, Kosovo, ...), contrasting with EU member states which in some cases do not allow any political parties founded on the basis of national/minority identity (Bulgaria), or do not allow regional-only parties (Portugal), or forbid the use of minority languages in parliament (France).

Furthermore, the same can be applied to existing Member States as the Framework Convention is not signed or ratified by 4 Member States (e.g. France and Greece), the Charter – by 11 Member States (e.g. Belgium, France, Italy, Greece, Bulgaria). Accordingly, the benchmark for measuring compliance with the rights of persons belonging to minorities remains different.

We welcome the [European Parliament resolution of 22 November 2023](#) on proposals of the European Parliament for the amendment of the Treaties, where it is proposed for additional protections for national minorities and for regional and minority languages in the Union to be included in the Treaties. In particular, it is proposed to add Article 24a: *The Union shall protect persons belonging to minorities, in line with the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt provisions with a view to facilitating the exercise of the rights of people belonging to minorities. The Union shall accede to the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities.*

Currently, Article 2 TEU does not provide for a valid ground to legislate. However, Article 7 TEU stipulates the procedure for the protection of the values enshrined in Article 2 TEU vis-a-vis Member States. In its judgment in Case C-156/21 the Court of Justice indicated that in addition to the procedure laid down in Article 7 TEU, numerous provisions of the Treaties, frequently implemented by various acts of secondary legislation, grant the EU institutions the discretionary power to examine, determine the existence of and, where appropriate, to impose penalties for breaches of the values contained in Article 2 TEU committed in a Member State (paragraph 159). In pending Case C-769/22 Advocate General Ćapeta expressed an opinion that a finding of an infringement of Article 2 TEU could be made if the Court concludes that a Member State has breached a Charter right because it has negated the value which that right concretises (paragraph 254). If supported by the Court, it would open the room for the Commission to bring infringement procedure under Article 2 TEU in cases where a Member States negates the value of respect for the rights of persons belonging to minorities.

Every year the Commission publishes the annual rule of law report. In particular, in such reports the Commission indicates leading judgments of the European Court of Human Rights pending implementation. Sometimes such judgments refer to the cases affecting minority rights (see, e.g. the [2025 Country Chapter on the Rule of Law Situation in Bulgaria](#), footnote 181; [2025 Country Chapter on the Rule of Law Situation in Greece](#), footnote 154). In light of Article 2 TEU, the Commission should use all tools from the rule of law toolbox in order to address non-implementation of the ECtHR judgments related to the rights of persons belonging to minorities, and should treat ECtHR jurisprudence with equal weight when assessing implementation in the spirit of Article 6(3) TEU. Minority groups in the EU have found that EU institutions, for example, the EU Commission, have dismissed applications to act where a member state has systematically violated human rights law, on the grounds that the relevant cases were

ruled under a separate jurisdiction. This again undermines the seriousness with which the EU seeks to guarantee the rights and freedoms of persons belonging to minorities, as decisions to act in serious cases are discretionary and determined without a clear, consistent framework. EU institutions have, at times, relied on this gap as a justification for non-intervention. A consistent approach, under which institutions are required to give equal weight and consideration to ECtHR jurisprudence, would help consolidate the EU's commitment to the values enshrined in Art 2 TEU.

Attention should also be paid to cases where the notion of national identity is used under Article 4(2) TEU to limit the rights of persons belonging to minorities. In Case C-391/20 Advocate General Emiliou expressed the opinion that there are two sides to the concept of 'language diversity' that the European Union is required to respect under Article 22 of the Charter and Article 3(3) TEU. That concept cannot be understood as merely an expression of the principle of equality of Member States before the Treaties, set out in Article 4(2) TEU, which thus implies that the European Union should respect their official languages and consider them as having an equal standing. There is indeed an additional aspect to it: the respect of minority languages (paragraph 111). While the Court did not address this aspect directly in its judgment, it indicated that Member States enjoy broad discretion in their choice of the measures capable of achieving the objectives of their policy of protecting the official language, since such a policy constitutes a manifestation of national identity for the purposes of Article 4(2) TEU; but in the meantime, the fact remains that that discretion cannot justify a serious undermining of the rights which individuals derive from the provisions of the Treaties enshrining their fundamental freedoms. It would be useful to have the Commission communication explaining that 'language diversity' also covers regional and minority languages.

