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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 5 OF THE FRAMEWORK CONVENTION**

**SECOND CYCLE**

**“Article 5**

1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.
2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.”

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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\*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.

As of 2 February 2016, the Advisory Committee on the Framework Convention for the Protection of National Minorities had adopted 40 opinions, among which 35 opinions on Article 5.

### **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*

### **Policy on supporting minority cultures**

#### *Findings of the first cycle*

The Advisory Committee considered that the authorities should take steps to support national minority cultures, in consultation with the representatives of national minorities, and should not rely too heavily on civil society initiatives or other states' support.

#### *Present situation*

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

The Albanian authorities have generally demonstrated their concern for respecting the traditions and the cultures of national minorities. The Advisory Committee notes for example that the Ministry of Culture, Youth and Sport has supported projects such as those involving the participation of Roma music groups in folk festivals in a number of Albanian towns.

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

The Ministry of Culture, Youth and Sport does not have a specific budget for projects aimed at preserving and developing minority cultures. In practice, for the time being, such projects continue to mainly depend on funding from international sources or "kin-state" support. The Advisory Committee notes, however, that the National Plan for the implementation of the Stabilisation and Association Agreement between Albania and the European Union mentions the creation of a special fund to finance such projects as a short-term legislative initiative. The fund has not yet been set up, however.

#### *Recommendation*

The Advisory Committee reiterates its recommendation that the Albanian authorities develop a genuine policy on supporting minority cultures; to this end, they should set up the special fund to promote minority cultural identities as envisaged in the aforementioned national plan. They should demonstrate their commitment, including in financial terms, alongside international agencies, non-governmental organisations and "kin-states".

### **Situation of Vlachs/Aromanians**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee expressed its concern at reports that certain persons were claiming that the Vlachs/Aromanians were totally assimilated in Albania, and asked the authorities to take all necessary measures, in particular in the area of teaching of the Aromanian language, to make sure that there are no grounds for such allegations.

#### *Present situation*

##### **Outstanding issues**

Apart from a few projects, most Vlach/Aromanian cultural activities, especially in relation to language teaching (see also under Article 14), have been launched thanks to outside funding, in particular from Romania. Vlach/Aromanian representatives are disappointed that the Albanian government has not provided any support for their culture and language, which they believe are under threat to die out. In the Advisory Committee's view, while support from agencies outside Albania may be useful and cannot be overlooked, it must not replace government action in this area and even more so for minorities who cannot rely on other states' support, as this makes them more vulnerable.

*Recommendation*

The Advisory Committee asks the Albanian authorities to show greater commitment, including in financial terms, to the Vlach/Aromanian minority so as to enable it to preserve the key components of its identity, particularly its cultural and linguistic identity.

**2. Armenia**

*Opinion adopted on 12 May 2006*

**Support policies for national minorities***Findings of the first cycle*

In its first Opinion, the Advisory Committee considered that the authorities should make additional efforts for the preservation and development of minorities' culture and identity, including by supporting the establishment of a cultural centre for national minorities.

It also found that some institutional and legislative measures, designed to provide support for national minorities in the field of culture, should be promptly implemented, in consultation with the persons concerned.

*Present situation***a) Positive developments**

The Advisory Committee welcomes the provisions of the Law on Culture of 2002, which aim at preserving and developing the cultural identity of national minorities. It takes note of the support provided to a number of cultural and artistic initiatives of national minorities. Finally, it welcomes the fact that minority cultures form part of the national cultural policy plan for 2005-2008.

The Advisory Committee commends the allocation by the Government of a building in the centre of Yerevan in 2004, to be used as a cultural centre for minorities, and the support given for its refurbishment. It hopes that the centre will soon be able to operate.

**b) Outstanding issues**

Representatives of national minorities informed the Advisory Committee that they consider funding and other forms of support for cultural and artistic events aiming at the preservation of their culture and identity insufficient. Funds have been allocated every year since 2001 to national minorities through the Co-ordinating Council of National Minorities and shared equally between the 11 minority groups, which is, according to some representatives, detrimental to the largest minorities.

*Recommendations*

While taking note of the continuing economic difficulties facing Armenia, the Advisory Committee invites the authorities to further support projects for the preservation and development of minority cultures, in close co-operation with the representatives of minorities, and to allocate support in accordance with the needs of the various groups.

**3. Austria**

*Opinion adopted on 8 June 2007*

**Federal support for the activities in favour of  
preserving the culture and identity of national minorities***Findings of the first cycle*

In its first Opinion, the Advisory Committee expressed concerns regarding the significant reduction in federal subsidies for national minorities' cultural activities. It also encouraged the authorities to elaborate criteria for a more transparent distribution of financial support for national minorities' activities.

*Present situation*

a) Positive developments

The Advisory Committee notes with satisfaction that the authorities have recently prepared draft guidelines for the distribution of funds to support the activities of the national minorities. It was informed that the draft guidelines have been submitted to the advisory councils for national minorities (see also remarks under Article 15 below) for consultation and that the latter are in the process of preparing their comments on this draft.

b) Outstanding issues

The Advisory Committee observes with concern that federal subsidies for the preservation and development of the culture and traditions of national minorities have not increased since 1995 and are not inflation-adjusted. However, according to both the authorities, in the State Report, and all national minorities representatives, national minorities are experiencing an ongoing process of losing their distinct identity, linked with various factors, including a changing socio-economic environment and migration out of the traditional minority settlements. More support for activities aimed to revive and further develop national minority organisations and their activities is therefore required.

The Advisory Committee was informed that, in the absence of clear criteria, the distribution of funds for the activities of national minorities by the Federal Chancellery continues to be marked by a lack of transparency and predictability. Claims of unequal treatment in terms of support were also brought to the attention of the Advisory Committee by representatives of the national minorities. These were also noted by the Federal Court of Audit, which recommended, in an audit report in 2004, that the authorities establish clear guidelines for the distribution of support to the organisations of national minorities. Therefore, the Advisory Committee hopes that the draft guidelines prepared by the authorities (see paragraph 59 above) will soon result in a more transparent system of support to national minorities' activities, which should also help build further confidence between the authorities and the representatives of the national minorities.

*Recommendations*

The Advisory Committee strongly encourages the Austrian authorities to complete the process of adopting clear guidelines for the distribution of federal funds for activities of national minorities, in close cooperation with the representatives of the minorities concerned. The guidelines should aim to establish a more transparent, fairer and more consensual system of distribution of support.

The authorities should consider increasing the amount of support allocated to these activities, so as to ensure the preservation of their identity, linguistic and cultural heritage.

***Länder support for the activities of national minorities***

*Findings of the first cycle*

In its first Opinion, the Advisory Committee recommended that the authorities of Styria adopt considerably more determined measures to support the preservation and development of the culture of the Slovenes in this region, who according to Article 7 of the State Treaty, enjoy the same rights as the Slovenes in Carinthia.

The Advisory Committee also invited the authorities to provide further support to the Czech and Slovak minorities living in Vienna to enable them to preserve their cultural and linguistic heritage.

*Present situation*

a) Positive developments

The Advisory Committee welcomes the increasing recognition and support that have been given to the culture and identity of the Slovene minority in Styria, which reportedly contributed to increasing numbers of persons declaring Slovenian as the language spoken in everyday life in the 2001 census.

## b) Outstanding issues

During its visit to Carinthia, representatives of the Slovene minority informed the Advisory Committee that funding provided by the Carinthian authorities for the cultural activities of the Slovene minority is not proportional to the share of the Slovene population in Carinthia and that persons belonging to the Slovene minority are disadvantaged compared with the majority population, whose associations receive proportionally more funding for cultural activities. The example of the Slovene Music School, which receives less than a quarter of the amount allocated per pupil per year to the German Music School, was highlighted as a case of particularly unequal treatment. The Advisory Committee is concerned that inadequate support for the activities of the Slovene organisations is likely to hamper their efforts to preserve their language and cultural heritage.

The Advisory Committee notes that, despite the encouraging developments mentioned above, more measures need to be taken to raise awareness of the culture and language of the Slovenes of Styria and ensure their development, notably in the field of education (see also remarks under Article 14 below).

The Advisory Committee notes that persons belonging to national minorities continue to report difficulties in accessing support to implement activities to preserve their cultural heritage. In particular, persons belonging to the Czech and Slovak minorities in Vienna report that most of the subsidies available are used to support the operation of the Komenský school (see also remarks under articles 13 below), which provides education in the Czech and Slovak languages and that only a limited amount of funds remains available for cultural activities of the Czech and Slovak minorities.

*Recommendation*

The Advisory Committee calls on the authorities to ensure that the needs of the Slovene minority in Carinthia are effectively responded to. The Advisory Committee also invites the authorities to pursue and expand the measures taken to support the preservation and development of the culture and language of the Slovenes of Styria. The preservation of the culture and identity of persons belonging to the Czech and Slovak and other minorities in Vienna should also be addressed by the authorities.

**4. Azerbaijan**

*Opinion adopted on 9 November 2007*

**State support for the preservation and development of minority cultures***Findings of the first cycle*

In its first Opinion, the Advisory Committee encouraged the authorities to increase state support for cultural activities of national minorities. It also recommended the creation of a support scheme that ensures involvement of representatives of national minorities in decision-making.

*Present situation*

## a) Positive developments

The Advisory Committee notes that the new National Action Plan on the Protection of Human Rights in Azerbaijan (see also remarks in respect of Article 4) includes in its goals the protection and development of the cultural heritage of national minorities. It observes, however, that the subsequent Order of the President on “approval of the Action Plan” (see paragraph 36 above) contains no specific tasks regarding the implementation of this goal. The Advisory Committee hopes that this new framework will nonetheless strengthen possibilities to protect and promote the cultural heritage of national minorities.

The Advisory Committee welcomes the establishment in 2004 of a Coordination Council of the Cultural Centres of national minorities, composed of 11 representatives of national minorities and with a consultative role to the Ministry of Culture.

b) Outstanding issues

The Advisory Committee is concerned by the lack of support provided for activities aiming at preserving and developing the cultural heritage and the languages of national minorities. Although the Advisory Committee was not, in view of the information available, able to evaluate the amounts provided after 1997 by the State to support minority cultures, various interlocutors of the Advisory Committee have underlined that State financial support for national minorities' activities is extremely limited and for some activities, was completely stopped after 1997.

Moreover, there is no regular scheme for the allocation of support and support seems to be provided on an *ad hoc* basis and according to criteria that are not known to minority representatives that the Advisory Committee met. The Coordination Council of the Cultural Centres of national minorities can propose projects for funding by the State but, according to the authorities, it does not take part in decisions on funds allocation, which are taken by the Ministry of Culture (see also remarks in respect of Article 15).

The Advisory Committee understands the legitimate emphasis put by the authorities on strengthening the common national identity, language and culture and takes note of the subsequent policy of promotion of the Azerbaijani language that was put in place in different spheres. However, it is of the opinion that this policy should be implemented in a way that does not hamper the preservation and the development of minority cultures (see also remarks in respect of Article 4) and bearing in mind that Article 5 (2) of the Framework Convention prohibits policies of assimilation of persons belonging to national minorities.

The Advisory Committee notes that a new Presidential Decree on support to NGOs, including those representing national minorities, has been adopted in 2007 (see also remarks in respect of Article 7 below). It takes note, in this context, of the intention to emphasise certain fields of activities when allocating State support to NGO's, including activities aimed at promoting the national identity. It is important that the authorities also pay adequate attention to the preservation, as well as to the development, of minorities' identity and culture and that minorities' organisations will equally benefit from any new source of State support for NGO's.

Furthermore, the obligation for non-governmental organisations to register with the Ministry of Justice the grants they receive from other sources than the State is still in force. The Advisory Committee notes that, if not implemented in a transparent manner, it may constitute an obstacle for the activities of the national minorities' organisations. Consideration could be given, possibly in the context of the implementation of the new Presidential Decree, to amending the provision of the Law on grants concerning registration of the latter.

The Advisory Committee notes with concern that the State Committee for National Minorities, the only specific institutional structure devoted to minority issues, is no longer operating. This results in a lack of institutional framework for policies and measures to preserve and promote national minorities' cultures and heritage. Nonetheless, there is a need for specific institutions in charge of promoting minority cultures, that include adequate opportunities for participation of the national minorities in decision-making. Discussions on the draft law on the protection of national minorities, whose adoption forms part of the commitments undertaken by Azerbaijan upon accession to the Council of Europe, could be an opportunity to consider new structures devoted to minority protection.

*Recommendations*

The Advisory Committee urges the authorities to consider ways of increasing support for activities aimed at protecting and promoting national minorities' cultural and linguistic heritage, including through direct support to the activities of national minorities' organisations.

Institutionalised schemes for State funds allocation for national minorities' activities should be set up, that should provide for effective participation of national minorities' representatives in decision-making. Information on criteria for the allocation of State support should be made available to national minority organisations and representatives.



The Advisory Committee urges the authorities to set up effective institutional structures to deal on a regular basis with minority issues. Participation of national minority representatives in decisions regarding the preservation and development of their cultures and languages should be ensured.

## **5. Bosnia and Herzegovina**

*Opinion adopted on 9 October 2008*

### **Legislation on national minorities**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee expressed deep concern about the lack of implementation of the State Law on National Minorities, notably the lack of adoption of legislation at Entities' level and the lack of financial appropriations for translating the Law into practice.

#### *Present situation*

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

The Advisory Committee welcomes the adoption of the Law on Minorities of Republika Srpska in December 2004, whose aim is to transpose the State Law on National Minorities at the level of Republika Srpska. Similarly, it is pleased to note the adoption, in July 2008, of the Federation Law on Minorities.

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

All representatives of national minorities that the Advisory Committee met during its visit underlined the lack of political will on the side of the authorities to implement the existing legislation on national minorities (see also remarks under Article 15). They highlighted the lack of resources allocated for this purpose, most of the available resources being allocated to meet the needs of the constituent peoples. They also regretted the absence of clear distribution of responsibilities between the various levels of government, of a coordinated approach between the State, the Entities and local authorities and, eventually, of strategies to support national minorities at the local level. The Advisory Committee is deeply concerned by this situation.

Additionally, the Advisory Committee is of the opinion that there is a need for further weight to be given to the State level authorities in minority policy-making. The Ministry for Human Rights and Refugees acts as a coordinating body but lacks a mandate and resources to ensure that the existing legislation is effectively implemented.

#### *Recommendation*

More resolute and practical measures are needed to advance the application of the State and Entities' legislations on national minorities. Moreover, there is an acute need for coordination between the various levels of authorities to ensure a consistent implementation of the law. Regular monitoring of the implementation of the law should be carried out.

### **Support for national minority cultures**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee noted the general lack of positive action and support for activities aimed at preserving and promoting the culture of national minorities, as well as the difficulties facing national minority associations in coordinating their activities in the context of the complex institutional structure of the country.

*Present situation*

a) Positive developments

The Advisory Committee notes with satisfaction that the 2004 Law on National Minorities of Republika Srpska stipulates that the Council of National Minorities should be involved in decision-making on allocation of funds for national minorities' associations.

The Advisory Committee notes with interest that the Government of Brčko has reportedly earmarked funds for the implementation of the National Strategy for the Roma in the main relevant sectors of the Government action. It has also provided funding and premises for the setting up of a Roma community centre which, according to the information received, is not yet operational.

The Government of Republika Srpska has increased its support for national minorities from 50 000 KM to 100 000 KM in 2008, which is a welcome development in view, notably, of the needs of the sizeable Roma community. The municipality of Banja Luka has continued to support national minority associations. The Advisory Committee also notes that this city provided national minority organisations with premises and that it hosts a yearly cultural event gathering all national minorities.

The Advisory Committee was also informed during its visit that some support for Roma organisations' activities continues to be allocated in parts of the Federation, such as the Zenica-Doboj Canton and Mostar.

b) Outstanding issues

Despite measures taken by some municipalities and cantons to support national minorities and their organisations, the support provided for national minorities in order to preserve and develop their culture remains on the whole very limited. Moreover, it is in most cases allocated on an *ad hoc* basis, despite the legal obligation for the State, the Entities, Cantons and municipalities to earmark funds in their respective budgets to support the activities of minority associations. Funding for activities carried out by Roma organisations appears to be particularly insufficient. Minority representatives that the Advisory Committee met claimed that the current lack of support for their activities reflects the limited commitment of decision-makers towards the preservation of minority cultures and languages and the fact that most resources are allocated to meet the needs and interests of the constituent peoples.

Additionally, the Advisory Committee was informed that, although funds for projects are usually allocated by means of public tenders and calls for projects, information on access to funds is lacking among minority communities. This lack of information and awareness of existing support possibilities has a particularly negative impact on Roma communities, which often lack means and capacities to access information. Moreover, consultation with national minority representatives when allocating support appears to be often missing.

*Recommendations*

More substantial support should be allocated, on a regular basis, by the various levels of authority for the national minorities in order to enable them to maintain and develop their cultural heritage and language.

The Advisory Committee calls on the authorities to ensure that persons belonging to national minorities are adequately informed of existing opportunities to receive support. National minority representatives should be more consistently involved in decision-making concerning the allocation of support.

**6. Bulgaria**

*Adopted on 18 March 2010*

**Legal guarantees and support for the preservation of the culture  
of persons belonging to national minorities**

*Findings of the first cycle*

The Advisory Committee found that the efforts made by the State to foster the advancement of the culture, language and traditions of minorities were insufficient, and considered that the authorities should take all necessary steps to afford persons belonging to national minorities suitable conditions for asserting their culture and identity, including by making provision for resources to be earmarked.

The Advisory Committee found that most of the Roma in Bulgaria face marginalisation and isolation, and considered it essential that this be counteracted by more substantial State support for the promotion of their culture, language and traditions.

*Present situation*

a) Positive developments

The Advisory Committee notes that the Bulgarian authorities allocate annual resources for promoting the traditions and the cultures of national minorities. The Advisory Committee notes that in 2009, 180,000 leva (~90,000 €) were allocated to the National Council for Co-operation on Ethnic and Demographic issues which supported 54 projects for the preservation and development of the cultural identity of persons belonging to national minorities (31 projects concerned the Roma community, seven the Turkish community and 16 the other communities). The Ministry of Culture has also supported a number of cultural events for an amount of approximately 50,000 leva (~25,000 €).

The restoration of the Synagogue in Sofia was completed on the occasion of its 100<sup>th</sup> anniversary with the financial assistance of the Ministry of Culture, amounting to 275,000 leva (~137,500 €).

The Advisory Committee also notes that a Council for Cultural Integration of Roma was set up in 2007 to advise the Ministry of Culture on topical Roma issues.

b) Outstanding issues

The Advisory Committee notes that, although the additional information provided by the Bulgarian authorities shows an increase in State support to minority cultural events, various interlocutors have underlined that public financial support for national minorities' activities is still extremely limited and insufficient.

The Advisory Committee takes note of complaints expressed by representatives of minorities concerning the lack of support for their activities, in particular from the numerically smaller groups, such as the Aromanians, who find it difficult to carry out activities to preserve their language. Representatives of the Armenian minority also claim that the efforts made to preserve and promote the Armenian language and culture are inadequate.

The authorities explained that, according to the Rules for Application in force since 2007, the criteria used to determine the amount of the subsidy for each national minority takes into account the number of individuals concerned, the variety of events and the national coverage. Projects intended to promote inter-ethnic co-operation receive larger support. Regarding the Roma, the fact that they are the most marginalized and needy explains the additional support received.

The Advisory Committee welcomes the efforts made by the public authorities to maintain and develop minority cultures and appreciates the authorities' argument that the allocation of subsidies must take into account the number of individuals concerned, their needs, as well as national coverage. However, the Advisory Committee is of the view that the authorities should consider the specific financial problems of numerically smaller minority institutions and organisations and underlines that representatives of several national minorities attach great importance to State support for the development of their cultural activities. Notwithstanding the

budget allocated by the Government to protect the cultural identity of minorities in Bulgaria, the current amount seems insufficient to meet their demands.

*Recommendations*

The Bulgarian authorities should continue and step up their efforts to support initiatives aimed at protecting, preserving and developing the cultural identity of minorities, including numerically smaller groups.

The Advisory Committee invites the authorities to pay more attention to the needs of all national minorities, including numerically smaller groups, in the field of the preservation and development of their culture and language.

**7. Croatia**

*Opinion adopted on 1 October 2004*

**Support for minority cultures**

*Findings of the first cycle*

In its first Opinion, the Advisory Committee urged the authorities to maintain support for projects to develop minority cultures and to involve representatives of national minorities in the allocation of such support.

*Present situation*

Positive developments

Croatia has increased the level of budgetary support provided for cultural initiatives of national minorities and their associations, and it has significantly improved the participation of persons belonging to national minorities in the process by making the allocation of such support the responsibility of the Council for National Minorities (see also related comments under Article 15 below).

*Recommendations*

Croatia should pursue its current approach and also continue to support joint initiatives launched by several national minorities.

**8. Cyprus**

*Opinion adopted on 7 June 2007*

**Preservation of the culture of persons belonging to national minorities**

*Findings of the first cycle*

In its first Opinion on Cyprus, the Advisory Committee took note of the difficulties facing the Maronites, scattered and divided between the north and the south of the island as a result of the resettlement of most of them, after the events of 1974, in the Government-controlled territories. The authorities were encouraged to adopt appropriate measures to allow the Maronites to preserve and develop their culture and identity.

*Present situation*

a) Positive developments

The Advisory Committee welcomes the efforts made by the Government to enable the Maronites to visit regularly their traditional villages lying in the northern part of the island (see State Report for details). Regular contacts with other Maronites who continue to dwell there, the possibility of visiting and repairing their former homes, to worship in their own churches and to communicate in their language are essential for the preservation of this group's identity, and the support of the Cypriot State is indispensable in this respect. Increased efforts have also been made to support the Maronites in the field of education, by setting up a state primary school for Maronite children (see also the observations relating to Articles 6, 9, 12-14 and 17).

