

Strasbourg, 13 May 2016

Working document

Compilation of Opinions of the Advisory Committee relating to Article 5 of the Framework
Convention for the Protection of National Minorities (3rd 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."

Note: this document was produced as a working document only and does not contain footnotes. For publication purposes, please refer to the original opinions.

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As of 13 May 2016, the Advisory Committee on the Framework Convention for the Protection of National Minorities had adopted a total of 36 opinions, of which 32 opinions on Article 5.

* 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.

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 23 November 2011

Article 5 of the Framework Convention

Policy on supporting minority cultures

Recommendation from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee asked the authorities to develop a genuine policy on supporting minority cultures, by setting up a special fund to promote minority cultural identities.

Present situation

The Advisory Committee notes with regret that there has been no change since the previous monitoring cycle as regards the development of a policy on supporting minority cultures. Although the National Plan for the implementation of the Stabilisation and Association Agreement between Albania and the European Union (2007-2013) mentions the creation of a special fund to finance projects aimed at preserving and developing minority cultures, no such fund has yet been established.

It is particularly worrying that, according to the State Report, support to national minority cultures consisted in 2009 solely of the Ministry of Tourism, Culture, Youth and Sports providing a financial contribution to two cultural events: "The Day of Roma Traditional Music" and "Albania in symbiosis with minorities" and to the National Folkloric Festival in Gjirokastër, and of the publication of a magazine focusing on the culture and social issues of the Roma.

There are no provisions relating to support for the publication of books in national minority languages.

Recommendation

The Advisory Committee urges the Albanian authorities develop a genuine policy on supporting minority cultures and set up a fund to promote minority cultural identities, as envisaged in the National Action Plan for the implementation of the Stabilisation and Association Agreement between Albania and the European Union.

2. Armenia

Opinion adopted on 14 October 2010

Article 5 of the Framework Convention

Conditions enabling minorities to maintain and develop their culture

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee invited the authorities, notwithstanding the country's economic difficulties, to further support projects for the preservation and development of minority cultures, in consultation with representatives of national minorities, and to allocate support in accordance with the needs of the various groups.

Present situation

The Advisory Committee notes with satisfaction that the authorities allocate annual resources for promoting the traditions and the cultures of national minorities. The Advisory Committee notes with interest in particular that, notwithstanding the current economic difficulties, the funding allocated by the Ministry of Culture in the framework of the project "Support to the Culture of National Minorities", which was used to support art exhibitions and music festivals, has increased progressively over the years. Funding is also allocated by the Ministry of Culture and other State institutions to support libraries, film productions and the publication of books in minority languages.

The Advisory Committee is pleased to note that church property seized under the communist regime was returned to the Assyrian religious communities in Arzni and Verin Dvin villages and to the Russian Orthodox community in Yerevan. The Advisory Committee also welcomes the financial support provided by the Armenian authorities to the restoration of the historical Jewish cemetery in Vayots Dzor and the construction in Yerevan of a monument dedicated to the memory of Assyrian victims who perished in World War I.

The Advisory Committee notes, however, that various interlocutors have underlined that public financial support for national minorities' activities is still limited and insufficient to meet the needs of these groups in order to preserve their cultural identity.

Recommendation

The Advisory Committee invites the authorities to pay increased attention to the needs of all the national minorities, including numerically smaller ones, with a view to preserving and developing the culture and language of persons belonging to national minorities.

3. Austria

Opinion adopted on 28 June 2011

Article 5 of the Framework Convention

Support for the preservation of
the culture and identity of national minorities

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee invited the authorities to consider increasing the allocations for national minorities' cultural activities so as to better ensure the preservation of their identity and linguistic and cultural heritage. It further called on the authorities to ensure that the needs of the Slovene minority in Carinthia as well as in Styria

are more effectively responded to and to increase support to persons belonging to the Czech and Slovak and other minorities in Vienna.

Present situation

The Advisory Committee notes with concern that there have been no significant developments as regards the preservation and development of minority culture in Austria since the second cycle. The allocation for national minorities' cultural activities from the Federal Chancellery has not been increased and remains at the level of 1995. This, in fact, implies a reduction in real value of the allocations by approximately one third which is deplored by all minority groups. While noting that 100,000 EUR were added in 2009 and 2010 for the organisation of intercultural activities, the Advisory Committee finds that the promotion of intercultural initiatives – while laudable – does not promote the preservation of the individual culture and identity of national minorities and should thus not appear in the same budget line. Moreover, the Advisory Committee notes with concern that the allocation of support is still granted on a yearly basis which prevents longer-term planning in the various projects, and that funds are reportedly often paid out with delays, limiting actual project implementation to a few months.

The Advisory Committee notes that additional funding continues to be made available by the Ministry for Education, Arts and Culture as well as other ministries and that these funds are used to organise specific additional educational and cultural initiatives. The Advisory Committee finds, however, that the support structure for national minorities' cultural activities remains marked by a scattered and project-based approach with insufficient baseline funding that leaves little room for organisational growth and long-term planning in the minority groups. This, however, would be necessary to enable them to embark on more comprehensive schemes for the preservation of their language, culture and identity which is of particular relevance to all national minorities. Representatives of all groups report a continued loss in their distinct identity due, among others, to continued migratory movements out of the traditional settlement areas. In addition, the Advisory Committee cautions that the limited funds could lead to a sense of competition among the various groups which may diminish the quality of their currently very constructive co-operation.

The Advisory Committee welcomes the continued funding of cultural initiatives also by the various *Länder*, notably Carinthia, Styria, Burgenland and the City of Vienna. All minority groups, however, deplore the overall too limited funding for their activities. In particular, the Advisory Committee remains concerned by the plight of the Slovene Music School which received for years considerably less support per pupil than that allocated to comparable German language schools. According to information received by the Advisory Committee during its meetings with the Carinthian authorities, continued funding for the Music School was conditioned upon the agreement by the Slovene minority to the broader 'compromise deal' related to the bilingual topographical signs (see further comments on Articles 6 and 11). The Advisory Committee is deeply concerned by this approach of 'trading' the implementation of one set of minority rights against another and considers this is not in line with the

obligations under the Framework Convention, in particular regarding support to cultural activities of national minorities contained in Article 5.

The Advisory Committee further notes that no improvements have been made with regard to funding available for the national minorities in Vienna, such as the Czech and Slovak minorities, who continue to use most of the available funding for the operation of their school (see further comments on Article 13) but are not able to organise adequate cultural activities. As regards the Croat minority, an estimated one third of the population today lives outside Burgenland, mainly in Vienna and additional funds are needed to ensure that the natural mobility of this group does not hinder the preservation of its cultural and linguistic identity in Austria. In addition, the Advisory Committee is concerned by the situation of the Roma community whose already limited funding is used for projects aimed at the promotion of equal opportunities, but which has insufficient means to celebrate, preserve and develop its distinct culture. The long-standing demand for a Roma Music School, for instance, remains so far without response.

Recommendations

The Advisory Committee urges the Austrian authorities to increase the funds available for cultural activities of national minorities so as to ensure the preservation of their cultural and linguistic identity, including in areas outside of their traditional settlement. Funds must be made available for the longer term and must be paid out timely and unconditionally so that cultural initiatives can be planned and implemented effectively.

The Advisory Committee further strongly encourages the authorities to address in particular the situation of persons belonging to national minorities in Vienna to ensure that they can organise activities aimed at the preservation of their distinct cultural and linguistic identity in addition to the organisation of educational initiatives.

4. Azerbaijan

Opinion adopted on 28 June 2011

Article 5 of the Framework Convention

State support for the preservation and development of minority cultures

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to increase their support for activities aimed at the preservation and promotion of national minority cultures and languages, including through direct support to national minority organisations. The Advisory Committee recommended the creation of an institutionalised scheme entailing clear criteria for the allocation of public funds to the activities of national minority organisations, and providing for the effective participation of minority representatives in all decisions pertaining to the preservation and development of their national minority identity.

Present situation

The Advisory Committee acknowledges the variety of cultural activities that take place every year involving national minority cultural centres as well as the number of music and folklore groups of national minorities. These are also referred to in the State Report as a means of implementing the 1992 Presidential Decree on “State assistance for the protection of rights and freedoms of national minorities, minority people and ethnic groups living in Azerbaijan and promotion of their language and culture”. While welcoming the multiple channels of support being provided through local authorities and the Ministry of Culture, the Advisory Committee regrets the continued lack of clear procedures or criteria for these support allocations. This contributes not only to inequalities in terms of support received among the various minority organisations and cultural centres but also to high levels of uncertainty for the groups themselves. The Advisory Committee is also concerned by the lack of consultation with the minority communities who do not seem to have any impact on decisions taken related to their projects (see comments on Article 15 below), as well as by the overall lack of clarity as to what type of support is provided. It remained, for instance, unclear from the contradicting information given by various levels of authority what, if any, support is provided to a Georgian language theatre in the Zaqatala region.

While some cultural centres reportedly have obtained premises and receive some support, others report that they have not received any assistance since 1997, when the Council for National Minorities under the President ceased to exist. Overall, the support provided by local authorities appears mainly limited to organisational support while financial resources are often obtained through Embassies, international donor organisations such as the International Network of Mountain Jews, or private means. Given the delicate relations of Azerbaijan with some of its neighbours, this situation creates a disadvantage for those minority groups that do not wish to or cannot access funds from outside Azerbaijan without raising suspicions regarding their loyalty to the state. The Advisory Committee finds this situation not in line with Article 5 of the Framework Convention nor, indeed, with the explicit entitlement to public support for national minority organisations established by the 1992 Presidential Decree. It recalls that an item concerning the “continuation of activities to preserve and develop the cultural heritage of ethnic minorities” has been inserted into the National Program for Action (see comments on Article 4 above) and expects that financial and other support to national minority cultural centres will be increased accordingly.

The Advisory Committee further notes the creation of the Council of State Support to NGOs under the President which was created through a Presidential Decree in 2007 and has disbursed some 9 Million Manat, supporting 1,400 projects since 2008. The Advisory Committee welcomes this additional source of funds, including for national minority cultural organisations. It, however, regrets that the procedure and criteria for obtaining grants under this fund remain unknown to most minority communities. In addition, the fund provides targeted and ad hoc contributions to individual projects and is therefore unlikely to offer the kind of longer-term organisational support that many minority cultural centres, particularly those representing numerically smaller minorities, would need in order to effectively and

sustainably preserve and promote their identity, language and culture in line with Article 5 of the Framework Convention.

While the Advisory Committee welcomes that the Udi Christian church reportedly continues to receive some support since its rehabilitation in 2003, it learned with concern that the Lezgin Cultural Centre 'Samur' was instructed in 2009 to rename the Lezgin Mosque, built in 1169 in the old town of Baku and historically referred to as Lezgin Mosque. The Lezgin Mosque was officially registered in 1993 under the Lezgin Cultural Centre and has since been in operation as a centre of worship for a variety of communities. The name plate of the Mosque, indicating 'Lezgin Mosque,' has been removed from its front and the Lezgin Mosque requested to re-register under a different name. The Advisory Committee underlines that the religious monuments of national minority communities form an integral part of their specific identity, traditions and culture and are therefore subject to the protection of Article 5 of the Framework Convention.

Recommendations

The Advisory Committee again urges the authorities to increase the financial support available for the cultural activities of national minority associations and ensure that an institutionalised scheme with clear and transparent procedures for the allocation of funds is put in place. Attention must be paid to guarantee that all national minority communities have equal access to public support and that they are effectively consulted on all decisions taken with regards to the allocation procedure.

The Advisory Committee further calls on the authorities to ensure that the religious monuments of national minority communities are preserved as such and that the crucial importance they have for the maintenance of the cultural and religious identities of the national minorities concerned is effectively taken into account in all relevant decision-making.

5. Bosnia and Herzegovina *Opinion adopted on 7 March 2013*

Article 5 of the Framework Convention

Legislation on national minorities

Recommendations from the two previous cycles of monitoring

In previous monitoring cycles, the Advisory Committee observed that measures were needed to advance the application of the State and Entity legislation on national minorities and considered that coordination between the various levels of authorities, consistent implementation of the legislation and regular monitoring of its implementation were needed.

Present situation

The Advisory Committee notes with interest that since its previous Opinion, two cantons in the Federation of Bosnia and Herzegovina have adopted legislation with respect to national

minorities: Tuzla Canton in 2009 and Sarajevo Canton in 2011. Both of these cantons have also since set up Councils of National Minorities at cantonal level. It welcomes these positive steps taken towards better protection of minority rights in these cantons.

Despite the legal framework in place – which now includes legislation at the level of the State, both Entities and two cantons of the Federation – and the strong position of the Framework Convention in the legal system of Bosnia and Herzegovina, the Advisory Committee regrets that implementation of the relevant legislation remains weak and its application in practice continues to pose problems. This is notably true in fields such as support for national minority cultures (see below), education (see Articles 12 and 14) and the establishment of effective consultation and participation mechanisms (see Article 15). The Advisory Committee furthermore notes that the lack of coordination between authorities at State, Entity and cantonal level and lack of monitoring of the extent to which the provisions of the various laws have been implemented in practice continue to have a negative impact on the advancement of minority rights in Bosnia and Herzegovina.

Recommendation

The Advisory Committee again stresses the need for more resolute and effective measures to advance the application of State, Entity and new cantonal legislation on national minorities and for stronger coordination between the various levels of authorities to ensure that the law is implemented consistently. It recommends that the implementation of the law be regularly monitored and steps taken rapidly to resolve weaknesses identified.

Support for national minority cultures

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee called on the authorities to allocate more substantial support to enable national minorities to maintain and develop their cultural heritage and language, to inform national minorities adequately of existing opportunities to receive support and to involve national minority representatives more consistently in decision-making regarding the allocation of support.

Present situation

Although the various laws in force require the State, Entities, cantons and municipalities to earmark funds in their budgets to support the activities of national minority associations, these provisions do not tend to translate into long-term support for such activities in practice. The Advisory Committee notes with interest that a Strategy for Cultural Policy was adopted at State level in 2008 and includes as one of its priorities the “further affirmation of multiculturalism and cultural community... and, in particular, fostering cultural particularities of each of [the] nationalities and national minorities [of Bosnia and Herzegovina], with full support to statutory activities carried out by national, cultural and educational societies and to their contribution to the promotion of culture and protection of cultural and artistic heritage and language”. However, in practice few minority associations receive support

directly from the State, and the amount of support provided at this level remains very low. It appears that most financing at State, Entity, cantonal and municipal level is awarded to ad hoc activities as part of budgetary envelopes for which national minority organisations have to bid on a project-by-project basis. The Advisory Committee emphasises that in view of the small size of the groups concerned, support to maintaining culture and identity is essential and there is a demand, *inter alia* from the Albanian community.

According to the authorities, culture is a field of activity where NGOs tend to be very active, and some cities and cantons provide strong support to the cultural activities of national minorities. The Advisory Committee notes that in the Federation of Bosnia and Herzegovina, where culture and cultural activities are the responsibility of the cantons, the situation also varies widely from one canton to the next, with not all cantons providing support to all national minorities present there. Overall, it is at municipal level that the most active measures are taken to support the cultural activities of national minority associations, meaning that locally based activities are more likely to be supported than activities with Entity- or country-wide visibility.

The Advisory Committee notes with regret that support to national minority associations and organisations remains limited and ad hoc and that these bodies as well as the Councils of National Minorities consistently report both that insufficient funding is provided and that they are not adequately consulted in this field. It also observes that the lack of coordination between the authorities at the various levels in Bosnia and Herzegovina continues to create additional difficulties for national minority associations in coordinating their activities throughout the country.

Recommendation

The Advisory Committee reiterates its call on the authorities at all levels to provide regular and more substantial support to national minorities in order for them to maintain and develop their cultural heritage and languages. It again calls on the authorities to involve national minority representatives more consistently in decision-making concerning the allocation of such support.

Public funding of religious institutions of persons belonging to national minorities

Present situation

The Advisory Committee notes that the State Law on Freedom of Religion and Legal Status of Churches and Religious Communities in Bosnia and Herzegovina recognises four churches as "historically based" in Bosnia and Herzegovina, namely the Serbian Orthodox Church, the Islamic Community, the Roman Catholic Church and the Jewish Community. No other churches or religious communities are presently recognised as entitled to receive public funds from the budget of the Republika Srpska.

The Advisory Committee has been informed that the Republika Srpska Ministry for Education and Culture rejected a request of the Ukrainian Greek-Catholic Church for recognition as a beneficiary of grants made to religious communities within the annual budgetary appropriations of the Republika Srpska in January 2012 on the grounds that it is not organisationally distinct from the Roman Catholic Church and is consequently not entitled in its own right to financial assistance. The Advisory Committee accordingly understands that at present, in contrast with the churches and religious communities recognised by law as historically based in Bosnia and Herzegovina, the Ukrainian Greek-Catholic Church receives no public funding directly from the relevant Entity authorities, and also receives no such funding indirectly via the Roman Catholic Church. It is concerned that all churches and religious communities not recognised by law as historically based in Bosnia and Herzegovina would appear to be likewise unable to access public funding in the Republika Srpska – a situation which, by definition, is likely particularly to affect persons belonging to national minorities.

The Advisory Committee moreover notes that the Ukrainian Greek-Catholic Church has been engaged in proceedings since 2009 for recognition as a beneficiary of grants made to religious communities within the annual budgetary appropriations of the Republika Srpska. It expects that the relevant courts and the Institution of Human Rights Ombudsman will take all necessary steps to ensure that the above proceedings are handled fairly and expeditiously.

Recommendation

The Advisory Committee recommends that the authorities of the Republika Srpska re-examine the provisions currently in force regarding the allocation of financial assistance under the Entity budget to churches and religious communities, in order to ensure that the rules in force do not discriminate, whether directly or indirectly, against persons belonging to national minorities.

6. Bulgaria

Opinion adopted on 11 February 2014

Article 5 of the Framework Convention

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

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee recommended that the Bulgarian authorities step up their efforts to support initiatives aimed at protecting, preserving and developing the cultural identity of minorities and invited them 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.

