

Recognition of Minorities in Europe: Protecting Rights and Dignity¹

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Self-identification and equality

‘All human beings are born free and equal in dignity and rights.’ Article 1 of the Universal Declaration of Human Rights entails respect for the various identities, including ethnic or national, religious or linguistic identities. It is important that everyone has the right to choose their identity (i.e. self-identification) for all humans to be ‘equal in dignity’. Since identities can better be enjoyed with others who share the same identities, the recognition of such groups’ existence is essential. While recognition is routinely given to the identities of majority groups in states, it is often not done for a multiplicity of ethnic or national, religious or linguistic minority groups.

International standards favour the self-identification of minorities. Minorities’ recognition by states and the international community – especially the expert bodies that review the implementation of minority rights – should be in the form of acknowledging their existence, while refraining from imposing any arbitrary or discriminatory recognition criteria.

The absence of a universally agreed definition of a ‘minority’ reflects the fact that many states would have liked the definition to be restrictive, or would have used any definition in a restrictive way. Conversely, many groups, especially some indigenous peoples, are opposed to the use of the

term ‘minority’ to describe themselves. A generally accepted informal definition considers minorities to be non-dominant groups, not always numerically inferior to majorities, whose members possess ethnic, religious or linguistic characteristics that differ from the rest of the population and show, if only implicitly, a sense of solidarity directed towards preserving their culture, traditions, religion or language.²

Recognition is essential to secure the rights of minority groups in a state. Lack of recognition can lead to instability and conflict. The legal recognition of minorities and the subsequent respect of their rights contributes to peaceful coexistence. Since non-recognition hinders the enjoyment of internationally recognized rights, it leads to the violation of the economic, social and cultural rights of minorities, and to their ultimate marginalization in society.

There is a strong link between minority status and poverty, and unrecognized minorities are denied access to economic, social and political development. Recognition based on self-identification is the first step in the process of securing minority rights and safeguarding the position of members of minorities as equal members of society.

The principle of self-identification was first enunciated by the Permanent Court of Justice in 1930, when it ruled that a minority is ‘a matter of

fact, not a matter of law’. Similarly, the first OSCE High Commissioner on National Minorities (HCNM), Max van der Stoep, said: ‘I know a minority when I see one.’³

The Council of Europe (CoE) and the United Nations (UN) have interpreted the treaty provisions on minority rights in favour of acknowledging the self-identification of minority groups. The 1994 General Comment by the UN Human Rights Committee (HRC) on Article 27 of the International Covenant of Civil and Political Rights (ICCPR),⁴ makes clear that the existence of minorities does not depend on state decisions but is to be established by objective criteria; and that non-citizens and even non-permanent residents of states qualify for protection under Article 27.

Moreover, it is spelled out that the protection of minorities’ civil and political rights cannot be limited to invoking general equality before the law, equal protection by the law, and non-discrimination. All existing minorities need to be acknowledged by states, and states are urged to ensure the survival and development of the identity of all minorities.

Article 27 of the ICCPR declares:

‘[I]n those States in which ethnic, religious or linguistic minorities exist, persons belonging to these minorities shall not be denied the right, in community with the other members of their group, to enjoy

their own culture, to profess and practise their own religion, or to use their own language.'

The HRC Comment on Article 27 observes:

'[T]his article establishes and recognizes a right which is conferred on individuals belonging to minority groups and which is distinct from, and additional to, all the other rights which, as individuals in common with everyone else, they are already entitled to enjoy.'

The last sentence in point 4 declares:

'Some States parties who claim that they do not discriminate on grounds of ethnicity, language or religion, wrongly contend, on that basis alone, that they have no minorities.'

Point 5 continues:

'5.1. The [...] persons designed to be protected are those who belong to a group and who share in common a culture, a religion and/or a language. Those terms also indicate that the individuals designed to be protected need not be citizens of the State party [...]. A State party may not, therefore, restrict the rights under article 27 to its citizens alone.'

