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

6th Activity Report
Covering the period 1 June 2006 – 31 May 2008

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INTRODUCTION

1. The Framework Convention for the Protection of National Minorities is the Council of Europe's main instrument for protecting the rights of persons belonging to national minorities. The Advisory Committee, set up in 1998, is composed of 18 independent experts and has a key role in monitoring the implementation of the Convention by State Parties. Its task is to ensure that the standards of the Convention are applied by every country concerned, in the various fields of interest for persons belonging to national minorities. The present Report provides an overview of the developments related to the Framework Convention and the work of the Advisory Committee between 1 June 2006 and 31 May 2008.

2. The Framework Convention's position as the unique international instrument on minority protection celebrated this year, on 1st February, the 10th anniversary of its entry into force. A celebratory conference was held in March 2008 (as well as of the European Charter for Regional or Minority Languages) under the auspices of the Slovak Presidency of the Committee of Ministers. This meeting recognised the unique position of the Framework Convention as a legal instrument for the protection of persons belonging to national minorities, its crucial role within the European human rights architecture and its substantial contribution to the defence and strengthening of the rights of persons belonging to national minorities within 39 European countries. This event has been one of a number of indicators that the Framework Convention is highly appreciated by the various stakeholders involved in minority protection.

3. In the last two years both Montenegro and the Netherlands ratified the Framework Convention. In addition to the 39 States that have ratified the Framework Convention four Member States of the Council of Europe have signed the Framework Convention, signalling their support in principle for it, while a further four Member States have not ratified the Framework Convention. Nevertheless a constructive discussion has begun in some fora on sharing experiences on issues such as non discrimination, the celebration of cultures and the promotion of a variety of languages. Indeed the decade of learning from implementing the Framework Convention provides an opportunity for States and other actors to share experiences and reinforce inter cultural dialogue and cooperation between all members of societies, (whether they are or are not directly protected by the Framework Convention).

4. The monitoring of the Framework Convention has continued to progress during the period covered by the present Report. On the eve of the third monitoring cycle, the Advisory Committee considers it necessary, ten years after the entry into force of the Framework Convention, to take stock of the actual impact of this Convention and its monitoring mechanism, reviewing its own work and its relationship to the Committee of Ministers (see Section I of the Report).

5. Section II of the present Report includes the main conclusions of this reflection as well as a number of ideas for the future. In that section, the Advisory Committee reports on the preparations of the forthcoming cycle of monitoring, due to start in February 2009.

6. Section III of the Report describes the most recent developments which have taken place in the Advisory Committee's thematic work. In particular, it provides information on the output of its reflection on the theme of effective participation of persons belonging to national minorities to social and economic life as well as in public affairs.
7. The openness and transparency of the monitoring process as well as efforts made to increase public awareness of the Framework Convention's are reported in Section IV of the Report. This section also includes the Advisory Committee's concerns related to the publicity of the monitoring exercise and highlights, alongside the positive developments noted, both remaining and new challenges.
8. The latest developments in the Advisory Committee's co-operation with various partners within and outside the Council of Europe are described in Section V of the Report. This includes its exchanges with its traditional partners, but also the efforts made to open this co-operation to new partners, in particular those belonging to civil society.
9. Organisational developments, as well as changes which have occurred in the composition of the Advisory Committee and its Bureau, are detailed in Section VI of the Report. In this context, the Advisory Committee also comments on the resources related to its work.

I. COUNTRY SPECIFIC MONITORING BY THE ADVISORY COMMITTEE

10. During the reporting period, the Advisory Committee's country-specific monitoring activities have been pursued. The Committee carried out 12 country visits, and adopted 15 country-specific Opinions. During the same period, the Committee of Ministers adopted resolutions in respect of 15 State Parties to the Framework Convention. However all of them relate to state reports received before 1st June 2006. Also, in partnership with certain States, 7 follow-up activities were organised during the reference period.

a. First and second cycle state reports, and country visits conducted

11. During the reference period, 17 state reports were received. Among those, three were 1st cycle reports, submitted by Georgia, Latvia, and Montenegro respectively, and 14 were 2nd cycle reports, submitted by Albania, Austria, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Cyprus, Lithuania, Poland, Serbia, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Ukraine, and the United Kingdom.

12. A country visit took place to Montenegro in December 2007, and the corresponding Advisory Committee Opinion was adopted in February 2008. This year, the Advisory Committee will conduct visits to Georgia and Latvia in the context of the first monitoring cycle.

13. Eleven second cycle country visits took place in the last two years. The average time between the reception of the state report and the country visit ranges between four to 12 months, with notable exceptions being one month in the case of the United Kingdom and 22 months in the case of Ukraine. The overall average time span is therefore between eight and nine months.

14. The Advisory Committee notes that numerous States have opted for a more inclusive approach and have included civil society actors - associations of national minorities, human rights NGOs etc. - in the preparation of the 2nd cycle state report. However, according to minority representatives, in a number of cases these consultations were, insufficient and the views expressed by them have not properly found their place in the final report. While taking into account the state ownership of these reports as it results from the monitoring rules, the Advisory Committee expresses the hope in these cases the consultation processes will be more extensive and more effective in future and will follow the best practices that have been adopted in most states.