Present situation

The Advisory Committee notes that the rights of persons belonging to national minorities go beyond mere formal equality before the law and cover a wide variety of fields such as culture, media, education and participation. While the authorities have referred to a range of provisions relevant to the protection of the cultural rights of persons belonging to national minorities, the lack of a clearly defined and easily accessible government policy in this field may hamper the exercise in practice of these rights. The Advisory Committee notes with interest in this context that the authorities are in the process of drawing up a national cultural strategy, including the promotion of cultural diversity as a specific operational objective, and have issued an open invitation to all NGOs that wish to participate in this process. It emphasises that this process should be conducted in close consultation with representatives of all national minorities and should address the issue of how national minorities are involved in the process of allocation of funds.

As regards financial support currently allocated to the development and preservation of the culture, language and traditions of minorities, the authorities have indicated that the main sources of funding are the budgets of the NCCEI, the Ministry of Culture, the Ministry of Labour and Social Policy, other structures at central level and municipalities, and have referred to a number of cultural events that have received public support in recent years. The Advisory Committee also notes that state support is allocated to approximately 3 640 community centres in Bulgaria. The authorities have indicated that these exist in almost every settlement and are frequently used for cultural activities by persons belonging to national minorities, including numerically smaller minorities such as Jews and Armenians. The amount allocated from the state budget for these community centres in 2014 is BGN 46 million (approximately EUR 23 million). The authorities have applied for UNESCO listing for these centres, the first of which was established more than 150 years ago.

At the same time, the Advisory Committee has observed certain tensions surrounding state support to minority cultures. It has received reports of some cases in which adults in positions of authority, such as schoolteachers, have questioned children belonging to the Turkish minority about their wish to participate in cultural events of their minority, or even placed pressure on children not to go. The 2010 amalgamation of the Turkish theatres in Kardzhali and Razgrad with bigger, generalist theatres, justified as a necessary part of reforms decided in the context of the economic crisis, was also negatively perceived by representatives of this minority. A number of representatives of minorities have also expressed regret that the focus of the work of the NCCEI is currently almost exclusively on the socio-economic integration of Roma, although the authorities have observed that this decision was initially supported by all national minorities represented in the NCCEI. In this context, non-Roma minority organisations have reported cases where funding for their activities (such as publication of newsletters in minority languages) was withdrawn or refused, apparently due to the priority currently placed by the NCCEI on the integration of Roma. In parallel, Roma representatives have emphasised that the exclusive focus on socio-economic integration – although the goal of achieving full and effective equality of Roma in daily life is essential – ignores the cultural aspects of Roma identity and their identity as a national minority, to the detriment of Roma.

The Jewish community has also flagged up specific obstacles faced in obtaining sufficient funding for the restoration of two ruined synagogues in Vidin and Samokov that are important parts of both Jewish and Bulgarian cultural heritage. Overall, these accounts disclose that there is an urgent need for a coherent cultural strategy to address the needs of minorities.

Recommendations

The Advisory Committee recommends that the authorities work closely with representatives of national minorities in the process of drawing up a national cultural strategy, and that this process include consultations on how national minorities are involved in decision-making on the allocation of funds for cultural activities of interest to them. It also recommends that groups that have expressed the wish to benefit from the protection of the Framework Convention be invited to participate in this process.

The Advisory Committee reiterates its recommendation that the Bulgarian authorities step up their efforts to support initiatives aimed at protecting, preserving and developing the cultural identity of minorities and to remove any obstacles that may exist in this respect. This should include responding promptly to any incidents of harassment against individuals seeking to express their minority culture. The Advisory Committee invites the authorities to take account of the specific needs of all national minorities in the field of the preservation and development of their culture and language.

7. Croatia

Opinion adopted on 27 May 2010

Article 5 of the Framework Convention

Support for minority cultures

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee urged the authorities to maintain support for projects to develop minority cultures and to continue to support joint initiatives launched by several national minorities.

Present situation

The Advisory Committee is pleased to note that the authorities continue to provide various forms of assistance to national minorities, such as support for cultural centres, libraries, music and drama festivals, art exhibitions, amateur cultural productions and other artistic events.

The Advisory Committee also notes with interest that the funding for cultural projects amounts to 43.2 million Croatian Kuna and that it is disbursed by the Council for National Minorities, which is composed of Members of Parliament elected on national minority tickets, and representatives of minority associations.

The Advisory Committee notes that various interlocutors have underlined that public financial support for national minorities' activities is still limited and insufficient to meet the needs of these groups in order to preserve their cultural identity.

Recommendation

The Advisory Committee invites the Croatian authorities to maintain their support for the cultural activities of the national minorities' organisations and to ensure that financial difficulties will not affect disproportionately persons belonging to national minorities.

8. Cyprus

Opinion adopted on 19 March 2010

Article 5 of the Framework Convention

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

Recommendations from the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to improve the arrangements for awarding financial support for the cultural activities of the "religious groups". It invited them to examine, in co-operation with those concerned, requests for assistance in establishing cultural centres for the Maronites and Armenians, as well as other priority projects for the three groups.

The Advisory Committee took note of the problems facing the Maronites in their efforts to preserve and develop their language, culture and identity and encouraged the authorities to give them their full support. In particular, the authorities were invited to continue and intensify measures to facilitate travel by the Maronites to their traditional villages in areas not under Government control and to support the revitalisation of their cultural and religious heritage.

Present situation

The Advisory Committee notes that the authorities have continued to support the cultural projects of the three "religious groups" and that, although the financial amounts allocated are limited, the grants made available since 2006 for one print publication of each group have been maintained. In addition, financial assistance has been provided to the Armenians, Latins and Maronites to create and maintain their respective websites.

The Advisory Committee notes with satisfaction the support recently given to the Latins for the preparation and public launch of an audiovisual documentary about the history and culture of this community. It also welcomes the efforts made in 2008 to fund a holiday camp allowing some 90 Maronite children to immerse themselves in the language and culture of the traditional village of Kormakitis, in territory outside the government's effective control.

Various possible arrangements are under examination with the University of Cyprus to foster research into the identity and culture of the three groups (Armenians, Latins and Maronites) and to provide Armenian and Cypriot Maronite Arabic language courses. To preserve and promote the three groups' cultures and identities, the Advisory Committee believes it important for these plans to be put into effect as soon as possible, with the technical modalities to be worked out by all parties concerned.

Whilst appreciating these positive developments, the Advisory Committee notes that – as pointed out by the representatives of the “religious groups” – to be more effective, the State support granted to these groups ought to be increased and the methods of obtaining it made more accessible. According to these groups, more transparency is needed with regard to the special funds annually earmarked in the budgets of the relevant ministries for support for the three groups and regarding procedures for obtaining grants. This would allow the three communities to plan and implement their projects more effectively in the longer term.

The Advisory Committee has also noted that, despite some progress, the Maronites' application for financial assistance to establish a cultural centre has still not been approved. While the alternative suggested by the Government - use of a sports hall in the St. Maron primary school to accommodate the community's cultural activities - appears unsatisfactory to the community, the authorities for their part have stressed that financial difficulties have prevented them from carrying the project through. As for the Armenians' request to establish a cultural centre, the Advisory Committee notes that an *ad hoc* joint committee of representatives from the authorities and from the Armenians has been set up to identify the best ways of implementing this project.

The Advisory Committee welcomes the authorities' efforts to facilitate travel for Maronites to their traditional villages and contacts with the Maronites still living there. Measures have been taken to facilitate travel and access for Maronite children still living in those villages - and their families - to schools situated in government-controlled territory, as well as to support the holding of events of symbolic importance for Maronite culture and history. Financial assistance has been provided by the authorities for repair of houses, churches and infrastructure in the villages concerned, especially in Kormakitis. The Advisory Committee nevertheless notes that preserving the culture, identity and cohesion of the Maronite community is a particularly difficult challenge inasmuch as the four traditional Maronite villages are in the territory outside the Government's control and two of them (Asomatos and Agia Marina) continue to be used as Turkish military camps and are therefore inaccessible to members of the communities and to the owners of houses and other possessions there. Whilst they have the use of their property, their right to inherit it is not recognised in practice in the territory out of the Government's control. As for the children still living there, it seems that, despite support from the authorities to enable them to attend schools in government-controlled territory, they are still having problems of a practical nature travelling between the two territories (see also comments under Article 17 below).

The Advisory Committee notes that, according to the Maronites, the authorities should make greater efforts to help this community and, in the long run, find structural solutions to all

these problems. In addition, it agrees with their position that it is essential that they be kept regularly informed of any developments of interest to them in the negotiations to resolve the Cyprus problem (see also the comments on Articles 3 and 15).

The Advisory Committee welcomes the positive developments that have occurred since the inclusion of Cypriot Maronite Arabic in the protection offered by the European Charter for Regional or Minority Languages. These developments include: codification of the language, which now is reportedly finalised; a study in progress, under a project funded by the University of Cyprus, to collect more detailed information on the number of speakers of the language; compilation of a database on spoken usage; and establishment of a committee of experts to draw up and implement a plan of action to preserve and revitalise the Maronites' linguistic heritage. The Advisory Committee has noted with satisfaction the first visible results of this process, such as the appearance of articles in Cypriot Maronite Arabic in the community's publications.

More specific measures are also planned, following the completed codification of the language, to prepare the materials needed to teach it. It is unclear at this stage whether the authorities plan to include this teaching in the mandatory curriculum (see also the comments on Articles 12 and 14 below).

Whilst these developments are promising, the Advisory Committee regrets to note that the various initiatives developed in this connection have received only *ad hoc* grants occasionally awarded when projects are submitted. It also seems that the above-mentioned committee of experts is working on a voluntary basis. The Advisory Committee believes that, given the Government's firm commitment to protecting the Maronites' language, all these measures ought to form part of a coherent strategy, drawn up in co-operation with the community concerned and provided with a special budget.

Recommendations

The authorities should ensure greater transparency regarding the funds annually earmarked in the budgets of the relevant ministries for support for the three "religious groups" and regarding procedures for accessing them.

The authorities should continue to provide full support, including of a financial nature, to the Maronite community in its efforts to maintain contact with its traditional villages and preserve its culture and identity. In addition, they should ensure that the Maronites are informed as soon as possible of any developments of interest to them in the negotiations to resolve the Cyprus problem. More sustained efforts, together with proper resources, are needed to develop all the means of preserving the Maronites' language, whether through research or through education.

The projects for establishing cultural centres for the Armenian and Maronite communities should be given increased attention by the authorities. The creation of opportunities to study Armenian and Cypriot Maronite Arabic at the University of Cyprus and the training of teachers

for these languages should receive stronger backing, including financial support, from the authorities.

9. Czech Republic

Opinion adopted on 1 July 2011

Article 5 of the Framework Convention

Support for the cultural activities of persons belonging to national minorities

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee called on the authorities to 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. In particular, it recommended that authorities at all levels as well as minority representatives make additional efforts to increase awareness of the state aid available and procedures for obtaining it.

Present situation

The Advisory Committee is pleased to note that the authorities continue to provide various forms of assistance to cultural activities of national minorities, such as support for music and drama festivals, art exhibitions and other artistic events, museums, cultural centres, etc. In this context, it welcomes the establishment under the auspices of the Prague City Hall of the House of National Minorities, which provides offices for 11 organisations of the officially recognised national minorities, as well as an exhibition space and a performance area.

The Advisory Committee also notes with interest that the funding for cultural projects amounted to between 9,5 million Kč and 10,1 million Kč in the years 2004-2008, with over half of the sum allocated each year to cultural projects of Roma, Slovak and Polish minorities. In addition, the Advisory Committee notes that under another budgetary heading *Integration of Persons Belonging to the Roma Community*, Roma art, cultural education, and publications on Roma culture and traditions receive annually subsidies of 2 million Kč.

The Advisory Committee welcomes the practice of the Regional and National Cultures Department of the Ministry of Culture of subsidising up to 90% of cost of cultural activities of the Roma, instead of the standard 70%.

The Advisory Committee notes however that various interlocutors have underlined that public financial support for national minorities' activities, in particular the numerically-smaller ones is insufficient to meet the needs of these groups in order to protect, preserve and develop their cultural identities. Representatives of the Croat minority have indicated to the Advisory Committee their wish to create a museum in Jevišovka to document 300 years of presence of Croats in the southern Moravia.

Recommendation

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

10. Estonia

Opinion adopted on 1 April 2011

Article 5 of the Framework Convention

Support for national minority cultures

Recommendations of the two previous monitoring cycles

In the previous cycles of monitoring, the Advisory Committee urged the authorities to pay increased 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. In addition, the Advisory Committee recommended avoiding the use of terminology that can be perceived as implying that national minorities and their languages are not an integral part of Estonian society.

Present situation

The Advisory Committee is pleased to note that two national minorities (the Ingrian-Finnish and the Swedish) receive some baseline funding in line with the National Cultural Autonomy Act (see below). Apart from that, it notes that the distribution of support for cultural initiatives remains predominantly project-based which makes it difficult, especially for numerically-smaller minorities, to maintain their cultural centres and cover constant administrative costs such as rent. In addition, the Advisory Committee notes the introduction of an 'umbrella-based approach' which was meant to reduce bureaucracy, speed up the processing of applications, and provide some core funding. A number of minority representatives, however, feel that the new approach has not helped to make cultural support more easily accessible and, moreover, may not allow cultural associations to convey the diversity that exists within a particular minority.

The Advisory Committee further notes the evaluation of activities of umbrella organisations introduced in 2008 but was unable to obtain more information as to what criteria this evaluation was based on. The Evaluation Committee is comprised of representatives of relevant governmental entities, as well as the Network of Estonian Non-Profit Organisations but, regrettably, does not include representatives of national minorities. In addition, the Advisory Committee was informed that applicants do not receive an explanation for their project being rejected and that minority representatives generally feel that they have no say in the distribution of available funds for cultural initiatives.

The Advisory Committee welcomes the role of the Integration Foundation in the distribution of support for cultural activities and notes that considerable funds have been made available. At the same time, it cautions that the increased support for multi-cultural projects and initiatives that celebrate Estonia as a home of many nations should not come at the expense

of allocations for the cultural activities of individual groups that are meant to honour their distinct identity, language, and culture.

The Advisory Committee commends the fact that the Russian theatre has been showing performances with Estonian subtitles, thereby helping to promote majority awareness of the cultural contributions of this national minority to Estonian society today.

Recommendations

The Advisory Committee encourages the authorities to seek an open approach towards the allocation of funding for cultural initiatives of minority groups, including those that are not organised within an umbrella structure, and to ensure that all relevant groups are provided with the necessary funds to maintain the essential elements of their culture.

The Advisory Committee further encourages the authorities, in close consultation with minority representatives, to carry out an effective and transparent review of the allocation and evaluation process and ensure that representatives of national minorities are more closely involved in the decision-making related to the allocation of funds as well as in the evaluation of projects.

National Minority Cultural Autonomy Act

Recommendations of the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee concluded that the National Minority Cultural Autonomy Act should be revised or replaced with norms that were better adapted to the current minority situation in Estonia. Authorities were further encouraged to do so in parallel with proposals for a new law on national minorities which should confirm and consolidate Estonia's increasingly practical and inclusive approach as regards the personal scope of protection designed for national minorities.

Present situation

The Advisory Committee notes that an inter-ministerial working group consisting of representatives of the Ministry of Justice, the Ministry of Culture and representatives of the Riigikogu (Estonian Parliament), has recently been convened by the Ministry of Culture to revise the National Minority Cultural Autonomy Act and eliminate practical obstacles to the functioning of cultural autonomies. At the same time, the Advisory Committee notes that despite the fact that only two numerically-small national minorities could establish a cultural autonomy under the act, namely the Ingrian-Finnish and the Swedish minorities, the tasks of the working group do not include a broadening of the act's restrictive scope of application. As other minorities consider themselves in similar situations but can, for a variety of reasons, not establish cultural autonomy, the current situation may raise questions of unequal treatment.

The Advisory Committee realises that the National Minority Cultural Autonomy Act is referred to in the Constitution and holds historic importance. At the same time, it notes the repeated statements from governmental as well as non-governmental interlocutors that the act is no longer timely and no longer conforms to the actual situation and demography of the country.

The Advisory Committee therefore wonders whether it may not be more efficient to devise a new cultural policy for the Estonia of today rather than attempt to revise an act that has never really been implemented and in any case only affects two groups.

The Advisory Committee regrets that there are no more plans for the adoption of comprehensive legislation to consolidate the inclusive and pragmatic approach that has become current practice. This appears even more essential following the amendments to the Language Act in February 2011 that have further strengthened the provisions aimed at promoting the State language without clarifying the linguistic rights of persons belonging to national minorities (see further comments in Article 10 below).

Recommendation

The Advisory Committee encourages the authorities to consider reviewing their minority policy and legislation in broader terms, rather than focussing their attention on amending the National Minority Cultural Autonomy Act that is generally considered ineffective and impractical.

11. Finland

Opinion adopted on 14 October 2010

Article 5 of the Framework Convention

Sami definition

Recommendations from the two previous cycles of monitoring

The Advisory Committee noted in its previous cycles of monitoring the persistent difficulties in defining the term Sami and the ensuing tension surrounding the question in Northern Finland. The Advisory Committee encouraged the authorities to continue reflection on the definition together with the Sami Parliament and to examine whether the reliance on judicial interpretation was satisfactory from the point of view of legal certainty.

Present situation

The Advisory Committee notes that there has been no progress as regards the definition of the term 'Sami' but that there is no further controversy about the issue within the Sami Parliament as the interpretation made by the Supreme Administrative Court in 1999 has been included in the draft Nordic Sami Convention (see below comments on Article 16) and seems to have been generally accepted as sufficiently clear by all parties concerned.

Recommendation

The Advisory Committee recommends continuing an open dialogue with the Sami Parliament on all questions related to the definition of the term Sami and the requirements for belonging to the Sami people.

