



Resolution 2368 (2021)¹

Preserving national minorities in Europe

Parliamentary Assembly

1. Over twenty-five years ago, in 1995, the Framework Convention for the Protection of National Minorities (ETS No. 157, “the Framework Convention”) was opened for signature. This crucial instrument is based on the shared understanding that preserving stability, democratic security and peace in Europe requires protecting national minorities; that a pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity; and that a climate of tolerance and dialogue must be created in order to enable cultural diversity to be a source and a factor, not of division, but of enrichment for each society. Importantly, the Framework Convention also recognises that the protection of the rights and freedoms of persons belonging to national minorities forms an integral part of the international protection of human rights, including the right to full and effective equality.

2. The Framework Convention has been ratified by 39 Council of Europe member States and signed by four more. Since it came into force in 1998, its implementation, through the adoption of important legislative and policy measures, has benefitted national minorities in States parties and helped to maintain their linguistic, ethnic and cultural identities.

3. Today, however, a number of challenges are endangering the capacity to protect the rights of persons belonging to national minorities in Europe. Support for the human rights agenda is eroding in many quarters, and attention to minority rights has diminished. Intra- and inter-State tensions and sometimes conflicts, have undermined the stability of both States and European institutions. This has regrettably led to minorities again at times being perceived, as in the past, as a threat to the security and territorial integrity of States, and to the instrumentalisation for political ends of the rights of persons belonging to national minorities. Increasing tensions have also been observed around the use of minority languages and teaching in and of these languages.

4. In parallel, extreme nationalist discourse, populism, hate speech and hate crime are on the rise throughout Europe, often focusing on exclusive nation-building while stigmatising diversity and targeting anyone who is perceived as different. Such discourse endangers social cohesion and democratic stability, while designating persons belonging to national minorities as scapegoats. These dynamics are often aggravated where broader social, economic or political problems or divisions are present.

5. The Parliamentary Assembly notes that both national minorities themselves and societies as a whole are diverse and constantly changing. Migration flows both within and between States, for example, have had a profound impact on persons belonging to national minorities and on the implementation of their rights. This constant evolution creates a need for continuous dialogue between the authorities and minorities, in order to adapt rapidly to the changing needs of the latter.

6. The Assembly underlines that the persons belonging to national minorities can only exercise their rights effectively where they are able to participate meaningfully in cultural, social and economic life and in public affairs in the country in which they live. It is therefore essential to build inclusive and democratic societies in which persons belonging to minorities have an opportunity to engage actively and to influence decisions that

1. *Assembly debate* on 19 April 2021 (9th sitting) (see [Doc. 15231](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Ms Elvira Kovács). *Text adopted by the Assembly* on 19 April 2021 (9th sitting). See also [Recommendation 2198 \(2021\)](#).



affect them. Changing media landscapes may create new opportunities for expression in minority languages, but also new challenges, and States must ensure that these dynamics do not arbitrarily hinder the freedom of expression of persons belonging to national minorities or their access to information.

7. Given the multiplication of challenges currently faced in the implementation of minority rights in Europe, the Assembly considers that the mainstreaming of minority rights is crucial to keep minority protection working. The impact of all government policies and decisions on the rights of persons belonging to national minorities needs to be assessed before they are adopted and implemented. This includes areas that may go beyond the specific provisions of the Framework Convention, such as housing policy or the privatisation of public services, which may indirectly affect the capacity of persons belonging to national minorities to enjoy the collective dimension of their rights.

8. The Assembly reaffirms its support for the Framework Convention. Respect for linguistic, ethnic and cultural diversity, based on the recognition of the fundamental rights to equality and respect for human dignity, is a cornerstone of the system of human rights protection in Europe and crucial to preserving pluralistic and inclusive democracies. The Assembly emphasises the importance of the multilateral monitoring system set up under this convention and stresses that for the Framework Convention to fulfil its purpose as a living instrument, both institutional commitment from the Council of Europe and political will from its member States are required.

