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An additional protocol to the European Convention on Human Rights on national minorities

Reply¹ to Recommendation 1994 (2012)
Committee of Ministers

1. The Committee of Ministers has considered Recommendation 1994 (2012) of the Parliamentary Assembly on "An Additional Protocol to the European Convention on Human Rights on national minorities", which it transmitted to the Steering Committee for Human Rights (CDDH) and the Advisory Committee of the Framework Convention for the Protection of National Minorities, for information and possible comments. It shares the concerns of the Assembly regarding the importance of the protection of national minorities, which is essential to stability and peace in Europe.

2. In view of the various provisions in Council of Europe treaties, including the European Convention on Human Rights,² covering national minorities, in particular the Framework Convention for the Protection of National Minorities (ETS No. 157) and the European Charter for Regional or Minority Languages (ETS No. 148), the Committee of Ministers does not consider that there is a need for new normative work in this field. Furthermore, as regards the European Convention on Human Rights, it does not consider it appropriate to accompany the ECHR with additional protocols setting out a range of rights applicable to specific groups of people.

3. The Committee of Ministers agrees with the Assembly that it would be desirable that the rights contained in the Framework Convention and the European Charter for Regional or Minority Languages be applied throughout the continent and that the implementation of existing obligations of the member States should be strengthened.

4. As regards the Assembly's suggestion that the Committee of Ministers pursue its co-operation with other international organisations with a view to maintaining coherent standards for the protection of national minorities, the Committee of Ministers draws the Assembly's attention to its active co-operation in particular with the Organisation for Security and Co-operation in Europe (OSCE), notably in the context of regular co-ordination meetings. Most recently, on 19 September 2012, it held an exchange of views with the OSCE High Commissioner on National Minorities regarding Council of Europe and OSCE co-operation and common purpose. The Council of Europe also co-operates closely with the European Union and the United Nations in this field.

1. Adopted at the 1159th meeting of the Ministers' Deputies (16 January 2013).

2. Article 14 of the European Convention on Human Rights (ECHR) requires that enjoyment of the rights and freedoms recognised under the Convention be secured without discrimination on any ground, "association with a national minority" being expressly included in the list of examples given. Protocol No. 12 to the ECHR contains a general prohibition of discrimination.