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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 18 OF THE FRAMEWORK CONVENTION**

**SECOND CYCLE**

**“Article 18**

1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.
2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.”

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 29 opinions on Article 18.

## 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*

**Bilateral co-operation in relation to protection of national minorities**

*Findings of the first cycle*

The Advisory Committee considered that the Albanian authorities should continue to make use of bilateral agreements concerning national minorities with a view to furthering the protection of persons belonging to national minorities.

*Present situation*

*Positive developments*

The Advisory Committee notes that the negotiation and signature of bilateral agreements with neighbouring states are included among Albania's objectives as set out in the National Plan for the implementation of the Stabilisation and Association Agreement between Albania and the European Union.

The Advisory Committee also notes that Albania and Greece have adopted an agreement with a view to affording protection and assistance to child victims of trafficking, many of whom are Roma (see also under Article 6).

*Recommendation*

The Advisory Committee encourages Albania to continue to develop its bilateral co-operation with all its neighbouring countries in the field of minority protection.

**2. Armenia**

*Opinion adopted on 12 May 2006*

**Transfrontier co-operation**

*Findings of the first cycle*

The Advisory Committee expressed, in its first Opinion, the hope that a fair and lasting political settlement would be secured, in order to solve existing problems with neighbouring countries, also in the interest of protecting national minorities through transfrontier co-operation.

The Advisory Committee also welcomed the fact that Armenia is party to several bilateral treaties and cultural agreements on the protection of national minorities and it encouraged the authorities to ensure that implementing these agreements would help to improve the protection of persons belonging to national minorities.

*Present situation*

*Outstanding issues*

The Advisory Committee notes with concern that the conflict related to Nagorno-Karabakh has hampered the overall transfrontier co-operation in the region and regrets that no political solution to the conflict has so far been found.

*Recommendations*

The Advisory Committee hopes that improved relations between the parties and a fair and lasting solution to the conflict will open possibilities for transfrontier co-operation and that it will allow the voluntary return of persons displaced by the conflict back to their native lands.

The Advisory Committee encourages the Armenian authorities to continue implementing bilateral treaties and other agreements with a view to improving the protection of persons belonging to national minorities.

### **3. Austria**

*Opinion adopted on 8 June 2007*

#### **Cross-border cooperation**

##### *Findings of the first cycle*

In its first Opinion, the Advisory Committee welcomed the signature of a cooperation agreement on culture, education and science with Slovenia in 2001.

##### *Present situation*

##### *Positive developments*

Information brought to the attention of the Advisory Committee indicates that the intensification of relations with neighbouring countries, and in particular with Slovenia and Hungary, has had a positive impact on the protection of rights of persons belonging to national minorities and, in general, on attitudes of the population towards these persons. The strengthening of economic relations with neighbouring countries, in particular, is contributing to improving the socio-economic situation of the traditional settlement areas of the national minorities.

The Advisory Committee welcomes the numerous initiatives of cross-border cooperation in the field of education, such as the agreement on the mutual recognition of degrees for persons belonging to the respective minorities, the exchange programmes between multi-lingual kindergartens and the projects for cross-border history textbooks (see also remarks under articles 6, 12 and 14).

##### *Recommendations*

The Advisory Committee encourages the authorities to continue to develop cross-border cooperation programmes in fields of activities that are of relevance for persons belonging to national minorities.

### **4. Azerbaijan**

*Opinion adopted on 9 November 2007*

#### **Crossborder cooperation**

##### *Findings of the first cycle*

In its first Opinion, the Advisory Committee welcomed the fact that Azerbaijan is party to bilateral agreements touching upon the protection of national minorities.

##### *Present situation*

##### *Positive developments*

The Advisory Committee takes note of the series of bilateral agreements that the Ombudsperson's Office signed with a number of neighbouring countries on national minority protection.

##### *Recommendation*

The Advisory Committee encourages the authorities to pursue the cooperation with neighbouring countries on national minority related issues.

**5. Bosnia and Herzegovina**

*Opinion adopted on 9 October 2008*

**Bilateral agreements on national minority protection**

*Findings of the first cycle*

In its first opinion, the Advisory Committee regretted that Bosnia and Herzegovina had not concluded any bilateral agreement devoted to the protection of the languages of its national minorities. It encouraged the authorities to take new initiatives in this field.