Special focus should additionally be paid to formal criteria adopted by signatories to the Framework Convention for the Protection of National Minorities, which serve as barriers that deny minority groups the protections guaranteed under the convention. For example, Bulgaria conditions the existence of a minority group both by subjective (self-identification as belonging to a national minority) and objective criteria (the existence of distinctive identifying characteristics), which should be applied cumulatively. The objective criterion is a factual circumstance based on the objective criteria relevant to the person's identity and is determined by the authorities. According to the Bulgarian authorities, the necessary objective criteria are not present for Macedonians or Pomaks (who are referred contrary to their self identification, as "Bulgarian muslims"). The Advisory Committee on the Framework Convention for the Protection of National Minorities recommended in its Fifth Opinion on Bulgaria that decisive weight should be given to the subjective choice of the individual to be treated as belonging to a national minority rather than what the authorities consider as objective criteria. However, despite the Advisory Committee's recommendations, no formal mechanisms exist to prevent abuse or address this discrepancy.

### **QUESTION 3**

EU initiatives in education and vocational training promoting inclusion may help minorities to access education according to their specific needs. However, the impact of the programmes currently implemented by the EU within this framework on the linguistic and cultural development of minorities

remains rather limited. Indeed, many social inclusion programmes and the associated funds are implemented primarily by central governments rather than directly reaching the minority groups they are intended to target. In Member States where centralization is strong or national minorities are not officially recognized (e.g., France, Greece), official government policies may limit the effectiveness of these programs. For example, in France, where no national minority is officially recognized, significant challenges exist in the teaching of the Breton language; in Greece, the instruction of Turkish for the Turkish minority in compulsory education faces major difficulties; meanwhile, in Bulgaria and Greece, the Macedonian minority is not granted the right to education in the Macedonian language. Additionally, in countries that do not officially recognize national minority identities (Greece, Bulgaria), the success of EU programmes aimed at the integration and social inclusion of Roma children can also be considered limited. Within this framework, it can be argued that for these initiatives to be more effective, programmes need to reach the targeted communities directly (decentralization), and the official recognition of national identities is necessary to promote and protect the languages of the relevant minority groups.

#### **QUESTION 4**

In the Parliament, the Intergroup on Traditional Minorities, National Communities and Languages is the main forum for exchanges on minority issues. However, while an example of good practice for cross-party work, it cannot replace the official position of the Parliament. It would be useful to have at least once per term own-initiative reports with recommendations to the Commission and the Council, such as the European Parliament resolution of 11 September 2013 on endangered European languages and linguistic diversity in the European Union or European Parliament resolution of 13 November 2018 on minimum standards for minorities in the EU.

Furthermore, in comparison with many national parliaments there are limited opportunities for minority-representing members to be elected in the EP. Electoral thresholds are often used to prevent minority parties from being elected (e.g. imposing a 3% threshold to exclude a minority that is 2% of the population or, as illustrated by Greece's policy restricting the representation of the Turkish minority, the electoral threshold applied to political parties is also imposed on independent candidates, thereby preventing numerically smaller minorities from electing their representatives), and while in some cases minority parties are explicitly exempted from the thresholds at national level (e.g. in Germany), there are no such exceptions at the European level. The recent imposition of a 5% threshold for European elections in Germany marks a trend in the wrong direction, as it will exclude several smaller parties whose only representation was in the European Parliament. In this regard, EFA opposes to the final ratification of the Council Decision 2018/994 on the electoral law revision of 2018, provided that will give Member States the possibility to set up a minimum participation threshold from 2% up to 5%, risking a fair representation at the EP of smaller parties and minorities.

Minority representatives therefore can typically only be elected by securing a place on a majority party list. This contrasts with many national parliaments where there are even reserved/guaranteed seats for minority candidates. However, it is worth noting that these minority candidates have no way of being represented at the European level: under the terms of Regulation 1141 on European Political Parties,

membership in an EUPP is only open to *parties*, meaning that independent elected members cannot enjoy full membership rights in an EUPP. In some cases (e.g. Macedonian minority in Bulgaria), minorities are altogether denied the right to register a political party. This severely limits the reach of EFA's membership in many parts of the EU and leaves minority representatives unrepresented in Europe.

