



Strasbourg, 7 October 1994
[7meet/cahmin94.31]

Restricted
CAHMIN (94) 31



COE056919

**AD HOC COMMITTEE FOR THE PROTECTION
OF NATIONAL MINORITIES**

(CAHMIN)

**Decisions taken by the Committee of Ministers at its 517bis meeting
(7 October 1994) regarding the draft framework Convention on the
protection of national minorities**

4.1

**AD HOC COMMITTEE FOR THE PROTECTION OF NATIONAL
MINORITIES (CAHMIN)**

**Draft Framework Convention for the
protection of National Minorities
(CM/Del/Dec/Act(94)517/4.3, CM(94)133)**

Decisions

The Deputies

1. approved the provisions of the draft framework Convention for the protection of national minorities (CM(94)133, Appendix V) which appear in Appendix ... to the present volume of Decisions;
2. transmitted to the CAHMIN the text of the provisions which appear in Appendix 2 to the present volume of Decisions, for their insertion in the final version of the draft framework Convention at the 7th meeting of the CAHMIN (10-14 October 1994);
3. requested the CAHMIN to draft the Explanatory Report to the framework Convention taking into account the ideas developed in Appendix 3.

APPENDIX 2

(item 4.1)

DRAFT FRAMEWORK CONVENTIONPreamble

i) 5th recital:

"Considering that the upheavals of European history have shown that the protection of national minorities is essential to stability, democratic security and peace in this Continent";

ii) Final recital:

"Being determined to implement the undertakings set out in this framework Convention through national legislation and appropriate governmental policies,

Have agreed as follows:"

Article 11, paragraph 1:

"The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system."

Article 11, paragraph 3:

"In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is sufficient demand for such indications."

Article 16 is deleted.

Article 21

"1. The Committee of Ministers of the Council of Europe shall monitor the implementation of this Convention by the Contracting Parties.

2. The Parties which are not members of the Council of Europe shall participate in the implementation mechanism, according to modalities to be determined."

Article 22

"1. Within a period of one year following the entry into force of this Convention in respect of the Party concerned each Party shall transmit to the Secretary General of the Council of Europe full information on the legislative and other measures taken to give effect to the undertakings set out in this Convention.

2. Thereafter, each Party shall transmit to the Secretary General on a periodical basis and whenever the Committee of Ministers so requests any further information of relevance to the implementation of this Convention.

3. The Secretary General shall forward to the Committee of Ministers the information transmitted under the terms of this Article."

Article 23

"1. In evaluating the adequacy of the measures taken by the Parties to give effect to the undertakings set out in this Convention the Committee of Ministers shall be assisted by an advisory committee, the members of which shall have recognised expertise in the field of the protection of national minorities.

2. The composition of this advisory committee and its procedures shall be determined by the Committee of Ministers within a period of one year following the entry into force of this Convention."

APPENDIX 3
(item 4.1)

EXPLANATORY REPORT

During the consideration of the Articles of the draft framework Convention the following ideas were developed which the CAHMIN is invited to take into account when drafting the Explanatory Report.

1. In connection with the last recital of the Preamble:

The purpose of this recital is to indicate that the provisions of this framework Convention are not self-executing. It is not concerned with the law and practice of the Parties in regard to the reception of international treaties in the internal legal order.

2. In connection with Article 4, paragraph 1:

Since the principle of non-discrimination also applies to freedom of movement, it was not considered necessary to include in the Convention a specific provision on this issue.

3. In connection with Article 11, paragraph 1:

It is understood that the legal systems of the Parties will, in this respect, meet international principles concerning the protection of national minorities.

4. In connection with Article 11, paragraph 3:

In the field covered by this provision, it is understood that the Parties are under no obligation to conclude agreements with other States. Conversely, the possibility of concluding such agreements is not ruled out. It is also understood that the legally binding nature of existing agreements remains unaffected.

5. In connection with Article 21:

The monitoring of the implementation of this Convention shall, in so far as possible, be transparent. In this regard it would be advisable to envisage the publication of the reports and other texts resulting from such monitoring.