

Doc. 11369
10 September 2007

Ratification of the Framework Convention for the Protection of National Minorities by the member states of the Council of Europe

Recommendation 1766 (2006)

Reply from the Committee of Ministers
adopted at the 1003rd meeting of the Ministers' Deputies (5 September 2007)

1. The Committee of Ministers welcomes the long-standing commitment of the Parliamentary Assembly to the protection of national minorities and notes the Assembly's efforts to promote the ratification and implementation of the Framework Convention for the Protection of National Minorities, to which 39 states are now Parties. It takes note of the Parliamentary Assembly's view that the Framework Convention has played a fundamental role in improving the protection of national minorities in Europe.
2. The Committee of Ministers observes that states which are not Parties to the Framework Convention can explain their position on minority issues and discuss legal or other obstacles that have prevented them from signing or ratifying the Framework Convention in the context of the Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN). The Committee of Ministers further points out that it has taken important steps to ensure the application of the Framework Convention's monitoring mechanism in areas outside the effective jurisdiction of States Parties, notably in Kosovo, where monitoring is pursued on the basis of a specific agreement between the UNMIK and the Council of Europe.
3. The Committee of Ministers recalls that the Framework Convention does not exclude declarations or reservations by States Parties and that several states have submitted them upon signing or ratifying the Convention. At the same time, the Committee of Ministers has, in the past, stressed that States Parties to the Framework Convention should be judicious in their use of reservations or declarations, and it has continued to examine reservations and declarations in connection with the monitoring of the Framework Convention. Furthermore, the Opinions of the Advisory Committee on the Framework Convention contain a number of comments related to this question, which is being addressed in continuous dialogue between the Advisory Committee and States Parties.
4. As regards the Parliamentary Assembly's proposal to review the Framework Convention in the light of experience gathered in its application, the Committee of Ministers recalls that, aside from the monitoring process, views and experiences related to the Framework Convention are being shared in the Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN), where the Parliamentary Assembly enjoys observer status.
5. In recognition of the importance of discussions on these and other matters concerning national minorities, the Committee of Ministers recently extended the mandate of the DH-MIN by two years.
6. As for the proposal of the Assembly to make the Framework Convention "more legally coherent and responsive to the actual European challenges by, *inter alia*, balancing the rights of minorities with their obligations", the Committee of Ministers would like to refer to Article 20 of the Framework Convention, according to which persons belonging to national minorities are to respect national legislation and the rights of others when exercising their rights flowing from the principles of the Framework Convention. The

Committee of Ministers stresses that the Framework Convention is a human rights instrument, and this has to be borne in mind when discussing proposals such as the one made by the Parliamentary Assembly.

7. As for the need to ensure “protection of cultural diversity, the consolidation of intercultural solidarity, social cohesion and the civil nation’s unity”, the Committee of Ministers refers to related provisions of the Framework Convention, including its Articles 5 and 6. It also recalls the relevance of other Council of Europe instruments, such as the European Charter for Regional or Minority Languages.

8. As regards Protocol No. 12 to the European Convention on Human Rights, the Committee of Ministers would like to highlight the fact that a number of specific activities have been undertaken to facilitate and encourage ratification. It further notes that the proceedings of the seminar “Non-discrimination: a human right”, organised to mark the entry into force of Protocol No. 12, were published by the Council of Europe in June 2006.