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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 F**

SECOND 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.”

This document was produced for the work of the Advisory Committee. For publication purposes, please refer to the original versions of the opinions of the Advisory Committee on the Framework Convention.

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As of 2 February 2016, the Advisory Committee on the Framework Convention for the Protection of National Minorities had adopted 40 opinions, among which 17 opinions on Article 17.

NOTE

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

This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. On the contrary, the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may be considered acceptable at one stage but that need not necessarily be so in further cycles of monitoring. It may also be the case that issues that appear at one stage of the monitoring to be of relatively minor concern prove over time to have been underestimated.

1. Albania

Opinion adopted on 29 May 2008

Article 17 and 18 of the Framework Convention

Transfrontier contacts

Findings of the first cycle

In its first Opinion, the Advisory Committee considered that the Albanian authorities should continue to facilitate contacts across frontiers by making 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, including minorities without a “kin-state”, to establish and maintain contacts across frontiers.

Present situation

a) Positive developments

The Advisory Committee notes that Albania and “the former Yugoslav Republic of Macedonia” signed an agreement on the liberalisation of visas in February 2008 and that this agreement also allows for the freedom of movement of citizens of both countries in an area of 20 kilometres on both sides of the border.

b) Outstanding issues

The Advisory Committee notes however that persons who do not have a “kin-state” such as the Roma, still face serious difficulties to establish and maintain contacts across border with certain neighbouring countries of Albania.

Recommendation

As stated in its first Opinion, the Advisory Committee reiterates its recommendation that the Albanian authorities facilitate contacts across borders, in co-operation with neighbouring States, without undue restrictions on the right of persons belonging to minorities, including Roma, to establish and maintain contacts across frontiers.

2. Armenia

Opinion adopted on 12 May 2006

Article 17 and 18 of the Framework Convention

Access to dual citizenship

Present situation

The Advisory Committee welcomes the acceptance of dual citizenship, following the Constitutional reform of 2005. This development should contribute to improving relations of persons belonging to national minorities with their kin-states.

Recommendations

The Advisory Committee invites the authorities to favour, in implementing the constitutional reform through legislation, an inclusive and non-discriminatory concept of dual citizenship, also in the interest of persons belonging to national minorities.

3. Azerbaijan

Opinion adopted on 9 November 2007

Article 17 and 18 of the Framework Convention

Crossborder contacts

Findings of the first cycle

In its first opinion, the Advisory Committee encouraged the authorities to pursue further their efforts to improve the possibilities of Lezgins to maintain contacts in Russia and to pay specific attention to the needs of members of the Talysh minority with regard to cross-border cooperation.

The Advisory Committee also hoped that solutions could be found to ease limitations on the crossing of border with Armenia, so that persons belonging to national minorities can establish and maintain contacts across borders.

Present situation

a) Positive developments

The Advisory Committee takes note of the fact that there is no visa requirement for Azerbaijani citizens to enter Russia and that there is a simplified visa procedure for entering Iran. Moreover, crossborder exchanges between the south of Azerbaijan and Iran are, reportedly, intensifying within a limit of 40 kilometres from the border and that it is useful for persons belonging to the Talysh minority who wish to maintain contacts over the border.

b) Outstanding issues

The Advisory Committee was informed that persons belonging to national minorities who visited Armenia or maintained contacts with persons and organisations in this country have faced adverse public reactions.

Recommendation

The authorities should ensure that persons belonging to national minorities are not prevented from developing and maintaining contacts across borders, especially with those who share the same ethnic, cultural, linguistic or religious identity.

4. Bosnia and Herzegovina

Opinion adopted on 9 October 2008

Article 17 and 18 of the Framework Convention

“Kin State” support

Present situation

The Advisory Committee was informed by minority representatives during its visit that “kin state” support is crucial for a number of national minorities. Funding, cultural and teaching material as well as visits to the “kin-state” help them preserve their languages and cultural heritage.

The Advisory Committee, however, finds that the support provided by some neighbouring countries of Bosnia and Herzegovina raises concern since in some cases it has allegedly resulted in increased segregation of persons belonging to the constituent peoples along ethnic lines, notably through the setting up of mono-ethnic schools (see also remarks under Article 12 above).

