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### NOTE VERBALE

The Permanent Mission of Italy to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and has the honour to refer to the Letter AL ITA 4/2023 dated 18 September 2023 by the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to education and the Special Rapporteur on minority issues.

In this regard, the Permanent Mission of Italy wishes to inform that, presumably due to a technical problem, the Special Procedures Branch of the OHCHR did not receive Italy's remarks dated November 2023.

The Permanent Mission of Italy to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurance of its highest consideration

Geneva,

18 AVR. 2024



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Office of the United Nations  
High Commissioner for Human Rights  
GENEVA

*MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION*  
*Inter-ministerial Committee for Human Rights*  
*Comitato Interministeriale per i Diritti Umani*

**ITALY'S REMARKS**  
**FOLLOWING JOINT COMMUNICATION FROM**  
**UN SPECIAL RAPPOREUR IN THE FIELD OF CULTURAL RIGHTS; THE SPECIAL**  
**RAPPOREUR ON THE RIGHT TO EDUCATION; AND THE SPECIAL RAPPOREUR**  
**ON MINORITY ISSUES**

**(AL ITA 4/2023)**

*November 2023*

## ITALY'S REMARKS

Further to UN Special Rapporteurs' joint communication (AL ITA 4/2023), dated September 18<sup>th</sup>, 2023, the Government of Italy is in a position to provide the following information.

### List of Acronyms

FVG Friuli-Venezia Giulia

In the Italian Constitution, Article 2 guarantees the inviolable rights of human being, as an individual and in the social formations in which his/her personality takes place. However, the issue of language is touched upon in Articles 3 and 21, which have general relevance, and in Article 6, which specifically concerns linguistic minorities. Article 3 affirms equal social dignity of all citizens and their equality before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions; Art. 21, Paragraph 1, "Everyone has the right to express his or her thoughts freely by word, writing and any other means of dissemination," implies that freedom of expression is everyone's right; Art. 6 included among the "Fundamental Principles," stipulates: "*The Republic protects linguistic minorities with special regulations*" – thus, represents a special provision for linguistic minorities, an active protection. These are understood to be population groups that speak a mother tongue different from that of a majority: the latter is generally identified with speakers whose mother tongue is the official language of the State of which they are citizens.

The Constitutional Court has repeatedly affirmed that the protection of linguistic minorities constitutes a fundamental principle of the constitutional order. In particular, Judgment No. 15 of 1996 noted that "*this principle ... has been emphasized numerous times by the jurisprudence of this Court, also because it is situated at the meeting point with other principles, sometimes defined as "supreme," which indefectibly and necessarily qualify the existing legal system (Judgments No. 62 of 1992, No. 768 of 1988, No. 289 of 1987, and No. 312 of 1983): the pluralistic principle recognized by Art. 2--language being an element of individual and collective identity of basic importance-- and the principle of equality recognized by Art. 3 of the Constitution, which, in the first paragraph, establishes the equal social dignity and equality before the law of all citizens, without distinction of language and, in the second paragraph, prescribes the adoption of norms that also positively apply to remove factual situations from which discriminatory consequences may arise.*" In Judgment No. 170 of 2010, the above Court states that, "*in the final analysis, the rule set forth in Article 6 of the Constitution ends up representing - far beyond what, moreover, can be drawn, with regard to "Fundamental principles," from the mere argument of sedes materiae - a sort of further physiognomic trait of the republican constitutional dimension and not merely an index of the relevant form of government. And the provision for protection appears to be directly intended, rather than for the safeguarding of minority languages as objects of memory, for the conscious custody and enhancement of heritages of collective sensibility that are alive and vital in the experience of speakers, however gathered only in diffuse and numerically "minor" communities.*"

In order for the constitutional indication to be effectively translated, it took the approval of Law No. 482 of December 15, 1999 ("Norms on the Protection of Historical Linguistic Minorities"), which was followed by the Implementation Regulations, which came into force in 2001 and was intended in particular to regulate the ways of delimiting the territorial scope of protection and the measures to be taken in schools, public administration and the media. Law No. 482 of December 15, 1999, introduces into the legal system an organic discipline for the protection of minority languages and cultures historically present in Italy, and more specifically the Albanian, Catalan, Germanic, Greek, Slovenian and Croatian populations and those speaking French, Franco-Provençal, Friulian, Ladino, Occitan and Sardinian.

