

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 15 June 2015

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

**52nd meeting
Strasbourg, 16-19 March 2015**

***Council of Europe – Agora building
Room G02***

MEETING REPORT

Item 1: Opening of the meeting

1. The Advisory Committee on the Framework Convention for the Protection of National Minorities held its 52nd meeting from 16 to 19 March in Strasbourg. Mr Francesco Palermo, President of the Advisory Committee, opened the meeting and warmly welcomed the members of the Committee. He also informed the Committee of the absence of Ms Ivana Jelić, who had sent her apologies.

Item 2: Adoption of the agenda

2. The agenda, as reproduced in Appendix II, was adopted.

Item 3: Approval of the report of the 51st meeting of the Advisory Committee

3. Having examined the report of its 51st meeting, the Advisory Committee adopted the final text of the report as reproduced in document ACFC/MR(2014)003.

Item 4: Examination of draft Opinions and their adoption

4. The Committee examined the draft 4th cycle Opinions on Cyprus, Estonia and Germany.

5. During the plenary session on 18 March 2015, the Advisory Committee decided, in the light of the final version of the draft Opinion on Cyprus, to vote on the text.

6. During the plenary session on 19 March 2015, the Advisory Committee decided, in the light of the final version of the draft Opinion on Estonia, to vote on the text.

7. During the plenary session on 19 March 2015, the Advisory Committee decided, in the light of the final version of the draft Opinion on Germany, to vote on the text.

8. The voting was organised in accordance with Rule 34 of the Committee's Rules of Procedure, stipulating that Opinions should be adopted by a majority of ordinary Committee members, as well as with Rule 34 of Resolution (97) 10, to the effect that "Additional members shall sit in an advisory capacity; they shall not have the right to take part in a possible vote. The same shall apply to ordinary members regarding the report of the Party in respect of which they have been elected to the List".

9. The 4th cycle Opinions on Cyprus, Estonia and Germany were adopted unanimously.

Item 5: Exchange of views with the Chair of the GR-H

10. The Chair of the GR-H, Ambassador Štefánek, thanked the Advisory Committee for inviting him for the second time (the last time had been in February 2014) and expressed his appreciation for the excellence and thoroughness of the Advisory Committee's work. Underlining the complementarity of the respective monitoring functions of the Committee of Ministers and the Advisory Committee in the implementation of the Framework Convention, he provided explanations on the processes involved at GR-H level regarding adoptions of CM Resolutions. He expressed his satisfaction in the fact that most of the Resolutions that had been delayed by lengthy discussions among member states had been adopted.

11. The President of the Advisory Committee and individual members underlined the usefulness of the cooperation with the GR-H and thanked Mr. Štefánek for his interest and active contribution to promoting the prompt adoption of CM **Resolutions** on the basis of the Advisory Committee Opinions. An exchange of views ensued on topics of mutual interest related to broader minority protection concerns in Europe.

Item 6: Exchange of views with the President of the Committee of Experts of the European Charter for Regional or Minority Languages

12. The plenary held an exchange of views with Ms Vesna Crnić-Grotić, President of the Committee of Experts of the European Charter for Regional or Minority Languages. It was noted that while these instruments involve different obligations for States Parties, with different consequences for monitoring, the protection and promotion of minority languages and those who speak them are common goals, which provide scope for working together where this adds value for both mechanisms. Different issues were discussed, such as cooperation between the two monitoring bodies, ways to increase ratifications of the ERCML, and the complementarity between the FCNM and ECRML.

Item 7: Thematic commentary on the personal scope of application of the FCNM

13. The plenary held a detailed discussion on the draft/incomplete outline that had been circulated prior to the plenary. It was noted that, as with the Advisory Committee's previous thematic commentaries, the focus should be on providing a practical tool for States Parties that draws together the Advisory Committee's analyses as developed in its existing Opinions and helps States Parties to find solutions to future or as yet unresolved problems in this field. The plenary took note that in order to adopt the thematic commentary in the current composition of the Advisory Committee, it would be necessary to begin consultations on a complete, albeit probably preliminary draft between its June and November 2015 plenary sessions. In the light of this discussion, all members were invited to send additional comments in bullet-point form in the three weeks following the March session, in order to allow these to be taken into account in a revised draft to be presented at the June plenary.