Recommendation

The Advisory Committee invites the authorities to carefully consider the impact of support from abroad in education on the overall educational policies and, where appropriate, to review its educational policies, in order to ensure that they do not lead to further segregation along ethnic lines.

5. Croatia

Opinion adopted on 1 October 2004

Article 17 and 18 of the Framework Convention

Transfrontier contacts

Findings of the first cycle

In its first Opinion, the Advisory Committee supported on-going efforts to improve the implementation of the right to have contacts across frontiers.

Present situation

Positive developments

The cancellation of the visa regime between Croatia and Bosnia and Herzegovina in 2003 and the introduction of temporary visa-free travel between Croatia and Serbia and Montenegro in 2004 significantly improved the implementation of Article 17.

Recommendations

Croatia should continue to facilitate cross-border travel between Croatia and its neighbours, including Serbia and Montenegro, for persons belonging to national minorities.

6. Cyprus

Opinion Adopted on 7 June 2007

Article 17 and 18 of the Framework Convention

**The right to establish contacts with persons sharing
the same ethnic, cultural, linguistic or religious identity**

Findings of the first cycle

In its first Opinion on Cyprus, the Advisory Committee felt it was important for the Maronites to be able to maintain free and frequent contacts with members of their group living in the north of Cyprus and encouraged the authorities to pursue further their policy to facilitate such contacts.

Current situation

a) Positive developments

The Advisory Committee expresses its satisfaction at the positive developments regarding movement between the Government-controlled territory and the north of the island. It notes in particular the partial lifting, in 2003, of restrictions to the freedom of movement across the Green Line, and welcomes the measures recently adopted in Nicosia to open an additional crossing point.

The authorities have continued their efforts to facilitate the maintenance of links and regular contacts between Maronites living in the Government-controlled territory and those who remain

in their traditional villages outside this area. Regular aid is given to these persons by means of the provision of free transport and food, and financial support measures have been approved for the repair of houses, churches and infrastructure in the villages concerned, in particular in Kormakitis. In addition, parents of Maronite children enrolled in schools in the Government-controlled zone are provided free accommodation when they travel, across the “Green Line”, to visit their children.

b) Outstanding issues

While appreciating the Government’s efforts, the Maronites’ representatives consider that this support could be increased and would expect the authorities to be more proactive in finding solutions to enable them to travel to the villages which are at present inaccessible (see also the observations on Articles 5 and 6 above).

Recommendations

The authorities should strengthen further the measures taken to facilitate movement of persons between the territory under Government control and the northern part of the island in order to allow Maronites, among others, to maintain contacts with persons that share the same identity in the northern part of the island. In addition, they should give more resolute support to the Maronites’ efforts to maintain their culture and identity.

7. Estonia

Opinion adopted on 24 February 2005

Article 17 and 18 of the Framework Convention

Transfrontier contacts

Findings of the first cycle

In its first Opinion, the Advisory Committee stressed that the new visa regime with the Russian Federation should be implemented so that it does not cause undue restrictions on the rights of persons belonging to national minorities to establish and maintain contacts across frontier. The committee also supported attempts to conclude additional bilateral agreements with relevance to the protection of national minorities.

Present situation

a) Positive developments

Estonia and the Russian Federation concluded a new agreement in October 2003, simplifying visa procedures for residents of border regions.

b) Outstanding issues

There remains a need to extend the validity of the simplified visa regime at the cross-border region. The successful completion of the renewed discussions with the Russian Federation on the signing of a border treaty would also be likely to have a positive impact on the cross-border contacts of persons belonging to national minorities.

The Advisory Committee would like to draw attention to the need to pursue further bilateral projects to tackle environmental issues concerning Lake Peipsi in co-operation with persons belonging to national minorities residing in the lakeside communities, where fishing has traditionally been a key activity.

Recommendations

Estonia should continue to introduce initiatives to facilitate cross-border contacts between Estonia and the Russian Federation and involve persons belonging to national minorities in relevant bilateral initiatives.

8. Georgia

Opinion adopted on 17 June 2015

Articles 17 and 18 of the Framework Convention

Bilateral cooperation

Findings of the first cycle

In its first Opinion, the Advisory Committee considered that the authorities should maintain a constructive approach towards international cooperation on the protection of national minorities, including through the conclusion of cooperation agreements with neighbouring countries.

