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PROMOTING MINORITY RIGHTS THROUGH EDUCATION

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PROMOTING MINORITY RIGHTS THROUGH EDUCATION

The paper explores the role of the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education as a tool for the promotion and protection of the minority rights in Europe and as a mechanism for fostering the implementation of the provisions of the Council of Europe Framework Convention for the Protection of National Minorities.

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I. INTRODUCTION

The Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education (EDC/HRE) was adopted in 2010 and signed by 47 member states. The endorsement of the Charter was recognized as a major achievement of almost 10 years of developing ideas and strategies, public and political debates, intensified discussions among institutions and stakeholders, international consultations, policy provisions and decision implementation.

Two years later, at the end of November 2012, the first reports evaluating its implementation were presented at a major Council of Europe (CoE) conference in Strasbourg “Human Rights and Democracy in Action - Looking Ahead”¹. Gathering national and international officials and policy makers, representatives of the sector on education throughout Europe, of the non-governmental sector, academics and scholars,

the event aimed also at raising public awareness about the Charter.

As a non-legally binding document, its impact is to a larger extent dependent on the voluntarily convergence with the provisions at national governmental level but also on the active involvement of the stakeholders and the civil society at large.

The CoE Charter has been elaborated as an instrument to foster democratisation and human rights by promoting them through education as a life-long learning process. Although the adoption of the Charter can be viewed as a success of a number of political and policy efforts in the past, the future positive effect of this initiative is still dependent on a range of factors accompanying the implementation of its provisions. The current paper will point out some of these challenges and will highlight the potential positive role that the Charter can play for supporting the implementation of the



provisions of the Council of Europe Framework Convention for the Protection of National Minorities even in countries that have not still signed and/or ratified it.

II. BRIEF HISTORY OF THE EDC/HRE CHARTER

Encouraging citizens to actively engage in social and political life has become a growing political priority both at the national and the European levels. As early as in 2006, with focus towards the European horizon 2020, the Council and the European Parliament identified the social and civic competences as one of the eight key competences for the new educational platform for lifelong learning. The ‘active citizenship’ element was introduced also by the Strategic Framework for European Cooperation in Education and Training (ET 2020) as a main objective for education systems throughout Europe.

Education can make a major contribution to social cohesion and social justice and hence to enable positive social change. It is an instrument that can foster democracy and the implementation and protection of democracy, human and minority rights by equipping not only young people but all members of society with the knowledge, skills and attitudes that empower the active citizens to contribute to the development and well-being of the society in which they live. Although education has been a European value for centuries, the understanding of its particular role as a defence mechanism against the rise of violence, racism, extremism, xenophobia, discrimination and intolerance has gained a particular impetus in the last decade.

Looking back on the dynamics at the level of international policies, the Education for Democratic Citizenship and Human Rights Education (EDC/HRE) has a history of more than 15 years of active promotion before being officially recognised as a goal before national governments and civil society throughout Europe. Among the first official documents to be adopted was the United Nations Integrated Framework of Action on Education for Peace, Human Rights and Democracy in 1994 followed

by the United Nations Decade for Human Rights Education (1995-2004) Plan of Action. In 1997, the Parliamentary Assembly of the Council of Europe adopted a Recommendation on human rights education (PACE Rec 1346/1997) and 2 years later, in 1999, the Committee of Ministers issued a Declaration and programme on education for democratic citizenship, based on the rights and responsibilities of citizens.

The success of the work of Council of Europe as a supra-national institution promoting policies and positive changes at European level can be viewed in the adoption of a number of Recommendations and Resolutions by the Committee of Ministers (on Education for Democratic Citizenship (CM/Rec(2002)12), on Teaching of Human Rights (Resolution (78)41) and on teaching and learning about human rights in schools (CM/Rec(85)7), by the Parliamentary Assembly (on Education for Europe (PACE Rec 1682 (2004), for the Promotion of a culture of democracy and human rights through teacher education (PACE Rec 1849 (2008), by the Head of states summits (The Declaration and the Action Plan of the Council of Europe 3rd Summit of Heads of State and Government (Warsaw, May 2005) . Surely, a strong impetus on the developments had the European Year of Citizenship through Education and the Conclusions presented at the evaluation conference in Sinaia (April 2006).

On 11 May 2010, in pursuit of the following the provisions of the Committee of Ministers Recommendation on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education (CM/Rec(2010)7), at the 120th Session of the Committee of Ministers, the Ministers for Foreign Affairs and representatives of 47 Council of Europe member states adopted the Charter. This act constitutes with its 16 articles the key point of reference throughout Europe for policies, measures and actions in the field of Education for Democratic Citizenship and Human Rights Education (EDC/HRE).

With the provisions divided into 4 sections (General Provisions, Objectives and Principles, Policies, and Evaluation and Co-operation), the Charter reflects the Council of Europe's



understanding about the key role of education in the promotion of the values of democracy, human rights and rule of law, as well as a mechanism for prevention of the violation of those.

The support that Council of Europe member states have demonstrated to the EDC/HRE Charter provides grounds for viewing the document as a re-affirmation of the engagement of national governments taken with the recognition of the Cultural convention, adopted as early as in 1954, which in addition to the 47 CoE member states has been also signed by Belarus, the Holy See and Kazakhstan. 50 years after its endorsement, the Cultural convention - the foundation for European co-operation in the fields of culture, education, youth and sport - remains a key instrument for promoting cultural awareness, tolerance and respect for diversity and for common values. Following the Summit of Heads of State and Government of the Council of Europe (Warsaw, 2005), one of the Organisation's priority actions became the promotion of the intercultural and interfaith dialogue, which is also underlying the provisions of the Charter on EDC/HRE.

III. STATUS OF THE CHARTER

One of the major challenges before the implementation of the Charter, and at the same time one of its significant advantages, is the fact that the document is not a legally binding instrument.

A significant point of contradiction between Council of Europe member states prior to the adoption of the Charter was exactly the legal form that the final document should be put in. Although from a legal perspective a signature of a national representative under the provisions of the Charter does not bind governments to enforce any of the articles, two years after the adoption of the document it appears that this form was a 'better choice' with respect to the practical implementation of the concept.

Apart from the possible political restraints before endorsing a new piece of legislation that would affect national policies and would likely call for amendments of

national law in order to accommodate the new provisions, the current status of the Charter has enabled the flexibility of its implementation with regard to the country-specific situation. For the last two years most of the member states has appointed their national consultants serving as a link between national governments and Council of Europe with regard to the EDC/HRE policies. The fact that no changes of legislation were required has allowed countries to focus on implementation of elements of the Charter with respect to their existing capacities and national educational strategies.

