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

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**7th Activity Report**

**Covering the period 1 June 2008 – 31 May 2010**

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## INTRODUCTION

1. The Framework Convention for the Protection of National Minorities is the main legally binding multilateral instrument for protecting the rights of persons belonging to national minorities. The Framework Convention has been ratified by 39 member states of the Council of Europe. As of today, only four member states have not signed this treaty and four member states have signed but not yet ratified.<sup>1</sup> This instrument is monitored by an Advisory Committee set up in 1998 and composed of eighteen independent experts. The Advisory Committee has a key role in monitoring implementation of the Convention by State Parties and ensures that Convention standards are applied by all countries concerned. This seventh Activity Report offers an overview of developments relating to the Framework Convention and the work of the Advisory Committee between 1 June 2008 and 31 May 2010.

2. In 2008 the Framework Convention celebrated the tenth anniversary of its entry into force, and it was appropriate to mark the occasion with a conference to assess its impact. Thus a conference entitled 'Enhancing the impact of the Framework Convention: past experience, present achievements and future challenges' was held in Strasbourg in October 2008. It painted an extremely positive picture of the Framework Convention as a legal instrument for protecting national minorities and stressed its crucial role in the European architecture of human rights and its substantial contribution to defending and strengthening the rights of national minorities in European states. The event was also intended to identify ways of strengthening the implementation of the Framework Convention and consider new prospects for future monitoring by the Advisory Committee.

3. Monitoring of the Framework Convention continued to progress over the period covered by this report, in particular with the third monitoring cycle, which began in February 2009. In addition, the Advisory Committee decided to prepare a third thematic commentary on language rights.

4. Chapter I of this report covers major trends which occurred during the reporting period.

5. Chapter II covers the country-specific monitoring by the Advisory Committee.

6. Chapter III deals with the transparency of the monitoring process and dialogue with State Parties. It also refers to the efforts being made to publicise the Framework Convention.

7. Chapter IV sets out the Advisory Committee's initial thoughts on preparing a third thematic commentary.

8. Chapter V covers the Advisory Committee's thoughts on the impact of the Framework Convention.

9. Chapter VI is devoted to Advisory Committee co-operation with various partners within the Council of Europe as well as international bodies and civil society.

10. Chapter VII describes organisational developments as well as changes in the composition of the Advisory Committee and its Bureau.

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<sup>1</sup> The Framework Convention for the Protection of National Minorities was adopted by the Council of Europe in 1995 and entered into force in 1998. It has been ratified by Albania, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Malta, Moldova, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, 'the former Yugoslav Republic of Macedonia', Ukraine and the United Kingdom. Four member States of the Council of Europe – Belgium, Greece, Iceland and Luxembourg – have also signed it but not yet ratified it. Andorra, France, Monaco and Turkey have not signed the Convention.

## **I. MAJOR TRENDS**

11. At the presentation of the 6<sup>th</sup> Activity Report in the summer of 2008, it was suggested that the next Activity Report might include an indication of some important European trends that the Advisory Committee had observed in the protection of national minorities. This section responds to that request and may provide an opportunity for a constructive dialogue.

### **a. Intercultural dialogue**

12. The last two years have shown that there is no room to be complacent on peace in Europe noting the violent conflicts in the Caucasus, the interethnic tensions in parts of Europe and the importance of inter state dialogue on minority issues in Northern Ireland and elsewhere in Western Europe.

13. In this context, the Preamble to the Framework Convention considers that the protection of national minorities is essential to stability, democratic security and peace, highlighting the need for a pluralist and genuinely democratic society. The Preamble also emphasises that “the creation of a climate of tolerance and dialogue is necessary to enable cultural diversity to be a source and a factor, not of division but of enrichment for each society”.

14. In some parts of Europe there has been a growth in extremist political parties and in expressions of racial hatred in the media and more widely. In some countries there has been evidence of an increase in racially motivated crimes, including extreme violence used against some persons belonging to national minorities. This has particularly affected Roma and migrants, but it has also led to a deterioration of inter community relations and a growth of intolerance.

15. Conferences under the Chairmanship of the Council of Europe that have included the following topic “From minority protection to managing diversity” and “Strengthening cohesion of European Societies: integrating national minorities in the decision making processes,” have shown the importance of these topics, where the Advisory Committee has made presentations and emphasised its timely Commentary on effective participation (see Chapter VI on Co-operation). This commentary has helped in the exploration of the nature of pluralism. It has helped in finding responses to the question of what is a genuinely democratic society with majority rule that encourages the effective participation of national minorities.

16. There is a growing importance to take measures in education and research to foster knowledge of the culture, history, language and religion of states’ national minorities and of the majority. Furthermore it is increasingly important that persons belonging to minorities have the opportunity to learn both their minority language and the state language, while it is valuable for all communities to be encouraged to learn each others languages.

### **b. Non-discrimination**

17. Integration has been a dominant issue , with the tensions caused around extremist violence leading to deeper thinking and understanding of social inclusion, respecting the need to balance carefully non discrimination, the promotion of minority identity and the effective participation of minorities in society. These issues are complex and are manifest in different ways in different states of Europe.

18. Discussion with governments on the practicalities of integration and minority rights today is focusing more on the issues of the state language and the issue of the use of minority languages. There is an increased focus in some states on the nature of the education system and the balances drawn to protect minority rights, while issues of training and employment often demand a strong command of the primary state language. There are tension between historic traditions and changing environments, as well as between legislation and policies and their implementation in practice.

19. The Advisory Committee has found that the situation is often complicated by heightened politicisation of these issues between communities or between states, sometimes at the time of elections. Consequently the commentary being prepared at the moment on the language rights of minorities will be another timely review and will offer practical recommendations based on state reports, Advisory Committee Opinions and Resolutions of the Committee of Ministers *inter alia* (see Chapter IV on Thematic Work, page 13).

### **c. Economic situation**

20. The global economic crisis has dominated domestic and international agendas during the last two years. Even if there were significant differences in the impact of the economic crisis upon different national minorities in each and every country, the crisis usually impacts disproportionately negatively upon persons who are socially excluded and economically marginalised. In this context, many members of some minorities are particularly vulnerable in the current crisis. Examples have been reported, such as cuts in some budgets in the minority education field, which will lead to fewer opportunities for some minority communities. In some cases it is having a disproportionate impact on positive measures to reduce past discrimination and on the prospects of mainstreaming pioneering models of good practice developed by civil society organisations and local authorities.

