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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 17 OF THE FRAMEWORK CONVENTION**

FIRST CYCLE

“Article 17

- 1 The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.
- 2 The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.”

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 does not underestimate the importance of the opening of Albania's borders after decades of isolation on persons belonging to national minorities and their possibilities for establishing and maintaining free and peaceful contacts across frontiers with persons lawfully staying in other States. The Advisory Committee encourages the authorities to continue to facilitate such contacts across frontiers, including through efforts to ensure with its neighbours that visa requirements are implemented in a manner that does not cause undue restrictions on the right of persons belonging to national minorities to establish and maintain contacts across frontiers. This should be ensured not just for minorities with a kin-state, but also for all persons belonging to national minorities, including the Roma.

In respect of Article 17

The Advisory Committee *considers* that the Albanian authorities should continue to facilitate contacts across frontiers, including through efforts to ensure with its neighbours that visa requirements are implemented in a manner that does not cause undue restrictions on the right of persons belonging to national minorities to establish and maintain contacts across frontiers, and that these efforts should be ensured, not just for minorities with a kin-state, but for all persons belonging to national minorities, including the Roma.

2. ARMENIA

Given the particular restrictions on border crossings with some neighbouring countries, the Advisory Committee considers that the Armenian authorities should ensure that this situation does not constitute an excessive burden on the rights of persons belonging to national minorities to establish and maintain contacts across frontiers.

In respect of Article 17

The Advisory Committee *considers* that the fact that there are particular restrictions on border crossings with some neighbouring countries should not represent an excessive burden on the rights of persons belonging to national minorities to establish and maintain contacts beyond the borders.

3. AUSTRIA

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

4. AZERBAIJAN

The Advisory Committee notes that the right of persons belonging to minorities to maintain free and peaceful contacts across frontiers is of particular relevance to a number of national minorities in Azerbaijan. In this respect, the Advisory Committee encourages the authorities concerned to pursue further their efforts to improve the possibilities of Lezgins to maintain such contacts. One particular situation that deserves attention concerns Lezgins residing inside the region of Khacmaz in two villages which are part of the territory of the Russian Federation.

The Advisory Committee also encourages the authorities to pay careful attention to the situation of persons belonging to a host of other groups residing in border regions with their particular challenges, such as Talysh.

The Advisory Committee notes that particular restrictions exist on the crossings of border with Armenia and hopes that solutions can be found to ease the resulting limitations on the rights of persons belonging to national minorities to establish and maintain contacts and dialogue across frontiers.

In respect of Article 17

The Advisory Committee *finds* that the right of persons belonging to national minorities to maintain free and peaceful contacts across frontiers is of particular relevance to a number of national minorities in Azerbaijan and *considers* that the authorities should pursue further their efforts to improve possibilities for such contacts.

5. BOSNIA AND HERZEGOVINA

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.

6. BULGARIA

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.

7. CROATIA

The Advisory Committee expresses support for the on-going efforts to improve the implementation of the right of persons belonging to national minorities to establish and maintain contacts across frontiers. The Advisory Committee is convinced that improvements in this field, including with Bosnia and Herzegovina and the Federal Republic of Yugoslavia, would also help to address a number of concerns raised in the present opinion with respect to other articles of the Framework Convention.

In respect of Article 17

The Committee of Ministers *concludes* that there are on-going efforts to improve the implementation of the right of persons belonging to national minorities to establish and maintain contacts across frontiers and *recommends* that Croatia pursue such efforts further.

8. CYPRUS

As concerns paragraph 2, the Advisory Committee considers important that especially the Turkish Cypriots and the Maronites can maintain free and frequent contacts with members of their community living in the north of Cyprus. It therefore welcomes the fact that freedom of movement has been facilitated in recent years and that reciprocal visits to religious sites continue. The Advisory Committee encourages the Cyprus authorities to continue this policy.

9. CZECH REPUBLIC

On the basis of the information currently at its disposal, the Advisory Committee considers that implementation of these articles does not call for any specific observations.

10. DENMARK

See Article 16

11. ESTONIA

The Advisory Committee notes that the abolishment of visa-free travel for residents of the Russian-Estonian border region has caused new challenges for persons belonging to national minorities. The Advisory Committee finds it important that the new visa requirements are implemented in a manner that does not cause undue restrictions on the right of persons belonging to national minorities to establish and maintain contacts across frontiers and welcomes the initiatives that have been launched to create an expeditious procedure for the issuance of free visas for the residents of the border region.

In respect of Article 17

The Committee of Ministers *concludes* that the abolishment of visa-free travel for residents of the Russian-Estonian border region has caused new challenges for persons belonging to national minorities and *recommends* that new visa requirements be implemented in a manner that does not cause undue restrictions on the right of persons belonging to national minorities to establish and maintain contacts across frontiers.

