

Council of Europe

Conseil de l'Europe



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

PUBLIC DOCUMENT
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Restituted
DH-MIN-(92) 3 rev.

¹and 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.).
 - Declaration adopted by the General Assembly at its December session, on the rights of persons belonging to national or ethnic, religious and linguistic minorities (Resolution).
- UNESCO:
- Convention Against Discrimination in Education (Conv. UNESCO).

CSCE:

- Helsinki Final Act (Helsinki'75).
- Concluding Document of the Vienna Follow-Up Meeting (Vienna).
- Charter of Paris for a New Europe (Paris).
- Document of the Copenhagen Meeting of the Conference on the Human Dimension (Copenhagen).
- Report of the CSCE meeting of experts on national minorities (Geneva).
- Document of the Moscow Meeting of the Conference on the Human Dimension (Moscow).
- Helsinki Document 1992 (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 of the Council of Europe (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.).

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.

NOTE: Rights marked with asterisk have been considered by DH-Min at its first meeting in November 1992 (DH-Min (92)7, paragraphs 25-49)

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 (ethnic,cultural,linguistic or religious identity)	ECHR: national minorities(14) Rec.1134:national minorities() draft prot.:ethnic group (1) draft conv.:ethnic,linguistic and religious minorities (1)	ethnic groups(1)
2.Right: -to exist -to be recognized	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:(25.4),(31.a),(33.b) Moscow:(28.7) Geneva:(1.3)	ECHR:(14) Rec.1134:(10.ii) draft conv.:(4.1)	(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) draft conv.:(4.2)	(4.3)
*5.Right to belong to a minority		Copenhagen:(32a)	draft conv.:(2.3) draft prot.:(3.1)	(2.4)

Right	Instrument	UNITED NATIONS	CSCE	COUNCIL OF EUROPE	FUEN draft
6.Linguistic freedoms: *-right of recognition of its mother tongue *-right to use its mother tongue *-right to use its mother tongue before public institutions *-right to use its mother tongue in penal proceedings	Covenant:(27) Resolution:(4.2) Covenant:(14.3a)	Copenhagen:(32.1) Copenhagen:(34.1)	draft conv.:(7) draft prot.:(7.1)	(7.1)	
			draft prot.:(7.3)	(7.2),(7.4)	
			draft conv.:(8) ECHR:(5.2),(6.3a),(6.3e)	(7.2)	
----- *-right to use its own personal name *-right to the installation of place name signs in minority language	-----	-----	ECHR:(8) draft prot.:(7.2) draft prot.:(7.4)	----- (7.5) (7.3)	
7.Right of education: *-right to learn the minority language within educational system *-right to establish its own 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) draft prot.:(8.1),(8.2)	(8)	
			draft prot.:(8.3)	(9)	
*8.Cultural freedom: -right to develop and express its own culture, language and customs -right to establish its own cultural associations -right to solicit financial public 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.iii) draft prot.:(3.3) Rec.1134:(11.iii)	(9.2)	

Instrument	UNITED NATIONS	CSCE	COUNCIL OF EUROPE	FUEN draft
Right				
*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)	(9.1)
10.Information freedoms: * -right to freedom of expression * -right to impart information in its own language * -right to access to the State's mass media * -right to its own means of communication	Conv.Racial Discr.:(5.d.viii)	Vienna:(Co-operation in humanitarian and other fields 45) Geneva:(VII.2)	ECHR:(10) draft conv.:(6.1)	(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)
13.Right to establish contacts with members of the same or 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)	(10.1)
*14.Right to liberty 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)

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Right				
16.Right to participate in economic life	Conv.Racial Discr.:(5.c)	Geneva:(IV.1)		
17.Right to political representation: -within the State organs -in internationales instances	Conv.Racial Discr.:(6)	Moscow:(43.4),(43.5),(43.7) Geneva:(III.2)	draft prot.:(3.5 and 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)	
19.Minority obligations			draft conv.:(1.2),(15)	(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),(40),(40.1,2,3) Geneva:(III.4)	Rec.1134:(13iv) draft conv.:(13) draft prot.:(3.3)	(3.3)
21.Towards a right to local autonomy		Copenhagen:(35.2) Geneva:(IV.8.-3)	draft prot.:(2),(6),(7.3 et 4),(8.2)	(14)
22.Safeguard clauses, restrictions and derogations to the rights	Covenant:(4)	Vienna:(principle 17) Moscow:(28.7) Copenhagen:(33b)	ECHR:(15.1 and 2) draft conv.:(12)	(16.5)

Instrument	UNITED NATIONS	CSCE	COUNCIL OF EUROPE	FUEN draft
Right				
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/Copenhagen/Moscou/ Helsinki'92: Human Dimension Mechanism Helsinki'92: CSCE High Commissioner on national minorities	ECHR:Commission,Court,Committee of Ministers draft conv.:european Committee(18) draft prot.:protocol to the ECHR	Protocol to the ECHR (17A) Minority Rights Council (17C)

