



CommDH/Speech(2008)13

**Conference on enhancing the impact of the
Framework Convention for the Protection of National Minorities:
Past experience, present achievements and future challenges**

Strasbourg, 09/10/2008

STATEMENT

The recent, short but cruel, conflict in South Ossetia struck Europe like an *Erinyes*. It reminded us that we have not done enough for the effective protection of national minorities which is essential to stability, democratic security and peace in this inherently pluralistic continent.

This conference is indeed timely, taking place at a moment when no-one can overstate the importance of accession to and, above all, effective implementation by European states of the Framework Convention.

I am particularly pleased because the conference topic of impact assessment of this core, European human rights treaty is part and parcel of the major issue of human rights standard implementation gap, on top of my daily agenda.

Indeed, the gap is regrettably wide between human rights law on paper and in practice.

An open and sincere evaluation of performance should actually take place regularly with regard to all major human rights treaties. Much more and sincere dialogue among and sustained action by all stakeholders are required in order to urgently fill in this gap. The Council of Europe provides a wealth of human rights standards. Member states should reflect more profoundly on them and adopt a genuinely proactive stance in order to ensure the effective respect and implementation of these principles by which they are bound.

Inter-ethnic violence, like the recent one in the Caucasus, and discriminatory practices against national minorities, often encountered in a number of European states, stem primarily from the lack of broadminded and tolerant state policies towards national minorities, as required by European democratic values.

The current state of affairs in Europe does not allow for very much optimism or complacency. It requires from us all constant vigilance and result-oriented action.

Governments have still to realize that the creation of a climate of tolerance and dialogue is necessary to enable ethnic and cultural diversity as a factor, not of division, but of enrichment and cohesion for European societies.

During a number of my visits and contacts with European, central, regional or local, authorities I have had the feeling that the latter are not always well prepared to accept and effectively cope with the tensions which unavoidably come along with social pluralism, in other words, with the co-existence of dominant and non-dominant groups.

One of my major tasks is the promotion of awareness of and effective respect for human rights, as embodied in the human rights instruments of the Council of Europe.

The Framework Convention provides excellent guidelines to European states' policies and practices. It contains programmatic, as well as specific, action-oriented, substantive, standards, which correspond to a large number of positive, State obligations of utmost significance.

It is for these reasons that in my state visit reports I systematically refer to and use this Convention as one of the major gauges of effective human rights protection at domestic level. In countries that have not as yet become parties to these treaties, I always highlight the latter's value and significance for democratic European states.

My work in this field is indeed complementary to the supervisory work of the Committee of Ministers, aided by the Framework Convention's Advisory Committee.

My added value in this politically so sensitive, but also so important, field, is that I am in a position (in fact I am mandated by the 1999 Committee of Ministers' Resolution instituting the Commissioner's Office) to "act", that is, to examine human rights situations *in situ*, whenever I consider it necessary.

I have been observing with satisfaction the evolution of the work of the Advisory Committee which becomes more systematic. The recent elaboration of thematic commentaries, such as the ones on education in 2006 and on participation this year, show the passage of the Framework Convention system into a period of maturity that will certainly enhance its effectiveness by providing systematic, comprehensive guidance to European states on issues of major importance.

I have noted with interest that one of the themes that is under consideration for a new thematic commentary is the implementation of the minority rights for Roma, already touched upon in the first two commentaries.

I would like to take this opportunity and urge the Advisory Committee to give priority to this theme. The issue of protection and promotion of the human rights of Roma needs urgently a full and separate treatment.

It is a pan-European minority with a particularly long history of continued discrimination and hostility, occasionally amounting to persecution – a minority that nonetheless comprises approximately ten million people. Even in countries where the Roma have been living for centuries, they are frequently viewed by the majority population as foreigners in their home countries. My first-hand experience has convinced me that more sustained, dynamic efforts are urgently needed for the effective protection of Roma throughout Europe.

Effective implementation of human rights, including minority, protection standards is a collective responsibility.

It requires the development of efficient internal and external synergies, that is, a proactive, result-oriented stance by all stakeholders and above all by those entrusted with the task of monitoring implementation. Proactive policy is in fact a state of mind that is in need of commitment, vigilance as well as imagination, human qualities that are not always easily combined in practice.

In this context, I should like to recall the catalytic role that national action plans may play in the effective implementation of human rights standards. The Framework Convention, like other core European human rights treaties, should be mainstreamed in national action plans for the protection and promotion of human rights, recommended to governments by the World Conference on Human Rights in Vienna 1993. The idea is for governments to bring together all major stakeholders in a process which would lead to a comprehensive plan covering all substantial human rights issues. Objectives and a coherent framework of benchmarks should be defined. Where this has been tried, the action plan has been found useful to improve the protection of non dominant groups.

Human rights treaties, such as the Framework Convention, are living instruments whose primary aim is to provide effective protection and responses to the real needs and challenges of the ever-evolving democratic societies.

Effective implementation of these standards is in fact a Sisyphean task. This is particularly true with regard to standards relating to non-dominant groups. It is beyond any doubt that their implementation is set to remain high on the agendas of all of us in the years to come.-