*Present situation*

a) Positive developments

The Advisory Committee welcomes the fact that Bosnia and Herzegovina is part of the newly established (February 2008) Regional Council for Cooperation, which establishes a new frame for co-operation in Southeastern Europe. Co-operation on national minority policies in the region could develop as part of this co-operation framework in the future.

b) Outstanding issues

According to the information available to the Advisory Committee, no bilateral agreement devoted to the protection of national minorities has been concluded since 2004.

*Recommendations*

The Advisory Committee encourages the authorities to pursue co-operation at regional level on minority protection. It also invites them to step up efforts to conclude bilateral agreements on minority protection as these can contribute to the preservation of the development of minorities' cultures and languages.

**6. Croatia**

*Opinion adopted on 1 October 2004*

**Bilateral agreements**

*Findings of the first cycle*

The Advisory Committee encouraged efforts to sign additional bilateral agreements pertaining to national minorities.

*Present situation*

Outstanding issues

The conclusion of a bilateral agreement on the protection of national minorities with Serbia and Montenegro is still pending. Furthermore, no progress has been reported on the Croatian efforts to conclude such an agreement with Slovenia.

*Recommendations*

Croatia should pursue its efforts to conclude further bilateral agreements on the protection of national minorities.

**7. Cyprus**

*Opinion Adopted on 7 June 2007*

### **Bilateral agreements concerning the protection of minorities**

#### *Findings of the first cycle*

In its first Opinion on Cyprus, the Advisory Committee took note of the conclusion of a bilateral agreement with Armenia on cooperation in the fields of culture, education and science and encouraged the authorities to make use of the numerous opportunities opened up by this bilateral agreement to assist the Armenians living in Cyprus.

#### *Current situation*

##### **a) Positive developments**

The Advisory Committee welcomes the recent developments announced by the authorities with regard to bilateral cultural co-operation with Lebanon and the possible positive impact of this co-operation on the protection of the Maronites.

##### **b) Outstanding issues**

While expressing satisfaction at the progress referred to above, the Advisory Committee notes with regret that the Armenians and the Maronites do not seem to be informed about the developments in question and are not adequately consulted and involved in bilateral cooperation of potential interest to them.

#### *Recommendations*

The Advisory Committee encourages the authorities to ensure that the representatives of the minority groups are kept informed and are involved in the drawing up and implementation of plans for bilateral cooperation of interest to them.

### **8. Czech Republic**

*Opinion adopted on 24 February 2005*

#### *Present situation*

##### **Positive developments**

The Advisory Committee notes that the Czech Republic has concluded bilateral agreements touching upon the protection of persons belonging to national minorities.

#### *Recommendation*

The Advisory Committee encourages the Czech Republic to continue its relevant efforts in the field of bilateral co-operation.

### **9. Denmark**

*Opinion adopted on 9 December 2004*

### **Copenhagen-Bonn Declarations**

#### *Present situation*

##### **Positive developments**

The Advisory Committee recognises the importance and success of the Copenhagen-Bonn Declarations that have been a central pillar for developing the rights of persons belonging to the German minority in Denmark and also the rights of persons belonging to the Danish minority in Germany.

The Copenhagen-Bonn Declarations have become models for peaceful solutions to minority problems and have contributed to the development of fruitful relations in the border region. The Advisory Committee notes that the 50<sup>th</sup> Anniversary of the Copenhagen-Bonn Declarations will

be celebrated in March 2005 and that this will have a particular political, social and cultural importance for the German minority in Denmark and the Danish minority in Germany.

#### *Recommendations*

The Advisory Committee encourages the Government to seek to resolve outstanding issues relevant to the German minority under the proposed administrative reforms (see under Article 15 above) before the 50<sup>th</sup> Anniversary of the Copenhagen-Bonn Declarations.

### **Region South Jutland-Schleswig**

#### *Present situation*

##### a) Positive developments

The cross border co-operation was formalised in 1997 under the Region South Jutland-Schleswig. It consists of a regional council on which the German minority is represented by the chairman of the Bund deutscher Nordschleswiger and the county councillor for the Schleswig Party.

The Advisory Committee notes that the German minority considers this regional council to be an important element of Danish-German co-operation in which the German minority provides an essential link and catalyst through their contacts, shared culture and linguistic abilities.

##### b) Outstanding issues

The Advisory Committee is aware of concerns raised by the German minority that the proposed administrative reforms could jeopardise the work, structure and level of representation of the German minority in the Region South Jutland-Schleswig. The Advisory Committee is, however, aware that the recent safeguards proposed by the Government on 1 December 2004 go some way to meet the concerns of the German minority (see under Article 15 above).