12. FINLAND

The Advisory Committee notes the existence of the visa requirement between Finland and the Russian Federation and expresses the wish that this requirement be implemented in a manner that does not cause undue restrictions on the rights of persons belonging to national minorities to establish and maintain contacts across frontiers.

In respect of Article 17

The Committee of Ministers *recommends* that visa requirements be implemented in a manner that does not cause undue restrictions on the rights of persons belonging to national minorities to establish and maintain contacts across frontiers.

13. GEORGIA

Cross-border movement

Several representatives of national minorities met by the Advisory Committee reported problems when crossing borders. This applies *inter alia* to persons belonging to the Kist minority, but particularly to Azeris, who complain of recurrent difficulties when travelling between Georgia and Azerbaijan. Allegations of harassment and racist insults by Georgian customs officials were made to the Committee, as were complaints about anti-corruption measures directed disproportionately

and without justification against persons belonging to the Azeri minority who engage in cross-border trade.

The Advisory Committee asks the authorities to give all due attention to this problem and to ensure that cross-border exchanges between persons belonging to national minorities and persons living in neighbouring countries are not impeded arbitrarily or without justification. It points out that such exchanges are particularly important to the preservation and development of the culture and identity of persons belonging to national minorities, as well as to their socio-economic situation.

Concerning Article 17

The Advisory Committee *finds* that in certain regions persons belonging to national minorities encounter problems when crossing borders. The Advisory Committee *considers* that the authorities should act to prevent arbitrary or unjustified obstacles to transfrontier exchanges between persons belonging to national minorities and persons living in neighbouring countries.

14. GERMANY

The Advisory Committee notes a desire, on the part of the Danish minority for the many workers who cross the borders daily, for administrative formalities to be simplified and encourages the German authorities to review this matter.

Concerning artists resident in Denmark who perform for events organised by the Danish minority in Germany, the attention of the Advisory Committee was drawn by the Danish minority to some practical taxation difficulties. The Advisory Committee notes that the German authorities are aware of these difficulties and encourages them to continue talks with the Danish minority to solve them.

15. HUNGARY

The Advisory Committee notes the existence of visa requirements for some neighbouring countries and expressed the wish that such requirements are implemented in a manner that does not cause undue restrictions on the right of persons belonging to national minorities to establish and maintain contacts across frontiers.

In respect of Article 17

The Committee of Ministers *recommends* that visa requirements be implemented in a manner that does not cause undue restrictions on the right of persons belonging to national minorities to establish and maintain contacts across frontiers.

16. IRELAND

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

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

18. KOSOVO¹

Article 17

The Advisory Committee notes that the right of persons belonging to minority communities to enjoy unhindered contacts with persons belonging to their respective communities is guaranteed by the Constitutional Framework of Kosovo, although implementation of this right is, in many respects, complicated by the *de facto* restrictions on the freedom of movement of some persons belonging to minority communities.

The Advisory Committee notes that efforts have been taken to address difficulties linked with the non-recognition of UNMIK travel documents by countries of the region (notably Bosnia and Herzegovina), and it supports UNMIK efforts to ensure a wide recognition of these travel documents and to remove all remaining obstacles, including those related to the acceptance of licence plates issued by UNMIK, in order to guarantee cross-border contacts for persons belonging to minority communities.

19. LATVIA

Establishing and maintaining contacts across frontiers

The Advisory Committee is pleased to note that Latvia's "non-citizens" enjoy freedom of movement within the Schengen Area, to which Latvia now belongs. It also notes that their conditions of movement within the European Union, with regard to countries not members of the Schengen Area, are governed by specific bilateral agreements.

The Advisory Committee has, however, noted the difficulties encountered by certain persons belonging to national minorities when travelling abroad. On the one hand they report problems linked to the manner of transcribing the original forms of their names in their passports, and on the other hand, they mention the issue of entry visas and the related costs.

The Advisory Committee considers that the authorities should seek appropriate solutions to the visa problems and take all available measures, in particular through bilateral co-operation, so as not to impede the right of persons belonging to national minorities to establish and maintain contacts across frontiers with persons sharing their ethnic, linguistic, cultural or religious identity.

20. LIECHTENSTEIN

See Article 7

21. LITHUANIA

The Advisory Committee notes the concerns of the representatives of the Belarusian community about the introduction of visas, from January 2003, for travel between Belarus and Lithuania. Generally, the Advisory Committee encourages the authorities to ensure that the introduction of

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.

visas does not give rise to excessive difficulties (of a procedural, financial or other nature) in maintaining cross-border contacts with persons having the same ethnic, cultural or linguistic identity.

22. MALTA

See Article 7

23. MOLDOVA

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

Cross-border contacts

The Montenegrin authorities have taken a positive approach to the issue of free contacts across borders for persons belonging to national minorities. The Advisory Committee notes in particular that some additional border crossing points have recently been opened in the South of the country in order to facilitate such contacts. The Advisory Committee encourages the authorities to pursue this approach.