21. The Advisory Committee has been sensitive to the pressures on both minorities and on governments, being concerned that minorities and their communities are not disproportionately affected in the resources provided or that leads to direct or indirect discrimination in particular in areas of employment and income earning opportunities, where it is often difficult to monitor the situation and to be clear about what actions governments can take. Consequently, the Advisory Committee has encouraged more research and gathering of disaggregated data on economic and social indicators to increase understanding of the situation.

22. The Advisory Committee is eager to work with other actors, including the Fundamental Rights Agency and the Parliamentary Assembly, to seek ways of understanding much more clearly the impact of economies on the situation of persons belonging to national minorities (see Chapter VI Co-operation). It was clear to the Advisory Committee that generalisations could often be misleading and unhelpful, as the economic crises had a differentiated impact on different communities and different localities in different countries.

### **d. Roma**

23. The denial of minority rights to Roma remains a continuing concern, while the lack of significant improvements and the violations of the European Convention of Human Rights held by the European Court of Human Rights<sup>2</sup>, on occasions using our Opinions, are deeply disturbing. Although Roma strategies and action plans are in place in many countries they often lack the resources and the commitment for their effective implementation. The Advisory Committee has often observed a serious deterioration of the living conditions of the persons belonging to the Roma minorities and an increasing segregation of Roma children.

24. The situation of many Roma has been exacerbated by the current economic crisis and the greater mobility of Roma within countries and with Europe. Significant numbers of Roma, who are included under the protection of the Framework Convention in most states, have migrated to join Roma communities in other states. With migration there can be both “push” and “pull” factors, and although a significant number of migrants are returning to their home countries, there does not seem to be a similar effect for Roma. There is a growing awareness of the situation of Roma and the need for all communities to ensure that they have practical opportunities to integrate, the processes of social inclusion and the elimination of direct and indirect discrimination in practice are often disappointingly slow. In a number of states, Roma, who have traditionally inhabited an area, do not have the citizenship of that state and are thereby socially excluded.

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<sup>2</sup> See for example, European Court of Human Rights, D. H. and others v. Czech Republic, judgment of 13 November 2007.

**e. Impact**

25. The Swiss Chairmanship recently emphasised the importance of monitoring bodies being relevant and having a direct impact on the protection of human rights. The comment that the monitoring bodies added the greatest value in the Council of Europe was highly appreciated by the Advisory Committee, as it seeks to have a greater impact through the quality of its Opinions. However the impact of our work for follow up is limited by our own capacity and it is becoming increasingly necessary for all part of the Council of Europe to promote the findings of monitoring bodies.(see Chapter VII Organisational Issues).

**f. Scope of application**

26. The fundamental role of the Framework Convention, as a key European instrument on national minorities, is now well recognised by national and international actors. These evolutions lead to increasingly high expectations from all parties concerned. The Advisory Committee's constant commitment to its tasks is a key factor in achieving this goal.

27. The Framework Convention is based on a carefully negotiated, binding instrument of international law, that necessitates the continuing evolution of legislation and policies that are effectively implemented. These standards have stood the test of time in the last decade and have shown how they are of real benefit to states and minorities to regulate their relationships in a changing Europe, with the in built flexibility that has allowed new groups and new concerns to be embraced within this convention. There is a new opportunity today in some countries to persuade states and minorities to extend the scope of application of the Framework Convention through constructive dialogue.

## II. COUNTRY SPECIFIC MONITORING BY THE ADVISORY COMMITTEE

28. The Advisory Committee continued its country-specific monitoring over the reporting period. It carried out 15 visits (including one meeting in Strasbourg) for the purpose of drafting its Opinions and adopted 17 country-specific Opinions. Over the same period the Committee of Ministers adopted resolutions on 12 State Parties to the Framework Convention. These resolutions bore on the situations described in state reports received prior to 1 June 2008. 6 follow-up activities were also organised during the reporting period in partnership with certain states.

29. The major event of 2009 was the start of the third monitoring cycle for the Framework Convention. Under Rule 21 of Resolution (97) 10 of the Committee of Ministers, which specifies that each state report is to be submitted within five years of the last, 22 third-cycle reports were expected in 2009 and 4 in 2010.

30. At earlier meetings in 2007, the Advisory Committee had an initial exchange of views on the arrangements for the next monitoring cycle and approved a new outline for the preparation of state reports (see Sixth Activity Report (1 June 2006 - 31 May 2008), paragraphs 31 to 34). The Advisory Committee also adopted a new presentation for third-cycle Opinions, reflecting its wish to recognise the overall context in which State Parties were taking action. In this way, the Advisory Committee wanted to highlight the general impact of domestic measures on implementation of the Framework Convention. In the light of this review of developments over the past ten years, the Advisory Committee decided to focus on the most serious problems still remaining that had been emphasised in successive Committee of Ministers recommendations.

### a. First-, second- and third-cycle state reports

31. 21 state reports were received during the reporting period.

32. These included one first-cycle report from the Netherlands, 2 second-cycle reports from Kosovo<sup>3</sup> and Portugal respectively, and 18 third-cycle reports from Armenia, Croatia, Cyprus, Denmark, Estonia, Finland, Germany, Italy, Hungary, Liechtenstein, Moldova, the Russian Federation, San Marino, Slovakia, Slovenia, “the former Yugoslav Republic of Macedonia”, Ukraine and the United Kingdom.

33. 6 third-cycle reports are still missing: Austria, Czech Republic, Malta, Romania, Spain and Switzerland.<sup>4</sup>

34. The Advisory Committee notes that more states are opting for an inclusive approach and involving civil-society stakeholders – national-minority organisations, human rights NGOs, etc. – in the preparation of their state reports. Nevertheless, according to some minority representatives, these consultations are sometimes inadequate and the views expressed are not systematically included in the final report. Bearing in mind that reports are the responsibility of the states, as laid down in the rules on the monitoring arrangements, the Advisory Committee hopes that the best practice now adopted by most State Parties to the Convention will spread and serve as an example to states that do not systematically follow it.

