



Doc. 11897

05 May 2009

Drafting an additional protocol to the European Convention for Human Rights: basic standards for national minorities

Motion for a recommendation

tabled by Mr György FRUNDA and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

The Parliamentary Assembly notes that national minorities exist in most member states of the Council of Europe. They constitute enrichment for every country and, most of the times, a bridge between their home-state and kin-state.

The Assembly also notes that the legal provisions which regulate the rights of national minorities differ among the Council of Europe's member states. Some of them provide the national minorities with full and profound rights, ensuring equal legal treatment in relation to the majority. Unfortunately, others do not recognise any rights for national minorities, not to mention their existence itself.

The Assembly acknowledges that the Council of Europe paid a constant attention in providing the national minorities with appropriate rights (see the Framework-convention for the protection of national minorities, the European Charter for Regional or Minority Languages and the European Charter of Local Self-Government).

The Assembly notes the refusal of some member states to sign or ratify these documents. Surprisingly, those countries pretend to be an example of common living for majority and minorities. The truth is that, in those countries, national minorities are discriminated both collectively and individually, being deprived of some basic rights such as freedom of association, political representation, instruction in the mother tongue or free use in public of the minority language.

The Assembly considers that, following the example of the European Convention for Human Rights, basic standards should be established for national minorities and their members in order to guarantee equal treatment for both majority and minorities and to eliminate any difference between the Council of Europe's member states in this regard. These minimum rights should apply for:

- the right of every person to express his/her belonging to a national minority;
- political rights (such as free association in political parties, participation to elections, proportional representation within the public bodies, both at national and regional level);
- cultural rights, including the right to cultural autonomy as main instrument to preserve the national identity;
- the right to make decisions on different forms of autonomy, in accordance to the European practices and national or regional traditions;
- the right to freely use the minority language in private and public life, especially in relation with the administrative authorities or the judicial system in areas where national minorities represent a significant percentage among the regional or local population;



The Assembly is convinced that the only way to reduce discriminations against national minorities within the member states is to apply these rights. Reaffirming its principles of democracy, rule of law and human rights, the Assembly calls on the Committee of Ministers to draft an additional Protocol to the European Convention for Human Rights, which sets up basic standards for national minorities.

Signed (see overleaf)

*Signed*¹:

FRUNDA György, Romania, EPP/CD
ADAM Ulrich, Germany
AGRAMUNT Pedro, Spain, EPP/CD
BERÉNYI József, Slovak Republic
BRAUN Márton, Hungary, EPP/CD
CIRCENE Ingrida, Latvia, EPP/CD
COLOMBIER Georges, France, EPP/CD
CONDE Agustín, Spain, EPP/CD
DEITTERT Hubert, Germany
EÖRSI Mátyás, Hungary, ALDE
FROMMELT Doris, Liechtenstein, EPP/CD
GARDETTO Jean-Charles, Monaco, EPP/CD
GLESENER Marcel, Luxembourg
GROSS Andreas, Switzerland, SOC
HAIBACH Holger, Germany
HANCOCK Mike, United Kingdom, ALDE
HAUPERT Norbert, Luxembourg
HERKEL Andres, Estonia, EPP/CD
HOLOVATY Serhiy, Ukraine, ALDE
HÖRSTER Joachim, Germany, EPP/CD
JONKER Corien W.A., Netherlands, EPP/CD
KOVÁCS Elvira, Serbia, EPP/CD
KOZMA József, Hungary
LAAKSO Jaakko, Finland, UEL
LINDBLAD Göran, Sweden, EPP/CD
LINDEN René, van der, Netherlands
LINTNER Eduard, Germany
MAISSEN Theo, Switzerland
MOTA AMARAL João Bosco, Portugal, EPP/CD
MUÑOZ-ALONSO Alejandro, Spain, EPP/CD
NEGELE Gebhard, Liechtenstein, EPP/CD
NYKIEL Mirosława, Poland, EPP/CD
OMTZIGT Pieter, Netherlands
POPESCU Ivan, Ukraine, SOC
POSTANJYAN Zaruhi, Armenia
POURGOURIDES Christos, Cyprus, EPP/CD
RACHOŃ Janusz, Poland, EPP/CD
SARO Giuseppe, Italy, EPP/CD
SASI Kimmo, Finland, EPP/CD
SCHÄDLER Leander, Liechtenstein, EPP/CD
SZABÓ Zoltán, Hungary
UKKOLA Tuulikki, Finland, EPP/CD
VAREIKIS Egidijus, Lithuania, EPP/CD
VOLONTÈ Luca, Italy, EPP/CD
WOHLWEND Renate, Liechtenstein, EPP/CD

1. ALDE: Alliance of Liberals and Democrats for Europe
EPP/CD: Group of the European People's Party
SOC: Socialist Group
UEL: Group of the Unified European Left