9. In the light of these considerations, the Assembly urges all Council of Europe member States that are not yet parties to the Framework Convention to complete the process of signing and ratifying it, in line with the Assembly's [Recommendation 1766 \(2006\)](#) "Ratification of the Framework Convention for the Protection of National Minorities by the member States of the Council of Europe" and [Resolution 2262 \(2019\)](#) "Promoting the rights of persons belonging to national minorities", and encourages those member States not yet parties to the European Charter for Regional or Minority Languages (ETS No. 148) also to ratify this instrument.

10. The Assembly calls on States parties to the Framework Convention to strengthen their efforts to promote it and implement it in practice and, in particular, to:

10.1. ensure that the standards enshrined in the Framework Convention are effectively incorporated into domestic legislation and given effect in practice, by refraining from withdrawing already acquired minority rights and by completing wherever necessary the adoption of comprehensive legislative frameworks for the protection of the rights of persons belonging to national minorities, in full consultation with their representatives;

10.2. consider, in the case of States parties which have ratified the Framework Convention while entering restrictive declarations and/or reservations, withdrawing these declarations and/or reservations;

10.3. foster pluralistic and inclusive societies in which persons belonging to national minorities are able to express both their multiple identities and their loyalty to democratic constitutional principles, thereby contributing to a Europe united in diversity;

10.4. strengthen their dialogue with persons belonging to national minorities and place it on a continuous footing, notably by setting up permanent consultation mechanisms, where this has not yet been done, bearing in mind that the composition and functioning of such bodies must enable the full and effective participation of national minorities on all issues that may affect their rights and afford them the opportunity to influence outcomes tangibly;

10.5. ensure that policies and practices with respect to national minorities take into account the diversity existing within minorities and the intersectional issues that may affect them, in order that all persons belonging to national minorities may enjoy full and effective equality, as guaranteed by the Framework Convention;

10.6. take seriously the threats posed by hate speech conveyed by State actors as well as parliamentarians, which dehumanises persons belonging to minorities and makes them more vulnerable to stigmatisation, discrimination and violence; call on representatives of the State and politicians to refrain from hate speech and instigate additional measures to combat hate speech or hate crimes perpetrated against persons belonging to minorities;

10.7. systematically consult and engage with the representatives of national minorities on the best means of implementing the recommendations addressed to the State party under the monitoring mechanism of the Framework Convention, and implement them rapidly on the basis of these consultations;

10.8. consider developing indicators to help measure and evaluate outcomes in this field, in particular as regards societal integration;

10.9. develop additional outreach strategies for communicating about the Framework Convention and disseminating to the public the findings of its Advisory Committee, including in the State language and the languages of national minorities; these strategies should take full advantage of the increasing availability of new technologies.

11. It further calls on States that are not parties to the Framework Convention to implement measures in line with those set out in paragraphs 10.1, 10.3, 10.4 and 10.5 above, in order to strengthen their own dialogue with persons belonging to national minorities within their territory and promote their full and effective equality.

12. The Assembly invites all member States to strengthen their multilateral dialogue on the protection of the rights of minorities and place it on a more continuous footing. It recalls in this context the important role that can also be played by complementary mechanisms existing in this field, notably the conflict prevention role of the High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe. Given the close relationship that exists between respect for human rights and the proper functioning of the rule of law and of democratic institutions, existing synergies with the European Union in this field could also be strengthened.

13. The Assembly invites member States to explore all means to ensure that Council of Europe standards are effectively incorporated into domestic legislation and implemented in practice, by assisting European institutions to develop their regulation with a view to safeguarding Europe's national minorities.

14. Finally, bearing in mind that the rights of persons belonging to national minorities cannot be properly implemented without a strong framework in place for protecting and promoting full and effective equality, the Assembly urges those member States that are not yet Parties to Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 177) to complete the process of signing and ratifying it without delay.