The increase in the level of grants made available to pupils who attend the private schools of minority groups also deserves commendation, as does the financing of priests' salaries for the three groups and the support for the activities of their churches.

The authorities have also informed the Advisory Committee of the decision to grant financial assistance for the printed publications of the three minority groups and for the creation and/or maintenance of Internet pages devoted to the identity and the life of the three groups.

#### b) Outstanding issues

In the special circumstances arising from their resettlement in the Government-controlled territories, the preservation of their identity and especially their language represents the first priority for the Maronites. Despite their past efforts to establish grouped settlement in the south of the island, the Maronites are scattered at present and few of them continue to speak their own language. Since it does not have a written form and is not standardised, this language is in fact dying out and cannot be revitalised without substantial state aid, above all of a scientific and financial nature.

The Maronites also consider that their culture and their historical and religious heritage are significantly threatened by the fact that the four villages inhabited by this group in the past, form enclaves in the territory not under Government control and are used in part as a military base. Former residents remain virtually barred from two of these villages, Asomatos and Agia Marina, and there is no possibility whatsoever of celebrating religious services there, repairing the houses or contemplating their reoccupation. Following a certain relaxation of the transit conditions and thanks to the supportive measures taken by the authorities (financial assistance for transport, food, etc.), the villages of Kormakitis and Karpshia are accessible to a certain extent. Nonetheless, the situation remains particularly difficult for the Maronites still residing in their traditional villages, and the prospects of resettling there remain very problematic for the other members of the group (see also observations under Article 17 below).

The Advisory Committee takes note in this context of the Maronites' request for the establishing of a cultural centre, and considers that this request deserves the full attention and support of the authorities. It notes that, while a plot of land has been granted by the State for this purpose, the Maronites do not have the necessary funds to implement the project.

In the field of education, the Advisory Committee notes that some representatives of the Maronites consider that a secular form of education for their children would be preferable as a means to enhance the preservation of their distinct identity. They conceive this as an alternative option to the education currently available.

More generally, the Advisory Committee understands that Government subsidies for the activities of the minority groups arrive in many cases with significant delays, and that this has been particularly problematic for the schools.

The Armenians, while appreciating the support provided by the state, consider that funding of the cultural development of the minority groups should be covered by a consistent, structured state policy. Besides *ad hoc* grants, they consider important to receive state support to implement projects which they deem essential in the long term for the preservation of their identity, such as establishing an Armenian Cultural Centre and a database on the history and culture of their group, or the opening of an Armenian Language and Culture Department at the University of Cyprus.

The Latins have also expressed concern over the risk of losing their distinct identity, which they consider especially vulnerable in the absence of a language of their own and of a kin-State that would support them. They are therefore particularly sensitive to the issue of the number of members of their group, on which they disagree with the authorities. In the same way, through their claim to be designated in future as "Catholic Latins" or "Roman Catholic Latins", they are seeking a way to assert their distinct identity and make it better known (see also observations concerning Article 3 above).

### *Recommendations*

The measures taken to facilitate travel by the Maronites to their traditional villages and the revitalisation of their cultural and religious heritage should be continued and intensified. The authorities should pay greater attention to the concerns of the Maronites regarding the preservation of their language, and should support their efforts in this respect.

The authorities are encouraged to examine the arrangements for allocating financial support to the cultural activities of the minority groups, in order to improve and systematise this support. They should also examine, in cooperation with those concerned, the requests for assistance in creating cultural centres for the Maronites and the Armenians, as well as other projects considered to be priorities by the three groups.

## **9. Czech Republic**

*Opinion adopted on 24 February 2005*

### **Support for the cultural activities of persons belonging to national minorities**

#### *Findings of the first cycle*

In its first Opinion on the Czech Republic, the Advisory Committee called on the authorities to continue their efforts to provide persons belonging to national minorities, including the numerically smaller minorities, with conditions conducive to the preservation and development of their culture and identity.

#### *Present situation*

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

The Advisory Committee notes with satisfaction that the authorities, at central, regional and local levels, have continued to provide support, including of a financial nature, for cultural events organised by national minorities. Most of the communities concerned have a well-developed cultural life, popular groups or performers, arts institutions, and periodicals, many of them published in minority languages.

To allow minorities to develop these activities in optimum conditions, the authorities have set up a procedure for the award of state subsidies, based on selection of the best projects. Their decision to formalise conditions for access to these subsidies in a government resolution specifically devoted to support for the cultural development of minorities, and to include annual sums for this purpose in the state budget, is a positive development. The involvement of minority representatives in selecting the best projects should also be welcomed.

Figures supplied by the Government show that cultural subsidies awarded to minorities have globally increased in recent years. They also reflect marked differences in sums allocated to the various communities and show, in particular, that substantial sums have gone to projects for the Roma community.

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

The Advisory Committee notes that the financial support provided for the cultural activities of national minorities is still insufficient, having regard to the increasing number of applications and the need to ensure a balanced distribution of resources.

Minority representatives have expressed their wish, *inter alia*, to have cultural centres, allowing them to develop their activities in Prague and other cities where minorities are present in significant numbers. Where such centres exist in the Czech Republic, they are in general privately run. According to information supplied by the authorities, the Government decided, in June 2004, to give the city of Prague a grant to cover conversion and renovation of a building to serve as a House of National Minorities. Although this project had already run into problems and been delayed for several years, it is to be hoped that it will now be realised rapidly.

The Advisory Committee has also considered the specific situation of Slovaks who, as a result of the dissolution of the former Czechoslovakia, are now a national minority in their own

country. According to certain Slovak representatives, there are concerns within their community with regard to the maintaining of the identity of Slovaks living in the Czech Republic. According to them, the state support provided to the Slovaks to foster knowledge of their culture and history in schools is limited.

The Advisory Committee also noted that not enough was being done to make persons belonging to national minorities aware of the resources available and ways of gaining access to them. Moreover, these persons have little confidence in the financial help that they can obtain for their projects from local and regional authorities. In spite of the fact that, following decentralisation, these authorities are largely responsible for meeting the needs of national minorities, it appears that they are not paying enough attention to those needs, and not sufficiently prepared to fund minority activities from their budgets.

Although the Government has recently tried to remedy this situation by formally urging local authorities to subsidise the activities of national minorities, the Advisory Committee remains concerned at the lack of trust and co-operation between minorities and some local authorities.

#### *Recommendations*

While respecting the principles of local self-government, central authorities should use all means available to encourage local and regional authorities to do more to support the efforts of persons belonging to national minorities to preserve their identities.

Further action should be taken to evaluate real needs of persons belonging to national minorities in this area, including of those belonging to numerically smaller minorities. Authorities at all levels as well as minority representatives should make additional efforts to increase awareness of the state aid available and procedures for obtaining it.

The authorities are encouraged to enter into dialogue with the representatives of the Slovak minority with regard to the concerns expressed within their community and to identify proper measures to ensure that adequate information on Slovak literature and history is offered in schools.

### **Integration of the Roma and affirmation of their identity**

#### *Findings of the first cycle*

In its first Opinion on the Czech Republic, the Advisory Committee called on the authorities to continue their efforts to integrate the Roma more effectively, while aiming to preserve and develop their identity.

#### *Present situation*

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

The Advisory Committee welcomes the measures taken by the authorities in recent years to help the Roma to maintain and affirm their culture and identity. It notes with satisfaction that the sums allocated for Roma projects account for a substantial proportion of the total included in the state budget to cover cultural support for minorities.

In practice, support for the Roma takes the form of subsidies for their cultural activities and publications, measures to encourage their presence in the media, and support for historical, sociological, ethnological and linguistic research projects.

The Advisory Committee is pleased to note that, after several years of difficulties, the running costs of the Roma Cultural Museum in Brno are now being subsidised from funds earmarked for that purpose in the state budget. It is also pleased to note that the state provided considerable financial support for the wide-ranging programme of activities at the World Roma Festival, held in Prague in 2003.

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

While welcoming the above recent developments, the Advisory Committee notes that their real impact on preservation and affirmation of Roma cultural identity remains limited. To a large extent, they will succeed only if the authorities' efforts to effectively improve the social and

economic position of Roma, and limit their marginalisation and social exclusion, are also successful. Progress in these areas has so far been modest, and empowerment of the Roma within Czech society remains a major challenge, both for the authorities and for the Roma themselves (see, in this connection, the comments under Articles 4, 6, 12 and 15).

#### *Recommendations*

The authorities are urged to continue their efforts to support preservation and development of the Roma identity, and co-operate with the Roma in selecting the measures best suited to their real needs, while seeking to incorporate those measures into the Government's overall integration strategy.

### **10. Estonia**

*Opinion adopted on 24 February 2005*

#### **Support for minority cultures**

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

In its first Opinion, the Advisory Committee urged the authorities to pay increasing attention to the support of minority cultures, including in connection with the implementation of the state integration programme, and stressed the importance of the participation of national minorities in the allocation of such support.

##### *Present situation*

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

Estonia has continued to provide a substantial amount of support for cultural and other projects of national minorities, and it has taken steps to increase the role of the national minority umbrella organisations in the decision-making process. The new action plan of the state integration programme, approved in May 2004, also foresees a gradual increase in the support of cultural societies of national minorities.

Furthermore, it is to be welcomed that the integration projects are seen as a tool to strengthen more open and tolerant attitudes towards multiculturalism and that they should be used to develop the understanding of ethnic differences as a positive phenomenon that enriches society.

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

Support provided for minority cultures is generally project-based, which makes it at times difficult to sustain the type of activities requiring more consistent support and core funding, such as the voluntary language schools ("Sunday schools") set up by national minorities (see also related comments under Article 13 below).

As the European Union has become an increasingly important source of funding for cultural and other civil society initiatives, including those of persons belonging to national minorities, there are concerns that the related procedures have become more complicated and difficult to access for persons residing in regions such as Ida-Virumaa and in the Lake Peipsi area.

The authorities' commitment to Estonia as a multicultural society is not consistently reflected in the terminology used in official documents and statements. For example, the use of the term "non-Estonian" ("*mitte-eesti*") to describe the country's minority population, while intended to refer only to ethnicity, can give the impression that the national minorities are not an integral part of Estonian society. A similar consequence results from the use of the term "foreign languages" to describe also the languages of national minorities.

#### *Recommendations*

Estonia should continue to support initiatives launched by persons belonging to national minorities and also seek further ways to provide core funding in those areas where more sustained support is needed.



Estonia should ensure that the training projects as well as materials pertaining to the relevant funding schemes at the European Union are fully accessible to persons belonging to national minorities, including in their language, in Ida-Virumaa, in the Lake Peipsi area and elsewhere.

The Estonian authorities should avoid using terminology that can be perceived as implying that national minorities and their languages are not an integral part of Estonian society.

### **National Minority Cultural Autonomy Act**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee concluded that the National Minorities Cultural Autonomy Act has not had a substantial impact in Estonia and that it should be revised or replaced with norms that are better adapted to the current minority situation in Estonia.

#### *Present situation*

##### a) Positive developments

The implementation of the National Minority Cultural Autonomy Act was launched by the Ingrian Finns, who held elections for their cultural council in May 2004.

##### b) Outstanding issues

The National Minority Cultural Autonomy Act remains unchanged, despite the fact that there persists a wide measure of agreement amongst persons belonging to national minorities that the law does not, in its current form, serve its purpose, due, *inter alia*, to its restrictive scope of application. It is generally acknowledged that the law contains various shortcomings, and the authorities agree that amendments to the said law should be considered. At the same time, in the framework of the Presidential Round-Table on National Minorities, proposals have been launched for a new law on national minorities, the goals of which would include consolidating support for national minority associations. It remains to be seen whether the goals of the National Minority Cultural Autonomy Act and those envisaged for the new law on national minorities could be best pursued through one comprehensive piece of legislation.

#### *Recommendations*

Estonia should amend its legislative framework concerning cultural autonomy of national minorities. This should be done in parallel and in coordination with the pending proposals to draw up a new law on national minorities. In this connection, Estonia should confirm and consolidate its increasingly practical and inclusive approach as regards the personal scope of the protection designed for national minorities.

## **11. Finland**

*Opinion adopted on 2 March 2006*

### **Sami definition**

#### *Findings of the first cycle*

In its First Opinion, the Advisory Committee noted with concern the difficulties in defining the term Sami and the tension that this question had caused in northern Finland.

#### *Present situation*

##### a) Positive developments

The elections of the Sami Parliament in 2003, which were carried out in accordance with the 1999 interpretation by the Supreme Administrative Court of the Sami Parliament Act's definition of the term Sami, containing both objective and subjective criteria, prompted less controversy and complaints than the previous elections.

##### b) Outstanding issues

Debate on the definition of the term Sami continues and the Sami Parliament has expressed its preference for a more language-based definition.

### *Recommendations*

The authorities should, together with the Sami Parliament, continue reflection on the definition of the term Sami, and examine in this context also whether the fact that certain key aspects of the current definition used in Sami Parliament elections are based on judicial interpretation is satisfactory from the point of view of legal certainty.

## **Land rights and land use in the Sami Homeland**

### *Findings of the first cycle*

In its first Opinion, the Advisory Committee stressed that, given the importance of reindeer herding, fishing and hunting to the Sami as an indigenous people, the issue of land rights in the Sami Homeland is of central relevance to the protection of Sami culture and their identity. The Advisory Committee therefore expressed the wish that the existing dispute over land rights be resolved as expeditiously as possible and in a manner that would contribute to the protection of the culture of the Sami without interfering with the rights of the non-Sami population. The Advisory Committee stressed that, in the meantime, the practices relating to the use of the land at issue should be carried out in a manner that does not threaten the maintenance or development of Sami culture.

### *Present situation*

#### a) Positive developments

The need to resolve the issue of land rights in the Sami Homeland is widely recognised, and this has been underlined at the highest political level, including by the President of the Republic.

As regards the administration of land in the Sami Homeland, the Advisory Committee stresses the importance of the provision contained in Article 4 of the new Act on Forest Administration (1378/2004), according to which the use and protection of land administered by the State Forest Administration (*Metsähallitus*) must be reconciled with the protection of Sami culture in the Sami Homeland and carried out in accordance with legislation on reindeer husbandry.

#### b) Outstanding issues

Despite a range of initiatives, there has been no tangible progress towards a solution to the disputes over land rights questions, which appear to have only increased since the first monitoring cycle. The latest attempts of the authorities to address the issue, including the launching of a study concerning the settlement and land use history of Lapland, have been criticized by Sami representatives. Whereas the Government considers that the said study could be a key tool in finding a balanced solution, the Sami Parliament leadership argues that their concerns have not been taken into account in the preparation of the study and in the selection of the research team. Given this background, it is likely to be difficult to find a common ground on the basis of the research results, the publication of which has been repeatedly delayed.

The Advisory Committee considers that finding a solution will require a high level political commitment and involvement and that, as a first step, there is a need to seek a common agreement on the modalities of the process that could eventually lead to such a solution. The Advisory Committee is of the opinion that the support of the Sami Parliament for the modalities and for the eventual outcome of the process is instrumental, but the Committee is aware that there are also other persons whose legitimate land right claims need to be taken into account in this context.

The Advisory Committee further stresses that the prevailing legal uncertainty surrounding this issue is harmful to inter-ethnic relations in the areas concerned, and thereby negatively affects the implementation of Article 6 of the Framework Convention.

As the above mentioned disputes over land rights continue, the situation as regards current land-use has become increasingly contested, notably as regards the logging and other activities of the State Forest Administration (*Metsähallitus*) in certain forests located in the Sami Homeland. The Advisory Committee is particularly concerned about reports that these activities are in some cases carried out without adequate attention being paid to the maintenance and development of

reindeer herding or other aspects of Sami culture, and in a manner that does not sufficiently accommodate the views of the Sami Parliament (see also related comments under Article 15). While acknowledging the importance of forestry to the economy of the municipalities in the Sami Homeland and while being aware that also some Sami are employed in this sector, the Advisory Committee stresses that there is a clear obligation to pursue logging and other related economic activities in a manner that protects the right of the Sami, as an indigenous people, to develop reindeer herding and other elements of their culture. In this context, the Advisory Committee notes with regret that the specific status of Sami as the only constitutionally recognised indigenous people of Finland seems not to be fully comprehended throughout the State Forest Administration staff.

#### *Recommendations*

Finland must address the prevailing legal uncertainty over land rights in the Sami Homeland as a matter of high priority, by providing high level political input and by designing a process that is endorsed by all key parties concerned, including the Sami Parliament. While the outcome of the process should be such that it fully reflects the right of the Sami to develop their culture, it is essential that the current land use is also pursued in accordance with this obligation. In this respect, the logging practices and other related activities of the Forest Administration deserve particular attention, including monitoring and evaluation from outside the said Administration, so as to ensure that the cultural and participatory rights of the Sami are scrupulously honoured.

### **Support for cultural initiatives**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee commended the fact that the Sami Parliament had the right to decide on the use of the budget allocation for the promotion of Sami culture and the activities of Sami organisations and it stressed that this should not result in the reduction of the total sum that is made available for this purpose.

#### *Present situation*

##### a) Positive developments

The Sami Parliament has continued to be in charge of the allocation of the said budgetary funds, and it appears that the sum allocated for the said purpose, having decreased in its real value over the years, has recently been slightly increased, totalling EUR 205 000 in 2005. This coincides with a marked increase in the interest and visibility of music and other elements of Sami culture in Finland.

The budgetary allocation for the cultural activities and organisations of other minorities -- provided to projects that promote multiculturalism and combat against racism -- has also been increased as from 2005, after several years of stagnation.

##### b) Outstanding issues

The above-mentioned increased visibility of Sami culture is important for the Sami people in general, but it is particularly essential to Skolt Sami, whose language is still on the verge of disappearing and requires concerted efforts to survive.

The Sami Parliament and a number of other stakeholders have proposed the establishment of a Sami Cultural Centre in Ivalo, which would house the Sami Parliament and various cultural activities. The central authorities have agreed to support the development of the said proposal, but so far there have been no concrete decisions on the funding and other key aspects of the proposal to make it a reality.

As regards other minorities, the allocation of support for their organisations is the responsibility of the Ministry of Education, and representatives of the minorities concerned have no direct role in the relevant decision-making.

### *Recommendations*

The authorities should continue to seek further resources to support Sami culture and Sami organisations, paying particular attention to initiatives that aim to preserve such threatened elements of Sami culture as the Skolt language. The Advisory Committee considers that the positive trend in terms of the interest in, and visibility of, Sami culture could be further strengthened through the development of the proposal to create a Sami Cultural Centre.

Drawing on the positive experiences gained as regards the Sami, the authorities should revise the process of allocation of support for initiatives of organisations of other minorities with a view to giving representatives of the minorities concerned a significant role in the decision-making.

## **12. Georgia**

*Opinion adopted on 17 June 2015*

### **Support for the preservation and development of the culture and identity of persons belonging to national minorities**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee encouraged the authorities to pursue a balance between the societal integration of persons belonging to national minorities and the preservation and development of their identities and cultural heritage, including the maintenance and protection of religious and historical buildings. It further considered that the available support for cultural activities of national minorities should be increased and that representatives of the communities should be closely involved in all related measures, including at senior level and in decision-making processes.

#### *Present situation*

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

The Advisory Committee notes the continued support provided by the Ministry of Culture and Monument Protection as well as by local authorities and by the Presidential Administration to a variety of cultural projects and events organised by persons belonging to national minorities and their associations. Three theaters performing in languages of national minorities have been registered as public entities, receiving some state support, mainly in the form of salaries. In addition, national minority associations may apply at any time to a Tender Commission established within the Ministry of Culture which on a weekly basis allocates one-off and small-scale support for projects based on their quality and content. Some 7000 monuments have further been registered as protected monuments of cultural heritage, including national minority monuments. The Advisory Committee understands that the Friendship House in Batumi, which was opened in 2008 and has received consistent support from the local authorities as cultural venue for local national minority organisations is considered by national minorities as a particularly useful initiative to facilitate the organisation of cultural and other events and to promote awareness amongst society of their specific minority identities. In this context it welcomes reports of the opening of a Kurdish Centre in Tbilisi on 16 June 2015.

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

Representatives of national minorities at capital level and in regions where they settle compactly regard the support provided for their cultural activities overall as insufficient. While the variety of assistance provided is welcome and understanding is also expressed for the financial constraints faced by the Ministry of Culture, it is nonetheless considered that assistance is granted too sporadically to allow for the longer-term engagement that is required to comprehensively raise awareness of and appreciation for the presence of

national minority cultures as an integral part of Georgia's diverse culture. The Advisory Committee shares the concern expressed by national minority representatives regarding the lack of premises for the organisation of meetings and cultural events in most locations. It is regrettable, for instance, that a House of Cultures has still not been established in Tbilisi despite the fact that an estimated 35% of the population in the capital has a minority background. While the engagement of the non-governmental organisation "Caucasian House" which provides some support towards cultural activities of national minorities in Tbilisi and whose premises can sometimes be used is highly appreciated, civil society or private sector initiatives do not replace a comprehensive government funded policy for the preservation and development of minority identities. The delegation was further informed that the House of Cultures in Marneuli is only rarely available for the cultural activities of national minority associations and usually at some cost which makes it inaccessible to some of the groups.

It further appears that a number of minority organisations, in particular in the regions, do not have sufficient information on the available funding mechanisms and procedures involved to apply for cultural support. In addition, the Advisory Committee is concerned that the specific needs of national minority organisations, in particular when representing numerically smaller groups such as the Udins or Avars, may not be duly considered in a process that takes decisions primarily based on quality and content of submissions, without however ensuring that adequate expertise on the specific identities and concerns of national minorities is represented in the Tender Commission. Moreover, the majority of funds available from the Ministry of Culture are reportedly allocated to the promotion of minority language newspapers (see comments on Article 9), which leaves an insufficient amount for the promotion of the cultural activities of the numerically smaller minorities, despite the fact that their initiatives, given the small scale and higher per-item cost, require specific attention. The Advisory Committee considers that larger print editions should be supported under a separate budget line given that they serve public information purposes. It further finds that the specific budget for the cultural activities of national minority associations should be reserved for cultural activities of national minority associations, including the numerically smaller ones, to preserve their identities and to broaden awareness amongst the public of their presence in Georgia.

