

Framework Convention
for the Protection of National Minorities

Convention-cadre
pour la protection des minorités nationales

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FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES



COUNCIL OF EUROPE CONSEIL DE L'EUROPE



WHAT IS THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES?

THE FRAMEWORK CONVENTION, **which entered into force on 1 February 1998, is one of the most comprehensive treaties designed to protect the rights of persons belonging to national minorities.**

Parties to this Convention undertake to promote the full and effective equality of persons belonging to minorities in all areas of economic, social, political and cultural life together with the conditions that will allow them to express, preserve and develop their culture and identity.

WHY IS IT CALLED A 'FRAMEWORK' CONVENTION?

THE WORD 'FRAMEWORK' **highlights the scope for States to translate this Convention's provisions to their specific country situation through national legislation and appropriate governmental policies.**

This in no way detracts from its legally binding character.

WHAT IS A NATIONAL MINORITY?

THE FRAMEWORK CONVENTION does not contain a definition of the concept of “national minority” as there is no general definition agreed upon by all Council of Europe member States. Each Party to the Framework Convention is therefore left room to assess which groups are to be covered by the Convention within their territory. This selection must, however, be made in good faith and in accordance with general principles of international law and the fundamental principles set out in Article 3 of the Framework Convention.

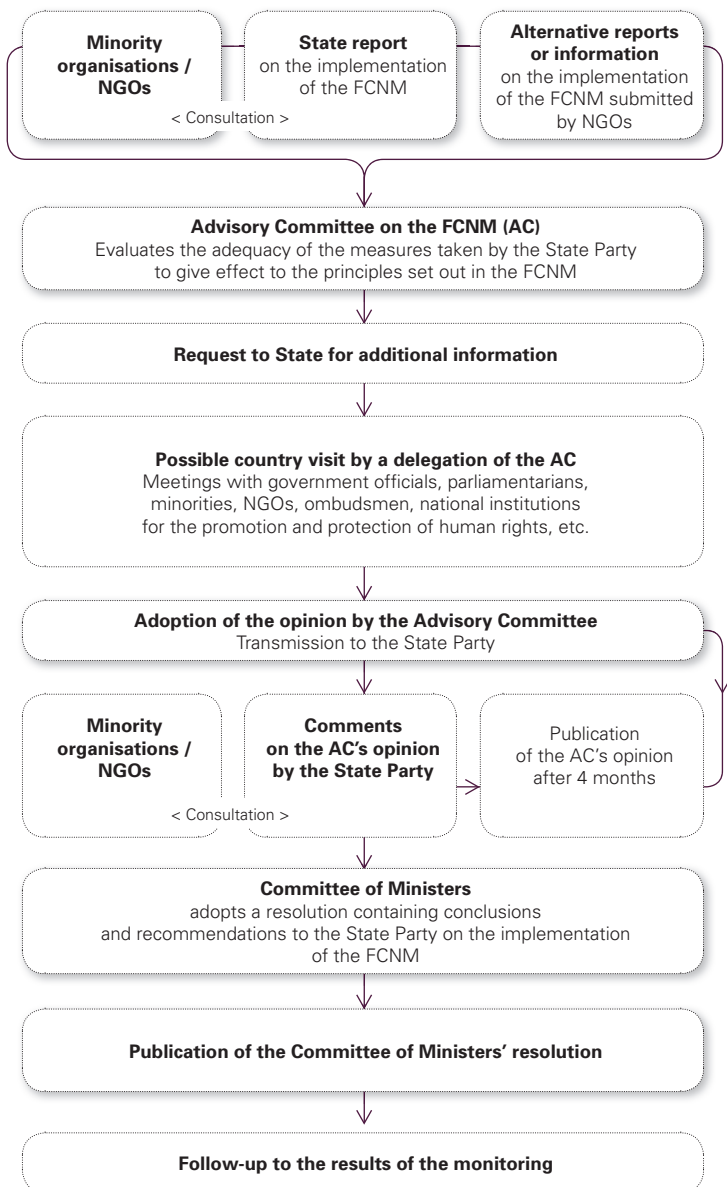
In its opinions, the Advisory Committee on the Framework Convention examines this issue. It consistently emphasises that the implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions.