Law No. 482 of 1999 delimits a 'closed number' perimeter of linguistic minorities, which are subject to protection therein based on their historical roots. Linguistic groupings are: Arbëreshe/Albanians

(present in Abruzzi, Molise, Campania, Calabria, Basilicata, Apulia, and Sicily, following migrations that took place between the mid-15th century, after the Ottoman conquest of Constantinople in 1453, and the mid-18th century); Catalans (present in Alghero, from the 14th century after Peter IV of Aragon, having defeated the Genoese fleet, deported or put the Sardinian and Genoese inhabitants on the run, encouraging a massive migration of people from Catalonia); Croatians (as a result of 16th-century migrations, as for the Albanians originating from the Balkan advance of the Ottomans, and today concentrated in the municipalities of Acquaviva Collecroce, Montemitro and San Felice del Molise); Hellenophones (in Calabria, as Greco, and in Apulia, especially in Salento, as Griko); Francophones (in its variants: Patois or Arpitan, spoken by Franco-Provençals living in the Aosta Valley and in Piedmontese valleys in the province of Turin, contiguous with the territory of Valais (Switzerland) and Savoy (France) - and also found in the Apulian municipalities, in the province of Foggia, of Faeto and Celle San Vito, whose population descends from an immigration dated to the 13th or 14th century; Occitan, or langue d'oc or Provençal, present in valleys of Piedmont, between Turin and Cuneo, in the province of Imperia and in that of Cosenza, in the municipality of Guardia piemontese, where survivors of the persecutions of the Waldensian colonies of Bobbio Pellice flocked); Friulians (according to some hypotheses as a result of the Romanization of the Carni, a population of the Celtic group formerly inhabiting those territories); German-speakers (also in this case with multiple variants: the Carinthians, after the Bavarian colonization of the Alpine arc in the 10th-13th centuries, with an idiom similar to those on the other side of the ridge of the Carnic Alps being spoken in Friuli-Venezia Giulia, in the province of Udine, in the linguistic insulae of Sauris and Timau, or on the border with Austria and Slovenia in Val Canal, or in Veneto, in the municipality of Sappada; the Cimbri, present in Trentino, in Folgaria, Lavarone and Luserna, or in the so-called Seven Municipalities of the Asiago plateau, and in Lessinia, in the province of Verona; the Mocheni, a community settled in the valley of the Fèrsina stream; the Germans, present in Trentino-Alto Adige/South Tirol, in which the German language group resides, which is the majority group in the province of Bolzano; the Walser, descendants of Alemannic shepherds and peasants who in the 8th century ascended the Bernese Oberland to settle in the upper Rhone Valley-known as the Valais, whence Walser - and, then, in the 12th century, in Italy, settling around Monte Rosa, being the subject of provision in a 1993 constitutional law that introduced Article 40-bis into the Statute of Valle d'Aosta, which recognizes the Walser minority with specific protection, including teaching in their mother tongue); Ladins (in Trentino-Alto Adige, Bolzano, Val Badia, Val di Fassa and Val Gardena); Sardinians (according to some scholars, the language that has most preserved Latin, moreover divisible into the Campidanese and Logudorese linguistic variants); Slovenes (in Friuli-Venezia Giulia in the border strip from Muggia to Tarvisio, in Val Canale, in the Resia Valley, in the Natisone valleys in the province of Udine, in Gorizia, and in various localities in the province of Trieste).

Law No. 482 enshrines the official character of the Italian language as the language of the Republic and the enhancement of the linguistic and cultural heritage of the Italian language. The aforementioned legislation indicates the scope of protection regulations; dictates a series of provisions on school and university education; provides for the use of protected languages in the performance of public functions; allows the adoption of place names in accordance with local traditions and customs and the restoration of surnames in the original language; promotes and disseminates protected languages, including through public service broadcasting and support for publishing; authorizes an annual allocation for the expenses incurred by Bodies in favor of linguistic minorities; provides for the possibility of establishing bodies for the protection of linguistic and cultural traditions; provides for the conformity of regional legislation to the principles of the law for the protection of minorities; provides for the promotion of protected languages spread abroad.

National legislation on linguistic minorities has been supplemented by an articulated panorama of regional laws that have introduced specific provisions on the enhancement of local linguistic heritages. At first, regions with special statutes distinguished themselves in this regard; from 1970 onward, programmatic enunciations regarding the linguistic minorities present in their respective territories were gradually included in the statutes of ordinary regions, as well.

The annual allocation for expenses incurred by Bodies in favor of linguistic minorities is the "National Fund for the Protection of Linguistic Minorities" referred to in Articles 9 and 15 of Law No. 482 of December 15, 1999. Article 9 of the aforementioned law established at the Department for Regional

Affairs and Autonomies of the Presidency of the Council of Ministers a "National Fund for the Protection of Linguistic Minorities," which is replenished annually by the budget law.

Through the distribution of the annually allocated funds, projects submitted on specific lines of action by State's administrations and local authorities are financed, including those aimed at enabling, in the offices of public administrations, the oral and written use of the language eligible for protection.