The Advisory Committee notes that very scarce reference is made to national minority cultures and identities on the website of the Ministry of Culture and Monument Protection. It is further concerned by reports that the influence of minority cultures in Georgian cultural heritage is under-appreciated and often overlooked, and that many of the religious and cultural monuments of national minorities are in urgent need of repair. Independent research conducted in 2014 reveals that 99.2% of funding provided by self-governed cities and municipalities to religious organisations, including for the maintenance of buildings, went to Orthodox dioceses and churches (see also comments on Article 8). According to national minority representatives in Kvemo Kartli, the cultural activities in the region do not adequately represent the specific features of Azerbaijani cultural heritage as an integral part of Georgia's diverse culture. While appreciating the celebrations of Nowruz as official holiday, national minority representatives further regret the absence of other national holidays that would recall their national minority cultures and identities.

#### *Recommendations*

The Advisory Committee calls on the authorities to enhance their support for cultural activities and projects aimed at preserving specific national minority identities and cultures, through longer-term assistance and the provision of suitable premises or cultural centres. More efforts must further be made to ensure that minority associations throughout Georgia, including those representing smaller groups, are adequately informed about available opportunities and encouraged to apply for grants.

It further calls on the authorities to effectively ensure that national minority representatives are consulted in the development of cultural policies as well as in the decision-making process on the allocation of support so that their interests and concerns are adequately taken into account at all stages.

### 13. Germany

*Opinion adopted on 1 March 2006*

#### **Policies for supporting national minorities**

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

In its first Opinion, the Advisory Committee urged the German authorities to simplify and clarify the financial support system for minority languages and cultures. It also felt that the German Government should ensure that all requests for financial support from the different organisations representing persons belonging to Roma/Sinti groups should be carefully considered.

##### *Present situation*

###### a) Positive developments

The federal authorities have continued to offer financial support to the four officially recognised national minorities. The Advisory Committee believes that this demonstrates the will of the German authorities to pursue their policy of supporting preservation of the culture and identity of persons belonging to these four minorities. In addition, the regular awarding of grants to these groups, through specific budgetary lines, is a form of acknowledgement of the needs of persons belonging to minorities and the Federal State's responsibility towards them. The Advisory Committee welcomes this, as well as the commitment made by the present government in Germany to continue to protect and promote recognised national minorities.

The Advisory Committee also welcomes the entry into force of the Frisian Language and Culture Act in Schleswig-Holstein in 2004, which reinforces the status of the Frisian minority in this *Land*.

Finally, the Advisory Committee welcomes the signing of an agreement by the *Land* of Rhineland-Palatinate in 2005 affirming the status of the Roma/Sinti as a national minority, which will allow them to access funds for activities aimed at preserving the Romani culture and language and it encourages other *Länder* to take a similar approach.

###### b) Outstanding issues

Apart from the fact that subsidies for minorities have in general been reduced in recent years, the main problem identified by the Advisory Committee with regard to financial support for minorities is the lack of any stable prospects of sustained support for core funding, which jeopardises the continuity of the minorities' work. The Advisory Committee has noted that even though funds have been earmarked in the case of the Frisians until 2009, their allocation each year will depend on budgetary negotiations at both federal and *Länder* level. As a result, annual arrangements for the awarding of financial support for minorities depend a lot on the political circumstances, thereby contributing to the feeling of uncertainty over the future. This uncertainty over medium and long-term financing hampers the preparation of projects which would require a longer-term commitment.

Moreover, the Advisory Committee reminds the authorities that equal opportunities for persons belonging to minorities often requires positive action, and that general budgetary cuts and other restrictions on state support risk having a greater negative impact on minorities than on the majority population. Furthermore, access to European Union funds for projects is often difficult for very small groups, such as the Frisians of Saterland.

The Advisory Committee notes that resources are allocated to the recognised minorities on the basis of a separate dialogue with each of the minorities concerned, whereas there is no

multilateral forum to discuss such issues. The justification for this is that each of the groups has different needs and the Federal Government's obligations differ accordingly.

It appears that Roma/Sinti groups receive proportionally less support than other groups, particularly as the federal funds are not supplemented by regular funding from the *Länder*, as is the case for groups with a traditional area of compact residence. Moreover, in some *Länder*, the amount of financial support to Roma/Sinti organisations has decreased since 2004, which puts at risk work in favour of Roma/Sinti. The Advisory Committee also notes that all of the federal funds for the Roma/Sinti are allocated via one umbrella organisation.

Finally, the Advisory Committee notes that the Roma and Sinti are not listed in any of the constitutions of the *Länder*, alongside other particular groups which are guaranteed rights for the purposes of minority protection. It notes that the only attempt in this regard has been in Schleswig-Holstein, where the parliament has so far failed to achieve a sufficient majority to include the Roma/Sinti on the same footing as the Danes and Frisians in the constitution of the Land. Such an inclusion in the *Länder* constitutions could positively impact on the support given to them at the *Länder* level.

#### *Recommendations*

The Advisory Committee believes that the federal authorities and those of the *Länder* concerned, should ensure that allocating funds to minorities allows for activities over a sustained period of time.

The authorities should also ensure that budgetary restrictions do not hamper the continuity of activities in favour of preservation of culture and identity of minorities.

The Advisory Committee believes that multilateral discussions should take place, especially at federal level, regarding the allocation of funds to different groups, in addition to the discussions between the authorities and each of the groups individually on their respective needs. This could lead to greater transparency in the decision-making process.

In connection with Federal State support for the Roma/Sinti, the Advisory Committee is of the opinion that the authorities should take fully into account the diversity of the Roma/Sinti communities. It believes that a more flexible attitude with regard to the distribution of funds would help develop a variety of projects and activities, reflecting existing diversity among Roma/Sinti communities.

Finally, the Advisory Committee encourages the competent authorities to include the Roma/Sinti amongst the groups which benefit from specific protection under the constitutions of the *Länder* as it could help with the development of related support policies.

### **Lignite quarrying in the Land of Saxony and its possible consequences for the Sorbian minority**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee was deeply concerned by the resettlement of the mainly Sorbian population of Horno in Lower Lusatia (Brandenburg) because of lignite quarrying. It called on the German authorities to take due account of Article 5 of the Framework Convention when weighting any public interest against the legitimate aspirations of the Sorbian people to maintain their culture and preserve their identity.

#### *Present situation*

##### *Outstanding issues*

The Advisory Committee has been informed of the possibility of new relocations, with effect from 2010, affecting Saxon villages where part of the population is Sorbian, because of plans for further lignite quarrying in the region of Schleife/Trebendorf. Such relocations might further undermine possibilities for persons belonging to the Sorbian minority to maintain their culture and their identity and could potentially imply concerns under Article 5 and Article 16.

### *Recommendations*

The German authorities should, in cases where it is found necessary to pursue a public interest to relocate villages in this region, take due account of the interests of the Sorbian population, its right to maintain and develop its language, culture and identity and to preserve certain institutions such as schools developing Witaj projects. The authorities should also ensure that the concerned Sorbian population be fully integrated in the process of decision-making on possible further relocations.

## **14. Hungary**

*Opinion adopted on 9 December 2004*

### **Conditions enabling minorities to maintain and develop their culture**

#### *Findings of the first cycle*

In its first Opinion on Hungary, the Advisory Committee considered that this provision had, broadly speaking, been implemented in a satisfactory manner in respect of all minorities except the Roma, who often hid their identity because of the stigmatisation they faced in society.

#### *Present situation*

The Advisory Committee notes that the legal and institutional framework, particularly Law LXXVII of 1993 on the Rights of National and Ethnic Minorities, which emphasises the collective dimension, contains provisions designed to enable minorities to maintain and develop their identity and culture. This legal and institutional framework contains certain shortcomings, which are tackled in the context of other articles in the present Opinion (see comments under Article 3, above, and under Article 15, below).

In contrast to persons belonging to other minorities, the Roma have to cope with serious violations of their most fundamental rights. It is therefore important that other instruments, such as Law CXXV on Equal Treatment and the Promotion of Equal Opportunities focus particularly on the individual dimension and respect for human rights in order that the Roma are better protected against the serious problems they face (see comments under Article 4, above).

## **15. Ireland**

*Opinion adopted on 6 October 2006*

### **Recognition of Travellers' culture**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee called for greater recognition of various aspects of Travellers' culture and identity.

#### *Present situation*

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

The Advisory Committee welcomes various projects implemented by Pavee Point, Irish Traveller Movement, National Traveller Women's Forum and other organisations to promote Travellers' culture and the fact that public funding has been made available to support such projects.

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

The Advisory Committee recalls that a number of important initiatives to promote Travellers' culture were carried out in the framework of the "Citizen Traveller" campaign, and believes that that a number of further initiatives are required in this area.



*Recommendations*

Ireland should support continuation of initiatives to promote Traveller culture, taking into account its various aspects, and ensure that related civil society initiatives receive adequate support.

**Travellers' Accommodation***Findings of the first cycle*

In its first Opinion, the Advisory Committee noted lack of appropriate accommodation, including in terms of halting sites, and expressed concerns about the impact of new legislation concerning trespassing.

*Present situation*

## a) Positive developments

The Advisory Committee recognises that the authorities have paid significant attention to the issue of accommodation, and it finds it encouraging that, according to the authorities, the number of families in unauthorised sites has decreased. It welcomes the authorities' commitment to making further progress, including through the implementation of the recommendations contained in the 2004 Review of the operation of the Housing (Traveller Accommodation) Act of 1998. The Advisory Committee also welcomes the adoption of Traveller accommodation programmes for 2005-2008, by all local authorities and the inclusion of accommodation targets in such programmes. It further notes that the judiciary has recently confirmed the fact that the delivery of halting sites is a mandatory duty of local authorities and not merely an aspirational goal.

## b) Outstanding issues

Despite reported improvements in certain localities, the implementation of the accommodation programmes continues to be hampered by various factors and many local authorities have failed to meet their own targets in this area. More concerted efforts are needed to remove obstacles and to step up the accommodation provision rate. The Advisory Committee highlights in this context the importance of genuine and effective consultation structures and draws attention to the related proposals contained in the above-mentioned Review (see also related comments under Article 15).

While noting the persisting delivery shortcomings in terms of permanent housing, the Advisory Committee considers that the lack of appropriate transient halting sites continues to be one of the key problems relating to accommodation of Travellers. The Advisory Committee welcomes the fact that the High Court has recently stressed that local authorities must take the needs of Travellers as a starting point in providing accommodation and that the High-Level Group on Travellers has noted that improved provision of halting sites is a matter of priority.

Negative effects of the above shortcomings are in some cases aggravated by the implementation of the legislative provisions contained in section 24 of the Housing (Miscellaneous Provisions) Act of 2002. These provisions, which criminalises trespassing that had previously been a civil offence, have been strongly criticised as authorising the law-enforcement authorities to remove alleged trespassers under vaguely worded conditions without providing robust procedural guarantees for the persons concerned. Among the critics of these provisions is the Human Rights Commission of Ireland, which has stated that the legislation concerned "reveals serious questions as to its consistency with the protection of human rights" and "is out of harmony with respect for nomadism".

The Advisory Committee finds it particularly disquieting that in some cases removals of alleged trespassers have concerned families that are waiting for local authorities to provide them accommodation in accordance with the latter's statutory obligations. It is, therefore, encouraging that the relevant Minister has recently urged *An Garda Síochána* (Ireland's National Police Service) to avoid removing families in such situations. The Advisory Committee recalls in this connection that in many cases such removals have particularly serious

consequences for Traveller women, whose situation merits particular attention. The Advisory Committee stresses the importance of the Recommendation Rec(2005)4 of the Committee of Ministers on improving the housing conditions of Roma and Travellers in Europe, including its provisions pertaining to evictions and the need to provide alternative accommodation in eviction situations.

#### *Recommendations*

The Irish authorities should make concerted efforts to ensure that the local authorities meet Traveller accommodation targets and step up the delivery of appropriate accommodation options, including through improved provision of halting sites. The Advisory Committee recommends a speedy mid-term evaluation of the Traveller accommodation programmes for 2005-2008 and development of a mechanism to support their full implementation by 2008.

Anti-trespassing legislation and related procedures should be reviewed and, as appropriate, amended, in consultation with those concerned, to ensure they comply with Article 5 of the Framework Convention and other pertinent human rights standards. In the meantime, the authorities should take into account that some of the trespassing may be linked to the local authorities' failure to meet their statutory obligation to provide accommodation.

### **16. Italy**

*Opinion adopted on 24 February 2005*

#### **Conditions enabling persons belonging to minorities to maintain and develop their culture**

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

The Advisory Committee's first Opinion and the corresponding Resolution of the Committee of Ministers welcomed the adoption of a coherent legislative framework at national level allowing for improvements in the situation of the twelve recognised historical linguistic minorities, including smaller ones for which measures aimed at preserving their identity are of particular relevance. The Opinion and the Resolution called for special efforts to ensure that measures are taken for the minorities traditionally settled in several provinces and/or regions under protection arrangements that can differ markedly.

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

A number of valuable initiatives to support minority language and culture have been supported *inter alia* in the field of education through the commendable level of budgetary appropriations set aside in accordance with Law 482/99. The representatives of several minorities have expressed satisfaction at these achievements. This is also the case for some smaller minorities like the Albanians, who have managed to organise Albanian teaching in almost all the schools concerned.

Bearing in mind that the protection of minorities does not fall under the exclusive responsibility of the central state authorities, the Advisory Committee welcomes that nearly all regions where minorities are traditionally settled have now approved and/or complemented specific legislation in this field. For example, the Calabria region, where many Albanians live as well as Greeks and Occitans, passed Law 15/03 in October 2003 for the "Protection and Enhancement of the Language and Cultural Heritage of the Linguistic Historical Minorities of Calabria".

The region Friuli-Venezia Giulia is in the process of adopting a new Statute replacing the current one from 1963. The Advisory Committee welcomes that the draft Statute for the first time clearly acknowledges the contribution of the Friulan, Slovene and German minorities to the region. This is particularly important for the Slovene minority, which is currently scattered over different provinces of the region. This is an illustration of the positive attitude shown by this region towards its historical linguistic minorities, as evidenced *inter alia* by the significant financial support it distributes for various cultural and educational initiatives. However, concerns have been raised amongst Friulan circles that the draft Statute tends to disregard historical, cultural, linguistic and other specificities which constitute the very essence of the

identity of the Friuli. The Advisory Committee therefore expresses the hope that the authorities will in the future bear in mind the need to continue to support the Friulan identity.

As provided for by article 3, paragraph 3 of Law 482/99, certain co-operation bodies have been established as an institutional link between several groups of persons belonging to the same minority dispersed for historical and other reasons between regions and/or provinces enjoying a different level of protection. In this context, it is worth mentioning the setting up of the “Committee of the Historical Linguistic German Islands of Italy” in June 2002, which gathers representatives from various German-speaking groups from the regions Valley d’Aosta, Piedmont and Friuli-Venezia Giulia as well as from the Trento province. Provided they enjoy wide support from the authorities concerned, such co-ordination bodies may be instrumental in sharing experiences, promoting good practices, launching co-operation projects and thereby contributing to reducing the sometimes significant differences of treatment between regions and/or provinces.

#### b) Outstanding issues

Minority representatives regret the fact that Law 482/99 does not make it possible to allocate any of the important budgetary appropriations set aside by this piece of legislation to their private associations. Subsidies allocated on the basis of Law 482/99 are indeed granted to local authorities only, while minority associations rightly stress that they play a crucial role in supporting minority language and culture as well as assisting in the implementation of Law 482/99, as evidenced *inter alia* by the key role explicitly attributed to their umbrella association (CONFEMILI) by the implementing regulations of Law 482/99.

As a general point, it is to be stressed that the funding mechanism created by Law 482/99, which provides *inter alia* for the annual distribution of approximately € 10 million for various projects, lacks flexibility. It appears for instance that out of the aforementioned total of € 10 million, Law 482/99 itself provides for the allocation of approximately € 1 million for educational projects and € 5 million for projects promoting the use of minority languages in official dealings. This means, for example, that without modifying Law 482/99, it is not possible to increase the total amount earmarked for education while at the same time proportionally reducing allocations for other sectors in order to reflect a stronger commitment towards educational projects as clearly called for by the minorities themselves (see related comments under article 14, below). More generally, it appears that nearly six years after the adoption of Law 482/99, time is ripe to consider ways and means to try and improve the functioning of this important legislation, including through amendments where necessary.

Despite the possibility mentioned in article 3, paragraph 3 of Law 482/99 to set up co-operation bodies for minorities scattered over different regions and/or provinces, it appears that this mechanism has not yet been used to the greatest possible extent so as to make a real difference for the minority groups residing in regions with an ordinary status. For example, the aforementioned body gathering representatives from various German-speaking groups from the regions Valley d’Aosta, Piedmont and Friuli-Venezia Giulia has been recognised by all the regions/provinces concerned, but the region Trentino-Alto-Adige is the only one to provide funding for its activities. The Ladins would also need a strong co-ordination mechanism in order *inter alia* to compensate for the lack of opportunities to study their mother tongue in the Belluno province (see related comments under article 14, below).

Once fully operational, Law 38/01 should make a real difference in the preservation and development of the Slovene identity in Friuli-Venezia Giulia. Bearing in mind the difficulties around the approval of the list of communes with a traditional presence of Slovenians (see related comments under article 3), there remains a regrettable lack of implementation of certain provisions of Law 38/01 which is by no means linked to the adoption of such a list. For example, there is still no Slovene section of the music college of Trieste although article 15 of Law 38/01 explicitly provides for its establishment no later than three months after the entry into force of this law.

As regards the Roma, Sinti and Travellers, reference is made to the comments under article 3 above, which stress that insufficient attention is paid to the promotion of the essential elements of their identity.

*Recommendations*

There is a need to consider ways and means - including possible amendments - to adapt Law 482/99 to new needs and challenges. This is notably the case as regards the somewhat rigid procedure in force concerning the allocation of budgetary appropriations, including as regards its recipients.

More determined efforts should be made by the regions/provinces concerned to provide the necessary support for the co-ordination bodies foreseen by Law 482/99.

The provisions of Law 38/01 which are not strictly linked to the approval of the list of communes should be implemented as a matter of priority.

**17. Kosovo\*<sup>1</sup>**

*Opinion adopted on 5 November 2009*

**Support to preserve the identity of minority communities**

*Findings of the first cycle*

In its first Opinion, noting the destruction of and continuing reports of incidents concerning Serbian Orthodox religious sites, the Advisory Committee considered that more efforts were needed to protect such sites, while pursuing the process of reconstructing the damaged ones.

The Advisory Committee encouraged the authorities to increase measures to support cultures of minority communities, including numerically smaller ones, and to ensure the participation of persons belonging to minority communities in the relevant decision-making process.

*Present situation*

a) Positive developments

Recognising the importance of cultural heritage for the preservation of the identity of national minorities, the Advisory Committee appreciates the progress made on the reconstruction of damaged Serbian Orthodox religious sites. A number of legislative acts pertaining to the protection and preservation of cultural heritage, such as the Law on Establishing Special Protective Zones and the Law on Cultural Heritage, were passed. The Reconstruction Implementation Commission (RIC) has successfully carried out reconstruction work on a number of Serbian Orthodox religious sites for which the funds have been secured by the authorities with the support of the European Agency for Reconstruction. The Advisory Committee also notes with satisfaction, that despite occasional uncertainties relating to the functioning of the Commission, compromise solutions have generally been reached between the Serbian and Kosovo\* Albanian representatives for the benefit of all communities in Kosovo\*. While appreciating the commitment of all partners involved, the Advisory Committee considers it particularly important that reconstruction work continues to receive adequate financial and political support for the rebuilding and renovation of the remaining damaged sites. The pattern of co-operation introduced through the RIC may also be used as a model for co-operation in other fields of common interest pertaining to minority protection.

The Advisory Committee notes with satisfaction that, in 2008, the Kosovo Assembly passed a Law on National Holidays, which recognises certain Orthodox, Catholic and Islamic holy days.

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<sup>1</sup> 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.

## b) Outstanding issues

In spite of the aforementioned positive developments relating to the protection of cultural heritage, the protection and preservation of cultural and religious sites continue to be a particular challenge for the authorities. Thefts and vandalism on religious sites have continued to occur. The Advisory Committee considers it essential that an adequate level of protection of religious sites continues to be provided to prevent such sites from being damaged and that perpetrators of thefts and vandalism should be brought to justice. In this respect, it notes that the responsibility for the protection of a number of religious sites has been transferred to the Kosovo Police Service (KPS).

While the establishment of “protective zones” around sites classified as cultural heritage is in principle a positive initiative, some representatives of the Roma, Ashkali and Egyptian communities expressed concerns over their impact on those persons belonging to minority communities traditionally living in these areas. It is therefore essential to ensure that any protection measures taken are not detrimental to the exercise of property rights of persons living in these areas.

According to information received by the Advisory Committee, the dispute over the construction of a park and monument on the land of the destroyed Serbian Orthodox church in Gjakovë/Đakovica remains unsolved. Their construction was allegedly resumed by the local authorities without prior consultation with representatives of the Serbian Orthodox Church. The Advisory Committee considers that this disputed issue needs to be resolved through a constructive dialogue between the respective parties. It is also important to avoid using such issues for political purposes as this may contribute to inter-ethnic tensions. All measures taken by the local authorities should be conducive to the preservation and promotion of cultures of minority communities, as provided for in Article 5(1) of the Framework Convention.