'5.2. Article 27 confers rights on persons belonging to minorities which "exist" in a State party. [...] [I]t is not relevant to determine the degree of permanence that the term "exist" connotes. Those rights simply are that individuals belonging to those minorities should not be denied the right, in community with members of their group, to enjoy their own culture, to practise their religion and speak their language. Just as they need not be

nationals or citizens, they need not be permanent residents. Thus, migrant workers or even visitors in a State party constituting such minorities are entitled not to be denied the exercise of those rights. [...] The existence of an ethnic, religious or linguistic minority in a given State party does not depend upon a decision by that State party but requires to be established by objective criteria [...].'

With Article 27, the protection of minority rights imposes specific obligations on states parties:

'9. [...] The protection of these rights is directed towards ensuring the survival and continued development of the cultural, religious and social identity of the minorities concerned, thus enriching the fabric of society as a whole. Accordingly, the Committee observes that these rights must be protected as such and should not be confused with other personal rights conferred on one and all under the Covenant. States parties, therefore, have an obligation to ensure that the exercise of these rights is fully protected and they should indicate in their reports the measures they have adopted to this end.'

The last sentence under point 4 is to challenge those states that claim that they cannot have any minorities since they do not discriminate against their citizens on the grounds of ethnicity, language or religion. When France's implementation of the ICCPR came up for review, the HRC, in its 1987 Concluding Observations⁵ unequivocally rejected France's argument:

'The Committee wishes to recall [...] that the mere fact that equal rights are granted to all individuals and that all individuals are equal before the law does not preclude the existence in fact of minorities in a

country, and their entitlement to the enjoyment of their culture, the practice of their religion or the use of their language in community with other members of their group.'

Another UN treaty body that was faced with similar problems when reviewing state reports was the Committee on the Elimination of Racial Discrimination (CERD). It issued two General Recommendations, in which self-identification was specified as the sole international standard for the recognition of minority groups, including indigenous peoples. It also called on the states to report on all ethnic or national or indigenous groups present on their territory, including on their demographics. CERD stated:⁶

'Having considered reports from States parties concerning information about the ways in which individuals are identified as being members of a particular racial or ethnic group or groups, Is of the opinion that such identification shall, if no justification exists to the contrary, be based upon self-identification by the individual concerned.'

And in General Recommendation XXIV, 1998, CERD stated:⁷

'2. It appears from the periodic reports submitted to the Committee under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, and from other information received by the Committee, that a number of States parties recognize the presence on their territory of some national or ethnic groups or indigenous peoples, while disregarding others. Certain criteria should be uniformly applied to all groups, in particular the number of persons concerned, and their being of a race, colour, descent or national or

ethnic origin different from the majority or from other groups within the population.'

It also drew states parties' attention to:

'[T]he application of different criteria in order to determine ethnic groups or indigenous peoples, leading to the recognition of some and refusal to recognize others, may give rise to differing treatment for various groups within a country's population.'

Further, CERD invited states parties:

'[T]o endeavour to include in their periodic reports relevant information on the demographic composition of their population, [...] information on race, colour, descent and national or ethnic origin.'

EU legislation

In the European context, minority rights are safeguarded primarily by the CoE's Framework Convention for the Protection of National Minorities (FCNM). The European Union (EU), on the other hand, does not have its own system of minority protection. Nevertheless, principles of minority rights and recognition of these rights are relevant to EU legislation. 'Respect for and protection of minorities' has been included in the Copenhagen criteria for EU enlargement. 'Protection of the rights of persons belonging to minorities' has been included in the latest draft of the European Constitution.

Although minority rights are not directly mentioned in the EU Charter of Fundamental Rights, the Charter contains a non-discrimination clause, in which the denial of minority rights, under certain circumstances, may qualify as discrimination prohibited by the Charter. Moreover, the concept of indirect discrimination stipulated by

the EU Race Equality Directive 2000/43/EC,⁸ may offer other forms of minority rights protection.

FCNM

The Framework Convention for the Protection of National Minorities came into effect in 1998 and, as at February 2004, has been ratified by 35 states. In Article 3, the right to self-identification is guaranteed, in addition to the clarification that persons can also freely choose not to be treated as members of a minority. The text of Article 3 follows:⁹

'1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.'

'2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.'

