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MINORITY POLICIES AND GOVERNANCE IN EUROPE

Edited by **Aleksandra Kuczyńska-Zonik**

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PROTECTION OF NATIONAL AND ETHNIC MINORITIES IN POLAND IN LIGHT OF INTERNATIONAL REGULATIONS: AN INTRODUCTION

Aleksandra Kuczyńska-Zonik

Executive summary

- Poland has developed a relatively comprehensive system for the protection of national and ethnic minorities, grounded in international law and the 2005 Act, which ensures cultural, linguistic, and political rights. However, despite this robust legal framework, practical implementation remains inconsistent, with persistent challenges related to institutional coordination, funding, and effective dialogue between minorities and public authorities.
- The protection of minorities in Poland operates within a broader European framework shaped by international standards but increasingly challenged by geopolitical tensions, securitisation of minority issues, and rising social polarisation. At the same time, new opportunities – such as the use of digital tools and artificial intelligence – offer the potential to enhance inclusion,

access to rights, and the cultural visibility of minority groups in the future.

- Contemporary challenges for minorities in Poland increasingly stem from the politicisation and securitisation of minority issues, particularly in the context of regional security tensions linked to Russia and Belarus. This has contributed to instances of stigmatisation and differentiated treatment of minority groups, as well as inequalities in access to education, public support, and institutional resources. These dynamics risk undermining the established trust and social cohesion, as well as the inclusive character of minority protection policies.

Protection of minorities in Poland

The situation for national and ethnic minorities in Poland is characterised by a relatively stable institutional and legal framework accompanied by a number of demographic, social, and educational challenges. Poland is a country with a relatively high level of ethnic homogeneity, but it also formally recognises a defined list of national and ethnic minorities and a regional language, providing them with both legal protection and institutional support. National and ethnic minorities in Poland constitute about 2% of the total population, and their situation is governed by international law, in particular the aforementioned UN and Council of Europe instruments, and the Act of 6 January 2005 on National and Ethnic Minorities and on Regional Languages. The adoption of the latter should be seen as a compromise between minority groups and political parties; a consequence of the political and social transformation and the democratisation of the public sphere, enabling national and ethnic minorities in Poland to engage in activities and articulate their needs. It also reflected Poland's efforts to join the European Union and ratify

international legal instruments, including the Framework Convention (2001)¹.

The Act, which regulates matters relating to the preservation and development of the cultural identity of national and ethnic minorities and regional languages – including the spelling of first names and surnames, as well as education and culture – served, firstly, to empower national and ethnic minorities in Poland and to recognise them as equal citizens of the state. Secondly, it implemented international standards and brought Poland into the [collective] process of monitoring international minority protection. Thirdly, the establishment of the Joint Commission of the Government and National and Ethnic Minorities as a consultative and advisory body to the Prime Minister was a success, and through this, national and ethnic minorities became part of the decision-making process and gained the ability to influence matters that affect them.

Over the past 20 years, there have been several attempts to amend the Act. For example, the aim of the legislative changes initiated in January 2024 and January 2026 was to grant the Silesian dialect the status of a regional language (the current Act grants this status to the Kashubian language). Efforts to recognise the Silesian language as a regional language in Poland have intensified in recent years and constitute an important element of broader debates on cultural identity and minority rights. Advocates argue that Silesian meets the key criteria of a regional language, including its distinct linguistic features, language standardization and codification, historical continuity, and the existence of a community actively using and promoting it in public and private life. The issue has been raised repeatedly in parliamentary initiatives and public discourse, with growing support from local governments and cultural

¹ K. Bobrowski, Ł. Kułaga, *Status prawny mniejszości narodowych w Polsce*, [in:] Ł. Kułaga, C. Mik (eds.), *Polskie prawo stosunków międzynarodowych. Zagadnienia wybrane*, Toruń 2018.

organisations in Upper Silesia. However, despite these efforts, Silesian has not yet been granted official status comparable to that of Kashubian, which remains the only officially recognised regional language in Poland. This debate reflects the tensions that exist between linguistic, political, and identity-based considerations, as well as differing interpretations of national cohesion and cultural diversity. At the same time, increasing social recognition of Silesian identity, including its declaration in national censuses, suggests that the question of formal recognition may continue to gain importance in future policy discussions.

Despite having a well-developed legal and institutional framework, reports point to a number of challenges². Among the most significant are demographic trends leading to a decline in the size of minority groups, progressive assimilation, and a weakening in identifying with their own culture and language. Regional differences in the level of support and activity among minorities are also noticeable, depending on their size and degree of organisation. Furthermore, in some areas, difficulties arise concerning the functioning of minority education and the limited visibility of minority issues in the public debate³. Among the current challenges for the protection of national and ethnic minorities in Poland, the following are, therefore, highlighted:

- legal and institutional issues: varying standards of protection for different national, ethnic, and linguistic minorities; limited dialogue between minorities and state

² Departament Wyznań Religijnych oraz Mniejszości Narodowych i Etnicznych, *VIII Raport dotyczący sytuacji mniejszości narodowych i etnicznych oraz języka regionalnego w Rzeczypospolitej Polskiej w latach 2019–2020*, 25 October 2022, <https://www.gov.pl/web/mniejszosci-narodowe-i-etniczne/rada-ministrow-przyjela-w-dniu-25-pazdziernika-2022-r-viii-raport-dotyczacy-sytuacji-mniejszosci-narodowych-i-etnicznych-oraz-jezyka-regionalnego-w-rzeczypospolitej-polskiej> [28.04.2026].

³ C. Żołędowski, *Sytuacja mniejszości narodowych we współczesnej Polsce w świetle teorii marginalizacji*, “Problemy Polityki Społecznej” 2005, vol. 8, pp. 97–109.

institutions; limited institutionalisation of minorities resulting, among other things, from the lack of permanent institutions funded from the state budget, as well as the lack of expert and organisational support when reviewing legislation concerning minorities; insufficient funding for minority activities; excessive bureaucracy; lack of a clear division of responsibilities between institutions and coordination of their activities (both central and local government) working on behalf of minorities; unclear rules for the allocation of grants;

- socio-cultural issues: restrictions on regional education and the promotion of linguistic diversity; the decline of minority languages – including Karaim and Lemko – and the lack of adequate measures in this regard; limited access to public media, partially offset by the use of new media;
- geopolitical: the politicisation of minority issues by political parties; stigmatisation in the context of contemporary security threats from Russia and Belarus; varying rights to education for members of minorities and migrants/refugees⁴.

The protection of minorities in Europe

Although there is no universally accepted definition of national and ethnic minorities, guarantees of their rights and freedoms are enshrined, amongst others, in the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), and the International Convention on the Elimination of All Forms of Racial Discrimination (1966) of the United Nations, as well as in

⁴ A. Kuczyńska-Zonik, *Ochrona mniejszości narodowych i etnicznych w Polsce w świetle regulacji międzynarodowych*, “Komentarze IEŚ” 2024, no. 1252, <https://ies.lublin.pl/komentarze/ochrona-mniejszosci-narodowych-i-etnicznych-w-polsce-w-swietle-regulacji-miedzynarodowych/> [28.04.2026].

the European Charter for Regional or Minority Languages (1992) and the Council of Europe's Framework Convention for the Protection of National Minorities (1995)⁵. A foundational document in this regard is the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948. It established key principles such as the inherent dignity and equal rights of all human beings, as well as fundamental freedoms, including the right to life, liberty, and personal security. The Declaration also prohibits torture and any form of cruel, inhumane, or degrading treatment. These principles were later reaffirmed and expanded in the Vienna Declaration and Programme of Action, which emphasised the importance of human dignity, the right to development, and self-determination. Further legal reinforcement is provided by the International Covenant on Civil and Political Rights, which guarantees the recognition of legal personality, protection against arbitrary interference in private and family life, and equality before the law without discrimination. It also prohibits forced and compulsory labour and affirms the right to freedom and security of the person⁶.

