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The situation and rights of national minorities in Europe

Reply to Recommendation[1]: Recommendation 2040 (2014)
Committee of Ministers

1. The Committee of Ministers has carefully examined the Parliamentary Assembly Recommendation 2040 (2014) on "The situation and rights of national minorities in Europe", which it decided to transmit to the Advisory Committee of the Framework Convention for the Protection of National Minorities (FCNM), the Steering Committee on Media and Information Society (CDMSI), the Steering Committee for Educational Policy and Practice (CDPPE) and to the Joint Council on Youth (CMJ), for information and possible comments. The Committee of Experts of the European Charter for Regional or Minority Languages (ECRML) also indicated that it would like to submit observations.

2. As the Parliamentary Assembly will be aware, the Council of Europe provides a unique set of legal standards as well as a broad range of monitoring and other bodies working to protect, directly and indirectly, the rights of persons belonging to national minorities, which demonstrates the long-standing commitment of the Council of Europe in this context. The Committee agrees that the protection of the rights of persons belonging to national minorities should remain a priority for the Council of Europe, such protection being essential to stability, democratic security and peace in Europe.

3. It must be underlined, in the first place, that regular monitoring by the Committee of Ministers, assisted by the Advisory Committee, of the application of the FCNM raises awareness of any shortcomings in the minorities' policies of States, in response to which relevant programmes, trainings and seminars are developed, including in the education and media sectors. Since 2004, the Advisory Committee has also developed its thematic work, publishing commentaries on key issues arising from its monitoring work, including on Language Rights and Education. A thematic commentary on the scope of the FCNM, currently prepared by the Advisory Committee, should further increase awareness of the necessary breadth of the protection of the rights of persons belonging to national minorities. The Advisory Committee has advised that its knowledge and expertise is available to broader initiatives and, in this regard, the Committee notes the importance of the joint EU/CoE project "Promoting Human Rights and Minority Protection in South-East Europe".

4. The Committee of Ministers also recalls that the ECRML is the only binding international instrument focused on the protection and promotion of regional or minority languages. In this context also, regular monitoring of how States apply this Charter raises awareness amongst the State authorities concerned about any shortcomings in their minority language policies and about steps which may help to resolve those deficiencies.

5. The Committee of Ministers recognises that a broader ratification of the above two instruments could contribute to the important work of those bodies and, therefore, to the protection of the rights of persons belonging to national minorities in Europe.

6. It is also worth recalling that the Committee of Ministers, while monitoring the implementation of the FCNM, also carries out a detailed examination of the opinions of the Advisory Committee of the FCNM and of the reports of the Committee of Experts of the ECRML before adopting the relevant resolutions and

1. Adopted at the 1207th meeting of the Ministers' Deputies (17 September 2014).

recommendations on the implementation of those instruments. This final step in these monitoring processes is indicative of the commitment of the States to the attainment of the goals of these bodies, provides an opportunity for other States to express themselves on the situation in the State concerned and gives further visibility to those instruments.

7. A joint meeting between the FCNM, ECRML and ECRI, in June 2013, has helped to strengthen co-ordination between these monitoring mechanisms in terms of joint country visits and follow-up events such as round table conferences. The Committee of Ministers closely follows and supports these initiatives aimed at fostering the effective performance of the approved mandates of these bodies. It also looks forward to the proposals which the Secretary General is expected to present on ways to further enhance this co-ordination, by way of follow-up to his report on the state of democracy, human rights and the rule of law in Europe.

8. Moreover, the CDPPE is particularly active in the educational aspects of minority protection including in providing technical assistance and participation activities which led, in particular, to Parliamentary Assembly Recommendation 1880 (2009) concerning history teaching in conflict and post-conflict zones. The Committee would also highlight the flagship project of the CDPPE entitled “The Image of the Other in History Teaching” (leading to CM/Rec(2011)6 on “Intercultural dialogue and the Image of the Other in History Teaching”). The CDPPE’s later project, entitled “Shared Histories for Europe without Dividing Lines”, emphasised awareness of common heritage, conflict prevention and reconciliation and gave rise to a Council of Europe publication as recently as May 2014.

9. As regards item 4.2 of Recommendation 2040 (2014), the Committee cannot endorse the use of the term “traditional national minorities”, but it underlines that the themes already studied by the referenced Schools of Political Studies aim to strengthen democracy, human rights and the rule of law. The Committee of Ministers would also encourage those Schools to continue to promote, in the themes studied, the basic principles of regional co-operation, conciliation and dialogue in crisis regions, conflict prevention as well as recognition of cultural specificities and cultural diversity.

10. As regards point 4.3 of the recommendation, the attention of the Parliamentary Assembly is drawn to the various training programmes and seminars for media representatives which are run by the Council of Europe (funding being provided by, *inter alia*, the European Union and certain member States) and, in particular, to those aimed at the development of a pluralistic media landscape in various Council of Europe States (MEDIA-COOP(2014)003).

11. Finally, the Committee of Ministers would underline that the protection of the rights of persons belonging to national minorities is further enhanced by those bodies, including the European Court of Human Rights, the Commissioner for Human Rights and the European Commission against Racism and Intolerance (ECRI), who monitor the commitments undertaken by the States to promote and protect human rights.