

## **COUNCIL OF EUROPE ACTIVITIES IN THE FIELD OF PROTECTION OF NATIONAL MINORITIES**

The increased attention given to minority issues within the Council of Europe during the early 1990s resulted in a range of concrete achievements including the adoption of unique legal standards, namely, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, with effective monitoring mechanisms.

Council of Europe action includes standard setting, intergovernmental co-operation, activities for the development and consolidation of democratic stability and confidence building measures in civil society. It extends to many related policy fields and involves, in addition to intergovernmental co-operation, the Parliamentary Assembly and the Congress of Local and Regional Authorities of Europe as well as specialised bodies, like Venice Commission and ECRI.

The European Convention on Human Rights, which is the centre piece of the Council of Europe's normative "acquis", is of relevance for the protection of minorities because its universally applicable individual rights can also be claimed, individually or collectively, by persons belonging to national minorities.

The Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages are the two international conventions on the question of minorities and of regional or minority languages elaborated by the Council of Europe.

The Framework Convention for the Protection of National Minorities of 1994 entered into force on 1 February 1998. Thirty-nine States are currently Party .The Framework Convention sets out principles to be respected as well as goals to be achieved by the Contracting Parties, in order to ensure the protection of persons belonging to national minorities.

Every five years, State Parties are required to submit a report containing full information on legislative and other measures taken to give effect to the principles of the Framework Convention. These state reports are made public and examined, together with other sources of information, by the Advisory Committee, which prepares an Opinion on the measures taken by each reporting State. The monitoring mechanism of the FCNM has in many cases been a central catalyst for improved dialogue between governmental agencies and national minorities and for concrete improvements in legislation and practice in diverse subjects. It has also prompted the adoption of new laws devoted to the protection of national minorities and encouraged States to improve their non-discrimination legislation and practice.

The European Charter for Regional or Minority Languages entered into force on 1 March 1998. It has been ratified by 21 member states and has also been signed by eleven other States. The purpose of the Charter is to protect and promote the various regional and minority languages spoken in the different countries of Europe, thereby preserving the cultural wealth of our continent. The Charter provides for a definition of the languages covered by this treaty. It lays down the aims and principles for all the languages spoken on a given territory which are to be the States' long term policy targets.

Although the Charter is not concerned with minority rights as such, it may be expected to help, in a measured and realistic fashion, to assuage the problem of minorities

whose language is their distinguishing feature by enabling them to feel at ease in the State in which history has placed them. The Charter foresees a system of monitoring its implementation by an independent Committee of Experts.

Both the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages are open for accession of non-member States upon invitation by the Committee of Ministers. They form part of the legal standards which are also referred to by the OSCE High Commissioner on National Minorities.

**In Conclusions the CoE would like to:**

1. Encourage States that have not yet signed or ratified the Framework Convention for the Protection of National Minorities or the European Charter for Regional or Minority Languages, to do so.
2. Stress the need to raise awareness about minority issues and about regional identity issues not only in Central and Eastern Europe, but also in Western Europe.
3. Stress the importance for States to fully implement the results of the monitoring under the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, including through the adoption of relevant legislation and its implementation in practice.
4. Encourage States to ensure that there is no arbitrary exclusion of persons potentially concerned by the protection offered by the Framework Convention.
5. Stress the importance of dialogue with minorities as a necessary precondition for further realising the rights of persons belonging to national minorities.
6. Underline the importance of the successful co-operation that has taken place between the OSCE HCNM and the relevant sectors of the Council of Europe dealing with minority issues, and encouraging the further use of the results of the monitoring under the Framework Convention and the Language Charter by the OSCE and by the field offices of the OSCE in their assessments and their actions.

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