For the Advisory Committee, the Framework Convention is not an “all-or-nothing” instrument. This Advisory Committee has therefore adopted an article by article approach to the question of the groups covered by the Framework Convention, recognising that some articles in the Convention have a larger scope to include a wide range of groups than do others. For example, Article 6 on tolerance and inter-cultural dialogue lends itself to including within its scope a broader range of groups than Article 10 (2) which concerns use of language in relations with public authorities.

Certain persons may therefore benefit from some articles, but not necessarily all.

HOW IS STATE COMPLIANCE WITH THE CONVENTION MONITORED?

Framework Convention for the Protection of National Minorities (FCNM) SUPERVISORY MECHANISM





WHO IS RESPONSIBLE FOR MONITORING?

The Committee of Ministers and the Advisory Committee, made up of independent experts, are both involved in the monitoring of the Framework Convention.

HOW IS INFORMATION FOR MONITORING OBTAINED?

Based on a reporting system, the monitoring procedure requires each State to submit a first report within one year of entry into force of the Convention and additional reports every five subsequent years, or upon a specific request of the Committee of Ministers. Where it requires specific additional information, the Advisory Committee also sends States written questionnaires.

The drafting of State reports often involves a process of consultation with minority and non-governmental organisations, who are also encouraged to submit alternative reports or information.

These reports are examined by the Advisory Committee, who make use of a wide variety of written sources of information from State and non-State actors. The Advisory Committee has also developed the practice of carrying out country visits where it meets with government officials, parliamentarians, representatives of minorities, NGO's, Specialised Bodies and other relevant interlocutors.

Q WHAT HAPPENS ONCE THE ADVISORY COMMITTEE HAS COMPLETED ITS ASSESSMENT?

Following its examination of a State report, the Advisory Committee adopts an Opinion that is transmitted to the State concerned. The Opinion is made public four months after transmission. State Parties have an opportunity to comment on this Opinion. In preparing their response, they may choose to hold further consultations with minority and other non-governmental organisations. The State's comments are to be submitted to the Council of Europe no later than four months after transmission of the Advisory Committee Opinion and can also be made public.

Next it is for the Committee of Ministers to adopt a resolution containing conclusions and recommendations to the State on the implementation of the Framework Convention. This resolution is made public upon its adoption.

Q WHAT KIND OF FOLLOW-UP ACTION IS TAKEN?

Governments are invited to keep the Advisory Committee regularly informed of the measures they have taken in response to the monitoring process. A wide range of actors are encouraged to undertake ongoing follow-up activities in order to promote effective implementation.

Q WHO DECIDES WHETHER SOMEONE BELONGS TO A NATIONAL MINORITY?

INDIVIDUALS ARE FREE **to decide whether or not they wish to be treated as belonging to a national minority.**

This does not mean that each person can arbitrarily choose to belong to any national minority. An individual's choice must be based on objective criteria connected with that person's identity, such as language, religion and culture.

WHAT COMMITMENTS DO STATE PARTIES UNDERTAKE WHEN THEY RATIFY THE FRAMEWORK CONVENTION?

THE PROVISIONS of the Framework Convention cover a wide range of issues, including, *inter alia*:

- **Non-discrimination**
- **Promotion of effective equality**
- **Promotion of conditions favouring the preservation and development of culture, religion, language and traditions**
- **Freedom of assembly, association, expression, thought, conscience and religion**
- **Access to and use of media**
- **Linguistic freedoms:**
 - use of the minority language in private and in public as well as its use before administrative authorities
 - use of one's own name in the minority language
 - display of information of a private nature in the minority language
 - topographical names in the minority language
- **Education:**
 - learning of and instruction in the minority language
 - freedom to set up educational institutions
- **Transfrontier contacts**
- **International and transfrontier co-operation**
- **Participation in economic, cultural and social life**
- **Participation in public life**
- **Prohibition of forced assimilation.**



DIRECTORATE GENERAL
OF HUMAN RIGHTS AND LEGAL AFFAIRS

SECRETARIAT OF
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This website contains updated information and documents on the various activities of the Secretariat of the Framework Convention. These include:

- updated news briefs about monitoring of the Framework Convention;
- basic legal texts;
- public reports and opinions produced during the monitoring process, such as Committee of Ministers Resolutions, Advisory Committee opinions and State Reports;
- descriptions of ongoing co-operation activities;
- links to websites dealing with the protection of persons belonging to national minorities.