At the regional level, Europe has developed one of the most comprehensive systems of human rights protection, based on the activities of the Council of Europe, the European Union, and the Organization for Security and Co-operation in Europe (OSCE)⁷. Since the 1990s, the European Union has strengthened its social policy framework through initiatives such as the Green Paper and White Paper on social

⁵ G. Guillaume, *Minority Rights under the Council of Europe*, [in:] P. Cumper, S. Wheatley (eds.), *Minority Rights in the "New" Europe*, Martinus Nijhoff Publishers, The Hague 1999, pp. 53–70.

⁶ G. Janusz, *Definiowanie mniejszości w dokumentach międzynarodowych i aktach prawa wewnętrznego*, "Annales Universitatis Mariae Curie-Skłodowska. Sectio K" 2008, no. 15, issue 2, pp. 95–123.

⁷ M. Amor Martin Estebanez, *Minority Protection and the Organization for Security and Cooperation in Europe*, [in:] P. Cumper, S. Wheatley (eds.), op. cit., pp. 31–52.

policy, both of which highlighted the importance of occupational health and safety, improved working conditions, and non-discrimination. These priorities are also reflected in key legal frameworks such as the Treaty of Amsterdam, the Treaty on the Functioning of the European Union, and the Treaty on European Union.

In particular, the Council of Europe's Framework Convention for the Protection of National Minorities ensures equality before the law, guarantees freedom of expression, the right to practise one's religion, the right to establish institutions, and the right to use the minority language. Furthermore, it imposes an obligation on states to take measures to promote knowledge of the culture, history, language, and religion of their national minorities; it is the first binding multilateral international agreement dealing comprehensively with the protection of national minorities⁸. It is worth noting that these issues are also regulated by bilateral treaties and fall within the remit of the High Commissioner on National Minorities within the OSCE (1992). This body carries out preventive activities, and its role is based primarily on monitoring the national situation in OSCE member states, reporting on challenges, mediating, and encouraging dialogue.

European regulations on the protection of national and ethnic minorities, derived from international human rights guarantees, have established minimum objectives and standards within national policies. Furthermore, monitoring and reporting have made it possible to highlight the situation of these communities in various countries and to formulate recommendations on how to address minority issues. However, the political nature of organisations such as the Council of Europe and the OSCE, which operate on the

⁸ *Advisory Committee on the Framework Convention for the Protection of National Minorities*, 14th activity report covering the period from 1 June 2022 to 31 May 2024, <https://rm.coe.int/14th-acfc-biennial-activity-report-final-en-version/1680b1680f> [12.12.2024].

basis of so-called soft law, means that they lack sufficient sanctions against states that fail to respect minority rights. It is, therefore, national legislation that constitutes the practical dimension of a state's fulfilment of its obligations towards its own minority communities, as it offers a greater chance for minorities to preserve their identity and develop culturally. Currently, minority laws are the legislative norm in many European countries – including Austria (1976), the Czech Republic (2001), Estonia (1993), the federal states of Germany, Ukraine (2022), and Hungary (2011). Recently, 14 years after the previous version expired, Lithuania adopted a new law on national minorities (2024).

The following are currently identified as the most significant challenges regarding the international protection of national and ethnic minorities in Europe:

- the instrumentalisation of minority rights in the context of Russia's aggression against Ukraine, which undermines the principles of the European security and cooperation system, as well as eroding trust in minorities;
- the securitisation of minority issues, meaning a shift of minority issues from the realm of human rights to that of state security policy;
- social polarisation, rising intolerance, racism, and xenophobia towards minorities as a result of minorities being objectified in the political arena;
- challenges related to economic inequalities, which disproportionately affect members of national minorities (e.g., the situation of minorities during the pandemic)⁹.

⁹ A. Bąk-Pitucha, A. Kuczyńska-Zonik, *Digital inequalities among the national minorities in Central and Eastern Europe*, [in:] T. Filibeli, M. Öneren Özbek (eds.), *Mapping Lies in the Global Media Sphere*, Routledge 2024, pp. 131–147.

Conclusions and forecasts for the future

With regard to national and international regulations on the protection of national and ethnic minorities, there is a prevailing view in Poland that the adoption of the Act in 2005 was the right decision, and that its principles are well-formulated and remain relevant; however, the interpretation and implementation of the provisions do not always benefit minorities. In particular, practice in relations with central and local government indicates significant barriers to communication, a lack of adequate instruments, or a lack of political will to realise the rights and freedoms of national and ethnic minorities. Overall, the situation of minorities in Poland is characterised by a relatively high level of formal legal protection, in line with European standards. At the same time, the key challenges are structural and long-term in nature, primarily linked to maintaining the vitality of minority languages and identities in the face of ongoing social change.

A noticeable trend in Europe at present is a decline in interest in the protection of national minorities, whilst the importance of protecting the rights of indigenous peoples, women, children, and sexual minorities is growing. In some countries, Council of Europe documents are not applied at all or apply only to certain minorities. This situation reflects a waning political will to protect minority rights at both the national and European levels. At the same time, positive examples of cross-border cooperation and respect for the rights of national and ethnic minorities in Schleswig-Holstein or South Tyrol can serve as models to follow.

Given the rapid development of technological tools, including artificial intelligence, there is a growing recognition of the importance of considering its potential as a tool to better support and facilitate efforts aimed at improving the situation for ethnic minorities. In the field of language communication, translation tools such as Google Translate, DeepL, and models based on AI-assisted tools are playing an increasingly significant role by enabling

greater linguistic accessibility of documents, public services, and educational systems, as well as contributing to reducing structural communication barriers. Furthermore, the education sector utilises teaching materials based on rapid learning algorithms, real-time translation tools, and AI-supported educational platforms. In addition, solutions are used to monitor pupils' progress, which identify difficulties and propose individual support strategies. This approach promotes personalised teaching, eliminates language barriers, and promotes equal opportunities, thereby increasing the effectiveness of learning among groups at risk of exclusion, as well as supporting social and digital equality among different ethnic groups. In the field of rights protection, artificial intelligence is used in the form of algorithms that identify cases of discrimination, human rights violations, and manifestations of intolerance. These tools support the monitoring and enforcement of legal standards, enable the automated analysis of documents, and make it easier for ethnic minorities to access information about their rights, including real-time legal assistance. Furthermore, data analysis helps identify areas where minorities are particularly vulnerable to violations, which supports the development of protective policies at local and international levels. Finally, in the context of promoting the cultural heritage of minorities, tools for data analysis, digital heritage documentation, machine translation, and content generation are utilised. These solutions support the process of creating and promoting culture, contribute to shaping the representation of minority groups, and increase their visibility and the opportunities to participate in cultural life at a global level.

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UKRAINE AS A CASE OF CONDITIONAL EUROPEANISATION: MINORITY LEGISLATION REFORM UNDER EU ACCESSION PRESSURE

Hanna Vasilevich

Executive summary

- Since 2022, Ukraine has undertaken accelerated reforms to its minority-related legislation in response to the requirements attached to the European Union accession process. The adoption of the Law on National Minorities (Communities) in December 2022 and its subsequent amendments in 2023 illustrate how external conditionality can rapidly reshape domestic legal frameworks, even in areas that had previously not been a sustained priority of national policymaking. In this respect, Ukraine represents a particularly illustrative contemporary example of how minority-related issues may be transposed into national legislation under geopolitical urgency and enlargement-driven incentives rather than through gradual internal policy evolution.
- Ukraine's post-2022 reforms of minority legislation should be understood primarily as externally driven Europeanisation under crisis conditions. While the reforms

demonstrate significant progress in formal alignment with European standards and respond directly to recommendations issued by European institutions, they also reveal structural limitations typical of accelerated compliance-oriented reforms: compressed legislative timelines, uneven consultation with minority communities, differentiated treatment among minority groups, and persistent implementation gaps. Importantly, a degree of criticism has remained among several EU member states and international monitoring bodies, even after legislative amendments were adopted. This suggests that legal convergence alone does not automatically translate into political consensus regarding compliance with minority protection standards within the enlargement process.

