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Working document

Compilation of Opinions of the Advisory Committee relating to Article 15 of the Framework
Convention for the Protection of National Minorities (3rd cycle)

"Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them."

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 33 opinions on Article 15.

* 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 15 of the Framework Convention

Government bodies responsible for minorities and dialogue with minorities

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee invited the authorities to review the institutional bodies responsible for minorities with a view to establishing regular dialogue and effective decision-making between, on the one hand, a government body enjoying decision-making power and, on the other, organisations representing the various minorities.

The Advisory Committee also asked the authorities to enable minorities to articulate their interests and co-ordinate their position by facilitating the establishment of a body along the lines of a minority council.

Present situation

The Advisory Committee notes with regret that the situation has not changed since the previous monitoring cycle and the State Committee on Minorities established in 2004, continues to operate according to the model elaborated at its inception: on the one hand, it is a governmental body answering directly to the Prime Minister, on the other, its membership, composed of persons belonging to national minorities makes it a quasi-representative body appearing to speak on behalf of some national minorities. The Advisory Committee notes in this regard that members of the State Committee are appointed by the authorities without prior consultation of national minorities.

The Advisory Committee regrets that the State Committee on Minorities does not represent all minority groups. In addition it lacks independence and its composition is arbitrary. These shortcomings indicate that persons belonging to some national minorities do not benefit from a truly representative body, which can speak on their behalf and defend their interests on issues concerning them.

Recommendation

The Advisory Committee urges the authorities to review and revise, preferably within the framework of the adoption of a comprehensive law on national minorities, the composition and the functioning of the institutional bodies responsible for minority issues, with a view to establishing regular dialogue and effective decision-making between, on the one hand, a government body enjoying decision-making power and, on the other hand, organisations which truly represent the various national minorities.

Political participation: electoral representation and process

Recommendation from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee asked the authorities to consider ways of increasing the representation of persons belonging to national minorities in Parliament and to ensure that persons belonging to national minorities, who had been excluded from the

electoral process, owing to the use of birth certificates as identification, were fully included in the electoral process, through the use of identity cards or any other appropriate system.

Present situation

The Advisory Committee notes that, in November 2008, new electoral legislation was adopted, establishing the proportional representation system based on 12 regional constituencies, with a 3% threshold for parties and a 5% threshold for pre-election coalitions. The new legislation contains no particular provisions either exempting parties representing national minorities from the threshold or introducing reserved seats for representatives of national minorities.

The Advisory Committee notes that the new legislation makes it more difficult for smaller political parties to compete in elections and to have their representatives elected to the Parliament. Whereas after the 2005 elections, 14 parties and coalitions were represented in the Parliament, currently, after the 2009 elections, there are only three parties and coalitions in the Parliament of Albania. The Advisory Committee notes that some members of Parliament, representing national minorities, were elected either as members of mainstream political parties or as a result of their minority parties entering into pre-electoral coalition agreements with a larger political party.

At the local level, representatives of national minorities participated in the local elections held in May 2011 with mixed results. The Advisory Committee notes that a number of mayors and municipal councillors, representing the Greek and Macedonian national minorities, were elected in areas inhabited by a substantial number of persons belonging to these minorities. The Advisory Committee notes, however, that numerically-smaller minorities, in particular the Roma, do not benefit from appropriate political representation, at neither national level nor local levels.

Recommendations

The Advisory Committee encourages the authorities to consider measures to improve the representation of national minorities in elected assemblies, by removing all undue obstacles, including those enshrined in law.

Substantial efforts should also be made to promote a better representation of the Roma at all levels. In addition, particular attention should be paid to the representation of persons belonging to numerically-smaller minorities.

Participation of Roma in economic and social life

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee asked the authorities to make specific efforts to promote the employment of persons belonging to national minorities. The Advisory Committee also invited the authorities to include specific data on the socio-economic position of persons belonging to national minorities in statistical studies in this field.

Present situation

According to various non-governmental sources, unemployment among the Roma minority continues to be unacceptably high. Whereas the unemployment rate in Albania generally stands at around 13%, more than 70% of Roma are unemployed. A survey conducted by the UNDP revealed that the average monthly income from any source of a member of a Romani

household was 68 EUR, compared with 174.5 EUR for the non-Romani population living in the same neighbourhood as the Roma.

Measures taken by the Ministry of Labour, Social Affairs and Equal Opportunities, within the framework of the Sectoral Strategy on Employment and Vocational Formation for the period 2007-2013, as well as in support of some other policies, such as the National Strategy of Social Inclusion, have thus far not yielded the expected results. Out of the 3,223 Roma registered as unemployed job-seekers in 2008, only 306 found employment with assistance offered by employment offices. In 2009, only 30 of the unemployed 2,629 Roma, registered with employment offices, found work. This disproportionate number of unemployed Roma indicates discriminatory practices in the employment sector in Albania.

The Advisory Committee regrets to note that according to the State Report, in 2008, only 20 Roma unemployed job-seekers were offered vocational training free-of-charge.

The Advisory Committee notes with concern that the housing situation of Roma remains worrying. The inadequate living conditions faced by the Roma inhabitants of some settlements, such as lack of access to running water and a sewage system, as well as insufficient infrastructures, including roads, are a matter of deep concern. It is particularly disturbing to learn that, following a promising start in 2008, the Ministry of Public Works, Transport and Telecommunication discontinued its funding for housing and infrastructure projects in the most needy Roma communities.

Recommendations

The Advisory Committee strongly urges the authorities to exert more efforts to prevent, combat and sanction the inequality and discrimination suffered by the Roma in the employment sector.

The authorities must step up their efforts, in particular at local level, in order to improve the living conditions of Roma and to promote their integration into society.

2. Armenia

Opinion adopted on 14 October 2010

Article 15 of the Framework Convention

Representation of minorities in elected bodies

Recommendations from the two previous cycles of monitoring

During the previous cycles of monitoring, the Advisory Committee encouraged the authorities to design measures to improve the representation of national minorities in elected bodies, especially at national level. It also invited the authorities to consider alternative ways to establish a democratic system of appointment of representatives of national minorities in local elected bodies.

Present situation

The Advisory Committee notes that the local elections of 2008 confirmed the strong interest of national minorities to participate in public affairs. National minorities candidates participated and were elected local councillors and community chiefs. In some villages councillors

representing the Assyrian, Kurdish or Yezidi minorities constitute the majority among all elected councillors to these councils.

The Advisory Committee has learned however about the plans for the reform of local self-government in Armenia which may result in a weakening of the possibilities for persons belonging to the Assyrian and Yezidi minorities to influence local affairs (see related comment under Article 16). Such a development could be prejudicial to the effective participation of persons belonging to national minorities in public affairs at local level.

The Advisory Committee regrets that, since the adoption of its second Opinion, no notable progress has been made with regard to minorities' representation in the Parliament.

Recommendations

The authorities are encouraged to examine, in consultation with the representatives of national minorities, legislative and practical measures which would create the necessary conditions for the political representation of minorities in Parliament.

The authorities should take all necessary measures to ensure that the possibilities necessary for the effective participation of persons belonging to national minorities in public affairs at local level are not diminished.

Consultative mechanisms

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee encouraged the authorities to continue to support the work of the Co-ordinating Council and to ensure that its views were, where appropriate, duly taken into account by the relevant authorities.

Present situation

The Advisory Committee notes that the Department for Ethnic Minorities and Religious Affairs, established in 2004 and the Coordinating Council continue to play an active role in raising the awareness on issues affecting national minorities seeking to resolve outstanding issues through a regular dialogue. The Advisory Committee also notes that representatives of national minorities participate in the work of the Public Council, which is a consultative body set up by a decree of the President of Armenia.

The Advisory Committee further notes that organisations representing the eleven national minorities forming the Coordinating Council receive financial grants of 818,000 AMD (~1,770 €) each, irrespective of the estimated number of its members, to cover their running costs related to participation in the Coordinating Council. Representatives of national minorities met by the Advisory Committee expressed their dissatisfaction with the level of funding, which does not even cover the most basic needs of the organisations.

Recommendation

The authorities should ensure that funding provided for organisations of national minorities effectively meets their real needs and enables them to take part effectively in the work of the Coordinating Council and in public affairs.

3. Austria

Opinion adopted on 28 June 2011

Article 15 of the Framework Convention

Participation in decision-making processes

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee invited the authorities to consider, in close co-operation with national minority representatives, ways of reviewing the appointment procedures for membership of the national minorities' advisory councils, as well as their composition, with a view to ensuring a more adequate and inclusive representation of the national minorities. The authorities were called upon to seek ways of ensuring that all minorities are effectively consulted, in particular on issues affecting them.

Present situation

The Advisory Committee notes with deep concern that there have been no improvements to the system concerning the promotion of effective participation of national minorities in decisions that affect them. There has been no review of the appointment procedures to the advisory councils nor to their composition. While the Slovak advisory council finally became functional in 2009, eight years after it was set up, the Slovene council has now been dysfunctional since 2008 after the Constitutional Court held twice that its composition was unlawful. There is thus an urgent need for a comprehensive review of the system that has been in place since 1977 and has been considered unsatisfactory by representatives of all national minorities. In addition, the Advisory Committee is concerned by the fact that the actual influence of the advisory councils on decision-making remains very limited as their main responsibility is to provide advice with regard to the distribution of the federal financial funds to national minority cultural activities.

Against this background, the Advisory Committee welcomes on-going discussions for a review of the system surrounding the advisory councils in the context of a comprehensive reform of the legislation related to national minorities and considers this an important opportunity to establish a system that guarantees an inclusive representation of the national minorities and ensures that they are effectively consulted and have an impact on the decision-making on all issues that affect them, including education, media, culture, the use of languages, and regional development.

The Advisory Committee points in this context to the fact that minority representatives were not comprehensively consulted concerning the proposal for amendments to the Law on Ethnic Groups that is to be adopted by Parliament. While the Slovene minority organisations involved in the compromise discussions on the bilingual signposts in Carinthia were heard, the negotiations were not open to the public. The views of Croat or Hungarian minority representatives were not sought, despite the fact that the proposed amendments have an immediate impact also on their linguistic rights. In addition, the views submitted by minority representatives on previous proposals for amendments were not taken into account. The Advisory Committee considers this approach is not in line with Article 15 of the Framework Convention and expects that effective consultations will be conducted with minority representatives before the adoption of any amendments to the Law on Ethnic Groups in Parliament.

The Advisory Committee further notes that there are no particular measures in place to facilitate the access of persons belonging to national minorities to *Länder* or federal parliaments. While political parties will usually appoint a speaker who covers issues related to national minorities, their actual representation of the concerns and views of persons belonging to national minorities varies greatly from party to party. Unofficial channels to some parliamentarians or to working group reports on issues of concern may be open, but there is no institutionalised channel of communication between minority representatives and the Federal Parliament, despite the fact that the overall competency for the protection of national minorities in Austria is federal.

Recommendations

The Advisory Committee urges the Austrian authorities to ensure that any amendments to the Law on Ethnic Groups are adopted only after effective and comprehensive consultations with all affected minority groups.

The Advisory Committee urges the Austrian authorities to review comprehensively the current system surrounding the national minorities' advisory councils to ensure that they adequately represent the views and concerns of the minority groups, that they are effectively consulted on all issues that affect them, and have an actual impact on decision-making.

The Advisory Committee further encourages the authorities to consider all appropriate options to facilitate the participation of persons belonging to national minorities in parliamentary procedures, including those residing in Vienna.

Participation in socio-economic life

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called on the authorities to further develop longer-term policies, funded programmes, and initiatives to promote the effective participation of Roma in socio-economic life.

Present situation

The Advisory Committee is pleased to note the continued efforts by the Austrian authorities to promote access to the labour market by persons belonging to the Roma minority, entailing mainly additional educational offers and vocational training for Roma as well as some counselling services. It welcomes in particular the appointment of a Roma counsellor on recruitment and employment issues in the Roma Association in Oberwart, who is financed by the Labour Market Service Burgenland. It points out, however, that Roma representatives themselves consider the availability of the counselling service in Oberwart as far too limited, particularly considering the size of Burgenland. The Advisory Committee notes in addition that persons belonging to the Roma minority consider the lack of societal acceptance as a main impediment to their equal access to the labour market, rather than insufficient education or qualification.

The Advisory Committee raises again its concern at the difference in perception of the authorities and minority representatives with regard to the general integration level of the Roma minority in Austrian society (see also comments on Article 4). It considers it essential that close and inclusive consultations are led with minority representatives and that long-term

strategies are developed to promote the participation of Roma in socio-economic life in a comprehensive manner.

Recommendation

The Advisory Committee urges the authorities to redouble their efforts to develop comprehensive and long-term programmes to promote the effective participation of Roma in socio-economic life. Measures must be appropriately funded and must target also the majority population to ensure that the acceptance and participation of the Roma minority in socio-economic life is effectively promoted. All efforts must be implemented, monitored and regularly evaluated in close consultation with Roma representatives.

4. Azerbaijan

Opinion adopted on 10 October 2012

Article 15 of the Framework Convention

Effective participation of persons belonging to national minorities in decision-making

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to re-establish the Council for National Minorities or to set up another consultative body to ensure that national minority representatives could effectively participate in decision-making processes, especially on issues of concern to them.

Present situation

The Advisory Committee regrets to note that there is currently no institutional mechanism facilitating effective consultation of national minorities on issues of their direct concern. The Coordinating Council of cultural centres of national minorities that continues to be referred to as means of regular consultation has, in effect, not met more than once in two years. Meetings are reportedly adjourned ad hoc and various issues discussed, however, without any follow-up or notable consequence for national minority representatives. While channels to the Ministry of Culture do appear to exist for some national minority communities in Baku and representatives are invited to a number of cultural events, there are no institutional channels to relate concerns of national minority communities, including from the regions, to the different ministries dealing with issues that affect them, or to facilitate participation in decision-making on relevant policies or legislative initiatives. A number of national minority representatives as well as other interlocutors of the Advisory Committee raised this absence of an effective consultation mechanism as one of the important problems of minority protection in Azerbaijan since the Council for National Minorities under the President ceased to exist after 1997.

The Advisory Committee welcomes, however, that national minorities continue to be strongly represented in civil service, including among municipal authorities in the areas of compact settlement. While persons belonging to national minorities may thus have a certain level of influence on decisions taken at local level, the Advisory Committee reiterates its concern that the mere presence of persons belonging to national minorities in the civil service or within municipal bodies does not guarantee that concerns of the national minority communities will be

effectively taken into account. In addition, it notes that few women belonging to national minorities appear to be engaged in civil service. National minority representatives elected to stand on local representative bodies are elected in their personal capacity and, reportedly, hesitant to promote the issues of concern to their communities as this, in a generally restrictive political environment, could be viewed as a sign of disloyalty against the state and its general policy of promoting unity.

Recommendation

The Advisory Committee urges the authorities to establish effective consultative mechanisms for national minority communities, including women from these communities, to ensure that their concerns are regularly discussed and their views effectively taken into account in relevant decision-making processes at central and local level.

Participation of persons belonging to national minorities in socio-economic life

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to ensure that the existing language requirements contained in the State Language Law did not have a disproportionate impact on the access to the labour market and socio-economic situation of persons belonging to national minorities.

