

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 6 November 2017

ACFC/MR(2017)/002

**59th meeting
Strasbourg, 19-23 June 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 59th meeting from 19 to 23 June 2017 in Strasbourg. Ms Petra Roter, President of the Advisory Committee, opened the meeting and welcomed the members of the committee.
2. The Advisory Committee held one minute of silence for the passing of Dr Oleksandr Zadorozhniy, member of the Advisory Committee in respect of Ukraine. On behalf of the Advisory Committee, the funeral was attended by Ms Tove Malloy, who was also asked to present an eulogy.
3. Mr Marco Leidekker, Head of Secretariat, announced the departure of Ms Gisella Gori, who joined the Children's Rights Division on 1 June 2017. He thanked her for her good work, as did the Advisory Committee.

Item 2: Adoption of the Order of Business

4. The Order of Business, as reproduced in Annex II, was adopted.

Item 3: Approval of the report of the 58th meeting of the Advisory Committee

5. Having examined the report of its 58th meeting, the Advisory Committee adopted the final text of the report as reproduced in document ACFC/MR(2017)001.

Item 4: Gender equality checklist

6. After a substantial discussion during the committee's 58th meeting, Ms Tove Malloy presented the revised gender equality checklist. The checklist is not exhaustive and provides general guidance. It is intended to help to formulate questions to be asked before and during visits. The gender equality checklist should be updated regularly.
7. Ms Brigitta Busch said that the checklist may in the future be completed by sections on social care and health.
8. The President praised the checklist and said that by the inclusion of intersectionality the Advisory Committee's goes beyond the Council of Europe approach. The checklist is a learning tool to look at minority issues through a gender lens. It enables the Advisory Committee to pay attention and ask relevant questions when on a visit.
9. The gender equality check list should be regularly discussed by the Advisory Committee.

Item 5: Presentations

10. On 23 June, Mr Reinis Āboltniņš led the first discussion on a future draft "digitalisation and rights of national minorities" checklist. After the discussion, Mr Āboltniņš agreed to present a revised checklist during the November 2017 plenary. In the course of the discussions, several questions on register based census and its compatibility with the FCNM (in particular Article 3) came up. Mr Detlev Rein agreed to prepare a presentation on the subject for the next plenary.

Following the discussion on “geo-blocking”, Mr Besarion Bokhashvili agreed to analyse “geo-blocking” in relation to Articles 17 and 18 of the FCNM from a legal point of view.

11. On the issue of freedom of religion, explored by the Advisory Committee during the plenary of March 2017, Mr Bokhashvili presented the case law of the European Court of Human Rights on freedom of religion, Article 9 of the ECHR, in view of its relevance to the Advisory Committee’s mandate. Mr Bokhashvili agreed to provide a list of questions for delegations of the Advisory Committee to use during visits.

Item 6: Examination of draft opinions and their adoption

12. The committee examined the draft 4th cycle Opinion on Slovenia. During the plenary session, it decided on 21 June 2017, in the light of the final version of the draft opinion on Slovenia, to vote on the text.

13. 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.

14. The 4th cycle Opinion on Slovenia was adopted unanimously.

15. The committee examined the draft 4th cycle Opinion on Romania. During the plenary session, it decided on 22 June 2017, in the light of the final version of the draft opinion on Romania, to vote on the text.

16. 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.

17. The 4th cycle Opinion on Romania was adopted unanimously.

18. The committee examined the draft 4th cycle Opinion on Sweden. During the plenary session, it decided on 22 June 2017, in the light of the final version of the draft opinion on Sweden, to vote on the text.

19. 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”.

20. The 4th cycle Opinion on Sweden was adopted unanimously.

Item 7: Exchange of view with Mr Hendrik Villadsen, Director and Officer-in-Charge, OSCE High Commissioner on National Minorities (FCNM)

21. On Wednesday 21 June, Mr Hendrik Villadsen, Director and Officer-in-Charge of the Office of the OSCE High Commissioner on National Minorities (HCNM) held an exchange of view with the members of the Advisory Committee.

22. In his introduction, Mr Villadsen indicated some of the differences between the HCNM and the FCNM, which include:

- The wider geographical reach of the OSCE as compared to the Council of Europe;
- The HCNM's mandate focusing on conflict prevention.