- Ukraine's experience, therefore, provides a useful policy example of how minority protection can move from a largely declarative commitment within the international legal framework to a strategically significant accession benchmark within a short period of time. At the same time, it highlights the structural risks associated with externally incentivised reform processes that prioritise legislative outputs over institutional sustainability, administrative clarity, and participatory legitimacy.

Minority protection before and after candidate status: From declarative commitments to accession benchmark

Minority protection has long formed part of the political criteria governing accession to the European Union through the Copenhagen criteria. In practice, however, the operational relevance of this requirement has varied considerably across enlargement rounds. In some cases, it functioned primarily as a background expectation anchored in Council of Europe monitoring structures, while in others it became a politically sensitive benchmark closely linked to bilateral relations between candidate states and individual member

states. Ukraine's experience after 2022 clearly belongs to the second category. Minority protection moved from a largely formalised commitment within an established international legal framework to a policy field directly connected to the sequencing of accession negotiations.

Prior to Russia's full-scale invasion in 2022, minority issues were not central to Ukraine's domestic political reform agenda. Although Ukraine ratified key Council of Europe instruments, including the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, implementation remained fragmented and often procedural rather than systemic. The 1992 Law on National Minorities represented an important framework law, but did not establish strong implementation mechanisms across sectors such as education policy, administrative practice, media regulation, or consultation procedures. In practice, minority protection relied heavily on sectoral legislation and decentralised administrative practice rather than on a coherent strategic framework supported by stable coordination mechanisms.

This institutional configuration was not unusual among post-Soviet states, where minority protection frameworks often developed through incremental adaptation rather than through comprehensive legislative redesign. In Ukraine's case, this meant that minority protection remained embedded in a combination of constitutional guarantees, education legislation, language policy regulation, and cultural autonomy provisions, without forming a clearly articulated policy field with its own institutional infrastructure. Monitoring bodies repeatedly noted implementation gaps, but these concerns rarely translated into sustained domestic legislative initiatives before 2022.

After 2014, minority policy increasingly intersected with state-building priorities linked to territorial integrity and security concerns following the annexation of Crimea and the conflict in eastern Ukraine. Legislative developments concerning language policy and education reform during

this period were primarily framed in terms of strengthening the position of the state language and consolidating institutional resilience, rather than developing a comprehensive minority inclusion strategy. Importantly, these reforms were not primarily directed against minority protection commitments as such; rather, they reflected an attempt to stabilise the institutional role of the state language under conditions of geopolitical confrontation. Nevertheless, they contributed to the perception among several neighbouring states that minority-language education and public-language use required closer monitoring within the context of accession.

This situation changed significantly after Ukraine obtained EU candidate status in June 2022. Protection of national minorities became one of seven priority reform areas identified by the European Commission as necessary for opening accession negotiations. Minority policy, therefore, shifted from a background commitment within the Council of Europe monitoring framework to a concrete accession benchmark within the enlargement process. Legislative reform followed rapidly, culminating in the adoption of the Law on National Minorities (Communities) and subsequent amendments responding to recommendations issued by international monitoring bodies.

The sequencing and speed of these reforms strongly suggest that legislative change was driven primarily by external conditionality rather than by long-term domestic mobilisation around minority policy. Parliamentary activity, consultation procedures, and amendment cycles closely followed the timing of enlargement reporting cycles and advisory opinions issued by European institutions. This pattern corresponds to the broader dynamics of compliance-oriented Europeanisation observed in previous enlargement rounds, where candidate states prioritise legally demonstrable reforms in policy areas identified as politically sensitive benchmarks. In this respect, Ukraine's reform trajectory fits into a recognisable enlargement logic even

though it unfolded under very different geopolitical circumstances than earlier Central European cases.

At the same time, Ukraine's reform trajectory differs from earlier enlargement experiences in one important respect: the legislative adaptation process has taken place during a large-scale military invasion and under conditions of martial law. This wartime context has shaped both the scope and the pace of minority legislation reform and contributed to the emergence of a policy environment combining liberalisation incentives with securitisation dynamics. As a result, minority policy reform has operated simultaneously as an element of accession preparation and as a component of broader state resilience policy.

Wartime Europeanisation and legislative adaptation: Terminology, differentiation, and legal alignment under pressure

Ukraine's post-2022 reforms in the minority policy field developed within an institutional environment shaped simultaneously by accession conditionality and security imperatives. On the one hand, EU accession created incentives for legal approximation with European minority protection standards, encouraging the adoption of updated framework legislation capable of replacing the earlier 1992 minority law. On the other hand, wartime governance conditions encouraged prioritisation of institutional cohesion, resilience, and the role of the state language within public administration and education. The interaction between these two dynamics produced a reform trajectory that can be described as accelerated Europeanisation under crisis conditions.

One of the most debated elements of the 2022 Law on National Minorities concerned the introduction of the formulation "national minorities (communities)". Ukrainian authorities presented the terminological innovation as an attempt to modernise the vocabulary of minority protection and avoid hierarchical distinctions between different forms

of collective identity. However, monitoring bodies and legal experts noted that the introduction of this formulation required further clarification in secondary legislation in order to avoid ambiguity regarding the scope of protection and the categories of beneficiaries covered by the law. The debate surrounding the terminology illustrates how accelerated legislative alignment processes may generate interpretative uncertainty when conceptual innovation is introduced simultaneously with structural reform.

Another important feature of Ukraine's post-2022 minority legislation concerns the differentiated treatment of minority languages depending on their status within the European Union. Amendments adopted in 2023 introduced enhanced guarantees for minorities whose languages are official languages of EU member states. These provisions were partly linked to interstate political dynamics within the accession process and reflected the importance of bilateral relations in shaping enlargement trajectories. They also reflected the practical reality that concerns raised by individual member states may directly affect the pace of accession negotiations and, therefore, acquire heightened policy relevance within candidate states.

At the same time, monitoring bodies emphasised that long-term institutionalisation of differentiated treatment between minority groups risks undermining the principle of equality embedded in European minority protection standards. If maintained beyond the transitional accession phase, such differentiation may create layered protection regimes that are difficult to reconcile with the principle of equal treatment across minority communities. Ukraine's legislative amendments, therefore, illustrate both a responsiveness to accession incentives and the structural complexity created by adapting domestic legislation to multiple external expectations simultaneously.

The emergence of differentiated protection regimes demonstrates how enlargement politics can directly influence the internal architecture of minority legislation

in candidate countries. Minority policy in such contexts functions not only as a governance instrument but also as a component of diplomatic interaction between candidate states and EU member states. Ukraine, therefore, represents an example of how accession conditionality may reshape minority protection frameworks through a combination of normative expectations, bilateral negotiation dynamics, and security-related considerations.

These developments should also be understood within the broader context of wartime governance. Security-related considerations influenced the sequencing and prioritisation of reforms, particularly in areas related to language policy, education regulation, and access to public services in minority languages. While such considerations do not necessarily contradict European standards in situations of emergency governance, they complicate the assessment of proportionality and sustainability of minority protection measures over the longer term and require continued monitoring during the accession process.

Participation, implementation capacity, and persistent criticism within the accession framework

Following the adoption of the new minority law, Ukraine expanded its consultation mechanisms involving minority organisations, civil society actors, expert communities, and international partners. Compared to earlier periods, interaction between state institutions and minority representatives became more structured and more closely connected to legislative processes and secondary regulatory development. Consultation mechanisms were increasingly linked to the preparation of implementation steps required by enlargement reporting frameworks and advisory recommendations issued by European institutions. In practical terms, this meant that minority organisations participated more frequently in expert hearings, written consultation

procedures, and working-level exchanges with ministries responsible for education, culture, and regional policy.

