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The Italian legal framework for the protection of minorities: a perspective from Ladin, German and Italian speaking communities in South Tyrol

Mattia Zeba
Institute for Minority Rights
Eurac Research



Linguistic minorities in the Italian Constitution

Art. 6 - The Republic safeguards linguistic minorities by means of appropriate measures.

‘Sectorial’ approach

the heterogeneity of linguistic minorities residing in Italy required the adoption of different laws

‘Holistic’ approach

only a framework law can enable

- a clear definition of the constitutional meaning of ‘linguistic minority’,
- the protection of less active claimant groups,
- a minimum level of uniformity in treatment

Implementing art. 6

1950s-1970s: general indifference towards the issue

1970s-1990s: growing 'interest'

- proposals with a holistic approach to the general protection of linguistic minorities;
- other proposals focused on specific groups such as the Ladin Community, the Slavic-speaking Community, the Friulian Community, the Sardinian Community, the Occitan-speaking Community, the German-speaking Walser Community, the Albanian Community, the Venetian ethno-linguistic group, the Roma Sinti Community, and the various nomadic ethnic groups

1990s: final discussions and approval of Law 482/1999 – “Norms on the Protection of Historical Linguistic Minorities”

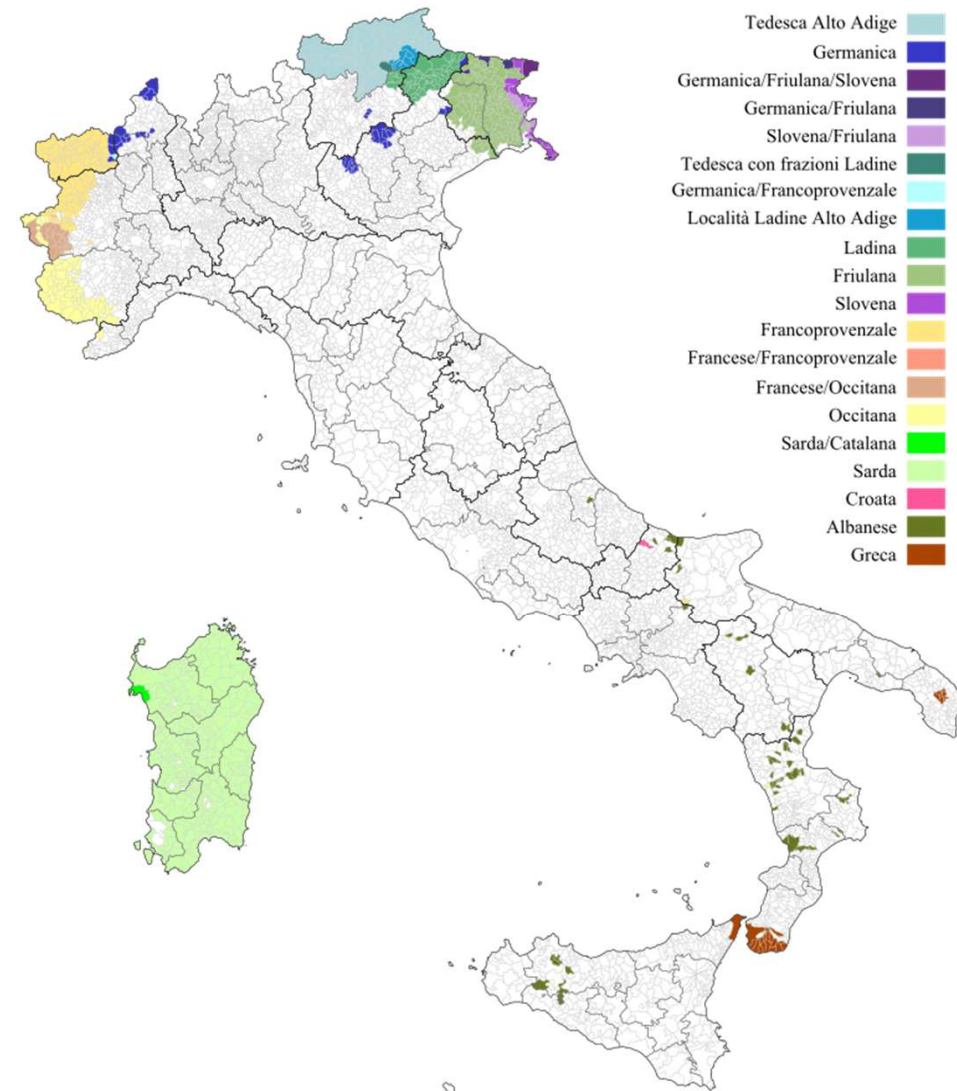
Law 482/1999 – the illusion of a gold standard

Art. 2: “In implementation of Article 6 of the Constitution and in accordance with the general principles established by European and international bodies, the Republic protects the language and culture of the Albanian, Catalan, Germanic, Greek, Slovenian, and Croatian populations, as well as those speaking French, Franco-Provençal, Friulian, Ladin, Occitan, and Sardinian”.

