

Doc. 11261 revised
19 April 2007

Minority protection in Europe: best practices and deficiencies in implementation of common standards

Motion for a recommendation
presented by Mr Cilevičs and others

This motion has not been discussed in the Assembly and commits only the members who have signed it

1. Respect for cultural and linguistic diversity and protection of minorities in Europe has improved during the last decade. Due mainly to the adoption of the instruments of the Council of Europe, ie the legally binding Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, minority rights have been moved from the field of political rhetoric and manipulation to the area of practical policies and legally-based monitoring.
2. Unfortunately, the two instruments mentioned above have not yet become universally accepted standards throughout Europe, as some Council of Europe member states have not yet ratified them. This problem was addressed by the Assembly in its recent Recommendation 1766 (2006).
3. The Framework Convention is “a document of principles”, and practical methods of implementing these principles vary broadly from country to country. In the course of monitoring compliance of the state parties with the provisions of the Framework Convention, its Advisory Committee has accumulated an extensive array of relevant data.
4. Both effective solutions and failures are among these patterns, models and practices of implementation of the Framework Convention. Quite often the most successful solutions for some provisions, and serious problems in implementation of others can be observed in the same country.
5. Thus, in the Austrian province of Carintia, its governor has for several years effectively undermined implementation of the provision of national law stipulating bilingual road signs. Finally, after the Constitutional Court had unequivocally ruled that this practice was illegal, the minority language inscriptions were displayed, but with such small letters that it is virtually impossible to read them. This is a clear example of distorting the humanitarian spirit of the Framework Convention.
6. In Romania, remarkable progress has been visible and very high standards ensured in the field of minority protection in recent years. However, also here a controversy over displaying bilingual inscriptions in the multilingual Babes-Bolyai University, which led to the dismissal of two professors who produced and displayed such signs on their own initiative, has hurt the implementation of the Framework Convention.
7. Some state parties, including Denmark, the Netherlands and Latvia, have ratified the Framework Convention with declarations which substantially limit the scope of application of the Framework Convention and hence restrict its practical significance.

8. Non-recognition of certain minorities by some states remains a major problem. Paradoxically, despite having declared “unity of the nation” as a pretext for non-recognition, it is not rare for these states in the meantime to continue to differentiate between their citizens on the basis of ethnic origin. This is the case, in particular, in Greece, where former Article 19 of the Citizenship Law allowed for deprivation of citizenship on the basis of residence abroad of Greek nationals – but only those of non-Greek ethnic origin (this provision has been abolished, but the restoration of citizenship for those more than 45,000 nationals who were deprived of their Greek citizenship on the grounds of this provision is still pending). Similarly, the rights to restore citizenship and to reclaim property of those Greek citizens who fled during the Civil War, as established by law, also depend on their ethnic origin.

9. Therefore, the Assembly decides to study, in close co-operation with the Advisory Committee of the Framework Convention and the Committee of Experts of the Language Charter, concrete ways of implementing provisions of the Council of Europe instruments on minority protection, its successes and failures, with the view to disseminating best practices and making them available so as to offer guidance to all member states wishing to overcome difficulties and to further improve the protection of minorities and respect for diversity in their societies. This work should also cover practices in those states that have not ratified the Framework Convention and take into account related discussions e.g. in the framework of the Council of Europe’s inter-governmental committee of experts on national minorities (DH-MIN).

*Signed*¹:

CILEVIČS Boriss, Latvia, SOC
ALMÁSSY Kornél, Hungary, EPP/CD
BARNETT Doris, Germany, SOC
BEMELMANS-VIDEC Marie-Louise, Netherlands, EPP/CD
BERÉNYI József, Slovakia, EPP/CD
DAČIĆ Ivica, Serbia, SOC
DZEMBRITZKI Detlef, Germany, SOC
ÉKES József, Hungary, EPP/CD
FRUNDA György, Romania, EPP/CD
HAJIYEVA Gultakin, Azerbaijan, EPP/CD
JURGENS Erik, Netherlands, SOC
KELEMEN András, Hungary, EPP/CD
KOZMA József, Hungary, SOC
LAAKSO, Jaakko, Finland, UEL
MELČÁK, Miloš, Czech Republic, SOC
MOONEY, Paschal, Ireland, ALDE
OBRADOVIĆ, Žarko, Serbia, SOC
POPESCU, Ivan, Ukraine, SOC
SZABÓ, Zoltán, Hungary, SOC
VAREIKIS, Egidijus, Lithuania, EPP/CD
VĖSAITĖ, Birutė, Lithuania, SOC

¹ SOC: Socialist Group
EPP/CD: Group of the European People’s Party
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democratic Group
UEL: Group of the Unified European Left
NR: not registered in a group