



Doc. 12141

09 February 2010

Minority protection in Europe: best practices and deficiencies in implementation of common standards

Committee Opinion¹

Committee on Culture, Science and Education

Rapporteur: Mr Florin Serghei ANGHEL, Romania, Group of the European People's Party

A. Conclusions of the committee

1. The Committee on Culture, Science and Education congratulates the rapporteur, Mr Cilevičs, and the Committee on Legal Affairs and Human Rights for the comprehensive analysis and guidance provided to enhance minority protection in Europe. It welcomes the report on minority protection in Europe: best practices and deficiencies in implementation of common standards, and firmly supports it.
2. Moreover, the committee agrees with the opinion of the rapporteur regarding the need to focus on proper implementation of the existing standards, as the Council of Europe already has a wide panoply of mechanisms and legal instruments in the field.
3. The Committee on Culture, Science and Education would, however, consider it important to explicitly mention the link between the legal foundations of minority protection and cultural acceptance of diversity in our societies. Beyond the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, other Council of Europe standards and work also contribute to a better integration of persons belonging to national minorities into our modern societies and thus complement each other.

B. Explanatory memorandum by Mr Anghel, rapporteur

1. The rapporteur Mr Boriss Cilevičs has produced an important and well-documented report: it should be welcomed, and we share the conclusions therein. The remarks that follow – and the amendments suggested to the draft resolution and recommendation – are mainly intended to supplement the in-depth legal analysis Mr Cilevičs has made of key legal instruments on minority protection, looking at this issue also from a “cultural dimension” perspective.
2. We think it is important to emphasise that existing standards and norms are sufficiently developed. Therefore, in the present circumstances efforts should be concentrated on ensuring full implementation of these commonly agreed standards, which should be monitored by the specialised bodies of the Council of Europe. In this respect, we consider it appropriate to discourage initiatives meant to create new standards or to modify the mandate and the operation modalities of the Advisory Committee of the Framework Convention for the Protection of National Minorities and the Committee of Experts of the European Charter for Regional or Minority Languages, which need to preserve their independence.

1. See [Doc. 12109](#) tabled by the Committee on Legal Affairs and Human Rights.



3. As responsible European politicians, and in order to be coherent with our own previous decisions, we consider it extremely important to highlight the need for all Council of Europe member states to ratify the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. In this respect, I should like to mention the positive Romanian experience and the good practices developed by the Romanian authorities, Romania being already party to both conventions.
4. A crucial issue raised by the rapporteur is linked to the application of the Framework Convention, as this legal instrument does not provide a definition of the term “national minorities”, thereby allowing the states to decide the scope of its application. The majority of member states have chosen the protection given under the Framework Convention for citizens belonging to traditional national minorities (i.e. not coming from recent migration). In this respect, we wish to highlight the need for the authorities from receiving countries to adopt active measures for the protection of immigrants’ rights, on the basis of relevant Council of Europe legal instruments and expertise, such as the European Convention on Human Rights, the revised European Social Charter, the recommendations of the European Commission against Racism and Intolerance (ECRI), the recommendations of the Commissioner for Human Rights and the reports by the Parliamentary Assembly.
5. Another drawback spotted in the report is the politicised approach that in some states leads to an unstable regime for the protection of national minorities. Therefore, a great step forward would be made by a depoliticised, neutral and technical approach towards all aspects related to the implementation of the Framework Convention.
6. The different levels of decentralisation in member states and the transfer to local authorities of competences in the field of national minorities sometimes create difficulties, such as confusion about responsibilities, non-application of the Framework Convention due to very limited funds or lack of political will at local level, as well as decisions taken by local authorities that do not comply with the international commitments endorsed by the central authorities.
7. The draft resolution underlines the obligation for member states to create the necessary conditions for persons belonging to national minorities to participate directly in public life and in the decision-making process. We strongly support this idea and wish to evoke in this respect the noteworthy practice developed in Romania creating the conditions for ensuring the presence of representatives of national minorities in the elected bodies, including parliament. In addition, an important contribution to the preservation of cultural and spiritual identity of national minorities would be made by guaranteeing access to mother-tongue religious services in all Council of Europe member states.
8. Concerning more specifically the amendments proposed to the draft resolution and recommendation, we should like to stress that parliaments represent the people democratically – the majority as well as minorities – and reflect the political views of a country. Therefore, parliamentary work on questions related to national minorities should be pursued regularly in member states as well as by the Parliamentary Assembly of the Council of Europe. The Assembly has adopted various reports concerning the cultural dimension of minority protection, which should be recalled here. Also, beyond their national context, cultural minorities contribute to the cultural diversity and heritage of Europe.
9. In addition, building on the analysis in the report (which highlights the need to strengthen the participation of minority groups in public life and the importance of the role of local government in ensuring the protection of the rights of minorities) reference should be made to the recently adopted Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207) and to the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144). In fact, their provisions underpin enhanced participation of minority groups in local policy and decision-making processes as well as their integration in local communities.
10. Finally, we propose that member states be requested not to interfere in the functioning of national minorities’ councils – where such bodies are used, for instance in Serbia – and to take the appropriate measures to ensure the necessary financing and consequently the independent work of these bodies.

