

**Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to education and the Special Rapporteur on minority issues**

Ref.: AL ITA 4/2023  
(Please use this reference in your reply)

18 September 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur in the field of cultural rights; Special Rapporteur on the right to education and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 46/9, 53/7 and 52/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged lack of protection of cultural rights, including linguistic rights, of the Resian community**, in the autonomous region of Friuli-Venezia Giulia.

According to the information received:

Val Resia (the Resian valley) in the North-East of Italy has traditionally had a population speaking an archaic South Slavic language, *il Resiano*, also spoken in *Uccea*, an adjacent valley. Having developed separately from other Slavic cultures because of the valley's geographical isolation, this language is spoken today by 1'000 to 2'000 persons, about 1'200 of them residing in Val Resia, the others belonging to the diaspora. It is referred to by the Resia community as an important element of their cultural identity.

The Resian identity has been consistently defended throughout the years by active local associations, representing the opinion of the wide majority of the valley's population, who does not consider itself to be Slovenes, and do not wish to be assimilated with that group. The *resiano* – Resian language – was listed as an endangered language by UNESCO in 2010. Over the years, it is reported that the population of Val Resia have requested state measures in favour of the preservation of their local language and culture.

Article 6 of the Italian Constitution of 1948 provides that the Republic protects linguistic minorities with special regulation.

On 15 December 1999, Italy adopted Law 482/99, setting the legal framework for the protection of historical linguistic minorities.

Article 2 of this law lists the concerned minority languages and cultures to be protected, which does not include the *resiano*.

Article 3 paragraph 1 of Law 482/99 states that the delimitation of the territorial and sub-municipal area in which the provisions for the protection of the linguistic minorities listed under article 2, are adopted by the provincial council, at the request of at least 15% of the electorate residing in the municipalities themselves or one third of the municipalities' councilors.

Since the resiano is not listed under Article 2 of Law 482/99, Article 3 paragraph 2 and 3 of the Law are not applicable.

The other articles of Law 482/99 provide for the teaching of the minority languages and cultures in schools, the use of the language during municipal council and other public organs' board meetings as well as in communications with the authorities and on public TV and radio, the protection of place names, the reversing the Italianisation of people's names and surnames, restoring their original forms, and subsidies for publishing houses and press, for associations and private TV and radio stations.

Various attempts to include the resiano in the list of cultures and languages protected by Law 482/99 failed, including through the proposal of a regional law no. 29 on 18 December 2007, through the draft Law 697 of 27 May 2008 and through a proposed amendment to law 482, submitted on 23 January 2019.

In 2009, in response to the regional Law no. 29, the Italian Constitutional Court ruled that the regions – in this case, Friuli-Venezia Giulia - do not have the power to add to the list of languages and cultures recognised and protected by the state under Law no. 482/99 (decision 159/2009).

Although Val Resia has a distinct language and culture, minority councilors requested the application of Law 482/99 in that valley for the protection of the Slovenian language and culture, which, in contrast to the resiano, is listed in article 2 of the Law.

The Slovene linguistic minority of the Friuli-Venezia Giulia region, mainly present in Trieste, Gorizia and Tarvisiano, is also protected by other national legislative instruments: the Presidential Decree no.345 of 2 May 2001 protects the Slovene linguistic minority in application of Law 482/99. Law 38/01 of 23 February 2001, in its art. 1 paragraph 1, states that Italian citizens belonging to the Slovenian linguistic minority shall be subject to the provisions of Law 482/99, except as expressly provided in Law 38/01. The Regional Law no. 26/2007 of 16 November 2007 also protects the Slovene linguistic minority of the Friuli-Venezia Giulia region.

However, resiano is not mentioned in any of the aforementioned legal documents.

In March 2010, the Italian Ministry of Interior confirmed that Resia is to be considered part of the bilingual Italian-Slovene territory and that linguistic rights guaranteed by the Italian Act for the Protection of the Slovene Minority are to be fully applied in Resia. Although the municipal assembly of Resia asked shortly after for their municipality to be removed from the list where the Law for the protection of the Slovene language applies, such removal is considered impossible according to the Law.

This situation created an unbalance in the resources available for the protection of the two languages and cultures to the detriment of the resiano, which risks, in the long run, to undermine the survival of the Resian culture in the Val Resia.

Without wishing to prejudge the accuracy of the information received, we wish to express our concern about the impact of the application of the current legal framework for the protection of minority languages and cultures in Val Resia, which seems to severely limit the rights of the residents of the valley to self-identification, as well as their ability to maintain and transmit their language and culture, and to take part in decision-making processes that have an impact on their cultural life. Whereas the legal framework seems very supportive of the rights of other linguistic and cultural minorities, the exclusion of the resiano from the protection of the Law 482/99, and the corresponding lack of basis and resources for its continued use in education, the media, public spaces and interaction with the local authorities, may irreversibly threaten the ability of the residents to protect, maintain and develop their heritage, for themselves and for all others.