At the same time, the structure of these consultation mechanisms reflected their origin within accession-driven reform sequencing. Minority organisations were typically invited to comment on draft provisions rather than to participate in defining reform priorities themselves. As a result, participation expanded in procedural terms while remaining limited in its capacity to influence agenda-setting. This distinction is important when assessing the depth of minority participation within the reform process. While consultation became more visible and more regular, it did not necessarily transform the balance between administrative initiative and minority self-representation within policy development.

Despite the rapid pace of legislative reform and the adoption of multiple amendments responding to international recommendations, Ukraine's minority policy framework has continued to attract criticism from several EU member states and international monitoring institutions. Concerns have focused particularly on language use in education, proportionality of wartime restrictions affecting minority language use in public life, differentiated treatment among minority groups depending on the international status of their languages, and the need for clearer guarantees concerning access to minority language education at different educational levels. These concerns did not prevent legislative progress but remained part of the broader monitoring environment accompanying preparation for accession.

Because enlargement decisions require unanimity among EU member states, minority-related concerns raised at the bilateral level may acquire strategic importance disproportionate to their scale within domestic politics. Debates surrounding minority education and linguistic rights, therefore, became directly connected to accession progress. Ukraine's experience illustrates how minority protection may function simultaneously as a normative benchmark and as an instrument within interstate negotiation dynamics shaping

enlargement trajectories. Similar patterns have been observed in earlier enlargement contexts, but in Ukraine's case, they emerged under the additional pressure of wartime diplomacy and accelerated negotiation timelines.

In addition to political criticism, implementation challenges remain a central issue impacting the effectiveness of minority legislation reform. Responsibilities related to minority protection remain fragmented across several ministries and administrative levels, complicating coordination and monitoring. Furthermore, a number of provisions of the minority law depend on secondary legislation that is still being developed, and the long-term impact of reforms will depend on administrative procedures, institutional capacity, monitoring indicators, and budgetary allocations supporting their implementation. These challenges for implementation are particularly relevant in wartime conditions, where institutional capacity is unevenly distributed across regions and administrative priorities are necessarily affected by security considerations.

Another factor influencing implementation concerns the relationship between central legislation and local administrative practice. Minority language use in education, culture, and public life is often mediated through regional and municipal institutions whose capacity to implement new guarantees varies significantly. This means that legislative alignment at the national level does not automatically translate into uniform practice across the country. Monitoring bodies have, therefore, emphasised the importance of continued follow-up through secondary regulation and administrative guidance.

Taken together, these factors demonstrate that legislative convergence achieved through accession conditionality does not automatically ensure institutional consolidation. Instead, it creates a framework within which further policy development must take place in order to translate legal commitments into sustainable governance practice. Ukraine's experience, therefore, illustrates both the transformative

potential and the structural limits of conditional reforms to minority protection within contemporary enlargement contexts. The durability of recent reforms will depend not only on continued legislative alignment but also on whether implementation mechanisms become embedded in routine administrative practice beyond the immediate horizon of accession reporting cycles.

Broader implications for the EU accession framework

Ukraine's experience since 2022 also has implications beyond the national context, contributing to a broader discussion about how minority protection operates within contemporary enlargement policy. In earlier enlargement rounds, minority protection benchmarks were often addressed over longer negotiation timelines and within relatively stable administrative environments. In Ukraine's case, however, legislative adaptation has taken place under conditions of military pressure, accelerated political sequencing, and unusually high expectations regarding visible progress of reforms within short reporting cycles. This combination has effectively compressed what, in earlier enlargement contexts, was a multi-stage process of legislative alignment, institutional consolidation, and implementation testing, into a much shorter timeframe.

At the same time, Ukraine's experience can also be interpreted as an example of best practice in a more specific and conditional sense. Prior to 2022, minority-related issues occupied a relatively marginal position within domestic policymaking, with outdated legislation, fragmented sectoral regulation, and limited institutionalised dialogue between central authorities and regions. In practice, this resulted in a situation where the central level remained only partially informed about the differentiated needs, challenges, and expectations present at the regional level. The accession process, however, elevated minority protection to the level of a primary policy priority within a short period of time.

This shift was accompanied by increased political attention, allocation of administrative resources, and the development of more structured consultation mechanisms involving minority organisations and local actors.

In this respect, Ukraine illustrates how EU conditionality, when combined with a clearly defined accession perspective and external monitoring, can rapidly activate policy fields that previously lacked political salience. Even under conditions of large-scale military pressure, minority policy was not sidelined but instead was integrated into broader state transformation efforts. The ability to mobilise legislative reform, institutional attention, and stakeholder engagement within a compressed timeframe may, therefore, be understood as a practice with potential relevance for other enlargement contexts, particularly where minority issues remain under-institutionalised or politically marginal prior to accession. At the same time, the effectiveness of such an approach remains contingent on subsequent consolidation at the level of implementation as well as sustained dialogue beyond the immediate accession cycle.

This compression has important consequences for how progress in minority protection is interpreted. Formal legislative change has become a particularly visible indicator of compliance because it can be demonstrated quickly within the framework of Commission reporting. At the same time, implementation capacity, inter-ministerial coordination, and regional administrative practice necessarily develop more gradually. As a result, candidate countries operating under accelerated accession expectations may appear to converge rapidly at the legislative level while still facing structural challenges at the institutional level. Ukraine's reform trajectory illustrates this dynamic particularly clearly.

Another implication concerns the role of bilateral relations within the enlargement framework. Minority protection has traditionally functioned both as a normative component of accession conditionality and as a field in which individual member states can articulate specific

concerns related to education policy, language use, or cultural autonomy. In Ukraine's case, these two dimensions became closely interconnected after candidate status was granted. Legislative amendments addressing minority-language education and public-language use, therefore, served not only as responses to general European standards but also as instruments intended to stabilise relations with particular member states whose support is necessary for further progress in accession negotiations. This interaction between general conditionality and bilateral expectations is likely to remain a defining feature of minority-related reforms throughout the negotiation process.

A further lesson emerging from the Ukrainian case concerns the sequencing of participation mechanisms. The expansion of consultation structures after 2022 demonstrates that accession conditionality can create incentives for more regular dialogue between state institutions and minority organisations, even in policy fields that previously lacked stable participatory frameworks. At the same time, the experience also shows that the institutionalisation of participation requires continuity beyond individual legislative cycles. Ensuring that consultation mechanisms remain operational after the immediate benchmarks of candidate status reporting have been addressed will be important for the longer-term credibility of minority protection reforms.

Taken together, these observations suggest that Ukraine should not be understood simply as an exceptional case, shaped by wartime circumstances, but also as an example of how minority protection benchmarks function under conditions of accelerated enlargement sequencing. The interaction between rapid legislative approximation, differentiated diplomatic expectations, and gradual implementation capacity building provides a useful analytical reference point for understanding how minority-related reforms may unfold in future enlargement contexts characterised by similarly compressed timelines.

Conclusions

Ukraine's minority legislation reforms since 2022 demonstrate how external conditionality can rapidly transform domestic policy frameworks, even in areas that previously occupied a secondary position within national governance structures. The adoption of new minority legislation and its subsequent amendments reflected the urgent need to meet accession benchmarks identified by the European Commission, rather than the outcome of a gradual domestic policy shift driven primarily by internal demand.

At the same time, the reforms illustrate the structural limits of accelerated Europeanisation under crisis conditions. While Ukraine achieved significant progress in its formal alignment with European standards, implementation challenges, differentiated treatment among minority groups, continued criticism from several EU actors, and the need for further clarification through secondary legislation indicate that legislative adaptation alone cannot ensure substantive convergence with minority protection standards across the enlargement framework.

Ukraine, therefore, represents a particularly relevant contemporary example of how minority-related issues can be transposed into national legislation, primarily through external incentives associated with accession conditionality. This experience illustrates both the effectiveness and the limitations of enlargement-driven reform mechanisms, while providing useful lessons for understanding how minority protection benchmarks operate in conditions where geopolitical urgency, interstate negotiation dynamics, and institutional transformation processes intersect.