Present situation

The Advisory Committee notes with concern the high levels of unemployment throughout the country, but particularly critical in rural areas where many minority communities reside compactly. The Khachmaz area, for instance, suffers from unemployment of reportedly up to 70% of its workforce. While acknowledging the efforts made by the authorities to support infrastructure development and attract investment in parts of the country, the Advisory Committee is concerned that the capital region may have grown disproportionately to the rest of the country where most of the national minorities, particularly the numerically smaller ones, reside, often in remote or mountainous areas. The Advisory Committee further heard that women continue to face particular obstacles when attempting to access the labour market, due to a number of societal prejudices that are reportedly particularly prevalent among certain minority communities.

The Advisory Committee was pleased to learn that the Ministry of Social Policy has engaged in an effort to compensate citizens for the loss of their savings suffered after the break-up of the Soviet Union. While appreciating the administrative difficulties related to such an initiative, the Advisory Committee heard that elderly members of minority communities face particular difficulties due to language barriers when attempting to fill out the relevant forms. In addition, the criteria used for affording compensation are reportedly unclear, adding to a sense of legal uncertainty surrounding the procedure.

Recommendations

The Advisory Committee calls on the authorities to redouble their efforts to curb the substantial levels of unemployment in the country, focusing their attention in particular on remoter areas of the country where the lack of infrastructure exacerbates the situation of the affected population, including national minority communities.

The Advisory Committee further invites the authorities to ensure that all measures intended to ease the economic hardship faced by parts of the population are implemented transparently and based on clear criteria, and that the specific language needs of persons belonging to national minorities in their access to these measures are effectively accommodated.

5. Bosnia and Herzegovina
Opinion adopted on 7 March 2013

Article 15 of the Framework Convention

Participation in public affairs

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee urged the authorities to take all the necessary measures, including at legislative level, to provide persons belonging to national minorities with real and effective possibilities of representation in municipal councils and assemblies. In particular, it invited them to ensure that these positive measures were not abused by persons or groups who did not represent persons belonging to national minorities.

It also noted that it was essential that national minority representatives should in the future be fully involved in any discussion on matters of public interest, notably in the context of the reform of the Constitution and the functioning of the country's institutions. It emphasized that particular attention should be paid to improving participation of the Roma in public affairs.

Present situation

The Advisory Committee notes that the legislation governing minority representation in municipal councils and assemblies has not changed since the Electoral Law was amended in April 2008. Thus, national minorities are entitled to representation in municipal and city councils and assemblies in proportion to their percentage of the population as measured in the last (1991) census, with a reserved seat guaranteed by law if they constitute at least 3% of the local population. Municipal and city assemblies and councils could, in addition, decide to allocate seats to national minorities even where they constituted less than 3% of the local population, and were obliged to determine before the 2008 elections the precise numbers of representatives of national minorities to be assigned seats. The Advisory Committee notes with interest the election under these rules of 35 national minority representatives from a total pool of 106 candidates in the 2008 local elections, in 14 municipalities in the Republika Srpska and 17 in the Federation of Bosnia and Herzegovina (two of the latter having two minority representatives each), as well as in the Brčko District (also having two minority representatives). In two municipalities where there could have been one representative of a national minority, there were no candidates for the relevant seats.

The Advisory Committee has not been able to access a detailed breakdown of the minority representatives elected in the 2012 local elections. However, it notes that only 29 minority representatives were elected in these elections – a significant drop compared with the previous local elections in 2008. It considers that the causes of this drop should be analysed, in close consultation with persons belonging to national minorities, with a view to overcoming any difficulties identified before the next local elections in four years' time.

The Advisory Committee also notes that by law, the numbers of reserved seats for national minority representatives will need to be recalculated following the next census so as to reflect more accurately the current composition of the population in Bosnia and Herzegovina.

The Advisory Committee has again received reports that some political parties have taken advantage of two factors in particular – first, that candidates of national minorities require fewer signatures for their candidacy to be validated than do others, and second, that nothing prevents an individual from changing their declared ethnic affiliation from one election to the next – in order to include candidates on their lists who claim to belong to a national minority (and may thus be elected to seats reserved for national minorities) but are not recognised as such by national minorities themselves. While acknowledging the principle of free self-identification laid down in Article 3 of the Framework Convention, the Advisory Committee is concerned at the abuse of this system, which was intended to promote the effective participation of national minorities at local level.

As underlined above (see Article 4), persons belonging to national minorities have been to all intents and purposes left out of discussions on how to ensure that they are not automatically excluded from running for certain high political offices at the level of the State. For the Advisory Committee, this is symptomatic of the lack of regard given to the situation of persons belonging to national minorities by many of the mainstream political parties in Bosnia and Herzegovina. Decisive action from political leaders themselves will be required to turn this around.

Recommendations

The Advisory Committee calls on the authorities to take resolute measures to ensure that the possibilities of representation in municipal councils and assemblies that are laid down by law for persons belonging to national minorities are real and effective in practice. To this end, the authorities should review the criteria for inclusion of national minority representatives on party lists, so as to prevent abuse of the system by candidates who do not represent national minorities. They should also review the 3% threshold for guaranteed reserved seats, taking account of the results of the next census when they become available.

The Advisory Committee invites the authorities, in close consultation with representatives of national minorities, to study the factors underlying the drop in the number of minority representatives elected in the 2012 local elections, with a view to remedying any problems identified in time for the next local elections in 2016.

The Advisory Committee urges the authorities to ensure that national minorities are able to participate effectively in work on revising the State Constitution, and refers to its recommendations above (Article 4) in this respect.

The Councils of National Minorities

Recommendations from the two previous cycles of monitoring

In previous monitoring cycles, the Advisory Committee recommended that the authorities complete the appointment of members of the newly elected state-level Council of National Minorities and take all the necessary measures, including the allocation of financial and human

resources, so that the Council of National Minorities could play its role effectively. It also invited the authorities to ensure that the process of appointing council members to the Council of the Federation was conducted in a transparent manner and that clear, precise rules of procedure were established.

The Advisory Committee further invited the authorities to increase the financial and human resources at the disposal of the Roma Board, so as to enable it to carry out effective co-ordination and monitoring of the implementation of the Action Plans for Roma in the fields of education, employment, health care and housing.

Present situation

The Advisory Committee welcomes the fact that Councils of National Minorities have now been established in both Entities as well as at State level and have been operational for several years. It also welcomes the establishment of Councils of National Minorities in Sarajevo and Tuzla Cantons, in line with their cantonal legislation on national minorities.

However, some problems have been reported as to the composition of the Councils and their capacity to influence the affairs of national minorities. At State level, the role of the Parliament's Joint Committee for Human Rights in electing members if there is more than one candidate on behalf of a given national minority has politicised appointments and seriously damaged the confidence of national minorities in the capacity of the Council to work effectively to represent the interests of national minorities. In the Federation, the high number of members of the Council provided for by law has also created difficulties for the work of the Council of National Minorities of the Federation. These difficulties are compounded in both cases by the lack of interest displayed by their parliamentary interlocutors in the effective functioning of the Councils and in the proposals that they put forward. As such, the Councils' influence on the affairs of national minorities remains very limited in practice. The Advisory Committee nonetheless notes with interest that the Council of National Minorities of the Republika Srpska has been increasingly active in recent years, seeking to improve contacts also between national minorities and the executive.

As regards the Roma Board, this functions as an advisory body to the Council of Ministers at State level and is composed of equal numbers of representatives of Roma and of the government. It is tasked with advising and coordinating work on Roma issues within the Ministry for Human Rights and Refugees and with monitoring the implementation of strategies and action plans in this field. The Advisory Committee notes with interest that the Roma Board was able to make proposals for the measures to be included in the various Action Plans for Roma developed by the Council of Ministers and that its funding was 75 000 BAM (approximately 38 000 EUR) in 2011, up from 50 000 BAM (approximately 25 000 EUR) in 2007. It is however concerned at reports that procedures for appointing the representatives of Roma lack transparency, do not always favour the appointment of the most qualified candidates and do not serve to ensure effective representation of the interests of Roma.

Recommendations

The Advisory Committee strongly recommends that the authorities amend the provisions governing the membership of the State Council of National Minorities in order to depoliticise

appointments and ensure that the members of the Council are genuinely representative of national minorities. It also recommends that the provisions governing the membership of the Federation Council be reviewed to ensure that the Council is manageable in size while remaining duly representative.

It urges the authorities to pay increased attention to the proposals put forward by the Councils of National Minorities. Such proposals should be followed up and any decisions not to take them up should be justified.

The Advisory Committee recommends that the authorities review the appointments procedures for the Roma Board in order to ensure that they are transparent and that they provide for effective representation of the interests of Roma.

Participation in economic and social life:

access to health care, social protection and employment

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee urged the authorities to take further measures to improve the participation of Roma in socio-economic life. It invited the authorities to ensure universal and non-discriminatory access to social insurance, to combat ethnic discrimination in recruitment and ensure the effective implementation of the Action Plans for Roma Health and Employment, and to establish participatory monitoring and evaluation systems for these Action Plans.

Present situation

In the field of employment, the two arms of the Action Plan for Roma – co-funding for employers who employ Roma and support for the self-employment of Roma – allowed 119 Roma to gain access to employment in 2009 and 93 in 2010. However, serious flaws in the design and operation of this Action Plan urgently need to be remedied in order for the positive effects of the measures taken to have any sustainable impact.

The Advisory Committee observes in particular that Roma selected to participate in the self-employment programme have often not possessed the skills necessary to set up and run a successful business and have not received as part of the programme the support or training necessary to do so. As a result, many businesses have folded and the Roma concerned have had to seek commercial loans from banks to repay the loan they received from the State – meaning both that their financial situation has considerably worsened and that they are left without health cover as their move to self-employment meant that they were removed from the unemployment register.

As regards the co-funding system, employers are given no incentive to hire Roma beyond the initial prescribed funding period, and in many cases have simply replaced one individual with another at the end of this period; the system therefore does not provide sustainable solutions for Roma. Moreover, the data used to track the impact of the measures taken reportedly show only how many persons have gone through the programme and how much money has been spent and do not clearly indicate how many Roma remain employed beyond the period of co-

funding. The Advisory Committee furthermore notes that the low level of education of many Roma compounds the problems they face in accessing employment and means that additional support measures are needed to accompany their entry into the labour market. It furthermore notes that very few Roma are employed in the public service, from local to State level, and those that do find such work are often employed at the lowest grades even where their level of education is high.

The Advisory Committee notes that access to social insurance is closely tied to access to employment and registration with the unemployment office. Identity documents are required for registration with unemployment bureaus, meaning that Roma without such documents are automatically excluded, as are children who leave school more than 30 days before they turn 16 or who do not complete compulsory primary education – of which a disproportionately high number are Roma. This means that many Roma are excluded from access to social insurance, aggravating the social exclusion and marginalisation they experience.

In the field of health, the three priority objectives of the Action Plan are improving access to healthcare, raising awareness in the field of healthcare and improving the health situation of Roma, the last of which was the main focus of actions carried out in 2009 and 2010. Thus, more than 500 Roma children were given free vaccinations in 2009. The Advisory Committee welcomes these positive steps but also notes that vaccinations are free for all children with health insurance cover; it therefore draws the attention of the authorities to the longer-term objectives that could be achieved by improving the access of Roma to health insurance cover and raising awareness in the field of healthcare. Short-term efforts such as vaccination campaigns – which undoubtedly achieve the positive result of improving the health situation of the persons they cover – should not be carried out to the exclusion of achieving longer-term and more far-reaching goals.

The Advisory Committee understands that under the health legislation of the Entities, health insurance is provided to adults on one of three bases: through employment, through registration with an unemployment office, or on the basis of a disability that prevents employment. Persons not entitled to health insurance on one of these three grounds may nonetheless be entitled to basic cover, with children under 18, pregnant women and mothers up to six months after birth being automatically insured. In the Federation, where competence in health matters is shared between the Entity and cantonal levels, the provisions on basic cover for uninsured persons have however not been adopted by all cantons, which leaves Roma particularly vulnerable in the field of access to healthcare.

The Advisory Committee is also deeply concerned by numerous reports that it received concerning the denial of health care to Roma on discriminatory grounds, including to pregnant women under the age of 18, both in the Federation and in the Republika Srpska. Moreover, serious violations of the right to health, such as refusals to provide health care to Roma persons in emergency situations, have gone unpunished. This not only leaves the victims without a remedy, despite the legal provisions in place, but also means that there is no real pressure on healthcare providers to change their practice.

The Advisory Committee is deeply concerned by the marginalisation of the Roma population in Bosnia and Herzegovina. While it welcomes the steps taken by the authorities to improve the situation of Roma since joining the Roma Decade in 2010, it stresses the need for more resolute action in this field in order to promote the full participation in the socioeconomic sphere.

Recommendations

The Advisory Committee recommends that the authorities review the measures provided for under the Action Plan for Roma Employment in order to improve their capacity to lead to sustainable employment for Roma. It is essential that Roma who participate in self-employment schemes not only receive funds but also receive training and support on how to run a successful business as an integral part of the programme, both prior to receiving funding and after they have set up a business. Likewise, co-funding schemes for employers should include measures to promote the sustainable employment of Roma. More should also be done to promote the employment of Roma at all levels of the public service.

The Advisory Committee recommends that the authorities take measures to address the gaps in social insurance cover that arise where individuals lack the necessary documents or the necessary level of education.

It also urges the authorities to devote increased attention to the goals of improving access to healthcare and raising awareness that are set out in the Action Plan for Roma Health. It urges those cantons that have not adopted provisions on universal basic health cover to do so rapidly. In parallel, work needs to be done to combat discrimination against Roma by healthcare providers, including by ensuring that effective sanctions are imposed wherever such discrimination occurs.

Participation in economic and social life: Access to adequate housing

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee recommended that the authorities take a series of measures to improve the access to housing of Roma, and notably that they implement the Action Plan for Roma Housing swiftly, assist Roma in regaining property they owned before the armed conflict, discontinue forced evictions immediately and take measures to improve the living conditions in Roma settlements.

Present situation

The Advisory Committee notes with interest that the authorities at State level have allocated approximately 3 million BAM each year since 2009 to implementing the Action Plans for Roma in the fields of employment, health care and housing, the vast majority of which has been spent in the field of housing. This funding, which is allocated to projects that are co-funded by Entities, cantons, municipalities and/or NGOs, has served to construct or reconstruct housing and repair infrastructures. While it is possible for local authorities to make co-funding contributions in kind, for example through the provision of land, this possibility does not seem to have been greatly used.

Despite the measures in place to guarantee transparency and ensure the quality of the projects supported, such as public bidding procedures for projects, the Advisory Committee is concerned that numerous abuses and failings in the implementation of projects have seriously compromised their capacity to ameliorate the situation of Roma. In particular, lower levels of authorities have not responded with the levels of funding expected; Roma have reportedly been only rarely involved or adequately consulted in the preparation and implementation of housing projects; and considerable proportions of the funds invested have reportedly gone to the improvement of existing bricks-and-mortar houses, rather than providing for the most vulnerable who live in improvised shanties.

The Advisory Committee also notes with deep concern that the Action Plan for Roma Housing makes no provision for improving the housing situation of Roma living in informal settlements, although they are reportedly very numerous due to the high numbers of Roma displaced during the war and their difficulties in obtaining recognition of title to any property they occupied prior to the war. Moreover, the living conditions in these settlements in particular remain substandard, with basic infrastructures lacking; the persons living there are among the most disadvantaged and vulnerable members of the Roma community, and they remain vulnerable to forced evictions.

