

# “Europe’s National Minorities - Ways Forward for a New Minority Protection Regime”

“Ewald Ammende” International Expert Conference

4-5 March 2024

Brussels

Concept Note

Three decades have passed since the adoption of the most important European and international instruments, which shaped the rights of persons belonging to national minorities.

In 2022, the United Nations celebrated the 30th anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. 2023 marked the 25th anniversary since the entry into force of the Council of Europe’s Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

30 years ago the office of the OSCE High Commissioner on National Minorities has been established which has, amongst others, issued fairly detailed recommendations and guidelines on the educational rights of national minorities (The Hague Recommendations) and the linguistic rights of national minorities (Oslo Recommendations).

In the European Union, the Lisbon Treaty and the EU Charter of Fundamental Rights remain the main legal sources to guarantee citizens’ rights, however these have no effect on the promotion of the rights of national and traditional minorities and language groups. A comprehensive legal framework and monitoring mechanism to adequately ensure the protection of autochthonous minorities is still lacking. The Minority SafePack Initiative has been so far the most comprehensive proposal for EU legal acts on the field of minority rights which also had the broadest support possible both among minority rights organisations and academia, but the European Commission refused action on the proposal.

Minorities across Europe have reported inadequate legal frameworks, lack of implementation, lack of legal remedies concerning especially their right to education in mother tongue, the use of the mother tongue in public space, and cultural rights. This includes restrictive interpretations of the rights of national and other minorities by often invoking a State’s ‘margin of appreciation’ with the result that it is left to the discretion of Government’s as to the existence – or not – of the rights of minorities, and even going as far as alleging that the content of the rights of national minorities in European treaties such as the Framework Convention for the Protection of National Minorities ‘are not part of a European consensus’. The security, political, and social hardships of the last several years have further exacerbated the inequalities faced by national minorities. The phenomenon of hate speech concerns more and more people belonging to minorities and the world of internet became a new challenge for many minority language speaking communities. Thus, it is more than desirable to move forward with joint efforts to improve the protection and promotion of the rights of national minorities in Europe. On the other side, examples of adequately protected minorities have proven to be an asset and an added value not only for the minorities themselves, but for the entire country.

The aim of the European level conference is to assess the situation of national minorities and to reach a consensus about minority rights aspiration. The discussions should aim to develop a commonly accepted definition and designation of minorities and to start the preparation of a minority rights strategic document that could effectively support the national minority communities or individuals belonging to national minorities in global, European and national contexts.

The conference is planned as a discussion platform for experts at the initiative of the European umbrella organisation for minority protection, the FUEN. The conference would include representatives from other minority and minority language rights organisations: NPLD, ELEN, MRG, ECMI, Coppieters Foundation, Tom Lantos Institute etc.

We plan a one and half day conference with three panel discussions.

On the first day (from ca. 13:00 to 18:00):

**Panel I. Reflection on commonly accepted definition and designation of minorities**

**Panel II. Ways forward: current good practices - new standards and new tools – preparing a minority rights' strategic document.**

On the second day (to ca. 13:00):

**Panel III Conclusions - working method and cooperation of the expert conference**

Questions to be discussed:

1. Can we develop and agree on a unitary definition and designation of national minorities?
2. What is the current state of play in minority protection at European and international level?
3. What are the main shortcomings of the existing minority protection standards of the Council of Europe, the UN, and the OSCE?
4. What could be the new norms in the field of minority protection? Which new standards, arrangements and instruments are needed for arriving at a better protection regime for minorities in Europe?
5. How to achieve better cohesion between norms and their implementation across the European states and on the EU level? Revision of the EU Treaties, a possible solution?
6. How should governmental, inter-governmental and non-governmental actors interact to achieve change? What is the role of the academia/experts and minority NGOs in shaping change? How can minority organizations, experts be better consulted, heard, and engaged into decision-making on the European and national levels?
7. Is a permanent expert platform an effective tool to achieve the above-mentioned ambitions?