

Council of Europe

Conseil de l'Europe



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DH-MIN (93) 1

**COMPARATIVE LIST OF MINORITY RIGHTS
ADOPTED OR PROPOSED WITHIN OF THE UNO,
THE CSCE AND THE COUNCIL OF EUROPE¹**



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Preliminary Note

This document reproduces the list of rights concerning minorities as prepared by the Working Party of DH-MIN [DH-MIN-WP (93) 1], Appendix III] as well as the references of the recent Recommendation 1201 (1993) of the Parliamentary Assembly. The mark (°) indicates the rights for which the Working Party, at its first meeting (January 1993) asked for additional instructions of the DH-MIN.

¹ and the draft Convention drawn up by the Federal Union of European Nationalities and submitted to the Council of Europe

The legal instruments, in draft form or in force, and the CSCE documents which have been taken into account for these comparative tables are the following (their abbreviations figure in the brackets):

UNITED NATIONS:

- International Covenant on Civil and Political Rights (Covenant).
- Convention on the Prevention and Punishment of the Crime of Genocide (Conv.Genocide).
- Convention on the Elimination of All Forms of Discrimination Against Women (Conv.Women).
- International Convention on the Elimination of All Forms of Racial Discrimination (Conv.Racial Discr.).
- Resolution 47/135 adopted by the General Assembly in Dec.1992 "on persons belonging to national or ethnic minorities, religious and linguistic" (Resolution)

UNESCO:

- Convention Against Discrimination in Education (Conv. UNESCO).

CSCE:

- Helsinki Final Act (Helsinki'75).
- Concluding Document of the Vienna Meeting (Vienna).
- Charter of Paris for a New Europe (Paris).
- Report of the CSCE meeting of experts on national minorities (Geneva).
- Document of the Moscow Meeting (Moscow).
- Document of the Copenhagen Meeting on the Human Dimension (Copenhagen).
- Document of the Helsinki Meeting (Helsinki'92).

COUNCIL OF EUROPE:

- European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).
- Recommendation 1134 (1990) on the Rights of Minorities adopted by the Parliamentary Assembly (Rec.1134).
- Proposal for a European Convention for the Protection of Minorities, elaborated by the "European Commission for Democracy through law" (draft conv.).
- Draft Proposal for a Protocol to the ECHR submitted by Austria to the Council of Europe (draft prot.).
- Recommendation 1201 (1993) on a Protocol to the ECHR on the Rights of Minorities, adopted by the Parliamentary Assembly (Rec.1201).

Federal Union of European Nationalities :

- Convention draft on the fundamental rights of ethnic groups in Europe (additional Protocol to the ECHR): - FUEN draft

Note: the quoted paragraphs of the Document of the Copenhagen Meeting figure in section IV.

Right	Instrument	UNITED NATIONS	CSCE	Council of Europe	FUEN draft
1.Groups or Minorities concerned		Covenant: ethnic, religious or linguistic minorities (27) Resolution:national, ethnic, religious and linguistic minorities (2) Conv.genocide:national, ethnic, racial or religious groups (II)	National minorities	ECHR: national minorities(14) Rec.1134:national(11) and linguistic(12) minorities draft prot.:ethnic group (1) draft conv.:ethnic,linguistic and religious minorities (1) Rec.1201:national minorities (1)	ethnic groups(1)
2.Right: -to exist -to be recognized		Draft Resolution:(1.1) Conv.Genocide:(II)		draft conc.:(3.1) Rec.1134:(11.i) draft prot.:(3.1)	(3.1),(3.4)
3.Principle of non-discrimination and equality before the law		Covenant:(26) Conv.Women:(1),(2),(4) Conv.Racial Discr.:(1.1),(4) Conv.UNESCO:(1.1),(2) Resolution:(4.1)	Helsinki'75:(sec.Ia,VII.1) Paris:p.14 Copenhagen:(31.1),(33.2) Moscow:(28.7) Geneva:(1.3)	ECHR:(14) Rec.1134:(10.ii) draft conv.:(4.1) Rec.1201:(4)	(4)
4.Protection of the minorities identity: -general principle -State positive measures		Resolution:(1.1) Resolution:(4) Conv. Racial Discr.:(1.4)	Geneva:(III.4) Vienna:(principle 19) Copenhagen:(33a),(31b) Geneva:(IV.5),(VI.4)	Rec.1134:(10.iii) draft conv.:(3.3) draft prot.:(3.2) Rec.1201:(3) draft conv.:(4.2) Rec.1201:(12.2)	(4.3)
5.Right to choose freely to belong to a minority			Copenhagen:(32a)	draft conv.:(2.3) draft prot.:(3.1) Rec.1201:(2)	(2.4)

Right	Instrument	UNITED NATIONS	CSCE	COUNCIL OF EUROPE	FUEN draft		
6.Linguistic freedoms: -right of recognition of the minority language -right to use the minority language -right to use the minority language before public institutions -right to use a minority language in penal proceedings ----- -right to use one's own name -right to put up place name signs in the minority language	Covenant:(27) Resolution:(4.2) Covenant:(14.3a) -----	Copenhagen:(32.1) Copenhagen:(34.1) -----	draft conv.:(7) draft prot.:(7.1) Rec.1201:(7.1) draft prot.:(7.3) Rec.1201:(7.3) draft conv.:(8) ECHR:(5.2),(6.3a),(6.3e) ----- ECHR:(8) draft prot.:(7.2) Rec.1201:(7.2) draft prot.:(7.4) Rec.1201:(7.4)	(7.1)			
				(7.2),(7.4)			
				(7.2)			