15. In the context of the 2nd cycle, the Advisory Committee has also consistently visited minority-populated areas outside capitals, to produce Opinions of quality and accuracy while encouraging greater local dialogue. This reflects its constant wish to favour a participatory process in the collection of information, as well as, more generally, in the various steps of the monitoring procedure. The reduction of the size of the visiting delegations from four to three members, decided in the initial stages of the second cycle of monitoring has proved an efficient means to accommodate budgetary constraints while preserving the quality and efficiency of the work of the Advisory Committee. This practice has therefore been maintained.

b. Country-specific Opinions adopted by the Advisory Committee

16. In total, between 1 June 2006 and 31 May 2008, the Advisory Committee adopted 15 Opinions, out of which two concerned 1st cycle reports (Montenegro and Portugal), and 13 concerned 2nd cycle reports (Albania, Austria, Azerbaijan, Cyprus, Ireland, Lithuania, Norway, Spain, Sweden, Switzerland, “the former Yugoslav Republic of Macedonia”, Ukraine and the United Kingdom). The positive tendency already noted by the Advisory Committee in its previous Activity Report has been maintained: 2nd cycle Opinions continue to be drafted more speedily than those of the 1st cycle, which responds both to the Committee’s own concern and to the suggestion made by civil society, other non-governmental stakeholders and States. While the average delay in the 1st cycle was 18 months, the Committee has, as a rule, adopted 2nd cycle Opinions within 12 months from the submission of the State Report. This is a tangible progress and the Advisory Committee intends to maintain this pace in the future.

17. Delays in the submission of State Reports have continued to pose problems in planning the Advisory Committee’s monitoring activities. In a number of cases, this has delayed the commencement of the monitoring process, the adoption of Opinions, and consequently the corresponding Resolutions by the Committee of Ministers. The Advisory Committee notes in this respect that the support it has received from the Secretary General to prompt States to provide timely report has proved useful. At the same time, it notes with regret that, in the case of two States (Cyprus and United Kingdom) the report was only submitted following the Committee of Ministers’ decision to authorise commencement of the monitoring process in the absence of a state report, and in one case only after the procedure for demanding such an authorisation was launched. The possibility of starting the monitoring process, after a case of persisting delays, serves as an incentive for States to provide the Committee with relevant information.

18. As was indicated in the Advisory Committee’s previous Report, the Advisory Committee’s ‘second cycle’ Opinions have followed a different structure from those adopted in the first cycle. In particular, under the new structure, while maintaining the article-by-article analysis, the Advisory Committee has shown how the findings of the 1st cycle have been followed up, namely pointing out under separate chapters the progress achieved, the remaining shortcomings, as well as new issues that have emerged since the previous cycle. The ultimate aim is to make these documents more useful to by the governments concerned and the public, and to make visible, continuing and the progressive implementation of the Framework Convention.

c. Co-operation with the Committee of Ministers

19. The Advisory Committee values its good working relations with the Committee of Ministers and the spirit of trust and co-operation that prevails. Its findings have continued to receive the endorsement of the Committee of Ministers and the 15 resolutions adopted during the period covered by the present Report fully reflect this constructive co-operation. The Committee of Ministers has constantly encouraged further dialogue between the Advisory Committee and the State Parties to the Framework Convention and the latter have on many occasions, in their comments and elsewhere, expressed their satisfaction for the fruitful co-operation developed with the Advisory Committee.

20. In addition, in the course of the last two years, the Advisory Committee has valued the support of the Committee of Ministers' Group of Rapporteurs on Human Rights (GR-H). The Advisory Committee also invited the Chairman of the GR-H on two occasions to its plenary meeting for an exchange of views. These meetings have been a good opportunity to discuss ways to improve understanding and accelerate the monitoring procedure. The GR-H has continued to invite the President of the Advisory Committee to its meetings to introduce country-specific Opinions of the Advisory Committee. On each occasion, a review of the progress made in the Advisory Committee's work has been provided, as well as information on more general issues of particular importance for the Framework Convention and its monitoring mechanism. Misunderstandings have been clarified and a real dialogue has developed at recent meetings on important issues, including specific Opinions and the draft Outline for the third monitoring cycle State Reports.

21. The Advisory Committee was also pleased to note that the Committee of Ministers decided to follow the new structure proposed in the Concluding remarks of the country-specific Opinions, in its corresponding country resolutions. More detailed and clearer recommendations have been provided as a basis for the Committee of Ministers' resolutions.

22. In the last two years, the Committee of Ministers adopted a 1st cycle resolution in respect of Portugal and fourteen 2nd cycle resolutions: in respect of Armenia, Finland, Germany, Ireland, Italy, Malta, Norway, Romania, the Russian Federation, San Marino, the Slovak Republic, Slovenia and Spain as well as Kosovo.

