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## High-level conference

### ***Council of Europe norms and standards on national minority rights: Results and challenges***

**Strasbourg, 29 June 2021**

**Speech by Marie B. Hagsgård,  
President of the Advisory Committee on the Framework Convention for the Protection  
of National Minorities**

***Question 1: From your experiences in your respective monitoring bodies and research institute, how has the impact of Covid-19 interacted with the concrete and specific challenges which national minorities are facing today?***

- We have tried to keep up country visits during the pandemic. We have had a few. It is not easy, but we feel it is so important to meet persons belonging to national minorities and listen to their experiences.
- The Advisory Committee adopted at the very beginning of the crisis, a statement to draw attention to the importance of protecting the rights of persons belonging to national minorities during the pandemic.
- In the statement we pointed out that persons belonging to national minorities often have faced discrimination, hate speech and stigma during the pandemic and vulnerable communities such as persons belonging to Communities of Roma and Travellers have *lost their income* and many of their *children have fallen behind in education*.

- When states took measures to contain the pandemic, **border-closures posed a barrier to national minorities living in cross-border regions**. Maintaining contacts with relatives established in a bordering state and continuing cultural and linguistic exchanges were made harder by the prolonged closure of borders.
- As someone from the Roma community pointed out to me two weeks ago, when the **negative effects of the Covid-19 crisis will be assessed**, it is important that authorities do so **in close co-operation with the communities of National minorities so we will know how the crisis has really affected them and what measures will be the best to address the present situation**.
- A CD-ADI study on *COVID-19 published last year with an analysis of the anti-discrimination, diversity and inclusion dimensions in Council of Europe member States*, points to a number of recommendations which can help states and authorities both when new crisis occur and to get out of this one.

This study concludes that weaknesses in dealing with diversity make States more vulnerable in responding effectively to a pandemic such as Covid-19. Anti-discrimination, diversity and inclusion should be key strategic priorities for better crisis-management outcomes in the future. Our security and peace depend on how much we co-operate with each other and are prepared to work together for the global common good.

- The Advisory Committee will closely monitor developments linked to the Covid crisis' impact on the rights of persons belonging to national minorities during upcoming country visits and is ready to contribute to the co-operation between NM and governments in addressing the challenges of the Covid-19 crisis.

Thank you.

**Question 2: What are the results of these two treaties after more than 20 years of implementation and monitoring by these two committees, and what do you see as the remaining obstacles to more complete national minority protection going forward?**

- The most visible achievements of the provisions of the FCNM are that today we see a *good legal framework* for the protection of the rights of persons belonging to National Minorities in many states. The *formal structures for participation in public affairs* are also generally in place; in some states, national minorities have allocated seats in parliament, in others there are consultative mechanisms, such as minority councils, or both.

These are important steps forward as compared to the earlier days of the Framework Convention, where the Advisory Committee frequently found that the absence of dedicated legislation was a major obstacle in the enjoyment of minority rights.

- At the same time a remaining challenge is that the legal framework and the effective participation for NM in public affairs are not fully implemented, and this is of course a problem. As we said in the second thematic commentary, participation needs to go beyond formal provision of mechanisms; participation has to mean that minorities have a substantial influence on decisions, and that there is shared ownership of these decisions. In this direction, the ACFC has increased its effort to make sure women and youth NM voices are also included. Then, the legislation and the mechanisms need to be properly evaluated with national minorities themselves.
- In order to support the application of the FCNM in member states the AC has written so far four thematic 'commentaries' on specific issues *to guide States Parties and other actors in the implementation of the rights granted by the Framework Convention*. These specific issues are education, participation, language rights and the scope of application of the Convention. I think that the thematic commentaries are achievements in themselves.
  - o As an example I have referred to the second thematic commentary on effective participation when Swedish authorities have asked my advice on how to address one of the recommendations for immediate action given by the CM to Sweden in 2018. The recommendation was to increase and

formalise opportunities for the Sami to effectively participate in decision-making processes affecting their traditional lands. The explanation of effective participation as “a substantial influence on decisions which are taken, and to as far as possible achieve a shared ownership of the decisions taken” has been very helpful.

- In May this year a court judgement in Sweden referred to this second thematic commentary to explain what the right to influence decisions means for NM in Sweden.
  
- Overall, I perceive that an achievement of the FCNM is that a number of member states have *shown an interest in having a dialogue with the AC and representatives of NM*. We have had several very good *follow-up meetings* with authorities and NM with “*roundtable discussions*” discussing how to address the recommendations of the AC in order to take concrete action and measures to improve the enjoyment of minority rights for persons belonging to NM. Two weeks ago, we had such a constructive follow-up meeting in Serbia. We encourage all states to arrange follow-up meetings with round table discussions like this when they have received the resolution from the CM.
  
- A remaining challenge is also the worrying trend of continuing rise of *radical nationalism, populist and xenophobic discourse targeting specific groups* such as Muslims, Jews or Roma. The Advisory Committee has often seen situations in which *political representatives*, from both far right and mainstream political parties, *actively play a part in, or fail to condemn*, intolerant discourse or even hate speech targeting national minorities.
  
- Acceptance of divisive and xenophobic discourse is *damaging the overall climate of tolerance and the enjoyment of equal human rights* for all persons living in a state. Moreover, it is a *threat to democracy* as it dissuades persons belonging to national minorities to seek an active role in the public debate and to effectively participate in public affairs.
  - As one representative of a NM said to me not long ago, although the politicians have not targeted the NM I belong to, I feel that, next time, any of us could be

the object of these politicians intolerant discourse; and that intimidates us all from asserting our rights.

- The instrumentalization of historical narratives to create tension between minority and majority communities, as well as between different minority groups, has also been concerning for the Advisory Committee. This inhibits the intercultural dialogue needed for genuinely democratic societies to flourish.
  - o But there are encouraging examples of politicians who counteract hate speech and historic narratives targeting NM. Last summer the Croatian Prime Minister and other members of his cabinet took part not only in the commemoration of the liberation of Croatia's territory, but also in the mourning of the Serb victims of the 1991-1995 war.
- To sum up, we are moving forward in the protection of the rights of persons belonging to national minorities and we have achieved some good things. But we have a lot more to do; member states, NM and the AC working together for that important goal: equal human rights for all.

Thank you.