At the same time, the Ukrainian case demonstrates that EU conditionality can function not only as a compliance mechanism but also as a catalyst for activating previously marginalised policy fields. The rapid elevation of minority protection within the domestic policy agenda, combined with increased institutional attention and engagement with minority stakeholders, suggests that accession processes

may generate constructive momentum even under highly constrained conditions. In this sense, Ukraine provides a conditional example of how externally driven reform can contribute to addressing long-standing structural gaps in minority governance.

The long-term sustainability of these reforms will depend on whether externally motivated legal change evolves into stable institutional practice beyond the immediate requirements of the accession process.

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FROM INCLUSION TO CULTURAL POWER: ROMA AS A TEST OF EUROPEAN CULTURAL POLICY

Timea Junghaus

Executive summary

- Roma inclusion can be seen as a test of the coherence of European minority and cultural policy. While EU and Council of Europe frameworks have advanced in defining equality, participation, and rights, they continue to treat culture as a transversal dimension rather than a structured policy field. The 2026–2030 Council of Europe Strategy confirms this pattern, positioning culture within education, awareness, and memory, without institutional or funding frameworks for Roma cultural production.
- Moreover, this gap is reinforced through fragmented governance, project-based funding, and externalised cultural policy, limiting long-term institutional development and artistic autonomy. Special attention should, therefore, be paid to memory politics that recognise Roma history without ensuring narrative sovereignty.
- Drawing on Roma-led institutions and artistic endeavours, the analysis redefines “best practices” as structural conditions – minority-led governance, sustained investment, and artistic freedom. It concludes that meaningful

inclusion requires a shift from participation to cultural power, enabling Roma to help in shaping Europe's cultural and intellectual life.

Introduction: Roma as a stress test for European minority policy

Roma inclusion is a stress test for European policymaking as a whole. It reveals whether existing policies are capable of delivering not only formal equality but also meaningful participation in public, institutional, and cultural life.

Over the past decade, European policy has become more explicit and ambitious in how it defines this challenge. The framework of the European Commission is now structured around three horizontal objectives – equality, inclusion, and participation – marking a clear shift from earlier approaches that focused primarily on socio-economic integration¹. The Council of the European Union has reinforced this direction by requiring that national policies include measurable targets, stronger monitoring, and more effective mainstreaming². At the level of value, the direction is clear: Roma policy is no longer conceived only as a question of disadvantage, but as a matter of participation in European public life.

While the European Union frames Roma equality through inclusion and participation, the Council of Europe situates

¹ European Commission, *A Union of Equality: EU Roma Strategic Framework for Equality, Inclusion and Participation 2020–2030*, Brussels 2020, https://commission.europa.eu/system/files/2021-01/eu_roma_strategic_framework_for_equality_inclusion_and_participation_for_2020_-_2030_0.pdf [11.04.2026].

² Council of the European Union, *Council Recommendation of 12 March 2021 on Roma equality, inclusion and participation*, Brussels 2021, <https://data.consilium.europa.eu/doc/document/ST-6070-2021-INIT/en/pdf> [11.04.2026].

it within human rights, democracy, and the rule of law, with a focus on combating anti-Gypsyism³.

Yet this shift in policy language has not been matched by a comparable shift in the field of culture. While the EU framework refers to participation in “political, social, economic, and cultural life”⁴, it does not establish a corresponding set of instruments for strengthening Roma cultural production, artistic freedom, institutional representation, or long-term cultural infrastructure.

The gap is not rhetorical; it is structural. Roma are present in the language of European policy, but far less so in the institutions that define Europe’s art, cultural narratives, and historical memory. Inclusion, in this sense, remains uneven. It operates more consistently at the level of recognition than at the level of authorship.

This limitation becomes clearer when placed against recent developments in European cultural policy. In her mission letter to Commissioner Glenn Micallef, President Ursula von der Leyen calls for “a more strategic policy approach to culture”, linking culture to democratic resilience, evidence-informed policymaking, and wider access to cultural participation⁵. The Culture Compass initiative, launched in 2025, further emphasises cultural rights, artistic freedom, and fair working conditions for cultural professionals⁶. These developments point to a growing recognition of culture as a structural policy field. Yet Roma arts and cultural

³ Council of Europe, *Strategic Action Plan for Roma and Traveller Inclusion (2020–2025)*, Strasbourg 2020, <https://rm.coe.int/coe-strategic-action-plan-for-roma-and-traveller-inclusion-en/16809fe0d0> [11.04.2026].

⁴ European Commission, *A Union of Equality...*

⁵ U. von der Leyen, *Mission letter to Glenn Micallef*, Brussels, 17 September 2024, https://commission.europa.eu/document/download/c8b8682b-ca47-461b-bc95-c98195919eb0_en?filename=Mission+letter+-+MICALLEF.pdf [11.04.2026].

⁶ European Commission, *Commission launches new Culture Compass for Europe*, Brussels 2025, https://ec.europa.eu/commission/presscorner/detail/en/ip_25_2628 [11.04.2026].

production remain only weakly articulated within this agenda and are not supported by a dedicated framework for development.

Therefore, this chapter treats Roma not as an exceptional case, but as a test of the coherence of European minority policy as a whole. A “best practice” in the Roma policy context should meet five criteria: it should be rights-based, grounded in enforceable equality and minority-rights standards. It should be both targeted and mainstreamed, ensuring that Roma are neither confined to symbolic initiatives nor absorbed into generic policy. It should be participatory, with Roma involved in the design, implementation, and monitoring of policies affecting them. It should be measurable, including clear targets, indicators, and mechanisms of public accountability. Finally, it should be transformative: capable of addressing structural forms of exclusion such as segregation, anti-Gypsyism, and institutional underrepresentation⁷.

Recent evidence underscores the need for such an approach. The European Union Agency for Fundamental Rights continues to document significant gaps between policy commitments and lived realities within key areas such as discrimination, poverty, education, and employment⁸. These indicators remain essential; however, they do not capture the extent to which Roma are excluded from the production of cultural meaning, the shaping of public memory, the governance of cultural institutions, the access to infrastructure, and artistic freedom.

The question for this chapter is, therefore, not whether culture contributes to inclusion, but rather if European policy frameworks are prepared to recognise Roma culture, memory, and art as domains of structural power.

⁷ Council of the European Union, *Council Recommendation...*

⁸ European Union Agency for Fundamental Rights, *Roma Survey 2024, Vienna 2025*, <https://fra.europa.eu/en/publication/2025/roma-survey-2024> [11.04.2026].

Culture as a structural blind spot in European Roma policy

Within the current European Roma policy, culture is not absent; it is positioned in a specific way. The EU Roma Strategic Framework (2020–2030), developed by the European Commission, is structured as a system of priorities supported by measurable objectives and policy instruments. Its operational strength lies in areas where intervention can be standardised and monitored, most notably education, employment, housing, and health. These domains are accompanied by indicators, targets, reporting obligations, and funding mechanisms that enable policy implementation and evaluation⁹.

Within this framework, participation in cultural life is formally recognised. However, Roma cultural production is not articulated as a distinct policy field.

The framework does not establish specific instruments for the development of Roma-led cultural initiatives and institutions, reflecting a broader conceptual approach in which culture functions as a transversal dimension rather than a field of policy intervention in its own right¹⁰.

As a result, it contributes to visibility, awareness, and social cohesion, but is not equipped with the institutional and financial tools required to shape its own conditions of production.

A comparable structure can be observed in the Strategic Action Plan for Roma and Traveller Inclusion (2020–2025) of the Council of Europe. The Action Plan defines its core priorities around combating anti-Gypsyism, strengthening democratic participation, and improving access to social rights¹¹. These priorities are accompanied by programmes, monitoring frameworks, and institutional follow-up. References to culture, by contrast, appear primarily in connection

⁹ European Commission, *A Union of Equality...*

¹⁰ *Ibid.*

¹¹ Council of Europe, *Strategic Action Plan...*

with intercultural dialogue, education, and awareness-raising¹². The framework does not define a distinct Roma cultural policy domain, nor does it outline governance structures or funding mechanisms for Roma cultural institutions and artistic production.