Land rights and land use in the Sami Homeland

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee stressed the central relevance of land rights in the Sami Homeland to the protection of Sami culture and identity as an indigenous people. The Advisory Committee therefore urged the authorities to address the prevailing legal uncertainty over land rights in the Sami Homeland as a matter of high priority and to ensure that, pending a solution to the dispute, the ongoing land use and in particular the logging practices and other related activities of the Forest Administration are carried out in a manner that scrupulously honours the cultural and participatory rights of the Sami.

Present situation

The Advisory Committee notes with deep concern that no progress has been made towards finding a solution to the dispute regarding the land rights of the Sami people. However, it welcomes in this regard the statement of the Finnish Advisory Board on Human Rights under the Ministry of Foreign Affairs of 4 June 2010 which urges the Government to take prompt action to safeguard the land rights of the Sami people.

The Advisory Committee further notes the general differences in approach to the issue between government representatives and the Sami Parliament. While the Finnish Constitution provides in its Section 17 for the right of the Sami, *as an indigenous people*, to maintain and develop their language and culture, this recognition does not imply the right to self-determination, including with regards to land rights, of indigenous people in the sense of ILO Convention 169. For historical reasons, the Finnish authorities consider that land rights should not be granted personally to the Sami as a people but rather on a territorial basis to all traditional residents of the Sami Homeland. The Sami, however, see themselves entitled as an indigenous people to special land rights, in conjunction with the existing protection mechanisms of their culture and identity.

While welcoming the political commitment expressed by the authorities to secure the right of the Sami people to maintain and develop their own language and cultural autonomy, the Advisory Committee notes with significant concern that the preparatory body intended to be set up between the Ministry of Agriculture and Forestry and the Sami Parliament in order to advance consultations, has not yet been established and that negotiations appear blocked without any clear platform for their continuation. The current deadlock appears at least partially prompted by the lack of a clear and coherent government position as different Ministries have developed different views and standpoints on the issue, depriving the Sami Parliament of a clearly defined and authorised interlocutor.

In this regard, the creation of a specific entity within the Finnish Government dealing with issues related to the Sami appears to be indispensable to ensure the co-ordination of a clear government position on land rights issues. In addition, such a structure could serve as a general focal point for the Sami, thus promoting and institutionalising dialogue and information exchange between the Sami Parliament and the Finnish Government concerning this and other relevant issues (see also comments below on Article 15).

At the same time, the Advisory Committee is pleased to note that an agreement has been reached between the Forest Administration *Metsähallitus* and the Skolt Council regarding

logging practices in parts of the Sami Homeland and that the current arrangement seems to have brought an end to previous tensions on this issue.

Recommendations

The Advisory Committee notes with deep concern that the continued stalemate and the subsequent hardening of positions on both sides remain harmful to inter-ethnic relations in Northern Lapland and consequently affect negatively the implementation of relevant provisions of the Framework Convention. It urges the Finnish authorities to unblock the current situation as a matter of the highest priority and re-establish a constructive dialogue with the Sami Parliament in order to find a solution to the legal uncertainty over land rights in the Sami Homeland without delay.

The Advisory Committee further encourages the Finnish authorities to consider seriously the possible ratification of ILO Convention 169 in close consultation with all actors concerned and refocus their attention on the ongoing process preparing the ratification.

Support for cultural initiatives

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee recommended that the Finnish authorities continue to provide resources to support the Sami culture, paying particular attention to threatened elements such as the Skolt language, and examine the possibility of creating a Sami Cultural Centre. In addition, the Advisory Committee encouraged the authorities to draw from the positive experience with the Sami Parliament's right to decide on the use of the budget allocation and revise the process of allocation of support to other minorities accordingly by giving their representatives a significant role in the decision-making.

Present situation

The Advisory Committee is pleased to note that the Sami Cultural Centre, planned in 2007, is currently being built in Inari and is expected to be opened at the beginning of 2012. It further notes that the allocation of 205,000 EUR has continued to be granted annually since 2005 to the Sami Parliament for the organisation of its own cultural activities in the three Sami languages. In addition, the Advisory Committee welcomes the additional support by the Ministry of Education provided to art events of young Sami persons as well as the allocation of 100,000 EUR for the establishment of a Youth Council of the Sami within the Sami Parliament which is expected to become operational in early 2011.

The Advisory Committee strongly welcomes the decision of the Finnish Government to launch a comprehensive revitalisation programme of the Sami languages and notes that a steering group was set up in October 2010 within the Ministry of Culture and Education to design the programme. At the same time, the Advisory Committee wishes to underline the importance of close consultations with Sami representatives on the planning and implementation of the programme as well as the necessity for the considerable and sustained allocation of resources for this important work. Revitalisation is particularly relevant for the smaller languages of Inari and Skolt Sami which remain dangerously close to extinction and require immediate and

sustained efforts for their survival. In this context, the Advisory Committee notes with interest that the Sami Parliament is currently engaged in developing a survey to determine how many Sami-speakers there are in Finland, on what occasion Sami is spoken and with what level of linguistic skill.

The Advisory Committee welcomes the initiative of the Finnish authorities regarding the creation of an increasing number of 'language nests' for persons belonging to the Sami and Roma communities to provide informal opportunities for the use and exercise of their languages, including outside the Sami Homeland.

The Advisory Committee notes with appreciation that smaller contributions have also been made to the Society for the Karelian Language, as well as other minorities but shares the concerns of some minority representatives that funding of projects related to 'multiculturalism' is granted more readily than that in favour of initiatives to celebrate the individual culture of numerically-smaller groups. The Advisory Committee is pleased to note, nevertheless, the extent of cultural engagement and activities organised by the small Finnish Tatar Islamic Community who, despite limited State funding, has managed to develop significant contacts with Tatar communities in other countries, often via the Internet, in order to maintain and share their common cultural heritage.

The Advisory Committee believes it important for all minority communities, including the Roma, to obtain sufficient and sustained support to preserve the essential elements of their culture and identity. In this regard, it notes reports of repeated requests of representatives of the Russian-speaking minority to be provided with increased public funding for their cultural activities, given the substantial size of this particular group.

While acknowledging the explanation provided by the Finnish authorities that the participation of recipients of financial allocations for cultural purposes in the actual process of granting the subsidy would not be appropriate, the Advisory Committee still considers that representatives of national minorities should be involved in the decision-making process regarding the allocation of support for cultural initiatives of minority groups, similar to the process regarding the Sami, which need not result in a compromise in objectivity.

Recommendations

The Advisory Committee encourages the authorities to continue to seek further resources to support the Sami culture, focussing in particular on appropriate funding to be provided for the revitalisation of all three Sami languages, in particular the increasingly threatened Inari and Skolt Sami. In this regard, the Advisory Committee also encourages the authorities to provide further funding to the initiative of the Sami Parliament to conduct a survey among the Sami on their linguistic skills and habits, the results of which could be crucial to ensure that the revitalisation programme is as targeted and successful as possible.

The Advisory Committee further encourages the authorities to maintain an open approach towards the allocation of funding for cultural initiatives of minority groups and to ensure that all relevant groups are provided with the necessary funds in order to maintain the essential

elements of their culture. The Advisory Committee also encourages the authorities to carry out an effective review of the allocation process to ensure that representatives of national minorities are more closely involved in the decision-making relating to the allocation of funds.

12. Germany

Opinion adopted on 27 May 2010

Article 5 of the Framework Convention

Support for the preservation and development
of national minority languages and cultures

Recommendations of the two previous monitoring cycles

During the previous monitoring cycles, the Advisory Committee encouraged the German authorities to simplify and clarify the financial support system for minority languages and cultures, and to ensure that the funding provided was sufficient to allow the work done to be sustainable.

The Advisory Committee also called on the authorities to adopt a more flexible approach regarding the distribution of funds to Roma and Sinti organisations in order to encourage the development of activities that fully reflected the diversity within those communities.

Present situation

The Committee notes that the authorities have, at various levels, continued to give support to the preservation and development of national minority languages and cultures. It notes with satisfaction that support for the Sorbian minority has even increased significantly. After protracted negotiations between central government and the two *Länder* concerned (Saxony and Brandenburg), an agreement was concluded in 2009 to increase the respective contributions of the three parties involved in funding the Foundation for the Sorbian People, whereas prior to the agreement it had seemed more likely that the sums earmarked would be cut. According to the agreement, the Foundation will receive EUR 16.8 million a year up to 2013. The representatives of the Sorbian minority believe that this will be enough to ensure that the institutions tasked with preserving the Sorbian language and culture can continue to operate. In the Advisory Committee's view, this step represents significant progress in the protection and development of the Sorbian cultural heritage, in that this official commitment, for a five-year period, provides the requisite security and stability in which activities can be planned and carried out over the longer term.

Regarding support for the Danish minority, the Advisory Committee welcomes the fact that agreement has been reached by all the parties concerned, resolving the question of funding for the transportation costs of pupils attending private Danish-language schools in Schleswig-Holstein (for more details see remarks in respect of Article 13 below).

The Advisory Committee notes that persons belonging to the Frisian minority also continue to receive funding for a range of projects on the Frisian language and culture (see also remarks in

respect of Article 14). The Saterland Frisians told the Advisory Committee of an increase in 2008-2009 in the funding they received from the authorities of Lower Saxony. However, according to the representatives of the Frisian minority (Sater Frisians and North Frisians), the funding they currently receive from central and *Land* government is not enough to cover all their requirements for Frisian language teaching and for the preservation of their cultural heritage in general.

Regarding support for the Roma and Sinti communities, the Advisory Committee again welcomes the 2005 Framework Agreement for the protection of Roma and Sinti between Rhineland-Palatinate and the respective *Land* association of the Central Council of German Sinti and Roma, under which the authorities undertake to give regular structural support to the association representing the Roma and Sinti, so that it can operate on a sustainable basis. The Advisory Committee hopes that this Agreement will serve as a model for other *Länder* and so consequently enable the development and consolidation of measures destined to preserve and promote the cultural heritage of the Roma and Sinti.

The Advisory Committee finds it regrettable that, according to the information at its disposal, access to sources of funding continues to be extremely limited for some Roma and Sinti organisations, especially small local organisations that complain that their lack of funding prevents them from successfully carrying out activities and grassroots projects on a sustainable basis. The Advisory Committee naturally welcomes the constant support given by the federal and regional authorities to some Roma and Sinti organisations that play a very important role for these communities, and it trusts that such support will continue in future. However, it restates its view, expressed during the previous monitoring cycles, that the authorities should consider offering regular financial support to other Roma and Sinti organisations in order to take full account of the cultural diversity which exists within these communities. Furthermore, the Advisory Committee wishes to point out that, even if there are several organisations within one and the same minority, sometimes holding different points of view – a situation the Advisory Committee has encountered in a number of State parties to the Convention and within different national minorities – this situation should not be seen as a barrier to the development of support policies for the minority as a whole (see also remarks in respect of Article 15).

Some of the persons with whom the Advisory Committee spoke expressed regret that part of the funding given to national minority organisations was given for specific projects and that insufficient funds were available for the structural needs of these associations. According to these representatives, this shortfall in regular funding is a barrier to the viability and sustainability of the institutions representing the national minorities concerned.

The Advisory Committee was also told that the arrangements for funding certain activities (see also the remarks in respect of Article 13) are especially complex and opaque. The Advisory Committee is well aware that the system of power-sharing within a federal State can lead to complex arrangements for the allocation of public funds. It believes, however, that in some cases measures could be taken to clarify and simplify these arrangements, making the

funding of national minority activities more predictable and more accessible to persons belonging to the minorities concerned.

Recommendations

The Advisory Committee encourages the authorities to continue their policy of support for the preservation and development of the cultural heritage of national minorities, in close liaison with the persons concerned. With reference to the agreement with the Sorbian minority as a model, it calls on them to pay special attention to the long-term needs of persons belonging to national minorities and, where appropriate, adapt existing support arrangements to those needs, as the preservation and the development of national minority culture and languages require continuous and sustainable action.

The Advisory Committee urges the authorities to take full account of the diversity within the Roma and Sinti communities and, as a result, to allow a wider range of organisations representing these communities to benefit from public funding. In addition, special attention should be paid to the needs of local organisations.

Institutional framework of support policies for national minorities

Present situation

Most representatives of minorities to whom the Advisory Committee talked were critical of the way in which responsibility for policy on national minorities was shared between federal government and the *Länder*. They saw a persistent lack of clarity in a number of areas regarding the respective duties and obligations of the different tiers of the Government. It would seem that the same problem arises between certain regional and local authorities. They also point to a lack of co-operation between the different tiers of the Government in some cases. The Advisory Committee is well aware that Germany's federal structure imposes a specific and sometimes complex separation of powers on policy for minorities between central government and the *Länder*, depending on the area under consideration, but it finds that this distribution of powers leads to a system of public funding that sometimes lacks transparency (see remarks in paragraph 73 above).

The Advisory Committee notes that responsibility at federal level for matters concerning the Sorbian minority was transferred in December 2009 from the Commissioner for Culture and the Media to the Federal Ministry of the Interior, a change which the Sorbian representatives welcome. They believe it will enable better account to be taken of their needs and prevent Sorbian affairs from being treated solely as cultural issues, since there are issues in numerous other areas too. The representatives of other minorities also expressed the opinion that issues concerning them should be considered as more than just cultural policy issues and that, in general, there be a more coherent approach between the various levels of authority as regards the distribution of the responsibility for protecting national minorities.

The Advisory Committee appreciates that the *Länder* in which national minorities have traditionally been settled have prime responsibility for protecting the national minorities concerned. It nevertheless points out that many persons belonging to national minorities,

especially the Sorbs, who were traditionally settled in one specific area, are now migrating to other regions of Germany, chiefly for economic reasons. As a result, they can no longer enjoy the protection of their language and culture offered within their *Land* of origin. The representatives of minorities fear that this situation may ultimately mean the loss of their language and culture and their progressive assimilation. The Advisory Committee notes with interest that the German authorities are aware of this risk. It hopes that a discussion on the ways and means of preserving the languages and cultures of persons belonging to national minorities living outside their traditional areas of settlement will take place and that measures will be envisaged with this objective in mind.

Recommendations

The Advisory Committee encourages the authorities to continue discussions, in close liaison with the representatives of national minorities, on the distribution of responsibilities for national minority policies, in order that measures to preserve and promote the languages and cultures of these groups be made more effective and more accessible.

Special attention should be given to safeguarding the language and culture of persons belonging to national minorities who live outside their areas of traditional settlement.

Impact of lignite mining on the preservation of Sorbian language and culture

Recommendations of the two previous monitoring cycles

During the previous monitoring cycles, the Advisory Committee called on the authorities to take due account of the interests of the Sorbian population if lignite mining in the *Land* of Brandenburg made it necessary to relocate more villages populated chiefly by Sorbs.

Present situation

The Advisory Committee understands that further population relocations are a possibility in the years ahead, particularly in the Schleife region of Saxony, to make way for lignite mining operations. It notes that this prospect causes conflicts of interest that are hard to reconcile, setting the prospects of economic development from lignite mining against the risk that the linguistic, cultural and historic heritage of the Sorbian minority may be weakened or lost if whole villages in the Sorbian minority heartlands are relocated. It shares the concern felt over this by the Sorbian minority representatives.

The Advisory Committee notes that, according to the authorities, the company in charge of the mining operation has said it will take proper account of the interests of the Sorbian minority and of experience with earlier village relocations in the area. It will support various measures to preserve and promote the Sorbian language and culture. Those affected by the relocations will also be consulted in discussion forums, and mediators from the Sorbian minority will be employed. It is essential for the authorities to ensure that the interests of the Sorbian minority, especially the elderly, be properly taken into account by all the actors involved in this process.

Recommendation

The Advisory Committee urges the authorities to pay close attention to the interests of persons belonging to the Sorbian minority if new relocations of the population are considered. It is essential that the individuals concerned should be closely involved in preparing for such relocations and in seeking solutions to safeguard the language, culture and historical heritage of the Sorbian minority in the affected areas.

13. Hungary

Opinion adopted on 18 March 2010

Article 5 of the Framework Convention

Conditions enabling minorities to maintain and develop their culture

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee encouraged the authorities to take adequate measures in order to ensure that the Roma were better protected against the discrimination they faced in different fields.

Present situation

The Advisory Committee is pleased to note that the authorities continue to provide various forms of assistance to national minorities, such as support for drama festivals, art exhibitions and other artistic events, museums, cultural centres, etc.

The Advisory Committee also notes with interest that the reform of the system regulating the minority self-government made in 2005 henceforth guarantees them functional and financial independence, particularly in the sphere of culture. Several minority self-governments have thus purchased, managed and administered a variety of cultural institutions.

Nonetheless, representatives of various national minorities have complained of a significant reduction for several years in the official grants. According to them, the budgetary cuts will have negative consequences on sustainability of cultural activities in the future. The Roma in particular consider that the efforts undertaken to preserve their identity and culture are inadequate. The Advisory Committee considers it important that the authorities pay particular attention to the impact of the economic crisis, which can affect disproportionately persons belonging to national minorities.

The Advisory Committee, while noting the resources deployed by the authorities to preserve and promote the cultural heritage of the Roma, considers the highly vulnerable situation of this group, as requiring major sustained support.

Recommendations

The Advisory Committee invites the Hungarian authorities to maintain their support for the cultural activities of the national minorities' organisations and to ensure that budgetary cuts will not affect disproportionately persons belonging to national minorities.

The Advisory Committee invites the authorities to pay particular attention to the needs of the Roma regarding the preservation and the development of their identity and culture.

14. Ireland

Opinion adopted on 10 October 2012

Article 5 of the Framework Convention

Recognition of Travellers' culture

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called on the authorities to increase their support to initiatives to promote Traveller culture and ensure that related civil society initiatives receive adequate support.

Present situation

The Advisory Committee welcomes the continued support, since 2001, provided by the authorities for Traveller Pride Week. This event has led to the establishment of the Traveller Pride Awards and events highlighting Traveller music. It notes also cultural initiatives undertaken by a host of civil society organisations including the Pavee Point Travellers' Centre, the Irish Traveller Movement and the National Traveller Women's Forum.