Yet, the FCNM was accompanied by an Explanatory Report¹⁰ that has been invoked by those states that oppose the recognition of minorities on the basis of self-identification and consider it important to refute any insinuation that even some minority rights may be collective rights. Article 3 of the Explanatory Report says that 'the individual's subjective choice is inseparably linked to objective criteria relevant to the person's identity'. Some states have argued that objective criteria should be defined by the states themselves.

It is also mentioned that the enjoyment of minority rights by individuals 'in community with others' does not mean that these rights are collective. It is argued that 'others' could include

'persons belonging to the same national minority, to another national minority, or to the majority'. Article 27 of the ICCPR defines 'others' as: 'in community with the other members of their group'. Although the individual or collective character of minority rights is not a prerequisite for the effective implementation of the FCNM, it has been pointed out that:

*'[M]ost of the Convention's Articles have a collective dimension [...] and, in practice, can only be enjoyed as a joint exercise by persons belonging to a national minority.'*¹¹

While the Explanatory Report explains that it is for everyone: 'to decide whether or not he or she wishes to come under the protection flowing from the principles of the Framework Convention', it says that there is no implied: 'right for an individual to choose arbitrarily to belong to any national minority'.

It also explains that: '[N]o disadvantage shall arise from the free choice it guarantees, or from the exercise of the rights which are connected to that choice.' Further:

'Paragraph 2 provides that the rights and freedoms flowing from the principles of the Framework Convention may be exercised individually or in community with others. It thus recognises the possibility of joint exercise of those rights and freedoms, which is distinct from the notion of collective rights. The term "others" shall be understood in the widest possible sense and shall include persons belonging to the same national minority, to another national minority, or to the majority.'

The Explanatory Report's wording was negotiated so as to allow for even the

most recalcitrant CoE members to accept the FCNM text.

FCNM's Advisory Committee

The FCNM's Advisory Committee (AC), which reviews the FCNM's implementation, adopted the prevailing international standard of recognition of minorities by acknowledging their self-identification. The AC's ability to exchange information with the states under review, to be invited to visit these states, to receive extensive information and/or to meet with non-governmental organizations (NGOs) and/or minority representatives, has allowed the AC to carry out what no other expert body of the CoE or UN has done to date: a thorough and systematic examination of every aspect of the implementation of the FCNM, including the issue of minority recognition.

The AC's work has enhanced the determination of the CoE's most representative and political body, the Parliamentary Assembly (PACE), to adopt strongly-worded recommendations in favour of the recognition of all existing minorities. In 2001, PACE adopted Recommendation 1492 (2001): Rights of national minorities, which stated:

*'The Assembly condemns the denial of the existence of minorities and of minority rights in several Council of Europe member states and the fact that many minorities in Europe are not afforded adequate protection.'*¹²

Two years later, in Recommendation 1623 (2003): Rights of national minorities, the AC's findings were the basis of a more elaborate text, declaring that states' interpretations of the FCNM must be in line with Article 3 of the Convention. Moreover:

'[T]he Assembly considers that the states parties do not have an

*unconditional right to decide which groups within their territories qualify as national minorities in the sense of the Framework Convention. Any decision of the kind must respect the principle of non-discrimination and comply with the letter and spirit of the Framework Convention [...]. The Assembly calls on: i. member states who have not already done so (that is, Andorra, France and Turkey) to swiftly sign and ratify, without reservations or declarations, the Framework Convention; ii. member states who have signed but have not ratified (Belgium, Georgia, Greece, Iceland, Latvia, Luxembourg and the Netherlands) to swiftly ratify, without reservations or declarations, the Framework Convention; iii. those states parties which have ratified the Framework Convention but have made declarations or reservations, to drop them in order to exclude arbitrary and unjustified distinctions, as well as the non-recognition of certain minorities.'*¹³

The states parties not named in the last recommendation are Liechtenstein and Malta, which declared that they had no national minorities; Denmark, Germany, Macedonia, Slovenia and Sweden, which listed those national minorities to be protected by the FCNM; and Austria, Estonia, Poland, and Switzerland, which considered citizenship as a requirement for individuals to be recognized as members of minorities: this qualification is not included in Article 3 or the Explanatory Report of FCNM and is therefore unduly restrictive.