In respect of Article 17

The Advisory Committee *finds* that Montenegro has taken some positive steps with regard to the issue of free cross border contacts by opening additional crossing points in the South of the country and *considers* that the authorities should pursue this approach.

25. NETHERLANDS

Cross-border contacts

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

26. NORWAY

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

27. POLAND

The Advisory Committee finds it important that the new visa requirements are implemented in a manner that does not cause undue restrictions on the right of persons belonging to national minorities to establish and maintain contacts across frontiers and welcomes initiatives aimed at easing the issuance of free visas with neighbouring countries, as was recently the case with Ukraine.

28. PORTUGAL

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.

29. ROMANIA

The Advisory Committee notes that there are plans in Romania to impose visa requirements on the citizens of a number of countries. The Advisory Committee expresses the wish that this initiative will be implemented in a manner that will not cause undue restrictions on the rights of persons belonging to national minorities to establish and maintain contacts across frontiers.

In respect of Article 17

The Committee of Ministers *recommends* that visa requirements be implemented in a manner that does not cause undue restrictions on the rights of persons belonging to national minorities to establish and maintain contacts across frontiers.

30. RUSSIAN FEDERATION

The Advisory Committee notes that persons belonging to certain minorities residing in border regions have faced some difficulties in maintaining free and peaceful contacts across frontiers in accordance with Article 17. In this respect, the Advisory Committee encourages the authorities concerned to examine further the situation and particular challenges of persons belonging to minorities residing in border regions, such as Lezgins, Ossetians, Setus and Sami. The Advisory Committee supports the efforts of the Russian Federation to ensure with its neighbours that visa requirements are implemented in a manner that does not cause undue restrictions on the right of persons belonging to national minorities to establish and maintain contacts across frontiers.

In respect of Article 17

The Advisory Committee *finds* that persons belonging to certain national minorities residing in border regions have faced difficulties in maintaining free and peaceful contacts across frontiers and *considers* that the authorities should pursue further their efforts to improve the possibilities of the minorities concerned to maintain such contacts, including by addressing the issue of relevant visa requirements.

31. SAN MARINO

See Article 7

32. SERBIA AND MONTENEGRO

The Advisory Committee draws attention to the concerns that the future entry of neighbouring states of Serbia and Montenegro into the European Union could cause new obstacles for persons belonging to the Hungarian and other national minorities in their contacts across frontiers. The Advisory Committee supports the efforts of Serbia and Montenegro to ensure with its neighbours, *inter alia*, that any visa requirements are implemented in a manner that does not cause undue restrictions on the right of persons belonging to national minorities to establish and maintain contacts across frontiers.

33. SLOVAK REPUBLIC

The Advisory Committee notes that there are plans in Slovakia to impose visa requirements on the citizens of a number of countries. The Advisory Committee expresses the wish that this initiative will be implemented in a manner that will not cause undue restrictions on the rights of persons belonging to national minorities to establish and maintain contacts across frontiers.

In respect of Article 17

The Committee of Ministers *recommends* that visa requirements be implemented in a manner that does not cause undue restrictions on the rights of persons belonging to national minorities to establish and maintain contacts across frontiers.

34. SLOVENIA

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.

35. SPAIN

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.

36. SWEDEN

See Article 16

37. SWITZERLAND

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.

38. “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”

The Advisory Committee considers that the authorities should ensure that the visa requirement imposed by certain neighbouring countries does not create undue problems (of a procedural, financial or other nature) when it comes to maintaining cross-border contacts, in particular with persons who have the same ethnic, cultural or linguistic identity.

39. UKRAINE

The Advisory Committee notes that the introduction of visa requirements by a number of neighbouring States of Ukraine is causing obstacles for persons belonging to national minorities. The Advisory Committee supports the efforts of Ukraine to ensure with its neighbours that these visa requirements are implemented in a manner that does not cause undue restrictions on the right of persons belonging to national minorities to establish and maintain contacts across frontiers.

The Advisory Committee is concerned about the reported problems related to travel documents of the students belonging to the Romanian minority wishing to pursue university studies in Romania. It appears that a number of them have been denied access to this possibility because of a quota established for such students. The Advisory Committee is therefore pleased to note that the authorities of Ukraine are examining the issue and it hopes that a solution fully compatible with Article 17 is found.

In respect of Article 17

The Advisory Committee finds that the introduction of visa requirements by a number of neighbouring States of Ukraine is causing obstacles for persons belonging to national minorities. The Advisory Committee considers that Ukraine should pursue its efforts to ensure with its neighbours that these visa requirements are implemented in a manner that does not cause undue restrictions on the right of persons belonging to national minorities to establish and maintain contacts across frontiers.

The Advisory Committee finds that there are reports of problems concerning travel documents of students belonging to the Romanian minority wishing to pursue university studies in Romania. The Advisory Committee considers that Ukraine should pursue the examination of the issue with a view to finding a solution fully compatible with Article 17 of the Framework Convention.

40. UNITED KINGDOM

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.