The 2012 Traveller Pride Week, organised on 18-24 June 2012 with Pavee Point support, highlighted Traveller culture with more than 30 events nationwide including theatre plays, music concerts, workshops, sporting events, trade and gardening shows.

The Advisory Committee notes however, that according to Traveller representatives and other sources, support provided to Traveller culture continues to be event-centred, not allowing for continuous and sustained development of cultural projects.

The Advisory Committee also learned of increased interest among Travellers in their language as a part of their cultural heritage.

Recommendations

The Advisory Committee calls on the authorities to review the existing modalities on support to Traveller cultural projects, in particular with the view of ensuring their continuous and sustained presence in society.

15. Italy

Opinion adopted on 15 October 2010

Article 5 of the Framework Convention

Support for the preservation and development of minority languages and culture

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to consider ways, including through its amendment, of adapting Law 482/99 to new needs and challenges. It made particular reference to shortcomings noted in the procedure for allocating budget appropriations.

The authorities were also invited to ensure that all the necessary support was being provided by the relevant regions and provinces to the co-ordination bodies set up by Law 482/99.

The Advisory Committee invited the authorities to take firm steps towards the full and effective implementation of Law 38/01, in particular those provisions not strictly linked to approval of the list of municipalities covered by this law.

Present situation

The Advisory Committee notes that the authorities at different levels have continued to grant support, under section 2 of Law 482/99, for maintaining and developing minority languages and the historical and cultural heritage of these minorities (see the information supplied in the State Report for details). It welcomes in this context the high level of protection enjoyed by persons belonging to linguistic minorities in areas such as the Autonomous Province of Bolzano - South Tyrol and the Autonomous Region of the Autonomous Region of Aosta Valley. It has been informed that, from 2010, the funds for linguistic minorities provided for by Law 482/99 will be administered by the Prime Minister's Office instead of the Ministry of the Economy. The Advisory Committee expects this transfer of responsibilities to bring about improved management and distribution of these funds, with clear and transparent criteria, allowing fair access to available resources for all concerned, including the numerically-smaller minorities.

The Advisory Committee has also been informed that the Ministry of Regional Affairs has established rules for allocating financial support to projects submitted by local authorities in the field of minority protection. It welcomes the fact that several consultation meetings have been held on this subject with minority representatives. It has learnt with interest about examples, provided by the State Report, of projects that have been implemented, at the local, provincial and regional level, in order to strengthen the promotion and development of the linguistic and cultural identity of persons belonging to the various linguistic minorities: the Albanian minority, the Catalan minority, the Croatian minority, the Greek minority, the German minorities, the Slovenian minority and those speaking French, Franco-provençal, Friulian, Ladin, Occitan and Sardinian.

The Advisory Committee notes with satisfaction that the legislative framework for protecting minority populations has been broadened, several regions or provinces, such as the autonomous province of Trento, the Piedmont region and the Friuli Venezia Giulia region, having adopted laws relating specifically to the protection of a number of linguistic minorities living in their territories.

As regards the Friuli Venezia Giulia region, the Advisory Committee notes that a new statute to replace the current one from 1963 has still not been adopted; this statute, amongst other

things, should have acknowledged the Friulian, Slovene and German minorities' contribution to the region for the first time. The province of Trieste, on the other hand, has recently adopted a new statute which makes explicit reference to protecting minorities and improving their status.

At the same time, the Advisory Committee notes that three laws have been passed by the Friuli Venezia Giulia region pursuant to Article 6 of the Constitution and the principles and guidelines set out in Law 482/99 (the framework legislation), namely: Law No. 26/07 on the Slovene-speaking minority, Law No. 29/07 on protection of the Friulian language, and Law No. 20/09 on the German-speaking minority. These laws govern various fields of interest for minorities within the region's sphere of competence, such as: public use of minority languages (personal names, local topographical indications, communication with administrative authorities), education, media in minority languages, consultation and participation of minorities in decision-taking.

The Advisory Committee notes with interest that the adoption of these regional laws has given rise to a lively and genuine legal and political debate on the responsibility of authorities, at different levels, to legislate and the limits within which this responsibility can be exercised. The debate has also resulted in several decisions by Italy's Constitutional Court, such as the Constitutional Court's Decision 170 of 13 May 2010 on the Piedmont Regional Law of 7 April 2009 as well as its Decision 159/2009 regarding Law No. 29/07 on the Protection of the Friulian Language.

The Advisory Committee believes that legal clarification as regards the limits within which the regions can legislate on minority protection is of particular importance for establishing a sound statutory basis for policy and measures in this field. It nevertheless considers that a more flexible interpretation, by the Constitutional Court, of the legislative and constitutional provisions at issue, in the light of existing realities and needs, would have been beneficial to the aim of effectively protecting the rights of persons belonging to minorities and ensuring equality in respect of all. It has, at the same time, been informed of problems and delays in the implementation of Law No. 29/07 on the protection of the Friulian language, which would be due, in addition to the current financial difficulties, to the absence of implementing provisions, linked to the Constitutional Court's Decision 159/2009. It trusts that the authorities will find adequate ways to address the difficulties reported and make efforts to implement without further delay the Law at issue.

In their dialogue with the Advisory Committee, the authorities have emphasized the positive impact of decentralisation on the protection of persons belonging to minorities. The implementation of fiscal federalism, which especially affects funding of special-status regions (section 27 of Law 42/2009), and the current debate on federalisation are also of particular importance for these persons.

Nevertheless, the Advisory Committee recognises that decentralisation and in particular the various systems of autonomy being established in Italy are in general beneficial to persons belonging to minorities. It would like to point out that the central government remains fully

responsible for the respect of its international obligations in this field, including those contained in the Framework Convention. In particular, it is essential to ensure that all the conditions – regulatory, financial, human, etc. - are in place for the competent authorities, at different levels, to fulfil their responsibilities efficiently and implement effectively the rights of persons belonging to minorities. According to the regional authority representatives who the Advisory Committee met, increased clarity is needed regarding the division of powers between the central government and lower-tier authorities and the resources required to exercise them in matters concerning minority protection (see also comments under Article 15 below).

More generally, the representatives of linguistic minorities met by the Advisory Committee in the Friuli Venezia Giulia region, as well as those of numerically-smaller communities met during the Committee's meeting with CONFEMILI («*Comitato nazionale federativo minoranze linguistiche d'Italia*» - an umbrella organisation including representatives of the twelve recognized linguistic minorities), reported shortcomings and problems regarding implementation of the existing legislative framework. They particularly stressed the increasing gap between their communities' cultural development needs and the resources made available by the central government. In recent years these problems have been compounded by substantial cuts in statutory funding for the recognised linguistic minorities. Although the Government subsequently made corrections to offset reductions and in spite of the fact that there are differing opinions among the various parties concerned as to the actual extent of this decline in funding over the years, the discrepancy between minority needs and the central-government funding is not in dispute. Moreover, given the cuts already announced by the authorities, the outlook for the next few years is equally worrying.

Cuts are also planned at the regional level and are likely to have particularly serious consequences for minorities, affecting the staff and running costs of various institutions involved in the development of minority culture. The Advisory Committee shares the concern among minority representatives that, without adequate financial support, their associations may be unable to maintain their activities and effectively promote the rights of members of their communities.

Although aware of the recession's impact on public expenditure management, the Advisory Committee is deeply concerned about this situation. It believes that the authorities at all levels should try to ensure that persons belonging to minorities and their associations are not affected disproportionately, compared to the majority population, by budgetary austerity measures.

As regards the implementation of Law 38/01, in addition to the finalisation of the list of municipalities in which Slovene minorities are traditionally resident, positive developments have been reported in terms of legislation, institutional framework (support for the Joint Committee on the Slovene Minority and establishment of other statutory bodies), education and public use of the Slovene language. The representatives of the Slovene minority met by the Advisory Committee also emphasised that the dialogue on and climate surrounding the

protection of linguistic minorities and the preservation of their identities had undergone a positive change at the regional level (see also the comments on Articles 4-6 above).

However, regrettable shortcomings and delays in implementation of Law 38/01 continue to be reported. Thus there is still no Slovene department at the Trieste music conservatory despite the fact that Law 38/01 laid down a three-month time-limit for setting one up. Problems are still being recorded concerning public use of Slovene (including people's names), participation at the regional level, and especially financial support for maintaining the Slovene community's cultural and linguistic heritage and cultural activities (see comments on Articles 10, 11 and 15 below).

As regards the numerically-smaller linguistic minorities, such as the Catalan minority or the Greek minority, the Advisory Committee notes with concern the unease expressed by their representatives as to their very limited options for promoting and preserving their linguistic and cultural identities. According to these representatives, despite numerous initiatives by the communities in question, the most serious problems are related to education (maintaining the teaching of their languages), research, their media presence and the use of their languages in the media, and continued publishing in these languages. Moreover, given the size and limited resources of these communities, maintaining the funds needed to run their associations is essential if they are to continue their work.

With regard to Roma and Sinti, the Advisory Committee refers to its comments on Article 3 above, which stress the very limited consideration generally given to promoting the essential elements of the identity of these persons. It notes with regret that, despite a real need and repeated recommendations from international bodies, a comprehensive and coherent strategy for the adequate integration of these persons, while promoting equality in their respect and appropriate conditions for the preservation of their specific culture and identity, has still not been adopted (see also the comments on Articles 4-6 above, 12 and 15 below).

At the same time, the Advisory Committee is pleased to find that a number of projects have been developed and implemented over the past few years, mostly with the support of international institutions, in order to promote a better knowledge of these communities' cultural identity and recognise their contribution to the diversity of Italian society. Thus, when the Advisory Committee visited Italy, many cultural projects were taking place in various parts of Italy as part of the Council of Europe 'DOSTA' campaign.

The Advisory Committee notes with satisfaction the work of the Roma associations and their clear awareness of the importance of dialogue and of a constant effort to inform and make the Italian society more aware of the Roma identity. It believes that the authorities should do more to support these efforts and maintain a constant dialogue with the various associations representing the Roma, taking due account of the differences existing within these groups. It is particularly important to put in place transparent mechanisms and procedures granting access of all Roma associations to public funding without unnecessary bureaucratic requirements.

Recommendations

The Advisory Committee encourages the authorities to pursue their policy of support for maintaining and developing the cultural heritage of linguistic minorities in close consultation with representatives of the latter. It invites them to pay special attention to the actual needs of persons belonging to minorities, including the numerically-smaller minorities, and do their utmost to achieve a better balance between their needs and the resources allocated.

The Advisory Committee urges the authorities to make a more determined effort, through a comprehensive and coherent strategy, to help promote the essential elements of the Roma and Sinti identities. Adequate financial and human resources should be provided, and due attention should be paid to dialogue with the various associations representing these communities in order to make access to public funding available to a broader range of these organisations. Transparent mechanisms and procedures granting access, without unnecessary bureaucratic requirements, of all Roma associations to public funding should be put in place.

16. Kosovo*

Opinion adopted on 6 March 2013

Article 5 of the Framework Convention

Support to preserve the cultures and identities of minority communities

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called on the authorities to increase their efforts to protect minority religious sites and to further promote the on-going reconstruction works. In addition, it encouraged the authorities to ensure continued support for the preservation and development of cultures of minority communities, including the numerically smaller ones, and reiterated that all financial support for the activities of minority community organisations should be allocated in a transparent and participatory manner.

Present situation

The Advisory Committee notes that under the mandate of the Reconstruction Implementation Commission, considerable progress has been made with works considered completed in over half of the identified 34 religious or cultural sites that were damaged during clashes in March 2004. It welcomes the indication by the Minister of Culture, Youth and Sport during the visit that the budget to complete reconstruction at the remaining sites would be allocated, and acknowledges the important role provided by the EU facilitator, particularly since March 2012. Relevant legislation was adopted in April 2012 to protect and preserve minority cultural heritage in the village of Hoçë e Madhe/Velika Hoča in Rahovec/Orahovac municipality as well as in Prizren Historic Centre. Implementation of the Law has been delayed, however, by the local majority community, despite efforts by the MOCR of Rahovec/Orahovac municipality. With the closure of the International Civilian Office, the Assembly adopted the creation of an Implementation and Monitoring Council (IMC), with the mandate to monitor and facilitate the

implementation of 45 special protected zones around religious and cultural heritage of the Serbian Orthodox Church. The IMC will work with an EU facilitator under the authority of the EU Special Representative. According to national and international interlocutors, co-operation with the KPS, which has taken over the protection of most of these sites, has been constructive, with security duly being provided to the identified sites.

The Advisory Committee regrets, however, the absence of an institutionalised system to assist minority communities, particularly the numerically smaller ones, with the preservation and development of their cultures. While the possibility exists to apply to the Ministry of Culture, the Office of Community Affairs under the Prime Minister as well as the municipalities for grants, only few representatives of minority communities appear to be aware of this possibility and they seem to have been made aware through personal contacts rather than institutionally run awareness-raising. In addition, there is no clear mechanism or transparent criteria for the allocation of such support, which makes it difficult for minority communities to engage in longer-term planning and activism which would be necessary to sustainably and comprehensively promote their cultural identity. This lack of transparency is further adding to an impression by persons belonging to numerically smaller minority communities that the only minority culture and identity that is being promoted and protected is the Serb culture. The Advisory Committee considers that institutionalised mechanisms must be established, in close consultation with minority community representatives, to ensure that the allocation of support for minority cultures is based on transparent criteria and accessible to all communities.

In addition, the Advisory Committee notes with deep concern the absence of a cultural policy that clearly aims for a multicultural society. While the Ministry of Culture is engaged in some activities aimed at the promotion of the cultural identities of minority communities, there seems to be no institutional effort to prioritise the promotion of diversity by ensuring that minority cultures are welcome and celebrated in the public sphere. As a result, evidence of minority cultures is increasingly uncommon in the capital and most other urban centres and mainly isolated in minority enclaves. In addition, most endeavours organised by the Ministry, including as regards youth, appear to be organised in one or the other official language, thereby targeting each language group separately, without attempting to promote the interaction between members of different communities in society. The Advisory Committee considers that platforms must be created, including through an adequate cultural policy, for different cultures and identities to meet and interact so that a new civic identity that is unique to Kosovo* may develop based on tolerance, multiculturalism, and appreciation for diversity. To this aim, it is further important to encourage persons belonging to minority communities to enjoy their culture, identity and traditions in public by ensuring that their cultures are known and appreciated by wider society. All cultural or youth events should be accessible to members of all communities, including through the use of both official languages, to ensure that members of both language groups interact and have opportunities to learn the other language.

Recommendations

The Advisory Committee calls on the authorities to pursue their efforts towards the effective protection and preservation of minority cultural heritage through swift implementation of relevant legislation and the allocation of adequate resources.

The Advisory Committee further calls on the authorities to establish a transparent and effective mechanism for the allocation of support and preservation of minority cultures and identities which is equally accessible to all minority communities. Efforts must be made to involve minority representatives in the decision-making process regarding the allocation of such support.

The Advisory Committee urges the authorities to develop a comprehensive cultural policy aiming at the creation of a multicultural society and the promotion of diversity, targeting in particular young people and urban centres.

17. Lithuania

Opinion adopted on 28 November 2013

Article 5 of the Framework Convention

Support to minority cultures and languages

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called on the authorities to strengthen their support for initiatives aimed at the preservation and development of minority cultures and identities and to ensure that measures taken to promote the state language did not hamper the enjoyment of the rights of persons belonging to national minorities to preserve the essential elements of their religion, language, traditions and cultural heritage.

Present situation

The Advisory Committee welcomes the continued support provided to national minority associations through the Division of National Minority Affairs of the Ministry of Culture as well as at municipal level. Some minority communities continue to hold their own premises in the House of National Communities in Vilnius, where an information centre and some meeting rooms are also available for minority associations to organise events and Sunday schooling in minority languages. Similar houses exist also in other cities, such as Kaunas and Klaipeda. The Advisory Committee notes with concern, however, the overall impression among minority communities that the attention paid and support provided to national minority concerns has further decreased since the national minority related functions of the former State Department of National Minorities and Lithuanians Living Abroad were handed over to the Division in the Ministry of Culture (see also comments on Article 15 below). In addition, minority representatives report that support is more readily available for projects that promote the learning of the Lithuanian language, than for activities aimed at the preservation

of their specific cultures. The well-equipped rooms in the House of National Communities in Vilnius, for instance, are reportedly mainly used to offer Lithuanian language classes to persons with a minority background, including migrants.

According to minority representatives, particularly those belonging to the numerically smaller groups, the available support is vastly insufficient to maintain an active cultural presence in Lithuania. In addition, the fact that support is only provided on a small scale and project basis, without the possibility of core funding, is cited as a reason for the decreasing engagement among national minorities. The Advisory Committee welcomes the fact that an increase in the funding available to support the preservation and development of national minority cultures and identities is expected for 2014 and is pleased to note that efforts are being made within the Ministry of Culture to ensure that all minority communities, including the numerically smaller ones, have equal access to the respective funds and that their views are adequately taken into account in the decision-making processes on allocation. In addition, the Advisory Committee underlines the need to ensure that minority representatives are involved in the actual running of the projects, including at senior level, to increase impact and sustainability of the project for communities.

Recommendation

The Advisory Committee calls on the authorities to increase the support available for the preservation and development of all national minority cultures and identities and to ensure that minority representatives are effectively involved in funding allocation processes as well as in the actual implementation of project activities, including at senior level.

18. Moldova

Opinion adopted on 26 June 2009

Article 5 of the Framework Convention

Institutions and policies in the field of protection of national minorities

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee noted with satisfaction the actions undertaken by the authorities to promote the cultural heritage of persons belonging to national minorities and, in general, to preserve the multicultural nature of Moldovan society.

Present situation

The Advisory Committee welcomes the inclusion in the Human Rights Action Plan for 2004-2008 of a substantial chapter on the protection of national minorities. It also notes that the Programme of Action of the Moldovan Government for 2005-2009 contained references to national minorities.