While the public is generally informed of the Roma culture and identity, the Ashkali and Egyptian communities raised the issue of a lack of awareness of their history, culture and identity among the public. Moreover, there seems to be a need to raise awareness of the specific culture and identity of the Montenegrin community (see also comments in paragraph 51 under Article 3).

Reports received from representatives of various minority communities indicate difficulties encountered in accessing funding for their cultural initiatives. According to many interlocutors, particular attention has been paid to the situation of the Serbian community while the needs of other minority communities have received less attention. The system of allocation of support to minority organisations lacks transparency and minority representatives do not seem to be sufficiently involved in decision-making on this issue. The local authorities often rely on the international community to take initiatives in this field.

Relations between the Albanian and Serbian communities dominate internal debates. Numerically smaller minorities are often considered to be linked with either the Albanian or the Serbian communities. This perception, which does not respect their distinct identities, appears to complicate their relations with other communities. The Advisory Committee is concerned about this issue which raises questions with regard to the implementation of Article 5 of the Framework Convention.

*Recommendations*

The authorities should continue to finance and support work of the Reconstruction Implementation Commission so as ensure its effective functioning.

The authorities should take measures to ensure support for the preservation and development of cultures of minority communities, including the numerically smaller ones. The allocation of financial support for the activities of minority community organisations should be made in a transparent and participative manner, both at the central and local level.

The Advisory Committee calls on the authorities to ensure that any measures taken, including at the local level, do not negatively influence the rights of persons belonging to minority communities to preserve and promote their identities.

## **Effective implementation of the Framework Convention**

### *Present situation*

The Advisory Committee considers that the current legislative framework pertaining to national minorities, which draws on European and international standards in this field, provides a solid legal basis for the protection of minority communities. It particularly welcomes the adoption, in March 2008, of the Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo (hereinafter: Law on the Rights of Communities). However, as pointed out by most interlocutors of the Advisory Committee, there is a gap between the existing legislative norms and reality when it comes to their implementation. Often only inadequate financial resources are allocated for their implementation. The Advisory Committee also notes that genuine commitment to the implementation of the legislation in practice needs to be reinforced in order to build trust between various communities and to create a truly multicultural society. In this context, it recalls that the provisions of the Framework Convention shall be applied in good faith, as stated in its Article 2, and it expects that due attention is paid to this principle in the implementation of the Framework Convention in Kosovo\*.

### *Recommendations*

More vigorous efforts are needed to ensure that the legislative framework pertaining to the protection of minority communities is effectively implemented. Genuine commitment as to the implementation of the Framework Convention should be demonstrated by the authorities in accordance with the principles embodied in Article 2 of the Framework Convention. Adequate budgetary resources should be allocated to the implementation of the legislation and strategies in this field.

## **18. Latvia**

*Opinion adopted on 18 June 2013*

### **Article 5 of the Framework Convention**

#### **Support for the preservation and development of the culture and identity of persons belonging to national minorities**

### *Findings of the first cycle*

In its first Opinion, the Advisory Committee welcomed the existing legal guarantees and efforts made to support the preservation of the identity and cultures of persons belonging to national minorities, while expressing concern about the financial difficulties faced by minority organisations following a significant decrease in funds earmarked for them. It invited the authorities to review the allocation of financial resources to national minority organisations and to take the necessary measures to provide a more adequate response to existing needs, including with regard to the maintenance of cultural centres.

### *Present situation*

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

The Advisory Committee notes that a multitude of events pertaining to national minority cultures and identities are organised each year and supported by different levels of government, mainly the Ministry of Culture, the Society Integration Foundation, and local authorities, many also co-financed through EEA and EU funds. It is pleased to note in particular that regular research and assessments are being conducted on the various grant schemes and their effectiveness in supporting the maintenance and development of national minority cultures and the promotion of a multicultural society. It notes in this regard the assessment made by the Advanced

Social and Political Research Institute of the University of Latvia related to the implementation of the Framework Convention, which establishes the need to revise the notion of “ethnic culture” to include not only the traditional understanding of culture but also contemporary manifestations of culture and the principle of cultural interaction. It is further commendable that some training and other capacity building initiatives are being organised to raise the potential of national minority associations to compete in tenders and effectively take part in shaping the cultural life in Latvia, and that particular efforts have been made to involve minority youth. The Advisory Committee was informed by minority representatives that local authorities, such as in Riga and Rezekne but also in other areas are particularly helpful and supportive in assisting the organisation of national minority cultural activities.

#### b) Outstanding issues

While welcoming the continued government support for the organisation of cultural events of minority associations, the Advisory Committee notes that most minority associations indicated that they receive insufficient and irregular support, and that assistance is only available from local authorities. According to most minority interlocutors, support from central government has become largely unavailable or inaccessible for them since the functions of the Secretariat of the Special Assignment Minister for Social Integration (SSAMSI) were ceded to the Ministry of Culture in early 2011. In addition, minority representatives express their concern that applications for funding must adhere to certain formal requirements and must be presented in Latvian language, putting their submissions from the start at a disadvantage to other non-governmental applicants. The Advisory Committee is concerned by the low level of awareness among minority communities of the initiatives taken at central level to assist organisations in the preparation of their application in line with set presentation criteria. It considers that information on available grants and relevant assistance mechanisms for non-governmental organisations must be made significantly more accessible through targeted out-reach activities throughout the country to ensure that minority organisations feel sufficiently encouraged to apply for funding.

The Advisory Committee is further concerned by reports from minority representatives that the main focus of government support is to promote Latvian language knowledge among minority communities. While free Latvian language courses are highly appreciated by minority communities, representatives argue that inadequate attention is being paid to the importance of maintaining and promoting their specific identities, cultures and languages, which could ultimately lead to their assimilation. The Advisory Committee reiterates that Article 5 of the Framework Convention calls for the exclusive allocation of adequate funds for the preservation and development of minority cultures and traditions, while integration promotion measures such as language courses should be offered through other support measures. In addition, there is an impression among minority representatives that central government is mainly administering EU funds for broader social projects without being particularly interested in promoting genuine social cohesion and interaction between ethnic groups and without consulting minority representatives about their views on what themes should be promoted and what type of activities could best address their concerns. The Advisory Committee notes that no minority organisation is currently represented in the Council of the Society Integration Foundation and considers that more efforts should be made to involve minority representatives in decision-making processes, including those related to financing schemes (see also below comments on Article 15).

### *Recommendations*

The Advisory Committee calls on the authorities to enhance their support for cultural activities and projects aimed at preserving specific national minority identities and cultures, and ensure that minority associations throughout Latvia are adequately informed about available opportunities and encouraged to apply for grants.

The Advisory Committee further invites the authorities to more effectively consult minority representatives with regard to cultural and integration policy questions to ensure that their views and concerns are adequately considered and effectively taken into account. Efforts should be made in this regard to ensure the representation of minority organisations in supervisory bodies overseeing allocation of support.

## **19. Lithuania**

*Opinion adopted on 27 February 2008*

### **Support to minority cultures and languages**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee encouraged the authorities to find ways of increasing state support to activities of cultural establishments of particular importance for national minorities.

The Advisory Committee also encouraged the authorities to ensure that the state policy of actively promoting the State language does not have adverse effects on the right of persons belonging to national minorities to preserve and develop their own languages and cultures, and that these persons benefit from appropriate support and promotion measures in this respect.

#### *Present situation*

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

The Advisory Committee notes with satisfaction that the authorities have continued to provide support to cultural activities of national minorities. It notes in this respect that, according to Article 45 of the Lithuanian Constitution, ethnic communities of citizens shall independently administer the affairs of their ethnic culture, education, charity and mutual assistance, and shall be provided with support by the State. Numerous examples of state funded activities, such as those included in the 2005-2010 State Integration Programme, can be found in the State Report. Projects aimed at the preservation of the culture and identity of the Roma, have also been implemented.

The Advisory Committee welcomes the efforts undertaken by the authorities to set up and to maintain the already established national minority cultural centres. For example, a national minority cultural centre was set up in Kaunas in 2004. The Advisory Committee notes with satisfaction that the Kirtimai Roma Community Centre, where pre-school preparatory classes and language and other courses for children and adults continue to be provided, has benefited from state financial support for its functioning. The Advisory Committee hopes that this support will not only be maintained but also strengthened in the future.

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

Despite the aforementioned efforts, many representatives of the national minorities find that state support allocated for their cultural development is insufficient. It stands in contrast, in their view, to the more considerable funds available for Lithuanians living abroad, provided through the budget of the Department of National Minorities and Lithuanians living Abroad. They suggest that the resources allocated to persons belonging to national minorities in Lithuania should be more substantial. Some minority representatives have also indicated that more consistent support is needed for certain types of activities, such as the “Sunday schools” set up by national minorities (see also related comments under Articles 12 and 14 below).



Certain representatives of national minorities reiterated the concerns expressed during the Advisory Committee first cycle visit regarding the Government's policy of promoting the Lithuanian language. In this connection, the official approach towards the implementation of the rights related to the use of minority languages in the public sphere appears to be of particular concern for persons belonging to national minorities.

While it understands that the measures to strengthen the Lithuanian language and its use are conceived to reinforce social cohesion and to facilitate integration of national minorities within the Lithuanian society, the Advisory Committee would like to recall that the Framework Convention calls upon the State Parties, in its Article 5, to promote the conditions necessary for the preservation and the development of minority cultures and their essential elements, including their language. The Advisory Committee expects that, in the context of their language policy, the authorities pay due attention to the effective implementation of the language related rights of persons belonging to national minorities (see also related comments under Articles 10 and 11 below).

#### *Recommendations*

The Lithuanian authorities should strengthen their support to initiatives for the preservation and development of minority cultures and identities and seek ways of improving their funding to cultural activities of persons belonging to national minorities.

The authorities should ensure that the measures taken to promote and strengthen the State language do not hamper the enjoyment of the rights of persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

## **20. Moldova**

*Opinion adopted on 9 December 2004*

### **Support for minority cultures**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee encouraged the authorities to continue to support national minorities in their actions to preserve and develop their cultures and to involve more fully their representatives, including those of disadvantaged and numerically smaller minorities, in decision-making in this area.

#### *Present situation*

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

The efforts of the authorities at central, regional and local levels to support numerous cultural activities of national minorities, their artistic ensembles, the publication of literature in minority languages and their specific cultural establishments (cultural centres, museums, theatres, libraries), are to be welcomed. It is important to note that these activities are not isolated but, on the contrary, engender a great deal of interest from minorities and the majority alike. The Advisory Committee notes in this respect that, for Moldova, bilateral co-operation is a particularly important way of strengthening cultural support for national minorities and that the authorities are trying to use the potential for co-operation with kin-states as much as possible in order to compensate for the lack of resources prevailing at the national level (see also the comments under Article 18 below).

With regard to the Roma, the Advisory Committee was pleased to learn from the representatives of the Ministry of Culture, that Roma artistic activities are given substantial support by the State and valued by the population. The fact that Roma culture and history have for some years been the subject of academic research by the Moldovan Academy of Sciences, whose Institute for Interethnic Research now has a special section devoted to the field, should be noted as a positive development. It can only be hoped that in the medium and long terms this will have a positive spill-over effect in schools, and, more generally, in terms of societal attitudes towards persons belonging to this minority.

b) Outstanding issues

Representatives of the minorities, while appreciating the guarantees provided for by Moldovan legislation in this field and despite the efforts mentioned by the authorities, consider this legislation to be insufficiently applied, particularly at local level. The Ukrainians consider a clear political will to support the preservation and development of their culture, language and traditions to be lacking. They point out that, although they are the largest minority in Moldova, their cultural establishments receive very little Government support. Similarly, representatives of the Gagauzians, while recognising that the Government has taken a number of measures in this field, consider that, in addition to separate actions, the Government should introduce conditions and specific support mechanisms to ensure the affirmation of the cultures of persons belonging to national minorities. The Bulgarians have noticed a strengthening in Government support in the cultural field only in recent years.

As for more specific expectations, the Gagauzians living in Chisinau would like to have their own cultural centre for their activities.

Similarly, the Roma have asked for the Government's support for the establishment of a cultural and educational centre in Chisinau. In spite of the measures taken by the authorities to support their artistic activities, the Roma consider the State's efforts in this area insufficient, which is aggravated by the fact that they cannot receive support from a kin-state.

*Recommendations*

Moldova should maintain and develop its support for the preservation and development of national minority cultures and strive to respond more adequately to existing needs. Increased attention should be paid to the expectations of Ukrainians in this field, including through the establishment of a clear and consistent policy of support for their culture, language and traditions. The authorities should also examine the above-mentioned and other demands for the setting up of cultural centres of national minorities, as well as the specific needs of the Roma in this domain.

**21. Montenegro**

*Opinion adopted on 19 June 2013*

**Article 5 of the Framework Convention**

**Preservation of culture of persons belonging to national minorities**

*Findings of the first cycle*

In its first Opinion, the Advisory Committee considered that the mechanism for providing state support to the cultures of national minorities was not satisfactory and encouraged the authorities to review, in consultation with Minority Councils, the situation in order to make state support mechanisms more efficient and transparent.

*Present situation*

a) Positive developments

The Advisory Committee is pleased to note that the authorities continue to provide various forms of assistance to persons belonging to national minorities, such as support for cultural centres, libraries, music and drama festivals, art exhibitions, amateur cultural productions and other artistic events. The Law on Monuments and the Law on Culture, both adopted in 2008, established standards for the protection and the promotion of culture based on the freedom of expression and respect for cultural rights, with equal preservation of all cultural identities and respect for cultural diversity. The Law on Culture further established the obligation of the state to create the conditions for a steady and equal development of culture in the whole territory of Montenegro, as well

as for the preservation of original and traditional cultural and ethno-cultural characteristics.

Furthermore, the Advisory Committee learns with interest about the establishment of the National Programme for the Culture Development in 2011-2015, which includes goals and priorities for the development of culture in Montenegro as a "multi-national, multi-cultural and multi-religious country". Moreover, an independent National Council for Culture, representing professional artists of Montenegro was established in 2010 to monitor the sector and to propose measures for its further development.

The Advisory Committee is also pleased to note that in 2009, the authorities initiated a programme for the revitalisation of culture in the north of Montenegro, covering the municipalities of Kolasin, Mojkovac, Pljevlja, Zabljak, Bijelo Polje, Berane, Plav, Andrijevica, Rožaje, Plužine and Šavnik, which is of particular interest for persons belonging to national minorities. The programme consists of reconstruction and rehabilitation of cultural facilities, purchasing of technical equipment for the implementation of cultural programmes and projects, and production of cultural and artistic programmes.

The National Theatre of Montenegro is obliged, under the Law on Theatre, to perform plays drawing from the cultural heritage of Montenegro as part of its repertoire, including the cultural heritage of national minorities.

It is with particular interest that the Advisory Committee welcomes the establishment in 2009 of the Centre for the Preservation and Development of Minority Cultures, which aim to promote minority rights in the area of culture and to affirm multiculturalism as one of the founding principles of the state of Montenegro. The centre actively engages in promoting minority cultures by organising various events, workshops, and by publishing literary and other works in languages of national minorities.

Further financial resources are provided for cultural activities and projects aimed at preserving national minority cultures by the Ministry of Culture. In this context, the Advisory Committee learned with interest from the State Report about the rehabilitation of the Mosque in Starodoganja, reconstruction of the roof of the St. Petra Church in Ljuta and the contribution to the restoration of the sacred complex of St. Eustatius in Dobrota.

#### b) Outstanding issues

Although the state undertakes to support minority cultural events, various interlocutors have underlined to the Advisory Committee that public financial support for national minorities' activities is still limited and insufficient to guarantee the preservation and development of these cultures. The Advisory Committee notes that, according to representatives of national minorities, they are not adequately involved in the decision-making processes on the allocation of funds for cultural projects. The six representatives of the Minority Councils sitting in the 17-member governing board of the Fund for Minorities are not in a position to influence the attribution of available funds (see related comment under Article 15).

According to information provided by representatives of the Croat minority, no progress has been achieved with the pledged restoration of the Croat Cultural Centre ("Croat Home") in Kotor. Furthermore, no Croat minority representative was invited to take part

in the exhibition promoting the Kotor Bay in Venice, in spite of the fact that the area is inhabited by many persons belonging to that minority.

*Recommendations*

The Advisory Committee invites the Montenegrin authorities to maintain their support for cultural projects aiming to preserve and develop cultures of national minorities and to ensure that financial difficulties will not affect disproportionately persons belonging to national minorities.

The authorities are invited to ensure that national minority representatives are involved at all stages of implementation of minority cultural projects, in particular in the decisions on the allocation of funds for such projects.

**22. Netherlands**

*Opinion adopted on 20 June 2013*

**Article 5 of the Framework Convention**

**Support to Frisian culture and language**

*Findings of the first cycle*

In its first Opinion, the Advisory Committee found that there was a shared responsibility between the province of Fryslân and central authorities regarding support to Frisian language and culture and it invited the authorities to ensure that, in the context of the proposed increased decentralisation of competencies to the province of Fryslân, due attention was paid not to reduce support to Frisian cultural activities.

*Present situation*

a) Positive developments

The Advisory Committee notes that Frisian cultural associations continue to play an active role in the promotion of Frisian culture and language with financial support from the provincial and central authorities. It has also received information that there is an increased interest in Frisian culture among young persons, in particular in Frisian music.

b) Outstanding issues

The Advisory Committee takes note that the project of increased decentralisation of competences from the central authorities to the Frisian provincial authorities is still under discussion (see comments on Articles 9, 10 and 15 below).

The Advisory Committee has been informed that, due to cuts in its own budget, the Dutch Foundation of the Frisian Books is no longer able to provide financial support for Frisian literature. Furthermore, the budget provided by the province of Fryslân is insufficient to produce new works of fiction or non-fiction. As a result, only a limited number of literary magazines are available for youth and children. Frisian representatives also expressed some concerns about the insufficient knowledge of Frisian culture in the general education system (see below Article 12).

1. The Advisory Committee takes note of the concerns expressed by the Frisian minority about the possible reduction of public support in the case of decentralisation of competencies to the province of Fryslân. The Advisory Committee underlines that adequate measures have to be taken, in close co-operation with minority representatives,

to protect and preserve the Frisian identity, culture and language, regardless of the decision which might be taken regarding the decentralisation process.

#### *Recommendation*

The Advisory Committee calls on the authorities to provide the necessary support for the preservation and promotion of Frisian culture and to promote its mainstreaming in the general education system.

### **23. Norway**

*Opinion adopted on 5 October 2006*

#### **Access to public funding for the cultural activities of minorities**

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

In its first Opinion on Norway, the Advisory Committee called on the authorities to ensure that national minorities participate more systematically in the decision-making process concerning the allocation of public-sector financial support.

In particular, the authorities were encouraged to adapt the support provided for the cultural initiatives of the Kvens to the needs of that minority and, in this connection, to pay special attention to access to the media for members of the Kven minority. Extra efforts were called for to facilitate access to the system of *ex gratia* payments set up to compensate victims of past injustices. The authorities were also encouraged to continue to support the cultural initiatives of the Skogfinns.

##### *Present situation*

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

Additional measures have been introduced in recent years to help preserve the cultures of minorities, and the Government continues to provide annual subsidies to national minority organisations and projects through a system set up by the Department for Sami and National Minorities of the Ministry of Labour and Social Affairs. Training sessions concerning the preparation of projects have been organised with representatives of minorities. As part of a project that has been under way since 2004 under the aegis of the Directorate for Cultural Heritage, an inventory and a plan for the protection of the monuments and other cultural assets of national minorities are being prepared.

Special projects enjoying government support have been launched in recent years to support and give new impetus to the Kven language, which is recognised and protected under the European Charter for Regional or Minority Languages (see also the comments under Article 12 below). The State Report also mentions the establishment of a Kven cultural centre in the municipality of Porsanger.

The Government has continued its efforts to support the communities and individuals affected by the “norwegianisation” policy carried out in the past, in order to redress the injustices they suffered. An individual compensation scheme has been set up and, further to a report submitted by the Government to parliament (the Storting), adjustments have been made to facilitate access to compensation for the persons concerned. At the same time, a special fund of about 75 million NOK was set up in 2004 for the collective compensation of the Romani/Taters. According to the authorities, management of the fund will be entrusted to a foundation, and representatives of the Romani/Taters will be fully involved in establishing its terms of reference and its Board.

A special section on Romani/Tater culture has been set up at the Glomdal Museum in Elverum, and a four-year research project concerning the language and origins of this culture is being carried out by the Norwegian Research Council in conjunction with representatives of this community.

b) Outstanding issues

The Advisory Committee notes that, according to representatives of the minorities, the financial resources granted to them by the Government for their activities are inadequate, whether for the operating expenses of their associations or for the organisation of cultural activities. The representatives of the minorities consider that they are not sufficiently consulted and involved when decisions are taken that are likely to affect the preservation of their cultures and traditions.

The Advisory Committee notes that the Kvens are concerned that the status and rights of their community and its distinct identity should be better recognised and accepted. They consider that their identity remains insufficiently acknowledged and promoted by the Norwegian State. The preservation and promotion of the Kven language and the development of the written language are among the Kvens' main concerns (see in this connection the comments under Article 12 and Article 14 below). The Kvens also wish to receive state support for the development of a cultural fund designed to make it easier for them to set up cultural activities and institutions. They consider that such support is of particular symbolic importance and recall in this context that important parts of their culture were seriously endangered by past policies of "norwegianisation".

The representatives of the Roma would like to see their long-standing plan to set up a Community Centre in Oslo, with the support of the Government and, in particular, the Oslo local authorities, come to fruition. In their view, it could operate as a cultural centre, provide advice and be used for social, educational and other activities, particularly for the women and children of this community. Although the Department for Sami and National Minorities was receptive to the idea, little progress has been made by the Oslo municipal authorities and one of the main reasons reported for this situation is the difficulty in communicating with the Roma representatives.

