

***ADVISORY COMMITTEE ON THE
FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES***

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 19 June 2017

ACFC/MR(2017)001

**58th meeting
Strasbourg, 6-10 March 2017**

***Council of Europe – Agora building
Room G04***

MEETING REPORT

Item 1: Opening of the meeting

1. The Advisory Committee on the Framework Convention for the Protection of National Minorities held its 58th meeting from 6 to 10 March 2017 in Strasbourg. Ms Petra Roter, President of the Advisory Committee, opened the meeting and warmly welcomed the members of the committee.

2. Mr Marco Leidekker, Head of Secretariat, introduced two new staff members: Ms Agnes von Maravić (Administrator) and Ms Katharina Fouquet (Administrative Assistant).

Item 2: Adoption of the Order of Business

3. The Order of Business was adopted.

Item 3: Approval of the report of the 57th meeting of the Advisory Committee

4. Having examined the report of its 57th meeting, the Advisory Committee adopted the final text of the report as reproduced in document ACFC/MR(2016)003.

Item 4: Examination of draft opinions and their adoption

5. The committee examined the draft 4th cycle Opinion on **Kosovo***. During the plenary session, it decided on 8 March 2017, in the light of the final version of the draft Opinion on Kosovo*, to vote on the text.

6. The voting was organised in accordance with Rule 34 of the Committee's Rules of Procedure, stipulating that opinions should be adopted by a majority of ordinary committee members.

7. The 4th cycle Opinion on Kosovo* was adopted unanimously.

8. The committee examined the draft 4th cycle Opinion on **Ukraine**. During the plenary session, it decided on 10 March 2017, in the light of the final version of the draft Opinion on Ukraine, to vote on the text.

9. The voting was organised in accordance with Rule 34 of the Committee's Rules of Procedure, stipulating that Opinions should be adopted by a majority of ordinary Committee members, as well as with Rule 34 of Resolution (97) 10, to the effect that "Additional members shall sit in an advisory capacity; they shall not have the right to take part in a possible vote. The same shall apply to ordinary members regarding the report of the Party in respect of which they have been elected to the List".

10. The 4th cycle Opinion on Ukraine was adopted unanimously.

* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

Item 5: Introductory session for new members

11. In the course of the Introductory session, the President introduced a number of elements relevant to the drafting of an opinion:

- 1) A draft programme is to be sent to the respective Working Group for comments; the draft should include names in the part prepared by the Advisory Committee and a list of institutions for the part to be organised by a respective government. The draft is to be sent in time for members of the Working Group to provide feedback before it is finalised;
- 2) A draft list of questions is to be prepared by the administrator and shared with the respective Working Group for feedback, finalised by the administrator and sent to the state party a week before the delegation visit;
- 3) Each Working Group is to prepare a schedule with individual stages in the preparation of a draft opinion. That is:
 - a) Article-by-Article key findings (bullet points) – within about a week after the visit;
 - b) the first draft;
 - c) a meeting of the Working Group to discuss the first draft;
 - d) the second draft to include changes discussed during the Working Group meeting;
 - e) the text (so-called clean version) to be sent to the plenary (two weekends before the plenary).
- 4) Each Working Group should reserve time during the visit to prepare a reflection on the visit, including key issues arising from the visit. These issues should serve as input for the article-by-article outline, which forms the core structure of the future opinion;
- 5) The Advisory Committee agreed all members would send comments on draft opinions in writing before the plenary and the respective Working Groups will address those comments for the first reading to facilitate the examination and adoption of an opinion in plenary.

Item 6: 20th Anniversary Conference

12. During the discussion, several possible themes for the 20th Anniversary Conference were mentioned by the members of the Advisory Committee, such as Roma, the Thematic Commentary No. 4 on the Scope of Application, children and youth, gender equality, obstacles to ratify the FCNM, minority media, populism, and digitalisation. Furthermore, there was a discussion on the organisation of the conference together with European Charter for Regional or Minority Languages (ECRML), possibly in a split format (joint session in the morning and separate parts in the afternoon).

13. Concluding the discussion, the President said that the core message could be the relevance of the FCNM today. The members were invited to share their ideas and the Bureau

would come up with a proposal to be discussed at the next plenary (also in co-operation with the ECRML Committee of Experts bureau).

Item 7: Presentations

14. Mr Neven Anđelić made a presentation on the protection of religious minorities in Europe. In his presentation, Mr Anđelić gave an overview of the different instruments of international law relevant to the protection of religious minorities, with emphasis on those relevant in the European context.