The decision to leave national governments 'free' to decide how they would like to address the implementation of the provisions can be considered a political compromise aiming at increasing the involvement and the scope of impact of the Charter even in nation states that alternatively might not have signed the document. At the same time this outcome can be interpreted as a strategy for activating the support of the non-EU member states, where the focus on EDC/HRE is not always present, by leaving the 'doors opened'. Such a perspective to the issue can be supported by the reference to the Strategy 2020 for the development of the EU, which has become introduced a set of requirements to the EU member state, one of which is the educational reform with regard to the introduction of the eight key competences in the process of life-long learning. Five out of these eight key competences can be viewed as directly linked to the EDC/HRE goals: communication in the mother tongue, communication in foreign languages, social and civic competences, sense of initiative and entrepreneurship, cultural awareness and expression.

Hence, the voluntarily adoption of the provisions of the Charter puts the focus on the values and the ideas it promotes and not on the political/bureaucratic aspects of the implementation of its provisions. And yet, this 'freedom of selection' with regard to the implementation of the Charter is a challenge that needs to be addressed, if the goal of the Council of Europe is to foster positive societal change throughout Europe and especially outside the



borders of the European Union. The Charter might not be legally binding, but nevertheless it is a morally binding instrument that addresses core values of the democratic global society - democracy, human rights and rule of law. A possible way to overcome the challenge of selective and random implementation of politically 'suitable' and acceptable provisions is by introducing common standards and indicators for the evaluation of the implementation of the Charter and monitoring of progress and dynamics of development at international level.

IV. STRUCTURE OF THE EDC/HRE CHARTER AND KEY ELEMENTS

Following the recommendation that governments of member states should implement measures based on the provisions of the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education and should ensure that the Charter is widely disseminated to their authorities responsible for education and youth and instructs (Recommendation CM/Rec (2010)7), the Charter sets out 16 specific articles concerning education for democratic citizenship and human rights education under four main headings, as follows:

Section I-General Provisions

- Article 1 - Scope
- Article 2 - Definitions
- Article 3 - Relationships between EDC and HRE
- Article 4 - Constitutional structures and member state priorities

Section II-Objective and Principles

- Article 5 - Objectives and principles

Section III-Policies

- Article 6 - Formal general and vocational education
- Article 7 - Higher education
- Article 8 - Democratic governance
- Article 9 - Training
- Article 10 - Role of NGOs, youth organisations and other stakeholders
- Article 11 - Criteria for evaluation
- Article 12 - Research
- Article 13 - Skills for promoting social cohesion, valuing diversity and handling differences and conflicts

Section IV-Evaluation and co-operation

- Article 14 - Evaluation and review
- Article 15 - Co-operation in follow up activities
- Article 16 - International and European co-operation

Accounting for the differences in the member state priorities and emphasising the respect to the constitutional structures of each member state (Article 4), the Convention introduces a common definition of the two key concepts (Article 2) and their inter-relation (Article 3):

EDC/HRE Charter, Article 2:

“Education for democratic citizenship” means education, training, awareness-raising, information, practices and activities which aim, by equipping learners with knowledge, skills and understanding and developing their attitudes and behaviour, to empower them to exercise and defend their democratic rights and responsibilities in society, to value diversity and to play an active part in democratic life, with a view to the promotion and protection of democracy and the rule of law.

“Human rights education” means education, training, awareness raising, information, practices and activities



which aim, by equipping learners with knowledge, skills and understanding and developing their attitudes and behaviour, **to empower learners to contribute to the building and defence of a universal culture of human rights in society**, with a view to the promotion and protection of human rights and fundamental freedoms.

EDC/HRE Charter, Article 3:

Education for democratic citizenship and human rights education are closely inter-related and mutually supportive. They differ in focus and scope rather than in goals and practices. Education for democratic citizenship focuses primarily on democratic rights and responsibilities and active participation, in relation to the civic, political, social, economic, legal and cultural spheres of society, while human rights education is concerned with the broader spectrum of human rights and fundamental freedoms in every aspect of people's lives.

The Objectives and principles section (Article 5) makes a particular reference to the aim of the Charter to enable the provision of education for democratic citizenship and human rights education to “every person within their territory”. It also highlights that:

EDC/HRE Charter, Article 5:

(f) An essential element of all education for democratic citizenship and human rights education is the promotion of social cohesion and intercultural dialogue and the valuing of diversity and equality, including gender equality; to this end, it is essential to develop knowledge, personal and social skills and understanding that reduce conflict, increase appreciation and understanding of the differences between faith and ethnic groups, build mutual respect for human dignity and shared values, encourage dialogue and

promote non-violence in the resolution of problems and disputes.

(g) One of the fundamental goals of all education for democratic citizenship and human rights education is not just equipping learners with knowledge, understanding and skills, but also empowering them with the readiness to take action in society in the defence and promotion of human rights, democracy and the rule of law.

The Policies section (Articles 6 to 13) focus on the different forms and levels at which the EDC/HRE should and need to be introduced by the member states. Key provisions with regard to the minority rights protection are introduced by Article 13 “Skills for promoting social cohesion, valuing diversity and handling differences and conflict”:

EDC/HRE Charter, Article 13:

In all areas of education, member states should promote educational approaches and teaching methods which aim at learning to live together in a democratic and multicultural society and at enabling learners to acquire the knowledge and skills to promote social cohesion, value diversity and equality, appreciate differences – particularly between different faith and ethnic groups – and settle disagreements and conflicts in a non-violent manner with respect for each others' rights, as well as to combat all forms of discrimination and violence, especially bullying and harassment.

A reference to required standards and evaluation criteria is presented in Article 11 and Article 14. The EDC/HRE Charter addresses the need for evaluation and elaboration of criteria for assessment of its implementation and progress in general:

EDC/HRE Charter, Article 11 (Evaluation criteria):



Member states should develop criteria for the evaluation of the effectiveness of programmes on education for democratic citizenship and human rights education. Feedback from learners should form an integral part of all such evaluations.

EDC/HRE Charter, Article 14 (Evaluation and review):

Member states should regularly evaluate the strategies and policies they have undertaken with respect to the present Charter and adapt these strategies and policies as appropriate. They may do so in co-operation with other member states, for example on a regional basis. Any member state may also request assistance from the Council of Europe.

Although the elaboration of the evaluation criteria for assessing the implementation of the provisions of the Charter at national level are provisioned as competences of national governments, the institutional support at European level would be crucial for ensuring synchronised development throughout Europe. Despite that guidelines produced by experts at international level might serve only as policy recommendations, such an instrument could have a significant positive effect on the progress in the field of the EDC/HRE.

V. CHALLENGES TO THE IMPLEMENTATION OF THE CHARTER AND ITS ASSESSMENT

The key challenge to the implementation of the provisions of the EDC/HRE Charter surely is its non-legally binding character. Despite the positive fact that all 47 Council of Europe member states and 3 non-member states that have ratified the CoE Cultural Convention of 1954 (Belarus, Holy See and Kazakhstan) support the Charter, the voluntarily convergence with its principles and provisions is the key

factor for advancing positive changes. Among the significant challenges that need to be taken into account is not only the good political and civil society will that is required, but also the necessary resources and capacities (financial, human, technical, etc.), as well as the structural and systematic efforts at various levels.