Present situation

a) Positive developments

The Advisory Committee is pleased to note the continuation of discussions with a number of countries as well as the high number of bilateral agreements to promote bilateral and regional cooperation on a variety of issues, and in a spirit of good neighbourly relations.

b) Outstanding issues

The Advisory Committee considers that the development of bilateral commissions with active involvement of national minority representatives on issues of their concern, such as education, cross-border trade or questions surrounding the acquisition of or withdrawal from citizenship, may be an opportunity to identify practical solutions to some of the remaining challenges through the enhanced development of people-to-people contacts across borders and the active facilitation of linkages between neighbouring societies.

Recommendation

The Advisory Committee encourages the authorities to pursue their efforts to promote good relations within the region and to enhance in particular the effective participation of persons belonging to national minorities in the development and implementation of relevant cooperation.

9. Germany

Opinion adopted on 1 March 2006

Article 17 and 18 of the Framework Convention

Formalities relating to the crossing of the German-Danish border

Findings of the first cycle

The Advisory Committee recommended that the German authorities address the administrative problems sometimes facing workers from the Danish minority who cross the border on a daily basis in order to work in Denmark.

Present situation

Positive developments

The Advisory Committee notes that the difficulties encountered by border workers are dealt with by the Consultative Committee on Issues concerning the Danish Minority in the Federal Ministry of the Interior.

Recommendations

The Advisory Committee calls on the authorities to pursue their policy of dialogue with representatives of the Danish minority in order to deal with difficulties faced by workers who commute over the border.

10. Latvia

Opinion adopted on 18 June 2013

Articles 17 and 18 of the Framework Convention

Bilateral cooperation

Findings of the first cycle

In its first Opinion, the Advisory Committee considered that Latvia should pay greater attention to bilateral cooperation in the field of minority protection and encouraged the authorities to develop further the co-operation with neighbouring countries, in particular to facilitate cross-border contacts by persons belonging to national minorities.

Present situation

The Advisory Committee welcomes the adoption of a number of bilateral agreements facilitating co-operation with neighbouring countries, including the agreement between Latvia and the Russian Federation on the simplification of cross-border travel for border residents, which entered into force in June 2013.

Recommendation

The Advisory Committee encourages the authorities to pursue their efforts to promote co-operation on issues pertaining to minority protection in the spirit of good neighbourly relations.

11. Lithuania

Opinion adopted on 27 February 2008

Article 17 and 18 of the Framework Convention

Right of persons belonging to national minorities to maintain contacts across borders

Current situation

The representatives of the Belarusian minority informed the Advisory Committee of their concerns about the prospects of an increase in the cost of an entry visa for Lithuania after the country accedes to the Schengen Agreement. The Advisory Committee welcomes the fact that the Belarusians maintain close relations across the border with persons of the same ethnic origin, and notes that large numbers of Belarusians cross the Lithuanian border and return on certain days (All Saints Day in particular). It has also been informed that discussions on this subject were under way between the two countries' authorities. According to the information supplied to it, these discussions were intended to find ways of avoiding excessively restrictive conditions for the exercise of the right to maintain such contacts.

Recommendation

The Advisory Committee calls upon the authorities to use appropriate means to allow persons belonging to national minorities, and particularly the Belarusians living in border areas, to exercise effectively their right to maintain contacts, across borders, with persons with whom

they share the same ethnic origin and the same identity. This may involve new forms of bilateral co-operation.

12. Montenegro

Opinion adopted on 19 June 2013

Articles 17 and 18 of the Framework Convention

Bilateral co-operation

Findings of the first cycle

In its first Opinion, the Advisory Committee took note of the authorities' positive approach to the issue of free contacts across borders for persons belonging to national minorities, in particular by opening additional crossing points in the south of the country and considered that the authorities should pursue this approach.

The Advisory Committee also noted with concern the situation of persons who obtained Serbian citizenship in addition to the Montenegrin one after the independence of Montenegro, and considered that discussions on a bilateral agreement on this issue should ensure that the situation is dealt with in a satisfactory manner.

Present situation

Positive developments

The Advisory Committee notes with satisfaction that Montenegro maintains very good relations with all of its neighbours. As a result, persons belonging to different national minorities face no particular difficulties in cross border contacts. The Advisory Committee was informed in particular of the construction of new roads and planned opening of new border crossings with Albania.

