

Setting Cornwall-wide Equality Objectives

1 March 2016

Framework Convention
for the
Protection of National Minorities

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What is the Framework Convention?

“The Council of Europe Framework Convention for the Protection of National Minorities, which entered into force on 1 February 1998, is one of the most comprehensive treaties designed to protect the rights of persons belonging to national minorities.....”

What is the Framework Convention?

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

What is the Council of Europe?

- Founded 5th May 1949 by Treaty of London.
- Founders included Winston Churchill, Ernest Bevin, Premiers of Germany, Italy, Belgium & French Foreign Minister.

“There is no reason why we should not succeed in achieving our aims and establishing the structure of this united Europe whose moral concepts will be able to win the respect and recognition of mankind”.

Sir Winston Churchill - 12th August 1949 - Strasbourg

What is the Council of Europe?

- Not the European Union.
- Europe's leading human rights organisation.
- 47 member states – 28 of which in the EU.
- Includes Russian Federation and Andorra.
- Includes European Court of Human Rights.
- Enforces European Convention on HR.
- All CoE member states have signed ECHR.

What is the Council of Europe?

- Protect human rights, democracy, rule of law.
- Promote awareness and encourage the development of Europe's cultural identity and diversity.
- Seek solutions to problems facing European society.
- Help consolidate stability in Europe by backing political, legislative, and constitutional reform.

What is the Framework Convention?

- CoE's most comprehensive text for protecting the rights of persons belonging to national minorities.
- Legally binding, multilateral instrument.

What is the Framework Convention?

Sits alongside:

ECHR – universal individual rights can also be claimed by people belonging to national minorities.

European Social Charter – protects minorities in social and economic fields.

European Charter for Regional or Minority Languages.

What is the Framework Convention?

“Sets out principles to be respected and goals to be achieved by member states in order to ensure the protection of national minorities”.

What is the Framework Convention?

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

What is the Framework Convention?

“Parties must ensure freedom of assembly, association, expression, thought, conscience, religion and access to and use of the media. The Convention also provides guidelines for linguistic freedom and rights regarding education”.

Who belongs to a national minority?

- Individuals free to decide whether they wish to be treated as belonging to a national minority.
- Does not mean people can arbitrarily choose to belong to any national minority. Choice must be based on objective criteria connected with identity, language, religion or culture.

Including the Cornish – a unique case for recognition
Synsyans an Gernowyon – kas unnik rag aswonnvos

CORNISH NATIONAL MINORITY REPORT 2

Derivas Minorita Kenedhlek Kernewek 2

Press release

Cornish granted minority status within the UK

From: [HM Treasury, Department for Communities and Local Government, The Rt Hon Danny Alexander and Stephen Williams](#)
First published: 24 April 2014
Part of: [Community integration](#)

This news article was published under the 2010 to 2015 Conservative and Liberal Democrat coalition government

What is the Framework Convention?

“The decision to recognise the unique identity of the Cornish, now affords them the same status under the FCNM as the UK’s other Celtic people, the Scots, the Welsh and the Irish”.

What is the Framework Convention?

The substantive provisions of the FCNM:

- Fundamental principles of non-discrimination and equality.
- May also require affirmative action not merely abstention from discrimination.
- Agree to 29 Articles.

What is the Framework Convention?

- To adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority.

(Article 4 – Part 2).

What is the Framework Convention?

- Promote the conditions necessary for minorities to maintain and develop their culture and to preserve essential elements of their identity, namely, their religion, language, traditions and cultural heritage.

(Article 5).

What is the Framework Convention?

- Recognise the right to use freely the minority language in private and public, orally and in writing.
- Endeavour to display traditional local names, street names and other topographical indications intended for the public in the minority language.

(Articles 10 & 11).

What is the Framework Convention?

- Take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of the national minority and the majority.
- If there is sufficient demand, to ensure within their education systems, adequate opportunities for being taught the minority language.

(Articles 12 & 14).

What is the Framework Convention?

- Create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

(Article 15).

What does recognition under the Framework Convention mean for Cornwall now and in the future?

- Government departments and public bodies required to consider the Cornish national minority when making policy.
- Whilst it is primarily the responsibility of national Government to implement the Articles of Framework Convention, society as a whole has a role to play.
- In many areas national and local Government lack data about the Cornish to measure against Articles.

What does recognition under the Framework Convention mean for Cornwall now and in the future?

- A greater effort to collect data pertaining to the condition of Cornish people.
- Greater consideration of the needs of Cornish people.
- Greater access to funding for Cornish cultural groups.
- A greater use of the Cornish language in public settings.
- Greater emphasis on learning about Cornwall's culture and heritage in schools.

"Hindi, Chinese and French are taught [in schools], so why not Welsh? And why not Cornish? They're part of our culture."

Benjamin Zephaniah 2015

“State Parties need to review regularly the curricula and textbooks of subjects such as history, religion and literature....in order to ensure that the diversity of cultures and identities is reflected and that tolerance and intercultural communication are promoted”.

CoE Advisory Committee - Commentary on Education under the Framework Convention for the Protection of National Minorities 2006.

What is the Framework Convention?

Implementation & Monitoring

“The Government has given careful consideration to the comments by the Advisory Committee about the scope of application of the Framework Convention in the UK. In April 2014, the Government announced that it had modified its position on the application of the Framework Convention to bring the Cornish within its scope, in recognition of the unique identity of the Cornish”.

Fourth report submitted by United kingdom. Received 26 March 2015

What is the Framework Convention?

Nongovernmental Organisations (NGOs)

“NGOs can present their own ideas concerning the interpretation of the Convention and raise public awareness about the government’s obligations under the Convention....By raising public awareness, NGOs can help create a climate in which the state is expected to take steps to comply with its obligations”.

References:

Equalities Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

Council of Europe Framework Convention

<http://www.coe.int/en/web/minorities/>

Council of Europe FCNM Leaflet

<http://www.coe.int/en/web/minorities/fcnm-leaflet>

Council of Europe FCNM Factsheet 2012

<http://www.coe.int/en/web/minorities/fcnm-factsheet>

Pamphlet No. 8 UN Guide for Minorities

<http://www.ohchr.org/EN/Issues/Minorities/Pages/MinoritiesGuide.aspx>