Challenges to the assessment of the implementation progress also exist. The findings of the first evaluation report (Kerr 2012) suggest that many national states lack capacities or expertise to develop evaluation instruments. Surely, this could be accounted to the limited time after the adoption of the Charter, but in the same time civil education is not a new phenomena in a number of European states. According to the findings of 2012 (Kerr 2012):

There was a reported lack of action to evaluate and review policies related to the Charter with a quarter of countries reporting having initiated such action and the majority (63 per cent) saying that no such action had yet been taken (Article 14 Evaluation and review).

There was an even split in countries stating that they had planned any cooperation activities with other Cultural Convention States around the aims and principles of the Charter, with almost half of countries (45 per cent) saying they had planned such activities and almost half (43 per cent) saying they had not (Article 15 Co-operation in follow-up activities).

Another issue that Council of Europe should address with regard to the evaluation of implementation progress concerns the **objectivity** of the assessments. Following the spirit of the Charter, the first assessment report was based on the analysis of self-evaluation questionnaires, submitted voluntarily by national governments and by civil society organisations (CSOs). Although democratic, this approach increases the risks of subjectivity and biased interpretations of policies and achievements, especially when there are no indicators against



which officials could evaluate the country performance and the qualitative answers are not supported with quantitative references.

The need for common indicators and evaluation instruments is particularly important for evaluating the changes resulting from the (provisional) implementation of the EDC/HRE Charter at European level. Identifying points of reference that would be taken into account when assessing the impact of the Charter and the progress of its implementation is crucial not only for fostering the development of EDC/HRE related practices and activities, but also for enabling societies to achieve positive changes, for stimulating active citizenship and for fostering democracy and respect for human rights and rule of law. A set of qualitative and quantitative indicators would allow an assessment of countries performance on a comparative basis not only between countries to ensure synchronisation of efforts and outcomes but also over a period of time to ensure progress.

In contrast to the current trends within the sector of education, focused on initialisation of processes and outcomes, that in many of the European countries have moved away from the 'standards', policies need a point of reference if they aim at accountability and sustainability. The two fundamental definitions that the EDC/HRE Charter introduces, as well as existing documents such as the UN Charter on Human Rights for example, could become the basis for the identification of the relevant standards.

The Charter Implementation report claims that there is "... evidence of considerable levels of activity concerning EDC/HRE in many Cultural Convention States" but there are no concrete examples of what has been introduced as measures, policies and practices following the adoption of the Charter. The findings of the Eurydice Citizenship Education in Europe report (31 May 2012) reveal that in 28 out of 31 European countries, citizenship education has been introduced to a various level in the educational systems of the states. The Eurydice Report, looking at the major reforms in the context of the citizenship education since 2005, reveals that in only 13 out of the assessed 31

countries, had there been major changes after 2010. The assumption that the adoption of the Charter had played a positive role fostering and bringing about those changes is only a speculation.

The 2012 evaluation of the Charter has also taken into account the view of the non-governmental sector, but as it was presented at the evaluation Conference in Strasbourg, the information gathered from the NGO-sector at European level (with 87 organisations submitting questionnaires) revealed a non-homogeneous approach and various interpretations of the current situation. The opinion of individual active citizens (the ultimate 'product' of successful EDC/HRE policies) on the implementation progress was not taken into account in 2012.

Another challenge with regard to the implementation of the Charter as a European instrument to promote democracy and human rights and to the evaluation of positive changes at policy level is the misleading approach to account for cultural and national differences. Impact evaluation needs to be objective with regard to the principles and values that the Charter promotes. Culture and national features **do matter at national level** - with regard to the appropriate measures, approaches, policies, etc., that will be selected at national level for implementing the provisions of the Charter. There cannot be a universal formula of how to introduce the EDC/HRE to all societies in Europe, also having in mind the different economic, political or social conditions in each country.

Nevertheless, the goals of the EDC/HRE Charter to strengthen democracy, to empower people to exercise their human and civil rights, to increase the levels of tolerance and to support the elimination of racism and discrimination are not culturally-relative concepts. These are universal values with commonly recognised parameters, as for example the fundamental right to life cannot be culturally determined as well as a cultural-specific democracy would hardly qualify as a 'democracy' unless all the practices and elements are present.



Hence, the need for standards in the field of EDC/HRE does not have as a goal to create ‘uniform’ societies throughout Europe but as a requirement before real positive change that the Charter can be expected to contribute to in the future. But at the same time, the cultural aspect of the promotion of human rights and democracy lies within the scope of minority rights as part of human rights.

VI. EDC/HRE CHARTER AND THE MINORITY RIGHTS

The Council of Europe EDC/HRE Charter does not make a particular reference to the rights of the national minorities. In Article 1 it stipulates that the Charter:

EDC/HRE Charter, Article 1:

... does not deal explicitly with related areas such as intercultural education, equality education, education for sustainable development and peace education, except where they overlap and interact with education for democratic citizenship and human rights education.

With regard to the diverse political situation and the diverse political attitudes to the minority issues throughout the European nation states, a clear reference to the minority rights would have made the provisions of the Charter contested and surely it would not have been adopted by the 50 governments. Nevertheless, the provisions of the EDC/HRE Charter emphasising the promotion and respect of diversity, cultural awareness, tolerance, empowering of people with knowledge and skills to exercise their democratic rights, can surely support and foster the implementation of the key CoE tool for the protection of the minority rights in Europe – **the Framework Convention for the Protection of National Minorities**.

A relatively new framework and instrument in the international policies and politics, adopted as a common guiding principle after the end of the World War Two,

fundamental human rights have been established as universal and inalienable extended equally to all persons regardless of their race, ethnicity, nation, gender, age, religion, culture, language, place of residence, etc. Human rights encompass all spheres of human life and are characterized by their interdependence, interrelation and indivisibility. Addressing the human beings as individuals but also as individuals-in-interaction, the human rights cover the diversity of situations that a person enters in life.

Emerged as a tool to protect the individuals against violations of the state, human rights have long been seen exclusively through their individualistic nature with respect to the participation of the individual in the civil and political sphere. The impact of the global socio-political developments resulted in the evolution of the concept to include also the rights related to the social, economic and cultural life of a person (second generation of human rights). Overcoming the individualistic dimension and addressing the individual as a member of respective community, the third generation of human rights embraced also collective rights. From the perspective of minorities, they have crucial importance as minority protection addresses not only the individuals belonging to minority groups but the minority communities as such.

The Council of Europe Framework Convention for the Protection of National Minorities (FCNM), entered into force in the beginning of 1998, is the first legally binding multilateral instrument devoted to the protection of minorities in general. Opened for signature in 1995, in 1998 the Framework Convention had been ratified by 12 states. According to the official CoE statistics, 15 years later

- FCNM has been entered into force in 39 CoE countries
- 13 out of these 39 countries has ratified the Convention with a particular Declaration
- FCNM was signed, but not ratified and entered into force by 4 CoE countries (Belgium, Greece, Iceland, Luxemburg)



- FCNM has never been signed or ratified by 4 CoE countries (Andorra, France, Monaco, Turkey)
- FCNM has not been adopted by any non-CoE country

Table 1 (Annex) gives an overview of the current status of the CoE Framework Convention.