The distinction between priority areas and transversal themes is consequential. Where policy defines priorities, it allocates resources and institutional authority. Where it defines transversal themes, it relies on indirect effects. In this configuration, Roma culture is expected to contribute to inclusion without being structured as a field capable of influencing the distribution of resources, representation, or institutional power.

The new Council of Europe Strategy for Roma and Traveller Inclusion (2026–2030) confirms this structural pattern: culture is not established as an independent policy priority, but remains positioned as a transversal dimension, primarily linked to education, awareness, and memory, without corresponding institutional, financial, or governance frameworks for Roma cultural production or artistic autonomy¹³. Preparatory discussions emphasise participation, consultation, and the continued importance of addressing anti-Gypsyism¹⁴. There is no clear indication that future frameworks will systematically address how Roma-led cultural institutions are sustained, how artistic freedom and production is supported over time, or how cultural representation translates into institutional presence.

¹² European Commission, *A Union of Equality...*

¹³ The author participated in the consultation and drafting process of the Council of Europe Strategy for Roma and Traveller Inclusion (2026–2030) in her capacity as Executive Director of the European Roma Institute for Arts and Culture (ERIAN).

¹⁴ Council of Europe, *Concept note – Dialogue meeting on the future Strategic Action Plan for Roma and Traveller Inclusion*, Strasbourg 2025, <https://rm.coe.int/concept-note-of-the-19th-dialogue-meeting-of-the-council-of-europe-dia/1680b415cc> [11.04.2026].

When these policies are implemented at the national level, the same hierarchy tends to be reproduced. National Roma strategies align closely with EU priorities and continue to concentrate on socio-economic inclusion and anti-discrimination measures¹⁵.

As a result, the question of who produces Roma art and cultural meaning, and under what conditions, remains insufficiently addressed.

Memory politics without narrative sovereignty

In recent years, European policy frameworks have increasingly recognised the importance of memory in addressing the historical exclusion of the Roma. References to Roma history – most notably the remembrance of the Roma Holocaust – are now present within both European and national policy contexts.

This development reflects a broader shift in European memory politics, shaped not only by institutional recognition but also by sustained efforts of Roma intellectuals, scholars, and activists to document and interpret marginalised histories, including the history of Roma slavery in Europe.

Within the framework of the Council of Europe, the fight against anti-Gypsyism includes efforts to improve historical awareness and public understanding of Roma experiences¹⁶. At the level of the European Union, anti-racism initiatives similarly emphasise the need to acknowledge the historical roots of discrimination¹⁷. These developments establish

¹⁵ Government of Spain, *National Strategy for Roma Equality, Inclusion and Participation 2021–2030*, Madrid 2021; Government of Slovakia, *Strategy of Equality, Inclusion and Participation of Roma until 2030*, Bratislava 2021; Government of the Czech Republic, *Strategy for Roma Equality, Inclusion and Participation 2021–2030*, Prague 2021.

¹⁶ Council of Europe, *Strategic Action Plan...*

¹⁷ European Commission, *A Union of Equality...*

that Roma history forms part of the broader European historical narrative.

Recognition does not automatically translate into authority over representation: while Roma history is increasingly included in official narratives, the institutions that produce and govern memory – museums, educational systems, and commemorative practices – remain largely defined by majority structures, where Roma participation is typically consultative rather than embedded in actual decision-making or leadership.

At the national level, similar patterns can be observed. References to Roma history are increasingly incorporated into educational curricula, commemorative initiatives, and public discourse¹⁸. However, these developments do not consistently extend to the governance of memory institutions. Roma-led initiatives, archives, and research centres remain limited in number and are rarely embedded within long-term national systems of cultural funding and institutional support. The capacity to produce, curate, and interpret Roma history, therefore, remains unevenly distributed.

This imbalance has consequences for how memory functions within Roma minority policy. Where recognition is not accompanied by institutional authority, memory risks reinforcing existing hierarchies of knowledge; Roma histories may be acknowledged, but they continue to be framed largely through external interpretative tendencies.

For this reason, the question of memory in Roma policy cannot be reduced to recognition alone. It must also address the conditions under which the memory is produced. Without this shift, the inclusion of Roma history risks remaining incomplete: present in form but limited in its capacity to transform the structures through which European societies understand their past.

¹⁸ Government of Spain, *National Strategy for Roma Equality...*; Government of Slovakia, *Strategy of Equality, Inclusion and Participation...*; Government of the Czech Republic, *Strategy for Roma Equality...*

Fragmented governance: The externalisation of Roma cultural policy

Roma cultural policy is not shaped exclusively within European and national public policies. It develops within a broader governance environment that includes transnational funding bodies, private foundations, regional and multilateral financial mechanisms, and intermediary organisations. In practice, it has contributed to a policy landscape that is fragmented in its priorities and uneven in its institutional development.

Within the framework of the European Commission, Member States are encouraged to combine EU, national, and local resources in the implementation of Roma inclusion strategies¹⁹. Support for cultural initiatives is frequently channelled only to large EU-compliant organisations, through project-based schemes, often embedded within broader social inclusion or anti-discrimination programmes.

Alongside public funding, philanthropic and transnational funding actors have played a significant role in sustaining Roma cultural activity throughout Europe. Transnational and philanthropic funding actors have supported a wide range of Roma cultural initiatives, particularly in Central, Eastern, and South-Eastern Europe, where public support remains limited²⁰. At the same time, reliance on external funding introduces a set of structural constraints that are not systematically addressed within policy-making.

In this context, two membership-based, network-level, Roma-led organisations, the European Roma Institute for Arts and Culture and the ERGO Network, have taken on

¹⁹ European Commission, *A Union of Equality...*

²⁰ Major transnational and philanthropic funding actors supporting Roma cultural and civil society initiatives in Central, Eastern, and South-Eastern Europe include the Open Society Foundations and its successor structures, the Roma Foundation for Europe, the International Visegrad Fund, the EEA and Norway Grants, the Chanel Foundation, and the International Holocaust Remembrance Alliance (IHRA), among others.

intermediary roles in distributing EU (CERV) funds to Roma civil society actors²¹. This development represents an important step in strengthening Roma participation in resource allocation processes. At the same time, it does not fundamentally alter the structural characteristics of donor–grantee relations. The shift from beneficiary to intermediary does not automatically translate into a transformation of funding logics, which continue to be shaped by project cycles, thematic priorities, and accountability requirements defined at higher institutional levels.

While such mechanisms can enable experimentation and short-term visibility, they do not provide the conditions necessary for institutional continuity; different funding actors prioritise different political and strategic agendas, and all priorities can be legitimate within their respective policy frameworks. However, in the absence of coordinated cultural policy structures, these priorities can operate in tension with one another and contribute to the fragmentation of the already vulnerable Roma artistic and cultural field.

Tensions emerge when cultural infrastructures operate within broader political and strategic environments that may not fully align with the autonomy of artistic and intellectual production.

Without greater alignment between public policy frameworks and the funding environments in which Roma cultural actors operate, the development of long-term creative capacity, artistic freedom, and coherent cultural ecosystems remains constrained.

²¹ European Commission, *Citizens, Equality, Rights and Values Programme (CERV)*, Brussels 2021–2027, https://commission.europa.eu/funding-tenders/find-funding/eu-funding-programmes/citizens-equality-rights-and-values-programme_en [11.04.2026].

Cultural agency without structural power

European Roma policies recognise participation as a central objective. Within the framework of the European Commission, participation is defined as involvement in political, social, economic, and cultural life²². A similar emphasis is present in the framework of the Council of Europe, where participation and consultation with Roma stakeholders are established as guiding principles²³. These formulations mark an important development. They signal that Roma inclusion is understood not only in terms of access to services but also in relation to presence within public life.

