

Recommendation 1134 (1990)¹

Rights of minorities

Parliamentary Assembly

General observations on minorities

1. There are many kinds of minorities in Europe. They have certain characteristics which may be ethnic, linguistic, religious or other which distinguish them from the majority in a given area or country.
2. Minorities greatly contribute to the pluriformity and cultural variety in Council of Europe member states, which have frequently adopted specific legislation with the interests of certain minorities in mind.
3. Yet one cannot deny that certain very difficult and serious problems continue to exist within the Europe of the Twenty-three.
4. Respect for the rights of minorities and persons belonging to them is an essential factor for peace, justice, stability and democracy.
5. The revival of minority languages and cultures is a sign of the richness and vitality of European civilisations.
6. With the change towards democracy in Central and Eastern European states, grave minority problems also come to light in these countries. These problems have been ignored and neglected for many years by authoritarian rule.
7. It is obvious that the Council of Europe must have the interests of minorities at heart — one of the main assignments given to this organisation being the maintenance and further realisation of human rights and fundamental freedoms. Minorities is one of the major subjects for co-operation and consultation with the countries of Central and Eastern Europe.
8. Among the work at present going on in the Council of Europe in the field of minorities one may list :
 - 8.1. the drafting of a European charter of regional and minority languages ;
 - 8.2. the work of the Commission for Democracy through Law.
9. Adequate legal protection of minorities requires certain minimum standards.

Basic principles on the rights of minorities

10. The Assembly therefore considers the following principles on the rights of minorities as a minimum :
 - 10.1. every citizen must have equal access to the courts and be afforded the rights safeguarded by the European Convention on Human Rights including the right of individual petition set forth in Article 25 ;
 - 10.2. introduction of a general non-discrimination clause in the European Convention on Human Rights ;

1. Assembly debate on 1 October 1990 (14th Sitting) (see [Doc. 6294](#), report of the Committee on Legal Affairs and Human Rights, Rapporteur : Mr Brincat ; and [Doc. 6302](#), opinion of the Political Affairs Committee, Rapporteur : Mr Baumel). Text adopted by the Assembly on 1 October 1990 (14th Sitting).



- 10.3. the special situation of a given minority may justify special measures in its favour ;
- 10.4. minorities shall be allowed to have free and unimpeded peaceful contacts with citizens of other states with which they share a common origin or heritage, without, however, infringing the principle of the territorial integrity of states.

National minorities

11. In respect of national minorities - that is to say, separate or distinct groups, well defined and established on the territory of a state, the members of which are nationals of that state and have certain religious, linguistic, cultural or other characteristics which distinguish them from the majority of the population - the following principles should apply :

- 11.1. national minorities shall have the right to be recognised as such by the states in which they live ;
- 11.2. national minorities shall have the right to maintain and develop their culture ;
- 11.3. national minorities shall have the right to maintain their own educational, religious and cultural institutions. For this purpose, they shall also have the right to solicit voluntary financial and other contributions including public assistance ;
- 11.4. national minorities shall have the right to participate fully in decision-making about matters which affect the preservation and development of their identity and in the implementation of those decisions ;
- 11.5. every person belonging to a national minority is required to comply with the obligations resulting from his citizenship or residence in a European state.

Linguistic minorities

12. Furthermore, in respect of linguistic minorities, the Assembly adopts the following two principles :
- 12.1. persons belonging to a linguistic minority shall have access to adequate types and levels of public education in their mother tongue ;
 - 12.2. linguistic minorities shall have the right to obtain, provide, possess, reproduce, distribute and exchange information in their mother tongue regardless of frontiers.

Obligations for the states

13. As far as the European states are concerned they should :
- 13.1. commit themselves to guarantee the protection as well as the possibility of the effective exercise of the rights of national minorities and persons belonging to them ;
 - 13.2. take all the necessary legislative, administrative, judicial and other measures to create favourable conditions to enable minorities to express their identity, to develop their education, culture, language, traditions and customs ;
 - 13.3. take the necessary measures, on the one hand, to eliminate prejudices and foster mutual knowledge and understanding in a climate of tolerance and mutual respect among persons belonging and persons not belonging to minorities, and, on the other, to develop active, solidarity-based civic participation by all nationals of European states and their genuine integration into joint citizenship ;
 - 13.4. abstain from pursuing policies aimed at forced assimilation of national minorities, from taking administrative measures affecting the composition of the population in areas inhabited by national minorities, and from compelling such minorities to remain confined in geographical and cultural "ghettos" ;
 - 13.5. fully implement the provision of Article 27 of the International Covenant on Civil and Political Rights which reads as follows : "In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."
14. The Assembly reaffirms the need for the full implementation of the commitments contained in the Helsinki Final Act, the Madrid concluding document and the Vienna concluding document concerning national minorities as well as the one adopted in Copenhagen in June 1990.

15. In addition, it draws attention to the obligations contained in the international instruments relating to national, ethnic, religious and linguistic minorities, by which the states participating in the CSCE process are bound.

16. Given its experience in the field of human rights, the parliamentary and intergovernmental work it has carried out concerning minorities, and its current work, the Council of Europe is the appropriate organisation for the elaboration of a legal instrument in this field.

Recommendation to the Committee of Ministers

17. The Assembly therefore recommends that the Committee of Ministers draw up a Protocol to the European Convention on Human Rights or a special Council of Europe convention to protect the rights of minorities in the light of the principles stated above.