The AC did not feel bound by these declarations and signalled existing minorities in each country that should also be protected by the FCNM. By February 2004, the AC's opinions for 26 states had been published. It had concerns about minority recognition in

20 states. Following the HRC's interpretation of Article 27, which includes migrant groups among minorities, the AC noted that in all states reviewed there were grounds for improvement, as none offered the FCNM's protection to recent migrant communities. A comprehensive examination of the AC's opinions,¹⁴ with some information from other sources, helps establish various concerns related to the recognition of minorities according to the principle of self-identification, which includes the right of every individual to be or not to be treated as a member of any minority. These types of non-recognition or inadequate recognition are examined below.

Problems over recognition

Unrecognized ethnic or national minorities

As previously mentioned, France refuses to recognize any minority; therefore the Basques, Bretons, Corsicans, Roma etc. are unrecognized. Turkey considers that no Muslims can have an ethnic identity other than Turkish; hence Muslim Kurds or Roma are unrecognized, while non-Muslims are recognized only as religious minorities (see below). Greece's approach is similar: all Eastern Orthodox are viewed as ethnic Greeks, while Muslims are recognized but only as a religious minority; hence Macedonians as well as Roma are unrecognized minorities. The AC did not review these three countries as they have yet to sign and/or ratify the FCNM. Their reluctance is based on the expectation that FCNM ratification will put pressure on them to move towards recognition of their minorities, with the FCNM being invoked in domestic courts.

These countries belatedly ratified the ICCPR in 1981 (France), 1997 (Greece) and 2003 (Turkey): only France has submitted related reports about its implementation, but since the critical 1997 HRC review it has not submitted its next report, which

was due in 2000; while Greece has yet to submit its first report, due in 1998. The CoE's European Commission against Racism and Intolerance (ECRI) has highlighted the recognition problems in its reports on France and Greece (although it did not do this in its report on Turkey).¹⁵

Reviewing the parties to the FCNM, the AC notes that Albania does not recognize the Egyptian community as a national minority and as a separate group from the Roma, although its members aspire to that status. In Armenia, the AC notes that some small minorities are recognized as national minorities, while others are not. In Cyprus, the AC, CERD, ECRI and HRC failed to record the presence and non-recognition of Roma, even though their problems have occasionally received international attention; while the internationally recognized (Greek-) Cypriot government and the Turkish-Cypriot authorities have used the Roma's problems to criticize each other before international bodies.¹⁶

In their report, the Czech authorities mentioned the 'Moravian and Silesian national identities', registered in the 1991 census, but did not recognize them as national minorities protected by the respective legislation. Denmark did not consider Roma a national minority. Romania did not consider the Csangos a national minority either, although the AC reported that members of that community wanted to benefit from the state's minority policy. In Sweden, speakers of Swedish dialects in Scania and Gotland favour recognition as national minorities, but the Swedish authorities have refused this. In Ukraine, besides some 130 'nationalities' covered by the FCNM, there are eight 'ethnographic (sub-ethnic) groups of the Ukrainian people' – in state terminology – (such as Boikos, Hutsuls and Rusyns) who are not covered, even though at least some of them have sought recognition of their specific identity. In the United Kingdom (UK), the AC notes that

Muslims and some other religious groups have not been acknowledged by the courts as 'racial groups' to qualify for protection under the Race Relations Act; while the people of Cornwall and the Bailiwick of Jersey have requested to be considered national minorities: the government disagrees on the former, while an extension of the territorial application of the FCNM to Jersey was necessary for the latter.

The AC was unable to assess the statements of the Maltese and the San Marinese authorities that there are no national minorities in their territories, since these states did not provide any related information in their reports and the AC could not obtain sufficient information from other sources. Conversely, Liechtenstein provided sufficient information to persuade the AC that no national minorities exist on its territory.