Although the relevance of the minority issues as an essential part of the human rights agenda is confirmed explicitly in Article 1 of the FCNM:

FCNM, Article 1:

'The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation',

there is a need for more detailed analysis of the connection between the provisions of the FCNM and general human rights.

As the Preamble of the FCNM indicates, its key objectives are to promote stability, democratic security and peace in Europe, and to foster the pluralist and democratic societies by creating a climate of tolerance and dialogue among people and groups. The specific areas that the Framework Convention seeks to protect national minorities in are presented in the Section I and Section II. When comparing the list of the topics, covered by the different FCNM articles with the issues addressed by the UN Universal Declaration of the Human Rights (UDHR, 1948), the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR, 1950) and even the Charter of the Fundamental Rights of the European Union (2000)², it becomes clear that minority rights cannot be interpreted differently but as a part of the fundamental human rights and they cover a particular section of the rights of the democratic citizenship.

Full and effective equality & non-discrimination (FCNM, Article 4)

The Framework Convention guarantees the persons belonging to national minorities the right of non-discrimination, equality before the law, and full and effective equality to the members of the majority communities in all aspects of economic, social, political and cultural rights. The UN Universal Declaration (UDHR) formulates similar provisions in Article 1 (Equality in dignity and rights), Article 2 (Rights and freedoms for everyone), and Article 7 (Equality before the law). Prohibition of discrimination is addressed by EDHR Article 14 and by Article 21 of the HR Charter, where the equality before law is determined by Article 20.

Maintenance and development of culture and identity (FCNM, Article 5), Spirit of tolerance and intercultural dialogue (FCNM, Article 6)

FCNM Article 5 provides that persons belonging to national minorities should be enabled to preserve and develop their culture and the essential elements of their identity as religion, language, traditions, cultural heritage; and that they should not become subjects of assimilation policies. Article 6 encourages the promotion of the spirit of tolerance and intercultural dialogue, the mutual respect and understanding among people of any cultural/ethnic background. As the FCNM Explanatory report reveals: "This article is an expression of the concerns stated in Appendix III to the Vienna Declaration (Declaration and Plan of Action on combating racism, xenophobia, anti-Semitism and intolerance)"³.

The quoted FCNM provisions correspond to the UDHR Article 27 "everyone has the right freely to participate in the cultural life of the community"⁴ and to Article 22 of the HR Charter, stipulating that "The Union shall respect cultural, religious and linguistic diversity".



Freedom of assembly, association and expression (FCNM, Article 7), cooperation across borders (FCNM, Article 17-18)

The guaranteed by the FCNM right of assembly and association to the persons belonging to national minorities, is a human right that has been identically defined: by UDHR - Article 20, by ECHR – Article 11 (but also Articles 9 and 10), by the HR Charter – Article 12. The FCNM Explanatory report emphasises that “the purpose of this article is to guarantee respect for the right of every person belonging to a national minority to the fundamental freedoms ... (which are) ... of a universal nature...”⁵ The FCNM provisions for fostering cooperation between stakeholders at different levels promote not only the inter-cultural but also majority-minority dialogue.

Manifesting religion (FCNM, Article 8)

As a key identity element, the practice of religion is protected by the Framework convention. However, the importance of religion as a factor in the human life has been acknowledged and addressed as a fundamental human right: UDHR Article 18, ECHR Article 9 and by Article 10 of the HR Charter.

Freedom of expression and access to media (FCNM, Article 9)

Another fundamental human right has also been introduced by the FCNM – the freedom of opinion, expression and information. The corresponding articles in the other documents are: UDCH Article 19, EDHR Article 10 and Article 11 of the HR Charter.

Use of minority language with authorities (FCNM, Article 10)

The right to use their mother tongue and to communicate in it privately and publically – also before institutions – has been guaranteed to the persons belonging to minorities. Although the general human rights do not refer to the right of language in this particular way, UDHR Article 21 (2) provides that “everyone has the right to equal access to public service in his country” and Article 27 affirms the right of the individual to participate in the cultural life of the community. The correlation between the

provisions of the quoted FCNM and UDHR articles is based on the facts that language can be a serious impediment to access to public services, and as a key identity and cultural marker it is a factor for participation in cultural life of a community.

Education in own culture and language (FCNM, Article 12- 13- 14)

FCNM promotes the knowledge of the culture, history, language and religion of both national minorities and the majority population in an intercultural perspective. Through the provisions related to the educational opportunities and arrangements (educational establishments, use of language, etc) that minorities are entitled to, it aims to create a climate of tolerance and dialogue, as referred to in the preamble to the framework convention and in Appendix II of the Vienna Declaration of the Heads of State and Government⁶.

Education has been recognised as a fundamental human right. UDHR Article 26, apart from emphasising the priority of the parental choice over the decision with respect to the education of the children, provides that:

EDHR, Article 26 (2):

Education shall be directed to **the full development of the human personality** and to the strengthening of respect for human rights and fundamental freedoms. **It shall promote understanding, tolerance and friendship** among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Affirming the right of every person to education, the HR Charter specifies that:

HR Charter, Article 14 (3):

The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and **teaching of their children in conformity with their religious,**



philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

As it becomes clear, the provisions in the FCNM are based on the previously existing human rights legislation.

Effective participation (FCNM, Article 15)

Promoting the effective participation in cultural, social and economic life and in public affairs of persons, belonging to minorities, FCNM Article 15 encourages the real equality between individuals belonging to minority and majority communities. The FCNM Explanatory report emphasises further that creating enabling conditions require, among the rest, consultations with institutions, representing minorities and involvement of national minorities in the decision-making processes elected bodies both at national and local levels⁷. UDHR Article 21 discloses the direct relevance of these provisions to the fundamental human rights of political representation, voting in elections and participation in government.

This comparative overview reveals that the majority of the key FCNM Articles defining the minority rights are in fact a projection of existing **human rights provisions** into the minority issues context.

Certainly, there are specific minority issues that the CoE Framework Convention addresses. These concern the rights of persons, belonging to minorities to **choose their identity** (FCNM Article 3) as members of minority community or NOT, the right to demonstrate and preserve their identity with regard to the choice made (FCNM Article 11) and not to become subjects of forced assimilation policies (FCNM Article 16). Although there is no direct connection to any of the general human and EU citizenship rights documents discussed here, still these rights could be seen as a part of the fundamental right of people to **dignity** (Article 1 UDHR, Article 1 CFREU).

Although a legally binding instrument, the FCNM effectiveness depends not on the

political will of governments but also on the Council of Europe's measures and instruments to oversee and support the implementation of its provisions. The EDC/HRE, promoted by the Council of Europe, is an instrument that can foster the implementation of provisions of FCNM not at political level, but more importantly – on the level of inter-personal relations. With the power to change mindsets and to shape perceptions and attitudes, education that addresses minority issues as a part of the human rights agenda can drive for a real positive societal change. Apart from raising tolerance and cultural awareness, it also can empower individuals belonging to minority communities with the knowledge and skills to pursue their rights as citizens and/or as community members.

