

Council of Europe Parliamentary Assembly Res. 1985 (2014) – The situation and rights of national minorities in Europe

Parliamentary Assembly

1. European history shows that minority protection is of utmost importance and can contribute to Europe becoming a home for all. However, manifestations of extreme nationalism, racism, xenophobia and intolerance have not disappeared; on the contrary, they appear to be on the rise. The Parliamentary Assembly expresses concern about the situation and rights of national minorities.
2. The Assembly considers the Framework Convention for the Protection of National Minorities (ETS No. 157) and the European Charter for Regional or Minority Languages (ETS No. 148) as essential instruments for minority protection in Europe. However, neither instrument has yet been ratified by all Council of Europe member States. In addition, the lack of definition of national minorities in the Framework Convention leaves a wide margin of appreciation by States Parties, impacting on its implementation. In this respect, the Assembly recalls its Resolution 1713 (2010) “Minority protection in Europe: best practices and deficiencies in implementation of common standards”, its Resolution 1866 (2012) on an additional protocol to the European Convention on Human Rights on national minorities, and relevant judgments of the European Court of Human Rights. The Assembly also welcomes the Programmatic Declaration of the Federal Union of European Nationalities (FUEN) adopted in Brixen on 23 June 2013.
3. The Assembly also recalls the definition of national minorities laid down in its Recommendation 1201 (1993) on an additional protocol on the rights of minorities to the European Convention on Human Rights, defining them as “a group of persons in a State who: a) reside on the territory of that State and are citizens thereof; b) maintain longstanding, firm and lasting ties with that State; c) display distinctive ethnic, cultural, religious or linguistic characteristics; d) are sufficiently representative, although smaller in number than the rest of the population of that State or of a region of that State; e) are motivated by a concern to preserve together that which constitutes their common identity, including their culture, their traditions, their religion or their language”.
4. The Assembly stresses the importance of stability, solidarity and peaceful coexistence of the multitude of people in Europe and calls for the promotion of the “unity through diversity” concept within and between countries. The protection of the rights of national minorities should remain a priority on the political agenda.
5. The protection of minority rights can help build a sustainable future for Europe and contribute to guaranteeing the respect of the principles of dignity, equality and non-discrimination. Benefits are not limited to minorities since this protec-

- tion will bring stability, economic development and prosperity to all.
6. The inability to give a satisfactory response to minority issues has been a major cause of political tensions, conflicts and human rights violations. Minority protection is therefore also a means of conflict prevention. The right to self-determination, State integrity and national sovereignty can be reconciled so as to increase tolerance. In this context, Assembly Resolution 1832 (2011) “National sovereignty and statehood in contemporary international law: the need for clarification” indicates the path to be followed.
 7. Various forms for the protection of the rights of persons belonging to national minorities on the basis of best practices should be widely considered and valued in enhancing the protection and promotion of the rights of persons belonging to national minorities. As one of such forms, territorial arrangements might play an important role for the effective protection of the rights of national minorities. In this respect, the Assembly recalls its Resolution 1334 (2003) on positive experiences of autonomous regions as a source of inspiration for conflict resolution in Europe, which states that the establishment and operation of an autonomous entity can be regarded as part of the democratisation process. The Assembly also welcomes the adoption of Resolution 361 (2013) on regions and territories with special status in Europe by the Congress of Local and Regional Authorities of the Council of Europe, which acknowledges that the special status enjoyed by regions of some European States has brought stability and prosperity to those regions and States.
 8. The Assembly is of the opinion that territorial self-government arrangements can also contribute to effectively protecting minority rights with a collective dimension and avoiding assimilation.
 9. The Assembly considers the respect of the right to a common identity, which includes culture, religion, languages and traditions, as an essential element of the protection of the rights of national minorities. They have the right to preserve and further develop their own institutions and should receive collective protection, as stated in Recommendation 1735 (2006).
 10. In the light of these considerations, the Assembly calls on the Council of Europe member States:
 - 10.1. as regards international instruments, to:
 - 10.1.1. sign and/or ratify, if they have not yet done so, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages as soon as possible;
 - 10.1.2. sign the Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly of the United Nations on 13 September 2007;
 - 10.1.3. promote the implementation of best practices for the protection of the rights of national minorities recognised by the Council of Europe and the United Nations;