By February 2004, the AC had not completed its evaluation of the implementation of the FCNM in Bosnia and Herzegovina, Bulgaria, Macedonia, and Portugal; while the AC opinions on Slovenia, adopted in September 2002; Ireland, adopted in May 2003; and on Poland, Serbia and Montenegro, and Spain, adopted in November 2003 are yet to be published. In some of these states, minorities are clearly denied recognition. Examples include Macedonians and Pomaks in Bulgaria, as pointed out by ECRI,¹⁷ and Bulgarians in Macedonia (seldom mentioned even by international expert bodies).¹⁸ ECRI has highlighted the non-recognition by Slovenia of 'non-autochthonous' Roma and 'Southerners' (Bosniaks, Croats, Kosovo Albanians or Serbs) who migrated to Slovenia while it was part of the Socialist Federative Republic of Yugoslavia.¹⁹

Ethnic or national minorities recognized only in "traditional" areas

The AC points out that Albania recognizes three national minorities (Greeks,

Macedonians and Montenegrins) but grants their members full rights only in 'minority zones'. These zones were defined by the state in the inter-war period and have never been effectively abolished, although the authorities deny their continuous existence. Members of these minorities living outside these areas do not enjoy the same rights as those inside the zones. Similarly, in Austria, Croats and Slovenes enjoy fewer, if any, rights outside the corresponding 'autochthonous' areas of settlement, Carinthia, Burgenland and Styria. Characteristically, in Albania and Austria, minority members who move to the respective capitals, are deprived of the rights enjoyed in 'traditional' minority areas.

In Denmark, members of the only recognized national minority of Germans, as well as the Inuit (Greenlanders) and Faroese, who are considered as indigenous and who live outside the traditional areas of settlement, were not granted minority rights. The AC believes that ethnic Danes living in the home rule areas of Greenland and the Faroe Islands could also benefit from the FCNM's provisions. Similarly, the AC recommended Finland consider offering FCNM protection to the Finns, who are a minority-in-a-minority, in the autonomous Swedish minority-inhabited province of Åland. In Switzerland, such a status exists for the ethnic majority Germans who are a minority in French-speaking cantons like Fribourg and Valais (as well as for the French – generally considered as a national linguistic minority – in German-speaking cantons like Bern).

Ethnic or national minorities recognized only among citizens

In Estonia, the AC noted that the citizenship requirement, for individuals to benefit from the FCNM provisions, is inappropriate: many minority members who settled in that country before the re-establishment of independence in 1991 were not able to acquire its

citizenship due to the restrictive citizenship law. ECRI has expressed a similar concern for Latvia (not reviewed by the AC as it has signed but not ratified the FCNM).²⁰ This is contrasted with the generous provisions of the corresponding Lithuanian citizenship law, highlighted by the AC. Finally, the AC also noted that in Ukraine, formerly deported Crimean Tatars have had difficulties in obtaining citizenship, which is a prerequisite for the enjoyment of their rights.

Ethnic or national minorities recognized but with different status to others

In Italy, while Roma are formally protected by the FCNM, they have no legal instrument granting them full effective and comprehensive protection.

Ethnic or national minorities recognized only as religious or linguistic minorities

The AC points out that in Albania, members of the Roma and the Aromanian/Vlach minorities would like their groups to be recognized as national minorities, yet they are mentioned in the state report merely as linguistic minorities. Moreover, the AC notes that among Aromanians/Vlachs there are some who consider that two distinct groups exist and that this distinction should be acknowledged by the state, even though others consider there is one single group. In Cyprus, many Maronites are dissatisfied with being recognized as a religious and not an ethnic minority, which would reflect their Arab origin and, for some, the Arabic dialect they speak.

Among the countries not bound by the FCNM, Turkey considers non-Muslim communities as religious minorities, even though they aspire to be recognized as ethnic or national: for example, Turkey's Greeks cannot call themselves Greeks ('Yunanli') but only Greek-Orthodox ('Rum'). In Greece, Turks are likewise denied the right to

call themselves Turks and their associations Turkish: they can only use the name 'Muslim'. Yet, other members of the 'Muslim' minority can, and are often encouraged to, call themselves and their groups Pomak or Roma.