C. Proposed amendments

On behalf of the committee, the rapporteur suggests the following amendments to the draft resolution and draft recommendation on minority protection in Europe: best practices and deficiencies in implementation of common standards:

Amendment A (to the draft resolution)

In the draft resolution, after paragraph 8, add the following paragraph:

“The Assembly considers that parliaments must be the leading political forums for public debate on minority issues in their respective countries and that this debate should not overlook the cultural dimension of minority protection. In this respect, the Assembly recalls its own work which led to [Recommendation 1775 \(2006\)](#) on the situation of Finno-Ugric and Samoyed peoples, [Resolution 1519 \(2006\)](#) on the cultural situation of the Kurds, [Recommendation 1751 \(2006\)](#) on cultural diversity of the North Caucasus, [Recommendation 1688 \(2004\)](#) on diaspora cultures, [Resolution 1171 \(1998\)](#) on endangered Uralic minority cultures, [Recommendation 1333 \(1997\)](#) on the Aromanian culture and language, [Recommendation 1291 \(1996\)](#) on Yiddish culture, [Recommendation 1203 \(1993\)](#) on Gypsies in Europe, [Recommendation 1162 \(1991\)](#) on the contribution of the Islamic civilisation to European culture and [Recommendation 1134 \(1990\)](#) on the rights of minorities.”

Amendment B (to the draft resolution)

In the draft resolution, after paragraph 8, add the following paragraph:

“Enhanced minority protection depends not only on recognition of – and respect for – individual rights of minorities, but also on the political and cultural acceptance of diversity in society in general. The latter requires advanced cultural and educational policies in all member states. In this context, the Assembly refers to its [Recommendation 1849 \(2008\)](#) for the promotion of a culture of democracy and human rights through teacher education, [Recommendation 1740 \(2006\)](#) on the place of the mother tongue in school education, [Recommendation 1720 \(2005\)](#) on education and religion, [Recommendation 1682 \(2004\)](#) on education for Europe, [Recommendation 1625 \(2003\)](#) on policies for the integration of immigrants in Council of Europe member states, [Resolution 1313 \(2003\)](#) on cultural co-operation between Europe and the south Mediterranean countries and [Recommendation 928 \(1981\)](#) on the educational and cultural problems of minority languages and dialects in Europe.”

Amendment C (to the draft resolution)

In the draft resolution, after paragraph 14, add the following paragraph:

“The Assembly refers to the [Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority \(CETS No. 207\)](#), which was opened for signature on 16 November 2009. This protocol supports inclusive policies towards minorities at local level as well as their stronger involvement in local policy making and local cultural and social life. Therefore, the Assembly urges all member parliaments to study the possibility of ratifying this Protocol.”

Amendment D (to the draft resolution)

In the draft resolution, after paragraph 15, add the following paragraph:

“The Assembly recalls that the [Convention on the Participation of Foreigners in Public Life at Local Level \(ETS No. 144\)](#) highlights the need to improve the integration of foreign residents into their community, especially by enhancing the possibilities for them to participate in public affairs. Full implementation of this convention would certainly strengthen the protection of foreigners as minorities and encourage constructive dialogue within multicultural communities. Therefore, it is highly regrettable that, to date, only eight member states have ratified this convention and only five others have signed it. Member parliaments should envisage measures for this convention to be signed and ratified.”

Amendment E (to the draft resolution)

In the draft resolution, after paragraph 16, add the following paragraph:

“The Assembly emphasises the positive effects national minorities’ councils or bodies may have on the protection of persons belonging to national minorities in member states. Governments should abstain from interfering in their organisation and activities and should provide adequate administrative and financial resources for their functioning.”

Amendment F (to the draft recommendation)

In the draft recommendation, amend paragraph 1.1 as follows (changes in bold):

*“1.1 enhance efforts aimed at the speedy ratification of the Framework Convention for the Protection of National Minorities, the European Charter for **Regional or Minority or Regional (deleted) Languages** and Protocol No. 12 to the European Convention on Human Rights. **Study the possibility of adhering to the additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority, and to the Convention on the Participation of Foreigners in Public Life at Local Level;**”.*

Amendment G (to the draft recommendation)

In the draft recommendation, add the following sub-paragraph after paragraph 1.1:

“strengthen the Council of Europe’s work on intercultural dialogue and education aimed at fostering respect for diversity and societal cohesion, in particular through teacher training and life-long learning, for instance in co-operation with the European Centre for Global Interdependence and Solidarity (North-South Centre) in Lisbon, the European Wergeland Centre in Oslo and the European Centre for Modern Languages in Graz;”.

Reporting committee: Committee on Legal Affairs and Human Rights

Committee for opinion: Committee on Culture, Science and Education

Reference to committee: [Doc. 11261](#), Reference 3355 of 25 June 2007

Opinion: approved by the committee on 25 January 2010

Secretariat of the committee: Mr Fasino, Mr Dossow