Cultural participation may refer to access, visibility, and representation. It may also refer to authorship: the capacity to produce, define, and institutionalise cultural narratives. Current Roma policy frameworks tend to emphasise the former, while leaving the latter underdeveloped.

This imbalance reflects a broader conceptual limitation within policy frameworks. While participation in cultural life is formally recognised, cultural production is not consistently understood as a domain of structural power. As a result, Roma culture is frequently approached as a matter of visibility, awareness, or heritage, rather than as a field encompassing language, artistic production, public memory, and political self-representation.

This gap has been identified in academic scholarship on Roma governance and representation. H. van Baar has argued that European Roma policy often operates through forms of governance that regulate inclusion without fundamentally redistributing power over representation and knowledge production²⁴. This critique is echoed by Iulius Rostas, who observes that “Roma have been treated primarily as objects of policy interventions rather than as active

²² European Commission, *A Union of Equality...*

²³ Council of Europe, *Strategic Action Plan...*

²⁴ H. van Baar, *The European Roma: Governmentality, Race and Integration*, London 2011.

agents shaping the policies that affect their lives”²⁵. These analyses are directly relevant to the field of culture, where representation and authorship are closely intertwined.

Within this context, the concept of narrative sovereignty becomes central. Narrative sovereignty refers to the capacity of Roma actors to define how their histories, identities, and contemporary realities are represented, interpreted, and transmitted.

Where funding is short-term and externally defined, cultural actors are often required to align their work with shifting thematic priorities, which can influence both content and form.

This dynamic has direct implications for artistic freedom. Within European cultural policy more broadly, artistic freedom is increasingly recognised as a core principle²⁶. In the context of Roma art and cultural production, cultural actors increasingly face expectations regarding the orientation of their work. These expectations shape not only what is supported, but also what is recognised as legitimate art, or cultural production.

This is particularly relevant in relation to internal diversity within Roma communities. A. Kóczé has demonstrated that Roma women and other marginalised groups experience layered forms of exclusion, both within broader society and within community structures²⁷. Cultural production can provide a space for articulating these experiences, but only under conditions that support independent expression and critical engagement.

²⁵ I. Rostas, *A Task Unfinished: Advancing Roma Inclusion*, Central European University Press, Budapest 2019.

²⁶ T. Junghaus, *Meet Your Neighbours: Contemporary Roma Art from Europe*, Berlin 2015.

²⁷ European Commission, *Commission launches new Culture Compass for Europe*, Brussels 2025, https://ec.europa.eu/commission/presscorner/detail/en/ip_25_2628 [11.04.2026]; A. Kóczé, publications on Roma feminism and intersectionality.

In this context, artistic autonomy is influenced not only by the availability of resources but also by the need to navigate between competing normative frameworks.

The question of cultural agency is, therefore, inseparable from the question of infrastructure. Participation in cultural life, understood as authorship and institutional presence, requires the capacity to create, produce, curate, and sustain cultural work independently over time.

Art plays a key role in this process. Cultural production is not only a form of expression but also a mode of political articulation. It enables the reconfiguration of dominant narratives, the creation of alternative archives, and the articulation of experiences that may not be fully captured within formal policy frameworks.

In this sense, cultural agency must be understood as a structural dimension of Roma policy. It concerns not only whether Roma are included in cultural narratives but also whether they have the capacity to control and shape those narratives and to participate in the long-term production of cultural and historical knowledge.

Best practices: Conditions for cultural power

Within current cultural policies, best practices are typically identified through measurable outcomes, replicable interventions, and short-term project success. In the field of Roma cultural policy, such criteria are insufficient; they capture visibility and activity, but not the structural conditions required for sustained cultural agency.

European policy frameworks emphasise measurable progress, participation, and accountability²⁸; however, a more adequate understanding of best practices must shift from evaluating individual initiatives to assessing the conditions under which cultural production is sustained. This requires

²⁸ European Commission, *A Union of Equality...*

attention to governance, funding structures, institutional continuity, and the distribution of cultural authority.

In this context, recent policy work on Roma inclusion in cultural institutions provides a useful point of departure. As argued in T. Junghaus, *Strengthening Inclusion of Roma in European Museums and Cultural Institutions*, effective inclusion requires moving “beyond symbolic representation” towards “meaningful partnership and shared authorship” within cultural institutions²⁹. From this perspective, best practices must be understood as those that enable minority-led governance, and at the same time experimental, radical, and political artistic freedom. Without such authority and opportunity, participation remains procedural rather than substantive³⁰.

A second condition concerns funding structures. Best practices must, therefore, be linked to sustained operational support that allows institutions to develop over time, build expertise, and maintain continuity.

A third condition concerns the relationship between integration and autonomy. Best practices must create conditions in which creative expressions can coexist without being subordinated to predefined models.

Finally, Roma cultural rights must be understood as structural conditions rather than symbolic recognition. Roma cultural rights are often framed as access to participation; in the Roma context, they must also include access to institutions, funding systems, curatorial authority, and platforms for knowledge production. Cultural rights, in this sense, are inseparable from the ability to shape cultural narratives and institutional structures.

²⁹ T. Junghaus, *Strengthening Inclusion of Roma in European Museums and Cultural Institutions*, Berlin 2025, https://eriac.org/wp-content/uploads/2025/12/Junghaus_Strengthening-Inclusion-of-Roma-in-European-Museums-and-Cultural-Institutions.pdf [11.04.2026].

³⁰ M. Bogdán et al. (eds.), *Nothing About Us Without Us? Roma Participation in Policy Making and Knowledge Production*, Roma Rights Journal, European Roma Rights Centre, 2015.

These conditions can be observed across existing Roma cultural initiatives. In these cases, cultural practice operates simultaneously in multiple registers. It connects memory, community-based expression, and contemporary artistic production, often without a clear separation between them.

The Museum of Romani Culture³¹ in Brno, the Czech Republic, under the leadership of art historian Jana Horváthová, operates as a fully articulated cultural institution that spans genres and forms, from exhibitions and historical archives to music, literary events, and community-based programming. Rooted in both scholarship and lived experience, it brings Roma authorship into the institutional space with clarity and authority. As a building, a programme, and a cultural centre embedded in its community, it demonstrates the urgency of establishing similarly financed, grounded, multi-genre Roma cultural institutions in other European capitals.

The trajectory of Małgorzata Mirga-Tas³² in Poland articulates a fundamentally different model – one that unfolds from community-based practice into the highest registers of international artistic recognition. As both an artist and leader of the Jaw Dikh Association, her work operates across scales, maintaining deep local embeddedness while achieving global visibility. This is not a movement away from community, but an expansion of it: Roma cultural production here asserts its capacity from grassroots engagement to canonical art history. This trajectory culminates in landmark achievements such as the Polish Pavilion, *Re-enchanting the World*, at the 59th Venice Biennale – a moment that inscribes Roma authorship into one of the most historically codified spaces of contemporary art³³.

³¹ Muzeum romské kultury, <https://www.rommuz.cz/en/>.

³² *Małgorzata Mirga-Tas*, https://en.wikipedia.org/wiki/Ma%C5%82gorzata_Mirga-Tas.

³³ *Mirga-Tas' practice and the Polish Pavilion*, see exhibition materials and curatorial texts for *Re-enchanting the World*, Polish Pavilion, 59th Venice Biennale, 2022.

The Snetberger Music Talent Centre³⁴ in Hungary, founded by the Hungarian Sinti-Roma guitar artist, Ferenc Snetberger, advances a model grounded in long-term music education and excellence. Initially supported through a consortium of international partners, including the EEA and Norway Grants, the centre now operates through a diversified funding structure, drawing on both international and Hungarian sources. It nurtures young Roma musicians aged 10–18 through intensive summer schools in residential camp settings, combined with sustained one-to-one mentorship. This dual structure, collective immersion and individual development, creates a rigorous environment for artistic growth, while pointing to the broader need for institutional ecosystems capable of sustaining these trajectories.