### b. Country visits

35. Visits were made to the following countries:

- 3 first-cycle visits: Latvia (June 2008), Georgia (December 2008) and the Netherlands (February 2009).
- 5 second-cycle visits: Serbia (November 2008), Poland (December 2008), Kosovo (April 2009), Portugal (August 2009 in Strasbourg) and Bulgaria (September 2009).

<sup>3</sup> All references 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.

<sup>4</sup> As of 22 September 2010, four third cycle reports were still due: Ireland, Malta, Romania and Switzerland.

- 7 third-cycle visits: Moldova (April 2009), Cyprus (October 2009), Germany (December 2009), Hungary (December 2009), Slovakia (December 2009), Croatia (February 2010), and Finland (May 2010). It was not considered necessary to make visits to Liechtenstein and San Marino.

36. Considering that the country visits are one of the most important aspects of its work, the Advisory Committee discussed at its 35<sup>th</sup> meeting in June 2009 how to improve the organisation of this event and the composition of the visiting delegations, usually three persons, to maintain the quality and the efficiency of the work. The importance of careful advance planning and substantive preparation was underlined considering the two-fold objective of each visit: to collect valuable information complementing the state report, and to foster the ongoing dialogue between the Advisory Committee and relevant national actors, such as representatives of the governments, minorities and civil society, thereby strengthening local institutional support for minority rights. Since the second monitoring cycle, the Advisory Committee has gone beyond meetings with government and civil-society representatives living or working in capital cities. It has preferred a pragmatic approach and has thus frequently visited minority-populated areas, thinking it essential to evaluate the situation of the minorities on the ground and study the political, social and economic conditions in which they exercise their rights locally.

**c. Country-specific Opinions adopted by the Advisory Committee**

37. Between 1 June 2008 and 31 May 2010, the Advisory Committee adopted a total of 17 Opinions:

- 3 first-cycle Opinions on Latvia (October 2008), Georgia (March 2009), and the Netherlands (June 2009);
- 6 second-cycle Opinions on Bosnia and Herzegovina (October 2008), Serbia (March 2009), Poland (March 2009), Kosovo (November 2009), Portugal (November 2009) and Bulgaria (March 2010);
- 8 third-cycle Opinions on Liechtenstein (June 2009), Moldova (2009), San Marino (June 2009), Cyprus (March 2010), Hungary (March 2010), Croatia (May 2010), Germany (May 2010) and Slovakia (May 2010). Opinions on Armenia, Finland and Italy are due to be adopted by the end of 2010.

38. The positive trend already noted by the Advisory Committee in its previous Activity Report has continued: Opinions for the second and third monitoring cycles have been drafted with an increased focus on specific issues of concern rather than a comprehensive description of the situation as in the first-cycle Opinions. The Committee was also able to maintain the adoption of 9 Opinions per year.

39. The Advisory Committee's third-cycle Opinions have a different structure from the Opinions adopted during the first and second cycles. In particular, the new presentation, whilst retaining the article-by-article analysis, provides a review of the situation of national minorities after ten years of implementation of the Framework Convention in the relevant country. The Advisory Committee closely studies concrete legislative and practical action taken in response to its previous recommendations, and concentrates on analysing the main problems that persist. Consequently, third-cycle Opinions are usually shorter, since, if there are no major changes, it is not necessary to describe the overall legislative and institutional situation of national minorities as this will already have been done in the previous cycles. If no progress has been made on circumstances that had already been criticised twice before, the Advisory Committee decided to make stricter recommendations with the aim of highlighting the dynamic role that State Parties must play in implementing the Framework Convention.



40. The Advisory Committee again is most concerned that delays in submission of state reports make it very difficult to plan monitoring activities and to act efficiently. Usually, failure to receive national reports considerably delays adoption of Opinions and, consequently, adoption of the corresponding resolutions by the Committee of Ministers. The Advisory Committee here stresses that its President's support in writing to states to urge them to submit their third-cycle reports on time was helpful and that its secretariat received most of these reports. The option of requesting the Committee of Ministers to authorise a start to the monitoring process in the event of persistent delays was not used in this reporting period.

41. It has become custom and practice, strongly encouraged by the Committee of Ministers, for State Parties to invite the Advisory Committee to visit a country as part of the monitoring process. It allows the Advisory Committee to meet government officials, ministers and parliamentarians, institutions including ombudsmen, and civil society organisations including minority representatives. This is both to gather information and to assess the climate of opinion and attitudes locally. It has a beneficial effect of promoting processes of dialogue between all the relevant parties on the Framework Convention, it is often welcomed and can have a real impact in itself. On one occasion the invitation to visit a state was delayed for two years (Bulgaria) and it is not unusual for invitations to be delayed up to six months making the efficient planning of work problematic. Only one state, Portugal, failed to invite the Advisory Committee and as a consequence the Advisory Committee invited relevant actors to Strasbourg for conversations.

#### **d. Co-operation with the Committee of Ministers**

42. The Advisory Committee values its good working relations with the Committee of Ministers. Its findings continue to be endorsed by the Committee of Ministers, even if adoption of resolutions during the period covered by this report has proved more time consuming than in the past. The Committee of Ministers continues to encourage dialogue between the Advisory Committee and State Parties to the Framework Convention, and the latter have on various occasions, in their state comments and elsewhere, expressed their satisfaction with the fruitful co-operation developed with the Advisory Committee.

43. Over the past two years the Advisory Committee has particularly appreciated the support of the Committee of Ministers' Rapporteur Group on Human Rights (GR-H) in implementing the Framework Convention. The Advisory Committee has kept up its practice of regularly inviting the GR-H Chairman to its plenary meetings for an exchange of views. These meetings provide an excellent opportunity to discuss ways of improving mutual understanding and speeding up the monitoring procedure. The GR-H has continued to invite the President of the Advisory Committee to its meetings to present country-specific Opinions. These meetings have made it possible to assess how the Opinions are perceived by State Parties, alongside providing an opportunity to exchange information regularly on more general issues of special importance to the Framework Convention and its monitoring mechanism.

