

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

CONTRIBUTION TO THE
SEMINAR OF THE OFFICE FOR DEMOCRATIC
INSTITUTIONS AND HUMAN RIGHTS :
CASE STUDIES ON NATIONAL MINORITIES ISSUES:
POSITIVE RESULTS
(Warsaw, 24-28 May 1993)

1. The European Commission for Democracy through Law (Venice Commission) was created in 1990, as a Partial Agreement of the Council of Europe¹. The Commission is a consultative body which co-operates with the member States of the Council of Europe and with non-member States in particular with those of Central and Eastern Europe. Its own specific field of action is the guarantees offered by law in the service of democracy.
2. The Commission is composed of 24 member States : Austria, Belgium, Bulgaria, Cyprus, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, San Marino, Spain, Sweden, Switzerland and Turkey. 7 non-member States have Associate member status : Albania, Croatia, Latvia, Lithuania, Romania, Russia and Slovenia. 4 States have observer status : Canada, Holy See, Kyrgyzstan and the United States.
3. Following the request of several States, the question of the protection of minorities was one of the first to be put on the agenda of the Commission. In this context, the Commission has adopted a list of principles concerning national minorities which were submitted by its President to the Copenhagen meeting of the CSCE on the human dimension in June 1990. The Commission then transformed the list of principles into a proposal for a Convention which was submitted to the Committee of Ministers of the Council of Europe.

¹ A Partial Agreement is a practical arrangement by which only member States of the Organisation which are interested in a particular activity choose to participate in it, and share among themselves the relevant budgetary burden.

4. The Commission continued its work and studied the question of the Federal and Regional State in particular with a view to new forms of distribution of power within the State which could provide an appropriate framework for the solution of minority problems. Several specific studies, relating to certain States and highlighting positive results achieved, were prepared.

5. The Commission is also ready to study the issue of mediation and conciliation as alternative solutions to minority problems.

6. Finally the Commission decided to proceed to the compilation of as much legal documentation as possible concerning the protection of minorities in Europe (national laws and practice, bilateral and multilateral treaties, recent drafts of proposals, etc), with a view to offering to all interested parties easy access to the relevant material. To this end, the Commission adopted a questionnaire with the aim of making a comparative study of domestic law within States.

7. The Commission also adopted opinions, inter alia, on the European Charter for Regional or Minority languages, the draft Protocol to the European Convention on Human Rights prepared by the Council of Europe's Parliamentary Assembly, the draft Hungarian law on the protection of Minorities.

8. Finally, within the framework of the Council of Europe's "Human Rights and Genuine Democracy" project, the Commission is preparing a study on the participation of persons belonging to national minorities in the functioning of the democratic institutions which describes a certain number of positive experiences in this field.

9. The Commission welcomes the holding of the Seminar by the Office for Democratic Institutions and Human Rights. It expresses the hope that an as wide as possible exchange of views relating to positive experiences in the field of minorities will be a source of inspiration leading to the resolution of the situations of tension or conflict which exist today in Europe. It reminds the States of the CSCE of its availability, under the terms of its statute, to carry out studies or draw up opinions concerning questions which fall under its field of competence.

APPENDIX

LIST OF DOCUMENTS OF THE VENICE COMMISSION IN THE FIELD OF PROTECTION OF MINORITIES

1. Statute of the Commission¹
2. List of members¹
3. 1992 Annual Report¹
4. Proposal for a European Convention for the Protection of Minorities
5. Explanatory Report to the Proposal for a European Convention for the Protection of Minorities
6. Report on Federalism and Protection of Minorities : the situation in Switzerland
7. Report on Federalism and Protection of Minorities : constitutional aspects in Austria
8. Report on Federalism and Protection of Minorities : the situation in Canada
9. Report on Federalism, Regionalism and Protection of Minorities : the situation in Italy
10. Questionnaire on the rights of minorities¹

¹ Document available on request.