23. The average time span between the adoption of the Advisory Committee Opinion and the adoption of the corresponding Committee of Ministers' resolution was ten months. While it notes with satisfaction that, in the case of two State Parties (Ireland and Norway), the Committee of Ministers was in a position to adopt its final conclusions and recommendations in eight months, the Advisory Committee notes with regret that, in the case of six State Parties, the time span until the adoption of the resolution was more than one year, and even 18 months in one case. Such long delays were due both to the late reception of government comments and to lengthy negotiations of the draft resolutions at issue.

24. The Advisory Committee considers it essential to identify improved ways of co-operation between all parties concerned in order to accelerate this important stage of the monitoring procedure. In this respect, the Advisory Committee took note with satisfaction of the exchanges held by the Committee of Ministers on possible ways to streamline the monitoring procedure under the Framework Convention. This include the possibility of discussing draft resolutions at the same meeting of the GR-H at which the President of the Advisory Committee introduces the Opinion of the Advisory Committee. Gaining time in the procedure is of particular importance as, in many cases, the above-mentioned delays have also resulted in the late publication of the results of monitoring exercise, including the Opinion of the Advisory Committee and the Comments of States. In addition, excessive delays can also result in reducing the relevance of the conclusions of the monitoring and consequently reducing the efficiency of the monitoring work of the Advisory Committee (see relevant comments under Section IV below).

25. The specific monitoring process initiated to monitor the implementation of the Framework Convention in Kosovo¹ in the framework of the Agreement concluded by the Council of Europe with the UNMIK in 2004, was completed with the adoption of a Resolution by the Committee of Ministers, in June 2006. All relevant documents have been made public and a series of training and awareness-raising activities around the standards of the Framework Convention and its practical implementation have taken place in Kosovo.

26. The Advisory Committee is closely following current developments in Kosovo. It has had regular exchanges of views on the complexity and the challenges of the local political situation. It considers it essential for the development and maintenance of a climate of tolerance and interethnic understanding in Kosovo, that the implementation and monitoring of the Framework Convention are ensured irrespective of the developments related to the status of Kosovo. The full and effective implementation of the recommendations provided by the Advisory Committee and the Committee of Ministers are crucial in this context as the enjoyment of human and minority rights must be ensured in Kosovo. Consequently in July 2007, the Advisory Committee invited Mr Joachim R  cker, the Special Representative of the United Nations Secretary General to provide further information on the implementation of the Resolution adopted by the Committee of Ministers in June 2006. To date no reply has been received and a reminder letter was sent by the President of the Committee in May 2008.

d. Follow-up activities

27. The Advisory Committee considers that the monitoring process does not stop with the adoption of the Committee of Ministers' resolution and that one of the key steps in this process is the follow-up given to its results at the domestic level. It has therefore always encouraged State Parties to organise 'follow-up seminars', which have proved an excellent way to discuss the recommendations of the Committee of Ministers and the Advisory Committee at the national level, and to consider legal and practical modalities to implement them.

28. During the period covered by the present Report, such seminars were organised in seven countries: Estonia (9 October 2006), Hungary (30 November 2006), Finland (3 May 2007), the Czech Republic (15 October 2007), Armenia (13 November 2007), the Slovak Republic (7 December 2007), and Romania (14 December 2007). Meetings devoted to the standards of the Framework Convention and their practical implementation, attended by representatives of the Advisory Committee and/or its Secretariat, were also held in Croatia (15-16 September 2006 and 15 October 2007), Montenegro (20 March 2007), Georgia (15-16 June 2006), Serbia (24 May 2007) as well as Kosovo (June 2006, May, June and October 2007).

¹ All reference to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nation's Security Council Resolution 1244 and without prejudice to the status of Kosovo.

29. The Advisory Committee, however, notes with regret that, in spite of the existing expectations from civil society and notwithstanding the Council of Europe's available support, a number of State Parties have shown a reluctance to convene such follow-up seminars. Against this background, the Advisory Committee would like to stress that follow-up events are, in many cases, the only opportunity for all parties concerned at the domestic level to discuss the findings of the monitoring. Follow-up seminars are an important forum for bringing together government officials from many ministries and representatives of national minorities from many communities with the members of the Advisory Committee. They facilitate dialogue, encourage effective participation, while raising awareness of the Framework Convention and its local relevance. The Advisory Committee has always tried to facilitate the dialogue between the various parties involved, by encouraging the organisation of such follow-up seminars. Where the governments concerned is unable to hold such seminars, the Advisory Committee is ready to contribute to similar initiatives coming from civil society and to support the organisation of events related to the implementation of the Framework Convention and its promotion.

II. PREPARATIONS OF THE THIRD MONITORING CYCLE

30. The main forthcoming development in the monitoring work of the Advisory Committee is the commencement of the 3rd monitoring cycle of the Framework Convention. According to Rule 21 of Resolution (97) 10 of the Committee of Ministers, which sets the periodical basis for transmission of state reports at five years, the first 3rd cycle State reports are to be submitted no later than 1st February 2009.