The Advisory Committee finds it regrettable that, according to its interlocutors, the support provided to the main institution in charge of national minorities' protection, the Bureau for

Interethnic Relations, has decreased since 2004 and that its status has been lowered. The Bureau currently lacks financial and human resources in order to be able to carry out its duties effectively. Furthermore, the Advisory Committee notes with concern that the unit in the Ministry of Education in charge of dealing with minority education issues, that was highly valued by national minorities, was dismantled in 2007 (see also remarks under Article 12 below).

Recommendations

The Advisory Committee expects that the protection of persons belonging to national minorities will remain high on the agenda of forthcoming action plans and programmes of the Moldovan Government. The Advisory Committee urges the Moldovan authorities to provide all the support required for the Bureau for Interethnic Relations to play effectively its role as the coordinator of the Government's policy in the field of national minorities and interethnic relations.

More support should also be provided to those in charge of national minorities' issues in the various relevant ministries, in particular the Ministry of Education.

Support for the preservation and development
of national minorities' identity and cultural heritage

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee invited the authorities to provide for greater involvement of persons belonging to national minorities in decision-making on the allocation of State support. It also encouraged them to consider increasing support to some groups, in particular the Ukrainian, Roma and Gagauz minorities.

Present situation

The Advisory Committee is pleased to note that the authorities continue to provide various forms of support to national minorities, such as support to museums, festivals and monuments of national minorities. The House of Nationalities in Chisinau plays an important role in the activities of national minorities' organisations.

However, various interlocutors of the Advisory Committee complained that the system of allocation of support to national minority organisations lacked transparency and that minority representatives were not sufficiently involved in decision-making in this field. The Advisory Committee finds it essential that representatives of national minorities, including numerically smaller groups, are effectively involved in decision-making on the allocation of public support.

Although the Advisory Committee notes that some municipalities, such as Otaci, have adopted specific lines of action for Roma, it also takes note of allegations of Roma being denied support by local authorities for activities aiming at the preservation and promotion of their identity and culture.

Representatives of other minorities also complained of a lack of support for their activities, in particular numerically smaller groups, such as the Tatars, who find it difficult to carry out activities to preserve their language. Representatives of the Gagauz minority claim that the efforts made to preserve and promote the Gagauz language and culture are inadequate.

Recommendations

The Advisory Committee calls on the Moldovan authorities to ensure that the allocation of support for the activities of national minority organisations is made in a transparent and participative manner, both at the central and local level.

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

19. Norway

Opinion adopted on 30 June 2011

Article 5 of the Framework Convention

Financial support for the cultures of national minorities

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee invited the authorities to step up their efforts to support the cultural activities of national minorities and to ensure that the measures suited the needs of these groups, particularly in the sphere of languages. The authorities were also encouraged to pursue the establishment of a Roma Community Centre in Oslo.

The authorities were also invited to ensure that the museum reform take proper account of the needs of the national minorities, particularly by consulting them in the decision-making processes affecting the preservation of their cultures and traditions.

Present situation

The Advisory Committee notes with satisfaction that the authorities continue to give substantial support to the preservation of the national minorities' cultural institutions. It is pleased to note that the system established consists of an annual subsidy which allows funding to be provided on a regular basis and ensures continuity in the activities and programmes. In addition, it is possible to request additional funding for occasional projects. The Advisory Committee notes with interest that grants have been allocated for increasing support for minority languages, resulting inter alia in the opening of a Norwegian, Kven/Finnish and Sami Languages and Cultural Centre in Storfjord municipality. The Advisory Committee also notes that the subsidies allocated to the various museums presenting the culture and history of national minorities increased between 2007 and 2010.

The Advisory Committee notes that the museum reform, aimed at merging smaller establishments into larger entities belonging to the network of Norwegian museums, was completed in 2009. The representatives of the Skogfinn minority, who had earlier expressed strong reservations about this restructuring, have stated that their museum (Norsk Skogfinsk Museum) has continued to receive public funds and that the question of its possible attachment to the new Hedmark County museum, which opened in January 2010 in the context of the reform, might be considered in the near future.

While acknowledging that education in Finnish is provided to their children, the representatives of the Skogfinn minority are concerned by the forthcoming closure of several primary schools because of insufficient enrolment of pupils. They fear that the closures might have a negative impact on the preservation of their culture, their language and their identity.

The representatives of the Kven minority also drew the attention of the Advisory Committee to the need for additional financial resources to promote their language and to set up a cultural fund.

Moreover, the representatives of the Roma and Romani/Taters regret the insufficient concern taken by the authorities for their culture and traditions. They observe that many projects concern the creation of spaces, such as archives and museums reflecting the past history of the Roma people, but not necessarily its current concerns. They stress that although their traditional lifestyle is nomadic and travel forms an integral part of their identity, few resources are deployed by the authorities to aid their seasonal travels and to make Norwegian society aware of the importance of travel for the preservation of their culture. In this context, the Advisory Committee regrets that no progress has been made concerning the establishment of a Roma Community Center in Oslo. It also notes that, despite the announcement made by the authorities, the support for a programme of research on national minority issues has not yet been provided.

In general, representatives of all national minorities expressed regret that financial aid supports projects mainly presenting their historical image, to the detriment of projects which would help them to keep their contemporary cultures alive. They would like the authorities to find ways of creating an environment conducive to the use of their minority languages.

The Advisory Committee recalls that the learning and use of minority languages form one of the essential ways of transmitting and preserving the culture of national minorities, and that it remains the responsibility of the authorities to take appropriate measures to support minority cultures, in particular by preserving their languages. The Advisory Committee believes that the authorities should take account of the wishes expressed by the persons belonging to national minorities, in particular those referring to their perception of culture, and increase the awareness of minority cultures within the majority population. It considers that cultural projects should be suited to the needs which the national minorities consider most important to them. The Advisory Committee recalls that the meaning of Article 5 is not only to preserve but also to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture.

Recommendations

The Advisory Committee invites the authorities to take appropriate measures to support effectively the cultures of persons belonging to national minorities, in particular by preserving their languages.

The Advisory Committee invites the authorities to pay more attention to the needs expressed by the persons belonging to national minorities in order to promote not only the historical image but also the contemporary aspects of their identities including culture and languages, in close consultation with the persons concerned.

20. Poland

Opinion adopted on 28 November 2013

Article 5 of the Framework Convention

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

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee asked the authorities to make further efforts, including by the allocation of sufficient financial resources, to support and promote the preservation and development of the cultures of national minorities, in particular as regards the establishment and operation of cultural centres and to identify without further delay adequate solutions to the situation of cultural properties confiscated by the former totalitarian communist regime.

Furthermore, the Advisory Committee asked the authorities to 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.

Present situation

The Advisory Committee welcomes efforts made by the authorities to support the cultural activities of national minorities by providing various forms of assistance to cultural activities, such as support for music and drama festivals, art exhibitions and other artistic events, museums, and cultural centres.

The funding for cultural projects amounted to over 14.3 million zloty (€3.4 million) in 2013 and was disbursed by the Minister of Administration and Digitization, upon a proposal made by an independent commission of experts created by the Joint Commission of Government and National and Ethnic Minorities. Generally, the funding for cultural projects remained

stable in the years 2007–2011 and varied between a minimum of 13 million zloty (€3.1 million) in 2010 and 14.3 million zloty (€3.4 million) in 2008 and 2013.

The Advisory Committee welcomes other cultural projects financed by the national and local authorities, which celebrate the cultural heritage of national minorities, the importance of which goes beyond maintaining culture and identity of persons belonging to national minorities. The construction in central Warsaw of the Museum of the History of Polish Jews (to be completed in 2014) is the most prominent of such projects. In many other smaller towns, such as Płock, where there are no significant Jewish communities left, synagogues have been renovated and serve as local museums of Jewish heritage (in Płock – Museum of History of Masovian Jews and a Centre for Intercultural Encounters).

The authorities support Silesian culture, traditions and heritage. The Silesian Institute in Opole and the Silesian Museum in Katowice actively promote research and awareness of Silesian heritage.

It has to be noted, however, that a number of challenges were raised by the representatives of national minorities, the most significant of which is the insufficient budget which does not meet the national minorities' expectations as well as the manner in which the funds are allocated. The Advisory Committee is concerned that the Minister of Administration and Digitization, when making decisions on the disbursement of funds, may disregard the proposal of the independent commission of experts without explaining reasons (see related comment under Article 15 below). Also, the fact that the budgets are allocated on an annual basis does not allow the organisations of national minorities to draw long-term plans. The Advisory Committee agrees with many of its interlocutors that moving towards pluri-annual budgetary plans would resolve this issue.

The problem of maintaining cultural identity is felt most strongly by persons belonging to numerically small minorities in Poland, such as the Tatars, Karaim, or Armenians. Representatives of these minorities have so far been unsuccessful in their efforts to mobilise the authorities to assist them by providing funding necessary for the establishment of cultural centres, libraries or similar institutions, without which their communities face rapid and full assimilation with the majority.

Recommendations

The Advisory Committee calls upon the authorities to continue and increase their efforts to support initiatives aimed at protecting, preserving and developing the cultural identity of minorities, including numerically smaller groups.

The authorities should ensure the transparency of decision-making processes on the allocation of funds to cultural projects, in which the minority representatives should be effectively involved.

21. Portugal

Opinion adopted on 4 December 2014

Article 5 of the Framework Convention

Support for the preservation and development of Roma culture

Present situation

Steps have been taken by the Portuguese authorities to promote Roma culture. Each year the High Commissioner for Immigration and Intercultural Dialogue marks the International Roma Day (8 April) and the National Roma Day (24 June). In 2013 the Portuguese authorities, in co-operation with the Spanish authorities, organised the exhibition "Romani Lives" in the city museum of Lisbon. Roma culture was also one of the topics discussed at the first Roma Women National Meeting in 2013 and the first Roma Youth and their Families National Meeting in 2014. Municipalities such as Idanha-a-Nova, Torres Vedras, Abrantes or Espinho also organise events promoting Roma Culture. The National Roma Communities Integration Strategy foresees several training or awareness actions regarding Roma history and culture.

Recommendation

The Advisory Committee calls on the authorities to adopt a more structured approach in promoting Roma culture as part of Portuguese society, with a view to giving a sustainable basis to these activities, in close consultation and cooperation with the persons concerned.

22. Romania

Opinion adopted on 21 March 2012

Article 5 of the Framework Convention

State support for the preservation of the cultures of national minorities

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the authorities were encouraged, when awarding state funds to organisations of national minorities, to attach greater attention to the actual needs of the various communities and to pay greater attention to transparency in the distribution of funds.

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

Present situation

The Advisory Committee welcomes efforts made by the authorities to support the cultural activities of national minorities. Organisations of national minorities receive funds from different sources, such as the state fund, which allocates the main budget for the financing of the organisation of minorities represented in the Council of National Minorities. In 2011, the budget was 73,710,000 lei. The organisations of persons belonging to the Hungarian, German, and Ukrainian minorities, and the Roma have benefited most from these funds.

In addition to the state fund, the Department for Interethnic Relations (DIR) allocates every year a budget for cultural projects. The Advisory Committee notes with satisfaction that any minority organisation or non-governmental organisations, besides the organisations represented in the Council of National Minorities (CNM), can compete for these funds, regardless of the fact of whether it is represented in the CNM or not. In 2011, the DIR disbursed contributions worth 3,000,000 lei to 79 cultural projects. The Advisory Committee regrets, however, that according to representatives of national minorities, they are not adequately involved in the decision-making process on the allocation of funds for cultural projects.

The Advisory Committee notes that according to the official figures, in 2011, out of the total budget for cultural projects disbursed by the Ministry of Culture, 13,82% of funds was allocated for the financing of cultural projects related to national minorities. The Advisory Committee notes with satisfaction the effort carried out by the Ministry to finance the cultural projects of national minorities, and notes that, in spite of the economic situation, the budget allocated for national minorities has significantly increased since 2009.

On the other hand, the budget allocated for cultural publications of national minorities has been reduced. The Advisory Committee notes that representatives of some numerically-smaller national minorities, for example of the Macedonian, Serb and Ukrainian minorities, have expressed their concern about the insufficiency of these funds to finance their cultural programs, which may lead to a further weakening of the ethnic identities of their members and progressive assimilation into the majority society. It has also been brought to the attention of the Advisory Committee that the state funding tends to support the traditional expressions of minority cultures without due consideration of the every-day needs and experiences of national minorities.

The Advisory Committee also notes with interest the latest developments in the restoration of historic buildings of symbolic value to the identity of national minorities, carried out by the Ministry of Culture. In 2010, the National Heritage Institute, in charge of the National Restoration Plan, included among its objectives a list of buildings which are emblematic for the different national minorities. In 2011, 32% of the budget of the National Restoration Plan was allocated for this purpose. According to official figures, the minorities who have benefited most from these measures are the German, Hungarian, Jewish and Serbian communities.

The Advisory Committee notes the activity of the National Centre for Roma Culture, which had a budget of 1,187,000 lei 2011, as a specialised institution subordinated to the Ministry of

Culture. In order to meet its objectives, the Centre develops programmes for permanent education and also provides funds for cultural projects aimed at the promotion of the Roma community.

Recommendations

The Advisory Committee calls upon the authorities to continue and increase their efforts to support initiatives aimed at protecting, preserving and developing the cultural identity of minorities, including numerically-smaller groups. Funding for cultural programmes should target, in addition to the traditional expressions of minority cultures, the every-day needs and experiences of national minorities.

The authorities should ensure that the national minority representatives are fully involved in the decisions on the allocation of funds to cultural projects.

Restitution of church property and assets having belonged to the communities

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called on the authorities to identify, in consultation with all the parties concerned and ensuring that dialogue and mutual understanding were maintained, the most suitable means for implementing the legislation on the restitution of property.

Present situation

Romania has made some progress with regard to the restitution of property confiscated during the communist regime. Several measures were taken to speed up the rate of restitutions, among them, by imposing fines on officials who hindered the process. The law also established a specific compensation fund for applicants whose claims could not be satisfied in other ways. Nonetheless, representatives of national minorities informed the Advisory Committee about cases where local authorities delayed providing the documents necessary for processing their claims. The process of restitution of properties that belonged to the communities which started in 2006 led to the resolution of 568 cases out of 2,154 submitted applications.

The Advisory Committee notes that with regard to the restitution of church property, from a total of 14,814 requests, 4,441 have been resolved and that the process is ongoing.

Numerous representatives of national minorities indicated to the Advisory Committee their satisfaction with the progress related to property restitutions. The Advisory Committee welcomes the information conveyed by the representatives of the Hungarian minority that the process of the restitutions is correct and the results which have been achieved are positive.

Recommendation

The Advisory Committee encourages the authorities to continue processing all pending cases concerning the restitution of property without delay.

23. Russian Federation

Opinion adopted on 24 November 2011

Article 5 of the Framework Convention

State support for the preservation and development of minority cultures

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged federal and regional authorities to increase the involvement of national minorities in the decision-making processes concerning the allocation and management of resources, and to ensure that the available funding is balanced for all groups, including dispersed minorities.

Present situation

The Advisory Committee notes with interest the impressive number of cultural events and 'ethnic festivals' organised throughout the year in the different regions of the Russian Federation, including music and dance events, exhibitions of traditional handicrafts, as well as theatre and folk art. It welcomes in particular the willingness expressed by the federal, regional and local authorities to support these events as important venues for national minorities to gather and celebrate their culture, and as public events that generally promote the values of respect for diversity and tolerance in society. It is informed, however, that substantial contributions to these festivals in time and resources are expected from and provided by national minority communities and schools, which can reportedly impact on their weekly class schedules.

The Advisory Committee further welcomes the considerable budget allocations made by federal and regional authorities to the cultural activities of minority associations. At the same time, it learned in discussions with minority representatives and authorities alike that support was mainly provided to projects, often in relation to the organisation of festivals or folklore events, and that there was very little baseline funding for the organisational and structural needs of minority organisations, such as the rent of premises or ongoing administrative expenditure. Exceptions in this regard are the 'Houses of Friendship and Culture' in various subjects of the Federation where national-cultural autonomies may be provided with a room for their organisational purposes (see section below). While the situation differs from region to region and positive examples of direct consultations with minority representatives, including on financial allocations are reported, for instance, in Perm *Krai*, the Advisory Committee notes that overall, procedures for the allocation of support still lack transparency, and minority organisations have limited input in the decision-making process regarding those allocations. Reportedly, available funds are mainly earmarked for specific events and minority

communities themselves have no input into the management and allocation of resources for their various priorities.

The Advisory Committee understands that the amounts available for preserving and developing the cultural activities of persons belonging to national minorities still vary considerably from region to region and that within the same region, the amounts allocated to the various minority associations also differ. While appreciating that support to cultural activities of minority communities is mainly a competence of the subjects of the Federation and fully aware that the initiatives as well as the needs of the groups vary, the Advisory Committee finds that a minimum level of support should be allocated in line with clear and transparent criteria and procedures. This should be guaranteed through federal norms to all organised minority groups, including the numerically smaller and dispersed minorities, to ensure that all groups are able to engage in some activities to preserve and develop their cultural identities.

Recommendations

The Advisory Committee reiterates its call to the authorities to ensure that the funding available for the support of cultural activities of minority communities is allocated according to clear criteria and is accessible to all interested minority communities. Allocation procedures must in addition be transparent and minority representatives should be granted effective opportunities to manage themselves the funds made available to them.

The Advisory Committee further recommends that clear legal guarantees for the support of cultural activities of minority communities be established at federal level and effective mechanisms developed, in consultation with minority representatives, to monitor the implementation of these guarantees in the subjects of the Federation.

National-cultural autonomies

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to restore, in consultation with those concerned, the central position of national-cultural autonomies through federal legislation, and to take steps to ensure the effective implementation of the competencies of national-cultural autonomies, particularly in the field of language, education and culture.

