

Strasbourg, 10 March 2006

DH-MIN(2006)007

**COMMITTEE OF EXPERTS ON ISSUES RELATING TO THE PROTECTION OF
NATIONAL MINORITIES
(DH-MIN)**

LIST OF ADOPTED DECISIONS

**3rd meeting
8-10 March 2006**

***Hotel Aro Palace
Braşov, Romania***

During its third meeting held on 8-10 March 2006 in Braşov, Romania, the Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN) adopted the following decisions:

1. The DH-MIN re-elected Mr Eero J. Aarnio as Vice-Chairperson of the DH-MIN by acclamation for a term expiring on 31 December 2006.
2. The DH-MIN decided to proceed with the drafting of a document on good practices in the field of consultation mechanisms of national minorities. To this effect, the DH-MIN decided to invite Mr Marc Weller to elaborate further his report on this topic, taking into account the comments and issues raised during the Braşov conference and the third meeting of the DH-MIN. It decided to ask him to prepare a draft document on this theme which should be of a descriptive nature. This draft document would be submitted to Member States well in advance of the fourth meeting of the DH-MIN for comments both on the form and on the substance. This draft would then be presented during that meeting for discussion and possible adoption by the DH-MIN.
3. The DH-MIN decided to form an informal working group on the issue of national minorities and the media. This working group will be tasked to make proposals with regard to the subject to be dealt with by the DH-MIN in its future work. This working group would comprise the members of the DH-MIN in respect of Austria, Moldova and the Russian Federation. The relevant Council of Europe intergovernmental committee dealing with media issues and other experts in this field would also be invited to take part in the work of the group.
4. The DH-MIN decided that additional information should be submitted by governments on the specific regulations contained in electoral law and the law of political parties that are relevant for national minorities. It decided to invite DH-MIN members to submit this information within a month to the Secretariat. It decided that such information should also cover the regulations on language use in electoral procedures and campaigns. In order to map out its future work on this issue, the DH-MIN decided to invite the Centre for the Study of Democratic Government in Oxford, under the supervision of Professor David Hine, to prepare an analytical study of the latest developments in this field. It decided that Professor Joseph Marko from the University of Graz should be invited to contribute to this study.
5. The DH-MIN decided to continue its work on the issue of non-discrimination and the protection of national minorities. It decided to invite Mr Rainer Hofmann together with another expert in the field of non-discrimination to present a document outlining all the relevant approaches in this area, in advance of the fourth meeting of the DH-MIN.
6. The DH-MIN adopted its Opinion on the draft Recommendation of the Committee of Ministers to Member States on the promotion of the participation of minority youth and decided to forward it to the CDDH for further transmission to the Committee of Ministers. This Opinion is appended to the present list of decisions.
7. The DH-MIN decided to have its fourth meeting between 16 and 20 October 2006. This fourth meeting will be a two-day meeting, to be held preferably towards the end of that week.

APPENDIX : OPINION OF THE DH-MIN ON THE DRAFT RECOMMENDATION OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON THE PROMOTION OF THE PARTICIPATION OF MINORITY YOUNG PEOPLE

The Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN) notes with interest the draft recommendation of the Committee of Ministers on the promotion of the participation of minority young people, contained in document GR-C(2005)21.

The DH-MIN agrees that participation of young persons belonging to national minorities, in political, social and economic life is an important factor in ensuring cohesion in pluralist societies.

The DH-MIN notes, however, that the draft recommendation's scope of application *ratione personae* is extremely wide. The Preamble refers *inter alia* to "national, linguistic, religious, ethnic and social minorities" while acknowledging that these "categories often overlap". The DH-MIN further notes that the Explanatory Memorandum attached to the draft recommendation emphasises that the definition of "minority" used in the present draft recommendation is meant to be as inclusive as possible and includes, for example, minorities on the basis of nationality, ethnicity, religion, language, disability, sexual orientation, etc.

This means that the draft recommendation at issue goes well beyond the concept of "national minorities", as understood under the Framework Convention for the Protection and other relevant Council of Europe instruments. While the Framework Convention does not contain a definition of the term "national minorities" and while different approaches have been pursued in this respect, the essential elements of identity that are relevant in the context of the Framework Convention include religion, language, traditions and cultural heritage, as is suggested in Article 5 of the Framework Convention.

It follows that the present draft recommendation is meant to apply to a wide range of situations. Measures required to advance participation of young persons belonging to the various groups concerned are likely to vary significantly according to the group concerned and the approaches developed in respect of national minorities do not cover all the contexts concerned.

At the same time, the DH-MIN would like to highlight in this context that the principles contained in the Framework Convention for the Protection of National Minorities, in particular Article 15 of the Framework Convention, are of direct relevance in so far as the draft recommendation pertains to young persons belonging to national minorities. In this respect, a number of proposed measures contained in the draft recommendation, including support for consultative structures and emphasis on gender perspective, are issues that have already been highlighted in the monitoring of the Framework Convention.

However, considering that the scope of the draft recommendation is markedly larger than the protection of national minorities, the DH-MIN considers that it is not in a position to analyse the entire draft recommendation and its possible implications on questions that are outside its competence and expertise.