31. During its 30th plenary meeting, the Advisory Committee had an initial exchange of views on the first steps to be taken in order to ensure the appropriate preparation of the next monitoring cycle. During its 31st plenary meeting, it approved a new Outline for the preparation of 3rd cycle state reports which was subsequently transmitted to the Committee of Ministers for adoption. This process involved self-critical reflections from the Advisory Committee, as well as practical proposals on its working methods. It could also facilitate a review of the structure of the Advisory Committee Opinions in the context of the 3rd monitoring cycle.

32. The new Outline follows quite closely the approach chosen for the second cycle. Although alternative ways of preparing and drafting future state reports were discussed, the Advisory Committee finally agreed to retain the existing approach, which has proved successful. It has therefore limited itself to fine tuning and up-dating the previous outline when necessary, while taking care to avoid increasing the reporting obligation of States. Also, in view of the flexibility inherent in the Framework Convention itself, it was decided to discontinue the practice of asking specific questions to each state before the reception of the State report. The Advisory Committee will only ask such questions and clarifications on a case by case basis, if and when it considers it necessary.

33. The Outline encourages a more integrated way of considering the development witnessed in the field of minority protection in European societies, and attaches increased importance to the overall context in which minority issues are being dealt with by the State authorities. It reflects the Advisory Committee's wish to give a greater emphasis to the overall impact of the efforts made by State Parties to implement the Framework Convention, while paying specific attention to the issues identified by the Committee of Ministers in earlier cycles of monitoring. Therefore, it invites State Parties to give an increased focus in their reports to the description of comprehensive policies and long-term processes launched at the domestic level in the field of minority protection and their impact on the actual situation of national minorities. The participation of civil society and other stakeholders in these governmental processes continues to be of particular importance for those responsible for the implementation of the Framework Convention, leading to a local ownership of the Framework Convention. Furthermore it was considered that the thematic commentaries adopted by the Advisory Committee on education and effective participation could provide useful guidance to the drafters of the State reports, since they illustrate the substantive inter-relationship of the various provisions of the Framework Convention.

34. In the Advisory Committee's view, the new Outline is a helpful tool for the government departments responsible for the preparation of the third cycle reports, for those responsible for the implementation of the Framework Convention and the monitoring bodies of the Framework Convention itself. It should contribute to the quality of monitoring and the progressive implementation of the Framework Convention.

III. THEMATIC WORK OF THE ADVISORY COMMITTEE

35. While actively continuing its country-by-country monitoring activities, the Advisory Committee has pursued further its thematic work, on the basis of the Framework Convention and drawing on its own experience of dialogue with the various parties involved in the implementation of this Convention. Following its first thematic commentary on minority education adopted in March 2006, the Advisory Committee started to work on the theme of participation of persons belonging to national minorities in cultural, social, economic life and in public affairs. The adoption, in February 2008, of its second thematic commentary, which addresses this crucial issue in detail, represents an important achievement and a milestone in the implementation of the Framework Convention.

36. By examining carefully the implications of Article 15 of the Framework Convention (and some other inter-connected articles) and commenting on the different modalities in which States approach the challenging aim of minorities' effective participation, the Advisory Committee wishes to provide advice on constructive ways forward on an issue of particular importance for both public authorities and minorities. The document, which covers a wide range of dimensions of participation, re-confirms the inclusive and flexible approach of the Framework Convention, which is adaptable, through different measures, to different circumstances. The Commentary draws heavily on the Advisory Committee's Opinions and experience, and also refers to State Reports, state Comments as well as to the Resolutions of the Committee of Ministers.

37. Additionally, the thematic Commentary is the result of a process of wide consultations, including minority organisations from various European countries, other international institutions active in minority protection, and academics etc. It was essential for the Advisory Committee to make sure that a document devoted to the effective participation of national minorities would itself be based on inclusive and effective dialogue and reflect, in addition to the relevant "case-law" of the Framework Convention, the views of those who are the Convention's ultimate beneficiaries. It was important that commenting and adopting findings on effective participation was undertaken through a participatory process. Following an initial round of written consultations, a consultation seminar was jointly organised by the Advisory Committee of the Council of Europe and the European Academy of Bolzano (EURAC) in October 2007, in Bolzano, to which key actors were invited including President and Vice-President of the Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN). This initiative was well received and it has been agreed that this seminar provided participants with an excellent opportunity to contribute to the discussions on the draft commentary, by sharing their experiences regarding participation at the national level. The added value of including national minorities in the process was highlighted.

38. The Advisory Committee has also continued its work on other important themes. For example, a specific working group was set up within the Committee with the mandate to seek ways of improving the monitoring of the Framework Convention on the Roma. It was agreed that the group would establish, for internal use, an inventory of aspects to be taken into account by the Advisory Committee when considering the steps taken by States Parties to implement the Framework Convention in respect of the Roma. This

reflects the Advisory Committee's constant concern to take into account the specific situation of disadvantaged minority groups, while paying due attention to the particular circumstances of the State Parties.

39. On 18 October 2006, a seminar on 'International legal guarantees for the protection of national minorities and problems in their implementation, with a special focus on the education of national minorities' was held in Strasbourg, within the framework of the Chairmanship of the Russian Federation of the Council of Europe's Committee of Ministers and in conjunction with the 4th meeting of the DH-MIN. The seminar focused on the Framework Convention and the work of the Advisory Committee in the field of national minority education including its thematic commentary devoted to this topic, while highlighting also other pertinent work in this field, within and outside the Council of Europe.