				(7.5)			
(7.3)							
7.Right to education: -right to learn the minority language at school -right to be taught in the minority language -right to set up educational institutions	Conv.Racial Discr.:(5.e.v) Resolution:(4.3),(4.4) Conv.UNESCO:(2.b),(5.1c) Resolution:(4.3)	Vienna:(Co-operation in humanitarian and other fields 68) Copenhagen:(32.2),(34) Geneva:(IV.7.-7) Geneva:(IV.7.-8)	Rec.1134:(12.1) draft conv.:(9) Rec.1201:(8.1) draft prot.:(8.1),(8.2) Rec.1201:(8.2) draft prot.:(8.3)	(8)			
				(9)			

Right	Instrument	UNITED NATIONS	CSCE	COUNCIL OF EUROPE	FUEN draft
8.Cultural freedom: -right to develop and express the minority culture, language and customs -right to solicit public financial or private assistance	Conv.Racial Discr.:(5.e.iv) Resolution:(2.2),(4.2)	Moscow:(35) Vienna:(Co-operation in humanitarian and other fields 14,59 and 61) Geneva:(III.4)	Rec.1134:(11.ii) Rec.1201:(3) draft prot.:(3.3) Rec.1134:(11.iii)	(9.2)	
9.Right to establish and maintain its own associations	Conv.Racial Discr.:(5.d.ix) Resolution:(2.4) Covenant:(21),(22)	Geneva:(VII.2) Copenhagen:(32.6)	ECHR:(11) Rec.1134:(11.iii) draft prot.:(3.6) Rec.1201:(6)	(9.1)	
10.Information freedoms: -freedom of expression -right to impart information in the minority language -right to access to the public mass media -right to its own mass media	Conv.Racial Discr.:(5.d.viii)	Vienna:(Co-operation in humanitarian and other fields 45) Geneva:(VII.2)	ECHR:(10) Rec.1201:(7.1b) draft conv.:(6.2)	(11.1),(11.3) (11.2) (11.2)	
11.Freedom of religion: -right to freedom of conscience -right to establish its own religious institutions	Conv.Racial Discr.:(5.d.vii)	Copenhagen:(32.3) Helsinki'75:(VII.1),(VII.3) Vienna:(principles 16,16.1-11) Copenhagen:(32.2)	ECHR:(9) draft conv.:(10) Rec.1134:(11.iii)		
12.Right to transfrontier co-operation	Resolution:(6),(7)	Geneva:(V.3),(VII.4) Helsinki'92:(IX.5)		(10.2)	

Right	Instrument	UNITED NATIONS	CSCE	COUNCIL OF EUROPE	FUEN draft
13.Right to establish contacts with members of other groups		Resolution:(2.5)	Copenhagen:(32.4) Geneva:(VII.1 and 3) Vienna:(Co-operation in humanitarian and other fields 31)	draft conv.:(5) Rec.1201:(10)	(10.1)
14.Freedom of movement		Conv.Racial Discr.:(5.d.1 and ii)	Vienna:(principle 20)	ECHR:protocole N°4 (2)	
°15.Right to participate in public affairs		Conv.Racial Discr.:(5.c) Resolution:(2.3) Resolution:(2.2),(4.5)	Copenhagen:(35a) Geneva:(III.1),(IV.7.-1 and -2)	Rec.1134:(11.iv) draft conv.:(14.1) draft prot.:(6)	(12),(15.1)
16.Right to participate in economic life		Conv.Racial Discr.:(5.c)	Geneva:(IV.1)		
°17.Right to political representation within local and/or State's organs		Conv.Racial Discr.:(6)	Helsinki Moscow:(43.4),(43.5),(43.7) Geneva:(III.2)	draft prot.:(3.5 and 6) Rec.1201:(6)	(9.1),(13) (15.2)
18.Right to an effective remedy		Conv.Racial Discr.:(6)	Vienna:(principle 13.9) Geneva:(IV.2b) Copenhagen:(40.5)	ECHR:(13) draft conv.:(11) draft prot.:(9) Rec.1201:(9)	
°19.Minority obligations				draft conv.:(1.2),(15) Rec.1201:(14)	(16.4)
20.State obligations: -to abstain from any policy of assimilation -to co-operate with other States -various obligations		Resolution:(5.2),(6),(7) Resolution:(8.1)	Copenhagen:(32b) Geneva:(III.4)	Rec.1134:(13iv) draft conv.:(13) draft prot.:(3.3) Rec.1201:(3.1) Rec.1201:(5)	(3.3)

Right	Instrument	UNITED NATIONS	CSCE	COUNCIL OF EUROPE	FUEN draft
21. Towards a right to local autonomy			Copenhagen:(35.2) Geneva:(IV.8.-3)	Rec.1201:(11)	(14)
22. Safeguard clauses, restrictions and derogations to the rights	Covenant:(4)		Vienna:(principle 17) Moscow:(28.7) Copenhagen:(31b),(33b),(34a)	ECHR:(15.1 and 2) draft conv.:(12) Rec.1201:(15), (16)	(16.5)
23. Attribution of collective rights	Resolution:(1.1)		Vienna:(principle 19) Copenhagen:(33)	Rec.1134:(11.i and ii) draft prot.:(3.5),(5),(7.5),(8.3),(9) draft conv.:(3.2),(13),(14)	(5),(9.2),(14)
24. Control machinery, established or proposed	Covenant:Committee(28),Optional Protocol Conv.Racial Discr.:Committee (8)		Vienna: Human Dimension Helsinki'92: High Commissioner on minorities	ECHR:Commission,Court,Committee of Ministers draft conv.:european Committee(18) draft prot.:protocol to the ECHR Rec.1201:protocol to the ECHR	Protocol to the ECHR (17A) and Minority Rights Council (17C)