In connection with the above alleged facts and concerns, please refer to the Annex on **Reference to international human rights law and standards** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations;
2. Please explain how the Resian language and culture were considered in the elaboration of article 2 of Law 482/99 in 1999, and the reasons that led to its exclusion from the list of languages and cultures needing minority protection.
3. Please provide information about how the decision to continue to exclude Resian language and culture from that list, and to refuse the removal of Val Resia from the list of municipalities where the Law applies for the protection of the Slovene language and culture, are compatible with the international obligations of Italy regarding the rights of the residents of Val Resia to self-identification and to take part in decision-making processes that have an impact on their cultural life;
4. Please provide information about any step or measure taken by the Government to ensure the full exercise of the residents of Val Resia of their cultural rights, including their right to choose, maintain and transmit their language and cultural practices;
5. Please provide information concerning any step the Government has taken or is planning to take to ratify the European Charter of Regional and Minority Languages.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communication reporting [website](#). They will also

subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Alexandra Xanthaki  
Special Rapporteur in the field of cultural rights

Farida Shaheed  
Special Rapporteur on the right to education

Fernand de Varennes  
Special Rapporteur on minority issues

## **Annex**

### **Reference to international human rights law**

We would like to recall your Excellency's Government's obligations under articles 13 and 15 of the International Covenant on Economic, Social and Cultural Rights, and article 27 of the International Covenant on Civil and Political Rights, both ratified by Italy on 15 September 1978.

Article 15 of International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to take part in cultural life, which includes inter alia the right to access and enjoy cultural heritage, to conduct cultural practices, to maintain and to transmit cultural resources and ways of life, including languages. The Committee on Economic, Social and Cultural Rights has explained that States' obligations to respect and protect freedoms, cultural heritage and diversity are interconnected. In the Committee on Economic, Social and Cultural Rights' view, article 15, paragraph 1 (a) of the Covenant also includes the right of minorities and of persons belonging to minorities to take part in the cultural life of society, and also to conserve, promote and develop their own culture. This right entails the obligation of States parties to recognize, respect and protect minority cultures as an essential component of the identity of the States themselves. Consequently, minorities have the right to their cultural diversity, traditions, customs, religion, forms of education, languages, communication media (press, radio, television, Internet) and other manifestations of their cultural identity and membership (General Comment 21, para. 32). Furthermore, "States parties should adopt measures and spare no effort to ensure that educational programmes for minorities and indigenous groups are conducted on or in their own language, taking into consideration the wishes expressed by communities and in the international human rights standards in this area" (para. 27).

Article 13 of the same Covenant recognizes the right of everyone to education. It further provides that education shall be directed to the full development of the human personality and the sense of its dignity and should promote understanding, tolerance, and friendship among all racial, ethnic or religious groups. Article 13 (2), as clarified by the Committee on Economic, Social and Cultural Rights, provides an obligation of States Parties to take positive measures to ensure that education is culturally appropriate for minorities and indigenous peoples.

In her report to the Human Rights Council on the cultural dimension of the right to education, the Special Rapporteur on the right to education recalled that States and other actors must recognize that cultural diversity is a fundamental characteristic of contemporary societies that must be both reflected and made the most of at all levels of the education system, formal or not (A/HRC/47/32, para.22). She further underlined the right of learners to a culturally appropriate and relevant education (para. 79 a).

Article 27 of the Covenant on Civil and Political Rights provides that ethnic, religious or linguistic minorities shall not be denied their right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

We would also like to draw the attention of your Excellency's Government to the Convention on the Rights of the Child, ratified by Italy on 5 September 1991. Article 30 of the Convention stipulates that a child belonging to the minority group shall not be denied the right with members of his or her group to enjoy his or her culture, to practice his or her religion or to use his or her own language. Additionally, under article 29 (1) (c) of the Convention, every state party is obliged to provide that the education of the child shall be directed to the development of respect for the child's parents, his or her own cultural identity, language, and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own.

We also remind your Excellency's Government of UNESCO'S Universal Declaration on Cultural Diversity, which emphasizes the importance of respecting the human rights of minorities as a central component of overall "respect for human dignity" (art. 4). Significantly, the protection of linguistic diversity "at all levels of education" was recognized, in the annex of the Universal Declaration on Cultural Diversity, as a main avenue of implementation of these principles. According to article 5 of the Declaration, all persons are entitled to quality education and training that fully respect their cultural identity.

We would like to remind your Excellency's Government of the international standards stemming from the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (hereinafter, "the Declaration"), adopted by consensus by the UN General Assembly on 18 December 1992 (A/RES/47/135). Article 2.1 of the Declaration recognizes the right of persons belonging to a minority to "to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination". Moreover, we call your Excellency's government attention to specific State duties with regards to minorities, as set out in articles 1, 4.3 and 4.4 of the Declaration. Article 1 calls on States to adopt measures, both legislative and otherwise, to protect the existence and promote the identity of persons belonging to "national or ethnic, cultural, religious and linguistic minorities". Pertaining more specifically to the linguistic rights of minorities, article 4.3 of the Declaration calls on States to "take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue". In addition, article 4.4 calls on States to use education as a means of increasing exchanges of knowledge on "history, traditions, language and culture" between minorities and broader national society.

We would further like to call your Excellency's Government attention to the Working Group on Minorities' commentary on the application of the Declaration (E/CN.4/Sub.2/AC.5/2005/2). In its interpretation of the duties stemming from article 4.3 of the Declaration, the Working Group found that, in cases when a minority language is territorial in nature and is spoken by a large number of persons in a region of a country, "States should to the maximum of their available resources ensure that linguistic identity can be preserved". Ideally, this would be done by providing pre-school and primary education in a linguistic minority's mother tongue, and progressively introducing State languages in later years of schooling (E/CN.4/Sub.2/AC.5/2005/2, para 61).