Recommendations

The Advisory Committee urges the authorities at Entity, cantonal and local level to allocate adequate resources to the implementation of housing projects to be covered under the Action Plan for Roma Housing. It also recommends that the authorities step up their efforts to consult Roma regarding the identification of such housing projects, so as to ensure that they address the situation of those persons most in need.

The Advisory Committee urges the authorities to find ways to address the situation of Roma living in informal settlements, whether through legalising and improving conditions in these settlements or assisting Roma in gaining access to legal housing.

6. Bulgaria

Opinion adopted on 11 February 2014

Article 15 of the Framework Convention

Participation in decision-making processes

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee urged the Bulgarian authorities to take measures to improve minorities' representation in elected assemblies by removing all undue obstacles, including those enshrined in law, to the effective participation in public affairs of persons belonging to national minorities. It recommended that substantial efforts be made to promote a better representation of the Roma at all levels and that attention also be paid to the representation of persons belonging to numerically smaller minorities.

Present situation

As regards the participation of persons belonging to national minorities in elected bodies, the authorities have confined themselves to indicating that there are no legal obstacles to the effective participation in relevant decision-making processes and mechanisms of citizens who identify as belonging to ethnic minority groups.

The Advisory Committee notes that, despite the constitutional restrictions on the establishment of political parties on ethnic, racial or religious lines (see further above, comments under Article 7), persons belonging to national minorities continue to be represented in Parliament, including following the most recent parliamentary elections in 2013; members of the political party Movement for Rights and Freedoms also currently hold a number of Cabinet positions. In regions where minorities live in substantial numbers, persons belonging to national minorities are also mayors and members of locally elected bodies. The Advisory Committee also notes that persons belonging to the Turkish minority have been elected from the lists of a variety of parties at local level, and that this is seen by them as a positive sign of integration in the political system.

However, the Roma minority remains largely sidelined from the legislative and executive spheres. Roma representatives have emphasised that no ministers or deputy ministers identify as Roma, very few Roma are employed as civil servants, and only one Member of Parliament identifies as Roma. The number of Roma elected at local level has reportedly decreased severely, from 81 local councillors elected in 1999 from parties representing the interests of Roma to only 17 in the 2011 local elections. The Advisory Committee is concerned that this may weaken decision-making aimed at addressing the situation of Roma in a position of socio-economic disadvantage (see further below), as those making the decisions may lack adequate knowledge of the Roma or even be prejudiced against this minority.

The Advisory Committee also reiterates its concerns raised earlier about the repeated refusal to register the UMO Ilinden – PIRIN party (see comments under Article 7 above) as well as about the sense shared by members of some communities that they should refrain from disclosing their minority affiliation if they wish to lead a successful political career (see comments under Article 6 above). The Advisory Committee has not received recent data concerning the presence of persons belonging to numerically smaller minorities in elected bodies.

The Advisory Committee recalls that the effective participation of persons belonging to national minorities in electoral and other decision-making processes is a critically important means of empowering minorities to express their views when legislative measures and public policies of relevance to them are designed. Their participation in locally elected bodies is also key to ensuring that decision-making at local level takes due account of the situation of persons belonging to national minorities.

Recommendation

The Advisory Committee calls on the authorities to step up their efforts to remove obstacles to and promote a better participation and representation of the Roma and numerically smaller minorities at all levels.

Consultative mechanisms

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee called on the Bulgarian authorities to ensure that the National Council for Co-operation on Ethnic and Demographic Issues could effectively play its role as a consultation mechanism and enable persons belonging to national minorities to participate effectively in decision-making. It also invited ministries and other relevant bodies to maintain direct contacts with representatives of national minorities, including with those that were not part of the above Council.

Present situation

The Advisory Committee notes that the main mechanism for ensuring participation of minorities through consultation and coordination is now known as the National Council for Cooperation on Ethnic and Integration Issues (NCCEI). It has been chaired since June 2013 by the Deputy Prime Minister and Minister for Justice. The authorities have indicated that the NCCEI's activities cover ensuring equal opportunities and equal treatment, prevention of racism, xenophobia and discrimination based on ethnicity, improving access to social rights with a focus on the most vulnerable citizens in socio-economic terms, and the preservation and development of the cultural, religious and linguistic identities of minority communities. Its secretariat was also entrusted in 2011 with coordinating the process of updating the Framework Programme for Roma Integration in Bulgarian Society (2010-2020). The Advisory Committee also notes with interest that equivalent councils have been created at regional level in 28 regions.

While placing the NCCEI under the chairmanship of a Deputy Prime Minister shows a willingness to give this body a high profile, the Advisory Committee is concerned that there appears to be little political weight given to its work. Moreover, the lack of clear powers of this body, including decision-making powers, weakens its capacity to achieve results in practice. The Advisory Committee refers in this respect to the small budget of the NCCEI (BGN 200 000, or roughly EUR 100 000), which makes it reliant on obtaining contributions from specialised ministries in order to achieve its aims, especially as regards improving access to social rights.

As regards the representation of national minorities in the NCCEI, the Advisory Committee welcomes the fact that NGOs representing the interests of a number of minorities – Armenian, Aromanian, Jewish, Karakachan, Roma, Turkish and Vlach – are present in this body. The Advisory Committee also notes with interest that the authorities have indicated that they are open to including additional NGOs representing “new” minorities, such as Russians, Chinese or refugees (see above, comments under Article 3), provided that they meet the criteria for membership, i.e. provided that they can demonstrate that they are legally registered and have been active in a relevant field for at least three years. It regrets, however, that the NCCEI's focus on working exclusively with ethnic minorities means that there is apparently no will on the part of the authorities to include Macedonian or Pomak NGOs in its work. The Advisory Committee observes that integration issues – which it understands in this context as meaning the promotion of a harmonious society, in all its diversity – also fall within the terms of reference of the NCCEI, and that there would appear to be a contradiction between this fact and the current exclusion of some groups whose definition of their identity does not correspond to the formal requirements as interpreted by the authorities.

In addition, significant fluctuations in the membership of the NCCEI are of concern, in particular in so far as they may indicate wavering trust of NGOs in the effectiveness of this body or insufficient knowledge of the formalities to be regularly fulfilled for membership. In this context, the Advisory Committee notes with regret that several representatives of Roma NGOs left the NCCEI in early 2013, considering it both hamstrung by its lack of decision-making power and too slow to respond to issues of major concern to them. It further regrets that subsequent requests by these NGOs to meet the Chair of the NCCEI were not acceded to. The Advisory Committee notes however with interest that 47 NGOs applied for membership of the NCCEI in 2014.

The Advisory Committee recalls that consultative mechanisms take on a particular importance where there are no specific arrangements in place to promote the effective participation of minorities in legislative or executive bodies, and notes that their capacity to influence decision-making is all the more crucial in such cases. It underlines the importance of ensuring that adequate resources are made available to support their effective functioning. Where the membership of such consultation mechanisms does not include all groups that have expressed a wish to participate in their work, it is important that the authorities seek alternative means to engage in dialogue with such groups.

Recommendation

The Advisory Committee calls on the Bulgarian authorities to clarify the powers and strengthen the role of the National Council for Cooperation on Ethnic and Integration Issues in order to ensure that it enables persons belonging to national minorities to participate effectively in decision-making. It also invites ministries and other relevant bodies to engage in direct dialogue with representatives of national minorities, and with groups that are not part of this Council.

Participation in economic and social life

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee called on the Bulgarian authorities to increase their efforts to address the problems confronting the Roma in fields such as housing, employment and health care. It also emphasised that more determined efforts should be made to improve participation of the Roma – including Roma women – in decision-making processes and involve them as key partners in government programmes aimed at improving their situation.

Present situation

As noted above (see comments under Article 4), a number of programmes, strategies and action plans have been adopted in recent years in order to improve the situation of the Roma. The Advisory Committee welcomes these efforts and observes that some positive impacts have been observed, notably as regards improved education outcomes for Roma (see further above, comments under Article 12). It also notes with satisfaction that in parallel to government initiatives such as the appointment of Roma labour mediators, the work of the Ombudsman and the Commission for Protection against Discrimination has helped to resolve individual cases of discrimination in the access of Roma to social rights, for example by preventing the demolition of illegally built housing and forced eviction of its Romani occupants, and to identify systemic changes that could be made to prevent similar problems in future.

Nonetheless, the Advisory Committee is concerned that the overall situation of many Roma in Bulgaria remains one of significant socio-economic disadvantage. Many Roma continue to live in poor housing conditions, often in areas with poor infrastructures (lacking hot running water or running water at all, lacking access to sewerage systems and/or lacking adequate street lighting), and to be at risk of forced eviction.

Roma also have an overall lower life expectancy, higher child mortality rate and poorer health status than the rest of the population, frequently accompanied by lower levels of health insurance. The Advisory Committee welcomes the employment of health mediators (105 funded from the state budget and implemented by municipalities from 2009 to 2011, up slightly to 109 in 2012) as a positive step towards improving access to health care and notes with interest that this has enabled extensive vaccination campaigns, health screening tests and awareness-raising measures to be carried out. However, it notes that such efforts need to be sustained and intensified in order to close the health gap in a lasting manner.

The Advisory Committee welcomes the initiative to engage labour mediators, whose role is to provide assistance where needed to Roma in their contacts with the authorities, and notably to help them register at employment offices. However, it notes with concern that data from the 2011 census confirms that there remain significant and persisting differences in the level of economic activity of Roma, but also of Turks, compared with ethnic Bulgarians. Discrimination against Roma in access to education (see above, comments under Article 12) contributes to reducing the chances of access to employment and means that unskilled manual labour – a sector hit hard by the economic crisis – is often the only option immediately open to many Roma. Employment in this field is however often informal, meaning those concerned do not have access to social benefits such as health insurance, and do not accumulate pension rights for the periods worked in the informal sector. Roma representatives have also expressed concern that courses offered by the Ministry of Labour for re-training/re-skilling unemployed workers are unhelpful as they are not adapted to market demands nor to the level of education of many long-term unemployed Roma.

As regards the participation of Roma women in decision-making processes, the Advisory Committee welcomes the information provided by the authorities according to which the new Framework Programme for integration of Roma in the Bulgarian society (2010-2020) emphasises the need to involve actively citizens of Roma origin, in particular women, in its implementation. It notes that under the heading “Rule of law and discrimination”, the National Roma Integration Strategy includes the task of “Creating the mindset of recognition of the equality of the Roma women. Encouraging their full individual, social and economic participation in social life.” However, the only actions specifically aimed at improving the situation of Roma women in the Action Plan for the Implementation of this Strategy relate to pregnancy, childbirth and their role as mothers. While improvements in the level of healthcare and support available in these areas would clearly be welcome, the Advisory Committee finds regrettable that other aspects of women’s lives, including their active participation in decision-making processes concerning the rights of Roma, appear to have been disregarded.

The Advisory Committee underlines that the effective participation of persons belonging to national minorities in the socio-economic field is crucial for enhancing social cohesion, as

keeping national minorities on the periphery of society can lead to social exclusion and increased tensions among groups (see also above, comments with respect to Article 6). It notes with interest that a series of consultations were held at local level, including with representatives of Roma NGOs, during the process of drawing up the National Roma Integration Strategy designed to address these issues, and welcomes this participatory approach. However, it deplores the fact that, despite the requests of Roma representatives in this respect, no budget was included as part of the Strategy, and observes that this is likely to hamper significantly the achievement of the goals it sets. It again emphasises the need to ensure that the implementation of the measures concerned is regularly reviewed, in close consultation with representatives of the Roma, and refers to its earlier recommendation in this respect (see above, Article 4).

Recommendations

The Advisory Committee strongly recommends that the Bulgarian authorities pursue and intensify their efforts to address the problems confronting many Roma in fields such as housing, employment and health care, in order to ensure their full and effective participation in the socio-economic life of the country. It further recommends that they take measures to address discrimination in access to employment experienced by persons belonging to other groups, such as the Turkish minority.

More determined and effective measures must be taken to improve the participation of Roma women in decision-making processes at all levels and involve them as key partners in government programmes aimed at improving their situation.

7. Croatia

Opinion adopted on 27 May 2010

Article 15 of the Framework Convention

Participation in economic life

Recommendations from the two previous cycles of monitoring

In the previous two cycles of monitoring, the Advisory Committee noted significant shortcomings in the effective participation of national minorities in the economic life of the country, due to continued discrimination in that field and also due to the fact that minorities are particularly present in the economically disadvantaged war-affected areas. It urged the authorities to design a national strategy to redress this situation, in particular as regards the Serbian minority and the Roma.

Present situation

The Advisory Committee notes that in February 2005 the Government of Croatia, together with eight other governments in Central-Eastern Europe signed the Declaration of the Decade of Roma Inclusion committing itself to improve the socio-economic status and social inclusion of

Roma. The Declaration was followed by Croatia adopting a National Action Plan for the Decade of Roma Inclusion 2005-2015, which focuses on the priority areas of education, employment, health-care, housing, and commits relevant government ministries and agencies to take into account the other core issues of poverty, discrimination, and gender (see also related comment under Article 4) .

The Advisory Committee welcomes the information that authorities have taken steps to improve the unacceptable living conditions in a number of Roma settlements by carrying out technical infrastructure projects such as laying water pipes and constructing sewage networks, as well as by improving fire safety by installing hydrants in the Counties of Medjumurje, Koprivnica-Križevci, Varaždin and the City of Zagreb.

The Advisory Committee notes, however, with deep concern that a large proportion of Roma remain excluded from mainstream society and face difficult living conditions. Roma continue to face problems in relation to access to employment, adequate housing, social protection and healthcare facilities, and with general attitudes in society, where discrimination and stereotyping prevail.

The Advisory Committee is also deeply concerned about the continued lack of infrastructure and employment opportunities in the war-affected areas, which are still mainly inhabited by persons belonging to the Serbian minority and the Roma.

Recommendations

More determined efforts should be made to find ways and means to improve substantially participation of the Roma - including Roma women - in decision-making processes. The authorities should ensure that the Roma and their organisations are treated as key partners in governmental programmes aiming at improving their situation. In so doing, they should endeavour to involve them in the drafting, implementation, monitoring and evaluation of the measures taken by the different ministries to implement the National Action Plan.

The Advisory Committee urges the authorities to ensure that economic conditions and access to employment in the war-affected areas are improved and promoted as a matter of priority, including through the development and vigorous implementation of special measures to alleviate the lack of necessary infrastructures and employment opportunities which particularly affect persons belonging to national minorities living in those areas.

Participation within the administration and the judiciary

Recommendations from the two previous cycles of monitoring

In the two previous cycles of monitoring, the Advisory Committee strongly recommended that measures be taken to redress the underrepresentation of persons belonging to national minorities in the executive and judiciary bodies which was considered incompatible with Article 15 of the Framework Convention. As a matter of high priority, the authorities were urged to focus on the improved implementation of Article 22 of the Constitutional Act on the Rights of National Minorities, and to pay attention also to areas of public service that are not covered by the guarantees of that Act.