The European Roma Institute for Arts and Culture (ERIAN)³⁵ represents the most explicit effort to articulate a European-level Roma cultural institution³⁶. Conceived in 2017 as an equivalent to national cultural institutes, it operates with a transnational mandate, addressing Roma communities across the member states of the Council of Europe. Today, it stands as the largest and most structurally stable Roma cultural organisation in Europe. Its scope – European in ambition and responsibility – stands in marked contrast to its relatively lean institutional infrastructure, centred in Berlin with a compact team. Within its first strategic cycle (2020–2025), the institute succeeded in positioning itself as a reference point for excellence, establishing high artistic and intellectual standards and building credibility as a partner within the broader arts and culture field. At the same time, this position entails navigating a complex operational

³⁴ Snetberger Music Talent Center, <https://www.snetbergercenter.org/>.

³⁵ European Roma Institute for Arts and Culture, <https://eriac.org/>.

³⁶ European Roma Institute for Arts and Culture was established in 2017 as a joint initiative of the Council of Europe, the Open Society Foundations, and the Alliance for the European Roma Institute, with the aim of strengthening Roma arts and culture as a field of policy and practice at the European level.

environment: expectations placed upon the institute often exceed the scale of its resources, while the broader ecosystem in which it operates remains subject to shifting political and funding conditions. The recent (2025) integration with the Roma Foundation for Europe brings both strengths and constraints for its new strategic cycle (2026–2030): it extends reach and strategic alignment, while also requiring careful safeguarding of artistic freedom, art historical depth, cultural theory, and socially engaged practice within a broader institutional framework, while remaining accountable to a membership acutely sensitive to creative freedom and the demands of contemporary artistic competitiveness.

Emerging from the Central and Eastern European context – one of the few regions in Europe where a distinct, multi-generational Roma cultural history remains continuously traceable – the European Roma Cultural Foundation advances a model rooted in artistic freedom, critical inquiry, and community-based practice. Through initiatives such as Gallery8 – Roma Contemporary Art Space³⁷, RomaMoMA³⁸, and Bura Károly Gallery³⁹, this trajectory foregrounds creative experimentation across contemporary art, theory, and social engagement.

Additional forms of cultural agency emerge in knowledge-based, online initiatives, such as the Romnja Feminist Library, which situate cultural production within the domain of feminist epistemologies, expanding the scope of what constitutes cultural infrastructure. The transnational digital archive, the RomArchive, spanning visual arts, literature, film, music, theatre, and scholarship, constitutes

³⁷ Gallery8 – Roma Contemporary Art Space, <https://gallery8.org/>.

³⁸ RomaMoMa is a prefigurative museum conceptualised and curated by Timea Junghaus in collaboration with many others, including ERIA, OffBiennale, documenta fifteen, Manifesta 14, etc. *What is ROMAMOMA?*, <https://eriac.org/what-is-romamoma/>.

³⁹ Bura Galeria builds on the critical, theoretical, and curatorial work of Gallery8, its predecessor in the 8th district of Budapest. Bura Galéria, <https://buragaleria.hu/en/>.

a deliberate effort to construct a Roma-led cultural canon across multiple domains.

These are Roma-led institutional practices consciously advanced as models of strategic value. Alongside them, a range of international collaborations demonstrates how policy alignment and cultural recognition can be effectively coupled. A key example is the joint initiative between the Council of Europe and ERIAC (2019–2025), focused on safeguarding and teaching the transnational endangered Romani language. Developed according to the Curriculum Framework for Language Education of the Council of Europe, this programme produced comprehensive A1, A2, B1, and B2 level language books, marking a significant step toward language harmonisation, accessibility, and institutional recognition of Romani as a European language of education and culture.

Within the scope of this paper, a comprehensive mapping of additional good practices is not possible, nor does this analysis fully engage with the wide range of pro-Roma organisations whose contributions to high-quality Roma cultural production and dissemination remain significant. Taken together, these models do not form a coherent system. They represent parallel responses to systemic gaps. Cultural agency is present but remains uneven and dependent on multi-layered external conditions.

Conclusion: From participation to cultural power

What emerges from the discussed cases is not a set of models to be replicated, but a set of conditions that make cultural agency possible. Where Roma-led institutions, sustained funding, artistic freedom, and informed practice are present, cultural production does not simply represent communities – it generates new knowledge, new narratives, and new institutional forms.

At the same time, these cases make visible the constraints imposed by external dynamics. Project-based

funding, shifting donor priorities, and weak policy alignment continue to fragment the field and limit its long-term development. The question is, therefore, not only how to support Roma cultural initiatives but how to rebalance the structures within which they operate.

From a policy perspective, this requires a shift from short-term, project-based support towards more long-term institutional investment; from consultation towards shared processes and Roma decision-making⁴⁰; and from externally defined priorities towards frameworks in which Roma cultural and artistic actors can determine the direction of their work. Without such changes, cultural participation will remain partial and artistic freedom conditional.

Best practices, in this sense, are not isolated successes, but configurations that enable continuity, independence, and plurality. They demonstrate that cultural participation and artistic freedom are not outcomes of policy, but conditions that policy must actively secure.

The task ahead is not merely to include Roma within existing cultural systems, but to better establish the conditions under which Roma cultural production can operate on its own terms – shaping, rather than simply entering, Europe’s cultural and intellectual life as an equal and constitutive force⁴¹.

This requires a fundamental shift in how Roma are framed across policy domains. Culture holds a transformative potential as both discourse and practice, shifting the framing

⁴⁰ T. Junghaus, *Strengthening Inclusion of Roma in European Museums and Cultural Institutions*, Berlin 2025.

⁴¹ United Nations, *International Covenant on Economic, Social and Cultural Rights*, 1966, Art. 15: recognising the right of everyone “to take part in cultural life” and to contribute to its development; Council of Europe, *Framework Convention for the Protection of National Minorities*, 1995, Arts. 5 and 15: guaranteeing the right of minorities to preserve and develop their culture and to participate effectively in cultural, social, and public life; European Union, *Charter of Fundamental Rights of the European Union*, 2000, Arts. 13 and 22: affirming freedom of the arts and respect for cultural, religious, and linguistic diversity.

of Roma from a problem to be managed to an asset shaping European cultural life. In most policy domains, Roma continue to be constructed through deficit-based paradigms, while the prioritisation of anti-Gypsyism – though essential – risks centring analysis on the majority by focusing on racism rather than on Roma agency⁴². If Roma culture – the most visible and historically grounded contribution of Roma to European societies – were established as a policy priority, it would enable the full expression of identity, diversity, and excellence, and reposition Roma as active contributors to Europe's cultural and intellectual landscape.

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⁴² I. Rostas, op. cit.

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Timea Junghaus is an art historian, curator, and a leading voice of the Roma cultural and political movement. As the founding executive director of the European Roma Institute for Arts and Culture (ERIAC) in Berlin, she has forged an unprecedented institutional platform for Roma creative expression (2017–2026). Her research and curatorial practice interrogates modern and contemporary art through critical theory, with particular attention given to cultural difference, coloniality, and minority representation. Junghaus’s curatorial achievements include the First Roma Pavilion at the 52nd Venice Biennale (2007); the exhibitions of Gallery8 Contemporary Art Space (2013–2017); the visual art section of RomArchive (2017); the prefigurative institution RomaMoMA (2005–present); the Roma contributions at Manifesta 14 (2022); documenta fifteen (2022); the Milan Triennale (2021); and the 13th Berlin Biennale (2025). Her work enacts a radical, feminist, and decolonial uncoupling from hegemonic art historical canons, positioning Roma feminist contemporary expression as both a transformative cultural field and a force that defines the ethics of representation in the global art world. Junghaus is a scholar with proven experience grounded in deep, long-term knowledge of Sinti and Roma communities, and focus on the memory of the Holocaust and the post-1945 continuities of injustice, exclusion, and structural racism.