Lack of a clear rationale behind this closed list (cfr. <https://phaidra.cab.unipd.it/imageserver/o:318149>)

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Linguistic hierarchies
(superprotected minorities vs other minorities)



Comunità di minoranza

L. 482/99 e S.A. Prov. BZ/Sudtirolo

Superprotected minorities

German and Ladin in South Tyrol: 1972 Statute of Autonomy → separation (IT/DE) and bi-/pluri-lingualism (Ladins)

French in Valle d'Aosta: 1948 Statute of Autonomy → bilingualism (FR/IT)

Slovene in Friuli-Venezia Giulia: Law 38/2011 and Regional Law 26/2007 → no territorial autonomy context / different educational approaches in different provinces (Separation in Trieste and Gorizia, Bilingualism in Udine)

South Tyrol - a trilingual province?

Linguistic structure of the autonomous province of Bozen/Bolzano

Sprachstruktur der autonomen Provinz Bozen.
Struttura linguistica della provincia autonoma di Bolzano.
Strutura linguistica de la provinzia autonoma de Bulsan.



German
(68,61%)

■ >90%

■ >80%

■ >50%

Italian
(26,98%)

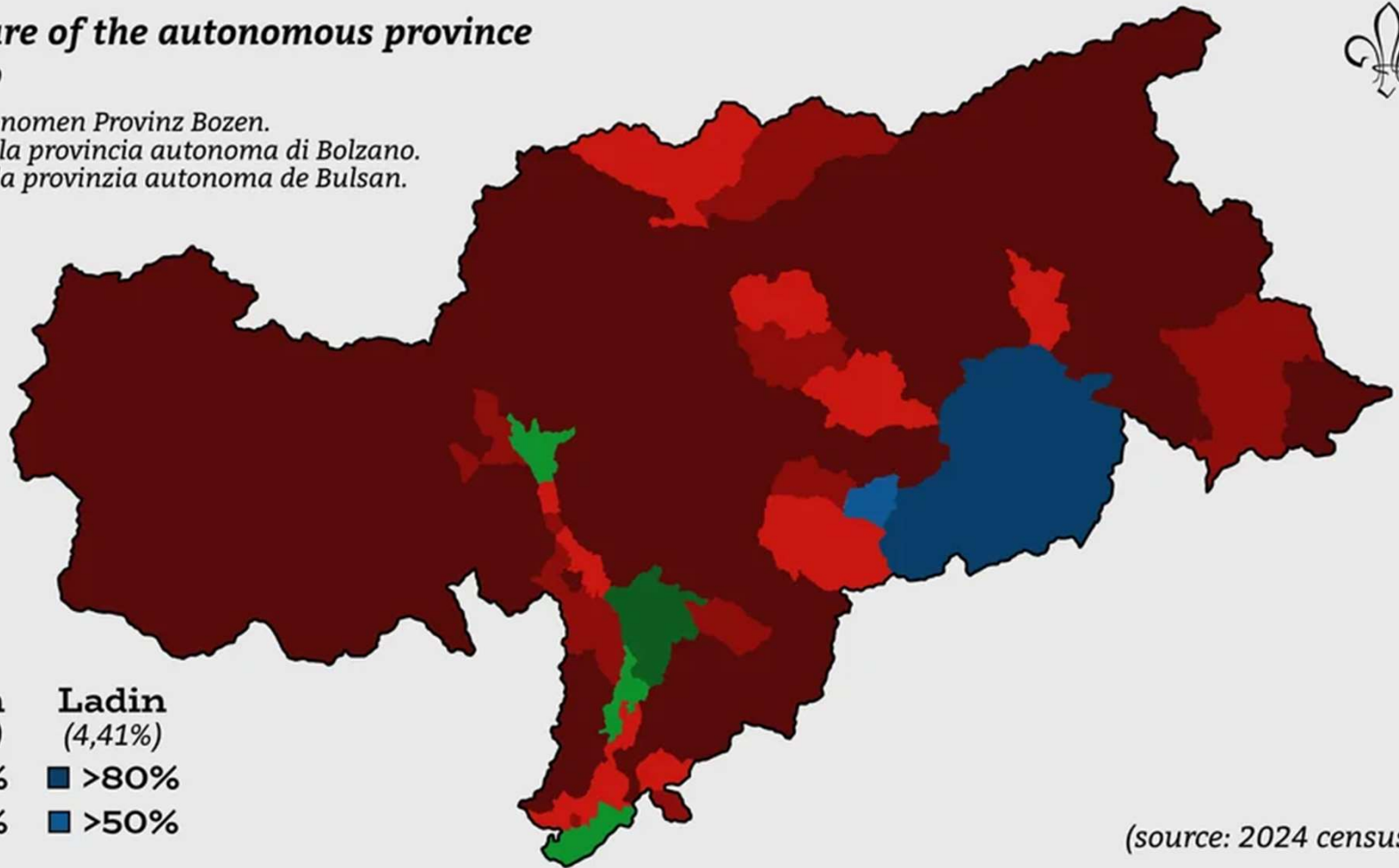
■ >70%

■ >50%

Ladin
(4,41%)

