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

Strasbourg, 29 June 2021

**Speech by Elvira Kovács,
member of the Serbian PACE delegation, Deputy Speaker of the National Assembly of
the Republic of Serbia**

A 23-year period after the Framework Convention for the Protection of National Minorities entered into force, gives us the opportunity to go back to fundamentals, to human dignity, inclusion, respect and recognition of minority rights in a changing environment, and to examine how understanding of equality and non-discrimination may interact with the overall minority discourse.

Minorities enrich the societies of each and every country in the world. By working towards guaranteeing minority rights, our main aims must be that no one is afraid of expressing self-identify as a member of a minority, fearing disadvantage might come out of such a decision; that existence and identity of persons belonging to minorities will be guaranteed; and that they will benefit from the principles of effective participation and non-discrimination.

It is time to reaffirm that respect for linguistic, ethnic and cultural diversity is a cornerstone of the human rights protection system in Europe, and that the core value of the Framework Convention is based on the shared understanding that preserving stability, democratic security and peace in Europe requires protection of national minorities.

However, a number of challenges are currently reducing the capacity to protect minority rights through the tools developed over the last three decades. In particular, the

stability of both States and European institutions has been shaken in recent years by intra- and interstate tensions, and at times, by conflicts. Migration flows have also had a profound impact, both directly and indirectly, on persons belonging to national minorities and on the implementation of minority rights as set out in the Framework Convention

In addition, the Covid-19 pandemic has thrown into sharp relief the vulnerability of persons belonging to national minorities as they have frequently faced discrimination, hate speech, stigma, lack of information in minority languages and unequal access to education following the suspension of classes in schools and of pre-school education during lockdowns.

The Report “Preserving national minorities in Europe” examines major challenges to minority rights that have emerged in recent years:

1. Formal bringing domestic legislation into line with the Framework Convention is not sufficient to ensure an effective implementation of minority rights;
2. There is a clear trend towards the re-securitisation of minority issues;
3. Minority groups, as the most vulnerable ones, are the most targeted by hate speech, hate crime, attacks based on their ethnic origin, denial of citizenship and restriction of access to education in minority language;
4. Insufficient media production in minority languages can prompt persons belonging to national minorities to seek alternative information sources, resulting in a divided media landscape;
5. A lack of effective, permanent and sufficiently representative consultation mechanisms in place, in which minorities can participate substantially and in which they have confidence.

In the course of my work on this Report, I have had the opportunity to examine in depth three specific situations (Latvia, Ukraine, and Wales) of particular current interest in this field. The main focus of all of these situations were language rights - an area closely linked to minority identities, and equally, an area that has caused an increase in tensions in a number of States in recent years.

Efforts to promote the State language – which mostly pursue the legitimate aim of promoting integration and societal cohesion – may at times overstep the bounds of proportionality. Stringent proficiency requirements in the State language in order to have access to certain professions or to the civil service, decrease in the provision of teaching in and of minority languages, and restrictions of the right to sit school exams in these languages, have all given rise to concerns over recent years.

Report “Preserving national minorities in Europe” has been prepared with the aim to:

1. Present the legal and institutional framework for respecting and protecting minorities and consequently notice the main difficulties experienced in the implementation of the Framework Convention and how the Assembly can contribute to addressing these challenges;

2. Ensure a more consistent implementation of the legal and institutional framework for respecting and protecting human rights of persons belonging to minorities, which is essential to peace and stability in Europe, and preserve the linguistic, ethnic and cultural diversity of the continent;

3. Identify the main trends at the European level in order to shed more light on different national situations;

4. Highlight existing good practices that could be applied in other countries and their compliance with the principle of non-discrimination especially with regard to over-bridging a gap between a legal state and the rule of law, and between what is legal and what is just;

5. Secure the Convention’s potential to serve as a “living instrument” if we know that it requires both institutional commitment from the Council of Europe and political will from the member states.

A 23-year period after the Framework Convention for the Protection of National Minorities entered into force, gives us the opportunity to look back and use that experience to plan and strategize for the future, by discussing its implementation.

Perhaps nowhere do we see the importance of understanding minority rights as more than simply individual rights: for minority rights to be effective, their collective dimension must be protected, too.

Also, I have been strengthened in my conviction that dialogue is the crucial piece in this puzzle, and I got renewed hope that where all sides participate in a dialogue in good faith, progress can be achieved.

I would like to underline key lessons I’ve learned: the defining element of an integrated society is not the sameness of its citizens but their shared sense of belonging. This is the best guarantee of peace, stability and democratic security that everyone – whether they belong to a minority or to the majority – needs in order to flourish.

Furthermore, by fostering pluralistic and inclusive societies, in which persons belonging to national minorities are able to express both their multiple identities and their loyalty to democratic constitutional principles, we are contributing to a Europe united in diversity.