As human rights by understanding and legal definitions, the minority rights need to be included in the EDC/HRE agenda. Minority rights are should not be addressed as “privileges” but as instruments to enable persons who have chosen a particular identity to be able freely to maintain and manifest it, to enjoy equality and freedoms as people and as citizens, and to participate in all forms of social, cultural, political and economic life of their communities and countries.⁸ As such, minority rights are also a key element of democracy and the democratic citizenship.

The Charter has a potentially large impact over the European space, being adopted by the 47 members of the Council of Europe. Although democracy and human rights are not exactly an issue within the European Union, the respect for the minority rights is still a challenge to some EU-member state governments. Looking beyond the EU-borders, fostering democratisation processes in some countries requires addressing the situation of minorities there. In the same time, raising awareness among representatives of minority communities involves providing them with the access to instruments that they can use for exercising and protecting their minority rights.

Adopting the EDC/HRE Charter national governments has in fact taken, among the rest, moral responsibilities that could have a particular positive effect on the situation of



minority communities. The following articles outline the parameters are particularly relevant for the protection of minority rights:

EDC/HRE Charter, Article 4:

(Constitutional structures and member state priorities)

f. An essential element of all education for democratic citizenship and human rights education is the promotion of social cohesion and intercultural dialogue and the valuing of diversity and equality, including gender equality; to this end, it is essential to develop knowledge, personal and social skills and understanding that reduce conflict, increase appreciation and understanding of the differences between faith and ethnic groups, build mutual respect for human dignity and shared values, encourage dialogue and promote non-violence in the resolution of problems and disputes.

g. One of the fundamental goals of all education for democratic citizenship and human rights education is not just equipping learners with knowledge, understanding and skills, but also empowering them with the readiness to take action in society in the defence and promotion of human rights, democracy and the rule of law.

EDC/HRE Charter, Article 10:

(Role of non-governmental organisations, youth organisations and other stakeholders)

Member states should foster the role of non-governmental organisations and youth organisations in education for democratic citizenship and human rights education, especially in non-formal education. They should recognise these organisations and their activities as a valued part of the educational system provide them where possible with the support they need and make full use of

the expertise they can contribute to all forms of education.

Member states should also promote and publicise education for democratic citizenship and human rights education to other stakeholders, notably the media and general public, in order to maximise the contribution that they can make to this area.

EDC/HRE Charter, Article 13:

(Skills for promoting social cohesion, valuing diversity and handling differences and conflict) *In all areas of education, member states should promote educational approaches and teaching methods which aim at learning to live together in a democratic and multicultural society and at enabling learners to acquire the knowledge and skills to promote social cohesion, value diversity and equality, appreciate differences – particularly between different faith and ethnic groups – and settle disagreements and conflicts in a non-violent manner with respect for each others' rights, as well as to combat all forms of discrimination and violence, especially bullying and harassment.*

EDC/HRE Charter has the potential to become an important instrument available to communities for endorsing and exercising their minority rights and fostering dialogue, raising public awareness and enabling positive changes in minority-majority relations. The key challenge here is whether minority communities would be able to benefit from the provisions of the Charter accordingly and whether as a non-legally binding instrument, national politics would be willing to allow such development. Hence, a further challenge before the implementation of the Charter is that there is a process to monitor the non-abuse of the agreed provisions.



VII. WHY PROMOTING MINORITY RIGHTS THROUGH EDC/HRE

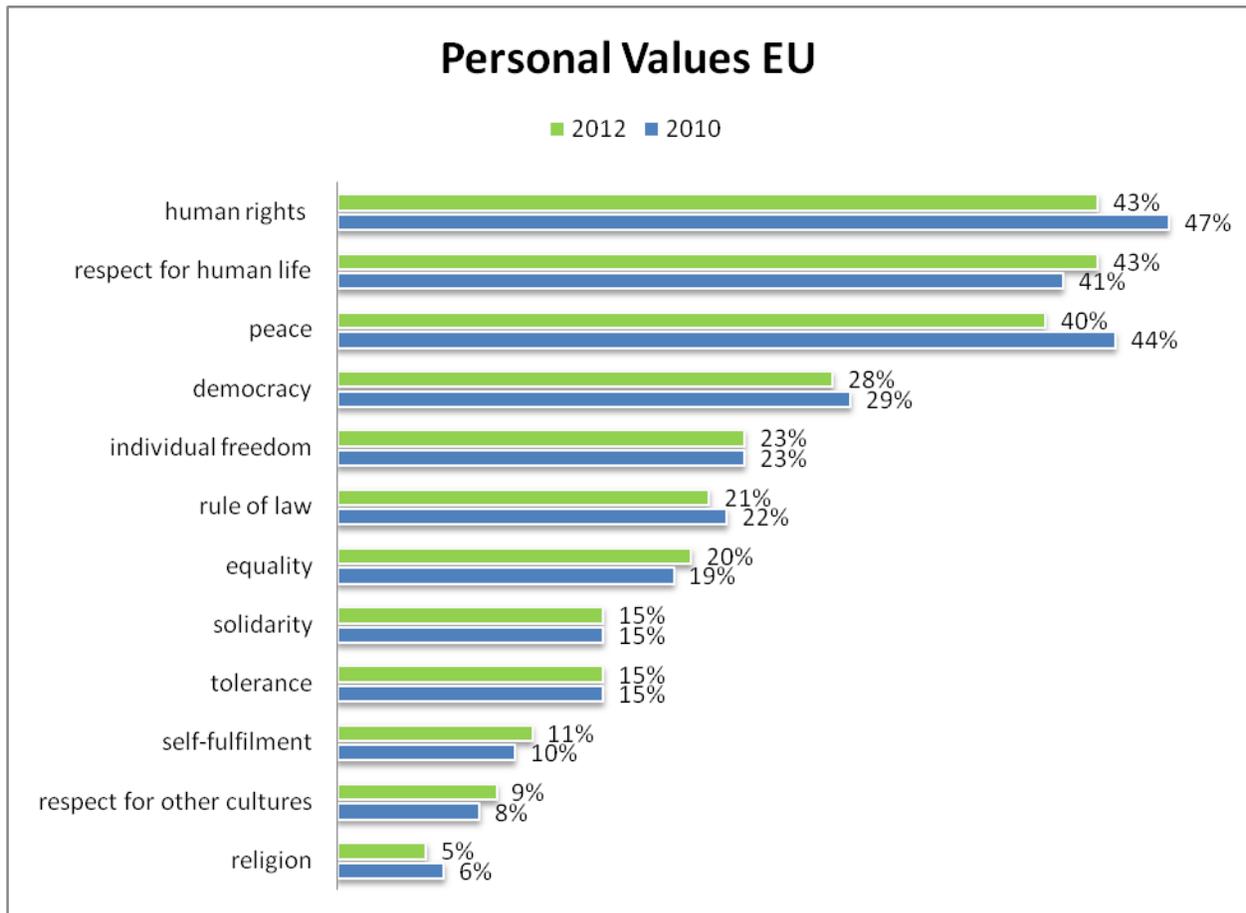
citizens' rights and responsibilities in a democratic society⁹. Moreover, the decision reflected the understanding of education as a mechanism against violence, racism, extremism, xenophobia, discrimination and intolerance¹⁰ as well as the increasing interest of Council of Europe in the intercultural dialogue¹¹.