15. Mr Anđelić concluded that less reporting under Article 8 of the FCNM by the Advisory Committee in the fourth cycle suggests that the rights of religious minorities are generally well protected in Europe. It was agreed by the Advisory Committee that this discussion would continue, with a view to drafting a possible check list of issues to be taken into account by the Advisory Committee in its monitoring work, particularly with respect to the newly emerging issues related to religious minorities and the freedom of religion in general.

Item 8: Exchange of views

16. On Monday, 6 March, the new Head of the Anti-Discrimination Department, Mr Hallvard Gorseth, was introduced to the Advisory Committee. Mr Gorseth is a longstanding Council of Europe staff member, who prior to his nomination as Head of the Anti-Discrimination Department, worked in the Central Administration, the Private Office of the Secretary General and was involved in the setting up of the Group of Experts on Action against Trafficking in Human Beings (GRETA), a Council of Europe monitoring body on human trafficking. The President congratulated Mr Gorseth on his nomination.

17. In his introduction, Mr Gorseth made reference to the challenging times for Council of Europe member states that struggle with growing consequences of cultural, ethnic and religious diversity. For this reason, anti-discrimination is among the top priorities of the Council of Europe.

18. Mr Gorseth encouraged the Advisory Committee to invest in relations with its states parties, to seek co-operation with other Council of Europe monitoring bodies and institutions (such as the Special Representative of the Secretary General on Roma Issues) and programmes (such as the Intercultural Cities programme) and to reflect on its approach as concerns the ACFC opinions, including recommendations.

19. On Tuesday, 7 March, the Council of Europe Director of Policy Planning, Mr Matjaž Gruden, exchanged views with members of the committee. Mr Gruden said, *inter alia* that the work of monitoring bodies is underused by the Council of Europe and that he sees important gaps between standard setting, monitoring and co-operation. In his presentation, Mr Gruden paid particular attention to the soon to be published 4th report of the Secretary General on the State of Democracy, Human Rights and the Rule of Law in Europe, which is largely based on the findings of Council of Europe monitoring bodies. The theme of this report will be populism and the report will explore how strong the checks and balances in place are. The structure of the 4th Secretary General report remains similar to the previous reports, including a 5th pillar on

‘inclusive society’ (a chapter subjected to significant changes in previous years), which includes references to the Framework Convention.

20. On Wednesday 9 March, the Director General for Democracy, Ms Snežana Samardžić-Marković, exchanged views with members of the Advisory Committee. Amongst other matters, Ms Samardžić-Marković commended the Advisory Committee on its work, including the Fourth Thematic Commentary on the scope of Application of the FCNM, to which she attaches great importance.

21. Ms Samardžić-Marković mentioned the need for Council of Europe monitoring bodies to continue to adapt to the evolving needs of societies in order to remain relevant. She said that the role of the Council of Europe must be to help its member states to respond, in a satisfactory manner, to people’s legitimate concerns about diversity. For this reason, the Framework Convention today is more relevant and needed than ever before. Ms Samardžić-Marković congratulated the Advisory Committee on its ambitious programme to reinforce its relations with state parties, including through follow-ups. She said that continuous dialogue and good communications with states parties are crucial to support satisfactory implementation of the Framework Convention.

22. As to the 5th monitoring cycle, Ms Samardžić-Marković observed the new monitoring cycle is an opportunity to start thinking about the shape of the Advisory Committee’s future monitoring. She observed that in recent years, many of the Council of Europe’s monitoring bodies have been through a process of change as regards their working methods, in order to further enhance their relevance. Ms Samardžić-Marković encouraged the Advisory Committee to learn from these monitoring bodies and to open a discussion within the Advisory Committee on possible improvements.

23. Ms Samardžić-Marković reminded the Advisory Committee of the so-called monitoring fatigue amongst Council of Europe member states and encouraged close co-operation with the European Commission against Racism and Intolerance (ECRI) and the ECRML. At the same time, she mentioned she was aware of the limitations of joint and parallel visits.