Present situation

Participation of persons belonging to national minorities within the administration and the

judiciary remains minimal. The Advisory Committee notes with deep concern that implementation of Article 22 of the above-mentioned Act has not improved and that discrimination based on ethnic grounds continues to be reported in civil service recruitment processes throughout the country. The Advisory Committee notes with concern allegations that ethnic Croats are being favoured over higher-qualified persons belonging to the Serbian minority. According to information received by the Advisory Committee, this phenomenon is particularly present in the judiciary as well as in the police forces. In fact, the number of persons belonging to national minorities is decreasing in some public offices as previously hired persons of minority background are retiring and being replaced by ethnic Croats. In this context, the Advisory Committee is particularly concerned about the continued and possibly worsening situation of underrepresentation of minorities in the judiciary.

Recommendation

The Advisory Committee reiterates its deep concern that effective measures to redress the significant underrepresentation of persons belonging to national minorities in the administration and the judiciary have not been taken and reiterates its recommendation that the authorities take urgent steps to remedy this situation.

Participation of persons belonging to national minorities in elected bodies

Recommendations from the two cycles of monitoring

In the previous two cycles of monitoring, the Advisory Committee called on authorities to improve the legislation and practice with regard to the parliamentary representation of minorities and their participation in decision-making at local and regional level, reviewing their schemes periodically in order to ensure that they adequately reflect developments in the country.

Present situation

The Advisory Committee notes that eight seats in Parliament remain reserved for representatives of certain national minorities. However the distribution scheme of these eight seats does not accurately reflect the current situation of the country and the needs of its minorities.

The Advisory Committee notes that national minorities have in areas where they are concentrated and under certain circumstances, the right to seek the formation of national minority councils in units of local self government, whose members are elected in special candidate elections open to minority voters (see below paragraphs 186). However, the Advisory Committee was informed that due to irregularities in the voter registration records, persons belonging to national minorities were denied the right to vote, for example in the municipality of Gunja in the region of Spāčva, despite the clear indication of their Serbian background in the municipal population register.

Recommendation

The Advisory Committee calls on the Croatian authorities to devise a system to correct voter registration records in consultation with civil society and representatives of national minorities in order to ensure that the special voting rights of persons belonging to national minorities are duly implemented.

Minority Councils

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee urged Croatia to involve consistently councils of national minorities in the decision-making processes at local level dealing with minority issues. The Advisory Committee further recommended that the councils of national minorities should establish strong co-operation with each other and with other relevant bodies.

Present situation

The Council for National Minorities, established under Articles 35 and 36 of the Constitutional

Act on the Rights of National Minorities and composed of Members of the Sabor elected on national minority tickets and representatives of minority associations, plays an active role in stimulating public awareness of national minorities, creating a framework for discussion on national minority issues and for making proposals for resolving the outstanding issues affecting them. It has also been given the authority to allocate State funds for national minority programmes.

The Constitutional Act on the Rights of National Minorities devotes an entire chapter III to the "Councils and Representatives of National Minorities in Self-Government Units", establishing them as advisory bodies to the local self-government units.

The Advisory Committee notes with regret that the legitimacy of the councils of national minorities remains questionable due to a number of substantial shortcomings. Only a very small proportion of persons eligible to vote in the elections to the councils in 2003 and in 2007 cast their ballots which undermined the democratic legitimacy of the electoral process. The funding of the councils, which should be secured through the local self-government units and the State budget, remains inadequate, thus seriously limiting their capacity to function effectively. The current level of funding does not allow the councils to rent adequate premises, hire staff or cover other running costs. According to the information contained in the 2009 European Commission Progress Report on Croatia, these problems are particularly acute in the war-affected areas.

Furthermore, the Advisory Committee has been informed that in many self-government units, co-operation between the councils of national minorities and local authorities is lacking and that the former ones are not even informed of planned discussions and decisions affecting persons belonging to national minorities. Such lack of respect for the councils of national minorities on the part of local authorities demonstrates serious disregard for the law, but also further undermines the legitimacy of the councils within their respective minority constituencies.

Recommendation

The Advisory Committee urges the authorities to review, in consultation with representatives of national minorities, the legal provisions and administrative practice regulating the election and functioning of the councils of national minorities with a view of eliminating the identified shortcomings.

8. Cyprus

Opinion adopted on 19 March 2010

Article 15 of the Framework Convention

Effective participation of persons belonging to minorities in public affairs

Recommendations from the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to look again at participation of representatives of the three "religious groups" in parliament and identify ways of making it more effective. The authorities were also encouraged to improve and better institutionalise the management and coordination of the government's minority policies.

The Advisory Committee recommended that the authorities involve the three groups more closely in decision-making on matters of concern to them by consulting them regularly and keeping them informed of developments of particular interest to them.

Present situation

The Advisory Committee notes with satisfaction the positive relations and constructive dialogue that the Ministry of the Interior has maintained with the three “religious groups” and their representatives. It notes that there have also been contacts and exchanges with other authorities, such as the Ministry of Education in connection with the overall reform of the education system. The Advisory Committee notes that the current president of the Cypriot parliament is a member of the Armenian community.

Despite these positive developments, participation by Armenians, Latins and Maronites in the taking of decisions that concern them is still fairly limited and continues to be a concern for these groups. Whilst stressing their positive relations with the Ministry of the Interior, they expect a more systematic and determined commitment on the part of the Government to enforcing their rights. They reiterated their wish to see a Government body or post with sole responsibility for coordinating policy for the protection of the “religious groups” and which could act as an intermediary between these groups and the authorities.

Under Cypriot legislation (Law 58/1970 as amended) the representatives of the three groups in parliament have an advisory role in legislative processes relating to matters of concern to their groups, such as religion, education and marriage. In practice, this is a purely symbolic role, since the three representatives are not entitled to speak, vote or initiate legislation. According to them, they are not adequately consulted on these issues, despite being elected for that purpose, in contrast to political party members belonging to the three “religious groups” who are consulted. The Advisory Committee notes that the Attorney General has been asked for a legal opinion on the possibility to strengthen the role of the three representatives in the Cypriot parliament. It understands that a constitutional amendment is not absolutely necessary inasmuch as their current role is governed by a law and not by constitutional provisions.

The Advisory Committee realises that matters relating to the operation of parliament are particularly sensitive for the Cypriot authorities and concerns may rightly be raised as to the expediency at present of any amendments to the existing system. The Advisory Committee however believes that ways might be found, even if only provisional, to improve the three representatives’ participation and make it more effective. The Advisory Committee noted with satisfaction, during its visit to the Cypriot parliament, that a consensus had emerged – clearly expressed in the course of dialogue with the Parliamentary Committee on Human Rights – to strengthen the role of these three representatives. It expects that this position will be acted on, in ways to be determined in co-operation with those concerned and which take into account the political situation in Cyprus.

Whilst welcoming the three representatives’ positive and constructive relations with the various authorities concerned, and whilst supporting a stronger role for them in the work of parliament, the Advisory Committee also wants to echo the wish of the three “religious groups” for wider participation, through a broader range of provisions, in preparation and adoption of all measures concerning them. It believes that the authorities could, in co-operation with the three groups and their representatives, identify additional mechanisms and means of

consulting and involving the Armenians, Latins and Maronites in a more inclusive way with regard to finding more appropriate and effective answers to their needs.

The Advisory Committee notes with satisfaction that, according to the information available to it, members of the three groups are taking an active part in the country's social, economic and political life. At the same time, it notes that the authorities have no information on the access of persons belonging to ethnic groups to employment and their situation in this field.

The Advisory Committee draws attention to the previously mentioned language problems hampering young Armenians' access to certain positions in the civil service, including the police (see comments on Article 14 above). The Advisory Committee notes the authorities' willingness to provide increased opportunities and to promote equal conditions of access for all to the civil service, as indicated by some adjustments made to recruitment procedures to allow a degree of flexibility with regard to language proficiency. It is not clear however whether such measures are adequate and sufficient. In this respect, the Advisory Committee again wishes to point out that, as laid down in Article 4.3 of the Framework Convention, measures taken to provide persons belonging to national minorities with effective equality shall not be considered to be acts of discrimination.

Recommendations

The Advisory Committee encourages the authorities to identify, in co-operation with those concerned, ways of strengthening the role of the Armenian, Latin and Maronite representatives in parliamentary debates and decision-making.

The authorities are further encouraged to examine the possibility of setting up a specialised entity within the Government to handle and coordinate matters relating to the protection of national minorities. Priority should be given to broader and more inclusive and systematic dialogue with the members of the groups concerned.

The authorities are encouraged to take all necessary steps to ensure equal access for all to the civil service, including by adjusting recruitment procedures and requirements. They are also encouraged to adopt, where appropriate, additional opportunities for improving their Greek language proficiency by members of the "religious groups", before and after recruitment.

9. Czech Republic

Opinion adopted on 1 July 2011

Article 15 of the Framework Convention

Participation of persons belonging to national minorities in the decision-making process

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee called on the authorities to ensure that legislative provisions designed to promote effective participation are implemented in practice, and in particular that local committees for national minorities are established in all municipalities where the relevant provisions apply.

Present situation

The Advisory Committee notes that the key consultative structures to ensure participation of persons belonging to national minorities in public affairs, which have been established at the central and local levels following the adoption of the Act on the Rights of Members of National Minorities of 2001, have since gathered significant experience and authority and continue to play an active role in raising awareness and resolving the issues of concern affecting national minorities. The Council for National Minorities, composed of representatives of all recognised national minorities and of government ministries, is responsible for developing, implementing and monitoring minority policies and is the principal forum for a regular dialogue on issues affecting national minorities. The Council meets at quarterly intervals and reports each year to the government on its activity and on the key issues under its consideration, thereby placing the minority concerns within the realm of public debate.

The Advisory Committee welcomes in particular the active role played by the Council in seeking solutions to unresolved issues, for example by proposing legislative changes, such as the amendment to the Municipalities Act that aims to resolve difficulties with the setting up of bilingual signs in those municipalities where such signs were not introduced due to poor functioning of committees of national minorities (see related comment under Article 11 above).

The Advisory Committee further notes that a specialised Council for Roma Community Affairs is responsible for developing and implementing measures aiming at better integration of the Roma into society. The Council coordinates the work of ministries responsible for the implementation of specific measures adopted in the Roma Integration Policy Concept and in the framework of the Decade for Roma Inclusion 2005-2015.

The Advisory Committee regrets that, in spite of the low threshold required for the establishment of committees for national minorities at the municipal level (10% of the population) and the regional level (5%) and the legal obligation to do so, a small number of committees have been set up. It is deplorable that only 69 committees for national minorities have been set up in 283 municipalities in eight years of the implementation of the law. This also demonstrates insufficient awareness, both on the part of the municipal authorities and of national minorities of the potential benefits for the local community of integrating national minorities in the democratic decision-making process at the local level and indicates the need for a statutory instrument to ensure implementation and provide guidance in this regard.

The Advisory Committee notes nonetheless that there are positive examples of proactive measures taken in some municipalities, in particular in those where the statutory conditions for setting up committees for national minorities are not met and where the local authorities established national minority commissions instead.

The Advisory Committee notes in this context that some national minorities' representatives, made critical remarks as to the inconsistent and unclear procedures used for the appointment of members to serve on the municipal committees for national minorities. It also notes in this regard that, according to national minorities' representatives, some committees for national minorities do not in fact fulfil their function of relaying national minority concerns (e.g. to introduce bilingual topographical signs) to the municipal councils, thus effectively blocking the enjoyment of rights secured under the Framework Convention and in the Act on the Rights of Members of National Minorities of 2001.

Recommendations

The Advisory Committee urges the authorities to review, in consultation with representatives of national minorities, legal provisions and administrative policies and practice regulating the establishment, appointment and functioning of the committees for national minorities with a view of eliminating the identified shortcomings.

It also calls on the authorities to ensure that local committees be effectively established to relay national minorities' concerns and to guarantee their rights in the municipalities where the conditions are met for setting them up. Further measures should be taken in order to ensure that these bodies carry out their tasks efficiently and effectively and that they have adequate co-operation with local authorities including joint consultations and, where appropriate, access to training and legal aid.

Participation of Roma

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee expressed concern at the problems encountered by Roma seeking to play an effective part in economic, cultural and social life, and in the taking of decisions affecting them, and encouraged the authorities to co-operate with Roma representatives in examining the situation of the Roma in this regard, and to find ways of improving it substantially.

Present situation

The Advisory Committee notes that in February 2005 the government of the Czech Republic, together with eight other governments in Central-Eastern Europe signed the Declaration of the Decade of Roma Inclusion committing itself to improve the socio-economic status and social inclusion of Roma. The Czech Republic adopted subsequently a National Action Plan for the Decade, which focuses on the priority areas of education, employment, health-care, housing, and commits relevant government ministries and agencies to take into account the other core issues of poverty, discrimination, and gender. However, the Advisory Committee notes with concern that the implementation of the Action Plan was strongly criticized by civil society members of the Council for Roma Community Affairs for not bringing about significant improvements to the situation of the Roma in the Czech Republic.

The Advisory Committee notes further that the authorities adopted in December 2009 a Roma Integration Policy Concept 2010-2013 focusing on measures to improve the situation of Roma in the priority areas of culture, education, employment, health-care, social protection, housing, over-indebtedness, and personal security and assigns specific responsibilities to relevant government ministries and agencies. The Advisory Committee welcomes the adoption of the Roma Integration Policy Concept and considers that full and effective involvement of Roma representatives through the Council for Roma Community Affairs and the Agency for Social Inclusion of Roma Localities remains an indispensable precondition for achieving such aims. In this context, the Advisory Committee finds regrettable that the Concept does not mention whether Roma representatives were consulted at the planning stage and whether their input had been taken into account.

The Advisory Committee notes with deep concern that a large proportion of Roma remain excluded from mainstream society and live under deplorable conditions. Roma continue to face serious problems in relation to personal security, education, adequate housing, social protection and healthcare services, access to employment, and with general attitudes in society, where discrimination and stereotyping prevail.

Recommendations

Far more determined efforts should be made to find ways and means to improve substantially the participation of the persons belonging to the Roma - including Roma women - in decision-making processes. The authorities should ensure that the Roma and their organisations are treated as key partners in governmental programmes aiming at improving their situation. In so doing, they should endeavour to associate them in the design, implementation, monitoring and evaluation of the various measures taken by the different ministries to implement the Roma Integration Policy Concept.

The authorities should continue and increase efforts to develop and efficiently implement policies addressing the problems confronting the Roma in a number of fields, particularly in the areas of security, education, housing, social protection and healthcare services, employment, and allocation of adequate resources is a condition *sine qua non* to remedy this situation.

The authorities are encouraged to take steps to ensure the effective participation of Roma in the decision-making process.

10. Denmark

Opinion adopted on 31 March 2011

Article 15 of the Framework Convention

Consultative bodies

Recommendations of the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee recommended that the authorities continue to support the mechanism for consulting the German minority.

Present situation

The Advisory Committee notes with satisfaction that persons belonging to the German minority continue to participate effectively in decision-making on all issues affecting them. Representatives of the German minority emphasised the importance of the role played by their two consultation bodies, the Liaison Committee concerning the German Minority and the Secretariat of the German Minority in Copenhagen. They also informed the Advisory Committee that they were very satisfied with the co-operation with the Danish authorities, especially due to the climate of mutual trust which prevails between everyone involved, which enables the adoption of negotiated solutions.

Recommendation

The Advisory Committee calls on the authorities to continue to support the mechanism for consulting the German minority.

Administrative reforms

Recommendations of the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee recommended that the authorities continue their discussions with the German minority, especially on the question of voting rights at the municipal level, in order to find appropriate solutions to ensure that the proposed administrative reforms did not adversely affect the right to effective participation, as guaranteed by Article 15 of the Framework Convention.