As for lines of intervention, mention has to be made of the projects aimed at the activation of language desks; the implementation of language training activities, activities of a cultural nature and toponymy. For projects submitted by the local authorities of the Friuli-Venezia Giulia and Sardinia Regions, on the other hand, an undivided share of the Fund is allocated to each of the aforementioned Regions, which, on the basis of specific regulatory provisions deriving from their special autonomy, autonomously provide funding.

The activity of allocating the Fund is initiated by a Public Notice and the preliminary investigation for the allocation of the Fund itself is carried out by the Department for Regional Affairs and Autonomies of the Presidency of the Council of Ministers, based on the criteria prescribed by Presidential Decree No. 345 of May 2, 2001, and the three-yearly Prime Ministerial Decree of March 30, 2023.

By Law 3 February 2001, No.38, on "Protection of the Slovene linguistic minority in the Friuli-Venezia Giulia Region", the legislator includes Val Resia in the historical areas of Slovene linguistic presence<sup>1</sup>.

By recalling above information, the resian community is protected in our legal system through the regulations provided for the protection of the Slovene language by the above-mentioned Laws No.482/1999 and No.38/2001. The legal framework of historical linguistic minorities is completed by the numerous regional laws promoted throughout the national territory to supplement the protection provided for them. In this regard, it is worth recalling Regional Law of Friuli-Venezia Giulia No. 26 of 16 November 2007, as amended, on "Regional norms for the protection of the Slovene linguistic minority", which, in accordance with national legislation, refers to the following international standards: the Convention for the Protection of Human Rights and Fundamental Freedoms; the Instrument of the Central European Initiative for the Protection of Minority Rights; the documents of the Organization for Security and Cooperation in Europe (OSCE).

The above-mentioned FVG Regional Law No. 26/2007 is of particular relevance as it provides contributions for the "resian" and its variants. In particular:

Article 20 provides for the financing of interventions aimed at the social, economic and environmental development of the Mountain Community Natisone and Torre and the Mountain Community Canal del Ferro and Val Canale, of which Val Resia is a part.

Art. 22 expressly provides for the financing of programmes for the promotion of activities and initiatives carried out in favor of the resian, which can be presented by the Municipality of Resia, as well as by bodies and associations, including those not registered in the Regional Register of Organizations of the Slovene Linguistic Minority, as per art. 5, Regional Law (FVG) No. 26/2007, having their registered office in the same Municipality. Such funding is governed by the specific regulation of *DP Reg. (FVG) No. 0158/Pres. dd.*, dated 13.11.2020.

Precisely because of the protection guaranteed to the resian community by the above-mentioned Laws No. 482/1999 and No. 38/2001, it has been possible to maintain in the Italian municipality of Resia, **the school Institutes within which it is possible to teach writing and reading in the resian.** Therefore - although not autonomously considered among the minority languages recognized under Art. 2 of Law

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<sup>1</sup> Particularly interesting are the linguistic studies on this issue, provided by the linguist Roberto Dapit, professor at the University of Trieste, who in his essay "*Resian identity between "myth" and ideology: the effects on language*" deals with the historical-cultural motivations that would have led the populations of Val di Resia to want to strongly distinguish themselves from Slovenian-speaking populations. In this regard, the aforementioned scholar points out, however, that "...The representations of resian mythical imagery, colored by strong hues, do not naturally find confirmation in the results obtained by the countless scientific studies that attribute to resians a common origin with the other Slovenian populations settled around Resia, that is in Benecia and Val Canale, as well as in the upper Isonzo" (p. 309).

No. 482/1999 - the resian community **equally enjoys effective protection in our legal system**, as demonstrated by the provision of the regional law No. 26/2007, which provides funding specifically aimed at the Slovene linguistic minority, as well as further guarantees recognized to the resian community, including the above-mentioned possibility of teaching in compulsory schools, the resian-

As mentioned earlier on and more in detail, Italy and the Autonomous Region of Friuli-Venezia Giulia protect the resian —through the following legislation provided for the preservation of the Slovenian language: Act No. 482/1999; Act No. 38/2001 and Regional Act (*FVG*) No. 26/2007.

In general, Art.2 of Act No.482/1999 recalls "the general principles established by European and international bodies," and Act No. 38/2001 conforms to the principles proclaimed in the Universal Declaration of Human Rights, as well as the Framework Convention for the Protection of National Minorities, as emphasized in Articles 1 and 2. The Regional Law (*FVG*) No. 26/2007, in observance of national legislation, also refers to the following international standards and agreements (in addition to the aforementioned Declarations and Conventions): the Convention for the Protection of Human Rights and Fundamental Freedoms, the Instrument of the Central European Initiative for the Protection of Minority Rights and the documents of the Organization for Security and Cooperation in Europe (OSCE).