44. The Advisory Committee has also been pleased to note that, in its resolutions, the Committee of Ministers is keeping to the structure proposed by the Advisory Committee in the concluding remarks of its country-specific Opinions and that its recommendations are being used as the basis for resolutions.

45. In the past two years, the Committee of Ministers adopted 1 first-cycle resolution on Montenegro, 9 second-cycle resolutions on Albania, Austria, Azerbaijan, Bosnia and Herzegovina, Cyprus, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia" and the United Kingdom, and 2 third-cycle resolutions on Moldova and San Marino.

46. The Advisory Committee notes that the average time between adoption of an Advisory Committee Opinion and adoption of the corresponding Committee of Ministers' resolution is longer than it used to be. In the case of some State Parties, it has taken over a year to have a resolution adopted. These long delays would seem to be the result of lengthy negotiations on the draft resolutions at issue. The Advisory Committee regrets that a few resolutions<sup>5</sup> are not yet adopted.

47. The Advisory Committee thinks it essential to find ways of improving co-operation between all parties concerned in order to expedite this important stage of the monitoring procedure. It is extremely important to gain time during this procedure inasmuch as the above-mentioned delays may also lead to late publication of monitoring results, including the Advisory Committee's Opinions and the states' comments. However, the Advisory Committee notes that states have increasingly agreed to publication of the Advisory Committee Opinion at the same time as their state comments without waiting for the adoption of the corresponding resolution. This has been the case for Albania, Bosnia and Herzegovina, Georgia, Montenegro, the Netherlands, Poland, Portugal, Serbia, Sweden and Switzerland.

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<sup>5</sup> Draft Resolutions on Georgia, Latvia, Lithuania, Poland, Serbia, Ukraine.

### III. TRANSPARENCY OF THE PROCESS AND DIALOGUE

48. Transparency of the monitoring process has always been a key concern for the Advisory Committee who underlined the importance of the role of the NGOs both on the preparation of the national report and in the dissemination of the results of the monitoring assessment. In this respect, it particularly welcomes the adoption by the Committee of Ministers on 16 April 2009 of Resolution CM/Res(2009)3 amending Resolution (97) 10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the Protection of National Minorities.

49. The Advisory Committee held various discussions on ways of improving the system's transparency and came to the conclusion that Opinions should be published by the time state comments were submitted, since this would enable the information to be shared with all the parties concerned whilst allowing governments to express their own views on the Committee's findings. The Advisory Committee's proposals were subsequently strongly endorsed by the Committee of Ministers.

50. Since the entry into force of the CM/Res (2009)3 in April 2009, Advisory Committee Opinions can be automatically made public four months after they have been sent to the State Party concerned, unless that State Party submits a reasoned objection in writing to the Secretariat. The State Parties still have the option of submitting written comments on an Advisory Committee Opinion within the same four-month period. While allowing the state concerned to make the Opinion public immediately after its receipt, the resolution stipulates for the Opinion to be made public no later than twelve months after it has been sent, unless the Committee of Ministers decides otherwise.

51. These new rules for publication of Opinions satisfy the requests of the Advisory Committee for such a reform, which had already begun in March 2008 following a conference held to mark the tenth anniversary of the Framework Convention. At that event, criticism concerned the late publication of Advisory Committee Opinions, as such delays prevented national minorities and civil society in general from participating effectively in the monitoring process for the Framework Convention.

52. The first set of Opinions subject to these new rules was adopted in June 2009, covering Liechtenstein, Moldova, the Netherlands and San Marino. While Moldova and San Marino were able to agree to publication of Opinions concerning them within four months, Liechtenstein and the Netherlands deferred the date slightly, since they were unable to finalise their comments by this time. It is a commendable that at present these new procedures are being followed in good faith by all States Parties.

53. A total of 17 Advisory Committee Opinions have been published since 1 June 2008:

- 4 first-cycle Opinions on Georgia, Montenegro, the Netherlands and Poland;
- 10 second-cycle Opinions on Albania, Austria, Azerbaijan, Bosnia and Herzegovina, Cyprus, Hungary, Portugal, Serbia, Switzerland and the former Yugoslav Republic of Macedonia";
- 3 third-cycle Opinions on Liechtenstein, Moldova and San Marino.

54. In the spirit of the new Committee of Ministers resolution, several states not yet subject to this rule (because the Opinions concerning them were adopted prior to April 2009) agreed to prompt publication of their Opinions at the same time as their state comments.

55. The Advisory Committee welcomes these positive developments, since it is convinced that the monitoring process will be more constructive if all stakeholders are involved.

56. To encourage dialogue at domestic level and ensure that the monitoring findings reach all concerned, it is essential for these findings to be made available in local languages. The Advisory Committee here welcomes the fact that a number of countries still think it helpful to translate the relevant documents into their official languages as well as their minority languages. Civil society initiatives along these lines have received Council of Europe support.

57. Throughout the period covered by this report, the Advisory Committee and its secretariat also provided support for various awareness-raising activities designed to publicise the Framework Convention to key audiences. In addition, members of the Advisory Committee attended many minority-related events organised by national and international institutions in different countries.

58. The Committee has also made sure that general publications on the Framework Convention are permanently available. Thus the Secretariat has produced a revised sixth edition of the collected texts relating to the Framework Convention and its arrangements. The leaflet on the Framework Convention is now available in the following languages: Albanian, Armenian, Azerbaijani, Bosnian, Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, Georgian, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Macedonian, Montenegrin, Norwegian, Polish, Portuguese, Romani, Romanian, Russian, Serbian, Slovak, Slovenian, Spanish, Swedish, Turkish, Ukrainian and Vlach – a total of 36 languages. The website of the Secretariat of the Framework Convention, a key source of public information on the Advisory Committee and its work, is also an excellent tool for ensuring transparency of the monitoring process.

### **Importance of follow-up activities**

59. The Advisory Committee believes that monitoring does not stop with the adoption of the Committee of Ministers' resolution and that domestic follow-up of findings is a key step in the process. It has therefore always encouraged State Parties to organise 'follow-up seminars', which have proved an excellent way of examining the recommendations of the Advisory Committee and Committee of Ministers domestically and considering legal and practical arrangements for implementing them. These meetings are also an opportunity to distribute the Opinions and resolutions across the country in the national languages, as well as minority languages where they exist, thus contributing to a better understanding of the Framework Convention by more people.