Present situation

The Advisory Committee notes that the 1996 Federal Law on National-Cultural Autonomies was amended in February 2009, confirming the right of municipal, regional and federal levels of government to fund national-cultural autonomies, without however, establishing any obligation to do so. Conversely, the obligation to consult national-cultural autonomies on issues of direct concern to them was not reinstated in the amended law. Overall, while providing the normative framework for the creation of national-cultural autonomies at

municipal, regional and federal level, the law does not create any clear obligations on the part of the State with regard to the preservation of the cultural identity of persons belonging to national minorities, nor does it clearly mark the competencies that the creation of a national-cultural autonomy entails. In practice, the situation appears to differ from region to region. In Perm *Krai*, for instance, the Advisory Committee learned that the establishment of a national-cultural autonomy does not imply any advantages for minority associations in terms of obtaining funds for cultural activities, as all organisations are treated on an equal footing. In Moscow Region, however, access to premises in the 'House of Friendship' appears to depend on the registration of a national-cultural autonomy and advantages for national-cultural autonomies were also reported in Tyumen *Oblast*.

The Advisory Committee understands that the number of national-cultural autonomies is increasing at federal, regional and local level, at least partially due to the expectations of minority associations to either secure more funding with the creation of a national-cultural autonomy, or else to obtain a higher 'status' in their contacts with the authorities. The practice of allowing only one national-cultural autonomy per minority group at the same territorial level, supported by a Constitutional Court ruling of March 2004, would seem to support this understanding (see further comments on Article 7 below).

The Advisory Committee wishes to point out that the concepts of 'culture' and the 'preservation of the essential elements of identity', contained in Article 5 of the Framework Convention, are quite broad and include an engagement with issues of general relevance within the community, such as youth work, religious activities, the promotion of research, or issues connected to participation in public affairs. Against this background and given the restrictive interpretation of the term 'culture' in the application of the above-mentioned law (see also comments on Article 7 below), the Advisory Committee regrets the explicit limitation of national-cultural autonomies to cultural activities. Given the prominent status provided to national-cultural autonomies within the State National Policy Concept, the preoccupation of national-cultural autonomies with the organisation of folklore events and Sunday schools could discourage minority communities from engaging in broader political discourse in society and thereby inhibit their effective participation in public life generally (see further comments on Article 15 below).

Recommendations

The Advisory Committee urges the authorities to provide more clarity on the legal status and competencies of national-cultural autonomies and to establish clear and transparent criteria and procedures for the allocation of funding, in order to enable them to effectively fulfil these competencies.

The Advisory Committee further encourages federal, regional and municipal authorities to enable persons belonging to national minorities to maintain and develop their culture and identity in a broader sense in line with Article 5 of the Framework Convention, by adjusting their normative frameworks and practice related to national-cultural autonomies.

Situation of indigenous peoples

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to ensure that protective measures pertaining to the traditional use of resources by indigenous peoples were implemented consistently in all regions and not contradicted by the general normative framework relating to the use of land, forestry and water.

Present situation

The Advisory Committee is pleased to learn about the adoption of the government's Concept Paper of February 2009 related to the sustainable development of indigenous peoples, which defines the federal policy from 2009 to 2025. The Concept Paper sets objectives for improving the socio-economic conditions of the groups concerned, while protecting their traditional environments, ways of life and cultural values, and specifies time frames and benchmarks for implementation. The Advisory Committee welcomes the ambition and comprehensiveness of the document which demonstrates the willingness of the federal government to address the very specific concerns of indigenous peoples in the country. At the same time, interlocutors of the Advisory Committee underlined that the implementation of the objectives contained in the Concept Paper is only slowly progressing. Both government and minority representatives indicated that funds are insufficient.

The Advisory Committee welcomes the fact that special subsidies for the socio-economic development of indigenous peoples are provided by the Federal Ministry for Regional Development (a total of 240 million roubles or approximately 5,5 million EUR in 2011). Subsidies, however, are distributed to the various subjects of the Federation, leaving it to the local authorities to take necessary fund allocation decisions. These are, according to minority representatives, often taken without due consultation with the indigenous peoples concerned, and incidents of corruption or inappropriate use of resources have been reported. In addition, minority representatives have expressed their concern that the federal funds available for individual projects for the benefit of indigenous peoples are accessible only through tender. Due to the significant financial guarantees that have to be provided to participate in tenders, indigenous associations are practically excluded from the bidding process, in favour of commercial companies which often do not have the necessary expertise and knowledge about the target beneficiaries of the projects.

At the same time, the Advisory Committee is concerned about reports that recent changes to federal legislation regulating the use of land, forests and water bodies have in fact weakened the rights of indigenous peoples to preferential, free and non-competitive access to land, wildlife, and other natural resources. Changes to the Land and Forest Code in 2001 and 2006 respectively have, for instance, introduced the commercial auctioning of hunting and fishing licenses to the highest bidders, without preferential access for indigenous peoples. Similar changes are reportedly being discussed with regard to the Hunting Code. Since 2008, the traditional fishing grounds of community-based indigenous enterprises have also been put out

for tender and licensed to private businesses. These developments appear contradictory to the objectives and goals of the above-mentioned Concept Paper, as they risk reducing rather than promoting the rights of persons belonging to indigenous peoples to maintain their cultures and identity, including as regards access to their traditional territories and preservation of their lifestyle. In this regard, the Advisory Committee wishes to underline that the right to maintain one's culture in line with Article 5 of the Framework Convention includes the right to choose to develop one's traditional activities in line with technological advances, as well as the right to choose to engage in economic activities.

In addition, the granting of licences to private companies, including oil companies for the extraction of natural resources and the construction of pipelines leads to privatisation and the ecological depletion of territories that are traditionally inhabited by indigenous peoples. The Advisory Committee learned that the obligation, contained in the 1999 Law on Territories, to consult with indigenous peoples prior to any agreement regarding industrial development of their land, is implemented to varying degrees in the different regions and often disregarded. Even where such consultations have taken place, minority representatives contend that they have not resulted in any real impact on the negotiations with companies (see also comments on Article 15 below). Against this background, the Advisory Committee fears that the voluntary agreements by oil companies to adhere to corporate social responsibility standards, as referred to in the State Report, are insufficient to safeguard the rights of indigenous peoples to use the natural resources of their traditional territories.

The Advisory Committee further notes that the 2001 Federal Law on the Territories of Traditional Natural Use of Numerically Small Indigenous Peoples of the North, Siberia and Far East, which foresees the possibility of setting up protected territories at federal level to guarantee free access to land for indigenous peoples, has not been put into practice as no such territory has yet been set up. At the same time, a new draft federal law on protected territories, that is currently being discussed, could diminish the status of protected territories, as the draft no longer maintains the reference to their free-of-charge and exclusive use by indigenous peoples, but also allows the economic exploitation by others. According to Article 8 of the draft law, certain activities, related for instance to changes to the hydroelectric system, may only be limited if there is a risk of an ecological or technical emergency situation. Representatives of indigenous groups are equally concerned about the lack of guarantees in the draft law concerning the preservation of protected territories that have already been established at regional level. Their concerns are heightened by recent initiatives in some regions to decrease the size and status of such protected territories.

Recommendations

The Advisory Committee strongly encourages the Russian authorities to intensify efforts to implement the objectives contained in the Concept Paper and allocate additional funding for this purpose. Funding allocation decisions must be taken in close consultation with representatives of indigenous peoples. When identifying appropriate implementation agencies, preference should be given to indigenous associations.

The Advisory Committee further urges the authorities to ensure that the stated aim of promoting the sustainable development of indigenous peoples is not jeopardised by parallel legislative developments that restrict the rights of indigenous peoples and their free access to their traditional territories. Representatives of indigenous peoples must be closely consulted on all issues of relevance to them, in particular when it comes to changes of relevant legislation pertaining to the use of land, forests or water bodies.

24. Serbia

Opinion adopted on 28 November 2013

Article 5 of the Framework Convention

Policy of support for minority cultures

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee urged Serbia to make the State Fund for the National Minorities operative without further delay and ensure that both its composition and functioning adequately involved national minorities. It also recommended that existing funds for the preservation, promotion and development of minorities' culture be made accessible to relevant actors other than the councils of national minorities, in particular NGOs and associations of national minorities.

Present situation

The Law on National Councils of National Minorities, enacted in 2009, grants national minority councils key competences in the area of culture. Combined with the fact that procedural rules for the allocation of public funds to the work of the national minority councils have now been adopted at both state and provincial level, this means that there is now greater clarity in the funding for minority activities. In addition, the level of funding earmarked for the activities of national minorities has reportedly increased.

The Advisory Committee welcomes these developments and takes note with interest of the comprehensive information provided by the authorities about funding attributed since 2007 to activities and projects in the field of preservation of national cultures. However, it notes that the systems for allocating funds set up at both state and provincial levels provide that, while 30% of the available funds are divided equally between all the relevant national minority councils, 70% of funds awarded to national minority councils are distributed based partly on the number of persons represented by the national minority council concerned and partly on the number of institutions run by the national minority council. This weakens the situation of numerically smaller and more recently recognised minorities such as the Bunjevci and Macedonians, who had no pre-existing institutions at the time of adoption of these criteria: because their funding remains by definition lower than that of better established minorities, they remain in practice unable to break out of this situation, since they do not have access to public funding in amounts that would enable them to set up their own

institutions and receive the concomitant funding. The Association of Jewish Municipalities has also indicated that the nature of its activities as a religious minority association are not adequately taken into account under the system of awarding state funds to national minority councils.

Moreover, the Advisory Committee notes with regret that the State Fund for National Minorities is still not operative. This means that the decisions of national minority councils on the management of the funds awarded to them may tend to have a disproportionate impact on the manner in which national minorities' cultural activities are supported. It also means that the activities supported tend to be minority-specific, focusing on a single minority, and rarely include intercultural activities bringing together a number of national minorities and seeking to create transversal dynamics – a trend that is accentuated by the fact that the overarching Council of the Republic of Serbia for National Minorities has not been operating. The Advisory Committee understands that funding that is provided through the Ministry of Culture to the cultural and artistic activities of national minorities is moreover primarily project-based, which according to some interlocutors hampers the financing of long-term activities and precludes covering the material running costs of cultural institutions. Some minority representatives also indicate that the criteria for the award of such funds are insufficiently transparent.

Finally, there are still regional inequalities between minorities, in that there are significant discrepancies between the level of support available to minorities whose national minority council is based in Vojvodina (who have access not only to State and local but also to provincial support), and those based in other parts of Serbia, such as the Albanians, Bulgarians and Vlachs (who can only benefit from State and local funding). Other groups such as the Roma remain reliant on support from international donors to ensure continuity for their activities.

Recommendations

The Advisory Committee invites the authorities at State and provincial level to review the system of allocating public funds to national minority councils with a view to ensuring that it enables all national minorities, in particular numerically smaller ones, to benefit fully from the opportunities that such funding may provide.

It reiterates its call on the authorities to take the necessary steps to bring the State Fund for National Minorities into operation and ensure that both its composition and functioning adequately involve national minorities. It again recommends that existing funds for the preservation, promotion and development of minorities' cultures be made accessible also to relevant actors other than the councils of national minorities, in particular NGOs and associations of national minorities.

25. Slovak Republic

Opinion adopted on 28 May 2010

Article 5 of the Framework Convention

Support for the preservation and development of
the identity and cultures of national minorities

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee recommended that the authorities continue to support cultural initiatives for national minorities and eliminate any imbalance negatively affecting the support provided to minorities, in particular to the Roma.

Present situation

Financial support for the organisation and promotion of cultural activities is provided to national minorities by local and central authorities and this has included funding for museums, theatres and press publications. Specialised grant commissions have been established within the Ministry of Culture, which is in charge of distributing funds for cultural activities of the national minorities. The Advisory Committee welcomes the inclusion of a number of minority organisations in the work of these commissions. The Advisory Committee also notes that the Plenipotentiary for Roma has created a special mechanism aimed at providing support for activities related to the social and cultural needs of the Roma minority. A Commission for the Support of the Culture of National Minorities and Ethnic Groups has also been established within the Deputy Prime Minister's Office.

The Advisory Committee has, however, received complaints relating to the insufficient transparency of the system of allocation of funds to national minorities and of the selection of minority representatives to sit on the funding commissions. The Advisory Committee considers it important that, for a more efficient planning and implementation of cultural projects, procedures relating to the distribution of funds to national minorities be transparent and inclusive.

The Advisory Committee welcomes the financial support provided for the preservation and development of the identity and cultures of persons belonging to national minorities. As indicated in the State Report, financial support has been allocated to the museums and theatres of national minorities. While acknowledging and appreciating the support provided for their activities, certain representatives of the Polish, German and Croatian national minorities nonetheless consider the level of support to be inadequate to meet their needs.

The Advisory Committee is informed that the Nitra regional authority decided that the Museum of Hungarian Culture and the Danube Region would be renamed the Danube Area Museum. This decision was reportedly taken without proper consultation of persons belonging to the Hungarian population living in the region. The Advisory Committee considers that decisions and measures affecting the culture and identity of national minorities must be taken in consultation with the persons concerned.

The Advisory Committee notes that, according to the State Language Law as amended in 2009, publications in minority languages intended for the public for cultural purposes, such as cultural programmes and catalogues, should be systematically translated into Slovak. While recognising that translation of minority publications into the State language may contribute to increased awareness of minority cultures and related activities amongst the general public, the Advisory Committee considers that this provision should be implemented in such a way that it does not put an unreasonable financial and/or other burden on organisations of national minorities. The Advisory Committee is of the opinion that, in some instances, the translation of outlines, summaries or selected extracts instead of a 'contextually identical version' of the aforementioned documents, is an option that should be carefully considered, taking into account the main objective to be achieved. If full translation is nevertheless required, the authorities should provide adequate financial and human resources.

Recommendations

The Advisory Committee invites the authorities to pursue and strengthen their efforts to provide adequate financial support to national minorities, including the numerically smaller ones, for their cultural initiatives and museums.

The authorities should ensure that the allocation of support for cultural activities of national minorities' organisations is carried out in a transparent and participatory manner. More generally, adequate consultation should be carried out with national minorities' representatives when decisions of relevance for the preservation and promotion of their identity are taken.

The provisions of the 2009 State Language Law providing for systematic translation of publications in minority languages intended for the public for cultural purposes should be interpreted in a way that their requirements do not put an unreasonable financial burden on organisations of national minorities.

Legislative developments in the field of protection of national minorities

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee invited the authorities to speed up their efforts to complete the legislative framework pertaining to the financing of minority cultures and, more generally, the protection of national minorities, while ensuring proper participation of representatives of national minorities in this process.

Present situation

The Advisory Committee regrets that the legislative framework pertaining to the protection of national minorities has not been completed. Provisions relating to national minorities are currently scattered over various legislative acts. It appears that the proposed comprehensive law on national minorities would increase clarity and legal certainty as to the rights guaranteed in the Slovak Republic to persons belonging to minorities. The Advisory Committee therefore notes with interest that, according to the information provided by the Deputy Prime Minister, there is a plan to establish a working group to draft such a law, in

consultation with national minorities. The Advisory Committee expects that this law will provide for adequate safeguards in the field of preservation and development of the identity of persons belonging to national minorities, namely religion, language, traditions and cultural heritage, as guaranteed in Article 5 of the Framework Convention.

The Advisory Committee also notes that the law on the financing of minority cultures has not yet been adopted, despite the fact that its preparation was envisaged in the Government's Manifesto of 2006. Information available to the Advisory Committee suggests that the financing of minority cultures will be regulated through a law devoted to the financing of cultural activities in general, to be elaborated by the Ministry of Culture. As this Law will have an impact on persons belonging to national minorities and their cultures, the Advisory Committee considers it essential that representatives of national minorities be involved in the drafting process.

The Advisory Committee notes the emphasis put by the 2009 State Language Law on the primacy of the State language over other languages in use in the Slovak Republic. The Advisory Committee considers it legitimate for the authorities to promote the use of the State language in the various sectors of the public sphere. Nevertheless, it reiterates that, in order to promote adequate conditions for the preservation of the specific identity of national minorities, including language, an appropriate balance must be found between the promotion of the use of the State language and the preservation and the right to use minority languages. The Advisory Committee finds it essential that, as required by Article 5 of the Framework Convention, the 2009 State Language Law be implemented with all due attention to the preservation and promotion of minority languages as an essential element of the identity of persons belonging to national minorities. Also, any legislative, policy or implementing measures of relevance to the language rights of persons belonging to national minorities should be elaborated in consultation with the representatives of national minorities.

Recommendation

The Advisory Committee reiterates its previous cycles' recommendations and urges the authorities to complete the legislative framework pertaining to the protection of national minorities, the financing of minority cultural activities and the use of minority languages, in order to provide clarity and legal certainty in the various fields of interest for persons belonging to national minorities. Legislative and policy measures in this field must be taken only after thorough and inclusive consultation with representatives of national minorities.

26. Slovenia

Opinion adopted on 31 March 2011

Article 5 of the Framework Convention

Legal and institutional framework for the support of minority culture

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee invited the authorities to make more resolute efforts to implement minority policies more effectively and to step up measures to support activities aimed at developing Roma culture.

Present situation

The Advisory Committee is pleased to note that the Act on Cultural Heritage Protection, adopted in 2008, underlines that minority culture form an integral part of the Slovenian cultural heritage. It also welcomes the fact that the Ministry of Culture continues to provide support for cultural activities of various minority groups, including those not recognised as such in the Constitution. Moreover, the Act on the Roma Community in Slovenia sets a clearer legal basis for the preservation and promotion of Roma culture, indicating also the responsibilities of the various stakeholders.

These steps towards a better recognition of minority culture are all the more welcome as representatives of the Hungarian and Italian minorities have emphasised again that their communities experience a worrisome decline in numbers, due in their view to emigration abroad but also to a gradual process of assimilation with the majority population. The Advisory Committee is aware that the authorities do not agree with this view; it is, however, of the opinion that affirming and promoting minority culture can but have a positive impact on their preservation and on the willingness of persons belonging to minorities to identify themselves as such.

Most of the interlocutors of the Advisory Committee have underlined that there are gaps in the implementation of the very developed legislative framework for the protection and promotion of minority culture and that further efforts are needed in this respect, both at central and local levels (see also remarks under Article 10 and 14 below).

