



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

INTERNATIONAL LEGAL GUARANTEES FOR THE PROTECTION OF NATIONAL MINORITIES AND PROBLEMS IN THEIR IMPLEMENTATION

WITH SPECIAL FOCUS ON MINORITY EDUCATION

Status of international protection of national minorities: ‘where do we stand?’

by Mr Gunnar Jansson

Second Vice-President of the Advisory Committee

on the Framework Convention for the Protection of National Minorities

We stand geographically and mentally in an Europe where there are minorities in every Council of Europe member state with the exception of Iceland, where in the 20th century there was a saying that “the way in which a state treated her minorities illustrates the cultural level of that state” (the passive approach), whereas in the 21st century we say: “the democratic maturity of a state or a society is shown by the degree of effectiveness in the participation by minorities in social, cultural and economic life and in public affairs in that state and in cross-border co-operation” (the active approach).

Under the Framework Convention for the Protection of National Minorities, we legally stand in a Europe where there should be equal opportunities for and non-discrimination of minorities combined with conditions for preservation of separate identity of minorities in order to ensure equality and diversity.

In the computerised and globalised environment, we face a reality where only the human imagination limits the access to information. The way to overcome this limitation is education.

This is why it is a great pleasure for me, as the Second Vice-President of the Advisory Committee, to take part in this seminar devoted to the minority education – a topic to which the Advisory Committee has paid and continues to pay particular attention.

I would also like to **thank the Russian chairmanship** for taking the initiative to organise this seminar, which provides a forum for discussions and exchange of views on this issue. The importance of this topic for the Advisory Committee was demonstrated by its decision to devote its first thematic reflection to minority education.

The Framework Convention for the Protection of National Minorities, which is the **Council of Europe’s most comprehensive instrument** in the field of minority protection, devotes three articles to the issue of education and of course many of its more general provisions, ranging from those dealing with participation to provisions on non-discrimination, are of clear relevance also in the educational context. Ms Åkermark will soon explain in more detail the Advisory Committee’s interpretation of these articles, so I will limit myself to more general remarks.

Legal-political dialogue is the key-word. The Advisory Committee has progressively strengthened its **continuous dialogue** with the state authorities at all levels, with minorities and civil society. This dialogue -- a concept stressed also in the preamble of the Framework Convention – is being pursued through the organisation of **country-visits** and follow-up activities.

Our work on the **country-specific opinions** has evolved considerably.. Our opinions are increasingly targeted and streamlined. At the same time, the Advisory Committee have launched unprecedented procedures: One of the recent major challenges was the monitoring of the Framework Convention in Kosovo carried out on the basis of the agreement between the Council of Europe and the United Nations Mission to Kosovo (UNMIK).

In the course of the current monitoring cycle, the Advisory Committee has not only criticized the state authorities by pointing out existing shortcomings, but it has also mentioned the progress achieved by them. By introducing the **new structure of the opinions**, it seems that the opinions became more user-friendly which may have contributed to a positive impact at the domestic level.

It could be said that the points raised by the Advisory Committee have prompted concrete improvements in minority protection in most of the State Parties. During its monitoring, the Advisory Committee noticed that a range of **positive initiatives** has been launched. As an example, I can refer to the improvements in consultation mechanisms aimed to strengthen participation of national minorities in decision-making. In this respect, the Advisory Committee has welcomed an increasing involvement of national minorities in the preparation of the state reports on the implementation of the Framework Convention.

Despite some achievements, certain **common shortcomings** have remained. For example, the lack of data collection on minority issues in many countries makes it often difficult to assess the exact situation of minorities in the country. This is true in respect of education but also other areas covered by the Framework Convention.

The **follow-up seminars** provide an inclusive forum for discussions on the findings of the monitoring. It definitely contributes to discussions on ways in which the recommendations of the Advisory Committee and the Committee of Ministers can be implemented.

At the conference devoted to the fifth anniversary of the entry into force of the Framework Convention, held in October 2003, a lack of **thematic reflection** of the Advisory Committee had been pointed out by some participants. Since then, although our main focus remains on the country-specific monitoring, the Advisory Committee has produced its first thematic comment on minority education with a considerable input from my former colleague Sia Spiliopoulou Åkermark.

The Advisory Committee has always emphasized the importance of the **co-operation with other international bodies** dealing with national minorities' issues, such as the OSCE High Commissioner on national minorities, the European Commission against Racism and Intolerance, the European Language Charter or the recently established Parliamentary Assembly's Sub-committee on Rights of Minorities. I am indeed pleased to note that all these partners are present here today. Close contacts with **civil society** remains equally important, in particular in connection with its role in providing additional information on situations relating to minority issues.

The Advisory Committee constantly attempts to improve its work, and takes into consideration the constructive criticism that we hear. Reflecting this approach, the Advisory Committee continues to reform its working methods and introduce innovations. For example, we have recently agreed on an **'ad hoc' contact procedure** in order to be able to respond to situations which have an impact on the implementation of the Framework Convention. However, this ad hoc procedure may be used only if there is no imminent possibility to seek clarification through a follow-up seminar or other stages of the monitoring dialogue.

Finally I hope that today's seminar will give us further food for thought and make a substantial contribution to our common efforts to advance minority protection in Europe to understand where we stand and to have a view in which direction we are moving.