60. During the period covered by this report, follow-up events were held in six countries: Norway (June 2008), Slovenia (October 2008), Germany (November 2008), "the former Yugoslav Republic of Macedonia" (January 2009), Sweden (February 2009) and Montenegro (March 2010).

61. The Advisory Committee nevertheless deeply regrets that, despite the expectations of civil society and the support offered by the Council of Europe, a number of State Parties have not agreed to hold these seminars. The Advisory Committee would here like to stress that follow-up activities are often the only opportunity for domestic discussion of the monitoring findings by the parties concerned. Follow-up meetings can provide an excellent meeting place for civil servants from various ministries, representatives of manifold national-minority communities and members of the Advisory Committee. They promote dialogue and encourage effective participation by the various stakeholders while making them more aware of the Framework Convention and its local relevance. The Advisory Committee has always tried to facilitate such dialogue by backing the organisation of follow-up seminars and other activities. Where the states concerned are unable to offer such meetings, the Advisory Committee is willing to help civil society arrange similar activities and to support the organisation of events relating to implementation and promotion of the Framework Convention.

62. The reorganisation within the Council of Europe and the reinforcement of synergies across all its sectors offer opportunities for more sustained and supportive follow up activities drawing upon the diverse strengths of the whole of the organisation.

63. All documents and relevant information can be found on <http://www.coe.int/minorities>.

#### IV. THEMATIC WORK OF THE ADVISORY COMMITTEE

64. In parallel to its country-by-country monitoring activities, the Advisory Committee has pursued thematic work as well. On the basis of the Framework Convention and drawing on its experience of dialogue with the various parties involved in its implementation, the Advisory Committee adopted two thematic commentaries on issues of particular importance for state authorities and persons belonging to national minorities alike. The first thematic Commentary on minority education was adopted in March 2006 and the second Commentary on the effective participation of persons belonging to national minorities in cultural, social, economic life and in public affairs in February 2008.

65. Given the practical value of the commentaries in providing constructive guidance and advice on key areas of minority protection and integration, the Advisory Committee decided in consultation with the DH-MIN and various minority organisations to devote the third commentary to the following subject: "The language rights of persons belonging to national minorities under the Framework Convention. The right balance between identity preservation, full and effective equality and integration".

66. Like the previous commentaries, the third thematic commentary on the linguistic rights of minorities will draw on the principles of the Framework Convention and the Advisory Committee's Opinions and experience, and will also refer to state reports, state comments as well as to the Resolutions of the Committee of Ministers. It will focus on the rights of persons belonging to national minorities where the use of their languages is concerned. It will include issues such as language rights and identity, language rights and full and effective equality, language rights and effective participation in public life, minority language rights as tools for integration and cohesion in society, as well as minority language rights and state language policies.

67. To ensure that the views of important stakeholders such as persons belonging to national minorities themselves as well as state authorities at different levels, academics and civil society be reflected, the third thematic commentary's drafting process will again be participatory. The first meetings within the plenary, as well as the Advisory Committee's working group on linguistic rights, have taken place and it was decided that after first drafts have been developed within the Advisory Committee, a round of written consultations will take place. Following the experience with the drafting of the second thematic commentary, a larger 'consultation seminar' will be organised in 2011 to share more advanced drafts of the commentary prior to its final adoption.

68. The Advisory Committee has also continued its work on other themes, for example, on the impact of the economic crisis on the situation of persons belonging to national minorities in Europe. Internal working documents have also been prepared on the case-law of the Advisory Committee and an article-by-article collection of the 1st and 2nd Opinions of the Advisory Committee are well under way and should be completed for use by the new Advisory Committee in October 2010. It is foreseen to extend the use of the case-law in due course.

## V. IMPACT

### a. Conference on the impact of the Framework Convention for the protection of National Minorities

69. On 9-10 October 2008 a conference to assess the progress achieved in Europe in protecting the rights of national minorities ten years after the entry into force of the Convention was organised in Strasbourg.

70. The conference, held under the theme “Enhancing the impact of the Framework Convention: past experience, present achievements and future challenges”, gathered members and former members of the Advisory Committee, academics, representatives of national minorities, civil society and international organisations.

71. The participants analysed the impact of the results of the monitoring on national situations and the way in which the Framework Convention has influenced activities of other international actors. The Conference also focused on the two thematic commentaries adopted by the Advisory Committee, the second, relating to the participation of national minorities, being launched during this event. The conference concluded, *inter alia*, that new efforts are needed to ensure that this instrument is ratified by all member states of the Council of Europe. The importance of actual and future thematic work was also underlined by the participants.

72. In addition, a meeting of non-governmental organisations coordinated by Minority Rights Group International, a London-based non-governmental organisation, made a declaration of non-governmental organisations on the Framework Convention.

73. The proposal made at the conference that a specific individual complaints mechanism for national minorities should be set up at the European Court of Human Rights was discussed by the Advisory Committee at its 34<sup>th</sup> meeting in March 2009. Given the nature of the Committee as a monitoring body, however, it was deemed more appropriate for civil society actors and national minority representatives to consider the proposal and possibly take it further. The Advisory Committee also discussed the recommendations set out in the declaration adopted by European Minority Network and invited three representatives of the Network to an exchange of views at its plenary meeting in June 2009.

74. At each meeting of the Advisory Committee time is set aside in plenary for a “tour de table” on strengthening the work of the Advisory Committee. These discussions have ranged from conversations on ways of strengthening country monitoring visit to discussing ways of promoting the Commentary on effective participation.

75. Additionally the structure of the third cycle of monitoring is designed to reveal, *inter alia*, the impact made by the resolutions of the Committee of Ministers. Furthermore the development of article-by-article case law, its analysis and the commentaries allow for a systematic assessment of the jurisprudence of the Advisory Committee and the strengthening of the implementation of the Framework Convention during each cycle of monitoring.