Museums are an issue mentioned as one of the main concerns of the various national minorities, and one that returns regularly in their dialogue with the Advisory Committee. More specifically, the issue at stake concerns the fate of the museums of the different minority groups in the context of the current reform of the network of museums in Norway. According to the information received by the Advisory Committee from the groups concerned, as a result of this re-structuring process, the different communities' museums will stop functioning as autonomous institutions with their own management and will become units within larger institutions - as part of the Norwegian museums network - and their management and decision-making autonomy will be substantially reduced. Minority representatives also fear that the reform in question will diminish the place of minority cultures in the museum network and affect their efforts to promote their respective cultures.

This appears to be a priority and a particularly sensitive issue for the representatives of the Skogfinns, who consider that the reorganisation initiated by the Government is likely to undermine the preservation and promotion of their culture. According to government representatives, even though the discussions that have taken place so far on this subject have not led to a suitable solution, the competent authorities will continue their dialogue with the representatives of the Skogfinns in order to find a solution that meets their expectations and yet is in keeping with Norway's current policy on museums.

The representatives of the Romani/Taters think that the Government's efforts to compensate for damage suffered in the past are insufficient. During their dialogue with the Advisory Committee, they complained in particular of the complexity and length of the relevant procedures and of the problems faced by the individuals concerned in obtaining access to the compensation funds set up under the system of *ex gratia* payments. The Romani/Taters consider that the Government should pursue an active policy of support and devote funds specifically to preserving their culture, independently of the compensation measures referred to above. The Advisory Committee was informed in this connection of the difficulties the Romani/Taters had in practising their traditional occupations. Mention was made in particular of the constraints imposed by the Government in terms of the equipment and qualifications needed for certain

activities, with which it was difficult for the people concerned to comply (see also comments under Article 15 below).

The Advisory Committee would also like to stress the importance of preserving and protecting the languages of the Roma and the Romani/Tatars. It notes that the Roma and Romani/Tatars are concerned about the preservation and development of their languages, which they believe are in danger of dying out, and regret the lack of financial support, which would make it possible to breathe new life into these languages.

At the same time, the Advisory Committee observed that the Romani/Tatars, in particular, had misgivings about any plans to carry out research and studies on their language and culture outside their community. For historical reasons, in particular, they continue to see such initiatives as interference and a threat to the preservation of their culture and identity. They consider that most of the exhibitions concerning them, the material on display and the activities organised to publicise their culture, do not appropriately reflect their own views as to how their values and public image should be promoted.

The representatives of the Jews expressed concern about the difficulty in procuring Kosher products, which are the basic components of their traditional cuisine, especially on the occasion of religious days of particular importance to their community. These difficulties stem in particular from the health regulations governing the import of such products, particularly meat. The Advisory Committee noted that an inter-ministerial working group was studying the situation in conjunction with representatives of this minority. It hopes that suitable solutions will be found so that the difficulties reported can be overcome.

#### *Recommendations*

The Advisory Committee encourages the authorities to step up their efforts to support the cultural activities of national minorities by ascertaining their needs in co-operation with representatives of these minorities and endeavouring to adapt the arrangements made and the resources allocated more effectively to the specific needs identified. This includes the preservation and development of the languages of persons belonging to national minorities, including the Roma and Romani/Tatars.

In response to the request of the Roma, the competent authorities are encouraged to pursue with vigour specific proposals regarding the establishment of a Roma Community Centre in Oslo.

The Advisory Committee encourages the authorities to ensure that, when the museum reform is carried out, the specific expectations and sensibilities of the minorities are suitably taken into account and that an appropriate place is provided for the cultures of minorities in the national network of museums. In addition, due attention should be paid to the representation of national minorities in the management of the relevant structures and in decision-making in this area.

## **24. Poland**

*Opinion adopted on 20 March 2009*

### **Legal guarantees and support for the preservation of the culture of persons belonging to national minorities**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee encouraged the authorities to provide the necessary financial resources for setting up cultural centres, museums and libraries of particular importance to national minorities. It further considered that, with regard to the consequences of the *Operation "Wisła"*, the authorities should step up their efforts to return property confiscated by the communist regime and preserve cultural sites in the traditional areas of settlement in south-east Poland from where Ukrainians and Lemkos were forcibly displaced.

*Present situation*

a) Positive developments

The adoption of the Act on National and Ethnic Minorities and on Regional Language in 2005 created a sound legal basis for a State policy aimed at protecting, preserving and developing the cultural identity of minorities in Poland. The Act enumerates policy objectives which the State should pursue when targeting subsidies, assigning responsibility for disbursement and when establishing procedures for the allocation of grants to minority NGOs.

The funds allocated to the Minister of the Interior and Administration, who is responsible for disbursement of subsidies and the allocation of grants to national minority NGOs, have increased considerably in the last few years. In 2006, the grants disbursed to minority NGOs amounted to 10,944,000 PLN (€ 2,809,000), in 2007, to 11,581,000 PLN (€ 3,060,000) and in 2008, to 13,454,000 PLN (€ 3,830,000). The Advisory Committee welcomes the active consultation process, in particular through the Joint Commission of Government and National and Ethnic Minorities, which has been established to make the grant allocation procedure transparent and fair.

The Advisory Committee welcomes the continued active support of the Polish authorities to the Museum of Jewish Culture in Tykocin, the Centre of Jewish Culture in Cracow and the initiative to support the construction in Warsaw of the Museum of the History of Polish Jews, in a prestigious location in the direct vicinity of the Monument to the Ghetto Uprising of 1943.

b) Outstanding issues

In the twenty years that have passed from the fall of the communist regime in Poland, no comprehensive law on the restitution of property has been adopted. Partial restitution or compensation is possible, only on the basis of an administrative decision or a court judgment, in cases where it could be demonstrated that the property was confiscated by the communists unlawfully, i.e. in breach of communist legislation on nationalisation.

Partial compensation was afforded, on a case by case basis, to some categories of claimants. Church property claims have been examined and decided upon by “Property Commissions” established on the basis of legislative acts regulating relations between the State and the Church. Persons who were forced to abandon their property in the territories annexed to the USSR at the end of World War II (“property beyond the river Bug”), and who subsequently repatriated to the present territory of Poland, have been able to claim compensation from the Polish authorities on the basis of the “Republican Agreements” between Poland and respectively the Soviet Socialist Republics: Belarus (of 9 September 1944), Ukraine (of 9 September 1944) and Lithuania (of 22 September 1944), as confirmed by the *Broniowski v. Poland* case, adjudicated by the European Court of Human Rights on 22 June 2004.

The Advisory Committee notes that no legal framework was ever created to compensate Polish citizens belonging to the Ukrainian and Lemko minorities, who were forcibly resettled to the northern and western parts of the country by the communist regime in 1947. In this context, the Advisory Committee notes that a draft Law on compensation for prejudice suffered as a result of nationalisation acts in the years 1944-1962 is currently under consideration.

In the last two decades, substantial decentralisation has been undertaken in Poland, with key competencies in the field of zoning by-laws, transport, and transport infrastructure, education, culture, social welfare being transferred to the regional and local authorities. The Advisory Committee welcomes these positive developments which allow democracy to be exercised at local and regional levels. It notes, however, with concern, that according to information obtained from national minority representatives, whereas at the central level the authorities display a positive attitude to national minorities’ requests, there have been occasionally obstacles at the local level, which resulted in persons belonging to national minorities being unable to exercise their rights. In the case of the Ukrainian and Lemko minorities, discriminatory attitudes have been demonstrated by local authorities against the remaining population in places where these national minorities resided traditionally in large numbers before their forcible resettlement in 1947.



The Advisory Committee notes with concern that despite the repeated efforts of the Polish Government, including initiatives of the Ministry of the Interior and Administration and of the Parliamentary National and Ethnic Minorities Committee, the local authorities have not returned the Ukrainian National Home in Przemyśl and the Ruska Bursa building in Gorlice to their rightful owners.

The Advisory Committee underlines that representatives of several national minorities attach great importance to State support for the development of their cultural activities, in particular to establishing cultural centres. Notwithstanding the increase in the funds allocated by the Minister of the Interior and Administration to protect, preserve and develop the cultural identity of minorities in Poland, the Advisory Committee obtained consistent information from representatives of various minorities that the financial support for cultural projects and institutions remains insufficient and that the accounting, reporting and auditing procedures are impossible to fulfil, especially for small organisations, given the lack of personnel and of financial means, as well as the very strict application of the relevant rules. The Advisory Committee, while fully recognising the necessity to apply the financial regulations in force and to combat corruption at every level, considers that the authorities should take into account staffing and financial problems encountered by the minority institutions, especially the small ones, in implementing publically funded projects.

#### *Recommendations*

The Polish authorities should continue their efforts to return properties confiscated by the communist regime to cultural associations of national minorities and to ensure that compensation afforded in the framework of the draft Act on compensation for prejudice suffered as a result of nationalisation acts in the years 1944-1962 will take due account of the claims of Ukrainian and Lemko victims of the *Operation "Wisła"* of 1947.

The Polish authorities should strengthen their support for initiatives aimed at protecting, preserving and developing cultural identity of minorities, including seeking ways of adapting funding procedures to allow small organisations to compete effectively for grants. In particular, the authorities should ensure that accountancy and other administrative requirements do not result in disproportionate obstacles for national minority organisations applying for State support.

Further measures should be developed to assist national minority associations to establish and maintain cultural centres. The authorities should in particular organise appropriate training workshops for representatives of the cultural organisations of national minorities on applicable accounting, reporting and auditing procedures.

## **25. Romania**

*Opinion adopted on 24 November 2005*

### **State support for the preservation of the cultures of national minorities**

#### *Findings of the first cycle*

In its first Opinion on Romania, the Advisory Committee welcomed the efforts of the Romanian authorities to support the preservation and development of the cultures of national minorities and encouraged them to take appropriate account, above and beyond statistics, of the actual situation of the various minorities.

The authorities were also encouraged to take additional measures, in consultation with the Roma community, to enhance the Roma identity and improve the social perception of that identity.

#### *Current situation*

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

The Advisory Committee notes that the authorities have continued to lend their support for the cultural activities of national minorities and that appreciable efforts have been made in this area, taking into account the limited resources available. Hundreds of projects submitted by the 20

communities represented in the Council of National Minorities have in recent years received grants from the Ministry of Culture. The Hungarians, Germans, Roma and Ukrainians are the communities that have most benefited from these grants.

It should be noted that a new system for funding these cultural activities, based primarily on competition between projects, has recently been introduced and will be put into practice with effect from the 2006 budget. The Advisory Committee notes in this connection that in order to facilitate access to grants the Ministry of Culture intends to run training courses for minority organisations to help with the drafting of projects. In this context, the Advisory Committee notes with satisfaction that organizations and communities which are not represented in the Council of National Minorities can also have access to the funds provided by the Ministry of Culture to support cultural activities.

Minority organisations also obtain funds from the state budget directly. These funds have increased significantly in recent years (rising from 90,000,000 Lei in 2001 to 264,434,000 Lei in 2005). The money, distributed by the Department for Interethnic Relations via the Council of National Minorities, is intended to help cover running costs but can also be used for cultural purposes. By way of example, the “Comunitas” foundation, to which the Hungarians have given responsibility for distribution of the funds allocated to them (amounting to 58,000,000 Lei in 2005), uses these funds primarily for cultural purposes, in support of the Hungarian press, books (47 published in 2003) and other publications in Hungarian, as well as other cultural and educational projects. Participation in other governmental programmes and, for certain minorities, support from the kin-states, supplement the above funding sources.

In general, national minorities are appreciative of the efforts made by the authorities in this field. Through their many institutions, artistic events and publications in minority languages, etc. they have a rich and visible presence in the cultural life of the country. There are also many, varied multi-cultural activities which are given support by the Department for Interethnic Relations, which is particularly active in this field.

The Advisory Committee also notes that additional guarantees are expected following the current parliamentary debate on the Draft Law on the Status of National Minorities which, *inter alia*, provides for the introduction of cultural autonomy for national minorities. The Draft states that “cultural autonomy is understood to mean the ability of a national minority to have decision-making powers in matters relating to its cultural, linguistic and religious identity, through councils elected by its members” (Article 57.1 of the Draft Law on the Status of National Minorities).

The Advisory Committee considers that the introduction into the Romanian system of minority protection of cultural autonomy and the corresponding mechanism, would confirm Romania’s particular commitment to preserving and asserting the identity of its minorities. The Advisory Committee wishes to stress that, if this mechanism is applied, representatives of minorities would play a particularly important role in decision-making in the fields concerned since such decisions, rather than being the subject of mere consultation, should be submitted for their mandatory prior approval. In addition, with cultural autonomy, a collective dimension going beyond recognition of the rights of persons belonging to minorities as required by the Framework Convention, would be added to the Romanian system of protection for minorities.

#### b) Outstanding issues

Although the Roma, like other communities, are entitled to state support for minorities’ cultural initiatives, their representatives indicated to the Advisory Committee that they were encountering difficulties in obtaining funds and acquiring suitable premises to establish a national Roma cultural centre. Some representatives of the numerically smaller minorities are also of the opinion that the support they are given by the state is still inadequate in relation to their needs.

In addition, several sources stressed the lack of transparency and clearly defined criteria in the allocation of funds awarded to minority organisations from the state budget, and the lack of any mechanism to monitor the use of the funds received. It would appear that this allocation of

funds takes place more often than not by means of negotiation between minorities and therefore depends on the relative influence of the different organisations in the Council of National Minorities. Of course, it is difficult under such conditions to ensure a balance between the different communities and to correlate the amounts awarded to real needs.

With regard to the mechanism of “cultural autonomy” introduced by the Draft Law on the Status of National Minorities, the Advisory Committee considers that, in order to become operational, the legislature needs to provide additional clarifications.

For example, to avoid an overlap of responsibilities and the taking of conflicting decisions, special attention should be focused on relations between the institutions of cultural autonomy and other decision-making actors, particularly those state bodies which have the same or similar responsibilities in the fields covered by cultural autonomy. The Advisory Committee also considers it important to clarify, in the legislative process, how the future law will fit into the Romanian legal system and its relationship with the relevant sectoral laws (see also observations under Article 15 below).

#### *Recommendations*

The authorities are encouraged, when awarding state funds to organisations of national minorities, to attach greater attention to the actual needs of the various communities and to strike an adequate balance between them. Increased attention should be paid to transparency in the distribution of funds and also to the role played by local authorities in supporting national minorities’ activities.

In the present discussion on the Draft Law on the Status of National Minorities, further clarifications are needed with regard to the nature and scope of the envisaged cultural autonomy, in particular the legal status of its institutions and the relationship between them and state institutions operating in the sectors concerned.

### **Restitution of church property and assets having belonged to the communities**

#### *Current situation*

##### *a) Positive developments*

The Advisory Committee welcomes the legislative and institutional measures taken in recent years by the Romanian authorities to speed up the restitution of religious property confiscated during the Communist regime. It notes in particular that the regulatory provisions pertaining to this process have been successively supplemented so as to clarify and extend the scope of restitution. Also, a Government decision adopted in 2004 makes provision, *inter alia*, for the matter to be referred to the courts where there is a failure to reach an agreement between the churches concerned on the ownership of the property at issue.

The Advisory Committee is aware of the particular importance and impact of this process, both for the churches and the persons concerned, some of whom belong to national minorities (Hungarian, German, Jewish, Armenian, Greeks, Serbian, Turkish, etc). At the same time, it recognises the complexity and difficulty of the task and considers that all the parties concerned should co-operate in order to find a means of implementing the relevant legislation, while maintaining dialogue and understanding.

Efforts have also been made to improve the legal framework pertaining to the restitution of properties which had belonged to certain ethnic communities, confiscated by the state under the Communist regime. Even though this process is still in its early stages, progress has also been achieved in implementing this framework.

The Advisory Committee welcomes the commitment of the Romanian authorities to press ahead with this complex and ambitious process, in the light of the high expectations of certain minorities who see this as a way of increasing considerably their current resources. It notes that in order to obviate the difficulties already encountered and to speed up the processing of claims received, a further review of the legal and institutional framework relating to the restitution of property took place in June 2005.

b) Outstanding issues

The Advisory Committee notes that the restitution of religious property, which has been taking place in Romania for several years, has encountered a number of problems and has been subject to considerable delay. In particular, difficulties have been reported with regard to former places of worship which had been confiscated.

The restitution of property of the ethnic communities is just in the very early stages and is proving to be equally complex. In the absence of a comprehensive assessment of the costs of this process and of the measures needed to counter its adverse effects, the Advisory Committee is concerned about its impact on the situation of persons belonging to more vulnerable groups, such as the Roma. More generally, the Advisory Committee has noted that this process may result in increasing inequalities among different national minorities, in terms of resources available. This situation should also be taken into account in the allocation of state support to the various communities.

In addition, the Advisory Committee finds that the restitution of properties currently used for public interest activities in the areas of education or health, needs to be addressed in a balanced way, given the impact it may have in these fields for Romanian society as a whole, including for persons belonging to national minorities. The Advisory Committee hopes that the new legislative and institutional framework will make it possible to take greater account of the concerns of all parties and enable just and suitable solutions to be reached.

*Recommendation*

The authorities should identify, in consultation with all the parties concerned and ensuring that dialogue and mutual understanding are maintained, the most suitable means of implementing the legislation on the restitution of property. Specific measures should be envisaged to assess the scope and impact of this process and to address the situation of persons potentially affected by this process, in particular the Roma.

**26. Russian Federation**

*Opinion adopted on 11 May 2006*

**State support for the preservation and development of minority cultures**

*Findings of the first cycle*

In its first Opinion on the Russian Federation, the Advisory Committee called on the authorities to increase the involvement of national minorities in the decision-making processes concerning the allocation of financial support for the activities of national minorities.

Noting that the main source of public funding in this sphere was the budgets of the subjects of the federation, the Committee expressed concern about the effects this could have on persons belonging to dispersed minorities and encouraged the federal authorities to give increasing attention to their initiatives.

*Present situation*

a) Positive developments

In the period analysed under the second monitoring cycle, the main source of federal funding of the cultural activities of persons belonging to national minorities has been the Federal Special Programme “Culture of Russia, 2001-2005”, and in particular through the subprogramme “Development of Culture and Preservation of Cultural Heritage of Russia”, as extensively described in the second State Report of the Russian Federation. The targets of federal funds have mostly been cultural institutions (variously known as ‘Centres of National Cultures’, ‘Houses of Friendship and Culture’, ‘Palace of Culture’, etc.), which provide venues for ethnic minority associations to meet and organise folklore events, conferences and round tables.

These cultural institutions are generally owned and managed by regional or municipal governments, who are responsible for most of the activities and cover the bulk of their expenses. Indeed the bulk of state support for the cultural activities of persons belonging to national

minorities remains the budgets of the subjects of the federation. According to information received by the Advisory Committee, more than 40 subjects of the federation have a separate budget item for ethnic policies and an increasing number of subjects have adopted their own regional programmes for promoting minority cultures.

#### b) Outstanding issues

The Advisory Committee welcomes the opportunities which the above-mentioned cultural institutions (see paragraph 80) offer to persons belonging to national minorities, especially those which provide free office space to the ethnic minority organisations. However, the Committee notes that the ethnic minority organisations which participate in the events organised in these venues rarely have opportunities to contribute to decision-making concerning the allocation of funds destined for their activities, including for example in the Moscow House of Nationalities.

The amount of funding available for preserving and developing the cultural activities of persons belonging to national minorities still varies considerably from region to region and between minorities, with Tatarstan, Bashkortostan, Komi Republic, Tyumen and Saratov among the more active regions in this respect. The Advisory Committee is also aware that the support received by different minorities within a given subject of the federation also varies considerably. Thus, in Sverdlovsk *oblast*, the Committee learnt that the regional government provided financial support for educational institutions run by Bashkir, Tatar and Mari representatives, but not to any other of the 160 ethnic groups in the region. While recognising that this is also a function of the varying initiative of different national minorities, the Advisory Committee believes that the state should provide special support to groups, including the Roma, which have more difficulties organising cultural and educational activities, often because they do not live in compact settlements, because they have no kin or “titular” states, or because their presence on the territory concerned is more recent.

Finally, the Advisory Committee has received disconcerting information about difficulties faced by persons belonging to “titular nations” who nevertheless constitute vulnerable groups within their territorial formations. The information received by the Committee concerns in particular the situation of certain Finno-Ugric groups, including the Mordva, Komi, Mari and Udmurt peoples, within their respective republics, but also the situation of ethnic Khakass in the Republic of Khakassia, all of whom have reportedly experienced reductions in the amount of state support assigned to their respective languages and cultures within their territorial formations (see also comments under Articles 9, 10 and 14).

#### *Recommendations*

The Advisory Committee urges the federal and regional authorities to identify means of increasing the involvement of representatives of national minorities in decision-making processes concerning the allocation of funding for cultural activities, *inter alia*, by ensuring that a greater portion of the available funds are received and managed directly by national-cultural autonomies and ethnic minority associations.

In view of the regional basis of most of the funding allocated to the cultural activities of national minorities, the Advisory Committee remains concerned about the access to funding of certain dispersed minorities. The Committee believes that the federal authorities should develop ways and means of ensuring that the funding available is balanced as far as different minorities are concerned, either by providing compensatory funding from the centre or by encouraging more bilateral and multilateral programmes among various regions.

The Committee urges the authorities to examine and address any shortcomings as regards implementation of the principles contained in Article 5 of the Framework Convention in respect of the situation of certain national minorities that find themselves in vulnerable positions within their respective territorial formations.

### **National-cultural autonomies**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee noted that there were shortcomings in the implementation of the legislation pertaining to national-cultural autonomies, particularly insofar as their consultative function is concerned, and called on the authorities to address these shortcomings.