#### *Recommendations*

The Advisory Committee considers that this issue ties in with the concerns raised under Article 15 above in relation to the proposed administrative reforms and their impact on the effective participation of persons belonging to the German minority. The Advisory Committee considers that the proposed reforms should be implemented in such a way as to ensure that they do not adversely impact on the ability of persons belonging to the German minority to participate in transfrontier co-operation such as currently covered by the Region South Jutland-Schleswig.

## **10. Estonia**

*Opinion adopted on 24 February 2005*

### **Articles 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.

**11. Finland**

*Opinion adopted on 2 March 2006*

**Nordic Sami Convention**

*Present situation*

The Advisory Committee welcomes the extensive transfrontier co-operation on Sami issues and the process of preparing a Nordic Convention concerning the rights of the Sami people, a draft of which was completed by an expert group in November 2005.

*Recommendation*

The Advisory Committee encourages the authorities to pursue regional co-operation on Sami, including by completing the work on a Nordic Convention providing strong guarantees for the protection of the Sami as an indigenous people.

**12. 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.

**13. Hungary**

*Opinion adopted on 9 December 2004*

**Cross-border co-operation**

*Findings of the first cycle*

In its first Opinion on Hungary, the Advisory Committee welcomed Hungary's participation in numerous bilateral treaties and cultural agreements covering the protection of persons belonging to national minorities.

*Present situation*

Positive developments

Hungary concluded bilateral treaties with all its neighbours except Austria. The Advisory Committee welcomes in particular the ratification by the Hungarian Parliament on 27 September 2004 of a bilateral treaty with Serbia and Montenegro, guaranteeing special rights for the Serbian minority in Hungary and the Hungarian minority in Serbia and Montenegro.

The adoption of Law LXII of 2001 on Hungarians Living in Neighbouring Countries has had an impact on cross-border co-operation and the principles of good neighbourliness, friendly relations and co-operation between states, as enshrined in Articles 2 and 18 of the Framework Convention. For example, the adoption of this law provoked some very negative reactions, many of which could have been prevented through prior consultation with the neighbouring states concerned. However, the Advisory Committee notes that, following these negative reactions, the Hungarian authorities have engaged in consultations with the international community – including the Council of Europe – and actively stepped up dialogue with their neighbours. The Advisory Committee is pleased to note that, following these international and bilateral consultations, Law LXII of 2001 on Hungarians Living in Neighbouring Countries was amended in June 2003 and that its implementing provisions were laid down following detailed discussions with the neighbouring countries which had expressed reservations, particularly Romania and Slovakia.

### *Recommendations*

Hungary should endeavour to implement without delay the bilateral treaty recently concluded with Serbia and Montenegro by setting up the necessary joint commissions. In pursuit of its legitimate objective of protecting Hungarian minorities abroad, Hungary should try, in the future, to pay appropriate attention to the principles applicable in this area, particularly those of good neighbourliness, friendly relations and co-operation between states.

## **14. 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.

## **15. Moldova**

*Opinion adopted on 9 December 2004*

### **Bilateral agreements**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee welcomed the fact that Moldova was party to a number of bilateral agreements on the protection of national minorities and encouraged the authorities to ensure their effective implementation.

#### *Present situation*

#### **Positive developments**

Moldova now cooperates effectively with a large number of states, including the Russian Federation, Ukraine, Bulgaria, Turkey, Poland, Israel, Belarus and Lithuania, in areas relating to the protection of national minorities, such as education, culture, the media etc. These relations are formalised in bilateral friendship and good neighbour treaties, as well as in specific governmental agreements with the kin-states of persons belonging to national minorities living in Moldova. Partner ministries and departments have also concluded sectoral agreements in this field (see also comments under Article 5 above).

### *Recommendations*

Moldova should continue its approach and ensure effective implementation of the bilateral agreements concluded in fields concerning the protection of national minorities, in the interests of strengthening their protection. It is important in this connection that due attention should be paid to the establishment and appropriate functioning of joint commissions pertaining to such agreements, and that such co-operation is developed with all neighbouring countries and other relevant partners.

## **16. 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.

## **17. 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.

## **18. Norway**

*Opinion adopted on 5 October 2006*

### **Bilateral and regional co-operation on minority-related issues**

##### *Findings of the first cycle*

In its first Opinion on Norway, the Advisory Committee took note of Norway's regional and bilateral co-operation in the field of the protection of national minorities and encouraged the authorities to extend this co-operation to all the minorities concerned.