### b. Examples of positive impact in State Parties

76. It is often difficult to distinguish the specific impact of the Framework Convention from the influence of other international obligations. However, the fact that the state reports, as well as the comments of the governments, frequently explain that modifications have been undertaken as a result of the monitoring system to bring the situation into line with the Framework Convention is a good indicator of the success of this instrument. In this regard, underlining that the Framework Convention can have differing consequences on national level, the Advisory Committee would like to give some example of positive impact.<sup>6</sup>

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<sup>6</sup> These examples are not in any way intended to be exhaustive and do not mean that other cases of positive impact in some countries are not relevant.

77. In most of the State Parties to the Framework Convention, legal provisions relating to the protection of the rights of persons belonging to national minorities have often been adopted following recommendations of the Advisory Committee. For example, a new constitution in Serbia includes a commendable chapter on national minority protection; the Act on National and Ethnic Minorities and on Regional Language in Poland introduced new opportunities for using minority languages; the reform of the language law in Sweden in 2009 extended the territorial scope of application of the Framework Convention.

78. The Framework Convention can also have indirect influence as for example, in Switzerland, where it has had an indirect influence on the judgments of the Swiss Federal Court. In addition, the Federal Law on National Languages and Comprehension between Linguistic Communities adopted in 2007 was no doubt due to a certain extent to the ratification by Switzerland of the Framework Convention and of the European Charter on Regional or Minority Languages.

79. The Advisory Committee would like also to underline the ever more frequent reference to the Framework Convention in judgments by the European Court of Human Rights<sup>7</sup>.

80. The Framework Convention has also often contributed to improving the consultation process between the authorities and the representatives of persons belonging to national minorities. For example in Bosnia and Herzegovina, a Council of National Minorities at the Parliamentary Assembly, set up in 2008, should allow for increased participation of persons belonging to national minorities in law and policy making in matters that directly concern them.

81. Finally, the Framework Convention for National Minorities can be considered a *living instrument*. It was frequently referred to in the discussions leading to the Belfast / Good Friday Agreement and the St Andrew's Agreement peace accords in Northern Ireland. Indeed, ratification of the Framework Convention was a commitment undertaken by the Irish authorities in the Belfast / Good Friday Agreement and is part of the Irish Government's overall human rights strategy.

82. In this context, the Advisory Committee would like to invite State Parties to provide other examples of the positive impact of the Framework Convention and to express views on how to strengthen the impact of the Framework Convention in their respective country.

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<sup>7</sup> For example see footnote 2 and European Court of Human Rights, case of *Sejdic and Finci v. Bosnia and Herzegovina*, judgment of 22 December 2009.

## **VI. CO-OPERATION WITH OTHER BODIES**

### **a. Co-operation within the Council of Europe**

83. Since the beginning of its activities, the Advisory Committee has placed particular emphasis on co-operation with other bodies active in the field of minority protection both within and outside the Council of Europe. Maintaining and strengthening synergies with its traditional partners, alongside 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.

84. 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. For example, Ms Marieke Sanders-Ten Holte, member of the Advisory Committee and of the Committee of Experts of the European Charter for Regional or Minority Languages, attended the 10<sup>th</sup> meeting of the DH-MIN in 2009 to make a presentation on the Charter.

85. The Advisory Committee's co-operation with the ECRI has continued in particular, through the active participation of Ms Eva Smith and Mr Dalibor Jilek who are at the same time members of the Advisory Committee and of the ECRI. Its secretariat has 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.

86. The Advisory Committee invited Mr Terry Davis, outgoing Secretary General in June 2009 to an exchange of views to discuss the progress made over the last few years in monitoring the Framework Convention, the main results achieved and the remaining challenges. He reiterated the particular importance of the Framework Convention as a key instrument in preventing interethnic tension and conflict and as a commonly accepted legal platform that enabled the states parties to peacefully manage inter-ethnic and intercultural relations. The fact that the conclusions of the work of monitoring of the Framework Convention were reflected and reinforced by the activities of other international institutions illustrates, he said, the credibility and achievements of the Advisory Committee. While welcoming these achievements, the Secretary General drew the Advisory Committee's attention to the need to devote greater attention to the co-operation among the different monitoring mechanisms operating in the Council of Europe, such as the ECRI and the European Charter of Regional or Minority Languages, and to develop synergy among them.

87. The Advisory Committee also invited the Council of Europe Commissioner for Human Rights, Mr Thomas Hammarberg to its plenary meeting in 2009, to share with the Committee his experience and his concerns about the issues of protecting national minorities and on the impact of the Framework Convention in this field. The Commissioner considered the Framework Convention as one of the Council of Europe's mainstays, noting that he systematically urged the states which had not yet ratified this instrument to do so without delay. He also stressed that he gave top priority to the situation of the Roma people, and that the Advisory Committee's work in this field was a major resource on which he frequently referred to in his activities.

88. The Commissioner also emphasised the importance of the availability of the two thematic commentaries adopted by the Advisory Committee, which often helped him in suggesting appropriate solutions to the national authorities he met during his visits. He proposed that the Advisory Committee might in future consider preparing a thematic commentary on the problem of employment, because persons belonging to national minorities who had been hit by the international financial crisis were particularly discriminated in the field of job-seeking. Furthermore, a thematic commentary on access to healthcare by persons belonging to national minorities would help highlight their particularly vulnerable situation.

89. In addition to this exchange of views, regular consultations took place between the secretariats of both institutions. In practice, regular exchanges on country information, mutual briefings prior to country visits, increased numbers of cross-references in their respective documents are examples of this increased co-operation.



90. The Advisory Committee is also supporting the Chairman of the Committee of Ministers. In this context, the President of the Advisory Committee was invited to present a keynote speech on a Rights Perspective on Roma Education in Europe at the Slovenian Chairman's conference held in Brdo on 25 and 26 May 2009 entitled "Education for Roma: results and future challenges". In 2010 the President was invited to make a presentation at the Swiss Chairman's conference entitled "From Protecting Minorities to Managing Diversity" in Zurich, May 2010. Furthermore the Advisory Committee was represented at the conference organised in Skopje in June 2010 on integrating national minorities into the decision making process.

91. 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.

