



## Recommendation 1492 (2001)<sup>1</sup>

# Rights of national minorities

### Parliamentary Assembly

1. The Assembly again stresses the importance of effectively protecting the rights of minorities in Europe. It considers that adequate protection for persons belonging to national minorities and their communities is an integral part of the protection of human rights and is the only way in which states can reduce ethnic tensions that might give rise to more widespread conflicts.
2. The Assembly condemns the denial of the existence of minorities and of minority rights in several Council of Europe member states and the fact that many minorities in Europe are not afforded adequate protection.
3. The Assembly recognises that the majority has obligations towards the minority and, on the other hand, the minority has the responsibility to participate in political and public life of the country in which it lives and to contribute, along with the majority, to the democratic cohesion and pluralism of the states to which it has offered its allegiance.
4. The Assembly notes that it is essential that the majority becomes more familiar with the languages and cultures of national minorities and that the authorities, with the help of nongovernmental organisations, endeavour to make minority cultures known.
5. The Assembly once more calls on all its member states to safeguard what could be considered to be the minimum rights of national minorities, as set out in the Framework Convention for the Protection of National Minorities (ETS No. 157). It believes that the protection of minorities is essential to the implementation of fundamental human rights, stability, democratic security and peace on the European continent. It also points out that the price to be paid for failing to respond positively to the needs of national minorities may be an escalation in social tension, an increase in the number of asylum seekers, reluctance to reinforce unity between the member states of the Council of Europe and a climate of insecurity which would be detrimental to trade and investment.
6. Andorra, Belgium, France and Turkey have to date neither signed nor ratified the Framework Convention for the Protection of National Minorities and this means that it cannot take full effect across the continent. These countries have significant minorities, which ought to be protected, and whose rights are not officially recognised. Other countries – Georgia, Greece, Iceland, Latvia, Luxembourg, the Netherlands and Portugal – have signed but not yet ratified the framework convention.
7. The Assembly recalls its [Recommendation 1201 \(1993\)](#), in which it asked the Committee of Ministers to draw up an additional protocol to the European Convention on Human Rights on the rights of minorities, and expressed a wish for Council of Europe member states to base their legislation and policies concerning minorities on the draft protocol set out in the appendix to that recommendation, which contained the most acceptable definition at European level of a “national minority”.

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1. Assembly debate on 23 January 2001 (3rd Sitting) (see [Doc. 8920](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Bindig, [Doc. 8939](#); opinion of the Political Affairs Committee, rapporteur: Mr Gjellerod, [Doc. 8943](#); opinion of the Committee on Migration, Refugees and Demography, rapporteur: Mr Tabajdi; and [Doc. 8941](#), opinion of the Committee on Culture and Education, rapporteur: Mr de Puig). Text adopted by the Assembly on 23 January 2001 (3rd Sitting).



8. The Assembly also points out that the political undertakings and standards set out in the draft additional protocol appended to the above recommendation have been raised to the status of legal obligations in friendship treaties drawn up between various member states of the Council of Europe. These treaty obligations might eventually acquire customary status at regional level.
9. To date, Albania, Andorra, Belgium, Bulgaria, Estonia, Georgia, Greece, Ireland, Latvia, Lithuania, Moldova, Poland, Portugal, the Russian Federation, San Marino, Slovakia and Turkey have neither signed nor ratified the European Charter for Regional or Minority Languages (ETS No. 148).
10. The Assembly notes that the Charter of Fundamental Rights of the European Union, as accepted at the Summit meeting in Nice in December 2000, does not tackle the question of minority rights and limits itself to declaring in its Article 22 that “the Union shall respect cultural, religious and linguistic diversity”.
11. The Assembly recognises that immigrant populations whose members are citizens of the state in which they reside constitute special categories of minorities, and recommends that a specific Council of Europe instrument should be applied to them.
12. The Assembly therefore recommends that the Committee of Ministers:
  - 12.1. call upon member states to show a more generous attitude in applying their specific minority policies and in the implementation of Council of Europe instruments in the field of minorities;
  - 12.2. call upon member states to improve and, where needed, further develop international cooperation in minority rights protection, both in their bilateral relations and at the level of European international organisations;
  - 12.3. ask the four states which have not signed the Framework Convention for the Protection of National Minorities to bring their constitution and their legislation into harmony with the European standards in force in order to remove any obstacle to the signature and ratification of the convention;
  - 12.4. ask the states mentioned in paragraph 6 of this convention to sign and/or ratify as soon as possible and without reservations and declarations the Framework Convention for the Protection of National Minorities, and ask those which have already ratified it to implement it and to revoke their reservations and declarations;
  - 12.5. encourage those states which have not yet done so to ratify the European Charter for Regional or Minority Languages, and encourage states parties and future states parties to apply it properly;
  - 12.6. increase the human and financial resources of the general directorates of the Council of Europe concerned by the application of the two aforementioned instruments;
  - 12.7. ask member states to sign and to ratify as soon as possible Protocol No. 12 to the European Convention on Human Rights, in the hope that persons belonging to national minorities will be able to have their specific rights confirmed by the European Court of Human Rights;
  - 12.8. call upon the Committee of Ministers to give a high priority to the discussion and adoption of the opinions and reports issued by the Consultative 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, and create a suitable procedure for their speedy publication and general dissemination;
  - 12.9. strengthen the monitoring mechanisms within the Council of Europe and apply the same principles and standards to all member states;
  - 12.10. begin drafting an additional protocol to the Framework Convention for the Protection of National Minorities giving the European Court of Human Rights or a general judicial authority of the Council of Europe the power to give advisory opinions concerning the interpretation of the framework convention;
  - 12.11. begin drafting a protocol to the European Convention on Human Rights on the rights of national minorities, drawing on the principles contained in [Recommendation 1201 \(1993\)](#), and endeavouring to include therein the definition of national minority adopted in the same recommendation;
  - 12.12. attach to the Council of Europe Commissioner for Human Rights a person with special responsibility for issues concerning the protection of minorities’ rights, making suitable financial provision for this purpose;
  - 12.13. give the various sign languages utilised in Europe a protection similar to that afforded by the European Charter for Regional or Minority Languages, possibly by means of the adoption of a recommendation to member states;

12.14. publish the reports submitted by the Committee of Experts of the European Charter for Regional or Minority Languages.