Recommendation

The Advisory Committee invites the authorities to identify effective ways of improving the implementation of the existing legislative framework for the protection of minority culture, in close consultation with national minority representatives. Additionally, it invites them to continue to support the promotion of minority culture and to emphasise their value and place in Slovenian society.

Funding for minority culture

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee invited the authorities to ensure that the resources available for activities aimed at supporting the culture of the Hungarian, Italian and Roma minorities match the needs of these groups and are easily accessible.

Present situation

The Advisory Committee is pleased to note that the authorities have continued to provide

substantial support for the preservation of minority cultural institutions and to implement their activities and projects. It welcomes in particular the increased funding for the Lendava/Lendva Cultural Centre as well as the setting up in 2007 of the Italian Centre for Promotion, Culture, Education and Development *Carlo Combi*. It understands, however, that although financial allocations for the Hungarian and Italian minorities have remained stable over the last years, cuts are foreseen for 2011 and 2012 (up to 10% according to the information available to the Advisory Committee). While understanding that the current economic crisis can result in budgetary stringency, it calls on the authorities to ensure that cuts will not affect national minorities disproportionately.

The Advisory Committee notes with satisfaction information provided by the Ministry of Culture that funding for Roma projects will increase by 14 % in 2011. It also understands that the establishment of new consultative bodies of the Roma, such as the Roma Council, should contribute to a better involvement of Roma representatives in decision-making on the allocation of support (see also remarks under Article 15 below). However, members of the Roma Council pointed out that, although they value the additional opportunities for involvement in decision-making provided to them, they feel that they were given new responsibilities for supporting projects within the Roma community without receiving sufficient funds to be able to meet the needs of Roma organisations.

In general, a number of interlocutors of the Advisory Committee regretted that most of the funding for projects aimed at supporting minority culture was allocated on a project basis, with no perspective for long-term, regular support. Additionally, national minority representatives have indicated that they are not always effectively consulted in the process of decision-making on support for cultural projects of minorities.

Recommendations

The Advisory Committee invites the authorities to ensure that budgetary cuts do not have a disproportionate impact on support allocated to minority culture. Particular attention should be paid to securing sustainability of the activities aiming at preserving and promoting minority culture.

It also invites them to make further efforts to secure effective and timely participation of national minority representatives in decision-making on projects aimed at supporting minority culture, so as to meet their needs more effectively.

27. Spain

Opinion adopted on 22 March 2012

Article 5 of the Framework Convention

Preservation and promotion of the Roma culture

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to develop further initiatives to protect and promote Roma culture and identity, notably by establishing without delay the Institute of Roma Culture.

It also invited the authorities to organise consultations with Roma representatives to identify the needs and demands of the Roma with regard to the learning of the Romani and *caló* languages and to fund projects carried out by NGOs in this field.

Present situation

The Advisory Committee is pleased to note that the authorities have made further efforts to enhance public recognition of the distinct identity and culture of the Roma. It particularly welcomes the establishment, in May 2007, of the Institute of Roma Culture (*Instituto de Cultura Gitana*) as a public foundation under the auspices of the Ministry of Culture. It learnt with satisfaction that the Institute already managed to develop a number of important projects, both in the area of promotion of the Roma culture (such as cultural events and publications, the Roma Prize allocated yearly to persons who significantly contributed to developing Roma culture) as well as for the development of teaching of the Romani language in Spain (see remarks on Article 12 below).

The Advisory Committee also welcomes the inclusion in the new Autonomy Statutes of Castilla and Leon and of Aragon, adopted in 2007, of a provision on the need for public policies to promote non-discrimination and respect for diversity, in particular with regard to the Roma community (in Castilla and Leon) and to promote the integration of the Roma community (Aragon). Following the specific reference to the need to respect and promote the Roma culture and identity in other autonomy statutes (namely in Andalusia and Catalonia), this is a new step forward towards a better institutional acknowledgment of the importance of the Roma identity and culture in the regions of Spain.

However, the Advisory Committee deplores the fact that support for Roma cultural projects is, reportedly, very limited, both at central and regional levels, even though some regional authorities do fund Roma projects and programmes. The latter is notably the case of the authorities of Andalusia, which continue to support the Andalusian Centre of Roma Culture and the Roma library. The Advisory Committee also notes with interest that some support is also provided to the promotion of the Roma culture in Melilla, together with the cultures of other groups living in the city, in particular the Tamazight-speaking Berbers.

However, the Advisory Committee regrets that progress on the promotion of the Romani and *caló* languages has been limited. There is no teaching of the Romani and *caló* in the school system (see also remarks on Article 14 below) and access to it outside the school system is limited to a few initiatives, often carried out by NGOs. A project was for instance started to promote the learning of the Romani language in Catalonia, as part of the Comprehensive Plan for the Roma People of Catalonia. The Institute of Roma Culture is also developing material to learn the Romani language. Nevertheless, the Advisory Committee regrets that, in general,

opportunities to study the Romani language, or the *caló*, remain very scarce. While acknowledging that the demand within the Roma community for learning these languages might not be very large, the Advisory Committee understands that it is growing and it is of the opinion that it should be adequately evaluated so that existing needs can be met. In fact, the Advisory Committee believes that promoting the Romani and *caló* languages as a relevant aspect of Roma culture, should form part of efforts to promote a better recognition and respect for the Roma culture.

Recommendations

The Advisory Committee invites the authorities to continue to provide adequate support to the Institute of Roma Culture and to enable it to work effectively and independently for the promotion of Roma culture. In general, they should ensure that sufficient funding is allocated to support projects and programmes aimed at preserving and promoting Roma culture at different levels.

The Advisory Committee reiterates its call to the authorities to identify the needs and requests of the Roma with regard to studying the Romani and *caló* languages (see also recommendation on Article 14 below). They should also provide further support to non-governmental projects in this area.

28. Sweden

Opinion adopted on 23 May 2012

Article 5 of the Framework Convention

Support for minority culture

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles the authorities were invited to strengthen their support for the cultural activities of national minority organisations, ensuring that minorities participated in the decision-making process on the allocation of such resources.

Present situation

The Advisory Committee welcomes the fact that the authorities have continued to pay a high level of attention to the revitalisation of minority cultures. Increased support for the preservation and development of the minority languages and literature in those languages, as well as for museums, theatres and cultural centres has been granted, in particular to implement the National Minorities Act.

The Advisory Committee notes that, since January 2011, the system of financing cultural activities has been based on a new model of co-operation between the central, regional and local authorities. This model gives municipalities increased responsibilities in granting public

subsidies. Additional funds have also been allocated to municipalities to deal with the new legal obligations they face in this field.

However, according to the Advisory Committee's interlocutors, some local authorities are still unaware of the obligations arising under the 2009 law and their responsibilities deriving from it. Consequently, funds are sometimes used for issues other than minority culture.

Moreover, the representatives of national minorities face difficulties in ensuring the sustainability of long-term activities because such projects are usually funded for a limited period of one year. In addition, they drew the attention of the Advisory Committee to the fact that they are not sufficiently involved in decision-making processes on the allocation of resources and about the insufficient amount of funds available in relation to their real needs, which both reflects and perpetuates a certain marginalisation of national minority cultures. This issue is particularly crucial for the numerically smaller groups. The Advisory Committee is also concerned by the absence of significant progress concerning participation of persons belonging to national minorities in the decision-making process on the allocation of resources devoted to minority culture. Such participation is especially important to ensure respect for the protection and promotion of rights of persons belonging to national minorities at the local level, as municipalities enjoy autonomy regarding the implementation of the measures they wish to adopt.

The Advisory Committee, while being fully aware of the respective competencies of the national, regional and local authorities, stresses that it is the responsibility of the central government to ensure that the 2009 legislation with respect to national minorities is correctly and effectively implemented throughout its territory. Consequently, it considers that measures should be taken to improve the law's visibility and knowledge of its requirements amongst the local authorities responsible for promoting the identity and culture of persons belonging to national minorities.

Recommendation

The Advisory Committee invites the authorities to continue to develop support for organisations and cultural activities of national minorities. In doing so, the authorities should ensure that all the groups concerned have the funds necessary to maintain the essential elements of their culture. The Advisory Committee also encourages the authorities concerned to examine thoroughly the allocation process in order to ensure that the representatives of national minorities play a greater part in decision-making concerning the allocation of funds.

Sami land rights

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles the authorities were invited to take urgent action to bring legal clarity to the question of Sami land rights, in particular regarding the boundaries of

winter grazing lands. The authorities were also invited to address as a matter of priority the financial difficulties encountered by Sami villages as a result of related court cases.

Present situation

The Advisory Committee welcomes the fact that, following the amendments that entered into force in 2011, the Swedish Constitution now recognises the Sami as an indigenous people. It also notes with interest that the role of the Sami Parliament has been increased following the transfer of some of the tasks previously under the responsibility of county and central authorities. In addition to managing Sami organisations, schools and cultural activities, the Sami Parliament is in charge of community development, including in relation to reindeer herding and use of land within certain geographical areas defined by law.

In this context, the Advisory Committee notes with satisfaction that a judgment of 27 April 2011 of the Swedish Supreme Court found that Sami reindeer herders had successfully proved that they had for generations used areas of land belonging to private property owners for winter reindeer grazing. The Court confirmed that, under customary law, Sami could continue to use those areas. The Advisory Committee underlines that land rights in Sami territory are of vital importance for the protection of the culture, identity and traditional way of life of the Sami as an indigenous people and encourages the authorities to clarify the legal situation of the Sami on the basis of this judgment. It notes in this context that the continued failure to legislate clearly with respect to the boundaries of winter grazing areas has led to protracted legal proceedings, which have placed heavy financial burdens on Sami villages (*samebyar*) and have harmed inter-ethnic relations in the areas in question.

Despite this important step forward for the Sami people, the Advisory Committee has been informed that the traditional way of life of this group is threatened, in particular in and around Kiruna municipality, due to the impact of urban development and expanding mining activities on reindeer herding and grazing lands. The representatives of Sami also complained that they have not been sufficiently consulted to ensure that their traditional way of life will be maintained and negative impacts of spatial planning decisions minimised.

Moreover, the Advisory Committee has been informed that government compensation payments for reindeer killed by predators have not been increased for many years and only partly cover the damages caused.

Recommendation

The Advisory Committee calls on the authorities to take urgent action to clarify and improve the legal situation of the Sami people in relation to land rights, in particular through regulating the boundaries of winter grazing areas by law, taking due account of the findings of the Supreme Court in its judgment of 27 April 2011. It also calls on the authorities to pursue their efforts to preserve the right of the Sami to their traditional way of life, while ensuring the rights of the other groups settled in the areas concerned.

29. Switzerland

Opinion adopted on 5 March 2013

Article 5 of the Framework Convention

Presentation and promotion of Travellers' culture and identity

Recommendations from the previous two monitoring cycles

During the previous monitoring cycles, the authorities were invited to promote the language and culture of the Travellers and to facilitate the education of the Traveller children who practice an itinerant lifestyle. Furthermore, the Advisory Committee recommended increasing public financial aid to the bodies responsible for promoting Travellers' cultural initiatives.

Present situation

The Advisory Committee notes with interest that the Federal Office for Culture has prepared, in close co-operation with representatives of the Travellers a Yenish language dictionary in order to expand knowledge and the command of this language. The launching of this book will be accompanied by a CD with a series of recorded interviews in Yenish.

The Advisory Committee welcomes the entry into force in 2012 of the Federal Law on the Promotion of Culture (LEC) which provides a solid legal basis for guaranteeing the maintenance of public subsidies for the Travellers' Associations and increases their opportunities to have an impact in decision-making on issues of concern to them through new supervision responsibilities given to the Foundation.

However, the Advisory Committee regrets that the amounts scheduled up to 2015 have not been adapted to the new responsibilities that might be assigned to the Foundation and considers that the financial and staffing capacities of the Foundation are insufficient in the light of the many difficult tasks facing it in their efforts to preserve the Travellers' identity and traditional way of life.

Recommendation

The Advisory Committee once again invites the authorities to increase substantially its financial aid for Travellers' associations, particularly the Foundation so that they enjoy sufficient resources for conducting their work, notably in view of the new perspectives provided by the Federal Law on the Promotion of Culture (LEC), which is intended, *inter alia*, to enable Travellers to conduct the way of life which corresponds to their culture. Mechanisms for effective consultations at the cantonal and inter-cantonal levels with these persons should be organised and implemented.

Shortage of stopping places and transit sites for Travellers

Recommendations from the previous two monitoring cycles

During the previous monitoring cycles, the authorities were invited to introduce new legislative guarantees to facilitate the planning and creation of stopping places and transit sites. Furthermore, the Advisory Committee recommended that the Confederation reinforce

the financial incentives for the cantons to act; the measures in question could include the re-utilisation of military sites. Moreover, cantonal legislation on spatial planning and municipal police regulations were to be reviewed in order to facilitate spontaneous stops on private land and inter-municipal co-ordination was to be reinforced.

Present situation

The Advisory Committee notes with concern from the Foundation's 2010 Report that the number of stopping sites has not increased significantly and the 14 current sites (as against 11 previously) are only enough to cover the needs of one third of the population in question. As regards transit sites, the situation has further deteriorated as there are now only 42 such sites as compared with 51 previously, some of which are no longer used because of their very poor quality. The Advisory Committee is concerned about this situation, which restricts the opportunity of Travellers to maintain their traditional way of life, despite the fact that growing numbers, including young travellers, are expressing the wish to do so.

Nevertheless, the Advisory Committee notes with interest that improvements have been made under cantonal spatial planning, which now takes account of Travellers' needs. By the end of 2010, for instance, 14 cantons (out of 26) had examined the situation and decided on providing sites for Travellers in their Master Plans (*Plan Directeur*), as compared with only five cantons in 2005. Three further cantons, whose Master Plans are currently in preparation, also have similar projects. Moreover, the global cantonal strategies, which are based on partnership with the municipalities defining the responsibilities of each party, adopted by the cantons of St Gallen and Aargau, are now being used as examples of good practice by the cantons of Bern, Zurich and Schwyz, which are considering creating new sites based on the same model.

The Advisory Committee has learnt that despite the Confederation's determination to provide financial aid to the cantons by selling them some of its housing stock, in particular former military sites, the possibility of re-utilising such sites for this housing purposes is limited because most of the latter consist of constructions (bunkers, shelters, anti-tank barriers), which are incompatible with current civilian requirements and are not located on land suitable for construction. As a result, out of the 50 sites under consideration, only one has been selected for building a new stopping place.

The Advisory Committee notes that several cantons consider that provisional stopping sites which would be welcomed by the Travellers, would partly solve the problem of the shortage of transit sites. It welcomes the proposal to exploit this potential pragmatically by examining the possibility of creating an Internet platform for Travellers to exchange information on the municipalities which cater for spontaneous stops. While commending the efforts of some municipalities in regularly authorising spontaneous stops, the Advisory Committee nevertheless regrets that in most cases police regulations regarding public order are interpreted restrictively, which in practice limits this possibility.

In connection with inter-municipal co-ordination, the Advisory Committee notes that the Swiss Conference of Cantonal Directors of Public Works, Spatial Development and

Environment (DTAP) appreciates the existing inter-cantonal exchanges of information and experience which is considered to be highly useful. However, the DTAP objects to the idea of including plans for stopping places for Travellers in urban planning projects and making eligibility for the relevant federal subsidies dependent on the actual installation of stopping places and transit sites.

The Advisory Committee regrets this position, which conflicts with the Foundation's recommendations on involving the specialised agencies more closely. It regrets that some stakeholders have so far failed to express greater interest in the Travellers issue and considers that more support is needed from the Confederation for this process in order to raise the awareness of all those involved. The Advisory Committee has taken careful note of the authorities' comments to the effect that Switzerland is a federal state, which guarantees that the cantonal institutions are close to the citizens and better placed to meet their needs. Nevertheless, it feels that this approach must be pursued in a context of co-operation and collaboration among the public authorities with a view to optimal use of the available competences and financial resources, which means that the Confederation should take on a more prominent leadership role in this field.

The Advisory Committee notes with concern that the traditional way of life of Travellers in Switzerland still raises serious challenges and that overall, the problem of the shortage of stopping places and transit sites has not improved in ten years. It invites the Confederation to use its authority to address effectively the on-going challenges in this field.

Recommendations

The Advisory Committee reiterates its call on the authorities to intensify their efforts to remedy the severe shortage of stopping places and transit sites for Travellers as soon as possible. Determined measures must be adopted in order to strongly encourage all the federal, cantonal and municipal stakeholders of the importance and need of addressing Travellers' problems under national spatial development plans. Furthermore, sites in a state of disrepair must be renovated and awareness campaigns conducted among municipalities, the general public and private landowners in order to facilitate spontaneous stops.

The Advisory Committee invites the authorities to study all the possible means of implementing the conclusions of the 2010 report by the Foundation.

30. "the former Yugoslav Republic of Macedonia"

Opinion adopted on 30 March 2011

Article 5 of the Framework Convention

Preservation of culture of persons belonging to national minorities

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee urged the authorities to identify, in co-operation with representatives of the minorities, means of improving national

minorities' access to financial support from the state for their cultural activities and recommended that appropriate attention be paid to supporting smaller communities, including those not mentioned in the constitution, to allow them to preserve and affirm their identities.

Present situation

The Advisory Committee is pleased to note that the authorities continue to provide various forms of assistance to national minorities, funded by the Ministry of Culture and since 2004, following the decentralisation of the state, by the local authorities. A Bureau for Promotion and Advancement of the Culture of Communities has also been established within the Ministry of Culture to monitor the promotion and the advancement of cultural identities of persons belonging to the communities.

The Advisory Committee notes that the state funds 52 national cultural institutions, including libraries, cultural institutes, museums, art galleries, cultural centres, theatres, a cinematographic archive, an opera and a ballet, and performing arts festivals. The authorities continue to support actively new initiatives in the field of culture. The Advisory Committee notes with satisfaction the establishment of the Albanian Theatre in Tetovo which adds to the existing Albanian and Turkish Theatres in Skopje.