92. During the period covered by the present report, the Advisory Committee continued a regular dialogue with the DH-MIN, the intergovernmental expert committee dealing with national minority questions, established since 2005. The President and others members of the Advisory Committee have regularly been invited to the DH-MIN meetings and had the possibility to present the Advisory Committee's position on various issues under discussion. At the 8<sup>th</sup> DH-MIN meeting held on 15-16 October 2008, the President and the first Vice-President of the ACFC and the members of the DH-MIN held an exchange of views on the proceedings and the conclusions of the Conference on "Enhancing the Impact of the Framework Convention: Past Experience, Present Achievements and Future Challenges". In 2009, at the 9<sup>th</sup> meeting of the DH-MIN, the President of the ACFC shared with the Committee the information on the plans of the ACFC to draft the third thematic commentary on one of the two themes: the media or language rights. These examples show the great importance both committees attach to a regular and in-depth exchange of information on topics of mutual interest.

93. The Advisory Committee has continued to follow carefully the minority-related work of the Council of Europe's Parliamentary Assembly. The President attended the PACE meeting on 18 November 2009 in Paris on an exchange of views on the impact of economic crisis on more vulnerable persons. Two other human rights monitoring bodies, ECRI and the European Committee of Social Rights, also participated in this meeting. The secretariat and a former President were also represented at the Parliamentary Assembly meeting in Monaco on 10 March 2009, at which the issues of the effective participation of minorities as well as the Declaration of the newly established European Minority Network were discussed.

94. On 9 October 2008, in response to the request from the Ministers' Deputies at their 1030<sup>th</sup> meeting on 18 June 2008, the Advisory Committee adopted its comments on Recommendation 246(2008) of the Congress of Local and Regional Authorities of the Council of Europe on "Social approach to the fight against racism at local and regional level".

95. The Advisory Committee also invited Ms Ólöf Ólafsdóttir and Ms Aurora Ailincăi, from the Directorate General of Education, Culture and Heritage, Youth and Sport, to present different aspects of the implementation of Recommendation CM/Rec(2009)4 of the Committee of Ministers to member states on the education of Roma and Travellers in Europe. Acknowledging the key importance of education for Roma and Travellers in Europe, the Committee decided that, in future, it would make systematic reference, where appropriate, to this recommendation in its opinions and use this recommendation as a checklist during Advisory Committee visits.

#### **b. Co-operation with other international institutions**

96. 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 on specific issues. This was symbolised by the President of the Advisory Committee being invited to be the keynote speaker at a meeting of Ambassadors to mark the 15 years of work of the High Commissioner's Office in November 2008. In addition, 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. Progress has been made as regards the publication of the Russian version of the joint publication “National Minority Standards. A Compilation of OSCE and Council of Europe Texts”.

97. The Advisory Committee was represented at the seminar organised by the High Commissioner in Lund on 18 and 19 May 2009 on the occasion of the 10<sup>th</sup> anniversary of the Lund Recommendations on the effective participation of national minorities in public life, and a member of the secretariat attended the OSCE/ODIHR 2009 Human Dimension Implementation Meeting, 28 September-9 October 2009. The President of the Advisory Committee attended the Conference on Roma Migration and Freedom of Movement, Vienna, 5-6 November 2009, (CoE-OSCE-FRA). Several present and former members contributed to the High Commissioner Bolzano/Bozen recommendations on national minorities in inter-state relations in 2008.

98. In September 2008 the Bureau of the Advisory Committee and the secretariat held meetings with Mr Vladimir Spidla, European Commissioner for Employment, Social Affairs and Equal Opportunities and Mr Michael Leigh, Director General for Enlargement on the Commentary on effective participation and to discuss future co-operation. Furthermore the Advisory Committee has regularly been invited to workshops of the European Training Foundation that have discussed minority issues in Europe.

99. 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 in relevant states, and it finds the co-operation with various bodies of the European Union of particular importance. It finds it important that the monitoring results of the Advisory Committee are more consistently used by various EU bodies when dealing with minority issues.

100. 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. At the invitation of the Advisory Committee, Mr Morten Kjærum, the new Director of the EU Fundamental Rights Agency participated at its 33<sup>rd</sup> plenary meeting. He informed the Committee that the various bodies making up the Agency were now in place, including the Fundamental Rights Platform. The Platform includes some one hundred NGOs which would be regularly consulted by the Agency.

101. A member of the secretariat attended the European Commission meeting organised by the Technical Assistance and Information Exchange Instrument managed by the Directorate-General Enlargement of the European Commission (TAIEX) in Brussels, in July 2009. The aim of the meeting was to make the participants aware of the standards in the field of the protection of national minorities in Europe.

102. The Advisory Committee's contacts with the United Nations have also continued. In December 2008 in Geneva, Ms Barbara Wilson and Mr Francesco Palermo, members of the Advisory Committee, participated at the UN Inaugural session of the Forum on Minority Issues devoted to “Minorities and the right to education”. In November 2009, a member of the Secretariat made a presentation on the Advisory Committee's approach as to the effective participation of national minorities in social, economic and cultural life and public affairs at the second session of the Forum on Minority Issues. Moreover, further to the conclusions of the Impact Assessment Conference in October 2008, the co-operation between the Office of the UN Commissioner for Human Rights and the secretariat of the Framework Convention has been strengthened. The two secretariats co-organised the first training for the UN minority fellows who came to Strasbourg in June 2008 to become familiar with the Council of Europe's standards in minority protection. Additionally meetings have been attended and presentations made in December 2009 (Strasbourg) and May 2010 (Geneva) to share experiences of regional and global treaty monitoring bodies, where the work of the Advisory Committee was highlighted by the Chairman as being particularly well developed.

**c. Co-operation with civil society**

103. Co-operation with civil society organisation has remained a key priority for the Advisory Committee, who examined on several occasions new ways to review the cooperation with civil actors. 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.

104. The NGOs played an active role in the preparation of the 2<sup>d</sup> thematic Commentary on effective participation in 2008. A further training session on the Framework Convention was held in Kosovo from 3 to 5 February 2009. A member of the Advisory Committee attended a conference held in Novi Sad, on 27-28 November 2009, on the Framework Convention for the Protection of National Minorities and Charter for Regional or Minority Languages Reporting. She presented the work undertaken under these two instruments with special emphasis on education and effective participation of minorities in public life. The President attended the annual meeting of the Northern Ireland Council for Ethnic Minorities in Belfast in November 2008, presenting the Commentary on effective participation. The First Vice-President attended two conferences in Gudauri (Georgia) on 19-20 June and 21-22 September 2009 for the launch of the action plan and national concept on tolerance and civic integration.