Present situation

The Advisory Committee notes the entry into force in 2007 of the administrative reform, which grouped together a number of small local government authorities to form enlarged municipalities. In South Jutland, four municipalities, Aabenraa (*Åbenrå*), Haderslev, Sønderborg and Tønder, now house the majority of persons belonging to the German minority.

The Advisory Committee notes with interest that, as a result of the dialogue between the authorities and the German minority, which was afraid of losing a seat in at least two of the four municipalities, a satisfactory solution has been found in order to ensure the political representation of this group at the local level. Following this discussion, even if the German minority's political party does not obtain the 25% of votes in local elections that would automatically entitle it to a seat, it can be represented on the municipal council, where it will enjoy the same rights as other members, apart from the right to vote.

The representatives of the German minority informed the Advisory Committee that they were satisfied with this solution and did not wish to demand the right to vote in specific circumstances as that would be perceived by parties with no elected representative as discrimination. Moreover, the fact that negotiation was central to the working methods of municipal councils, which take more than 90% of their decisions by consensus, diminished the importance of the right to vote in this particular situation.

The Advisory Committee notes with satisfaction that the German minority increased its political representation in the 2009 elections and now has six seats compared with the four it obtained in 2005.

Recommendation

The Advisory Committee encourages the authorities to pursue their dialogue-based approach in order to maintain the effective participation of representatives of the German minority in decision-making concerning matters that affect this minority.

The role played by local authorities

Present situation

The Advisory Committee noted with concern during its visit that some of the South Jutland local authorities were unaware of the obligations arising under the Framework Convention and the responsibilities deriving from it for the authorities responsible for its implementation. These observations were confirmed by the German minority's representatives.

According to the local authorities, it cannot be ruled out that, by grouping together several local entities, the administrative reform has engendered a lack of co-ordination between the newly created bodies.

The central government authorities state that all information relating to the Framework Convention has been made available to the municipalities but that they enjoy a certain autonomy regarding the implementation measures they wish to adopt.

The Advisory Committee, while fully aware of the respective competencies of the national, regional and local authorities, stresses that it is up to the central government to ensure that the Framework Convention is correctly and effectively implemented throughout its territory. Consequently, measures should be taken to enhance the Framework Convention's visibility and knowledge of its requirements within the local government authorities responsible for protecting the rights of persons belonging to the German minority, such as information seminars and specific training courses for officials and locally elected representatives or other appropriate measures.

Recommendation

The Advisory Committee urges the authorities to take action to ensure increased knowledge and visibility of the Framework Convention and its effective implementation at the regional and local levels in South Jutland.

11. Estonia

Opinion adopted on 1 April 2011

Article 15 of the Framework Convention

Consultative bodies representing national minorities

Recommendations of the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee concluded that further steps should be taken to consolidate the role of consultative bodies representing national minorities, and that the issue should also be considered in the context of the discussions on the proposed law on national minorities.

Present situation

The Advisory Committee notes that the Presidential Round-Table was abolished and replaced in 2008 by the Estonian Cooperation Assembly (EKK) under the President, a cooperation network of 73 non-governmental organisations interested in Estonia's long-term development. While the membership of the EKK is very broad (employers' and employees' associations, education and youth associations, religious organisations, etc.), a Round-Table of Nationalities was founded in May 2010 as part of the EKK with the objective to engage Estonian inhabitants from different ethnic backgrounds, languages, and nationalities in discussions on important issues of relevance to society. The members of the Round-Table are personally appointed by the Supervisory Board of the EKK. Their discussions and initiatives led to a report with policy recommendations to the President, the government and other relevant institutions on how to promote the integration process.

While welcoming the above initiative as an interesting contribution to ongoing integration efforts that may indeed serve to promote mutual respect and co-operation among different ethnic groups, the Advisory Committee notes that members are personally appointed rather than elected from their own constituencies. Therefore, the Round-Table cannot be considered representative nor can it be viewed as an effective consultation mechanism in the sense of Article 15 of the Framework Convention. The Advisory Committee further notes that the Co-operation Assembly has been quite active in the mid-term evaluation of the Integration Strategy 2008 – 2013. It notes with regret, however, that consultations on the draft Strategy with minority representatives were apparently conducted only in the Estonian language, thereby limiting the possibility for a number of relevant stakeholders to make their views understood.

The Advisory Committee further regrets that the Ministry for Population and Ethnic Affairs was abolished in May 2009, apparently without any consultation with representatives of national minorities. The Advisory Committee learned about widespread disappointment with this development among the minority communities, as well as some officials, as the Ministry played an important inter-ministerial co-ordination role with regards to relevant questions directly of concern to large sections of the population and constituted a direct contact point for persons belonging to national minorities with their various queries. In addition, the Ministry served an important symbolic purpose by attesting to the government's appreciation of the significance of inter-ethnic issues in Estonia. While the Advisory Committee agrees that a separate Ministry may not be necessary to serve these purposes, it regrets that there has apparently been no valid replacement to fill the gap left by the Ministry.

The official responsibility with regards to issues related to national minorities now lies with the Ministry of Culture which, through its National Minorities Cultural Advisory Council, also constitutes the main consultative mechanism for persons belonging to national minorities. The Advisory Committee welcomes the initiative of the Ministry of Culture and acknowledges the general level of trust among minority representatives in the Ministry. However, the work of the Council appears to be oriented mainly towards the development and discussion of new cultural projects rather than the drafting and approval of long-term policies, programmes and legislation affecting minorities in Estonia. In this context, the lack of discussion prior to the amendments to the Language Act in February 2011 is a case in point. The Advisory Committee considers that issues related to national minorities are much broader than culture and encompass crucial policies such as education, language, or social affairs, particularly considering the specific historic context in Estonia. The Advisory Committee is concerned that there seem to be no institutionalised channels for minority representatives to discuss these matters with various government bodies.

The Advisory Committee welcomes the creation of a Youth Assembly within the Ministry of Culture where young members of minority cultural associations meet and discuss issues of common concern, including their project initiatives. The Advisory Committee considers this to be a useful initiative that ensures that the important youth sector among minority communities is involved and participates in relevant discussions, albeit limited to the cultural sphere. The Advisory Committee expects that measures will be taken to guarantee that the Youth Assembly is working in close co-operation with similar youth initiatives on behalf of the Estonian majority population so that opportunities for a shared social space are offered and gaps between the two reduced (see also comments on Article 6 above).

Recommendation

The Advisory Committee strongly encourages the Estonian authorities to expand their consultation structures for minority representatives beyond the cultural sphere and ensure an effective opportunity for persons belonging to national minorities to participate in public affairs and take active part in all decision-making processes affecting them.

Effective participation in economic life

Recommendations of the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee found that unemployment affected disproportionately persons belonging to national minorities in Ida-Virumaa (Viru County) and elsewhere and urged the government to counter this phenomenon decisively by launching regional development initiatives and measures to fight direct and indirect discrimination in the labour market. It further recommended that recruitment of qualified persons belonging to national minorities into public service throughout Estonia be enhanced.

Present situation

The Advisory Committee notes that unemployment figures for ethnic Estonians and non-Estonians alike decreased substantially from 2005 to 2008 but were then seriously affected by the world economic crisis. It further notes that the proportion of employed and unemployed between the two groups has not significantly altered. However, it is of some concern that relevant research has identified a trend towards the accumulation of advantages for ethnic Estonians over non-Estonians in the labour market, making Estonians significantly less dependent on fluctuations in labour market conditions. This observation also matches the finding that Estonians are statistically significantly more likely to make positive career moves and access managerial positions than non-Estonians. The Advisory Committee is pleased to note, however, that the wage gap between the two groups seems to be decreasing.

In addition to the above research, the Advisory Committee learnt of persistent anecdotal evidence presented by its interlocutors that non-Estonians still face significant disadvantages in the labour market at all levels, that are not only related to their language abilities but are more deep-seated. The Advisory Committee is concerned about the perception of even highly trained professionals with Estonian citizenship and perfect Estonian language abilities that there is a 'glass ceiling' in terms of professional development for them in Estonia that is due to their ethnic background (see also related comments under Article 4 above). In this context, the Advisory Committee acknowledges the explanation offered by some interlocutors that the persistent employment gap between ethnic Estonians and non-Estonians is also due to the different social networks that exist and extend into professional life, and welcomes the initiatives of the Ministry of Social Affairs in this regard, aimed at closing the gap between Estonians and non-Estonians in the labour market in order to promote joint networking opportunities.

With regards to the situation in Ida-Virumaa (Viru County), the Advisory Committee notes that the former industrial border-region with the Russian Federation, where unemployment has been high for many years, has also particularly suffered from the global recession. With the situation now beginning to improve, it is crucial to ensure that adequate regional development initiatives are launched to alleviate the lack of necessary infrastructure and employment opportunities in the region which is mainly populated by persons belonging to national

minorities. Special measures should also be put in place to support in a gender sensitive way men as well as women belonging to national minorities in their search for employment.

Recommendations

The Advisory Committee urges the authorities to redouble their efforts to address the still disproportionately high unemployment rate among persons belonging to national minorities throughout the country. Perceptions that ethnic Estonians are the preferred candidates, irrespective of qualification or language ability, must be countered vigorously to ensure that persons belonging to national minorities feel encouraged to participate effectively in economic life and feel motivated to enter and remain in the labour market.

The Advisory Committee further encourages the authorities to use the ongoing economic recovery as an opportunity for targeted development initiatives in the particularly disadvantaged region of Ida-Virumaa (Viru County) which is populated in majority by persons belonging to national minorities.

Language proficiency requirements in employment

Recommendations of the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee stressed that language proficiency requirements should be applied only where necessary to protect a public interest and should not be pursued through an overly proscriptive approach by the Language Inspectorate or others involved. It further recommended that the suitability of existing requirements should be reviewed in each individual sector of employment to ensure that the requirements are realistic, clear and proportional to the aim pursued, and that they do not unduly hinder access of persons belonging to national minorities to employment and their participation in economic life.

Present situation

The Advisory Committee regrets that the language proficiency requirements were not substantially reviewed in the course of the amendments of the Language Act. Based on its discussions with relevant authorities, it had expected that more flexibility would be introduced in the regulations to ensure that the requirements are, in all cases, proportional to the legitimate aim pursued. In this regard, particular attention must also be paid to the regional context. The Advisory Committee noted that the majority of civil servants encountered during the meeting with the Ida-Viru County government authorities were reportedly ethnic Estonians despite the fact that over 90% of the population in the region is of Russian background. In such locations, where the vast majority of the population speaks Russian, appropriate attention should be paid to the Russian-language abilities of civil servants and health personnel, as well as to the adequate representation/inclusion of persons belonging to national minorities among civil servants, health professionals and in other public offices. Estonian language proficiency requirements should be viewed flexibly and with due attention paid to their actual relevance in daily work. Indeed, the Advisory Committee is concerned that in Ida-Virumaa (Viru County), Russian-speaking health professionals, for instance, are less and less available which constitutes a growing concern for the ageing population in that region.

The Advisory Committee was informed that Russian-language abilities are not valued as an advantage in recruitment proceedings for the civil service, even in sectors where Russian is

traditionally used widely, such as the health sector, social services, and the judiciary. The Advisory Committee considers that the Estonian language proficiency requirements should not prevent suitably-qualified persons belonging to national minorities and offering other important languages for certain regions from being recruited into the civil service. Once recruited, they may enrol in advanced language classes to perfect their proficiency of the State language.

Recommendations

The Advisory Committee strongly encourages the authorities to ensure that language proficiency requirements are applied proportionately to the pursued aim, and that some flexibility is introduced, particularly as regards regional specificities.

The Advisory Committee further recommends that recruitment procedures for the public service, particularly in regions traditionally populated by minority communities, are not focused on the State language proficiency of candidates. Professional qualification and other language abilities of candidates belonging to national minorities must be duly taken into account to ensure opportunities for them to enter the labour market in conformity with Article 15 of the Framework Convention.

12. Finland

Opinion adopted on 14 October 2010

Article 15 of the Framework Convention

Roma participation

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee noted with concern the remaining shortcomings as regards the effective participation of Roma in social and economic life, affecting in particular Roma women, and encouraged the authorities to draw up, together with Roma representatives, a comprehensive strategy on improving the situation of Roma.

Present situation

The Advisory Committee welcomes the proposal of the working group under the Ministry of Social Affairs and Health for a *National Policy on Roma* (see also comments on Articles 4, 12 and 14) and the inclusive approach taken in its drafting, which involved the Advisory Board on Romani Affairs as well as its four regional branches. At the same time, the Advisory Committee regrets that only 50 % of the members of the national and regional Advisory Boards on Romani Affairs are actually themselves representatives of the Roma community while the others represent relevant government structures. It further notes the concern of some Roma representatives that issues of considerable importance to the community, such as domestic violence, mental health, as well as the particular difficulties of the Roma elderly, were not taken into account in the drafting of the policy.

The Advisory Committee understands that the Advisory Boards constitute the only means for the Roma community to participate in policy-making concerning their affairs. It therefore believes that the bodies should not only be enabled to represent Roma interests (for instance by introducing a majority representation of Roma in the Advisory Boards), but should also be

granted some level of effective decision-making competency, including decisions on budgetary issues.

Finland has continued its efforts to address shortcomings in the participation of Roma in social and economic life, notably in the area of education, and has also continued to play a positive role in the promotion of Roma concerns within international fora. The Advisory Committee is pleased to note that, according to the Roma representatives themselves, the situation as regards access of Roma to housing and to social services has improved. While Finland has in many areas instituted best practices as regards the participation of Roma and is rightly often referred to as a role model, the Advisory Committee regrets that no notable improvements have been made in the area of access to employment with still very low numbers of Roma representatives in formal employment (see also comments on Article 6, paragraph 82 above).

Recommendation

The Advisory Committee recommends that the Finnish authorities make concerted efforts to increase the involvement of Roma representatives in policy-drafting and decision-making, especially on issues that affect them, in order to ensure the effective participation of persons belonging to this minority in public affairs. The Advisory Committee further calls on the Finnish authorities to increase their efforts to promote the participation of Roma, including women, in social and economic life, particularly as regards access to employment, and to undertake targeted measures to increase the chances of Roma to enter the Finnish civil service.

Participation of the Russian-speaking community

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to devise an improved consultation mechanism for the Russian-speaking population in Finland and to address linguistic obstacles in Russian speakers' access to key public services.

Present situation

The Advisory Committee regrets that there has been no significant progress as regards the participation of Russian speakers and no follow-up to the detailed report of 2002 by the Advisory Board on Ethnic Relations on the situation of the Russian-speaking community. There is still no formal consultation mechanism for this important group that could complement the work being carried out by mechanisms devoted to the Sami and the Roma. The Advisory Committee is, however, pleased to note that some Russian language documentation is now available on key public services such as social insurance.

Recommendation

The Advisory Committee reiterates its recommendation to the Finnish authorities to consider devising a separate consultation mechanism for the Russian-speaking community in order to facilitate a constructive dialogue between the large group of Russian speakers in Finland and the relevant government structures and to ensure the effective participation of persons belonging to this minority in policy-drafting and decision-making on issues affecting them.

