

**Consultation meeting with non-governmental organisations on their input in the
monitoring of the Framework Convention for the Protection of National Minorities**
Strasbourg, 8 December 2005

**Main substantive issues related to the protection of national minorities and
NGOs' contribution to work on themes**

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1. Major instruments and approaches

Since early 90s, the legal standards of non-discrimination and minority protection have been actively developing, particularly in Europe. In the Council of Europe, adoption of the European Charter on Regional and Minority Languages (1992) and of the Framework Convention for the Protection of National Minorities (1994, the both instruments took effect in 1998) was followed by the adoption of the 12th Protocol to the European Convention on Human Rights (2002) containing the general non-discrimination clause. In the OSCE, a special position of the High Commissioner on National Minorities was established (1992). The European Union, an organization historically distant from the human rights problems, has adopted a strong anti-discrimination instrument – the Race Equality Directive (2000/43/EC), as well as agreed to introduce a clause on minority rights into its draft Constitution. Besides, some regional and sub-regional IGOs also engaged in dealing with non-discrimination and minority protection.

However, one cannot but admit that the progress in the field has substantially slowed down in the recent years.

The number of ratifications of the FCNM unexpectedly quickly reached the level necessary for the instrument's entry into force, however, four Council of Europe member states have not yet even signed the Convention, and seven member states – signed but not ratified. The number of ratifications of ECRML is even less.

While in early 90s the minority-related conflicts in the OSCE region were considered the main threat to peace and security, the new century has brought about new challenges. Since the OSCE HCNM's activities focus on conflict prevention rather than general issues of minority protection, the High Commissioner's work now enjoys much less attention and political backing than it was the case a decade ago. In fact, minority protection is under threat of becoming marginal within the OSCE sphere of activities.

After the accession of a number of post-communist countries into the EU, the possible impact of the both Council of Europe and the OSCE has become much more limited (the end of “political conditionality”). In the meantime, the EU has so far had limited experience, competence, and expertise in the field of non-discrimination and minority protection. The Race Directive has not been timely transposed by a number of “old” and “new” member states.

Sub-regional organizations are also obviously reduced their efforts in the field of minority protection. For example, the very position of the Council of the Baltic Sea States (CBSS)

Commissioner on Democratic Institutions and Human Rights, including the Rights of Persons belonging to National Minorities was abolished since 2004.

2. Framework of regular monitoring, collection and storage of data

Under these circumstances, it is not surprising that comprehensive, impartial, reliable and up-to-date information on the issues related to non-discrimination and minority protection, is not easily available.

The system of monitoring of implementation of FCNM and ECRML (the state reports, alternative NGO reports, opinions of the Advisory Committee on FCNM and the Committee of Experts on ECRML, Resolutions of the Committee of Ministers) provides the most detailed and comprehensive data. However, these data are available to the public at large only in connection with the next round of monitoring in respect of a given state party – i.e. one year after accession, and each five years afterwards. Thus, these data give clear impression about the situation at certain point but cannot provide regular information about ongoing developments. Besides, under no circumstances can the relevant institutions of the Council of Europe deal with the states which have not ratified corresponding instruments, including states with the most serious problems in the field.

The same inherent drawbacks are typical also for other system of monitoring under the UN treaty bodies (e.g. the Committee on Elimination of Racial Discrimination - CERD), as well as reporting system for the European Commission against Racism and Intolerance (ECRI).

The OSCE does not maintain regular monitoring available for public at all. In turn, the EU does have a general human rights monitoring system, although not based on some treaty framework. As a result, annual European Parliament reports on the situation of human rights in the EU reflect the priorities set by the political groups in the EP, rather than offer comprehensive and impartial approach. The annual reports by the EU Network of independent experts are much more professional, but they cover the whole broad scope of human rights problems and often only marginally touch upon the non-discrimination and minority rights issues. In turn, the European Monitoring Centre on Racism and Xenophobia (EUMC) studies the extent and development of the phenomena and manifestations of racism and xenophobia, and analyses their causes, consequences and effects, works out strategies to combat racism and xenophobia, highlights and disseminates examples of good practice regarding the integration of migrants and ethnic and religious minority groups in the EU Member States, rather than carries out systematic and comprehensive monitoring. It remains to be seen what impact the transformation of the EUMC into a general Fundamental rights agency will entail.