##### *Present situation*

##### *Positive developments*

The Advisory Committee is satisfied to note that an inter-ministerial working group involving Finland, Norway and Sweden was set up in January 2004 to share information and good practice concerning national minorities, including Roma and Romani/Tatars. The Advisory Committee observes that this group has already held its first meetings and that Denmark is also to be invited to take part in its work.

It should also be noted that, as indicated by the Norwegian Government in its comments on the first Opinion of the Advisory Committee, national minorities have access to state subsidies for projects concerning the development of regional and bilateral relations.

##### *Recommendation*

The Advisory Committee encourages the authorities to pursue and develop regional co-operation in the field of protection of national minorities and to involve the representatives of minorities fully in activities organised in this context. The authorities are also encouraged to pay

due attention to the needs of national minorities when granting subsidies for bilateral and regional co-operation projects.

## **19. Poland**

*Opinion adopted on 20 March 2009*

### **Bilateral co-operation**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee noted that Poland concluded with its neighbours numerous bilateral agreements protecting national minorities. The Advisory Committee considered that the Polish authorities should bear in mind that making the implementation of protective measures for national minorities living in Poland systematically conditional to progress recorded on similar issues in neighbouring countries was not in line with the spirit of the Framework Convention and that it could not compensate such shortcomings in the protection scheme set up under domestic law.

#### *Present situation*

##### **a) Positive developments**

The Advisory Committee notes that, in its efforts aimed at strengthening the protection of national minorities, Poland has continued to pay considerable attention to co-operation agreements with all neighbouring countries.

##### **b) Outstanding issues**

According to the information available to the Advisory Committee, local authorities and the media occasionally invoke reciprocity with neighbouring States as a condition for settling the issues under their competence. Such an approach has allegedly been demonstrated in particular with regard to the erecting of and or renovating memorials to the war victims and return of property (see also remarks under Articles 5 and 6 above).

The Advisory Committee notes the adoption of the Act on the Polish Card of 7 September 2007 which gives a number of rights in the field of education, culture, employment, social matters and health care to persons of Polish descent living in the countries which formed the USSR. This Act, which bestows rights on persons who are citizens of some neighbouring countries, provoked discussions at inter-State level and could therefore adversely affect bilateral relations, including on minority issues, as has already been pointed out in the Report of the Venice Commission on the Preferential Treatment of National Minorities by their Kin-State.

#### *Recommendations*

The Advisory Committee invites the authorities to apply the existing bilateral agreements in the spirit of good neighbourliness, friendly relations and co-operation between States, without making the implementation of protective measures for national minorities living in Poland systematically conditional to progress on similar issues in neighbouring countries.

The Advisory Committee invites the authorities to apply the provisions of the Act on the Polish Card in the spirit of good neighbourliness, friendly relations and co-operation between States, as enshrined in Articles 2 and 18 of the Framework Convention. The authorities are also invited to continue the consultation process with the authorities of those States whose citizens may be concerned.

## **20. Russian Federation**

*Opinion adopted on 11 May 2006*

### **Bilateral activities**

#### *Present situation*

The Advisory Committee has received disconcerting information that difficulties in the bilateral relations of the Russian Federation and certain neighbouring countries have, in some cases, had a negative impact on the protection of persons belonging to the national minorities concerned.

#### *Recommendation*

The Advisory Committee calls on the Russian Federation to take steps, in co-operation with other parties, to promote good neighbourly relations, including, where necessary, by adopting bilateral agreements in order to ensure the protection of persons belonging to the national minorities concerned.

## **21. Serbia**

*Opinion adopted on 19 March 2009*

### **Bilateral Agreements**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee welcomed the existing bilateral co-operation agreements relating to the protection of persons belonging to national minorities and supported attempts to sign additional agreements of this nature, including with Croatia.

#### *Present situation*

##### **a) Positive developments**

The Advisory Committee welcomes the fact that agreements with Croatia and “the former Yugoslav Republic of Macedonia” have been concluded since 2004. The Advisory Committee further welcomes the fact that a number of agreements in the field of cultural and educational co-operation have been signed with neighbouring countries.