Despite that all of these goals are in fact supportive of the minority rights agenda, the need for promoting the tolerance to diversity and the respect to the rights of *the others* strikes from the findings of the Standard Eurobarometer survey 77, published in 2012¹².

Assessing the values, shared by Europeans, the fact that the 'human rights' hold the first place (43%) and that 'democracy' is considered also a key personal value by almost one third of the European citizens (28%) are

The adoption of the EDC/HRE Charter, as defined by the opening paragraph of the accompanying recommendations (CM/REC 2010/7), supports the Council of Europe core mission to promote human rights, democracy, rule of law and citizenship awareness of the positive facts. It is however curious that 'equality' and 'tolerance' are considered values by less than 20% of the Europeans (20% and 15% respectively). With the 9% support the 'respect for other cultures' can hardly be considered a personal value that characterises the citizens of the EU.

Although the comparison between the results from the Survey of 2010¹³ and the one of 2012 reveal that there is an increase of the number of people for whom 'tolerance' and 'respect for other cultures' are important personal values, this positive change – that has occurred during the period of the adoption and initial implementation of the EDC/HRE Charter - is rather limited (1%). Surely, there is no evidence that this positive change should be related directly to the Charter.

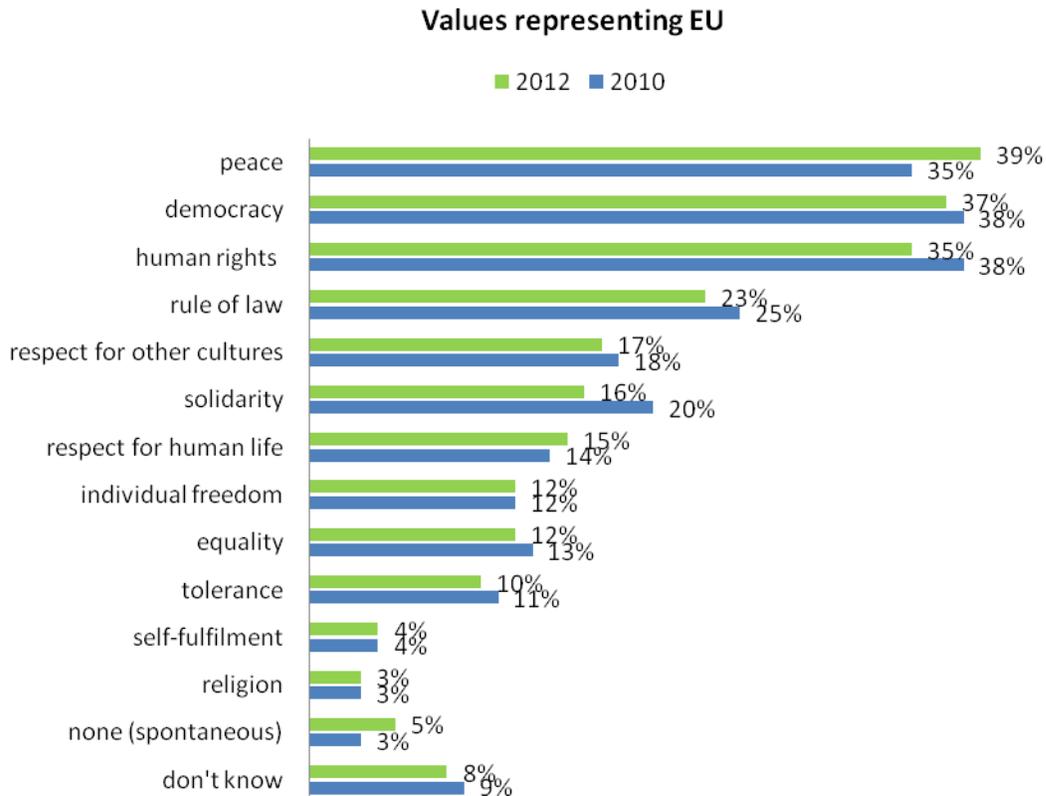


Source: Standard Eurobarometer 77

It is also interesting to compare these results to the results revealing the perception of the EU citizens with regard to the values that in their opinion represent the EU in general. In contrast to the personal experience, the ‘objective’ (from the point of view of the respondents) evaluation of the core ideas of the EU reveal that right after ‘peace’, ‘democracy’ and ‘human rights’ and ‘rule of law’, people place

the ‘respect for other cultures’ (17%). This reveals that there is better awareness about the policies of the EU rather than impact of these policies on the personal experience of the EU citizens.

Tolerance apparently is better practiced within the EU (15%) than promoted among its citizens as a key European concept and principle (10%).

