



Resolution 1866 (2012)¹

An additional protocol to the European Convention on Human Rights on national minorities

Parliamentary Assembly

1. The Parliamentary Assembly stresses the importance of the protection of persons belonging to national minorities as an integral part of the international protection of human rights in order to ensure equality, justice, stability, democratic security and peace in Europe.

2. The Assembly regrets that the main Council of Europe instruments for the protection of the rights of national minorities, such as the Framework Convention for the Protection of National Minorities (ETS No. 157) and the European Charter for Regional or Minority Languages (ETS No. 148) have not been ratified by all the member States. Moreover, in its previous resolutions (such as [Resolution 1713](#) (2010) on minority protection in Europe: best practices and deficiencies in implementation of common standards and Recommendation 1944 (2010) on the European Charter for Regional or Minority Languages), it has found numerous shortcomings in the implementation of these conventions.

3. The Assembly also deplores the limited number of ratifications of Protocol No. 12 to the European Convention on Human Rights (ETS No. 177), which broadens the scope of the prohibition of discrimination set forth in the European Convention on Human Rights (ETS No. 5, hereafter “the Convention”) and which may be an important tool in combating discrimination based on “association with a national minority”.

4. On several occasions, the Assembly has supported the adoption of an additional protocol to the Convention in order to reinforce the protection of the rights of national minorities in Europe. In particular, its [Recommendation 1201](#) (1993) on an additional protocol on the rights of national minorities to the European Convention on Human Rights contained a draft for such a protocol. However, to the Assembly's regret, the Committee of Ministers decided in 1996 not to follow up this recommendation.

5. Considering the precarious situation of numerous national minority groups in Europe, it is time to reconsider the Assembly's previous proposals concerning the adoption of an additional protocol to the European Convention on Human Rights, which could reinforce the standing of national minorities, both as individuals and/or as groups, before the European Court of Human Rights and provide them with substantive and justiciable rights.

6. The Assembly considers that such a protocol could refer to the internationally recognised criteria laid down in the Copenhagen Document adopted in 1990 by the Organization for Security and Co-operation in Europe (OSCE) and the relevant texts of the Council of Europe, in particular the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages and Assembly [Recommendations 1134](#) (1990), [1201](#) (1993), [1255](#) (1995), [1492](#) (2001) and [1623](#) (2003) and [Resolution 1713](#) (2010). It could guarantee the following minimum standards for national minorities and their members:

- 6.1. the right of every person to express freely his or her association with a national minority;
- 6.2. political rights (such as freedom of association, the creation of political parties, participation in elections, representation in public bodies, at both national and regional levels);
- 6.3. cultural rights, including the right to cultural autonomy to preserve national identity;

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 9 March 2012 (see [Doc. 12879](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Frunda). See also [Recommendation 1994](#) (2012).

6.4. the right to take decisions on different forms of autonomy, in accordance with European practice and national or regional traditions;

6.5. the right to freely use a minority language in private and public life, especially in relations with the administrative authorities or the judicial system in areas where national minorities reside traditionally or represent a significant percentage of the regional or local population.

7. Moreover, the Assembly calls on those member States which have not yet done so, to sign and/or ratify the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages and Protocol No. 12 to the European Convention on Human Rights, without reservations or restrictive declarations.

8. The Assembly calls on national parliaments and their members to actively promote, both within their parliaments and vis-à-vis their governments, the idea of adopting an additional protocol to the European Convention on Human Rights in this context.