Role of the Sami Parliament

Recommendations from the two cycles of monitoring

In the previous monitoring cycles, the Advisory Committee recommended the development of procedural guidelines on how the “negotiation” obligation, as laid down in Section 9 of the Act on the Sami Parliament, should be implemented and called on the authorities to ensure that negotiations with the Sami Parliament go beyond mere consultation and fully take into account the views of the Sami Parliament when making decisions affecting the Sami population.

Present situation

The Advisory Committee notes with regret that no clarification as to the implementation of the “negotiation” obligation with the Sami Parliament has been developed and that there is still a need for clarification on both sides as to when, how, at what notice, and on whose initiative negotiations ought to take place. The Advisory Committee further notes that the term ‘negotiation’ in itself remains unclear in terms of whether it calls for mere consultation with the Sami Parliament or rather implies the latter’s influence on the actual outcome of the process.

In addition, the Advisory Committee gained the impression during its visit that the various Ministries and entities dealing with issues related to the Sami often hold different viewpoints among themselves and consequently may provide inconsistent information to representatives of the Sami Parliament. This situation significantly complicates the position of the latter in the fulfilment of its responsibilities (see also comments on Article 5 above).

Despite the above, the Advisory Committee notes that the Sami Parliament has been very efficient in making its views heard, including through close co-operation with the Ombudsman for Minorities. It has also actively commented on a variety of relevant government initiatives, ranging from education and culture to the protection of the environment and biodiversity of Northern Lapland. In this context, the Advisory Committee regrets that the Sami Parliament has not seen an increase in funds for some years, despite a considerable broadening of its tasks and areas of involvement.

Recommendations

The Advisory Committee strongly recommends that the Finnish authorities establish a special governmental structure as a focal point for all issues related to the Sami people (see also comments on Article 5 above) to ensure that the Sami Parliament has one clear partner in dialogue with the vested authority and interest to share all relevant information and promote constructive communication and negotiation on all issues of concern.

The Advisory Committee reiterates its recommendation to the Finnish authorities to provide clarification as to what the ‘negotiation obligation’ provided for in Section 9 of the Act of the Sami Parliament entails and to ensure that their negotiations with the Sami Parliament go beyond mere consultation and afford the Sami Parliament the real possibility to influence the outcome on important issues concerning the Sami population in Finland.

In addition, the Advisory Committee encourages the Finnish authorities to consider possibilities to increase the funds allocated to the Sami Parliament for its functioning, given that the areas of its involvement have considerably broadened in the last years.

General consultative structures

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called on the authorities to ensure that representatives of national minorities are enabled to influence adequately the work of the Advisory Board for Ethnic Relations, including by supporting their active contribution to its functioning.

Present situation

The Advisory Committee notes that the Advisory Board on Ethnic Relations continues to function at national as well as regional level and welcomes the fact that national minorities as well as immigrant communities such as the Somali League in Finland are active members of the Board. At the same time, however, the Advisory Committee is concerned that the wide membership of ETNO, which includes employee and employer organisations, municipalities and regional authorities, all relevant ministries, and political parties, does not effectively represent the interests of national minorities. This situation is particularly worrying since national minority organisations such as FARO, the Federation of Russian-speaking Organisations in Finland, still lack other channels to consult the Government on issues of interest to them.

The Advisory Committee further notes the numerous institutions and entities dealing to varying degrees with issues of concern to minorities, such as the national and regional Advisory Boards, the Ombudsman for Minorities, different Ministries, ministerial and inter-ministerial working groups on issues related to minorities, etc. Despite this variety, none of the entities, with the notable exception of the Sami Parliament, directly represent the voice of the minorities themselves.

Recommendation

The Advisory Committee strongly recommends that the Finnish authorities reorganise their consultation mechanisms for minorities in a way that ensures that representatives of national minorities have clearly designated channels for consultation and are granted sufficient influence within these consultation mechanisms in order to enable their effective participation in decision-making processes affecting them.

Minorities' access to Parliament

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged Finland to consider how to improve access of persons belonging to national minorities to the Parliament's decision-making processes, possibly by establishing regular channels of communication between minority representatives and the relevant Committees of Parliament.

Present situation

The Advisory Committee notes that, apart from the Swedish-speaking Finns, who continue to be represented in Parliament, persons belonging to numerically-smaller minorities remain without seats and without particular measures to facilitate their access to Parliament. While unofficial channels open to parliamentarians or working group reports may help raise certain issues of concern to Parliament, there is still no regular channel of communication between minority representatives and the Finnish Parliament.

Recommendation

The Advisory Committee reiterates its previous recommendation to consider seriously all appropriate options to improve access of the numerically-smaller minorities to Parliament and its relevant Committees.

13. Germany

Adopted on 27 May 2010

Article 15 of the Framework Convention

Participation in social and economic life by the Roma and Sinti

Recommendations of the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee urged the authorities to develop a comprehensive strategy to meet the needs of the Roma and Sinti communities and promote full and equal participation by the latter in all fields.

Present situation

Information received by the Advisory Committee suggests that participation in social and economic life by persons belonging to the Roma and Sinti communities is limited. Whilst there is limited reliable data on this, it would appear that prejudice and discrimination still make it difficult for Roma and Sinti to access the labour market on equal terms with the rest of the population (see also the remarks in respect of Article 4 above). The Advisory Committee has also been told of alleged discrimination in the housing market. Moreover, the small number of encampments available for use by the - very few - Roma who still lead a nomadic way of life reportedly often fail to provide these individuals with an adequate standard of accommodation.

The Advisory Committee notes with satisfaction that a number of housing projects have been carried out to improve the living conditions of Roma and Sinti and facilitate relations between various groups at local level. There is, for example, the *Maro Temm* housing project in Kiel, an initiative of the local Sinti community. It is important to monitor and assess this type of project, and ensure that it can be replicated in other localities if necessary.

Recommendation

The Advisory Committee calls on the authorities to promote and support projects and initiatives aimed at improving participation by the Roma and Sinti in social and economic life, especially in employment and housing. It calls on them generally to take more specific measures to combat the prejudice and discrimination which the Roma and Sinti face in the employment and housing markets (see also the remarks in respect of Article 4 above).

Consultation of national minorities at federal level

Recommendations of the two previous monitoring cycles

During the previous monitoring cycles, the Advisory Committee encouraged the authorities to pursue their efforts to improve the participation of minorities in the decision-making process.

The Advisory Committee deemed it important to set up specific institutional mechanisms for regular consultation with the Roma and Sinti which showed due regard for the diversity found

within these groups.

Present situation

The Advisory Committee is pleased to learn that national minorities continue to have access to a range of opportunities for effective participation in the process of decision-making on matters of relevance to them. The regular conferences held to monitor implementation of the Framework Convention and the European Charter for Regional or Minority Languages are an especially effective means of ensuring that the representatives of national minorities are actively and routinely involved in the process of monitoring and dialogue with the authorities which was initiated as part of the implementation of these international instruments. The continued existence of a *Bundestag* "working group on national minorities" also means that issues affecting Germany's national minorities can be kept firmly on the agenda of political decision-makers. The Advisory Committee also notes with satisfaction that the work of the federal consultative councils for the Danish, Sorbian and Frisian minorities has continued. These councils provide a platform for regular discussions between, on the one hand, the representatives of the minorities concerned and, on the other hand, representatives of the Ministry of the Interior and members of parliament.

The Advisory Committee understands that funding for the Secretariat for Minorities should rise shortly from EUR 40,000 to EUR 60,000 per year. This is a welcome development. The Secretariat plays an essential role in communication and co-operation between organisations representing the national minorities and the federal authorities.

The Advisory Committee finds it a matter of deep regret, however, that no consultative council has yet been put in place at federal level for the Roma and Sinti communities, on the grounds that there are irreconcilable differences of opinion within these groups. The Advisory Committee wishes to point out that the existence of differing views and disagreements within a particular community is no excuse for the lack of any appropriate consultation mechanism (see also remarks in respect of Article 5 above).

The Advisory Committee is also concerned to note that, by and large, participation in public life by persons belonging to the Roma and Sinti communities is still very limited, though some progress has been made in this respect. The Central Council of German Sinti and Roma, for example, is a member of the Advisory Board of the Federal Anti-Discrimination Agency. Examples of successful co-operation between the authorities of certain *Länder* and groups representing the Roma and Sinti communities have also been reported to the Advisory Committee. The Advisory Committee believes, however, that more determined action is needed in order to bring about a significant improvement in the participation of Roma and Sinti in public life, with due regard for the cultural diversity found within these groups.

Recommendations

The Advisory Committee calls upon the authorities to maintain their approach of encouraging persons belonging to national minorities to play a greater part not only in the areas of public life relevant to them, but also in society generally, through institutional arrangements provided at federal level.

The Advisory Committee urges the authorities to take more resolute action to improve the participation of Roma and Sinti in public life, with due regard for the cultural diversity found

within these groups.

Participation at regional and local level by persons belonging to
the Sorbian and the Frisian minorities

Recommendations of the two previous monitoring cycles

During the previous monitoring cycles, the Advisory Committee encouraged the authorities to strengthen the representation of the Sorbian minority in the Foundation for the Sorbian People.

Present situation

The representatives of the Sorbian minority have again told the Advisory Committee that they would like to have more of a role on the directing board of the Foundation for the Sorbian People. They feel that the current composition of the board limits their ability to play an effective part in decision-making within this body. The authorities believe that the public institutions represented on the board, that are also the main providers of funding for the Foundation, should not have anything less than a majority of voting rights. The Advisory Committee opines that the authorities should seek an equitable solution to the question of the Sorbian minority's representation. It finds it regrettable that the 2006 proposal to have representatives of two Sorbian cultural institutions as members of the Foundation's directing board was ultimately abandoned.

Representatives of the Sorbian minority met by the Advisory Committee expressed the desire for the Sorbian minority to have greater cultural autonomy. Moreover, in connection with negotiation of the financial agreement referred to under Article 5 above, an evaluation report on the functioning of the Foundation for the Sorbian People and the various Sorbian institutions has been drawn up, which recommends a number of reforms to the way these institutions operate. When the report's findings are considered in detail and during any discussions on the future of the Sorbian minority's institutions, it is important that the authorities maintain a constant dialogue with the Sorbian representatives.

The Advisory Committee notes that there is at present no political party representing the Sorbian minority, although a group of Sorbian candidates stood in the 2008 local elections in the district of Bautzen. It also notes that if such a party were to materialise, it would be exempt in Saxony and Brandenburg from the 5% threshold required for seats in the *Landtag*, as is the case in Schleswig-Holstein for parties representing the Frisian and Danish minorities, and at federal level. In addition to these incentives for persons belonging to minorities to take part in elected bodies, the Advisory Committee notes that political parties regularly include representatives of the Sorbian minority on their list of candidates. Consultative councils for the Sorbians have also been set up in the Saxony and Brandenburg parliaments, and in some municipalities in the area of traditional Sorbian settlement. Whilst recognising that the creation of these bodies adds to the degree of participation in public life by persons belonging to national minorities, the Advisory Committee notes that the decision-making powers of these councils are limited and that their members do not have the right to speak in the *Landtag*.

The Advisory Committee welcomes the establishment of a consultative council for the Frisian minority within the *Landtag* of Schleswig-Holstein. According to the representatives of this minority, the council has already been able to address matters of importance to this minority to

the *Landtag* and the *Land* authorities.

Recommendations

The Advisory Committee calls on the authorities to pursue discussions on the Sorbian minority's representation within the Foundation for the Sorbian People, in order to find an equitable solution which will allow Sorbian representatives to participate effectively in decision-making processes.

The authorities should also take steps to ensure that the consultation procedures set up at regional and local level allow persons belonging to national minorities to participate effectively in public life.

14. Hungary

Opinion adopted on 18 March 2010

Article 15 of the Framework Convention

Participation in economic and social life

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee recommended that efforts aimed at improving the housing conditions of Roma be strengthened by combating particularly the segregation that existed at local level. The Advisory Committee further recommended the gathering of data on the health situation and access to care facilities for the Roma as well as increased efforts at combating the chronic level of under-employment of Roma.

Present situation

The Advisory Committee is deeply concerned by the persistent lack of effective participation of the Roma in social and economic life, despite the numerous steps taken by the Hungarian authorities over the past years to improve the integration of Roma into various spheres of life. The Advisory Committee notes that in June 2007 the Hungarian Parliament adopted a resolution on the strategic plan set up under the Decade for Roma Integration programme. This Plan comprises four priority objectives, i.e. to improve Roma access to education, employment, a decent standard of housing, and health care. The ways in which the plan is implemented and the corresponding budgetary resources are reviewed every two years to keep abreast of changes in the situation (see comments on Article 4, paragraph 54).

The Advisory Committee notes that some 2,875 billion HUF have been earmarked for the implementation of the "Housing and Social Integration Programme for Residents of Roma settlements" programme in 30 municipalities. With a view to dealing with the problem of the segregation of Roma communities living in large numbers in disadvantaged areas where there is neither decent housing nor suitable infrastructure, 160 anti-segregation plans have been set up to rehouse Roma in areas also inhabited by majority communities. However, despite these measures, many Roma families still live in substandard housing.

Finally, the Advisory Committee joins the European Committee of Social Rights in observing that the situation regarding social housing for Roma is still worrying and the number of evictions from illegal houses of Roma in Hungary still disproportionately high. While the Advisory Committee realises that the expulsion procedure concerns all occupants of housing that is not

owned or rented, it is deeply concerned by its disproportionate impact on Roma, especially children, who are in a particularly difficult social and economic situation.

Recognising that public employment agencies have assisted a large number of Roma to find employment, the Advisory Committee regrets that they generally still have few prospects of employment. The Advisory Committee notes with interest that specifically targeted training is offered to young Roma graduates to help them find employment as public officials in ministries and that there are plans to recruit an additional 300 Roma police officers.

The Minister of Health has set up programmes to improve the health of persons living in particularly disadvantaged regions. These programmes are not designed only for the Roma, but, owing to their particular vulnerability, they are the main beneficiaries. Emphasis has been placed on two aspects: improving prevention by making Roma parents aware of the importance of consulting health assistants and ensuring that health practitioners do not have discriminatory attitudes. The aim of the "Tolerance for Health programme" is to inform the medical profession of Roma traditions and culture and to employ Roma mediators in hospitals.

Some of the information brought to the attention of the Advisory Committee suggests that, as the Roma are very vulnerable, they have been particularly affected by the recent economic crisis. In this context the Advisory Committee would like to draw the attention of the authorities to Recommendation CM/Rec(2008)5 of the Committee of Ministers to member States on policies for Roma and/or Travellers in Europe which encourages the States, where they have not yet done so to "consider amending their national legislation in an appropriate manner in order to enable positive action aimed at overcoming particular disadvantages experienced by Roma and/or Travellers and at giving equal opportunities for Roma and/or Travellers in society".

Recommendations

The Advisory Committee urges the authorities to continue strengthening measures to ensure that the implementation of the Roma Decade Action Plan results in substantial and lasting improvement in the participation of disadvantaged Roma in economic and social life, in close consultation with their representatives. These measures should be regularly monitored and their impact carefully evaluated.

Given the particular vulnerability and persistent exclusion from economic and social life of Roma in Hungary, the Hungarian authorities should review possibilities for additional positive measures enabling Roma to be employed and access effectively available health and social services.

Representation of minorities in Parliament

Recommendations from the two previous cycles of monitoring

During the previous cycles of monitoring, the Advisory Committee recommended that the Hungarian authorities continue to work on establishing a mechanism for the representation of minorities in Parliament.