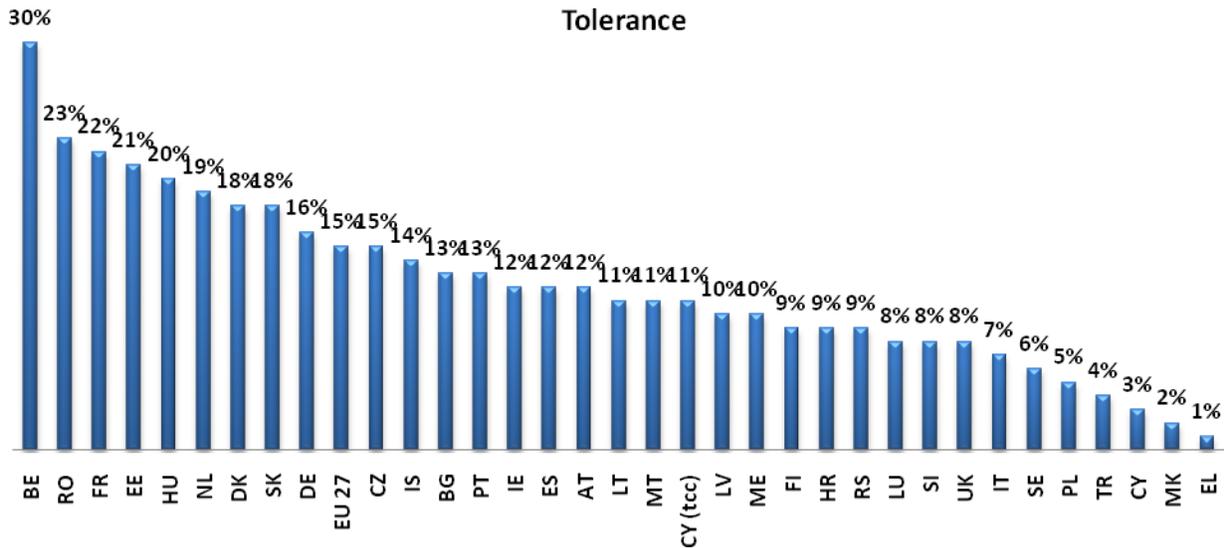


Source: Eurobarometer 77

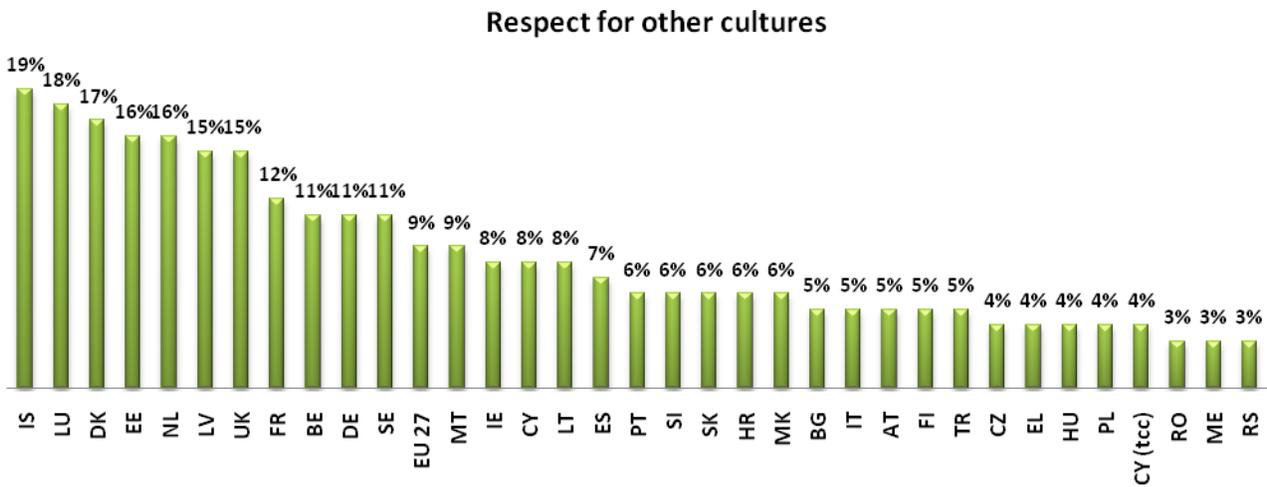
Looking at the national data for the two key values that have the potential to determine the success of fostering the inter-cultural dialogue and the respect for diversity in Europe – ‘tolerance’ and ‘respect for other cultures’ – it appears that behind the average numbers there is a great divergence between the attitudes among the people from the EU and non-EU countries. While 30% of the respondents in Belgium consider ‘tolerance’ a priority value, in Greece the percentage of people sharing this opinion is only 1%. According to the findings of the Survey, slightly more “tolerant” from the non-EU states, are the citizens of FYROM (2%),

while with the 14%, the Iceland ranks better than a number of EU countries.

The lowest ‘respect to other cultures’ in EU has been registered in Romania (4%) and among the non-EU countries – in Serbia (3%) and in Montenegro (3%). The highest level of respect is in Iceland (19%) leaving behind all the EU-member states, among which Luxembourg ranks the best (18%). The survey looks separately on the Republic of Cyprus (CY) and on the “Area not controlled by the government of the Republic of Cyprus – the Turkish community of Cyprus” (CY (ct)).



Source: Standard Eurobarometer Survey 77



Source: Standard Eurobarometer Survey 77

As the Eurobarometer reveals, tolerance and respect for cultural diversity are issues that face more challenges at the level of the public awareness and personal practice, than that of human rights or democracy in general. The comparison between the results of the Eurobarometer 77 survey (2012) and the Eurobarometer 71 on the Future of Europe

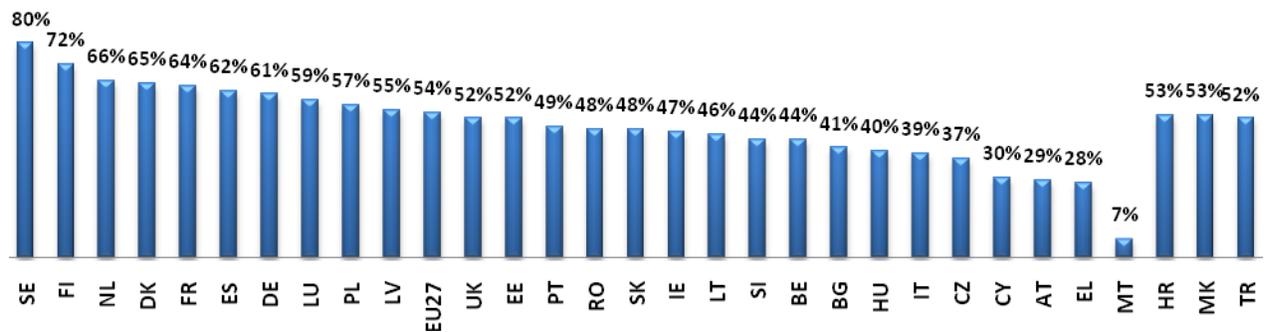
(2010) indicates significant discrepancies between the attitudes of people towards the cultural diversity (as a personal value) and as distant evaluation of the positive impact of diversity on the cultural life of the country.



The levels of positive assessment of the benefits in 2010 are significant – 54% of the EU citizens at large consider that the multi-ethnic society foster the cultural development. At national level the rates vary from 80% of support in Sweden, to 7% of support in Malta.

These however can be interpreted as projections of the general perceptions of people and their understanding in principle and not as their subjective experience on personal and daily basis (projected by the values-survey in 2012).

People from other ethnic groups enrich the cultural life of the country



Source: Standard Eurobarometer Survey 71

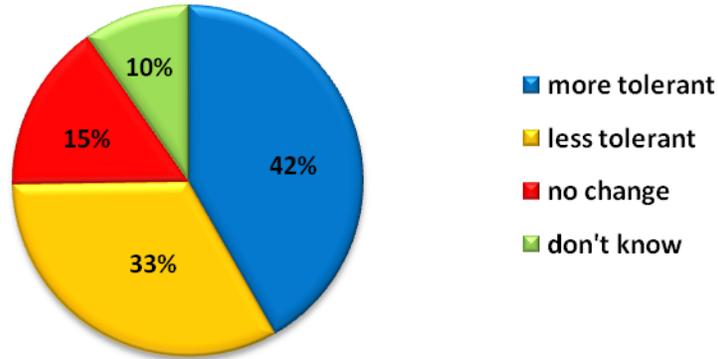
With regard to the tolerance to the ethnic and religious minorities, both the surveys reveal that in fact the level of tolerance in EU is much lower that can be expected as a result from the number of policies and initiatives focused on raising awareness, promoting inter-cultural dialogue, non-discrimination and equality

among people from any cultural, ethnic, religious, social or other background.