### **QUESTION 5**

Despite its strong profile on regional matters including regional autonomy, rural areas and the specific challenges of isolated regions (islands, mountains...), the CoR has very little profile on minority issues. The fact that the selection of the CoR membership is decided by the member states means that there is a systematic underrepresentation of minorities in the CoR. That said, the presence of the European Alliance as a dedicated group of independents and regionalists provides a single 'home' for minority representatives, unlike in the EP.

### **QUESTION 6**

EFA and its members were active in promoting and campaigning for the MSPI. We have been disappointed by the Commission's attitude throughout the process. Overall, we consider that the Commission has not sufficiently addressed the ideas at the heart of the "Minority SafePack". Even while the Court of Justice rejected the appeal of the Citizens' Committee in Case C-26/23 P, we agree with the opinion expressed in the European Parliament resolution of 17 December 2020 on the European Citizens' Initiative 'Minority SafePack – one million signatures for diversity in Europe,' that the Commission should assess the ideas properly and propose relevant EU acts considering there are no legal obstacles for it. The same applies to the ECI for the Equality of the Regions and Sustainability of the Regional Cultures (rejected by the Commission on 3 September 2025).

### **QUESTION 9**

The EU should ensure that the Fundamental Rights Agency has adequate resources for regular surveys on minority issues, such as the Roma Survey and MIDIS. Such surveys should cover hate speech, hate crime and non-discrimination. The surveys should not only identify shortcomings at national level, but the Agency could also recommend action to the Commission and EU legislators, as regards both new legislation and enforcement vis-a-vis Member States.

We support the proposal extending the list of EU crimes to hate speech and hate crime, made by the Commission in 2021. We believe that hate speech and hate crime should be equally prohibited across the Union on grounds of characteristics such as race, ethnicity, language, religion, nationality, age, sex, sexual orientation, gender identity, gender expression, sex characteristics or any other fundamental characteristic, or a combination of such characteristics.

Attention should also be paid to the lack of protection for minorities from targeted hate speech that remains unpunished by states who are signatories to the Framework Convention on the Protection of Minorities. For example, in Romania, members of the Hungarian minority are frequently subjected to hate speech by football ultras, yet incidents are rarely investigated or sanctioned by authorities.

In the meantime, the Commission should also pay proper attention to the implementation of existing anti-discrimination instruments, such as Directive 2000/43/EC and 2000/78/EC. In particular, in its reporting the Commission could clarify that distinctions on grounds of language may lead to indirect discrimination on grounds of racial or ethnic origin. We also support the [Parliament's suggestion](#) to expand non-discrimination protections to gender, social origin, language, political opinion and membership of a national minority and to introduce ordinary legislative procedure for non-discrimination legislation.

### **QUESTION 10**

Eurostat's usefulness is limited by the fact that sub-state regions often do not have sufficient sample sizes to draw dependable conclusions. Minority belonging (e.g. native language) is not systematically sampled for. Statistical research that excludes the ethnic or national identities, languages, and cultures of local populations will have limited value in guiding the development of effective economic and social policies for the respective regions. Thus, we encourage special measures to be taken to ensure minorities are included.

### **QUESTION 11**

EU institutions should reflect the peoples that comprise the EU. EFA promotes the adoption of all regional and minority languages as official languages of the EU regardless of whether a minority is formally recognised by a member state or whether it is formally established as an official language by an EU Member State. Therefore, transitioning from state-based recognition to people-based linguistic rights. However, our current objective is at the very least for Catalan, Basque and Galician, which have official status in Spain. Nonetheless, it should be considered sufficient for a language to be codified and used by a minority group within the EU for it to be eligible for use in EU institutions. Doing this would help safeguard minority languages by providing a supranational level of protection where a minority group may otherwise be prohibited from officially using their native tongue. For example, significant Macedonian minorities exist in Greece and Bulgaria as a result of partition. Although these populations are EU citizens, both Member States continue to deny the existence of the Macedonian language, thereby denying its official use and protection, despite it already being an officially recognised and codified language. However, even a languages' official use in a state should not be a precondition for its official use in EU institutions since it would preclude minority groups who have codified languages without an official status such as Aragonese, Breton and gallo, all endangered languages. While recognising that language policy within the EU is determined by Member States, EU institutions should explore mechanisms to accommodate and support the use of codified minority and regional languages, even where these languages lack formal state level recognition in order to uphold the Union's commitment to linguistic diversity and equality.

Brussels, 3rd of November 2025