IV. TRANSPARENCY OF THE PROCESS AND DIALOGUE

40. The transparency of the monitoring process has remained a key concern for the Advisory Committee. In its view, this is a precondition for inclusiveness and adequate impact of this exercise. As it did in the context of the first monitoring cycle, the Advisory Committee has constantly encouraged States to make their Opinions public as soon as possible. It has strongly welcomed the decision of the authorities of Ireland and Norway to publish the Advisory Committee Opinion immediately after its reception, well before its automatic publication at the time of the adoption of the corresponding Committee of Ministers' Resolution.

41. Since 1st June 2006, a total of eleven Advisory Committee Opinions were published, that is on Armenia, Germany, Ireland, Norway, the Russian Federation, Portugal, San Marino, the Slovak Republic, Spain, Sweden, and the United Kingdom. Except for Portugal, all of them were 2nd cycle Opinions. Out of those, only five were made public before the adoption of the Council of Ministers' resolution, with the authorisation of the States concerned (on Armenia, Ireland, Norway, Sweden and the United Kingdom). The average time between the adoption of the Opinion and its automatic publication was between eleven to thirteen months. There are also a number of positive examples where the Opinion in question has been made public only two to three months after its adoption, that is before the adoption of the Committee of Ministers' Resolution and even before the submission of government comments. The Advisory Committee recalls in this context that States are entitled to provide comments on the Opinion of the Advisory Committee within four months from its receipt. It notes that many States meet this deadline and on average most States have provided their comments within six months.

42. The Advisory Committee considers that a constructive approach of the monitoring process implies sharing its conclusions with all stakeholders involved, as well as to provide them, without delay, to the public at large. The Advisory Committee finds it therefore regrettable that certain Opinions remain confidential for a considerable length of time, although it understands that the consideration of the dossier by the Committee of Ministers may involve delays and the State Parties concerned may not explicitly agree to make the Opinion public during that period. The Advisory Committee was however given to understand that, in many instances, the absence of a formal agreement to an early publication by the government concerned was not dictated by an objection but was merely the result of a lack of awareness of the need to give an explicit authorisation.

43. In March 2008, during the discussions held in the framework of the 10th Anniversary Conference of the Framework Convention, the issue of the late publication of the Advisory Committee's Opinions emerged as one of the important challenges for the monitoring mechanism of the Convention in future. It was pointed out that, making the Advisory Committee Opinion public at early stage implies the actual recognition of the importance of effective participation in the monitoring processes, and that an earlier publication of the monitoring results can significantly reinforce dialogue, effective participation and in due course the impact of the Framework Convention. An early publication is expected by the various stakeholders, including civil society, who

alongside most governments attach great importance to their effective participation in the monitoring process.

44. The Advisory Committee therefore considers that additional steps should be taken to enable achievement of this important aim. In the course of the last two years, it had several rounds of discussion on possible ways to prevent lengthy delays in the Opinions' publication. In its view, the publication of the Opinion as a rule no later than the submission of the government's comments could be a reasonable solution to meet both imperatives: that of sharing the information with various parties concerned and that of giving governments the possibility to express their own views and present them to the public together with the Advisory Committee findings. The Advisory Committee believes that such a solution would not entail complicated procedural steps on the part of the Committee of Ministers and could muster broad support.

45. The availability of the monitoring results in local languages is another important factor to ensure that the monitoring results can reach all the relevant actors and encourage dialogue at the domestic level. In this respect, the Advisory Committee welcomes the fact that a number of countries have continued to consider useful the translation of the relevant documents into their official languages as well as into minority languages. Initiatives taken by civil society in this regard have received Council of Europe support.

46. Throughout the period covered by the present Report, various awareness-raising activities aimed to make the Framework Convention better known amongst key audiences have received the support of the Advisory Committee and its secretariat. Members of the Advisory Committee have also attended many minority-related events organised by other international or national institutions in different countries.

47. Constant attention has also been paid to the availability of general publications devoted to the Framework Convention. In this respect, the Secretariat has produced a revised (fourth) edition of the Collected Texts on the Framework Convention and its mechanisms. The brochure on the Framework Convention is also now available in the following languages: Bosnian, Croatian, Danish, Estonian, German, Greek, Italian, Lithuanian, Norwegian, Portuguese, Spanish and Turkish, making a total of 34 languages. The Web pages of the Secretariat of the Framework Convention, a key source of information for the public on the Advisory Committee and its activity, are currently being re-structured and expanded.

V. CO-OPERATION WITH OTHER BODIES

a. Co-operation within the Council of Europe

48. Since the beginning of its activities, the Advisory Committee has placed particular emphasis on co-operation with other instances active in the field of minority protection both within and outside the Council of Europe. Maintaining and strengthening synergies with its traditional partners and developing good working relations with new bodies involved in minority protection have been a constant feature of the Committee's work during the period covered by the present Report.