The Advisory Committee notes that although no specific agreement has been signed between Serbia and Montenegro concerning the situation of persons who obtained Serbian citizenship in addition to the Montenegrin one after the independence of Montenegro it seems that issues affecting persons belonging to national minorities are solved through practical pragmatic measures.

The Advisory Committee notes with satisfaction that Montenegro and Croatia signed an Agreement on the Protection of Montenegrin Minority in the Republic of Croatia and Croatian Minority in Montenegro in 2009. This agreement was ratified by Montenegro in 2011.

Recommendations

The authorities are encouraged to maintain the positive approach to the issue of free contacts across borders for persons belonging to national minorities.

The Advisory Committee encourages the authorities to maintain positive relations with neighbouring countries, to implement the existing bilateral agreements and conclude additional ones as required, in a spirit of good neighbourliness, friendly relations and co-operation between states.

13. Netherlands

Opinion adopted on 20 June 2013

Article 17 and 18 of the Framework Convention

Cross-border co-operation

Findings of the first cycle

In its first Opinion, The Advisory Committee invited the authorities to discuss co-operation issues with organisations representing the Frisians living in the Netherlands and those representing the Frisians in Germany and Denmark.

Present situation

During its visit, the Advisory Committee noted the continued positive co-operation between organisations representing Frisians living in the Netherlands and those representing Frisians in Germany and Denmark. It was also informed that institutional co-operation exists at governmental level between the countries concerned to strengthen the promotion of the Frisian culture. Close contacts have also been established between the associations of Frisians through the Inter-Frisian Council, which organises various activities on a regular basis, including international conferences on topics of mutual interest for Frisian minorities living in the three states concerned. Interesting initiatives of cross-border co-operation on minority issues in education and other fields continue to be developed by local authorities.

Recommendation

The Advisory Committee encourages the authorities to further pursue and support co-operation with the organisations representing the Frisians living in other countries.

14. Poland

Opinion adopted on 20 March 2009

Article 17 and 18 of the Framework Convention

Transfrontier contacts

Present situation

The Advisory Committee has been informed that persons belonging to the Belarusian and Ukrainian minorities were facing administrative complications to maintain frequent transfrontier contacts following the entry of Poland into the Schengen Agreement and the establishment of the external Schengen border between Poland on one side and Belarus and Ukraine on the other. Long delays at the border crossings and detailed customs inspections were mentioned as the main causes of these difficulties.

Recommendation

The Advisory Committee encourages the authorities to pursue their efforts with neighbouring countries to ensure that new EU border regulations 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.

15. Russian Federation

Opinion adopted on 11 May 2006

The Advisory Committee refers to its comments under Article 7 above.

16. Switzerland

Opinion adopted on 29 February 2008

Articles 17 and 18 of the Framework Convention

Effect of existing bilateral agreements on Travellers

Present situation

While welcoming that EU Travellers can stop and work in Switzerland for up to 90 days, with a simple notification at the municipality, Swiss Travellers regret that they are themselves only entitled to stay in EU countries for 8 days without a work permit. The Advisory Committee understands that this state of affairs, which is specific to the field of itinerant trade, results from an allegedly restrictive interpretation given to the existing bilateral agreements between Switzerland and the EU on freedom of movement of persons.

Recommendation

The Advisory Committee encourages the Swiss authorities to look into possible ways - including through bilateral co-operation where appropriate - of improving the situation of those Swiss Travellers who wish to practice their itinerant way of life in neighbouring EU countries.

17. United Kingdom

Opinion adopted on 6 June 2007

Articles 17 and 18 of the Framework Convention

Trans-frontier contacts and co-operation

Present situation

The Advisory Committee takes note of the extensive opportunities available for persons in Northern Ireland to maintain contacts with persons residing in the Republic of Ireland with whom they share a common identity.

The Advisory Committee welcomes the close co-operation established between the Governments of the United Kingdom and the Republic of Ireland, reinforced by the St Andrews Agreement 2006, aimed at furthering the promotion of peace and stability and the protection of human rights in Northern Ireland.

Recommendations

The Advisory Committee encourages the Government of the United Kingdom to continue its close cooperation with the Republic of Ireland on all matters relevant to the protection of human rights in Northern Ireland and to continue encouraging trans-frontier contacts between persons living in the Republic of Ireland and Northern Ireland.