I. Introduction: The European Landscape

Europe is concerned about human and minority rights. This concern is evidenced by the fact that both the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe are equipped with institutions specialized in the protection of these rights. Half a century ago, the Council of Europe provided for an European Convention on Human Rights (ECHR) and a supranational European court specialized in this area of law (the European Court of Human Rights [ECtHR], Strasbourg). The fall of the iron curtain brought the protection of human and minority rights to the fore of international attention and allowed for a political climate favouring the establishment of new institutions and mechanisms in this area. In 1991, the OSCE established the Office for Democratic Institutions and Human Rights (ODIHR, Warsaw). In 1993 the Council of Europe installed the European Commission against Racism and Intolerance (ECRI, Strasbourg). The year 1993 gave birth to a minority-specific institution, namely the Office of the High Commissioner on National Minorities of the OSCE (HCNM, The Hague). Finally, in 1999, the Council of Europe established the Commissioner for Human Rights (CHR, Strasbourg). Also at the national level, the nineties stand for a dynamic period in the institutionalization of human rights concerns—many national human rights institutions (NHRIs) had been established during that period.

Even if the European Union (EU) might be perceived as a latecomer in this area, one can hardly overlook that a comparable development has taken place in the European Union (EU) context. At the institutional level, it is the European Parliament that...
showed an early and pronounced interest in human and minority rights. Its Committee on Civil Liberties, Justice and Home Affairs (LIBE-Committee) is explicitly responsible for human and minority rights issues. Since the eighties, the parliament disposes over an intergroup dealing with national minorities (between 2004 and 2009 this was the intergroup on “Traditional national minorities, constitutional regions and regional languages” chaired by Mr Csaba Tabajdi). Since 1992, the EU has been equipped with an ombudsman to investigate complaints about maladministration in the EU institutions. And between 1997 and 2007, the EU even had a European Monitoring Centre on Racism and Xenophobia (EUMC, Vienna) that was collecting data and coordinating research in the area of ethnic discrimination and racism within the EU. As regards the EU’s external relations, the Parliament’s Committee on Foreign Affairs (AFET Committee) disposes over a subcommittee on human rights that is also responsible for minority issues. Also the council tried to give the protection of fundamental rights an institutional anchorage in the EU’s foreign relations: in 1987 the so-called COHOM was created—a working group dealing with human rights. Moreover, the council tried to give its external appearance a “human rights face”: since 2005 the EU’s High Representative for the Common Foreign and Security Policy (Mr Javier Solana) has been assisted by a Personal Representative for Human Rights (since the beginning of 2007 this position is held by Ms Riina Kionka). There is, though, no internal structure within the council that specifically deals with human rights. In fact, the parliament recently urged the council to establish a permanent working party on “fundamental rights and citizenship” that could work in tandem with COHOM.

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2 Intergroups have no official institutional standing. They have to be re-registered after every election by representatives of at least three political groups. Before the 2009 elections, there were 20 registered intergroups. For the work of the intergroup, see Csaba Tabajdi (ed), Pro Minoritate Europae – Minorities of Europe Unite (study book for the 50th anniversary of the Minorities-Intergroup of the European Parliament, 2006), 162–205.


4 COHOM is tasked with the collection and evaluation of information on current violations of human rights in various parts of the world and the coordination of the member states’ positions on human rights issues likely to arise within all relevant international fora. It meets at least twice a year. In 1999, its mandate was extended to include first-pillar issues so as to have under purview all human rights aspects of the external relations of the EU.

5 See European Parliament resolution of 14 January 2009 on the situation of fundamental rights in the European Union 2004–2008 (based on the report delivered by Giusto Cata-nia, 5 December 2008, A6-9999/2008), para. 17. At the technical level, the negotiations on the establishment of the FRA took place in a working group entitled, Fundamental Rights and Citizenship. This working party is, however, of an ad hoc nature.