Item 8: Recent and future developments

14. The Advisory Committee was briefed about recent developments and upcoming events, including the exchange of views held between the President of the Advisory Committee and the GR-H on 19 February 2015, as well as the forthcoming second -cycle country visit to Georgia in March 2015 and fourth-cycle country visit to the Czech Republic and Italy in April 2015, for discussion of the draft Opinions during the 53rd plenary session of the Advisory Committee. Information was also provided concerning the side-event organised together with the United Nations Special Rapporteur on Minority Issues, to be held on 20 March 2015, in the margins of the March session of the United Nations Human Rights Committee, and focusing on the language rights of persons belonging to minorities. In addition, the Advisory Committee was briefed about the forthcoming conference on Minority Protection at a Crossroads, to be held in Mariehamn, Åland Islands, on 31 March 2015.

15. The Advisory Committee also took note of the outcomes of the joint meeting held on 16 March 2015 by the Bureaus of the Advisory Committee, the Committee of Experts of the European Charter for Regional or Minority Languages and ECRI (see the Meeting Report in Annex III)

Item 9: Dates of next meetings

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

- 53rd plenary session: 15-18 June 2015
- 54th plenary session: 16-20 November 2015

ANNEX I

LIST OF PARTICIPANTS

ADVISORY COMMITTEE MEMBERS

Mr Francesco PALERMO (Italy)	President
Ms Petra ROTER (Slovenia)	1 st Vice-President
Ms Ivana JELIĆ (Montenegro)	2 nd Vice-President (<i>excused</i>)
Mr Eero J. AARNIO (Finland)	
Mr Reinis ĀBOLTIŅŠ (Latvia)	
Ms Arzu AGHDASI-SISAN (Azerbaijan)	
Mr Neven ANĐELIC (Bosnia and Herzegovina)	
Mr Grigor BADIYAN (Armenia)	
Ms Brigitta BUSCH (Austria)	
Mr Yiannikis CHRYSOSTOMIS (Cyprus)	
Ms Emilia DRUMÉVA (Bulgaria)	
Ms Helena HOFMANNOVÁ (Czech Republic)	
Mr Tomáš HRUSTIČ (Slovak Republic)	
Ms Tove H. MALLOY (Denmark)	
Ms Tatjana MURAVJOVA (Estonia)	
Mr Craig OLIPHANT (United Kingdom)	
Mr Valery OVCHINNIKOV (Russian Federation)	
Ms Carmen SANTIAGO REYES (Spain)	

Directorate of Democracy (DG II)

Ms Marja RUOTANEN, Director, Directorate of Human Dignity and Equality

Ms María OCHOA-LLIDO, Head of the Department of Anti-Discrimination and Social Cohesion

Secretariat of the Framework Convention for the Protection of National Minorities

Ms Michèle AKIP, Head of Secretariat

Mr Krzysztof ZYMAN, Administrator

Ms Sarah BURTON, Administrator

Ms Charlotte ALTENHÖNER-DION, Administrator

Ms Danijela GERDIJAN, Assistant

Ms Geneviève HALLER, Assistant

Mr Anthony ISKENDERIAN, Assistant

ANNEX II

ANNOTATED AGENDA

Opening of the meeting

Adoption of the Agenda

Approval of the meeting report of the 51st meeting of the Advisory Committee

Examination of individual state reports and drafting of opinions, including in country-specific working groups

Exchange of views with the Chair of the GR-H

Exchange of views with the President of the Committee of Experts of the European Charter for Regional or Minority Languages

Thematic commentary on the personal scope of application of the FCNM

Recent and future developments

Dates of next meetings

ANNEX III

Strasbourg, 19 March 2015

Joint Meeting
Bureau of
European Commission against Racism and Intolerance (ECRI)
Advisory Committee on the Framework Convention
for the Protection of National Minorities (AC-FCNM)

Committee of Experts
of the European Charter for Regional or Minority Languages (COMEX ECRML)

Strasbourg, 16 March 2015, 15:00 – 17:30
(Council of Europe, AGORA building, Room G05)

Summary of discussion

1. Follow-up to Secretary General’s Report “State of Democracy, Human Rights and the Rule of Law in Europe” and the lunch he hosted for the Presidents of the monitoring and advisory bodies of the Council of Europe on 2 December 2014.

a. How to respond faster and more effectively to emergency situations and urgent requests from member states?

