



COE056864

Strasbourg, 30 October 1992
<dhmin92.2E>

Restricted
DH-MIN (92) 2

**COMMITTEE OF EXPERTS FOR THE PROTECTION
OF NATIONAL MINORITIES**

Protection of National Minorities

Extracts of the reports
of the 32nd meeting (May 1992),
of the 33rd meeting (October 1992) of the CDDH
and extract from the report of the 39th meeting
of the Bureau of the CDDH (11 September 1992)

Extract of the 32nd meeting of the CDDH

i. CDDH (92) 19 item 6

The CDDH took note of the ad hoc terms of reference which the Committee of Ministers had assigned to it by decision CM/535/210592 of 20 May 1992 relating to the protection of national minorities. With a view to fulfilling these terms of reference, it decided to set up a committee of experts for the protection of national minorities, whose membership and terms of reference are reproduced in Appendix III below.

The CDDH decided to request the Committee of Ministers to provide the budgetary means to enable the committee of experts to hold the following meetings:

in 1992: 1 meeting, 27 members, 5 days

 1 working party, 9 members, 4 days

in 1993: 2 meetings, 27 members, 5 days.

*

* *

Items submitted to the Committee of Ministers for decision

CDDH (92) 19 I.i.

I. to approve:

- i. the specific terms of reference of the Committee of experts on the Protection of national Minorities (DH-MIN) in view of the execution of the ad hoc terms of reference assigned to the CDDH (Agenda Item 6 and Appendix III);

*

* *

CDDH (92) 19 (Appendix III)

**Terms of reference
of the Committee of Experts
for the Protection of National Minorities
(DH-MIN)**

Specific terms of reference

1. Name of committee: Committee of Experts for the Protection of National Minorities (DH-MIN)
2. Type of committee: Committee of experts
3. Source of terms of reference: Steering Committee for Human Rights (CDDH)
4. Terms of reference:

To study the possibility, having in mind the principle of complementarity of the work of the Council of Europe and that of the CSCE, of formulating specific legal standards relating to the protection of national minorities in the spirit of the European Convention on Human Rights. Work carried out within the United Nations will also to be taken into account. The Committee will carry out its work in the light of the draft European Convention for the protection of minorities drawn up by the European Commission for Democracy through Law as well as the Austrian proposal for an additional protocol to the European Convention on Human Rights and other proposals for legal solutions.
5. Completion date: July 1993
6. Membership of the Committee:
 - a. States whose governments are entitled to appoint members: All members States
 - b. Number of members per State whose travel and subsistence expenses will be borne by the Council of Europe budget: 1
 - c. Qualifications desirable in members: specialists in the field of human rights and the protection of national minorities
7. Other participants: Commission of the European Communities

8. Observers:

- a. Non-member States: Canada, Holy See, Albania, Estonia, Latvia
Lithuania, Romania, Slovenia
- b. International governmental organisations:-
- c. International non-governmental organisations: Amnesty International,
International Commission of Jurists, International Federation
of Human Rights

9. Transitional notes:-

*

* *

Extract of the 39th meeting of the Bureau of the CDDH

ii. CDDH-BU (92) 2 item 4

The Bureau held an exchange of views on the terms of reference, membership and chairmanship of the Committee of Experts on the Protection of National Minorities, whose creation it had proposed to the Committee of Ministers. The Committee of Ministers would be considering this proposal at its meeting on 17 September 1992¹. The Bureau considered that the new committee should first of all examine the relevant fundamental rights and then see whether they were suitable for inclusion in an additional protocol to the European Convention on Human Rights and/or in a specific convention on the protection of national minorities.

With a view to this item being discussed at the CDDH's next meeting, the Bureau asked its members as well as all members of the CDDH to give consideration to the terms of reference, membership and chairmanship of the new committee, whose terms of reference will end on 30 July 1993.

*

* *

¹ At their meeting on 17 September 1992, the Ministers' Deputies approved the proposal.

Extracts of the 33rd meeting of the CDDH

iii. CDDH (92) 33 item 6

a. Work of the Committee of Experts for the Protection of National Minorities (DH-MIN)

The CDDH held an exchange of views on the terms of reference, membership (including the question of the chairmanship) and the work schedule of this committee.

It agreed that the DH-MIN should, in carrying out its terms of reference:

- i. examine the rights of minorities that should be recognised, and draw up a list of such rights;
- ii. examine whether these rights were at present covered by Council of Europe, CSCE or United Nations texts;
- iii. determine the nature of the legal instruments in which those rights could be included (Protocol to the European Convention on Human Rights, and/or a separate convention on the protection of national minorities and/or any other international instrument).

The CDDH further agreed to invite the Commission for Democracy through Law to be represented at the DH-MIN.

b. "Machinery" for the peaceful solution of the problems of minorities

Bearing in mind the decision of the CSCE Summit in Helsinki to create the post of High Commissioner for National Minorities, on the one hand, and certain other proposals being considered in the CSCE and Lord Owens' proposal (see para. 3 above) on the other hand, the CDDH decided to defer consideration of this item until its next meeting (June 1993). The Secretariat was asked to keep abreast of CSCE work in this field.

*

* *

CDDH (92) 33 VI.iv

The Committee of Ministers is invited:

VI. to take note:

- iv. of the CDDH's decision to invite the European Commission for Democracy through Law to be represented at the Committee of Experts for the Protection of National Minorities (DH-MIN) (Agenda item 6a).