49. The Advisory Committee's co-operation with the Committee of Experts of the European Charter for Regional or Minority Languages and the close contacts between their respective Secretariats have continued. In March 2008, a joint Conference was organised under the auspices of the Slovak Chairmanship of the Council of Europe to celebrate the 10th anniversary of the entry into force of the two instruments.

50. The Advisory Committee's co-operation with the ECRI has also been strengthened and this has been facilitated by the fact that several members of the ECRI, including its President, are current or former members of the Advisory Committee. Although the respective terms of reference of the Advisory Committee and ECRI differ, some elements of their work relate to similar issues. Due attention has been paid to the coordination needed, when establishing the two bodies' respective calendars of activities, in order to avoid any duplication in monitoring and in country visits. Members of the Advisory Committee and/or its Secretariat have also had the opportunity to participate in ECRI's events relevant for the Advisory Committee's work. In its Opinions, the Advisory Committee has also taken care to rely consistently on the findings of ECRI in relations to issues of discrimination, xenophobia and intolerance, including by cross-references.

51. The Advisory Committee has continued to exchange information with the Council of Europe Commissioner for Human Rights, Mr. Thomas Hammarberg. In addition, regular consultations took place between the secretariats of both institutions. It is important to note that the Commissioner has stressed, immediately after the beginning of his mandate, his commitment to contribute, through his own activities, to reinforcing the impact of the various Council of Europe monitoring mechanisms, including that of the Framework Convention. In practice, regular exchanges on country information, mutual briefings prior to country visits, increased number of cross-references in their respective documents are examples of this increased co-operation.

52. Given that monitoring activities are a priority dimension within the Council of Europe's work, the support received from the Secretary General is of particular importance for the Advisory Committee. During its 28th plenary meeting, the Advisory Committee had a renewed opportunity to exchange views with the Secretary General on the place of the Framework Convention and its monitoring mechanism amongst the Council of Europe human rights instruments. The most appropriate ways in which the Secretary General could help to improve the impact and the visibility of the monitoring process were also the subject of discussion (see also Section I above).

53. The Advisory Committee continues to attach great importance to the co-operation with the Venice Commission, another important Council of Europe body which deals with minority issues in its work. The Advisory Committee has provided input where appropriate; in particular in the context of the preparation of the Venice Commission report on non-citizens and minority rights.

54. During the period covered by the present Report, the Advisory Committee developed a regular dialogue with the DH-MIN, the intergovernmental expert committee dealing with national minority questions. The President of the Advisory Committee has been regularly invited to the DH-MIN meetings and had the possibility to present the Advisory Committee's position on various issues under discussion. At the 7th DH-MIN meeting in March 2008, the President of the Advisory Committee made a short introduction on the newly adopted thematic commentary on participation, and engaged in a dialogue with the DH-MIN members on issues raised therein. At the same meeting, the 1st Vice-President of the Advisory Committee made a presentation on the findings of the Advisory Committee with regard to needs and expectations of national minorities in the field of media. Additionally, the President of the Advisory Committee has been invited to introduce DH-MIN the precise modalities for the third cycle of monitoring. These examples show the great importance both Committees attach to a regular and in-depth exchange of information on topics of mutual interest.

55. The Advisory Committee has continued to follow carefully the minority-related work of the Council of Europe's Parliamentary Assembly. On 18 April 2007, its President participated in the Assembly's special debate on the state of human rights and democracy in Europe. A good co-operation has also been developed with the Parliamentary Assembly's Sub-committee on the Rights of National Minorities established in 2004. More generally, the Advisory Committee acknowledges the role played by the Parliamentary Assembly and its various committees in the Council of Europe's efforts to help improve the situation of national minorities in the member states, including by promoting new ratifications of the Framework Convention.

56. During the reporting period, the Advisory Committee established and developed co-operation with the European Roma and Travellers Forum, set up in Strasbourg in 2005. This proves in particular useful in the context of the preparation of the Advisory Committee country-visits.

57. The Advisory Committee also had a fruitful exchange on the relevance of its work to the Council of Europe's White Paper on Intercultural Dialogue which, beginning of 2007, was under preparation. The result of its reflection was summarised and transmitted by the Secretariat to the Council of Europe instances involved in the drafting of the White Paper.

b. Co-operation with other international institutions

58. The Advisory Committee and the OSCE, and in particular the High Commissioner on National Minorities (thereafter the High Commissioner), have pursued their close co-operation. In addition to the regular exchanges of information and consultations on country specific issues in the context of the monitoring mechanism, the Advisory Committee invited the High Commissioner to submit his observations on its preliminary

draft commentary on the effective participation of national minorities in public life. The significance of such a commentary for the protection of national minorities has encouraged the High Commissioner to contribute with extensive observations. A similar consultation took place earlier with regard to the thematic commentary of the Advisory Committee on education. The High Commissioner on his part invited the President and First Vice-President of the Advisory Committee to attend an exchange of views with independent experts in The Hague on 11 April 2008 to discuss draft recommendations on national minorities in interstate relations. Such forms of co-operation provide opportunities for mutual inter-action between the two major international institutions protecting persons belonging to national minorities as well as for the emergence of shared interpretations of minority standards.