With regard to the resian, both State and regional legislation provides special funding for its protection. To this end, mention has to be made of Art.21, para. 3, of Act No.38/2001, which finds its implementation through Art.20 of Regional Act (*FVG*) No.26/2007, under which the social, economic and environmental development of the Natisone and Torre Mountain Community and of the Canal del Ferro and Val Canale Mountain Community, of which Val Resia is also a part, is financed.

Not only that, Art.22, para. 1, of Regional Act (*FVG*) No.26/2007, expressly provides for the financing of programs for the promotion of activities and initiatives carried out in favor of the resian, which can be presented by the Municipality of Resia, as well as by entities and associations, including those not registered in the Regional Register of Organizations of the Slovenian Linguistic Minority referred to in Art.5, Regional Act (*FVG*) No.26/2007, having their registered office in the same Municipality. Such funding is governed by the appropriate regulation set forth in *D.P.Reg.(FVG)No.0158/Pres dd.13.11.2020*.

In addition, with reference to Law 482/99, by virtue of the statutory provisions of the Friuli-Venezia Giulia (acronym in Italian, *FVG*) Region, the Region itself receives an annual financial allocation for the exercise of administrative functions related to the implementation of Articles 9 and 15, from the allocations authorized by the State Budget.

Moreover, with regard to the education sector, pursuant to Article 5 of Law No. 482/1999 (Promotion and implementation of national and local projects in the field of the study of languages and cultural traditions of members of a linguistic minority recognized under Articles 2 and 3 of the same law), the following information is provided.

The Municipality of Resia is included in the list of municipalities protected by Law No. 482/1999 for the Slovene language (Annex 1 - Delimited municipalities annexed to the Public notice for the presentation of projects year 2023\_ Department of Regional Affairs - <https://www.affariregionali.it/activities/areas-thematic/repartition-of-funds-and-actions-for-the-protection-of-the-historical-linguistic-minorities/2023-public-announcement-for-projects-submission/>), as well as in the list of municipalities envisaged by Law No. 38/2001 (Law for the protection of the Slovene minority) and in the Decree of the President of the *FVG* Region No. 346 of 18 December 2008 on toponymy, with the specification, "through the use of local variants of the Slovene language", i.e. resian.

At present (school year 2023/2024), in the Municipality of Resia there is a kindergarten (12 children), a primary school (22 pupils distributed in two multi-grade classes) and a secondary school (7 pupils for the three years). **The three plexuses belong to the *Istituto comprensivo di Trasaghis*** (Source: Search your school: <https://cercalatuascuola.istruzione.it/cercalatuascuola/ricerca/risultati?rapida=Resia&typeSearch=RAPIDA&gidf=1>).

The Trasaghis Comprehensive Institute is part of the 'Aghis Network' headed by the Faedis Comprehensive Institute and, through the latter, **has been participating for years in the Ministry of Education's** calls for tenders for the promotion of projects in favor of linguistic minorities.

Specifically, both in the project presented and financed in the two-year period 2019/2021 and in the two-year period 2021/2023, through the lead school, *Istituto comprensivo di Faedis*, one of the programmatic lines reads: "***to collaborate and share didactic-methodological aspects with different linguistic and cultural realities present in our territory (schools of the Resia Valley and of the Slovene-speaking area) for a mutual enrichment***" and again: "*With this project we intend to promote collaboration with different linguistic and cultural realities present in our territory and also far away.*"

***The schools of Val Resia (kindergarten, primary, secondary) have been part of the Istituto Comprensivo di Trasaghis, a partner of this network, for a few years now. The resian mountain area has kept alive its own linguistic, musical and cultural peculiarities, configuring itself as a specific enclave of Slovenian-speaking family language. In the past two years, our network has started a dialogue with the schools of Val Resia, where resian teaching is taught thanks to specific projects. We intend to implement closer cooperation by making use of the website, the blog and by sharing multimedia materials as produced by the schools to support minority language lessons.***"

Finally, three Bills are currently under consideration concerning the Ratification and Execution of the European Charter for Regional or Minority Languages: AA.SS. 12; 230; and 423 - *Ratification and Execution of the European Charter for Regional or Minority Languages* (done at Strasbourg on November 5, 1992).

Assigned on 23 November 2022 to the reunited Parliamentary Committees, in referral (in particular to the I Commission for Constitutional Affairs and to the III Commission for Foreign Affairs and Defense), the aforementioned Texts are being examined by the Senate Committee.

## **CONCLUSION**

We take this opportunity to reiterate our firm willingness to continue cooperating fully with all UN Special Procedures.

