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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**PROPOSAL FOR CONCLUSIONS  
TO THE DRAFT REPORT  
ON NON-CITIZENS AND MINORITY RIGHTS<sup>1</sup>**

**ADDITIONS AND AMENDMENTS**

**by**

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<sup>1</sup> CDL-MIN(2006)002.

The following paragraphs could be added to the conclusions of the draft report on “Non-Citizens and Minority Rights” (CDL-MIN(2006)002):

*“Nevertheless, a definition of the term “minority” is unavoidable to indicate the beneficiaries of the protection system.*

*This is clear as far as the national and most of the bilateral instruments are concerned. Each one of these instruments has its own concept of “minority” and of the minority rights it provides.*

*Multilateral instruments, like Article 27 ICCPR and the FCNM may use larger notions for their purposes. Furthermore, these instruments do not contain in legally binding terms a universal notion of the concept of minorities.*

*Of course, de lege ferenda, one may speculate on a larger notion, but the idea of scholars or the opinion of experts or advisory bodies do not have, as such, a binding legal value.*

*Under these circumstances, we may very well argue whether it would be advisable to use the citizenship requirement or to replace (or combine) it by (with) another criterion, like the long lasting residence.*

*But all of these considerations move on the level of legal politics. This is true for the present report too.”*

Should the above-mentioned paragraphs be included in the conclusions, certain changes would have to be made earlier in the text (in particular in §§ 19, 40, 83, 93, 103, 107, 113) so as to put the reasoning in conformity with the conclusions.