#### *Present situation*

##### **a) Positive development**

The Advisory Committee welcomes the fact that the number of national-cultural autonomies, including at the regional and local levels, has continued to increase with their number now reaching over 500. The Committee has learnt that, in some regions, national-cultural autonomies have developed close co-operation with regional administrations in the development and implementation of educational and cultural programmes for persons belonging to national minorities. The example brought to the Advisory Committee's attention is the Tver Karelian national-cultural autonomy in Tver.

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

However, the Advisory Committee notes that, in general, neither of the functions foreseen in the legislation pertaining to national-cultural autonomies is being carried out satisfactorily. Insofar as the provision of advice to state bodies is concerned, the Committee notes that a growing number of regions have established advisory councils for the participation of representatives of national minorities. However, with few exceptions, these are not designed for national-cultural autonomies, but rather the leaders of ethnic minority associations which may or may not constitute national-cultural autonomies. Moreover, there are cases where the advisory councils attached to regional governments meet sporadically and are expected to implement rather than contribute to the preparation of minority-relevant legislation.

Meanwhile, the Consultative Council on National-Cultural Autonomies to the Government of the Russian Federation, which should have played an important consultative role *vis-à-vis* the federal Government and an important coordinating role *vis-à-vis* the views of regional and local national-cultural autonomies, was dissolved in March 2004 in the midst of a general institutional and government shake-up (see comments under Article 15).

As for the second function foreseen in the law pertaining to national-cultural autonomies – developing and delivering their own educational and cultural programmes – national-cultural autonomies organise a variety of activities for their communities, e.g. Sunday schools, but they are rarely provided with the specific support measures foreseen in the law for this purpose, that is, special funding from the state budget and free space in state-run media. Indeed, in their relationship with state bodies, national-cultural autonomies are basically indistinguishable from regular public associations.

The Advisory Committee is concerned, moreover, by the impact of amendments introduced through Law No. 122-FZ of 22 August 2004 to the Federal Law on National-Cultural Autonomies. These amendments, which were part of a more general legislative reform of federal, regional and local government structures and responsibilities, appear to have circumscribed the resources and competences of national-cultural autonomies in a number of ways. The provisions foreseeing both federal and regional state funding of national-cultural autonomies contained in the 1996 law have been replaced with the possibility only for regional governments to do so, while the obligation for government bodies to consult with national-cultural autonomies has been removed altogether (see also comments under Articles 7 and 15 below).

#### *Recommendations*

Recalling the importance of national-cultural autonomies, especially for promoting the language, education and culture of persons belonging to dispersed minorities, the Advisory Committee encourages the authorities to examine the possibility, in consultation with those

concerned, of restoring the central position of national-cultural autonomies within federal legislation pertaining to national minorities.

The authorities should take steps, including where appropriate through financial allocations, to ensure the effective implementation of those competences which have been retained by national-cultural autonomies.

### **Difficulties faced by numerically small indigenous peoples**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee expressed concern about the difficulties faced by persons belonging to many of the numerically small indigenous peoples of the North, as far as implementing the principles of Article 5 of the Framework Convention is concerned, in spite of the development of legislative guarantees for their protection. The Committee urged the authorities to address the effective implementation of this legislation as a matter of priority.

#### *Present situation*

##### a) Positive developments

The Advisory Committee welcomes the fact that the Government of the Russian Federation considers the creation of an economic and legal environment favourable to the traditional activities of indigenous peoples as a government priority.

The Advisory Committee is pleased to note that, in spite of the general nature of existing federal legislation concerning the protection of numerically small indigenous peoples, some regions of the North, Far East and Siberia have implemented and further developed the federal norms, often entrenching them in their respective constitutional and legislative frameworks. This is the case, for example, in the autonomous *okrug* of Khanty-Mansiysk, where grants and other incentives are provided by law for the indigenous Khanty and Mansi peoples to engage in their traditional activities and where a network of protected territories has been created, where industrial activities are limited or completely forbidden.

##### b) Outstanding issues

However, existing support for numerically small indigenous peoples varies considerably from region to region, a situation which has particularly negative consequences for indigenous peoples whose settlements span the borders of different regions e.g. the Evenkis, which enjoy a higher level of protection in Krasnoyarsk than they do in the Evenk autonomous *okrug*, and the Mansi, which have no particular protection as indigenous peoples in Sverdlovsk *oblast*, a situation which is encouraging them to move to Khanty-Mansiysk autonomous *okrug*.

In order to ensure greater consistency of protection across regions, existing federal norms pertaining to the rights of numerically small indigenous peoples need to be consolidated, in particular, by establishing the necessary mechanisms for implementing the rights foreseen in the laws. Thus, for example, the Federal Law on the Territories of Traditional Environmental Management of Indigenous Small Peoples (Law No. 49-FZ of 7 May 2001) establishes the possibility - but not the mechanism - of setting up, at the federal level, protected territories to guarantee access to land for indigenous peoples.

The Advisory Committee is concerned, moreover, that, rather than consolidating the guarantees envisaged in federal norms, certain legislative developments at the federal level appear to be having the opposite effect. Thus, Law No. 122-FZ of 22 August 2004, which brought about changes in a number of spheres, removed the provisions guaranteeing certain social allowances to numerically small indigenous peoples, including free medical assistance and special pensions, previously contained in the 1999 Federal Law on Guaranteeing the Rights of Numerically Small Indigenous Peoples.

In spite of the priority expressed by the Government of the Russian Federation to improve the economic and legal environment for indigenous peoples to engage in their traditional activities, the Advisory Committee notes that there is a declining interest among federal legislators in the large-scale environmental problems which continue to threaten many of the territories

traditionally inhabited by numerically small indigenous peoples. Amendments currently being introduced to federal legislation regulating the use of land, forests and water bodies appear to facilitate the expansion of industrial and commercial activities without taking the needs of numerically small indigenous peoples sufficiently into account. For example, following amendments introduced in 2005 to the Land Code of the Russian Federation, territories of agricultural or industrial value must now be leased, forcing indigenous peoples in many cases to pay rent for land that they previously had access to for free.

The Advisory Committee believes that this situation is not consistent with the Russian Federation's obligations under Article 5 of the Framework Convention, especially since, according to information received by the Advisory Committee, little has been done to accommodate the views expressed by representatives of numerically small indigenous peoples (see also comments under Article 15).

#### *Recommendations*

The authorities should find ways of ensuring that protective measures are available in a balanced and consistent manner to indigenous peoples residing in different regions.

Care must be taken to ensure that the normative framework regulating the use of land, forestry and bodies of water does not contradict existing federal norms guaranteeing the rights of numerically small indigenous peoples.

Priority must be given to developing mechanisms for implementing existing federal provisions pertaining to the use of land by numerically small indigenous peoples and positive measures to support their traditional means of livelihood.

### **Amendments to the State National Policy Concept**

#### *Present situation*

Since 2003, there has been on-going work to amend the State National Policy Concept adopted in 1996 as the basic reference document for developing policies in the sphere of minority protection. The Advisory Committee welcomes the efforts made by the federal authorities to ensure that amendments to the Concept are carried out in an inclusive manner. The draft amended Concept has been sent for discussion to the parliamentary assemblies of the 88 subjects of the federation and in some subjects, such as Sverdlovsk *oblast*, international conferences have been organised, where representatives of national minorities, regional and federal authorities, and foreign governments had opportunities to express their views.

The draft amended State National Policy Concept has been criticised by many representatives of national minorities, as well as by the governments of certain subjects of the federation (including Tatarstan) for the heightened role it gives to the Russian language and culture as the instrument for "consolidating" society. While recognising the legitimacy of the aim to protect the state language, the Advisory Committee considers that this aim should not be given undue importance in this context and should be coupled with guarantees regarding the values of diversity and respect for the rights of persons belonging to national minorities.

The Advisory Committee also notes that the draft Concept currently being discussed lowers the status of certain principles which have so far occupied a privileged position in the Russian Federation's policy towards persons belonging to national minorities, namely, the development and deepening of federal relations, the right to national-cultural autonomy, and the rights of numerically small indigenous peoples. The Committee notes in particular that the latter receive no mention whatsoever in the new draft Concept, while the sections devoted to federation and national-cultural autonomy in the 1996 Concept have been replaced by brief references.

#### *Recommendations*

The Advisory Committee urges the authorities to ensure that any references to the state language contained in the final amendments to the State National Policy Concept are balanced by recognition of and respect for the related rights of persons belonging to national minorities.



The final amendments to the Concept on the State National Policy should take due account of the concerns expressed by representatives of national minorities and by the subjects of the federation.

### **The Northern Caucasus**

#### *Present situation*

The Advisory Committee notes that incidents of violence and human rights violations committed in Chechnya and other parts of the Northern Caucasus have hampered efforts to implement a number of articles of the Framework Convention in the territories concerned but also in other parts of the Russian Federation in respect of persons belonging to minorities originating in the Caucasus.

A number of programmes are currently in place for the development of the socio-economic situation in Chechnya and Ingushetia, demonstrating the authorities' commitment to establishing the conditions necessary for persons belonging to national minorities to maintain and develop their cultures in areas affected by conflict. Most of the funds allocated to these programmes are intended to be used for the reconstruction of houses and as financial compensation to families whose property was destroyed.

The federal authorities have stated that their main aims in Chechnya are to stabilise the republic's social and economic situation, create an open civil society and establish the rule of law. A new Ombudsperson is operating in the republic, whose main responsibilities have been described by government sources as protecting the rights of the population of the republic and taking measures to ensure greater transparency and accountability of government bodies.

The process of assisting the return of Ingush displaced from their homes in Prigorodny district, and compensating them for loss of property, following the 1992 conflict between Ingushetia and North Ossetia-Alania, has been underway for several years now. The Advisory Committee is encouraged by the information it has received concerning the successful integration of returning Ingush in certain mixed Ingush-Ossetian villages.

While recognising the complexity on the ground, the Advisory Committee is concerned by the reports it has received from non-governmental organisations and other sources identifying serious obstacles to the process of building a law-driven society in Chechnya, including continuing incidents of violence and abductions, and selective impunity in the investigation of human rights violations committed against civilians.

According to government sources, the absence of basic infrastructure, including plumbing, running water and electricity, are still important barriers to daily existence in Chechnya.

In spite of a general reduction of tension in the areas of North Ossetia-Alania where Ingush have returned to, there are disconcerting reports of deliberate obstruction, often using violence, of Ingush attempting to return to other villages (see also comments under Article 16).

The Advisory Committee is disturbed by reports it has received concerning the extremely poor living conditions of internally displaced persons who remain inside Ingushetia and in "Majskii" camp, inside the border of North Ossetia-Alania.

The Advisory Committee regrets that, since the adoption of the first Opinion, there have been incidents of violence involving various minority groups in other parts of the Northern Caucasus, including Kabardino-Balkaria, Dagestan and Karachaevo-Cherkessia (see also comments under Article 6).

#### *Recommendations*

The Advisory Committee urges the authorities to ensure that the investigation and prosecution of human rights violations committed during the conflict in Chechnya proceed vigorously and without discrimination in order to lift the impression of impunity and lawlessness which continues to affect daily existence in the Republic. In this respect, the authorities should ensure that the new Ombudsman for Chechnya takes an independent and human rights-oriented approach and that he is given the necessary resources and competences to accomplish this task.

The federal authorities should continue to address as a priority the reconstruction of homes and compensation of families displaced by the conflicts in Chechnya and Ingushetia/North Ossetia-Alania, and to pursue the economic development of the entire region.

Financial and humanitarian assistance must be made available to internally displaced persons living in temporary shelters and their voluntary return or re-settlement must be pursued as a matter of priority.

## **27. Serbia**

*Opinion adopted on 19 March 2009*

### **Policy of support for minority cultures**

#### *Findings of the first cycle*

The Advisory Committee found that State support for the protection and promotion of national minority culture is often provided on an *ad hoc* basis and that there are substantial differences in the commitment of the competent authorities to initiatives in this field. It considered that the needs of groups that have been defined as national minorities only recently after the break-up of Yugoslavia such as the Croats and the Macedonians, should be carefully taken into consideration. It called on the authorities to swiftly make operational the Fund for the Promotion of Social, Economic and Cultural and General Development of National Minorities (hereinafter State Fund for the National Minorities), foreseen in the Law on National Minorities.

#### *Present situation*

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

The Advisory Committee notes that national councils of minorities have played a positive role in obtaining financial support from central and local authorities for cultural initiatives of their respective minorities. The Advisory Committee notes in particular that the support and co-operation of the Provincial authorities of Vojvodina have generally been assessed positively by minority representatives. Cultural associations of groups which were only recently defined as national minorities, such as the Croats and the Macedonians, reported improvements in the conditions for the preservation and development of their culture.

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

Stable funding distributed according to a systematic procedure and with the consultation of national minorities is still lacking in Serbia. Although foreseen in the Law on National Minorities, the State Fund for the National Minorities has still not been made operational, creating a growing frustration among national minorities. Pending the establishment of this Fund, projects often receive *ad hoc* support or are funded on the basis of public tenders. Such a situation is unsatisfactory.

In the absence of the aforementioned Fund, the level of support to the culture of national minorities is still considered insufficient by a number of national minorities to meet efficiently their needs in this area. In particular, some national minorities have been in a less favourable position in attracting the necessary funding for their cultural activities. Indeed, discrepancies in this area remain high between minorities living in Vojvodina where a higher level of support is reported, and minorities living in other parts of Serbia such as the Vlachs in East Serbia or the Albanians in South Serbia. Roma organisations also pointed out that the modest public funding allocated to their activities makes them *de facto* reliant on international donors to ensure continuity.

The Advisory Committee notes that while the Bosniac national council has been active in submitting cultural projects for funding, other cultural institutions and associations of the Bosniac minority have not been made sufficiently aware of such opportunities. Such a situation has generated dissatisfaction among some persons belonging to the Bosniac minority who have also complained about a lack of transparency in the selection of the cultural projects which require funding. Against this background, the Advisory Committee considers that it is important that the national minority councils are not the only actors which have access to the funds

available and that sufficient information on funding opportunities is disseminated among other cultural institutions and associations of national minorities.

#### *Recommendations*

The Advisory Committee urges Serbia to make the State Fund for the National Minorities, foreseen in the Law on National Minorities, operative with no further delay and ensure that both its composition and functioning adequately involve national minorities.

The Serbian authorities should ensure that the existing funds for the preservation, promotion and development of minorities' culture are accessible to relevant actors other than the councils of national minorities, in particular NGOs and associations of national minorities.

## **28. Slovak Republic**

*Opinion adopted on 26 May 2005*

### **Conditions enabling national minorities to maintain and develop their culture**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee welcomed that increased efforts had been made to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture. In the corresponding Resolution, the Committee of Ministers emphasised that legal guarantees pertaining to some articles of the Framework Convention needed to be strengthened.

#### *Present situation*

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

The Advisory Committee notes that there are plans to prepare a draft law on national minorities as well as to initiate the modification of several sectoral legislative provisions so as *inter alia* to make them fully compatible with the new commitments undertaken by Slovakia at the time of the ratification of the European Charter for Regional or Minority Languages in 2001.

Further efforts have recently been intensified to complete the legislative framework pertaining to minorities. A draft law on the financing of minority cultures is being finalised and is expected to be transmitted to the Parliament in 2005. This draft mainly aims at ensuring more transparency and stability in state support for minority cultures since the current funding system only relies on ad hoc governmental resolutions. The representatives of several minorities, such as the Hungarians, but also the numerically smaller minorities like the Ruthenians and the Germans, have explained that such a law would help them to develop more sustainable initiatives to preserve their culture.

The Advisory Committee notes with satisfaction that there has been a substantial increase in the allocation of financial support to minorities by the Ministry of Culture from 2001 to 2004.

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

The draft legislative changes currently under preparation do not seem to be well known among representatives of national minorities and NGOs involved in these matters. Their consultation in due course on such important changes will be essential to ensure that their needs are given proper attention by the authorities. Although a certain priority seems to have been given to the draft law on the financing of minority cultures, which appears to be politically less controversial, some delays have been noticed in the preparation of this piece of legislation which had been announced for quite some time.

The Roma have for many years proportionally received much less financial support from the Ministry of Culture than other minorities. The Ministry of Culture, which partly recognises this state of affairs while stressing that the imbalance has been significantly reduced since 2001, considers that it has to base its financial allocations on the figures resulting from the 2001 census, i.e. 89,920 Roma. The Advisory Committee, however, recalls that the authorities should not rely exclusively on census figures when designing, implementing and monitoring measures

and policies in favour of minorities (see related comments under Article 3, “data collection”, above). Indeed, other indicators like surveys or scientific studies – notably the aforementioned Roma study - may be used as well. This is all the more the case when it is widely acknowledged, including by the authorities, that the census results are well below the actual number of Roma. More generally, the Advisory Committee recalls that as regards cultural support, numerical considerations should not systematically determine state action as the promotion of a minority culture represents an objective *per se*.

#### *Recommendations*

The authorities are encouraged to speed up their efforts to complete the legislative framework pertaining to the financing of minority cultures and the protection of national minorities, while ensuring proper participation of representatives of national minorities in this process.

Slovakia should continue to support cultural initiatives for national minorities and, in this context, eliminate any remaining imbalance that negatively affects the support provided for certain minorities, notably the Roma.

### **29. Slovenia**

*Opinion adopted on 26 May 2005*

#### **Preservation of the culture and identity of Hungarians and Italians**

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

In its first Opinion on Slovenia, the Advisory Committee welcomed the particularly favourable conditions put in place to allow the Hungarians and Italians to develop their culture and the essential elements of their identity, including outside the “ethnically mixed areas”, and encouraged them to take further measures in order to implement more effectively the existing legal framework.

##### *Present situation*

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

The Advisory Committee is pleased to find that, due to the well-developed legal framework and the various institutional, administrative and financial arrangements put in place for their benefit, the Hungarians and Italians continue to enjoy considerable protection in those areas contributing to the preservation and development of their culture and identity.

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

Despite the generally favourable conditions mentioned above, representatives of the Hungarian and Italian minorities have found, for some years, the level of public resources allocated to the activities of national minorities inadequate. They have also conveyed to the Advisory Committee their concern that the State’s willingness to support the two national communities in their efforts to preserve their identity appears to be diminishing, in particular when new legislative provisions touching on related issues are debated or passed.

For example, the Hungarians fear a decrease in their involvement in the administration of cultural institutions. They also point out that they still do not have a museum devoted to the Hungarian community or a library of the community in its area of compact residency.

The Advisory Committee notes in this context that, for Hungarians and Italians, the exercise of their linguistic rights is of particular value for the maintenance and development of their identity. This is particularly the case in view of the falling trend in their numbers revealed by the last population census, together with recent socio-economic developments and the population movements that may yet ensue from them. According to Hungarians and Italians, worrying shortcomings subsist in practice, although the Hungarian and Italian languages are recognized as official languages in the “ethnically mixed areas” under Article 11 of the Constitution (see also comments under Article 10 below).

*Recommendations*

In their decisions on legislative and other changes needed in response to social, political, economic and cultural developments in the country, the authorities are encouraged to be more receptive towards the Hungarians' and Italians' legitimate aspirations to preserve and affirm their identity. In order to respond properly to these aspirations, more resolute efforts are needed to ensure that the State policy in this area is effectively implemented. In this context, increased attention should be paid to matching the financial resources allocated to the cultural activities of both communities to the actual needs identified.

**State support for the preservation and affirmation of Roma identity***Findings of the first cycle*

In its first Opinion on Slovenia, the authorities were encouraged to take further legal and practical measures to ensure that the Roma have access to similar assistance, particularly at the local level, as that granted to the Hungarian and Italian minorities for cultural development and preservation of their identity.

The Advisory Committee also found that the status and specific rights of the Roma community were still not completely regulated by Slovene legislation, and urged the authorities to remedy the situation.

*Present situation**a) Positive developments*

The Advisory Committee notes that, for a number of years, the authorities have been paying more attention to the affirmation and promotion of Roma culture and values, and that specific initiatives have been launched for this purpose in the research, education and media fields (see comments in relation to Articles 9, 12 and 14). The co-operation developed with the Union of Roma of Slovenia, and the assistance granted for the activities it runs under the auspices of the Roma cultural centre in Murska Sobota, are to be welcomed. The Advisory Committee expresses the hope that this experience can be repeated in other areas of Roma settlement in Slovenia.

The Advisory Committee notes that, in order to run activities enabling them to preserve and develop their culture and identity, Roma in Slovenia are eligible for funding from local authorities, as well as from the Government Bureau of Nationalities and the relevant ministries. It welcomes the fact that the Ministry of Culture does not make a distinction between "autochthonous" and "non-autochthonous" Roma in the allocation of government funding to minority cultural projects, and considers that all government authorities should adopt this approach.

*b) Outstanding issues*

Despite a number of positive developments, the preservation and affirmation of Roma culture and identity continue to be hampered by numerous difficulties in Slovenia. The competent authorities at the local level do not always apply in an appropriate manner the measures decided at the central level with a view to assisting the Roma. In particular, there is still reported resistance to investing a proportion of local resources in order to improve the socio-economic situation of the Roma and to support their activities (see also comments under Articles 4, 9, 12, 14 and 15).

In the case of public funds earmarked to support their cultural activities, Roma representatives find the current procedures, based on project proposals, inappropriate and inefficient. In their view, the available resources should be guaranteed by law and provided by the State as part of the specific funding allocated to the municipalities concerned, as is the case for the Hungarian and Italian minorities.

On the legal front, although there are scattered legislative provisions covering all the relevant sectors, a more coherent, overall approach to the status and specific rights of the Roma, set out in an Act dealing specifically with this community, as provided for under Article 65 of the

Constitution, is still awaited. Nevertheless, some government authorities consider that these provisions, applied appropriately, constitute a sufficient legal basis for improving the socio-economic situation and integration of the Roma within Slovene society.