105. The members of the Advisory Committee had an exchange of views with three representatives of the European Minority Network on recent developments relating to the creation of working structures and methods specific to the latter and the means of developing co-operation with the Advisory Committee. The various possible modes of co-operation were considered in the light of the proposals and recommendations set out in the Declaration transmitted to the Advisory Committee by the European Minority Network during the October 2008 Conference on the Impact of the Framework Convention.

106. The members of the Advisory Committee stressed their openness to and interest in developing productive co-operation with the Network. At the same time, they made a number of suggestions on the requisite conditions for ensuring that the Network becomes genuinely operational in the near future, capable of promoting and successfully defending, at the European level, the rights of persons belonging to national minorities.

## **VII. ORGANISATIONAL ISSUES**

### **a. Advisory Committee**

107. At its 33<sup>rd</sup> meeting in October 2008, the Advisory elected a new Bureau: Mr Alan Phillips (elected in respect of the United Kingdom) was re-elected as the President, Ms Ilze Brands Kehris (elected in respect of Latvia) was re-elected as the First Vice-President, and Mr Rainer Hofmann (elected in respect of Germany) was elected as the Second Vice President.

108. Following the resignation of Mr Demetrios Stylianides on 4 September 2008, Mr Yiannis Chrysostomis was appointed on 22 April 2009 as an ordinary member in respect of Cyprus. Following the resignation of Mr Joseph Marko in 11 January 2008, Ms Brigitta Busch was appointed on 14 January 2009 as an ordinary member in respect of Austria.

109. In view of the next elections of 10 experts in June 2010, in accordance with the rotation system provided by the Resolution (97) 10, the Advisory Committee underlined that independence, impartiality, experience and expertise on minority issues are pre-conditions for the Advisory Committee's work as highlighted in a note to the Committee of Ministers (July 2008). Age diversity, gender balance, membership of minority and majority communities, and those in academia, civil society or long retired from government could contribute significantly. Expertise, ranging from the legal field and political science to history and communication are particularly beneficial. Proficiency in at least one of the Council of Europe's official languages (English and French) is a minimum requirement for membership of the Advisory Committee. The secretariat and Bureau stand ready to offer further advice on this as appropriate.

### **b. Staff issues**

110. The lack of adequate resources is still an issue of particular concern to the Advisory Committee, especially when the workload of the Committee increases with the third monitoring cycle and the next thematic commentary. The resources allocated to the Secretariat of the Advisory Committee have remained unchanged since 2001 in real terms and a function was suppressed in 2010. Continuing to ensure prompt and efficient monitoring of the Framework Convention constitutes a serious challenge for the Advisory Committee and its secretariat.

### **c. Council of Europe's reform**

111. The Advisory Committee is aware that the Secretary General is currently working on a reform process within the Council of Europe in view to make the Organisation more politically relevant and influential.

112. The Advisory Committee is pleased to note that among his 2011 priorities, the Secretary General refers to the existing monitoring mechanisms as a "key strength and comparative advantage of the Organisation" and ensures that all mechanisms will continue to be supported.

113. The Advisory Committee also notes that the Secretary General considers important that all monitoring mechanisms better co-ordinate their activities and periodically review their working methods to ensure efficiency and impact. It notes in particular that it is planned to improve the efficiency of the Framework Convention by enhancing the operational capacity of the Committee of the European Charter for Regional or Minority Languages and creating synergies with the work of the Advisory Committee where possible.

114. The Advisory Committee is confident that the reform process of the Council of Europe could have a positive impact on the human rights mechanisms in general. Nevertheless it would like to draw the attention of the Committee of Ministers to the necessity for continued support for the implementation of the Framework Convention in the interest of minority protection and promotion of cohesive societies. The monitoring work will be developed during the third cycle and the Advisory Committee will continue to provide thematic expertise, through its next commentary on the language rights of persons belonging to national minorities.

## Appendix

### COMPOSITION OF THE ADVISORY COMMITTEE

#### BUREAU

##### President

Mr Alan PHILLIPS (*United Kingdom*)

##### First Vice-President

Ms Ilze BRANDS KEHRIS (*Latvia*)

##### Second Vice-President

Mr Rainer Hofmann (*Germany*)

Mr Gaspar BIRÓ (*Hungary*) - term continues until May 2012

Ms Ilze BRANDS-KEHRIS (*Latvia*) - term ends May 2010

Ms Brigitta BUSCH (*Austria*) – term ends May 2010<sup>8</sup>

Mr Yiannis CHRYSOSTOMIS (*Cyprus*) – term ends May 2010<sup>9</sup>

Mr Tonio ELLUL (*Malta*) - term continues until May 2012

Ms Bohumila FERENCUHOVÁ (*Slovak Republic*) - term ends May 2010

Mr Zdzislaw W. GALICKI (*Poland*) - term continues until May 2012

Mr Rainer HOFMANN (*Germany*) - term continues until May 2012

Mr Ferenc HAJÓS (*Slovenia*) - term ends May 2010

Mr Dalibor JÍLEK (*Czech Republic*) - term ends May 2010

Ms Iryna KRESINA (*Ukraine*) - term continues until May 2012 - *resigned*

Mr Giorgi MELADZE (*Georgia*) - term continues until May 2012

Ms Iulia MOTOC (*Romania*) - term continues until May 2012

Mr Francesco PALERMO (*Italy*) - term ends May 2010

Mr Alan PHILLIPS (*United Kingdom*) - term ends May 2010

Ms Marieke SANDERS-TEN HOLTE (*The Netherlands*) - term continues until May 2012

Ms Eva SMITH-ASMUSSEN (*Denmark*) - term ends May 2010

Ms Barbara WILSON (*Switzerland*) - term continues until May 2012

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<sup>8</sup> Replacing Mr Joseph MARKO (*Austria*) who resigned on 11 January 2008.

<sup>9</sup> Replacing Mr Demetrios STYLIANIDES (*Cyprus*) who resigned on 4 September 2008.