Exclusion of indigenous peoples from minority protection

The AC took exception to Denmark's practice of referring to the Inuit (Greenlanders) and Faroese as indigenous peoples and not applying the FCNM to them. The AC considered that minority protection could be offered to indigenous peoples without prejudice to their also benefiting from other standards specific to indigenous peoples. The AC therefore welcomed Finland's and Sweden's inclusion of the Sami among the minorities covered by the FCNM. In Norway, the state considered the Sami as a minority in the terms of international law, but the Sami Parliament (unlike the Sami Parliament of Sweden) refused the inclusion of the Sami in the government's national minority policy: the AC therefore reiterated its position as first stated in its opinion on Denmark.

Although not considered indigenous peoples, Finland's Swedish representatives appeared divided as to whether their group, which enjoyed many rights, should have been considered a national minority, although the state reported that the FCNM was *de facto* applied to that group. In Russia, the state and a number of indigenous peoples agreed that there was no incompatibility between the status of indigenous peoples and that of minority in the sense of the FCNM. Yet the Crimean Tatars in Ukraine, according to the AC, preferred to be called indigenous peoples rather than (and not in addition to) a national minority. Not all Russians in Ukraine wish to be considered a national minority; while many ethnic Ukrainians whose first language is Russian were not being sufficiently distinguished from Russians –

ethnically, and Ukrainians – linguistically.

Controversial state-imposed arrangements

In Armenia, the AC reported the controversy over whether Kurds and Yezidis belong to one single or two different national minorities, as the state recognizes them. In Austria, the recently introduced distinction between 'Croatian' and 'Burgenland Croatian' languages was seen by some Croats as a potential source of division that could weaken their overall position. In Azerbaijan and Estonia, the census questionnaires included a compulsory question on individuals' ethnic origin that the AC found incompatible with the right to choose not to be treated as a member of a minority. Likewise in Azerbaijan, small minorities, such as Budukha, Khynalyg and Kryz, were included only as 'others' and their designation by the state did not always respect their members' preferences. In Cyprus, the three religious minorities (Armenians, Latins and Maronites) were obliged to choose, as a group and once and for all, to belong to either the Greek Cypriot or the Turkish Cypriot national community: they opted for the former, but the AC considered this 'choice' to be incompatible with Article 3. Moreover, Latins were dissatisfied with the official use of that designation for them, preferring to be acknowledged as Roman Catholics.

In Finland, the AC subscribed to the reservations expressed by minority representatives about the distinction between 'Old Russians' and other Russians. In Italy's Bolzano province, members of the German and Ladino communities were obliged to declare their linguistic affiliation, which could not change between censuses, and was used for the distribution of political mandates and public sector posts: as in Cyprus, the AC disapproved of this system. In Romania, Roma did not want to be called 'Gypsies' ('Țigani'), because of the name's pejorative status,

while there appeared to be confusion in the census forms between Tatars and Turks.

In Russia, the AC warned against the creation of artificial groups in the 2002 census questionnaire, unless there was effective demand for the recognition of such separate identities by those concerned.²¹ In Slovakia, the AC disapproved of the police collecting data on the ethnicity of alleged offenders – and of the Roma in particular – which was based on ‘visible characteristics’. In Ukraine, the AC registered a controversy on the relationship between the Moldovan and the Romanian identities, and implied that there might have been efforts to impose one identity or the other. Moreover, the AC disapproved of a mandatory rather than an optional question on nationality in Ukraine’s census questionnaire; and of the police’s practice of collecting information on Crimean Tatar and Roma alleged offenders. Finally, the UK’s census drew the AC’s criticism, as many people could not declare their affiliation with a particular group, including the Cornish, Roma/Gypsies, Welsh and Ulster-Scots.

Questions about ethnic origin in censuses or ethnic statistics are frequent problems. The CoE’s and UN’s expert bodies do require states to provide statistical data on, or disaggregated by, minorities. States need such data to accommodate minorities. Yet, this data should be confidential at the level of the individual and public only at the aggregate level. In such data collection, everyone should have the right to freely identify with a group of their choice but also be given the option to refuse all identifications, without any disadvantage resulting from this choice. All choices should be listed equally; with perhaps an option to write in an additional choice, but not an entry ‘others’, which implicitly downgrades the groups included there. Data collection that assigns group

membership to a people is also unacceptable.