##### **b) Outstanding issues**

The Advisory Committee notes that, although negotiations are reported to continue, the bilateral commissions envisaged in the bilateral co-operation agreements with Romania and Croatia have not yet been established. The Advisory Committee finds that this type of commission could have a potentially useful role in finding solutions to issues of common concern, including in the field of education (see also Article 12 above) and that due attention should be paid to finding an agreement on their establishment. It further notes that no bilateral agreements devoted to the protection of national minorities have been concluded as yet with Bosnia and Herzegovina and Montenegro and it considers that the adoption of such agreements could be instrumental to enhancing the protection of national minorities. The Advisory Committee further notes that, as far as bilateral co-operation with Montenegro is concerned, the situation of those persons who have presently both Serbian and Montenegrin citizenships is due to be addressed through a bilateral agreement. It notes that such an agreement has not been signed as yet and it expects that a solution can be found. Such a solution should keep in mind the importance of maintaining a climate of co-operation and taking due account of the situation of the persons concerned and their ties with the two countries.

#### *Recommendation*

The Advisory Committee encourages the Serbian authorities to step up efforts to conclude bilateral agreements with other neighbouring countries, including Bosnia and Herzegovina and Montenegro as well as to ensure that the conditions are in place for the effective implementation of existing agreements, including by setting up the necessary bilateral joint commissions.

## **22. Slovak Republic**

*Opinion adopted on 26 May 2005*

### **Cross-border co-operation**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee welcomed the attempts to improve the functioning of the joint commissions envisaged in the 1995 treaty on Good Neighbourliness and Friendly Co-operation between Slovakia and Hungary.

#### *Present situation*

##### **a) Positive developments**

The Advisory Committee is pleased to note that Slovakia has been particularly active in strengthening cross-border co-operation with its neighbours, which has had positive impacts for persons belonging to national minorities. This has been recently attested by the signature, in January 2003, of an Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on Co-operation in the Fields of Culture, Education, Science, Sports and Youth, which is however not exclusively aimed at addressing minority issues. Mention must also be made of the signature, in December 2003, of an Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on Mutual Support for National Minorities in the fields of Education and Culture. This Agreement, which mutually recognises that each State Party may support its “kin minority” living in the territory of the other State Party under agreed conditions, appears to take due account of the principles of good neighbourliness, friendly relations and co-operation between states, as enshrined in Articles 2 and 18 of the Framework Convention. The Advisory Committee indeed considers that these principles are of central importance in the preparation of rules governing kin state support for their minorities.

##### **b) Outstanding issues**

The attention of the Advisory Committee was drawn to certain difficulties as regards recognition of diplomas for foreign teachers wanting to work in primary schools (grades 1 to 4) of Slovakia. These difficulties seem to complicate in particular the recruitment of teachers coming from Hungary with a view to teaching in Slovak schools providing instruction in Hungarian.

#### *Recommendation*

The authorities are invited to ascertain that there are no undue obstacles complicating the recognition of diplomas for foreign teachers invited to work in Slovak primary schools with instruction in minority languages.

## **23. Slovenia**

*Opinion adopted on 26 May 2005*

#### *Findings of the first cycle*

In its first Opinion on Slovenia, the Advisory Committee welcomed the bilateral co-operation developed by Slovenia in the area of protection of national minorities, and encouraged the authorities to continue their efforts in this direction.

#### *Positive developments*

The Advisory Committee notes that Slovenia has continued to pay considerable attention, in its efforts aiming at strengthening the protection of national minorities, to the ways and means provided in this respect by the bilateral co-operation with Hungary and Italy.

*Recommendation*

The Advisory Committee encourages the authorities to further develop bilateral co-operation, including transfrontier co-operation, particularly with neighbouring States, in areas of relevance for the implementation of the Framework Convention.

**24. Spain**

*Opinion adopted on 22 February 2007*

**Transfrontier cooperation**

*Present situation*

a) Positive developments

The Advisory Committee is pleased to note the examples of transfrontier cooperation between Roma associations and non-governmental organisations in Spain and other European countries. One such project, proposed and implemented by a Roma association from Extremadura, has received financial support from the Government of the Autonomous Community of Extremadura. Another non-governmental organisation has also initiated programmes with Roma in Bosnia Herzegovina, the Czech Republic and Hungary.

b) Outstanding issues

According to information received from Roma associations, the future of smaller transfrontier cooperation initiatives is often at risk due to lack of secure financing.

*Recommendation*

The Advisory Committee recalls the important role of transfrontier cooperation in the promotion of mutual understanding and confidence, and encourages the authorities to offer support, wherever possible, for such initiatives.