The Advisory Committee notes that, although an official consensus has not yet been reached on the matter, a growing number of the relevant government bodies seem to favour the drafting of such a bill. It also notes that the Roma expect a great deal from the passing of such an Act. In view of these trends, and bearing in mind the problems the Roma continue to face in various sectors, the Advisory Committee considers that it would be desirable to take stock of the situation and decide without further delay the approach to be adopted in this area.

#### *Recommendations*

The authorities are invited to continue, and step up, their measures to support activities aimed at developing Roma culture and identity, ensuring better co-ordination between central and local arrangements. In order to make such measures more effective and to ensure that the funds allocated better match the needs, the authorities are encouraged to identify, in consultation with those concerned, the most appropriate procedures for access to those funds.

The authorities are strongly encouraged to hold a debate on the desirability and possible content of a general Act on the status and specific measures for the protection of the Roma. Particular attention should be given to involving the various Roma organisations in this process.

### **30. Spain**

*Opinion adopted on 22 February 2007*

#### **Protection and promotion of Roma culture and identity**

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

In its first Opinion, the Advisory Committee considered the efforts made to foster the promotion of the culture and traditions of Roma insufficient and called on the authorities to offer greater support in this regard.

The Advisory Committee encouraged the authorities to examine, in consultations with the Roma, the needs and demands related to the preservation of their language and to identify ways of remedying any shortcomings.

##### *Present situation*

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

The Advisory Committee observes with satisfaction that, following growing Roma demand for greater recognition of their culture, public authorities in Spain have taken steps to recognise the Roma's distinct cultural identity. At the national level, the lower house of the Spanish parliament (*Congreso de los Diputados*) adopted a 'Non-binding proposal on the recognition of the rights of Roma', on 27 September 2005, which calls on the Government to promote greater awareness of Roma culture, language and history; to consult with Roma when adopting legislative acts that may affect their culture; to make use of the new Consultative Council for the Roma to identify the aspirations of Roma, *inter alia*, in cultural life (see comments under Article 15 below); and to establish an Institute of Roma Culture.

At the regional level, the Advisory Committee welcomes the continuing efforts made in this direction by Andalusian public authorities starting in 1996, when the Parliament of Andalusia passed an 'Act of official recognition of the contribution of Roma culture to the culture of Andalusia', which *inter alia* established 22 November as the Day of the Andalusian Roma. The inauguration in Granada, on 22 November 2006, of the first ever museum dedicated to Roma women, initiated by an association of Roma women with the financial support of the Municipal Government of Granada and the Autonomous Government of Andalusia, represents a commendable example of Roma cultural promotion. It is also positive that references to Roma culture and the need to protect it have been included in the new statutes of autonomy of Catalonia, adopted on 18 June 2006, and Andalusia, adopted on 18 February 2006. Legislatures

in Aragon and Castilla-la-Mancha are reportedly also considering the inclusion of such references in the context of their own autonomy statute reforms.

The Advisory Committee is pleased to note that, in April 2006, the Spanish Minister of Culture announced the decision to open an Institute of Roma Culture in 2007. According to the draft Royal Degree regulating the new Institute, its aim will be to develop and promote the culture, traditions and language of Roma, and to seek their social integration, *inter alia* by ensuring the participation of Roma in both national and international cultural events; promoting intercultural dialogue between Roma and non-Roma; and promoting research in the field of Roma language, culture and traditions. The Government of the Autonomous Community of Madrid has issued a similar announcement as regards setting up a regional Centre for Roma Culture in Madrid.

The Advisory Committee welcomes the debate that is taking place in Spain regarding the role that language could play in the cultural identity and self-confidence of Roma. According to the information received by the Advisory Committee, there is a growing interest among some Roma in the preservation of *caló*. Certain Roma are also interested in the introduction of a novel, standardised form of Romani. The Advisory Committee welcomes the fact that research on this issue is envisaged as one of the competences of the new Institute of Roma Culture to be established in Spain.

#### b) Outstanding issues

Much work remains to be done in order to translate into practice the recent statements of public authorities in Spain in favour of promoting Roma culture and identity. In Andalusia, where important efforts are being made to promote Roma culture, Roma continue to be under-represented in the bidding for regional funds offered for cultural activities. The Advisory Committee is not aware of any practical initiatives adopted in recent years to promote the use and study of *caló*. As regards the envisaged Spanish Institute of Roma Culture, the Advisory Committee notes that size and sources of the Institute's budget have still not been determined.

Although some attention has been given to the protection and development of Roma culture and identity (see comments under Article 12 for examples), the Advisory Committee notes that the Roma Development Plan continues to focus on socio-economic considerations. While recognising that remedying the continuing inequalities faced by Roma in social and economic life must remain a priority in Government policies (see comments under Article 4 above), the Advisory Committee reminds the authorities that enhancing the cultural confidence of persons belonging to national minorities also contributes to their social and economic integration.

#### *Recommendations*

The Advisory Committee urges the authorities to ensure the effective implementation of the parliamentary 'Non-binding proposal on the recognition of the rights of Roma' in order to protect and promote Roma culture and identity. Undue delays in the establishment of the Institute of Roma Culture should be avoided and adequate means should be allocated to enable the Institute to fulfil the important tasks it has been assigned.

The authorities at all levels are urged to pay more attention and give greater support to measures for protecting and promoting Roma culture and identity in the new Roma Development Plan, currently under preparation.

The authorities should organise consultations on language issues with Roma representatives and identify the needs, ways and means of responding to the aspirations of Roma in this regard.

### **31. Sweden**

*Opinion adopted on 8 November 2007*

## Support for minority culture

### *Findings of the first cycle*

In its first Opinion, the Advisory Committee encouraged the authorities to develop further their support for cultural initiatives of national minorities and to make the involvement of persons belonging to national minorities in the related decision-making process more systematic.

### *Present situation*

#### a) Positive developments

The Advisory Committee welcomes the fact that various important initiatives supporting Sami culture have received significant funding in the framework of the European Structural Fund programmes.

There has been commendable research on minority culture and other related initiatives, notably at the University of Uppsala and Technical University of Luleå. Such work merits continuing support. At the same time, efforts have been made to improve access of minorities to higher education.

There have been some welcome increases in the overall sums allocated to support activities of organisations of national minorities. Such support is now regulated by a government ordinance. Important support is also allocated through the culture budget. Positive impact of public support is demonstrated, for example, in the activities of Finnish and Meänkieli theatres and of Roma culture centres.

#### b) Outstanding issues

Despite the guarantees given by the said ordinance, the scheme does not cover all national minority organisations, as eligibility conditions stipulate, *inter alia*, that the organisation need to have local branches in at least five regions. This could create difficulties to certain minority cultures. It is important to ensure that the support scheme and geographic and other conditions contained in the above-mentioned ordinance are such that they do not unduly exclude organisations of national minorities. In doing so, the authorities should bear in mind that some national minorities appear currently to fall outside all public funding schemes. This includes the Tornerdalers as a largely compact minority and the diversity of the organisations of Swedish Finns, such as the National Organisation of Finnish speakers with defective vision.

As far as the level of support is concerned, it remains limited when compared to the needs and demands expressed by organisations of national minorities and the modest increase in funds did not match the inflation rate. The implementation of many important initiatives, ranging from minority archives to more *ad hoc* projects in education and other fields, is facing financial difficulties.

Apart from the positive practices of the Sami Parliament, there are still concerns on the allocation of such support and that the input of national minorities and expertise on minority issues are not adequately present in the decision-making structures at central or local level. This is despite some efforts by the National Council for Cultural Affairs to consult national minorities.

As regards the support for Sami organisations, the Advisory Committee recalls the importance of ensuring that they take duly into account the linguistic and other diversity within the Sami population. This is all the more important in light of the vulnerable position of the Sami languages, of which South Sami and Lule Sami are at risk of disappearing. The Advisory Committee also encourages further discussion related to the protection of the intellectual property and heritage of the Sami so as to ensure that the traditional Sami symbols, lifestyle and cultural practices are properly covered by the domestic legislation

In this connection, the Advisory Committee considers that the fact that Sami issues, at the central state level, are mainly within the competence of the Ministry of Agriculture can at times make it difficult to address cultural or linguistic concerns that do not fall within the competence of the said ministry.



*Recommendation*

Sweden should continue to develop support for organisations and cultural activities of national minorities. In doing so, it should ensure that the eligibility criteria for access to support take into account diversity of national minority organisations and that minorities have a voice in the related decision-making processes.

**Sami land rights***Findings of the first cycle*

In its first Opinion, the Advisory Committee concluded that the legal uncertainty in the area of land rights and the use of territory in the traditional areas of the Sami has had a negative impact on the implementation of the Framework Convention. It called on the authorities to pursue with urgency their efforts to clarify and improve the legal situation.

*Present situation*

## a) Positive developments

The role of the Sami Parliament in reindeer industry administration was to a certain extent enhanced through the transfer of some of the tasks in this domain from county and central authorities to the Sami Parliament as from January 2007.

An important step towards addressing problems regarding the boundaries of reindeer grazing was the publication in 2006 of an official report entitled “The Sami People’s Common Law Grounds”. The report, which is currently being considered by the authorities, contains a number of interesting proposals that could help alleviate the problems detected. In addition to proposals regarding boundaries *per se*, the report contains suggestions for an affordable mechanism for settling related disputes, which could reduce the need to rely on expensive and lengthy court proceedings. Another important report issued in 2006 examined the hunting and fishing rights in Sami territories and reindeer grazing lands. It contained detailed analysis and proposals, some of which have, however, been challenged by Sami representatives.

## b) Outstanding issues

While the above-mentioned in-depth studies are being considered, the legal situation in relation to land rights questions remains largely intact and the uncertainty noted in the first cycle persists, prompting repeated disputes notably over the boundaries of the winter grazing lands.

These disputes have continued to lead to a number of court cases in which land owners have challenged winter grazing rights of Sami in the areas at issue. These court cases, the costs of which are not covered by the State, have in turn required significant resources and continued to cause heavy financial burdens for the Sami villages concerned and even harm inter-ethnic relations in the areas at issue.

*Recommendation*

The authorities need to take urgent action to bring legal clarity to the question relating to Sami land rights, in particular on boundaries of winter grazing lands. This needs to be done in a manner that fully protects the rights of the Sami as an indigenous people while ensuring the rights of the others in the areas concerned. Furthermore, Sami villages’ financial burden caused by related court cases needs to be addressed as a matter of priority. This includes introducing more affordable mechanisms for settling disputes concerning grazing boundaries.

**32. Switzerland**

*Opinion adopted on 29 February 2008*

**Legal and institutional framework protecting minorities***Findings of the first cycle*

In its first Opinion, the Advisory Committee noted that the Federal Constitution did not contain any specific provision protecting minorities as such. At the same time it acknowledged that

minorities were protected to a large extent by the institutional system and by Federalism, which enables the cantons to cater for the specific needs of their population, notably in the field of culture. Furthermore, the Advisory Committee noted that a range of important constitutional and legal provisions in the linguistic field, both at the Federal and cantonal levels, ensured a strong level of protection for persons belonging to linguistic minorities. It considered, however, that the continuing existence of Romanche and Italian languages in the canton of Graubünden was under threat and that a Federal Law on National Languages and Understanding was still due to be enacted, in order to fully implement Article 70 of the Federal Constitution.

#### *Present situation*

##### *a) Positive developments*

The Advisory Committee welcomes the adoption in October 2007 of the Federal Law on National Languages and Mutual Understanding between Linguistic Communities. Since there was no request for this law to be submitted to a referendum, it should enter into force soon. Although many of the goals and principles now incorporated in the Law have already been implemented by the Confederation in the framework of its general powers, the importance of this new piece of legislation must be underlined. The adoption of this Law, which was a politically difficult process, bears witness to the solid consensus which has eventually been reached on the delicate issue of language teaching, a matter which remains largely in the powers of the cantons (see related comments under Article 14 below). This Law is expected to have positive effects on the situation of persons belonging to minorities, in particular the Italian- and Romanche-speaking minorities.

In Graubünden, important progress has been made in terms of legislative guarantees as regards the position of both the Romanche and Italian languages. A new cantonal Constitution was adopted on 18 May 2003 and entered into force on 1 January 2004. Article 3 of the new Constitution sets out important principles on the status of Romanche and Italian and strengthens co-operation between cantonal and municipal (and district) authorities in the process leading to the determination of the official language at the local level.

Following the adoption of this new Constitution, efforts have been made to design a comprehensive cantonal Law on Languages intended to give effect to Article 3 of the Constitution. Although this process has met with some difficulties, a new Law on Languages was adopted in October 2006. Following a successful referendum held in June 2007, it entered into force recently. The Advisory Committee welcomes the new guarantees which are entrenched in the Law to reinforce the position of Romanche and - although to a lesser extent – Italian. They encourage individual and institutional multilingualism and recognise and promote the important role played by the main cultural organisations of the Romanche and Italian-speaking communities (see related comments under Articles 10 and 14, below).

Efforts have been made over the last 20 years to stop the erosion of Romanche, strengthen its legal status and encourage its practical use in different public contexts. This process culminated with the recognition of Romanche as an official language both at the Federal and cantonal levels, with the explicit approval by the voters in referenda despite complications caused by the coexistence of five idioms of Romanche, all of them having a distinct written and spoken form.

In order to ensure the long-term survival of the Romanche, the main Romanche association, together with cantonal authorities, have supported the development of “Rumantsch Grischun” as a new lingua franca among all Romanche-speakers, irrespective of their idiom. In view of the sensitivity of this issue for the Romanche speakers – some of whom consider “Rumantsch Grischun” as an artificial creation - particular attention has been paid to encourage wide public acceptance of this new language version and efforts have been made to enable people to continue to use their idioms. As a result, “Rumantsch Grischun” has become the official language used by the authorities both at Federal and cantonal levels, but these authorities are bound to continue to accept communications in any of the five idioms. In the field of education, the introduction of textbooks in “Rumantsch Grischun” is taking place gradually and teaching

materials in that language have been made available as from 2007. In the field of print and electronic media, the five idioms are still being used except for transregional news.

#### b) Outstanding issues

Bearing in mind the overall importance of maintaining Italian and Romanche as living languages to preserve the identity of the canton of Graubünden, the development of their daily use including in official contexts is essential. Although German, Romanche and Italian are now recognised as national and official languages in equal measure at the cantonal level, the Advisory Committee was told that the administration works almost exclusively in German. Hence Italian and Romanche are in practice essentially languages of translation and representatives of the Italian-speaking minority take the view that translation services from the cantonal administration are under-resourced. There is also scope for producing more administrative documents intended for the public in Italian and Romanche. In the judicial field, there is a particular need to develop a proper legal terminology in Romanche and related language training for judges and staff members so as to make it possible to use this language in a more significant way.

According to representatives of the minorities concerned, the overall situation of those Italian and Romanche-speakers who live outside their traditional areas of settlement located in the cantons of Graubünden and Ticino has not significantly improved regarding opportunities to enjoy cultural and linguistic support, particularly in terms of access to language teaching. For example, according to estimates, there could be up to 40% of the total Romanche-speaking population living outside the municipalities of Graubünden where Romanche is an official language. Similarly, significant numbers of Italian-speakers can also be found in large cities such as Zurich or Bern and it remains difficult for these persons to preserve and develop their language and culture (see also related comments under Article 14 below). Several provisions in the Federal Law on National Languages and Mutual Understanding between Linguistic Communities and the Law on Languages of Graubünden should make it possible to develop new forms of support for cultural and linguistic initiatives, especially on research into and promotion of multilingualism beyond existing language boundaries.

#### *Recommendations*

Particular efforts should be made to ensure the full implementation of the new Federal legislation on languages and to take advantage of the new opportunities it offers to promote more decisively multilingualism, mutual understanding and exchanges between linguistic communities.

The authorities of the canton of Graubünden should continue to encourage a wider written and oral use of Italian and Romanche by the general public and within the administration and the judiciary, to ensure equality between these languages and German as prescribed by law.

### **Preservation of the identity of Travellers**

#### *Findings of the first cycle*

In its first Opinion, the Advisory Committee expressed concern that the institutional and legislative framework made it difficult for Travellers to preserve and develop their culture and the essential elements of their identity. It also stressed that administrative obstacles made it difficult to exercise itinerant trade.

#### *Present situation*

##### a) Positive developments

A significant effort to address the situation of Travellers in a comprehensive way was made by the 2006 report of the Government on the situation of Travellers in Switzerland. It contains numerous proposals to improve their living conditions and devotes particular attention to the Confederation's policy options on the lack of stopping places and transit sites, which is the main problem facing Travellers in Switzerland. In support of its conclusions and proposals, on several

occasions the report draws on the Advisory Committee's findings and comments on the situation of Travellers in its first Opinion on Switzerland.

An important Federal Tribunal judgment of 28 March 2003 for the first time recognised that life in a mobile home was an essential part of the identity of Travellers, whose needs were different from those of the settled population. The judgment also stressed the corresponding obligation of the authorities to take account of these needs in urban planning procedures.

The new Federal Law on itinerant trade came into force in 2003. This Law, which covers all itinerant commercial activities, is consistent with the interests and demands of Travellers, whose traditional activities are still closely associated with their nomadic way of life. The reactions of Travellers to this new legislation have been positive and the cantons have also welcomed the simplification of these new legislative provisions.

#### b) Outstanding issues

The overall situation of Travellers, of whom the overwhelming majority consider themselves to be of Yenish descent - although some belong to the Sinti or Roma groups – does not seem to have significantly improved since the first monitoring cycle. According to their representatives, it has become increasingly difficult to preserve one of the essential elements of their identity, namely their itinerant or semi-itinerant way of life. Against this background, it remains to be seen which concrete follow-up will be given to the Government's report of 2006. The institutional and legal framework, which is based on Federalism and associates linguistic minorities with a particular territory, has in practice continued to complicate inter-cantonal itinerant trade, which remains an important economic activity for many Travellers. The chronic lack of stopping places and transit sites is still unresolved and the general attitude of the population and the local authorities towards Travellers has remained tainted with negative stereotypes, discrimination and prejudices. Nevertheless smaller Yenish communities – such as those of Buech (Bern) and Châtillon (Fribourg) – travelling for only a few months a year tend to be better integrated.

The insufficient public support received by Travellers and the lack of recognition for their contribution to the Swiss society is further evidenced by the limited financial support granted to the Foundation "A Future for Swiss Travellers" (hereinafter: the "Foundation") and the shortcomings in the follow-up given by the authorities to the proposals made by the Foundation. Despite the numerous problems faced by Travellers, the Parliament dismissed in 2006 a proposal to double the amount of the proposed appropriation (CHF 1.5 million instead of CHF 750,000) and decided instead to grant the Foundation the same contribution, i.e. a further general appropriation of CHF 750,000 for the years 2007 to 2011. The Association of Travellers ("Radgenossenschaft der Landstrasse"), which plays a crucial role in enabling Travellers to articulate their needs in front of the authorities, is also facing important budgetary constraints: the yearly contribution by the Confederation, which covers approximately 85% of its total budget, amounted to CHF 300,000 in 2003-2005 but was reduced to CHF 250,000 in 2006 and CHF 245,900 in 2007. The Federal contribution is due to remain stable in the years to come (CHF 251,500 in 2008 and CHF 255,700 in 2009), with no prospect for a real increase.

There has been a new Federal Bill on the Promotion of Culture under consideration for some time. Although it provides in its Article 14 that the Confederation may take measures to enable Travellers to live in accordance with their culture, it seems that this provision would mainly serve as a legal basis to support the Association of Travellers. Hence it is unlikely that a more resolute Federal policy will be designed to support the identity and culture of Travellers, which, according to their representatives, remains at threat.

#### *Recommendations*

The authorities should strengthen their policy to assist Travellers to preserve and develop the essential elements of their identity and to promote their culture. In this respect, additional and stronger legislative guarantees should be developed to strengthen the existing legal framework.

The Advisory Committee calls on the authorities to increase the limited state financial support allocated to the main institutions promoting Travellers' cultural initiatives.

Care should be taken to follow up on the proposals contained in the 2006 Government's report and to develop an efficient, participatory and transparent monitoring procedure accessible to Travellers themselves.

### **Lack of stopping places and transit sites for Travellers**

In its first Opinion, the Advisory Committee concluded that the main problem faced by Travellers was the lack of stopping places and transit sites.

#### *Present situation*

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

During its visit to Switzerland, the Advisory Committee paid particular attention to the situation of Travellers and especially to their needs for stopping places and transit sites. It visited a stopping place located in Buech, in the municipality of Bern, which was inaugurated in 1998 and today offers quality accommodation for a modest rent to approximately 30 families. The decision to build this stopping place was taken by the local government already in 1992 and confirmed by a popular vote in 1997, following efforts by the local authorities to raise public awareness about the need to support it. The site is now widely accepted by the neighbourhood and close co-operation with Travellers' representatives has helped reduce the need for social assistance and significantly improved school attendance in recent years.

Other positive examples are reported in certain cantons, where the creation of stopping places and/or transit sites is in progress. This is notably the case in Geneva, where the cantonal Parliament passed a law in 2003 amending the cantonal land-use plan to include a long-awaited new zone for occupation by fairground people and Travellers. It is now expected that the site will be open in 2008 or 2009. Mention must also be made of the canton of St Gallen, which created two stopping places in 2002 and 2006 and subsequently presented a scheme to create six transit sites with a legal basis in urban planning legislation.

The Advisory Committee welcomes the fact that a number of cantonal authorities, such as in Fribourg, pay particular attention to the specific needs of various categories of Travellers. It recognises that their needs vary significantly, especially between foreign Roma/Sinti and Swiss Yenish.

