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Working document
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**SECRETARIAT OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

**COMPILATION OF OPINIONS OF THE ADVISORY COMMITTEE
RELATING TO ARTICLE 1 OF THE FRAMEWORK CONVENTION**

FIRST CYCLE

“Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.”

Note: this document was produced as a working document only and does not contain footnotes. For publication purposes, please refer to the original opinions.

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1. ALBANIA

The Advisory Committee notes that Albania has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

2. ARMENIA

The Advisory Committee notes that Armenia has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

3. AUSTRIA

The Advisory Committee notes that Austria has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

4. AZERBAIJAN

The Advisory Committee notes that Azerbaijan has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

5. BOSNIA AND HERZEGOVINA

The Advisory Committee notes that several international treaties were first incorporated into the domestic legal order through the GFAP and were only subsequently ratified, as was the case with the Framework Convention. The Advisory Committee however regrets that so far, and with the notable exception of the Constitutional Court, little use of the Framework Convention has been made at domestic level, either by national authorities or by the Office of the High Representative and the former Human Rights Chamber.

6. BULGARIA

The Advisory Committee notes that Bulgaria has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any further observations.

7. CROATIA

The Advisory Committee notes that Croatia has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any further observations.

8. CYPRUS

The Advisory Committee notes that Cyprus has ratified a wide range of relevant international instruments. On the basis of the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

9. CZECH REPUBLIC

The Advisory Committee notes that the Czech Republic has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

10. DENMARK

The Advisory Committee notes that Denmark has ratified a wide range of relevant international instruments. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

11. ESTONIA

The Advisory Committee notes that Estonia has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any further observations.

12. FINLAND

The Advisory Committee notes that Finland has ratified a wide range of relevant international instruments. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any further observations.

13. GEORGIA

Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

14. GERMANY

The Advisory Committee notes that Germany has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

15. HUNGARY

The Advisory Committee notes that Hungary has ratified a wide range of relevant international instruments. On the basis of the information currently at its disposal, the Advisory Committee considers that this Article does not give rise to any further observations.

16. IRELAND

The Advisory Committee notes that Ireland has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

17. ITALY

The Advisory Committee notes that Italy has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

18. KOSOVO¹

Article 1

The Advisory Committee appreciates the fact that the Constitutional Framework provides for the direct applicability of a number of international human rights instruments pertaining to national minorities, including the Framework Convention. Bearing in mind the specific legal situation in Kosovo, the international monitoring mechanisms of these treaties have, however, not been effectively operating in respect of UNMIK-administered Kosovo until now, and this has raised legitimate questions about the accountability of the authorities in place in Kosovo. The present monitoring process is an important step in addressing these concerns, and the Advisory Committee finds it important that it is followed by similar initiatives in respect of other pertinent treaties, although it is clear that each one of them involves specific legal and institutional issues that need to be addressed. In this respect, the Advisory Committee was pleased to learn that UNMIK is planning to report on the implementation of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights to the UN treaty bodies concerned.

The Advisory Committee finds it imperative that this issue is also addressed in the forthcoming discussions related to the status of Kosovo in a manner that ensures not only the implementation, and the continuation of the monitoring process, of the Framework Convention in Kosovo, but also increasing implementation and monitoring of other international human rights treaties that deal with issues that touch upon the protection of national minorities.

19. LATVIA

Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

20. LIECHTENSTEIN

Based on the information currently at its disposal, the Advisory Committee considers that implementation of these articles does not give rise to any specific observations.

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

21. LITHUANIA

The Advisory Committee notes that Lithuania has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

22. MALTA

Based on the information currently at its disposal, the Advisory Committee considers that implementation of these articles does not give rise to any specific observations.

23. MOLDOVA

The Advisory Committee notes that Moldova has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this Article does not give rise to any specific observations.

24. MONTENEGRO

The Advisory Committee notes that following its independence on 3 June 2006, Montenegro has become party to a wide range of relevant international instruments. In addition, Montenegro committed itself to ratifying a number of treaties upon its accession to the Council of Europe, some of them being of relevance for the protection of national minorities. The Advisory Committee refers in particular to the European Social Charter (Revised) and the nationality-related conventions of the Council of Europe that is the European Convention on Nationality and the Convention on the Avoidance of Statelessness in relation to State Succession. Montenegro should follow suit on these commitments.

In respect of Article 1

The Advisory Committee finds that Montenegro committed itself to ratifying a number of treaties upon its accession to the Council of Europe, including treaties that are of relevance for the protection of national minorities such as the Revised Social Charter and citizenship-related Conventions. The Advisory Committee considers that Montenegro should follow suit on these commitments.

25. NETHERLANDS

The Advisory Committee welcomes the fact that the Netherlands ratified a large range of international human rights treaties, including Protocol N°12 to the European Convention of Human Rights. It notes, in particular, that in addition to the Framework Convention, the Netherlands also ratified the European Charter for Regional or Minority Languages which it applies to the Frisian, Lower Saxon, Limburger, as well to Yiddish and Roma languages.

26. NORWAY

The Advisory Committee notes that Norway has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

27. POLAND

The Advisory Committee notes that Poland has ratified a wide range of relevant international instruments. On the basis of the information currently at its disposal, it considers that implementation of this article does not give rise to any further observations.

28. PORTUGAL

The Advisory Committee notes that Portugal has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

29. ROMANIA

The Advisory Committee notes that Romania has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any further observations.

30. RUSSIAN FEDERATION

The Advisory Committee notes that the Russian Federation has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

31. SAN MARINO

Based on the information currently at its disposal, the Advisory Committee considers that implementation of these articles does not give rise to any specific observations.

32. SERBIA AND MONTENEGRO

The Advisory Committee notes that Serbia and Montenegro has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

33. SLOVAK REPUBLIC

The Advisory Committee notes that Slovakia has ratified a wide range of relevant international instruments. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any further observations.

34. SLOVENIA

The Advisory Committee notes that Slovenia has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

35. SPAIN

The Advisory Committee notes that Spain has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

36. SWEDEN

The Advisory Committee notes that Sweden has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

37. SWITZERLAND

The Advisory Committee notes that Switzerland has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

38. “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”

The Advisory Committee notes that “the former Yugoslav Republic of Macedonia” has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

39. UKRAINE

The Advisory Committee notes that Ukraine has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

40. UNITED KINGDOM

The Advisory Committee notes that the United Kingdom has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.