**25. Sweden**

*Opinion adopted on 8 November 2007*

**Transfrontier co-operation**

*Present situation*

The Advisory Committee welcomes the process of preparing a Nordic Sami Convention, a draft of which was completed by an expert group in November 2005.

Disputes have arisen over the reindeer herding rights of a Swedish Sami village on the Norwegian side of the border, following the expiry of a bilateral herding agreement between Sweden and Norway in 2005.

There have been some excellent examples of transfrontier co-operation on minority issues in education and other fields, including those between Haparanda and Torneå.

*Recommendations*

While welcoming good practices in the media and other fields, the Advisory Committee encourages the authorities to pursue further regional co-operation on Sami issues. This should include adopting the Nordic Sami Convention providing strong guarantees for the protection of the Sami as an indigenous people.

It is important that a solution is rapidly found to the dispute over reindeer herding in Norway by a Swedish Sami village. The solution should fully protect the right of the Sami concerned to practice reindeer herding without any undue obstacles.



**26. 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.

**27. “The former Yugoslav Republic of Macedonia”**

*Opinion adopted on 23 February 2007*

**Bilateral cooperation in the field of protection of national minorities**

*Findings of the first cycle*

In its first Opinion, the Advisory Committee noted that “the former Yugoslav Republic of Macedonia” had concluded bilateral cooperation agreements in the cultural sphere with a number of countries and urged the authorities to consider signing similar agreements with any neighbouring countries for which no such arrangements had yet been put in place.

*Present situation*

*Positive developments*

The Advisory Committee notes that the Government is promoting and devoting special attention to unrestricted cooperation between domestic municipalities and local administrative units in other countries, including on matters of common interest connected with protection of persons belonging to minorities. In this respect, it notes that a law defining the procedures for such cooperation is in preparation and that the authorities are considering the possibility of signing the Council of Europe’s European Framework Convention on Transfrontier Cooperation.

The Advisory Committee notes that there are advanced bilateral talks between “the former Yugoslav Republic of Macedonia” and Croatia, aiming at the adoption of a bilateral agreement on the protection of the Croat and Macedonian minorities in the two countries, respectively.

*Recommendation*

The authorities are urged to maintain their approach to encouraging and promoting cross-border cooperation in the interests of protecting persons belonging to national minorities. They should continue and develop the initiatives taken in relation to minority protection in the context of bilateral cooperation and strengthen the cooperation in this field with all neighbouring countries.

**28. Ukraine**

*Opinion adopted on 30 May 2008*

## **Bilateral co-operation**

### *Findings of the first cycle*

In its first Opinion, the Advisory Committee called on the authorities to continue their efforts to ensure that visa requirements were implemented in a manner that did not cause undue restrictions to the rights of persons belonging to national minorities to establish and maintain transfrontier contacts. Problems concerning travel documents of students belonging to the Romanian minority studying in Romania were also encountered.

The Advisory Committee welcomed the setting up of several bilateral commissions examining the implementation of the treaties pertaining to minority protection.

### *Present situation*

#### **a) Positive developments**

Bilateral commissions based on agreements concluded between Ukraine and neighbouring countries, such as Hungary, Romania and Slovakia, have pursued their activities. For example, the implementation of the bilateral agreement between Romania and Ukraine has been monitored by the bilateral commission since 2006, with the involvement of the representatives of the Council of Europe and the Office of the OSCE High Commissioner on National Minorities, as observers. Special protocols providing for co-operation in the field of minority education have been included in some bilateral agreements. Moreover, co-operation in the field of minority protection between Ukraine and other countries, namely Belarus, Germany, Lithuania and Moldova, has been initiated.

#### **b) Outstanding issues**

The Advisory Committee has been informed that persons belonging to the Romanian minority were facing administrative complications to maintain frequent transfrontier contacts following Romania's accession to the European Union. A limited number of border-crossings and an increase in visa fees were mentioned as the main reason behind these difficulties.

Increased tensions have been noted in bilateral relations between Ukraine and the Russian Federation, including on language issues. These tensions have reportedly had an impact on the work of the Russian-Ukrainian bilateral Commission.

### *Recommendations*

The Advisory Committee encourages the authorities to pursue their efforts with neighbouring countries to ensure that new EU 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 authorities could explore ways and means to strengthen bilateral co-operation on minority issues with the Russian Federation.

## **29. 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.