23. In an overview of present and future activities undertaken by the HCNM, Mr Villadsen mentioned, *inter alia* the celebrations of the 20 years of the Oslo Recommendations and the 10 years of the Bolzano Recommendations (in 2018); update of the 2003 Guidelines on the use of Minority Languages in the Broadcast Media; assistance to the integration strategy in Kirgizstan; drafting of the Recommendations on National Minorities and access to justice; and the presentation of the "Handbook on Statelessness in the OSCE Area: International Standards and Good Practices" on 2 March 2017, in Vienna.

24. Then, Mr Villadsen made several observations as regards the current state of the protection of minority rights.

25. In his conclusion, Mr Villadsen advised the ACFC to remain focused and unbiased. He would also welcome more analysis on Article 18. The HCNM can and does provide follow-up to FCNM recommendations.

Item 8: 20th Anniversary Conference and preparations of the outline for the fifth cycle state reports

26. As regards the 20th Anniversary of the entry into force of the Framework Convention, Mr Leidekker informed the members of the Advisory Committee that Croatia has expressed a strong interest in organising the joint 20th Anniversary of the Framework Convention and the European Charter, under the aegis of its Council of Europe presidency (May 2018 to November 2018). The President says that as, at this point in time, it is not certain whether Croatia indeed will organise such a conference, and that the Bureau, together with the Bureau of the ECRML Committee of Experts, has selected an alternative date: 26 February 2018.

27. Mr Krzysztof Zyman said that the FCNM secretariat had started preparations for the outline for a state report in the 5th monitoring cycle. According to Rule 41 of the Advisory Committee's Rules of Procedure, changes to the outline for state reports shall be considered by the Committee of Ministers. In other words, in case the Advisory Committee wishes to modify its instructions from the 3rd cycle, it will have to present a proposal to this end to the Committee of Ministers, to be adopted by April 2018 at the latest.

28. Mr Zyman clarified that the outline for state reports affects neither the format of opinions nor the format of Committee of Ministers Resolutions. He recalled that at the beginning of previous monitoring cycles, members of the Advisory Committee discussed different forms of monitoring, including a thematic versus an article-by-article approach. However, on this matter, a decision does not have to be taken by the Advisory Committee in its present composition; the first 5th cycle opinions will only be adopted mid-2019.

29. The President said that the bureau would reflect on the 5th cycle outline and will present a proposal at the November plenary.

Item 9: Recent and future developments

30. 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, 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 on 23 June 2017.

31. Ms Busch informed the plenary about the meetings of the joint media working group with the Charter. For the Charter, a new interpretation of the relevant Articles of the ECRML is necessary, while the wording of the FCNM is more flexible, which allows the FCNM to incorporate new forms of media.

32. The Advisory Committee stresses the need for a list of Advisory Committee terminology in order to promote its consistent use.

Item 10: Dates of next meetings

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

60th plenary session: 6-10 November 2017

61st plenary session: 19-23 February 2018

62nd plenary session: 28-31 May 2018

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)
Ms Edita ŽIOBIENĖ (Lithuania)

Ms Marie BLOMQUIST HAGSGÅRD, Additional member in respect of Sweden

INVITED GUESTS

Mr Hendrik VILLADSEN, Director and Officer-in-Charge of the Office of the High Commissioner for National Minorities
Ms Iryna ULASIUUK, Legal Adviser in the Office of the High Commissioner for National Minorities

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Mr Hallvard GORSETH, Head of the Anti-Discrimination Department – DGII

Secretariat of the Framework Convention for the Protection of National Minorities

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

ANNEX II

AGENDA

Opening of the meeting

Adoption of the agenda

Approval of the meeting report of the 58th meeting of the Advisory Committee

Discussion on the gender equality check-list

Presentations on substantive issues: digitalisation, religion

Examination of draft opinions and their adoption

Exchange of views with the Director of the Office of the OSCE High Commissioner for National Minorities

20th anniversary and Preparations of the Outline for fifth-cycle state reports

Exchange of information on future visits

Recent and future developments: participation of the AC in other events, organisation of delegation visits and follow-ups and other (joint) events

Dates of the next meeting

Any other business