Present situation

The Advisory Committee strongly regrets that, since the adoption of its first Opinion, no notable progress has been made with regard to minorities' representation in Parliament. It is deeply

concerned by the fact that, although the Hungarian Constitution and the Law on the Rights of National and Ethnic Minorities guarantee in general terms the possibility for minorities to be represented in Parliament, it has not yet been possible to reach a political consensus on this issue.

The Advisory Committee's attention has been drawn to the fact that this problem is closely linked to the more general issue of possibly reducing the size of the Hungarian Parliament, as some of the political parties have requested. In this context, it appears difficult to achieve the qualified majority of two-thirds of members of Parliament required to present draft legislation aimed at enabling representatives of minorities to be elected to Parliament. Moreover, there also seem to be some differences of opinion between the minority self-governments on this issue, which further hampers finding a lasting and rapid solution. While taking note of these considerations, the Advisory Committee believes that, in the absence of such representation and despite the existence of a highly developed system for the consultation of minorities in Hungary, persons belonging to national minorities do not have the opportunity to participate fully and effectively in relevant decision-making processes.

Recommendations

The Advisory Committee strongly urges the Hungarian authorities to take resolute measures to enable persons belonging to national minorities to be represented as such in Parliament.

Functioning and reform of minority self-governments

Recommendations from the two previous cycles of monitoring

During the previous cycles of monitoring, the Advisory Committee recommended that the competence of minority self-governments and the legal provisions governing State aid and local authorities should be clarified. It recommended that Hungary continue its efforts to strengthen the functional and financial autonomy of minority self-governments as regards the acquisition, running and managing of public institutions and to clarify State and local authority funding and support to remedy problems between minority self-governments and local authorities.

Present situation

The Advisory Committee notes that coordination of all matters relating to minorities has been within the remit of the Secretariat of State for Minorities since 2007 and national policy has been placed under the direct responsibility of the Prime Minister.

The Advisory Committee notes with satisfaction that amendments to the Law on the Rights of National and Ethnic Minorities in 2005 have considerably extended the competences of minority self-governments which now have genuine operational and financial autonomy. Moreover, since 2007, minority self-governments have been represented not only at national and local but also at regional level. During the national and regional elections in March 2007, the thirteen national minorities elected their new national representatives and eleven of them were, for the first time, in a position to set up one or several regional self-governments to represent them.

The Advisory Committee welcomes these positive developments which reinforce effective participation of persons belonging to national minorities in the management of affairs concerning them, and notes the general satisfaction of its interlocutors with these new

opportunities for participation despite some criticism at the general reduction in financial aid from the State.

The Advisory Committee notes with interest that discussions have begun between the Government and minority self-governments with a view to conducting an in-depth review of the existing legal provisions governing the rights of national and ethnic minorities. All the stakeholders agree that it is necessary to establish a new general legal framework covering all aspects of minority self-government in a single law to promote the effective participation of persons belonging to national minorities in cultural, social, and economic life, and in public affairs. The Advisory Committee welcomes this initiative, which is in keeping with its second thematic commentary, and encourages the Hungarian authorities to give its active support to this project.

Recommendation

The Advisory Committee encourages the authorities to continue to facilitate the full and active participation of persons belonging to national minorities in decision-making processes at national, regional and local level through the minority self-governments which represent them. It invites the authorities to continue, in consultation with the representatives of national minorities, the discussions aimed at developing the general legal framework on the rights of national minorities.

15. Ireland

Opinion adopted on 10 October 2012

Article 15 of the Framework Convention

Participation of Travellers in elected bodies

Recommendation from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to pursue further their efforts to encourage Travellers' participation in elections, both as electors and candidates, at all relevant levels.

Present situation

Due to the fact that Travellers constitute only an estimated 0,6% of the population in Ireland, the probability of them competing successfully in elections at national level is slim. The level of political representation amongst members of the Traveller community at both local and national level remains very low. The Advisory Committee notes that a Traveller town councillor in Tuam, first elected in 1999 has held that office for the last 13 years, becoming in 2003, according to the rotation system used there, the first Traveller mayor of any town in Ireland.

The Committee notes that the Council of Europe Commissioner for Human Rights in 2008 encouraged the authorities to make further efforts to involve Travellers in political decision-making, in particular by considering the possibility of reserving a specific seat for the Traveller community in the Irish parliament, and possibly in the Seanad.

The Advisory Committee notes that the authorities are planning to hold a Constitutional Convention for 12 months, starting in the autumn 2012, with the aim of reviewing the

Constitution of Ireland of 1937 and making proposals for amendments addressed to the Oireachtas. According to the government proposal currently under consideration, the Convention shall consist of 100 members including 66 ordinary citizens selected at random from the electoral register, 33 members of the Oireachtas and the Chairperson. Bearing in mind the importance of the issues at stake, the Advisory Committee considers that the Traveller community should be represented at the Convention.

Recommendations

The Advisory Committee encourages the authorities to enable the Traveller community to be represented at the Constitutional Convention.

The Advisory Committee further invites the authorities to consider, in consultation with the representatives of the Travellers, legislative and practical measures which would create the necessary conditions for their political participation, including representation in particular at the local, but also at the national level to reflect more adequately the composition of Irish society.

Participation in structures devoted to minority issues

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to continue to associate the representatives of Traveller organisations, from local to central level, more closely in the work of the High Level Group on Traveller Issues, especially in so far as they involve the formulation and/or prioritization of policies pertaining to Travellers.

The Advisory Committee also encouraged the authorities to promote relevant participation in decision-making by members of various minority groups, including Roma, in line with the recommendations of the state's National Action Plan against Racism.

Present situation

The Advisory Committee welcomes the establishment in 2007 of the National Traveller Monitoring and Advisory Committee (NTMAC) which includes four national Traveller organisations, a number of prominent Traveller representatives and relevant government departments and agencies. The Committee's tasks are to advise the authorities on Traveller policy and to contribute to the process of improving service delivery to the Traveller community.

The NTMAC presented its first Advisory Report the authorities, including the Houses of the Oireachtas, in 2010. The report outlined issues of national importance affecting the Traveller community and made recommendations across a number of areas including: implementation of public services for the Traveller community, progression and pathways to work, Traveller identity, conflict and disputes, and political participation and the Traveller community.

The Advisory Committee further observes that a number of other committees, competent in specific fields, continue to operate. These committees are: the National Traveller Accommodation Consultative Committee, the Local Traveller Accommodation Consultative Committees, the Traveller Education Strategy Advisory and Consultative Forum and The Traveller Health Advisory Committee.

The Advisory Committee regrets to note that the above committees remain purely advisory bodies with no decision-making powers. According to some interlocutors, the authorities' commitment to the committees is sometimes lacking, as demonstrated by irregular meetings, little engagement of delegated officials and no follow-up being given. It is also regrettable that no Roma representatives participate in the work of the consultative committees.

Recommendation

The Advisory Committee repeats its call on the authorities to continue to involve Travellers and Roma in the formulation and/or prioritization of policies and to promote relevant participation in decision making at local and national levels by members of various minority groups, including Travellers and Roma.

Participation in cultural, social and economic life

Recommendation from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to take proactive measures to advance employment of Travellers in both the public and private sector with the view of eliminating practical and legal obstacles that hinder their full participation in economic life.

Present situation

The Advisory Committee notes with deep concern that Travellers continue to experience discrimination in access to the labour market, a fact which the authorities acknowledge. According to the data collected during the 2006 Census the unemployment rate for Travellers was 75% compared to 9% generally. The main reasons for this deplorable situation, identified by the Travellers in the All Ireland Traveller Health Study are discriminatory practices and social exclusion leading to low self-esteem and poor performance in education.

The Advisory Committee welcomes the initiatives taken by the authorities in the field of employment such as training programmes and internships aiming to improve the employability of Travellers. It notes that already in 2006, the authorities, employers, voluntary and community organisations and trade unions committed themselves through the Ten-Year Framework Social Partnership Agreement 2006-2015 "Towards 2016", to adopt an integrated approach to providing services and support to Travellers, to giving concentrated attention to achieving progress on this approach, including opportunities for Travellers to participate in employment in the public, private and voluntary sectors, and to supporting measures to improve communication between Travellers and the general population. It is with deep regret that the Advisory Committee notes that the unemployment figures for Travellers demonstrate that the various initiatives and schemes have not yielded a tangible result and that a large majority of Travellers remain excluded from the labour market.

The Advisory Committee also notes with regret that although the Roma are given mention in the title of the National Traveller/Roma Integration Strategy adopted in 2011, and there is some reference to selected initiatives addressing their specific needs, the policy on Roma has not been given due attention by the authorities. While recognising that Roma are for most part recent migrants from other European countries, the Advisory Committee notes that major

problems faced by them as regards discrimination, access to health care, employment and housing require focused attention and specific policy measures by the authorities.

Recommendations

The Advisory Committee urges the authorities to develop, as a matter of urgency, and in consultation with community representatives, genuine and realistic programs aiming to end the *de facto* exclusion of the Travellers from the labour market.

The authorities should develop, in consultation with those concerned, specific programmes for the Roma addressing all the key issues of discrimination, access to health care, employment and housing.

Travellers' Accommodation

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee asked the authorities to make concerted efforts to ensure that the local authorities meet Traveller accommodation targets and step up the delivery of appropriate accommodation options, including through improved provision of halting sites.

The Advisory Committee recommended further that the anti-trespassing legislation and related procedures be reviewed and, as appropriate, amended, in consultation with those concerned, to ensure they complied with Article 5 of the Framework Convention and other pertinent human rights standards.

Present situation

The Advisory Committee notes the adoption, in 2011, of the National Traveller/Roma Integration Strategy in line with EU requirements. The Strategy refers to the Traveller accommodation programmes containing annual targets and monitored through annual progress reports by the state and local government authorities and the National Traveller Accommodation Consultative Committee (NTACC). Establishment of Traveller Interagency Groups under each of the 34 County and City Development Boards is welcomed. However, the Advisory Committee notes that according to the available information, some Boards refuse to allow any Traveller representation and show lack of commitment to the process by not appointing a dedicated representative or not making a representative available for meetings.

There has been progress in access to housing, refurbishment of sites, access to health care and education since the publication in 1995 of the Report of the Task Force on the Travelling Community. However, in spite of various initiatives, programmes and financial schemes developed in recent years, Travellers continue to face significant challenges in relation to adequate accommodation. In 2008, the NTACC annual report estimated that 38% of Travellers were living in standard housing; 18% lived in private rented accommodation, 5% in private housing, 4% in shared housing, 6% in housing of their own resources, 8% in group housing, 1% in social housing, 13% in halting sites, and 7% on unauthorised sites. According to the NTACC, the number of families living on authorised halting sites has declined each year since 2003 with 991 families living on such sites in 2010. These figures demonstrate that although the

availability of halting sites has improved in recent years, there is still a shortage of available spaces for Traveller caravans and mobile homes.

The implementation of the 1998 Traveller Accommodation Act, which placed an obligation on local authorities to produce multi-annual Traveller Accommodation Programmes with the aim of improving the rate of provision of accommodation for Travellers, is not satisfactory. The Advisory Committee finds it disturbing that, in practice, many local authorities fail to provide adequate accommodation for Travellers, in line with their obligations under the Act. It is particularly disturbing that, due to resistance from local residents, who reportedly resorted in some cases to destruction of new halting sites or homes, local authorities have demonstrated a lack of political will to find satisfactory solutions.

The Advisory Committee notes that the existing authorised halting sites are not sufficient to meet the demands of Travellers living in mobile homes and caravans. In particular, it finds disturbing that in 2010 there were still 444 families (5% of Travellers) who lived in very precarious conditions on unauthorised halting sites. In this context, it regrets to note that the authorities, while acknowledging concerns regarding the consequences of criminalising trespassing expressed in the previous Opinions, have no plans to amend or review the law concerning trespass.

Recommendations

The Advisory Committee calls on the authorities to ensure, in due consultation and with the active participation of local authorities and Traveller and Roma representatives, the implementation of the Integration Strategy, in particular as concerns improving Traveller access to official halting sites and housing. In addition the authorities should actively promote awareness-raising on minority rights.

The Advisory Committee reiterates its call on the authorities, expressed in the previous Opinions, to review and, as appropriate, amend anti-trespassing legislation and related procedures.

16. Italy

Opinion adopted on 15 October 2010

Article 15 of the Framework Convention

Participation of persons belonging to linguistic minorities at the national and regional level

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to strengthen participation of minority representatives in the Technical Committee assisting in the implementation of Law 482/99. The authorities were also invited to consider developing other specific consultative mechanisms to institutionalise minority participation.

The authorities were further encouraged to carry out a review of the situation with regard to the presence in the civil service of persons belonging to minorities and to take specific measures to increase their numbers should the findings prove unsatisfactory.

Present situation

As underlined by the minority representatives met by the Advisory Committee, at national level, including in Parliament, the participation by persons belonging to minorities in decisions affecting them remains limited. As regards the Technical Committee assisting in the implementation of Law 482/99, the Advisory Committee has understood that the shortcomings noted in previous monitoring cycles remain. It appears in particular that, although the Technical Committee is consulted and can make its position clear on the main issues to be decided, its minority representatives' members have only a limited influence on its decision-making.

The Advisory Committee is not aware of any future or existing new forms or mechanisms of consultation for the purpose of improving participation at national level by persons belonging to minorities. It notes with interest CONFEMILI's proposal to reactivate the standing conference of the central government, regions, local authorities and linguistic minorities, a body set up a few years ago with support from the Ministry of Regional Affairs. According to the information received by the Advisory Committee, this conference was responsible for monitoring the implementation of existing legislation, proposing, on behalf of linguistic minorities, legislative, administrative and other changes relating to the protection of minorities, as well as co-ordinating initiatives in this field.

The Advisory Committee also wishes to echo and support the proposal made by the minority representatives with whom it met, to set up a special body within the central government responsible for co-ordinating government policy on the protection of minorities and acting as a single point of contact, within the executive, for minority organisations. The Advisory Committee acknowledges that, under the various systems and degrees of decentralisation and autonomy enjoyed by the areas in which linguistic minorities live, powers and responsibilities – and the relevant resources – are shared between different levels of authority. Nevertheless, it wishes to recall that the central government remains fully responsible for the implementation of domestic legislation on minority protection and Italy's international obligations in this field. The Advisory Committee believes that giving careful consideration to the above proposal may be one of the ways towards solving the problems arising from the lack of co-ordination among different levels of authorities.

The Advisory Committee notes that, pursuant to Article 26 of Law 38/01, electoral legislation should favour access by representatives of the Slovene minority to the Senate and the Chamber of Deputies. However these provisions seem to have received little attention from the authorities. In practice, even though there is currently a Slovene representative in the Senate, this is due to his election by the normal procedure rather than to a specific mechanism introduced for minority representation.

More generally, the Advisory Committee regrets to note that the concerns of persons belonging to minorities, their needs and their initiatives are not always given due attention by the authorities. It notes, for example, that the referendum held in 2007 by the Ladins of Sella in the province of Belluno on their inclusion in measures to protect linguistic minorities failed to prompt any response by the authorities. While fully aware of the legislation in force and of the Constitutional Court case-law regarding the inclusion of new groups or languages within the protection of linguistic minorities, the Advisory Committee believes that the authorities should open a dialogue with the persons concerned and allow them to make their position clear (see also the comments on Article 3 above).