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

Despite certain positive cantonal examples, the shortage of stopping places and transit sites remains acute in Switzerland. In June 2006, the Foundation published an expert report providing a detailed list of existing stopping places and transit sites in Switzerland and assessing additional needs. This survey makes it apparent that very little progress has been made in practice. Since 2001, nine transit sites have been closed while only three new ones have been created across the whole territory of Switzerland. According to the expert report, it is necessary to provide 29 additional stopping places to accommodate approximately 1,500 itinerant Swiss Travellers. It would also be necessary to create 38 additional transit sites for the Swiss Travellers continuing a semi-itinerant way of life, as well as 10 larger transit sites for foreign Travellers. Furthermore, among the existing transit sites, 40 are now substandard and in need of refurbishment.

No significant follow-up has so far been given by the cantons to the important Federal Tribunal's ruling, which emphasises that Article 3(3) of the Federal Land-use Planning Act implies that the specific needs of that part of the population consisting of Swiss Travellers must also be satisfied. Hence urban planning instruments, both cantonal and municipal, must allow for the creation of appropriate sites and areas to serve as places of residence for Travellers in accordance with their traditions. Such planning instruments could also be the result of inter-cantonal coordination under the auspices of the Confederation, but to date no such coordination has taken place. Regrettably, efforts by the Confederation have not borne fruit either. The Government decided, in October 2006, to instruct the relevant ministry to give appropriate consideration to the situation of Travellers when approving cantonal structure plans and to draw the cantons' attention – when the occasion arose – to the opportunities offered by the Land-use

Planning Act for creating stopping places and transit sites. The Government is of the opinion that no amendment to the Law on Land-use Planning Act is needed and that measures to be implemented by the Confederation in this field should entail no additional expense.

In several cantons, proposals to create further sites have been frozen or even withdrawn following adverse reactions by the municipalities concerned, by part of the local population and/or by various lobbying groups. This was recently the case in the canton of Aargau and Schwyz, as well as in the canton Fribourg, where in December 2006 the cantonal Government suspended its decision of November 2005 to create two transit sites, despite the needs highlighted and the proposals submitted by the cantonal commission for Travellers.

A more promising Federal solution, namely the reassignment of military sites belonging to the Confederation, was put forward but such a solution would need more decisive accompanying measures to encourage the cantons to take this opportunity. In its decision of October 2006, the Government, however, only resolved to draw the cantons' attention to available land that might be appropriate for stopping places and transit sites and to the possibility to buy such land at a lower price. The Advisory Committee regrets that the cantons have shown little interest in this possibility so far, but have rather requested stronger Federal commitment, such as the adoption of stronger Federal incentives to make such proposals successful.

In November 2006 both the Foundation and the Federal Commission against Racism issued a public statement stressing that the proposals contained in the 2006 Government's report on the situation of Travellers would probably prove insufficient in the mid-term. They asked for a Federal law making it compulsory to introduce the necessary changes within a set time limit. They also called for a Federal Action plan to be prepared with assistance from the Conference of cantonal Governments (CdC) and the Swiss Conference of Public Works, Spatial Planning and Environment Ministers (DTAP). On the basis of this action plan, every canton should commence work on plans for stopping places and transit sites. Stopping for a few days on public land, other than official sites, ought to be statutorily possible in every municipality. Furthermore, the Confederation should make it more attractive for cantons and municipalities to create suitable sites, by using a system of financial incentives. The Association of Travellers, as well as other representatives of Travellers, proposed broadening the scope of Article 24 of the Land-use Planning Act to facilitate the granting of administrative derogations for the creation of stopping places and transit sites.

Some Travellers' representatives take the view that even the creation of additional transit sites and stopping places, as requested in the expert report published by the Foundation, would not suffice to enable all Travellers of Yenish origin who so wish to continue to live their itinerant or semi-itinerant way of life. They contend that this would only be possible if further accompanying measures were taken, such as legislative measures by cantons to waive the requirement to obtain authorisation for short-term stopping of Travellers' caravans, or removal of the prohibition to park caravans which is currently enshrined in policing legislation of the overwhelming majority of Swiss municipalities. Such measures could indeed make it easier for private owners to lease smaller plots of lands to Travellers for short periods.

#### *Recommendations*

The Advisory Committee encourages the authorities to introduce new Federal legislative guarantees to ease and speed up the planning and creation of sites. Stronger financial and other incentives should be developed by the Confederation to promote action by the cantons; these measures may include greater effort to reassign military sites for the creation of stopping places and transit sites, in co-operation with the Foundation.

Cantonal legislation on land-use planning and building as well as municipal policing legislation should be reviewed to facilitate the stopping of Travellers' caravans on private and public land for short periods.

A more intense inter-cantonal co-operation, possibly through existing inter-cantonal structures, should be developed from planning to operation of stopping places and transit sites. Stronger support from the Confederation for this process is needed.

**33. “The former Yugoslav Republic of Macedonia”***Opinion adopted on 23 February 2007***Preservation of culture of persons belonging to national minorities***Findings of the first cycle*

In its first Opinion, the Advisory Committee found that state support for promoting the cultural identity of the different communities, including their historical heritage, was inadequate and urged the authorities to take appropriate steps to correct this.

The Advisory Committee noted the concern of the Vlachs’ representatives regarding the survival of their cultural identity, which they thought in danger of assimilation, and urged the authorities to provide greater support for the preservation of this community’s identity.

*Present situation***a) Positive developments**

The protection of the communities’ ethnic, cultural, linguistic and religious identities is guaranteed by Article 48 of the Constitution, together with the right freely to express, foster and develop the various attributes of their identities and to use the symbols of the communities. The Advisory Committee notes that, in compliance with these provisions, a new law on the use of flags was adopted in 2005, safeguarding the right of ethnic communities to use their flags in municipalities where persons belonging to an ethnic community other than the majority represented over 50% of the population. In practice, this law relates to the Albanian community, which is the only one to reach the requisite figure, and applies in 16 out of the country’s 84 municipalities.

According to the State Report, the 2003 amendments to the Law on Culture have created better conditions for financing cultural projects of national minorities as well as for the latter’s representation in the Cultural Council. In addition, annual cultural programmes adopted by the Ministry of Culture are now published in the languages of the communities that represent more than 20% of the population. In institutional terms, the department responsible for promoting and developing the cultures of the ethnic communities, within the Ministry of Culture, is charged with helping to preserve and develop minority cultures by encouraging national minority organisations to submit high-quality cultural projects and making sure that these projects are handled in a non-discriminatory manner. Top officials in the Ministry of Culture and staff include representatives of the different communities, as well as the committees responsible for the projects’ selection.

The Advisory Committee notes that many cultural activities promoted by national minorities (Albanians, Turks, Vlachs, Serbs, Roma and Bosniacs) have received annual funding from the Ministry of Culture as cultural projects of national interest. The state has also supported projects in research, archaeology, bibliography, research, or others, devoted to the history and culture of minorities and promoted by museums, and research institutes for ethnology, history, etc. (see State Report for details). Attention may be drawn to positive developments in the preservation and restoration of cultural and historical monuments belonging to national minorities, including many examples of Islamic architecture. The Advisory Committee also notes progress in the process of returning religious properties (to the Macedonian Orthodox Church and the Islamic Religious Community).

Cultural decentralisation, as ensuing from legislation on local self-government and amendments to the Culture Act, should also provide more favourable conditions for affirming the cultures of the communities and the multicultural nature of the state. Municipalities now have greater responsibility for the institutional and financial support of cultural projects and institutions with special local significance, for decision-making concerning historical monuments and celebrations, etc. Despite the problems inherent in the initial phase of decentralisation, it is to be hoped that the process will be beneficial for the preservation and development of the cultures of the different communities.

b) Outstanding issues

Whilst taking note of the numerous minority cultural activities that have received support from the authorities, the Advisory Committee notes that the funds granted by the state are considered by the minorities to be insufficient for their needs, and that the smaller communities seem to be particularly affected, including those not mentioned in the Constitution. According to the latter's representatives, in view of the difficult financial situation which they face, state support is essential for the preservation of these communities' cultures and identities and the authorities should make more resolute efforts to support them.

The Roma have expressed their dissatisfaction that the state is not sufficiently committed to encouraging their participation in the country's cultural life and have pointed out, in evidence, the authorities' lack of interest in funding historical research into the culture and traditions of their community. The Vlachs have similarly reported serious problems in finding the resources needed to keep alive their identity, which they consider is at risk of disappearing.

*Recommendations*

In cooperation with representatives of the minorities, the authorities should identify means of improving national minorities' access to financial support from the state for their cultural activities.

Appropriate attention should be paid to supporting smaller communities, including those not mentioned in the Constitution, to allow them to preserve and affirm their identities, through clear and transparent procedures.

**34. Ukraine**

*Opinion adopted on 30 May 2008*

**Support for minority cultures**

*Findings of the first cycle*

In its first Opinion, the Advisory Committee considered that the concept of cultural autonomy entrenched in the Law on National Minorities would merit being defined and developed in more detail to become truly operational. It also welcomed the financial support that the authorities were allocating for projects of persons belonging to national minorities aimed at maintaining and developing their culture and at preserving their identity, but suggested that representatives of national minorities should be more closely involved in the decision-making process as regards the methods of allocation of such financial support.

*Present situation*

a) Positive developments

Ukraine has continued to provide state funding for cultural initiatives of national minorities in various fields. Such support is primarily coordinated and distributed by the State Committee for Nationalities and Religions (hereinafter referred to as: the "State Committee") and also by the Ministry of Culture, although to a lesser extent.

Both the State Committee and the Ministry of Culture have confirmed to the Advisory Committee that they were taking care to discuss the allocation of their financial support for various projects with the Council of representatives of All-Ukrainian public associations of national minorities. Since 2006, the State Committee has endeavoured to improve openness and transparency in the process leading to the allocation of financial support for measures aimed at preserving and developing history, cultures, languages and traditions of national minorities. To this end, it has for example organised calls for tenders to select the best projects deserving support. On a more general note, the State Committee expressed commitment to try and obtain greater funds from the State budget to support cultural initiatives in the future.



## b) Outstanding issues

Given the persisting delays in the adoption of a Concept for State Ethnic Policy and the enactment of ensuing amendments to the 1992 Law on National Minorities (see related comments under Article 3, above), there has been no progress concerning the further development of the notion of cultural autonomy for national minorities. Therefore a more coherent and ambitious framework to support minority cultural initiatives remains to be developed. Even though the State Committee has tried to improve the procedure leading to the selection of the projects to be supported, representatives of the Council of representatives of All-Ukrainian public associations of national minorities continue to consider that their views are not sufficiently taken into account in this process, which may at least partly be linked to the insufficient institutional interaction between the Council and the State Committee (see related comments under Article 15, below). In addition, there is scope for improvement as regards coordination between the aforementioned procedure and the consultation process of the Council led by the Ministry of Culture, so as to achieve greater clarity on the overall distribution of financial support.

According to representatives of several national minorities, including the Jews, the Poles, the Byelorussians and the Tatars from the Volga, the lack of availability at reasonable cost of cultural centres and/or offices is an acute problem in Ukraine given the scarcity of premises which could be used for such purposes. This is not only the case in Kyiv, but also in other regions, such as Transcarpathia, as mentioned by the Slovaks, and Crimea, as mentioned by the Karaims and the Azerbaijanis. Furthermore, a number of minority associations which have a cultural centre hosted in premises belonging to local authorities complain that their monthly rent has dramatically increased recently. The Advisory Committee underlines that representatives of several national minorities attach great importance to state support for the development of their cultural activities, in particular to set up cultural centres. In this respect minority representatives have expressed a degree of frustration at the lack of will some authorities have shown to improve matters in this respect.

A factor that might account, at least in part, for the difficulties in obtaining state support for establishing minority cultural institutions is that the authorities now tend to prioritise financial support for projects and activities. National minorities' representatives regret that this makes it increasingly difficult, or even impossible, to obtain longer-term subsidies for setting up and running institutions or renting premises. While acknowledging the need for project funding and budgetary constraints, the Advisory Committee nevertheless considers that the authorities should pay more attention to requests from national minorities as regards setting up or supporting the running of cultural centres and/or offices, which are often an important means of asserting their identity and making it visible to the public.

The Advisory Committee notes with concern that some national minorities deplore that the authorities provide no assistance to enable them to maintain and renovate some of their cultural monuments and old cemeteries, which deteriorate considerably over time and are sometimes vandalised (see related comments under Article 6, below). This is notably the case of the Karaims, who are a numerically small minority scattered over 15 regions. Representatives of national minorities living in Crimea have also voiced concerns about the difficulties they are facing to obtain plots of lands and relevant authorisations to erect cemeteries or religious buildings, which they consider essential for the maintenance of their identity.

*Recommendations*

The authorities should pursue their efforts to improve the procedure leading to the allocation of financial support for cultural initiatives with a view to making it more transparent, objective and participatory while avoiding undue duplication between the Ministry of Culture and the State Committee.

Further measures should be developed to assist national minority associations to establish and maintain cultural centres.

The authorities should address more decisively the problem of the deterioration of monuments and cemeteries of national minorities. They should endeavour to agree with the representatives of the national minorities concerned on priorities for action and, at the same time, consider increasing the support available for national minorities in this field.

### **35. United Kingdom**

*Adopted on 6 June 2007*

#### **State support for the preservation of the culture of national minorities**

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

In its first opinion, noting that devolution had increased awareness and demand for recognition and development of the cultures of the peoples of Wales, Scotland and Northern Ireland, the Advisory Committee welcomed the important steps already taken to meet some of the demands and encouraged the Government to pursue these steps further.

While recognising the efforts already made to assist minority ethnic communities in preserving and developing their culture, the Advisory Committee considered that more could be done to demonstrate, recognise and value the cultural diversity of minority ethnic communities.

##### *Present situation*

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

The Advisory Committee is pleased to note that the Welsh Language Board, responsible for promoting and facilitating the use of Welsh, continues to receive important financial allocations from the Welsh Assembly Government. Besides developing and overseeing the implementation of Welsh language schemes by public bodies, the Welsh Language Board provides grants to voluntary sector organisations that work to promote the Welsh language.

The Scottish Executive has also continued to provide financial backing (mostly through the Scottish Arts Council) to organisations that work to promote Scottish Gaelic and Scots. The coming into force of the Gaelic Language Act in 2006, and the establishment of the Gaelic Language Board to oversee the Act's implementation, are welcome developments, which should serve to provide a more conducive environment for Gaelic speakers to maintain and develop their language and culture.

In Northern Ireland, the Arts Council and the Irish Language Agency (*Foras na Gaeilge*), the body responsible for the promotion of the Irish language throughout the whole island of Ireland, provide funds for artists working in the medium of Irish and other educational and cultural initiatives. The Ulster Scots Agency plays the same role in promoting Ulster-Scots, and has provided grants to groups undertaking educational, cultural and language initiatives. Both the Ulster Scots Agency and the Irish Language Agency receive funding from the United Kingdom and Irish Governments under the terms of the 1998 Belfast (Good Friday) Agreement.

The Advisory Committee notes that assistance continues to be available for organisations delivering projects that promote racial equality and foster strong community relations. At the national level, the main source of funding is the Government's Connecting Communities Plus programme, which has made £18 million available to voluntary sector organisations over a three year period (2006-2009). Following a comprehensive review of race equality work in Scotland, a new Race Equality, Integration and Community Support Fund was created by the Scottish Executive in 2006, which will provide a total of £2 million to organisations over a two-year period (2006-2008). Since the establishment of Northern Ireland's Racial Equality Strategy, there has also been an increase in the amount of funds allocated to minority ethnic voluntary organisations in Northern Ireland, with a total of £1.7 million allocated over the period 2005-2008.

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

The Advisory Committee is concerned by the reports it has received from representatives of minority ethnic communities indicating that it has become increasingly difficult to access

funding for their cultural initiatives. Applications for funding have reportedly become excessively complex making it difficult for small organisations with limited resources to apply. Another concern expressed by minority ethnic representatives is a shift in the funding priorities, so that most grants are made available for projects that promote equality and mainstreaming rather than the promotion of minority cultures. The Advisory Committee understands that strengthening contacts between different groups is a valuable objective, but it considers that efforts to promote “community cohesion” should not be pursued at the expense of initiatives aimed at maintaining and developing the cultures and languages of persons belonging to minority ethnic communities.

#### *Recommendations*

The authorities should step up existing initiatives, e.g. through the Community Development Foundation, to provide training and other forms of support that minority ethnic voluntary organisations may need in order to apply successfully for government grants.

The authorities should ensure that there are adequate funding opportunities for the initiatives of minority ethnic organisations aimed at maintaining and developing minority languages and cultures.

### **Meeting the accommodation needs of Gypsies and Travellers**

#### *Findings of the first cycle*

Noting with concern the shortage of adequate stopping sites for Roma/Gypsies and Irish Travellers, and the effect that this has on their ability to maintain and develop their culture, the Advisory Committee called on the authorities to take further steps to ensure the availability of additional adequate stopping places.

#### *Present situation*

##### *a) Positive developments*

The Advisory Committee notes that new legislation has come into force in England and Wales aimed at remedying, albeit in limited ways, the precarious situation of Gypsies and Travellers living in caravans. A new Housing Act, adopted in 2004, with effect in England and Wales, now requires local authorities to assess the need for Gypsy and Traveller accommodation in their areas when they assess the housing requirements for the rest of the population. Under a new planning circular adopted in 2006, local authorities are obliged to convey their assessment of Gypsy/Traveller accommodation needs to regional planning bodies who will determine, in Regional Spatial Strategies, how many caravan pitches should be provided across the region on the basis of these assessments. The Government has made £56 million available over a two-year period (2006-2007) to local authorities (and to private landlords) to subsidise site provision and refurbishment schemes.

The Advisory Committee welcomes the increased attention given to the housing and planning needs of Gypsies and Travellers by the authorities in Scotland and Northern Ireland in recent years. In 2002, the Scottish Executive conducted a comprehensive survey of the provision by local councils of Gypsy/Traveller accommodation needs and has issued guidelines to local authorities on this basis. The process of mapping Gypsy/Traveller accommodation needs has been greatly assisted by the work of the Equal Opportunities Commission of the Scottish Parliament, which produced a valuable set of recommendations on improving services for Gypsies and Travellers in 2001, many of which focused on housing.

Similarly, in 2003, the Northern Ireland administration expressed its commitment to implementing the recommendations of a comprehensive report on the Irish Traveller Population. Following the introduction of amendments to the Housing (Northern Ireland) Order 1981, also in 2003, which gave the Northern Ireland Housing Executive responsibility for providing suitable accommodation for Irish Travellers, a wide accommodation strategy for Travellers has been adopted.

b) Outstanding issues

Insufficient and inadequate site provision has contributed to a situation where numerous Gypsies and Travellers are currently living on unauthorised land or developing their land without planning permission. While it may be too early to assess the effects of the new Housing Law and planning circular, the Advisory Committee notes that their success depends on the ability and willingness of local authorities to conduct proper assessments of Gypsy and Traveller accommodation needs. The Advisory Committee regrets, in this context, the information it has received from Gypsy and Traveller representatives regarding the uneven, and often poor quality of the needs assessments conducted by local authorities. Concerns have also been expressed at the unwillingness of many local authorities to comply with the requirements of Regional Spatial Strategies once they are published owing to intense hostility among the local population (see also comments under Article 6 below).

The Advisory Committee notes that the Government is currently considering proposals that would give local planning authorities the right to evict, without delay, Gypsies and Travellers living in caravans on unauthorised developments (land owned by the inhabitants for which they do not have planning permission), as long as an alternative site exists which the local authority deems appropriate. This would amend the existing system, regulated by the Temporary Stop Notice Regulations, whereby local authorities must issue a stop and enforcement notice, and allow the passing of a period of time in which the persons concerned can appeal, before an eviction can proceed.

The Advisory Committee regrets the continuing lack of tenancy rights enjoyed by residents of Gypsy and Traveller sites and the failure so far of the Government to respond to calls made by Gypsy and Traveller representatives, as well as the Joint Committee on Human Rights and other members of the United Kingdom parliament, to amend the relevant legislation.

Notwithstanding the increased awareness of the accommodation needs of Gypsies and Travellers in Scotland and Northern Ireland, progress improving the situation on the ground has been slow. In Scotland, the number of pitches for Gypsy/Traveller caravans has fallen in spite of Scottish Executive guidelines to local authorities regarding site provision. The absence of statutory requirements concerning the allocation of sites, combined with hostility to such sites among the local population, continues to affect provision.

The Advisory Committee notes that a new piece of legislation, the Unauthorised Encampment (Northern Ireland) Order 2005, has come into force in Northern Ireland allowing the police to evict persons living on unauthorised encampments, when suitable alternative sites are available. In view of the slow progress implementing the Traveller accommodation schemes produced by the Housing Executive, this legislation may have an adverse effect on the ability of Irish Travellers to maintain their traditional lifestyle. According to information received by the Advisory Committee, since the introduction of the Unauthorised Encampment Order, there has been little progress in providing Travellers who choose to be nomadic with suitable transit sites.

*Recommendations*

There is a need for clear timetables with agreed deadlines for local authorities in England and Wales to comply with the new Housing Act and planning circular, and for stronger enforcement procedures. Local authorities are urged to ensure the participation of Gypsy/Traveller representatives in the accommodation needs assessments they conduct.

Gypsies/Travellers should have greater access to support in securing the legal protection of their rights.

The Scottish Executive should give serious consideration to the possibility of introducing statutory obligations to address the accommodation needs of Gypsies/Travellers. The Northern Ireland authorities should ensure the provision of sufficient funding for the development of suitable accommodation arrangements for Travellers.

The Government and devolved Executives must ensure that any of their actions concerning an eviction from an unauthorised development or an unauthorised encampment takes due account of the number and quality of alternative Gypsy/Traveller sites in the region. Consultations with

the affected Gypsy/Traveller families must be organised before any decisions are taken concerning an eviction.