- 10.1.4. in addition to the implementation of legal provisions of the Framework Convention, create the conditions necessary for respecting the commitments/obligations as laid down in the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990) and in related bilateral agreements;
- 10.2. as regards the protection of the right to identity, to:
 - 10.2.1. safeguard the right of national minorities to preserve, protect and promote their own identity, as laid down in Article 5.1 of the Framework Convention, the International Covenant on Civil and Political Rights and Resolution 47/135 of the United Nations General Assembly “Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities”;
 - 10.2.2. take the necessary steps to ensure the effective participation of national minorities in social, economic and cultural life and in public affairs in order that they may participate effectively in the decision-making process in conformity with Article 15 of the Framework Convention;
 - 10.2.3. refrain from adopting policies and practices aimed at assimilation of national minorities against their will, as laid down in Article 5.2 of the Framework Convention;
 - 10.2.4. look into and use as a guideline best practices used by some States (such as the experience of Alto Adige/South Tirol, Finland or others which grant collective or group rights), which constitute valid models and references even for States that are not yet Parties to the Framework Convention;
- 10.3. as regards territorial arrangements and conflict prevention, to:
 - 10.3.1. implement, in a format agreed by all parties concerned, territorial self-government arrangements with due respect to the general principles of international law;
 - 10.3.2. take into account, irrespective of economic reasons, the added value of historic regions in terms of culture, language, traditions and religions when defining/reforming the administrative and/or territorial structure/units of the country or of relevant State institutions;
 - 10.3.3. initiate and have a continuous dialogue with representatives of the national minorities, in order to prevent conflicts, meet the needs of their constituencies and promote multiculturalism and solidarity;
- 10.4. as regards the right to education and minority languages, to:
 - 10.4.1. promote the official use of languages spoken by national minorities on the territories where they live, at local or regional level, in conformity with the principles of the European Charter on Regional or Minority Languages, while taking into account that the protection and encouragement of the use of regional and minority languages should not be to the detriment of the official languages and the obligation to learn them;

- 10.4.2. formulate education policies bearing in mind the needs of national minorities including through specific educational systems and institutions and incorporate the best practices in teaching foreign languages into the methodology of teaching official languages for elementary schools which provide education in a minority language;
- 10.4.3. take the necessary steps to assure continuity of education in the mother tongue in secondary (including vocational education) and higher education;
- 10.4.4. follow the recommendations of the Advisory Committee on the Framework Convention's First Thematic Commentary on Education under the Framework Convention of 2 March 2006, namely to take a proactive approach in education issues even when the expressed demand appears low;
- 10.4.5. initiate the common writing of history books together with the kin-States and the representatives of the traditional national minorities living on their territory, so as to educate young people in favour of European co-operation and partnership, and make use of history education as a means to improve young people's knowledge of national minorities;
- 10.4.6. take into account national minorities when privatising public services, including media;
- 10.4.7. provide appropriate funding to organisations or media outlets representing minorities in order to bring their identity, language, history and culture to the attention of the majority;
- 10.5. as regards combating discrimination, to:
 - 10.5.1. refrain from discriminatory acts and take "affirmative action" in the economic and social systems with the aim of removing the factual barriers to "equal opportunities" and promoting full and effective equality;
 - 10.5.2. in the spirit of Article 16 of the Framework Convention, refrain from adopting laws or administrative measures which may enhance assimilation, encourage migration or change the ethnic structure in a specific region;
 - 10.5.3. to adopt a bottom-up approach that takes into account the views of the interested parties in identifying and tackling national minority issues;
 - 10.5.4. ensure – without undermining the fundamental right to freedom of movement and in conformity with the "unity through diversity" concept – the possibility for the national minorities within their territories to remain in their birthplaces, to prosper and progress where they have been living for centuries, and to explore their full potential to the benefit of their communities, as well as of the majority, the State and Europe as a whole;

- 10.5.5. formulate and effectively implement a comprehensive national strategy on the protection of national minorities;
 - 10.5.6. ensure that media can operate, free from discrimination, in minority languages;
 - 10.5.7. adopt electoral legislation allowing pluralistic political representation of minorities;
 - 10.5.8. refrain from adopting laws or administrative measures which weaken minority protection.
11. The Assembly invites its members to follow more closely the issue of national minorities, to play an active facilitator, problem-solving role and to draw up proposals for direct political representation of national minorities.
 12. The Assembly asks the Secretary General of the Council of Europe to give particular attention to national minorities in the framework of his annual report on the situation of human rights in Europe.
 13. The Assembly invites public and private media of any type in regions inhabited by national minorities to provide services in minority languages.