59. In addition to close contacts on specific issues, the Advisory Committee held a general exchange of views with the High Commissioner during its 31st plenary meeting in February 2008. Additionally, his representatives participated in the conference organised on 11 March 2008 in Strasbourg to mark the 10th Anniversary of the Entry into Force of the Framework Convention and the European Charter for Regional or Minority Languages. Also, the OSCE missions in various countries have been of significant assistance to the Advisory Committee during its country visits. Representatives of the office of the High Commissioner took part in different meetings devoted to the implementation of the Framework Convention organised by the Secretariat of the Advisory Committee in different countries, such as the Information Meeting on the Framework Convention held in Podgorica, on 20 March 2007.

60. A notable achievement is the publication of a jointly prepared reference book: 'National Minority Standards. A Compilation of OSCE and Council of Europe Texts'. Both partners have declared their will to continue the project and thus subsequent stages include the publication of French and Russian versions of the above-mentioned compilation.

61. The Advisory Committee is of the Opinion that support from the European Union is instrumental to ensure progress on the implementation of the Framework Convention, and it finds the co-operation with various bodies of the European Union of particular importance. While welcoming the co-operation that already exists, the Advisory Committee expects the Framework Convention and its monitoring results to be more consistently used by various EU bodies when dealing with minority issues. The Advisory Committee's unique role and its specific 'case law' should also contribute to strengthening the co-operation with the European Union's Fundamental Rights Agency.

62. The Advisory Committee's contacts with the United Nations have also continued. Working relations have been established, through the Secretariat, with Ms Gay McDougall, the UN Independent Expert on Minority Issues, and her staff.

c. Co-operation with civil society

63. Co-operation with civil society has remained a key priority for the Advisory Committee. In addition to contacts and dialogue with minority associations and human rights NGOs in the context of the monitoring process (country visits and follow-up seminars, submission/reception of shadow reports and replies to the Advisory

Committee's specific questions etc.), the Advisory Committee has continued to take an active part in capacity building activities for NGOs related to the Framework Convention and its monitoring mechanism.

64. A training session for NGOs on the content of the Framework Convention and its monitoring mechanism was organised in Strasbourg June 2007 in co-operation with the Minority Rights Group, with the participation of the Bureau of the Advisory Committee.

65. Also, extensive consultations with civil society actors prior to the adoption of the Advisory Committee's Commentary on participation have proved a successful tool for the effective inclusion of civil society partners in the Advisory Committee's on-going reflection on minority protection standards. Such an inclusion will remain a constant feature of the Advisory Committee's monitoring activities and thematic work.

VI. ORGANISATIONAL ISSUES: MEMBERSHIP, RESOURCES

66. In accordance to the rotation system provided by the Resolution (97) 10, 9 new experts joined the Advisory Committee as ordinary members on 1 June 2006. The election of the new Bureau was held during the Advisory Committee's 27th meeting, on 4 October 2006. The Committee elected Mr Alan Phillips (elected in respect of the United Kingdom) as its President, Ms Ilze Brands Kehris (elected in respect of Latvia) as its First Vice-President, and Mr Gunnar Janson (elected in respect of Finland) as its Second Vice President, all for a term continuing on 31 May 2008.

67. Following the resignation of Mr Sergio Bartole in September 2006, Mr Francesco Palermo was appointed in April 2007 as an ordinary member in respect of Italy. The number of ordinary members of the Advisory Committee is currently 17 members, following the resignation of Mr Joseph Marko (appointed in respect of Austria) in January 2008.

68. The Advisory Committee notes that an increasing number of experts who have previously served in the Advisory Committee have been elected to the list of additional members and will therefore return to the Committee according to the system of priorities provided for by Resolution (97) 10. In its view, the States' decision to submit their candidatures to the membership of the Advisory Committee suggests that there is continuing trust amongst the governments towards the work of the Advisory Committee, its impartial expertise and the approach it has pursued so far. The Committee of Ministers' decision to elect these persons for a second term of office also reflects the Committee of Ministers' clear wish to preserve continuity and coherence in the Committee's monitoring work.

69. The Advisory Committee's task is to assist the Committee of Ministers when it evaluates the adequacy of the measures taken by a Party to give effect to the principles set out in the Framework Convention. Independence, experience and expertise on minority issues are indeed pre-conditions for the Advisory Committee's work. Diversity in expertise, ranging from legal field and political science to history and communication, as well as gender balance, are particularly beneficial. In addition, proficiency in at least one of the Council of Europe's official languages (English and French) is a minimum requirement for the efficient work of the Committee.

70. The lack of adequate resources has remained an issue of particular concern to the Advisory Committee. Despite the fact that the workload of the Committee has increased and will further expand with the commencement of the third monitoring cycle, the resources allocated to the Secretariat of the Advisory Committee have remained unchanged since 2001 in real terms. Continuing to ensure prompt and efficient monitoring of the Framework Convention constitutes a serious challenge for the Advisory Committee and its Secretariat. Although it will continue its efforts to overcome increased difficulties, the Advisory Committee underlines that these efforts have their limits and trusts that its call for strengthening of its resources will be echoed within the Organisation and followed by adequate steps.