The Advisory Committee notes, however, that although the allocation of funds to the performing arts, cultural centres and cultural associations have remained at similar levels in the last five years, and that various interlocutors have underlined that public financial support for national minorities' activities is still limited and insufficient to meet the needs. In particular the limited funding allocated to the cultural activities of the numerically-smaller groups, such as the Vlachs and Serbs seriously undermines their efforts to carry out activities aimed at preserving their language and culture. The Advisory Committee further notes that, according to representatives of national minorities, they are not adequately involved in the decision-making process on the allocation of funds for cultural projects.

Recommendation

The Advisory Committee invites the authorities to seek to increase their support for the cultural activities of the national minorities' organisations and to ensure that financial difficulties will not affect disproportionately persons belonging to national minorities. In this context, it is important to ensure that the national minority representatives are involved in the decisions on the allocation of funds to cultural projects.

31. Ukraine

Opinion adopted on 22 March 2012

Article 5 of the Framework Convention

Support for minority cultures

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called on the authorities to increase their support to national minority associations and their cultural centres and monuments, including by rendering the procedure for the allocation of financial support more transparent, objective and participatory.

Present situation

The Advisory Committee welcomes the continued support provided by the Ukrainian authorities to a range of cultural activities of minority associations, such as the maintenance of minority language libraries and theatres, as well as the organisation of festivals and other cultural events. It notes that the functions formerly carried out by the SCNR with regard to the provision of state funding for cultural initiatives have now been handed over to the Ministry of Culture. While a special budget line is still foreseen for the allocation of cultural support of national minorities, which is used mainly for the support of six minority print media (see comments on Article 9 below), this budget now also covers the support to the Ukrainian diasporas abroad, as well as activities of the bilateral commissions with Hungary, Romania and the Slovak Republic. The Advisory Committee shares the concern of representatives of several minority communities that this new situation results in less attention being paid to their interests, particularly given the fact that the Council of Representatives of All-Ukrainian Associations of National Minorities, that functioned under the SCNR is no longer meeting regularly (see comments on Article 15 below) and minority associations often do not even have the possibility to express their needs to the relevant authorities, nor to have any impact on decisions taken on their behalf.

The Advisory Committee further notes that minority cultural activities are mainly supported by regional and local authorities. However, it notes with concern that there appear to be no clear eligibility criteria for receiving such support and, in the absence of transparent and participatory procedures, allocations appear to be made on an *ad-hoc* and sometimes arbitrary basis. In addition, subsidies are reportedly frequently paid out at the end of the calendar year, which makes them very difficult to process for the associations. The Advisory Committee further learned that few organisations in Lviv region, as well as in the Autonomous Republic of the Crimea (the Crimea), receive baseline funding or general administrative support, for instance through the provision of cultural centres. While some associations appear to have obtained access to such centres, others are provided with low-rent premises but have to pay commercial rates for utilities, while others do not receive any support. The Advisory Committee regrets the absence of a clear and transparent procedure for the allocation of support, and notes, also a lack of involvement of minority associations in decisions related to subsidies at the regional level.

The Advisory Committee further regrets that, overall, support for minority cultural activities such as theatres or festivals is reportedly diminishing. While acknowledging the effects of the economic crisis on regional and municipal budgets, attention must be paid to ensure that cuts do not disproportionately affect minority communities. In addition, the Advisory Committee fears that the lack of procedural transparency and participation in the allocation of support to minority cultural activities, carries the risk of creating tensions between the various minority

communities. The Advisory Committee learned, for instance, that numerically smaller minorities have for years been asking for the creation of a 'House of Friendship' in Simferopol in the Crimea but have not received any support, while authorities have reportedly provided significant support to a Russian cultural centre. The Advisory Committee finds that more efforts should be made to create a transparent system for the allocation of financial support, and to involve representatives from all minority groups concerned in the decision-making process. Due attention should be paid to the maintenance of inter-ethnic harmony, including through the creation of multicultural 'Houses of Friendship' which can benefit several minority communities.

Recommendations

The Advisory Committee urges the authorities to establish clear criteria and procedures for the allocation of financial support for minority cultural activities, and to consult closely and comprehensively with the groups concerned, ensuring that representatives of minority communities can have an effective impact on allocation decisions.

The Advisory Committee further invites the authorities to ensure that all minority communities, particularly the numerically smaller ones, are encouraged to develop cultural initiatives and have equal access to available funding.

Restitution of religious property and places of worship

Present situation

The restitution of religious property, which has been ongoing for several years in Ukraine, has been subject to considerable delay. The Advisory Committee regrets that, apart from the crucial importance that religious monuments have for the maintenance of the religious and cultural identity of national minority communities, this delay is also impacting on the possibility of minority communities to obtain proper places of worship and manifest their religious beliefs. This issue is therefore of great concern to a number of national minorities. No progress has been made in Simferopol, for instance, with regard to the return of the Kenassa to the Karaite community, despite the fact that the relevant decision was apparently taken long ago. The Advisory Committee also learned with concern that a former synagogue building in the Crimean town of Alushta, that was supposed to be returned to the Jewish community, was destroyed to make space for a new entertainment centre, while the Jewish community in Simferopol, which was given back the building of the synagogue, is forced to lease the corresponding land at commercial rates, despite the fact that this property was confiscated from the community by the state during Soviet times. The Roman Catholic community in Sebastopol continues to demand the return of the Catholic church, which currently houses a movie theatre. While acknowledging the complexity and difficulty of the task of returning confiscated property, that has often been privatised, the Advisory Committee reminds the authorities of the particular importance of religious buildings and monuments for the maintenance of the religious and cultural identity of national minorities, and considers that all parties concerned should co-operate closely in order to find swift and effective solutions, while maintaining dialogue and mutual understanding.

Recommendation

The Advisory Committee calls on the authorities to increase their efforts to return religious properties and buildings to the minority communities concerned. Pragmatic solutions should be found through close dialogue in order to facilitate without delay the return of buildings and monuments that are of crucial importance to the maintenance of the cultural and religious identities of the national minorities concerned.

32. United Kingdom

Opinion adopted on 30 June 2011

Article 5 of the Framework Convention

Preservation and promotion of minority cultures and languages

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee invited the authorities to ensure that adequate funding opportunities were provided for the initiatives of minority ethnic organisations aimed at maintaining and developing minority languages and cultures.

Present situation

The Advisory Committee notes that the new policy of the government emphasises the need to reduce public deficits and to cut on a number of expenditures. It also promotes localism (see also remarks in paragraph 12 above), a policy that devolves significant powers to local authorities, including in the allocation of funds for different needs, including to those of persons belonging to national minorities. Against this background, the Advisory Committee notes with concern that many of the representatives of minorities with whom it met are worried about the potentially disproportionate impact of budgetary cuts on the sustainability of activities for the promotion of minority cultures and languages. Their concern is caused on the one hand by the position of minorities in society in general and the fact that it is more difficult for them to convince local authorities to allocate funding to meet their needs, especially for persons facing social exclusion, such as Gypsies and Travellers. On the other hand, the lifting in a number of cases of earmarking for some of the funds previously allocated to persons belonging to minority ethnic communities also raises concerns that the latter could be left with very limited access to public support. In this context, the Advisory Committee reiterates its view that it is important to ensure that local authorities fully implement minority rights and their obligations resulting from the Framework Convention.

Moreover, interlocutors of the Advisory Committee regret that impact assessment of budgetary restrictions on minority needs seems often not to have been carried out. This lack of assessment is, reportedly, often connected with a lack of data on the situation of some minorities in certain areas of life. Against this background, the Advisory Committee notes with satisfaction that some assessments of budgetary restrictions on the situation of persons belonging to minority ethnic communities have been made, for instance by the Welsh authorities. It also welcomes the publication by the Equality and Human Rights Commission

Scotland of guidance to assess adequately the impact of financial decisions which might have a disproportionate impact on persons belonging to minorities and the dissemination of this guidance through the public service in Scotland.

The Advisory Committee is concerned by plans that have been under preparation since 2009 by the North South Ministerial Council relating to Northern Ireland to reconfigure core support for activities aimed at preserving and promoting the Irish language and culture, including funds distributed so far through the Irish Language Agency (*Foras na Gaeilge*). The Advisory Committee is also informed of the concerns of various stakeholders relating to the intention expressed by the authorities of Northern Ireland to promote the Irish and Ulster Scots languages and cultures on an equal footing, whereas speakers of the two languages have very different needs. The Advisory Committee has been made aware of instances where funding for Irish language provision has been refused on the basis that identical funding could not be provided for Ulster Scots language (see also remarks under Article 4 and Article 10).

Additionally, the Advisory Committee is concerned that most of the attention and efforts of the authorities continue to be directed at the two main communities, Catholics and Protestants. The needs in terms of preservation of cultures and languages of persons belonging to minority ethnic communities are reportedly not adequately catered for. In this context, restrictions in the funding allocated for the support of these persons, notably through the Minority Ethnic Fund, could also have a disproportionate effect on them.

In Scotland, the Advisory Committee welcomes the fact that the authorities have continued to provide support to a number of minority organisations and projects targeting minorities through different funds, such as the Fairer Scotland Fund. However, interlocutors of the Advisory Committee regret that most of the funds available for minority organisations are either directed at projects implemented in geographically concentrated minority communities, or allocated to local authorities. As a result, organisations targeting communities which are not geographically concentrated have reportedly less access to funds. Additionally, claims have been made that decisions on the allocation of funding are not always inclusive enough and that it remains difficult for smaller organisations to access shrinking sources of funding.

Interlocutors of the Advisory Committee in Scotland, England and Wales have underlined that the current streams for access to subsidies for activities aimed at supporting minority cultures tend to leave aside persons belonging to some minority communities, such as persons belonging to the Irish minority and migrants from Eastern European countries. Representatives of the Irish minority in particular claim that they have limited access to support for cultural activities. The Advisory Committee is of the opinion that there is a need for further development of adequate mechanisms to ensure that the needs of all minorities are adequately identified and met.

Recommendations

The Advisory Committee calls on the authorities to evaluate carefully the impact of budgetary cuts on the preservation and promotion of minority languages and cultures, in close

cooperation with representatives of the groups concerned, to ensure that they are not disproportionately affected by budgetary stringency. The authorities should also ensure that local authorities respect their obligations pertaining to the protection of minority rights.

Adequate mechanisms should be put in place to ensure that the needs of all persons belonging to minorities, including minority ethnic communities in Northern Ireland, are duly taken into account when allocating support.

The Advisory Committee also calls on the authorities to develop and implement measures to promote the use of the Irish and Ulster Scots languages in Northern Ireland, in close cooperation with representatives of the groups concerned and based on adequate needs analysis.

Traditional lifestyle of Gypsies and Travellers and meeting their accommodation needs

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee invited the authorities in England and Wales to comply with the Housing Act of 2004 and ensure greater availability of sites, while fully involving Gypsy and Traveller representatives in ongoing needs assessments in the field of accommodation.

Both the Scottish and Northern Ireland executives were also invited to improve the availability of sites, by respectively introducing statutory obligations to address the needs in this field and allocating more funds for the development of suitable accommodation.

The Government and devolved executives were urged to take due account, when planning evictions from unauthorised sites, of the number and quality of alternative Gypsy/Traveller sites in the region.

Present situation

The Advisory Committee notes with deep concern that, despite the efforts made in certain regions, Gypsies and Travellers continue to face substantial difficulties in the field of accommodation. The Advisory Committee received extensive information indicating that progress in providing both permanent and transit sites has been very limited since its second Opinion was adopted and that, in general, local authorities have failed to deliver and/or refurbish sites in accordance with previous needs assessment. In all of the regions that the Advisory Committee visited, it found out that resistance by local authorities, reflecting also attitudes in the majority population, is a major obstacle to the provision of new sites and that, where a need to provide sites has been identified, the authorities often do not take steps to meet this need. Moreover, it understands that, whereas public funds and financial incentives are available in all regions for local authorities to build new sites or refurbish existing ones, they are often underused.

While the Advisory Committee is aware that there is a shortage of land in some regions, it is worried by the difficulties facing Gypsies and Travellers in all regions of the United Kingdom when seeking to obtain planning permission for private sites, bearing in mind in particular that Gypsies and Travellers are encouraged to develop private sites as an alternative to publicly run sites. It is of the opinion that planning rules should be applied in a manner that fully takes into account the specific needs of Gypsies and Travellers and that does not lead to discriminatory treatment in practice.

In this respect, the Advisory Committee is concerned by proposals contained in a new Planning Policy for Travellers' Sites covering England, on which consultation is currently being carried out. Its expressed aim to introduce more fairness in the system of planning applications is based on the assumption that Gypsies and Travellers are unduly privileged in planning procedure. The Advisory Committee wishes to emphasise that, as mentioned in paragraphs 87 and 88 above, Gypsies and Travellers, according to many interlocutors, face disadvantages in the planning process rather than privileges and that many difficulties and conflicts stem from the lack of authorised sites and not from Gypsies and Travellers being unduly privileged by the system (see also remarks paragraph 59 above). This policy also aims at making it more difficult to grant planning permission retroactively and at strengthening enforcement powers of local authorities. The Advisory Committee is of the opinion that granting retroactive planning permission has often allowed the authorities to solve accommodation problems without having to make use of eviction procedures, which have a demeaning impact on the persons concerned, in particular on women. Additionally, interlocutors of the Advisory Committee indicated that in cases of evictions from unauthorised sites, Gypsies and Travellers are often not provided with adequate alternative accommodation and are therefore forced to stop illegally on the roadside.

Other important elements contained in the draft Planning Policy for Travellers' Sites mentioned above, as well as in the Localism Bill, are of concern to the Advisory Committee. These include the planned suppression of Regional Spatial Strategies whose aim was to coordinate local planning issues with wider-ranging national policy goals. While understanding that these strategies were not always easy to design and implement, the Advisory Committee is concerned that, should this provision come into force, it would leave it entirely up to local councils to take decisions concerning the accommodation needs of Gypsies and Travellers. Additionally, the new Planning Policy foresees the suppression of guidance for the authorities on how they assess the needs for sites, as well as the existing imposition of targets for site building. Bearing in mind the findings described above on the strong resistance of many local authorities, as well as the majority population locally, to provide sites for Gypsies and Travellers, the Advisory Committee observes with concern that this policy might result in local authorities deciding arbitrarily on whether there is a need for more sites and, in the longer term, in an even greater shortage of sites and possibly more tensions between local communities.

The Advisory Committee welcomes the entry into force on 30 April 2011 of amendments to the Mobile Homes Act of 1983, providing security of tenure for caravans on local authority

sites in England. The Advisory Committee expects that this new legislation will also apply to Wales (see also remarks in paragraph 93 below).

In Scotland, the Advisory Committee is aware that there is, as in other regions, a large gap in site provision as local authorities, who are responsible for site provision and management are mostly not complying with their duties, despite efforts made by the Scottish executive to assist them in this field. Various interlocutors of the Advisory Committee have also underlined an overall lack of comprehensive, coordinated approach to housing and related problems facing Gypsies and Travellers. Additionally, the sites that are available are reportedly often not suitable. Therefore, the Advisory Committee welcomes the preparation by the authorities of new guidelines for site management and refurbishment. It expects that Gypsies and Travellers will be effectively consulted in this process. It also notes with interest that the authorities of Aberdeen and region have elaborated a strategy to deal with unauthorised encampment so as to defuse tensions between Gypsies and Travellers and the majority population (see also remarks under Article 6 below). The Advisory Committee regrets, however, that in Scotland, caravans are still not recognised as homes and it hopes that the necessary legislation will be developed to fill in this gap.

The Advisory Committee notes with satisfaction that the Welsh executive is about to complete a national strategy for Gypsies and Travellers aiming at providing a more integrated approach to housing and other difficulties facing Gypsies and Travellers. It expects that this strategy, once adopted, will contribute to filling in the existing gap in the field of sites. It also welcomes the fact that since 2010, the executive can place a duty on local authorities to deliver new sites. As far as security of tenure of caravans is concerned, the Advisory Committee hopes that the Welsh authorities will take the necessary measures so as to ensure that the above-mentioned amendments to the Mobile Homes Act of 1983 (see paragraph 91 above) also apply to Wales.

In Northern Ireland, the Advisory Committee welcomes the forthcoming entry into force of the new Caravan Bill which provides permanent security of tenure for caravan dwellers on all sites in Northern Ireland. However, the Advisory Committee is concerned by the fact that the Housing Executive, which is in charge of providing additional sites, has reportedly not met the objectives, identified in repeated needs assessment, in terms of setting up of sites. The need for the Housing Executive to obtain licenses from local councils in order to deliver new sites seems to be one of the reasons for this lack of delivery.

Recommendations

The Advisory Committee urges the authorities at national and regional level to take far more vigorous measures to meet the accommodation needs of Gypsies and Travellers. In doing so, the authorities should develop further gender-sensitive and comprehensive strategies, in close consultation with Gypsies and Travellers, in particular women belonging to these communities, that duly take into account their other needs (see also remarks under Article 4 above). They should also improve the coordination of the different levels of authorities involved in sites delivery. Regular monitoring of the accommodation needs of Gypsies and Travellers should be pursued.

The authorities should also ensure that local authorities respect rights protected under the Framework Convention and provide adequate sites for Gypsies and Travellers, so as to enable them to preserve their culture and traditional way of life in line with Article 5 of the Framework Convention. Training should be offered to local authorities on the specific needs of Gypsies and Travellers so as to develop awareness and leadership at local level on these issues. The authorities should in particular raise awareness that developing special measures to improve the situation of Gypsies and Travellers should not be considered as discriminating the majority population.

The Advisory Committee urges the authorities to take measures, including as part of the new Planning Policy Strategy, to ensure that planning permission for caravan sites is granted in a way that duly takes into account the specific needs of Gypsies and Travellers and results in an increase in the availability of sites.

The authorities should also make sure that adequate alternative accommodation is provided in case of eviction that meets the needs of the persons concerned. Additional measures should be taken in Scotland and Wales to provide Gypsies and Travellers living in caravans with adequate security of tenure.