The responses to the question about the expectations about the change of the levels of tolerance in EU in 2030 suggest that 48% of the EU citizens do not expect significant positive changes, 33% of which even believe that people will become less tolerant in the future.



Tolerance in EU 2030

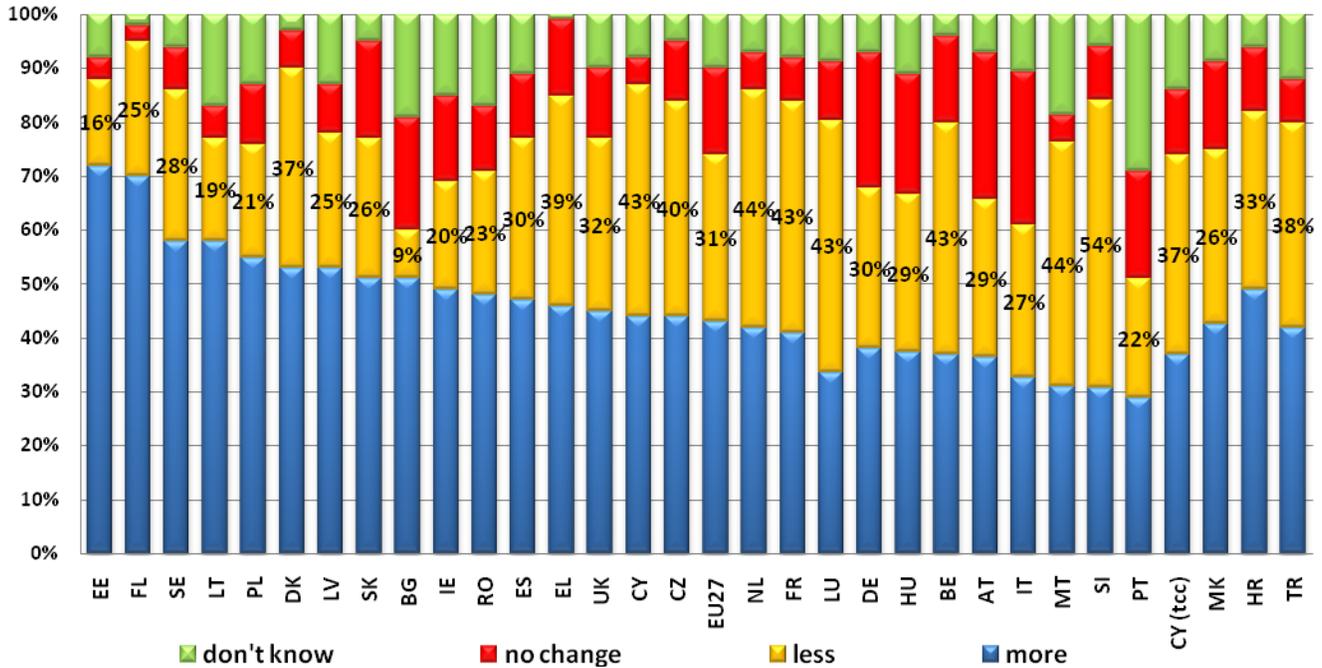


Source: Standard Eurobarometer Survey 71

The national data show that in some countries the percentage of people who expect that the levels of tolerance will decrease in their societies is significantly higher than the percentage of

people who expect positive developments (e.g. Slovenia, Luxemburg, Malta, France, the Netherlands).

EU 2030 - tolerance towards ethnic & religious minorities



Source: Standard Eurobarometer Survey 71



These trends indicate that there is an objective need for focused attention on the establishment of enabling conditions for the development of the European society as an inclusive one. Despite the current policies, programmes and initiatives, respect for diversity and tolerance and still remain at the level of politics and have not ‘entered’ the level of the personal values.

Education is the first steps for ensuring sustainable positive changes and hence in politics and development. The Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education is a significant step forward in the right direction and an important mechanism to enable desired societal transformation at large. The adoption of

the EDC/HRE Charter and the first two years of its ‘life’ show that there is a positive public energy, which needs to be channelled in the right direction. The Education for Democratic Citizenship and Human Rights Education have the chance to foster tolerance and to promote respect for diversity throughout Europe by referring to existing instruments as the CoE Framework Convention for Protection of National Minorities and by mobilising support from the active stakeholders in advancing inclusive and diverse Europe. And as it was revealed above, effectiveness of processes can be achieved only through synchronisation of efforts and through raising the general awareness that minority rights are in their essence human rights.

Footnotes

¹ http://www.coe.int/t/dg4/education/edc/conference2012/default_en.asp

² Hereafter “the HR Charter”

³ FCNM, Explanatory report, note 47

⁴ UDHR does not offer a definition of “community”

⁵ FCNM, Explanatory report, note 51

⁶ FCNM, Explanatory report, note 71

⁷ FCNM, Explanatory report, note 80

⁸ MRG “*The Framework Convention for the Protection of National Minorities: A Guide for Non-Governmental Organizations*”, <http://www.greekhelsinki.gr/pdf/FCNM-NGO-Guide.pdf>

⁹ Recommendations CM/REC 2010/7 to the EDC/HRE Charter, page 7

¹⁰ Explanatory memorandum to the EDC/HRE Charter, page 15

¹¹ Explanatory memorandum to the EDC/HRE Charter, page 17

¹² Standard EUROBAROMETER 77/2012: The Values of Europeans, REPORT (Fieldwork: May 2012)
http://ec.europa.eu/public_opinion/index_en.htm

¹³ Standard EUROBAROMETER 71/2010: Future of Europe (Fieldwork: June - July 2009)
http://europa.eu.int/comm/public_opinion/index_en.htm



**DIRECT RELEVANCE BETWEEN THE ARTICLES OF
FCNM, UDHR, ECHR & EU HR CHARTER**

Topic	FCNM	UDHR	ECHR	EU HR Charter
Prohibition of discrimination Full and effective equality	Article 4	Article 1 Article 2 Article 7	Article 14 Article 17	Article 20 Article 21
Maintenance and development of culture and identity	Article 5	Article 27		Article 22
Spirit of tolerance and intercultural dialogue/PROTECTION	Article 6	Article 14 Article 27	Article 14	Article 22
Freedom of assembly, association and expression	Article 7	Article 20	Article 11	Article 12
Manifesting religion	Article 8	Article 18	Article 9	Article 10
Freedom of expression and access to media	Article 9	Article 19	Article 10	Article 11
Use of minority language with authorities	Article 10	Article 21 Article 27		
Minority language names, signs and topographic indications	Article 11			Article 22
Education for tolerance and understanding cultures	Article 12	Article 26		Article 14
Minority education establishments	Article 13			
Learning a minority language	Article 14			
Effective participation	Article 15	Article 21		



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http://www.coe.int/t/dg4/education/edc/charter/charter_EN.asp

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