Item 9: Gender Equality Strategy

24. Ms Tove Malloy, the Advisory Committee’s rapporteur on Gender Equality, introduced the concept of gender equality.

25. After her presentation, the Advisory Committee discussed the nature of its mandate in the matter. Certain members were of the opinion that the Advisory Committee should follow the Council of Europe approach; others held the view that the Advisory Committee should develop its own plans that would be based on the Council of Europe’s general strategy on gender issues, but that would take into account specificities of the gender issue in the field of minority rights. Several members considered that the Advisory Committee should include gender equality in its work as of the 5th monitoring cycle, while other members found the matter urgent enough to start implementing it already in the 4th monitoring cycle.

26. The President concluded the discussion with a proposal to add a special item on gender equality to the agenda for plenary sessions. The Advisory Committee agreed with the proposal. It was further agreed that the Gender Rapporteur and the FCNM Secretariat would prepare a

checklist of issues to be raised under different articles, and for the checklist to be discussed during the Advisory Committee's plenary in June. In addition, members are invited to make other suggestions to the Bureau on how to bring the issue forward.

Item 10: Recent and future developments

27. The Advisory Committee was informed of recent developments linked to the Framework Convention since the previous meeting concerning the status of receipt of state reports, country visits, opinions published, submission of government comments, resolutions adopted as well as events in which the ACFC and/or secretariat members have participated. Particular attention was devoted to informing the Advisory Committee of exchanges of views with governments, including at the GR-H meeting in November 2016.

28. The Advisory Committee was informed of the composition of the Working Groups in respect of Azerbaijan, Bosnia and Herzegovina and Switzerland.

29. Acting on a proposal of Mr Anđelić, main issues were discussed with respect to Slovenia, Sweden and Romania and the respective Working Groups presented their in-country plans. The Advisory Committee agreed that from the June session onwards, a new item would be added to the agenda of plenary sessions – namely preparation of the forthcoming country visits. The item is intended to give all members of the Advisory Committee an opportunity to learn about the plans of respective working groups, and to provide feedback on relevant issues and above all on relevant interlocutors the delegation could meet during its visit to a particular country.

30. As to the invitation to organise a conference in Cyprus, the Advisory Committee decided on a new format: the conference will be organised by the Cyprus Law Commissioner with participation of a few members of the Advisory Committee. The President will discuss this set-up with the Law Commissioner during her visit to Cyprus later in March.

Item 11: Dates of next meetings

31. The dates for the following meetings were confirmed as follows:

59th plenary session: 19-23 June 2017

60th plenary session: 6-10 November 2017

61st plenary session: (..) to be confirmed at the later stage

62nd plenary session: (..) to be confirmed at the later stage

ANNEX I**LIST OF PARTICIPANTS**

Ms Petra ROTER (Slovenia) – *President*
 Ms Brigitta BUSCH (Austria) – *First Vice-President*
 Mr Craig OLIPHANT (United Kingdom) – *Second Vice-President*

Mr Reinis ĀBOLTIŅŠ (Latvia)
 Mr Neven ANĐELIĆ (Bosnia and Herzegovina)
 Mr Besarion BOKHASHVILI (Georgia)
 Mr Yiannis CHRYSOSTOMIS (Cyprus)
 Ms Laura-Maria CRĂCIUNEAN (Romania)
 Ms Marieke ten HOLTE-SANDERS (The Netherlands)
 Mr Tomáš HRUSTIČ (Slovak Republic)
 Mr Sławomir ŁODZIŃSKI (Poland)
 Ms Tove H. MALLOY (Denmark)
 Mr Detlev REIN (Germany)
 Ms Elisabeth SÁNDOR-SZALAY (Hungary)
 Ms Carmen SANTIAGO REYES (Spain)
 Ms Barbara WILSON (Switzerland)
 Mr Oleksandr ZADOROZHNI (Ukraine)
 Ms Edita ŽIOBIENĖ (Lithuania)

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Ms Snežana SAMARDŽIĆ MARKOVIĆ, Director General of Democracy - DGII
 Ms Marja RUOTANEN, Director of Human Dignity and Equality – DGII
 Mr Hallvard GORSETH, Head of the Anti-Discrimination Department – DGII
 Mr Matjaž GRUDEN, Director of Policy Planning

Secretariat of the Framework Convention for the Protection of National Minorities

Mr Marco LEIDEKKER, Head of Secretariat
 Mr Krzysztof ZYMAN, Administrator
 Ms Gisella GORI, Administrator
 Ms Agnes von MARAVIC, Administrator
 Ms Nicola MARKES, Assistant
 Ms Danijela GERDIJAN, Assistant
 Ms Katharina FOUQUET, Assistant