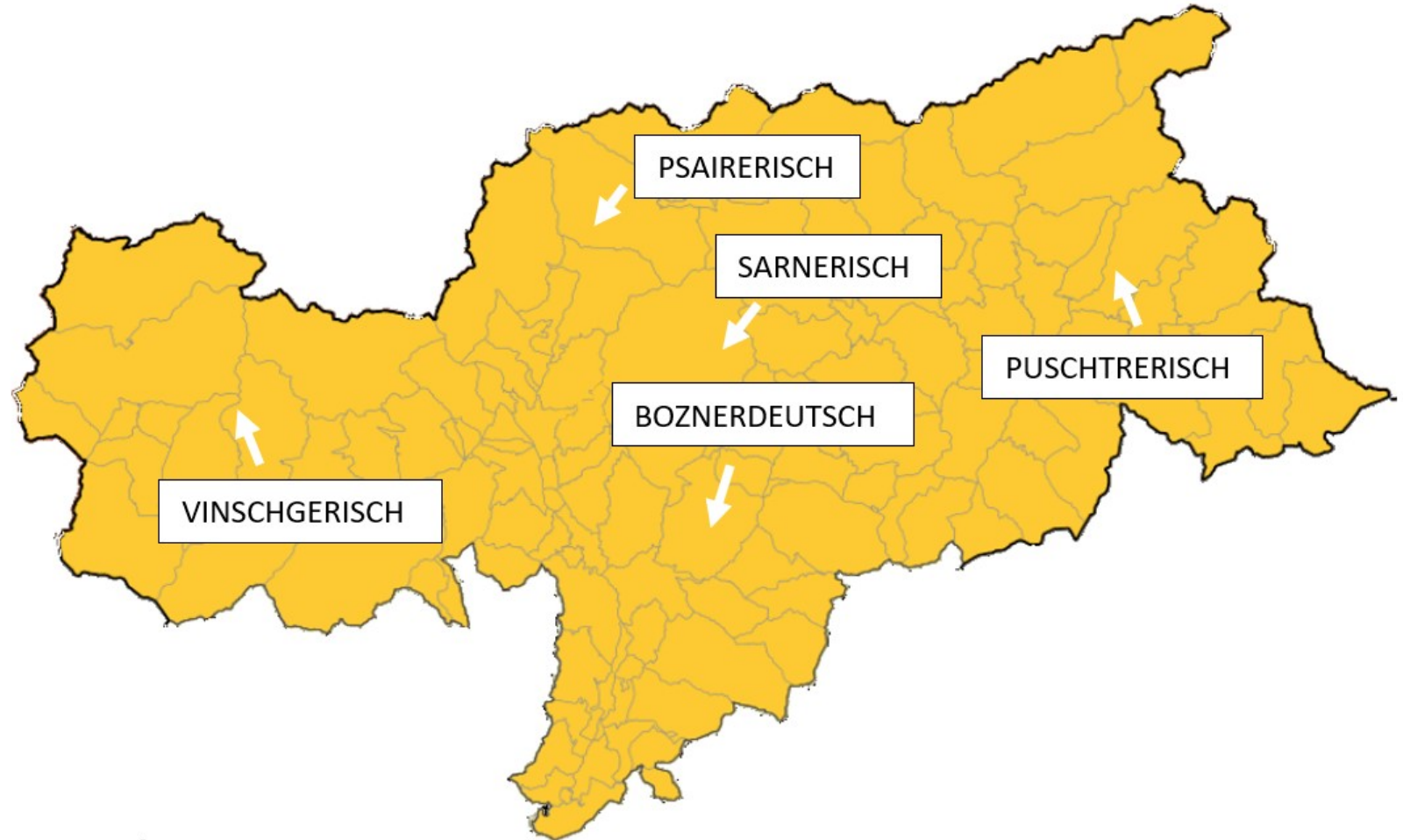
■ >80%

■ >50%

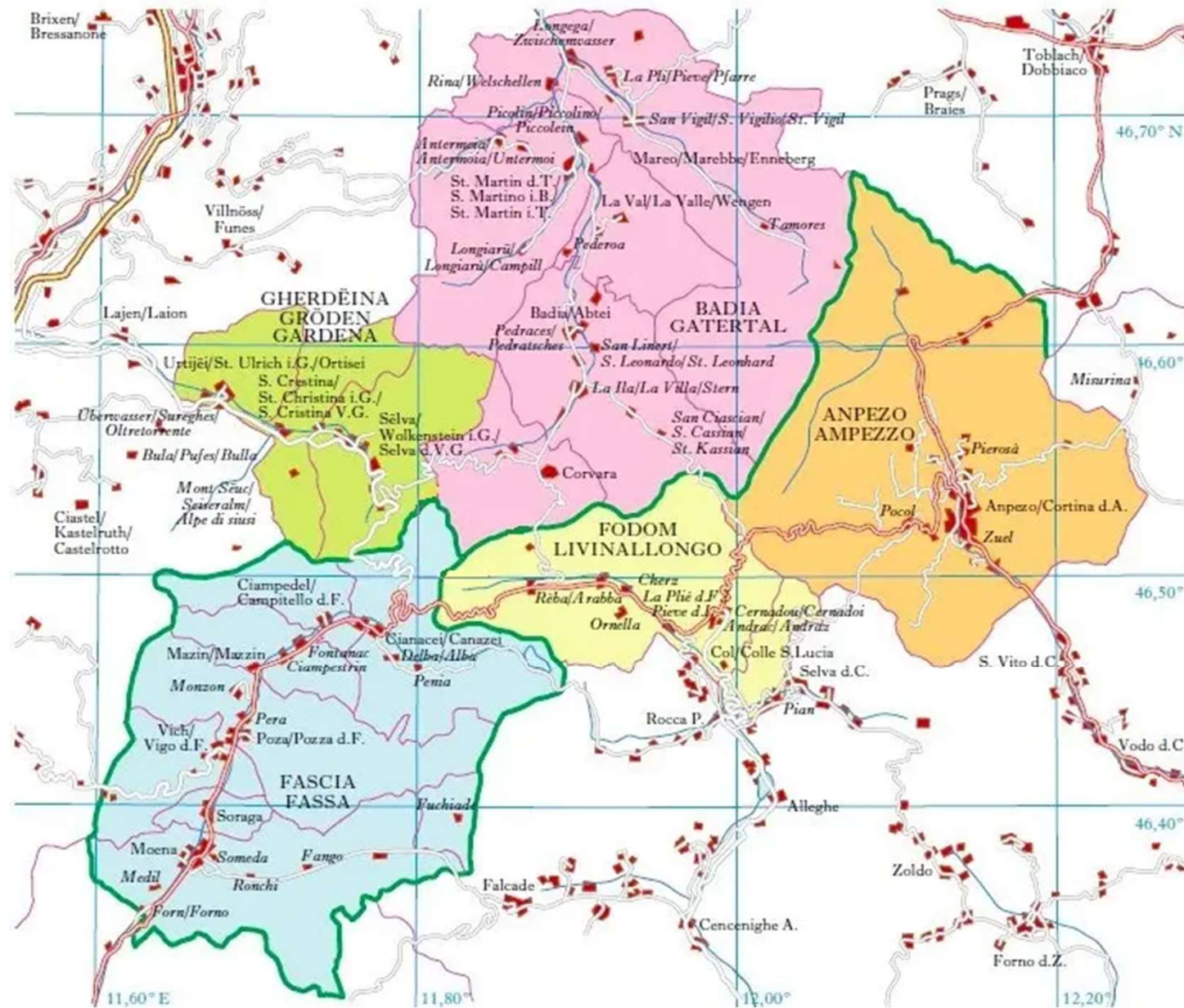


(source: 2024 census)

South Tyrol - a ~~trilingual~~ province?



Ladins – linguistic and political divisions



A web of hierarchies



German and Ladin in Tyrol
French in Valle d'Aosta
Slovene in Friuli-Venezia Giulia
Ladin, Mocheno, Cimbri in Trento
Sardinian in Sardinia



Ladin in South Tyrol
Ladin in Trentino
Ladin in Veneto



Standard languages of kinstates
Alloglossies in Autonomous regions/provinces
Alloglossies in Ordinary Regions
“Regional” Languages
Heritage Languages
Sign Languages
Languages of Roma, Sinti and Caminanti

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Thank you!

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