

## **“The Bonn-Copenhagen Declaration as Paradigm for Vilnius-Warsaw Declarations”**

### Simulation Exercise

*Participants of the ECMI Summer School 2015 elaborated and negotiated this Declaration with a view to encourage the Lithuanian Parliament to adopt it in the near future.*

#### **Declaration concerning the general rights of the Polish minority in Lithuania**

On behalf of the Government, the Prime Minister and Foreign Minister submitted to the Lithuanian Parliament (Seimas) on ..... the following declaration on the general rights to which persons belonging to the Polish minority on the territory of the Republic of Lithuania are entitled:

Desiring to safeguard and promote each and every facet of the European Union’s cultural and linguistic heritage as enshrined in the Lisbon Treaty and to promote peaceful relations between the populations and thus development of friendly relations between the Republic of Poland and the Republic of Lithuania and

- having regard to Article 14 of the European Convention on Human rights,
- having regard to Articles 2 and 3(3) of the Treaty on European Union,
- having regard to Articles 21(1) and 22 of the Charter of Fundamental Rights,
- having regard to the UNESCO Convention of 20 October 2005 on the Protection and Promotion of the Diversity of Cultural Expressions,
- having regard to the resolution of the Council of Europe’s Congress of Local and Regional Authorities of 18 March 2010 entitled ‘Minority languages – an asset for regional development’ (301/2010),
- having regard to Report 1242/2010, Resolution 1769/2010 and Recommendation 1944/2010 of the Council of Europe,
- having regard to the Opinion of the Committee of the Regions on protecting and developing historical linguistic minorities under the Lisbon Treaty,
- having regard to the Universal Declaration of Linguistic Rights (1996),
- having regard to the Framework Convention for the Protection of National Minorities (1995),
- having regard the Lithuanian-Polish Friendship and Cooperation Treaty (1994) confirming the legal principles already applicable to this minority,
- having regard to the Resolution of the European Parliament on endangered European languages and linguistic diversity in the EU of 11 September 2013.

#### I.

Under the above-mentioned applicable legislation, every citizen and thus also every member of the Polish minority, regardless of the language which he/she uses, shall enjoy the rights guaranteed in the Constitution of the Republic of Lithuania of 1992, and other applicable state legislation and in accordance with international obligations deriving thereof, the following rights and freedoms:

1. The right to inviolability of the liberty of the individual belonging to the national minority to freely choose to be treated or not as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to this choice;
2. Equality before the law;
3. Freedom of faith and of conscience;
4. The right to freedom of expression and freedom of the press;

5. The right to freedom of assembly and association;
6. The right freely to choose his or her occupation and place of work;
7. The right for every person belonging to the national minority to use freely and without interference his or her minority language, in private and in public, orally and in writing;
8. The inviolability of the home;
9. The right freely to establish political parties and participate in general, direct, equal, free and secret elections, which shall also apply to local and European elections;
10. Equal eligibility for any public office according to his or her aptitude, qualifications and professional achievements, i.e. in the case of civil servants, employees and workers in the public service no distinction may be made between members of the Polish minority and other citizens;
11. The right to have recourse to the court if he/she considers that his/her rights have been violated by a public authority;
12. The right to equal treatment, pursuit to which no one may be disadvantaged or favoured because of his/her parentage, his/her language, his/her origin, or his/her political opinion;
13. To establish an educational system for the minority members in the language of instruction for the minority;
14. To take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of the national minority and of the majority; provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities; undertake to promote equal opportunities for access to education at all levels for persons belonging to the national minority.

## II

In execution of these legal principles it is herewith stated that:

1. It shall be possible freely to profess ones loyalty to the Polish people and Polish culture and such a profession of loyalty shall not be contested or verified by an official authority.
2. Lithuania should examine and eliminate cases of discrimination against the minority, including issues of discrimination on labor market and hate speech by developing the appropriate tools for combatting discrimination.
3. Members of the Polish minority and their organizations shall not be hindered from speaking and writing the language of their choice, including the use of the Lithuanian language in court and administrative agencies.
4. Promotion of human rights and multi-ethnicity through i.e. respecting human rights and exercising the rights of national minorities, resulting from the membership of Lithuania in the European and international structures, and through increasing the number of training courses on human rights protection.
5. Introducing the possibility of learning of the languages of the national minority in schools with the Lithuanian language as the language of instruction in areas densely populated by national minorities.
6. Lithuania shall allocate appropriate funds for minority cultural and media projects as well organize Lithuanian-Polish cultural exchange programs for various minority representatives.
7. In respect of assistance and other benefits from public funds on which a discretionary decision is taken, the members of the Polish minority shall not be treated differently from other citizens.
8. The special interest of the Polish minority in fostering contacts with Poland in the religious and cultural as well as in specialist fields shall be acknowledged and promoted.
9. Dissemination of information on human rights among the society (both members of majority and minorities), particularly among the most vulnerable groups, such as national, ethnic or religious minorities.
10. Taking into account differences in the curriculum between schools with Lithuanian and non-Lithuanian languages of instruction; the provisions which cause inequality between the

aforementioned schools shall be liquidated; sufficient financing for these schools shall be provided, covering the higher costs of teaching.

11. Lithuania should respect Article 16 of the Framework Convention and the European Commission for Democracy through Law (Venice Commission) included in the Code of Good Practice in Electoral Matters of 2002, which means that the state should i.e. refrain from measures altering the proportions of ethnic groups in areas inhabited by national minorities with the aim to restricting the rights and freedoms as provided by the Framework Convention. Moreover, Lithuania should not change the boundaries of constituencies, breaking up the clusters of the Polish minority. Lithuania shall not take actions aiming at changing national composition nor the proportion of the national minority in the territories in which the national minority lives.
12. Allocating public funds for non-governmental organizations concerned with the protection of human rights in Lithuania. NGOs should be formally involved in the process of adopting all the laws in the field of human rights, and should receive consultative status with the right to challenge any decision of state institutions in this field.
13. Since, under local Legislation, the committees of local representative bodies are set up on the basis of proportional representation, representatives of the Polish minority shall be involved in committee work in proportion to their numbers.
14. Lithuania shall secure the right for the minority members to acknowledge and freely use his or her surname, patronym, first names and toponyms in the minority language.

The Lithuanian Parliament (Seimas) approved this declaration by decision of .....