Migrants

In every state with migrant populations, none of which were protected by the FCNM, the AC – implementing the inclusive definition of the HRC on Article 27, but without making explicit reference to it – noted that it would be possible to consider additional groups in the application of the FCNM on an Article-by-Article basis under the FCNM. The AC welcomed Russia’s willingness, however, to extend FCNM protection to non-citizens, and the measures taken in Denmark to introduce extra-curricular teaching of migrant community languages within the state school system.

Notes

- 1 The focus of this briefing is on Europe. MRG has also published a briefing by Slimane, A., *Recognizing Minorities in Africa*, London, MRG, 2003, available at www.minorityrights.org
- 2 MRG, *World Directory of Minorities*, London, MRG, 1997, p. xv.
- 3 Max van der Stoep, ‘Acceptance speech’, 15 December 1993, <http://www.osce.org/hcnm/documents/speeches/1992/15dec92.html>
- 4 [http://193.194.138.190/tbs/doc.nsf/\(Symbol\)/fb7fb12c2fb8bb21c12563ed004df111?Opendocument](http://193.194.138.190/tbs/doc.nsf/(Symbol)/fb7fb12c2fb8bb21c12563ed004df111?Opendocument)
- 5 ICCPR/C/79/Add.80 see: [http://193.194.138.190/tbs/doc.nsf/\(Symbol\)/bfd68d7522f679be8025653100621983?Opendocument](http://193.194.138.190/tbs/doc.nsf/(Symbol)/bfd68d7522f679be8025653100621983?Opendocument)
- 6 General Recommendation VIII, 1990, [http://193.194.138.190/tbs/doc.nsf/\(Symbol\)/3ae0a87b5bd69d28c12563ee0049800f?Opendocument](http://193.194.138.190/tbs/doc.nsf/(Symbol)/3ae0a87b5bd69d28c12563ee0049800f?Opendocument)
- 7 [http://193.194.138.190/tbs/doc.nsf/\(Symbol\)/9ce4cbfde77a452a8025684a0055a2d0?Opendocument](http://193.194.138.190/tbs/doc.nsf/(Symbol)/9ce4cbfde77a452a8025684a0055a2d0?Opendocument)
- 8 http://europa.eu.int/eur-lex/pri/en/oj/dat/2000/l_180/l_18020000719en00220026.pdf
- 9 The full FCNM text is available at: <http://conventions.coe.int/Treaty/en/Treaties/Word/157.doc>
- 10 The full document is available at: <http://conventions.coe.int/Treaty/en/Reports/Html/157.htm>
- 11 Phillips, A., *The FCNM: A Policy Analysis*, MRG, available at: http://www.greekhelsinki.gr/bhr/english/organizations/fcnm_pol_paper_aug.doc
- 12 <http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FAadoptedText%2Fta01%2FEREC1492.htm>