Thus, one can claim that a systematic regular monitoring in the field conducted by IGOs is intrinsically limited.

3. Relevant activities of NGOs

Much more is being done by the NGO sector. However, also here serious problems persist.

As to the general monitoring system, the annual reports prepared by the network of International Helsinki Federation should be singled out. The reports prepared by the national Helsinki committees are usually accurate, timely, and politically neutral, though they too not always cover discrimination and minority-related issues with the desirable degree of detailness. Besides, these

reports are published once a year, and in between the IHF issues relevant statements and analyses only in the cases of utmost urgency.

Some projects related to some particular aspects are worth mentioning, such as “Bigotry Monitor” published weekly by the UCSJ (USA), and weekly issues on religious freedom published by Forum 18 (Norway).

Another example to be mentioned is the EUMAP project initially aimed at the examination of compliance of the EU candidate states with the Copenhagen criteria. A series of essential reports on the minority rights in the candidate states have been published by the EUMAP. Unfortunately, each report concentrated on the situation of only one minority in the country in question, and thus could not cover the situation in a broader context. Besides, no regular follow-up reporting is envisaged.

A number of NGOs dealing specifically with the issue of by far the biggest and the most vulnerable Roma minority in Europe, inter alia, actively disseminate various types of pertinent information. However, with the exception of some highly professional and reliable organizations (e.g. the Budapest-based European Roma Rights Center), the information provided by them is often emotional and needs to be doublechecked.

To resolve the problem of ensuring regular, timely, reliable, and easily available information, several NGOs in Europe have developed special projects in this respect. In particular, the virtual Consortium on Minority Resources (COMIR, <http://lgi.osi.hu/documents.php?id=34>) should be mentioned. Its members, NGOs and research institutions, are all involved in collecting and disseminating information on non-discrimination, minority rights, racism and intolerance, mostly via Internet. This is one of the main aims of this virtual consortium. In particular, COMIR members maintain four related mailing lists working on daily basis that are fully (Budapest-based Multiethnic list and Riga-based MINELRES) or substantially (Balkan Human Rights list and Balkan Academic Network list) devoted to the issues in question. Besides, the websites of the COMIR members contain a lot of valuable information. For example, Center of Documentation and Information on Minorities in Europe - Southeast Europe (CEDIME-SE) database (<http://www.greekhelsinki.gr/english/organizations/cedime.html>) represents de facto the best source of information on minorities in the Balkans, despite immense attention paid to this region on the part of many international organizations.

Besides “regional” sources, a number of initiatives aimed at providing regular information on particular countries exist. In particular, in Romania, the Ethnocultural Diversity Resource Centre (EDRC), in cooperation with Mediafax agency, publishes weekly bulletin “Ethnic Minority Briefs” (http://www.divers.ro/index.shtml?page=arhiva_en). The “Minority News from Hungary”, published irregularly by the governmental Office for National and Ethnic Minorities, should also be mentioned.

Unfortunately, this is, as a matter of fact, a nearly exhaustive list of the initiatives of the kind.

4. The situation in Latvia

Among the governmental institutions only the National Human Rights Office occasionally touches upon the issues of non-discrimination and minority protection in its quarterly and annual reports (<http://www.vcb.lv>).

Also in Latvia, NGOs are more active in the field. In particular, Latvian Center for Human Rights and Ethnic Studies covers a number of relevant issues in its annual reports on human rights in Latvia (<http://www.policy.lv/index.php?id=102861&lang=en>, <http://www.policy.lv/index.php?id=102644&lang=en>, etc). Besides, this NGO provides regular overviews of relevant media publications, although not provided with any sort of comments or analysis.

Another leading human rights NGO in Latvia, the Latvian Human Rights Committee (F.I.D.H.) issues only occasional statements on relevant urgencies.

The only attempt of systematic and specialised monitoring in the field was the electronic newsletter “Minority Issues in Latvia”, issued in 1999-2004 by our NGO “Baltic Insight” in cooperation with the Latvian Human Rights Committee (F.I.D.H.) (<http://www.minelres.lv/MinIssues/title.html>).