- **rapid reaction** can take the form of a communication with the authorities concerned, statements, ad hoc or advanced visits; joint action leads to higher attention and visibility; secretariat should ensure co-ordinated action;
- all three bodies have the possibility to respond rapidly, Charter having revised its Rules of Procedure in September 2014;
- preference for **preventive action** than reaction to urgent/conflict situations; others are better equipped to react, notably OSCE HCNM.

b. How to further improve synergies?

- **joint visits** are useful in some very specific cases; they have to be agreed to by the committees themselves (request by the receiving state is not sufficient). More effort should be placed on preparation of joint visits, notably on agreeing division of tasks (preparatory meeting). Important to share at an early stage composition of each delegation, briefing papers, lists of questions and relevant reports by other monitoring mechanisms and other CoE bodies (PACE, Commissioner for Human Rights, etc).
- **enhanced joint action** to follow-up on monitoring reports, notably in a thematic way, as well as to exchange experience and good practice is considered important. Also to promote work of the 3 bodies and the relevant Conventions is important and effective; such action has to serve a strategic objective as opposed to being stand-

alone ad hoc events. The 3 bodies do not overlap, they are complementary and complementarity should be better exploited.

- the Sami Event (27-29 November 2014) was a good example of a successful thematic joint event; a video on that event was shown and a publication on the event will be available for the next CD-DECS meeting (May 2015). Its Follow-up should be discussed and ensured by the relevant sectors. Similar transversal, thematic activities should be jointly planned for the future; possibility of focusing on Roma was discussed. The need to have a comprehensive picture on what the Council of Europe was doing in this area was underlined and a proposal for a possible future exchange with the Special Representative of the Secretary General of the Council of Europe for Roma was made.
- Attention was drawn to two joint events taking place in March:
 - Side Event at the UN Human Rights Council on Implementing Linguistic Rights (20 March; Geneva)
 - International Conference on Minority Protection at a Crossroads (31 March; Mariehamn)

2. Gender Equality Rapporteurs (GER)

- Following the setting up of a Transversal Programme of Gender Equality in 2012, most of Council of Europe committees and monitoring mechanisms have appointed a Gender Equality Rapporteur from amongst their existing members; idem for the CM and the Congress. This does not entail additional tasks or mean that it is necessary to embark on new activities. It does, however, require a change of approach – wearing gender glasses. Essentially, committees will be required to consider proposals for new activities from a gender perspective before finalising them, and to adapt or formulate activities as a result of such an analysis i.e. by taking account of the likely impact of a proposed activity on both women and men; also ensuring, as far as possible, equal representation of both sexes in events, activities, etc.
- GERs receive a special training to ensure they felt at ease with this role (next training is planned for 17 November 2015 ;
- the ACFC has already nominated Ms Jelic as GER;
- the President of the COMEX, Ms Crnic Grotic, is a candidate for GER in her Committee;
- ECRI Vice-Chair promised to discuss it during their plenary and to provide a reply by Friday 20 March.

PARTICIPANTS

Bureau of the European Commission against Racism and Intolerance (ECRI)

Ms Barbara JOHN, Vice-Chair, Germany

Mr Mirosław WYRZYKOWSKI, Vice-Chair, Poland

Mr Siniša BJEKOVIC, Bureau member, Montenegro
Mr Jean-Paul LEHNERS, Bureau member, Luxembourg
Mr Jacint RIBERAYGUA CAELLES, Bureau member, Andorra
Mr Daniel THÜRER, Bureau member, Switzerland

Bureau of the Advisory Committee on the Framework Convention for the Protection of National Minorities (AC-FCNM)

Mr Francesco PALERMO, President, Italy
Ms Petra ROTER, 1st Vice-President, Slovenia

Bureau of the Committee of Experts of the European Charter for Regional of Minority Languages (COMEX ECRML)

Prof. Dr. Vesna CRNIĆ-GROTIĆ, President, Croatia
Mr Sigve GRAMSTAD, 1st Vice-President, Norway
Prof. Dr. Stefan OETER, 2nd Vice-President, Germany

Council of Europe Secretariat

Ms Marja RUOTANEN, Director of Human Dignity and Equality
Ms Maria OCHOA-LLIDO, Head of Anti-Discrimination and Social Cohesion Department
Ms Michele AKIP, Head of Secretariat of the Framework Convention for the Protection of National Minorities
Mr Stephanos STAVROS, Executive Secretary to ECRI
Mr Thorsten AFFLERBACH, Head of Secretariat of the European Charter for Regional or Minority Languages