- 13 <http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FAadoptedText%2Fta03%2FEREC1623.htm>
- 14 The AC opinions per country, as well as the whole process of the FCNM implementation review, can be handily accessed through *The CEDIME-SE Guide to the FCNM*, available at: http://www.greekhelsinki.gr/bhr/english/special_issues/fcnm_guide.html. Unless mentioned otherwise, all information below comes from these AC opinions.
- 15 On France: ECRI, CRI, 2000, no. 31, http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/France/France_CBC_2.asp#TopOfPage; on Greece: ECRI, CRI, 2000, no. 32, http://www.coe.int/T/E/human%5FRights/Ecri/1%2DECRI/2%2DCountry%2Dby%2DCountry%5FApproach/Greece/Greece_CBC_2.asp#TopOfPage; on Turkey: ECRI, CRI, 2001, no. 37, http://www.coe.int/T/E/human%5FRights/Ecri/1%2DECRI/2%2DCountry%2Dby%2DCountry%5FApproach/Turkey/Turkey_CBC_2.asp#TopOfPage
- 16 See a series of articles at <http://www.greekhelsinki.gr/special-issues-roma-2001.html> and the ECHR ruling in ‘*Denizci and Others v. Cyprus*’ (23 May 2001) <http://www.echr.coe.int/Eng/Press/2001/May/Denizcijudepress.htm>
- 17 ECRI, CRI, 2004, no. 2, http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Bulgaria/Bulgaria_CBC_3.asp#TopOfPage
- 18 See for example GHM & MRG-Greece, *Bulgarians of Macedonia: a First Approach*, February 1998, <http://www.greekhelsinki.gr/english/reports/bulgarians-of-Macedonia2-98.html>; MILS *Constitutional Court Dissolves Bulgarians’ Association Radko*, 23 March 2001, <http://groups.yahoo.com/group/balkanhr/message/1895>
- 19 ECRI, CRI, 2003, no. 39, http://www.coe.int/T/E/human%5FRights/Ecri/1%2DECRI/2%2DCountry%2Dby%2DCountry%5FApproach/Slovenia/Slovenia_CBC_2en.asp#TopOfPage
- 20 ECRI, CRI, 2002, no. 21, http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Latvia/Latvia_CBC_2.asp#TopOfPage
- 21 On a related past practice of the Soviet Union authorities, called ‘academic nationalism’, see Tishkov, V., ‘Post-Soviet nationalism in R. Kaplan and J. Feffer (eds), *Europe’s New Nationalism: States and Minorities in Conflict*, Oxford University Press, 1996.

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Conclusions and recommendations

The AC's comprehensive review of the implementation of the FCNM has helped establish that there are many ways in which states do not adhere to the internationally accepted norm of the self-identification of minorities.

Consequently, scores of minorities and migrant groups are unable to enjoy the most fundamental right of 'equality in dignity'. States and inter-governmental organizations need to make concerted efforts to remedy this situation.

Inter-governmental organizations are urged to:

- Encourage, and provide adequate resources to, their expert bodies to review the implementation of minority rights by member states through a comprehensive monitoring procedure similar to that of the FCNM's AC, with attention *inter alia* to the fundamental aspect of the recognition of minorities.
- Explicitly endorse by the top policy institutions (such as the CoE's Committee of Ministers) the recommendations of the expert bodies and urge the states concerned to implement them.
- Introduce special monitoring mechanisms for states that are reported by expert bodies to be in grave violation of minority rights, or have refused to ratify the international or regional standards for minority protection and have therefore escaped the expert bodies' review.

- Engage in, or enhance, dialogue with NGOs working on minority rights and/or representing minorities, and seek ways to empower or strengthen them.

States are urged to:

- Recognize the existence of all minorities that even implicitly seek recognition and abolish all criteria that have restricted the full enjoyment of this right.
- Implement swiftly and thoroughly the recommendations on recognition by expert bodies of inter-governmental organizations.
- Include among the minorities protected by international or regional instruments and domestic legislation, indigenous and migrant groups, without prejudice to the rights these groups may additionally enjoy under different instruments or laws.
- Engage in, or enhance dialogue with, NGOs working on minority rights and/or representing minorities, and seek ways to empower or strengthen them.

International donors are urged to:

- Consider minority rights and especially the fundamental right to recognition as one of their priorities, and provide grants to empower or strengthen communities or NGOs working on minority rights and/or representing minorities.

Recognition of Minorities in Europe: Protecting Rights and Dignity © Minority Rights Group International 2004.
Published April 2004. ISBN 1 904584 18 7.

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Project Coordinator Snjezana Bokulic. **Editor** Katrina Payne. **Minority Rights Group International** (MRG) is a non-governmental organization (NGO) working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC) and observer status with the African Commission on Human and Peoples' Rights. MRG is registered as a charity, no. 282305, and a company limited by guarantee in the UK no. 1544957.
Acknowledgements This activity is part of the South-East Europe Diversity and Democracy Programme coordinated by MRG. The programme is financially supported by the Charles Stewart Mott Foundation, Development Cooperation Ireland, European Commission (CARDS), Swedish International Development Cooperation Agency (SIDA East), and UK Department for International Development.

The text does not necessarily represent the views of the donors, nor does it necessarily reflect in every detail and in all its aspects the collective view of MRG.

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