CONCLUDING REMARKS

71. The fundamental role of the Framework Convention as a key European instrument on national minorities has been consolidated during the last two years. The monitoring work has advanced significantly with the results of the second cycle and the Advisory Committee has enriched its expertise through the adoption of its second thematic commentary, devoted to the effective participation of persons belonging to national minorities in public life.

72. The Advisory Committee has maintained its efforts to speed up its monitoring activities, while attaching all the due attention to the quality of its expertise. Its findings continue to be appreciated by various stakeholders, both on the side of the governments and of civil society partners. It is commonly agreed that the Advisory Committee has become a recognized expert voice in the international sphere of minority protection and its 'case law', based on independent work and of inclusive methods are highly respected by the interested public.

73. It is important to stress that the constant co-operation with its institutional partners as well as with civil society actors, has been particularly beneficial and has added considerable value to the monitoring results. At the same time, the monitoring process still faces particularly important challenges that have remained from its early stages, such as the lengthy reporting delays and the late publication of the Advisory Committee's Opinions by the States concerned. The Advisory Committee considers that, in order to effectively streamline the monitoring of the Framework Convention and to remedy these shortcomings in the context of the third cycle of monitoring, adequate solutions should be identified as soon as possible, and calls upon the Committee of Ministers and the State Parties to the Framework Convention to support its reflection and its efforts in that direction.

74. It is clear also that the positive evolutions noted and the recognition of the Advisory Committee as one of the most authoritative bodies in the international protection of persons belonging to national minorities also leads to increasingly high expectations from all parties concerned. While a certain pressure is always helpful in maintaining high standards of quality work, the availability of adequate resources is undoubtedly, together with the Advisory Committee's constant commitment to its task, a key factor in achieving that goal.

75. The Advisory Committee is confident that the October 2008 conference on the impact of the Framework Convention and its monitoring mechanism, intended as a new forum for such a reflection, will enable fruitful discussions and result in valuable new ideas for future monitoring work. This will undoubtedly also be an excellent opportunity to promote the second thematic commentary adopted by the Advisory Committee and develop stronger partnership with key actors including governments and national minorities.

Information on the status of monitoring work can be found on the web site <http://www.coe.int/minorities/>

Appendix

CURRENT COMPOSITION OF THE ADVISORY COMMITTEE

President

Mr Alan PHILLIPS (*United Kingdom*)

First Vice-President

Ms Ilze BRANDS KEHRIS (*Latvia*)

Second Vice-President

Mr Gunnar JANSSON (*Finland*)

Ms Arzu AGHDASI-SISAN (*Azerbaijan*)

Mr Francesco PALERMO (*Italy*)

Mr Stanislav CHERNICHENKO (*Russian Federation*)

Ms Mirjana DOMINI (*Croatia*)

Ms Bohumila FERENČUHOVÁ (*Slovak Republic*)

Mr Ivan GARVALOV (*Bulgaria*)

Mr Ferenc HAJÓS (*Slovenia*)

Mr Dalibor JÍLEK (*Czech Republic*)

Mr Vigen KOCHARYAN (*Armenia*)

Ms Marju LAURISTIN (*Estonia*)

Mr Gjergj SINANI (*Albania*)

Ms Eva SMITH-ASMUSSEN (*Denmark*)

Mr Demetrios STYLIANIDES (*Cyprus*)

Ms Regina TAVARES DA SILVA (*Portugal*)

COMPOSITION OF THE ADVISORY COMMITTEE AS FROM 1st JUNE 2008

Mr Gaspar BIRÓ (*Hungary*)- term continues until May 2012
Ms Ilze BRANDS-KEHRIS (*Latvia*) - term continues until May 2010
Mr Tonio ELLUL (*Malta*) - term continues until May 2012
Mr Zdzislaw W. GALICKI (*Poland*) - term continues until May 2012
Mr Rainer HOFMANN (*Germany*) - term continues until May 2012
Ms Bohumila FERENČUHOVÁ (*Slovak Republic*)- term continues until May 2010
Mr Ferenc HAJÓS (*Slovenia*)- term continues until May 2010
Mr Dalibor JÍLEK (*Czech Republic*)- term continues until May 2010
Ms Iryna KRESINA (*Ukraine*) - term continues until May 2012
Mr Giorgi MELADZE (*Georgia*) - term continues until May 2012
Ms Iulia MOTOC (*Romania*) - term continues until May 2012
Mr Francesco PALERMO (*Italy*) - term continues until May 2010
Mr Alan PHILLIPS (*United Kingdom*) - term continues until May 2010
Ms Marieke SANDERS-TEN HOLTE (*The Netherlands*)- term continues until May 2012
Ms Eva SMITH-ASMUSSEN (*Denmark*) - term continues until May 2010
Mr Demetrios STYLIANIDES (*Cyprus*) - term continues until May 2010
Ms Barbara WILSON (*Switzerland*) - term continues until May 2012

There remains one seat to be filled in respect of Austria.