As regards the presence of persons belonging to minorities in the civil service, besides the measures in place in the Autonomous Province of Bolzano – South Tyrol and, to some extent, in the Autonomous Region of Aosta Valley, the Advisory Committee is not aware of any specific measures taken by the authorities, since the previous monitoring cycle, to review the situation in this field and help increase, where needed, the numbers of such persons employed in the civil service.

Recommendations

The Advisory Committee urges the authorities to take more effective steps to improve the participation of persons belonging to minorities in public affairs, especially those affecting them. In particular, they should review institutional mechanisms for participation in the central government and identify ways of making this participation more effective.

The authorities should take effective steps to set up a single contact point acting as a co-ordinating body within the central government for the protection of minorities. They should also ensure the effective implementation of laws to facilitate access of minority representatives to the national parliament.

The authorities are strongly encouraged to make a greater effort to create a favourable climate for the participation of persons belonging to minorities in public affairs at the local, regional and national level, including by condemning racist and xenophobic attitudes in society. Greater attention should be paid to promoting the employment of such persons belonging to minorities in the civil service.

Participation at the regional level

Recommendations from the previous two monitoring cycles

In the previous monitoring cycle, the Advisory Committee encouraged the authorities to take the necessary steps to improve the functioning of the Joint Committee established under Law 38/01. It also urged them to ensure that the mechanisms for social and economic participation provided for under section 21 of Law 38/01 were implemented immediately.

Present situation

The Advisory Committee is pleased to note that, generally-speaking, a spirit of frank and constructive dialogue, marked by open-mindedness and transparency, prevails in relations between minorities and local and regional authorities.

Positive developments have been noted regarding participation by Slovenes in public life at the regional level. In addition to the fact that the region's electoral legislation now provides for the election of a regional councillor to represent the Slovene minority, significant progress has been recorded with regard to the functioning of the Joint Committee set up under Law 38/01. The Advisory Committee welcomes the fact that over the past few years this committee has received support from regional authorities and its views have been taken into account when important practical and legislative measures have been adopted, such as the decrees on demarcation of the traditional areas of settlement of the Slovene minority and on public use of the Slovene language. It also welcomes the fact that the Joint Committee's comments have been included in the State Report.

On the other hand, very little progress has been reported on the representation of the Slovene minority in bodies responsible for the region's environmental and socio-economic planning. The Advisory Committee regrets that this minority still has no adequate representation in these bodies, although, following the formal approval of the list of municipalities in which Slovenes have traditionally been present, all the statutory preconditions have been met. The Advisory Committee was informed that, at the time of its visit to Italy, only one municipality had approached the Joint Committee with a view to including Slovene representatives in one of its consultative committees. The Advisory Committee stresses that it is essential for persons belonging to minorities to be consulted and involved in decision-making on matters of importance for the future of their communities and the areas in which they live, such as socio-economic planning, in order that, for example, their traditional economic activities can be preserved and perpetuated.

The Advisory Committee noted with interest the current debate on proposals to reduce the number of municipalities and elected bodies at the local level as well as the concern which these proposals have prompted among minority representatives. According to the latter, such changes might have an adverse impact on the protection of minorities and especially on their participation in decisions affecting them. The Advisory Committee considers it essential that, if new territorial units are introduced, suitable procedures should be identified, in consultation with minority representatives, to ensure that minorities can highlight the needs and expectations of their communities in any decision-making process affecting them.

Recommendations

The authorities should take all necessary steps to ensure the comprehensive and effective implementation of existing legislative provisions regarding the participation by persons belonging to minorities in public affairs at the local and regional level, including in socio-economic planning bodies.

The authorities should ensure that, in the event of an administrative reform which might result in the creation of a smaller number of municipalities, all the conditions are in place for persons belonging to minorities to participate fully in social, economic and cultural life and local public affairs. Consultation of minority representatives during decision-making on such a reform is essential and their opinion should be duly taken into account when taking decisions.

Consultation and participation of Roma and Sinti

Recommendations from the previous two monitoring cycles

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to consider creating a suitable body through which Roma and Sinti could be regularly consulted on matters affecting them and which would be able to provide informed assistance in the development of an integration strategy.

Present situation

The Advisory Committee deeply regrets that no advisory body has yet been set up through which Roma and Sinti can be consulted on policies and measures adopted with regard to them. Consultation mechanisms for these communities are also largely lacking at local and regional levels.

The Advisory Committee believes that the heterogeneity and differing views of Roma and Sinti organisations are no excuse for the absence of a proper consultation mechanism. It has noted with interest, in this respect, the UNAR's suggestion for the setting up of an institutional structure as a framework for dialogue between the representatives of the Roma and Sinti communities and the authorities.

The Advisory Committee further considers that the authorities should ensure fair and transparent distribution between the various Roma and Sinti organisations of the financial support provided by the central government for projects to improve the situation of these communities (see also the comments on Article 5 above).

As regards the participation by Roma and Sinti in social, economic and cultural life, the Advisory Committee refers to its comments on Articles 4-6, 5 and 9 above.

Recommendations

The authorities must take, without further delay, effective steps to ensure a substantial improvement in participation by Roma and Sinti in public affairs at national, regional and local levels, with due regard for the differences existing within these groups.

Priority should be given to establishing an advisory body enabling these persons to be consulted on policies and measures concerning them.

At the same time, the authorities should adopt and continue to grant support to the projects and initiatives of the various organisations representing these communities on the basis of clear, transparent and fair criteria.

17. Kosovo*

Opinion adopted on 6 March 2013

Article 15 of the Framework Convention

Participation in elected bodies and administration

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called on the authorities to promote the representation of persons belonging to minority communities in public administration and the judiciary with a view to establishing a multi-ethnic public service. Increased attention was to be paid to the effective recruitment and retention of persons belonging to minority communities, including at senior levels, as well as to the collection of reliable data on minority representation in line with personal data protection standards, to facilitate the adoption of appropriate measures. In the context of the decentralisation process, it considered that adequate resources needed to be provided to the municipalities to enable them to carry out their competences effectively.

Present situation

The Advisory Committee notes discussions regarding possible constitutional amendments to reflect the official recognition of the Croat and Montenegrin communities by providing them with reserved seats in the Assembly, on the same basis as other recognised communities. It is

concerned, however, that these considerations have led to anxiety among other minority communities, as they fear that two seats may be taken from the contingent of 20 seats that are reserved for communities, and reassigned to the newly recognised communities. The Advisory Committee welcomes the inclusion of the Croat and Montenegrin communities in the scope of application of the Law on Communities (see above comments on Article 3) and considers that these communities have an equal right to obtain guaranteed representation in the Assembly as other communities. The Advisory Committee expects that reserved seats if granted will be assigned without infringing on established rights of other communities. The protection of the guaranteed seats is particularly relevant given the on-going electoral reform process that is likely going to introduce multiple electoral districts. The Advisory Committee underlines that any draft amendment to the Constitution or the Law on General Elections must be the subject of close consultation with representatives of all communities and must duly take account of the commitment to promote the effective participation of minority communities in public life, in line with Article 15 of the Framework Convention.

The Advisory Committee further notes that the Committee on Rights and Interests of Communities continues to be part of the Assembly. It regrets reports, however, that the recommendations and concerns of the Committee are not adequately considered and that it does not, therefore, have an effective input on legislative drafts that affect the rights and concerns of minority communities. In addition, the Advisory Committee notes that a number of administrative positions are reserved for members of minority communities. The position of deputy mayor for communities was established in a number of municipalities and some central cabinet positions of Minister or Deputy Minister also appear to be reserved for minority communities. The Advisory Committee acknowledges the appreciation among minority communities for these positions and notes frequent reports that it is indeed a community member within the municipality or Ministry that is most likely able to address a concern and promote a solution for the community. It is concerned, however, by the extent to which political considerations appear to play a role in the filling of these positions. Effective participation is best promoted through institutional prioritisation of minority concerns and interests and close consultation with the community based on trust. The appointment of political affiliates has little long-term benefit for the effective representation of the community, as they have often become detached from their communities and do not necessarily represent their interests, even if they share the same ethnic background. In addition, the Advisory Committee regrets that representatives of numerically small communities rarely appear to be appointed to executive positions. This strengthens the impression that these are appointments based on broader political considerations rather than efforts to improve the representation of minority interests in decision-making.

The Advisory Committee further regrets that the overall representation of minority communities in the civil service and public structures appears to be still insufficient. During its visit, the Advisory Committee heard repeatedly that the employment of Roma, Ashkali or Egyptian community members was particularly difficult, including at municipal level, due to lack of qualified candidates. While acknowledging the specific disadvantages faced by these communities due to their social exclusion and often extreme poverty, the Advisory Committee was encouraged to personally meet a significant number of highly skilled individuals belonging to the Roma, Ashkali and Egyptian communities. Despite their professional experience and remarkable ability to speak, among others, both official languages, they reported that they

were often not even considered for positions in public structures because of their ethnic background. Other communities also report difficulties with regard to public employment, particularly for women and particularly at senior level. The Advisory Committee regrets that no special efforts seem to be made to reach out to minority communities to ensure that qualified individuals are recruited, retained and promoted within public service. This has an obvious impact also on the capacities within public structures, including the judiciary, to respond to the language needs of minority communities in line with relevant legislation (see above comments on Article 10). Efforts must be made to ensure that information on available positions is duly addressed to speakers of both languages. In addition, language proficiency must be considered an advantage in recruitment proceedings and incentives created for persons belonging to minority communities to work in public structures.

The Advisory Committee further notes that the authorities engaged in 2008 in a comprehensive decentralisation process, in line with Ahtisaari's Comprehensive Proposal and the Constitution, as a result of which five new municipalities with a majority Serb population were established. Overall, the process is considered to constitute a successful measure to bring services closer to beneficiaries and improve the effective participation of minority communities in public life. There is criticism from some minority representatives, however, noting that important competences still remain at central level, such as related to waste disposal and spatial planning, which prevents appropriate and timely decision-making at municipal level and results in a lack of legal certainty for citizens. In addition, most interlocutors agree that comprehensive training of municipal officials is still necessary to ensure that their new functions are properly implemented, including as regards local economic development. While the Advisory Committee generally welcomes the transfer of competences to the local level as it can often be a tool to improve the effective participation of minority communities, it considers that attention must be paid to ensure that the decentralisation process enhances co-operation among communities and does not lead to further separation, and that it is governed by efforts to meet the needs and concerns of the affected population rather than by political considerations. It refers in this regard to the European Charter on Local Self-Government for relevant guidance.

Recommendations

The Advisory Committee calls on the authorities to guarantee the effective representation of minority communities in the Assembly through the allocation of an adequate number of reserved seats, to be confirmed in the electoral reform process.

The Advisory Committee further invites the authorities to ensure that members of minority communities have the ability to effectively participate in relevant decision-making processes at central and local level. Existing mechanisms should be maintained and applied in the interest of community representation rather than political considerations, paying particular attention to the representation of numerically smaller communities.

The Advisory Committee further calls on the authorities to continue their efforts to improve the effective participation of minority communities through decentralisation while paying due attention to the concerns and needs of the affected population, in line with relevant European standards.

Consultation with minority communities and coordination

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called for all measures pertaining to minority protection to be properly coordinated among competent authorities and closely consulted with the Community Consultative Council. In addition, it encouraged the authorities to periodically review the Community Consultative Council's appointment procedures to ensure that it was as inclusive as possible, also with regard to the representation of women belonging to minorities, and underlined that the Council should be provided with adequate resources to function effectively and that awareness should be raised among minority communities about its mandate and working methods. It further pointed out that efforts were required to render more effective the participation of minority communities in decision-making, especially on issues affecting them.

Present situation

The Advisory Committee is pleased to note that the role and efficacy of the Consultative Council for Communities under the President have been strengthened following amendments to its Statute in 2012. All minority community organisations can now apply to be accredited with the Office of the President and can then nominate their representative members of the Council. A gender quota has been set to ensure that at least 40% of the members are female. Importantly, the Statute now stipulates that there should be at least 14 meetings per year, and the Council has been equipped with a secretariat and some staff. The mandate of the Council remains, however, limited to raising issues of concern. While the government, following changes to its Rules of Procedures in 2011, *must* regularly consult the Council on decisions concerning minority communities, the Council has not gained any active role in decision-making processes. Members have expressed their concern that they are treated as members of civil society rather than as an institutional mechanism for promoting consultation with communities, and that they are not really involved in any of the important issues concerning them, such as decentralisation and privatisation processes or questions related to the status and regional negotiations. In their opinion, the Council would be better placed in the Prime Minister's office.

Given the perception that the Council does not enjoy a lot of influence among decision-makers, most members belonging to national minorities address directly representatives of their community in public structures to resolve issues concerning them. This places persons belonging to the Roma, Ashkali or Egyptian communities at a noticeable disadvantage since they have only limited numbers of representatives within civil service, particularly at higher level, to turn to. In addition, the Advisory Committee regrets reports that even regarding the implementation of the Strategy and Action Plan on the Integration of Roma, Ashkali and Egyptians, which stipulates close consultation with community representatives, no comprehensive efforts have been made to engage in regular consultations with the communities at local and central level, including as regards important aspects such as the allocation of funding or the prioritisation of beneficiaries. While positive examples exist in some municipalities where officials have sought input from and dialogue with communities, the Advisory Committee remains concerned by the lack of guidance from central level regarding the importance of regular consultation, and the apparent reliance on informal and personal connections rather than institutionalised channels.

The Advisory Committee further notes that an overall lack of central coordination further reduces the effectiveness of consultation, even when efforts are made at local level to involve minority communities in decision-making on issues that affect them. While some MOCRs, for instance, are reported to have engaged in regular contacts with minority communities and made efforts to take their views and concerns into account in all relevant decision-making, other entities at central and local level with overlapping mandates may be developing different strategic approaches based on consultations with other actors. The overlap of responsibilities without clear instructions or understanding of the mandate of other entities overall hinders the effective implementation of activities intended for the benefit of minority communities. The Advisory Committee considers that central level institutions must significantly intensify their coordination to ensure that municipal actors are duly instructed and informed of their respective responsibilities and coherent strategies can be developed (see also above comments on Article 4). It is also essential that adequate data on the situation and concerns of minority communities is collected and processed centrally and in close consultation with the communities concerned, to ensure that their views and concerns are effectively taken into account by all relevant units. Efforts must also be made to promote the effective participation of minority communities in the monitoring and evaluation of all relevant programmes or strategies to optimise their efficacy.

Recommendations

The Advisory Committee urges the authorities to strengthen the mandate and role of the Consultative Council for Communities and to ensure that it is effectively consulted on all issues of relevance to minority communities, and granted the opportunity to influence decision-making processes on issues that affect them.

The Advisory Committee further calls on the authorities to establish effective and institutionalised consultation mechanisms at local level to ensure that the views and concerns of communities are regularly discussed and adequately taken into account. In addition, central-level coordination must be intensified and information effectively shared, in consultation with minority communities, to promote comprehensive strategic direction in all activities related to communities at municipal level.

Participation in socio-economic life

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to intensify their efforts to promote access to the labour market by persons belonging to minority communities through targeted measures, while paying particular attention to persons belonging to marginalised communities, as well as to young persons and women with a minority background. It further called on the authorities to ensure equal access to economic opportunities for persons belonging to minority communities also within privatisation processes.

Present situation

In an overall unfavourable environment with regard to poverty and unemployment, persons belonging to minority communities are disproportionately affected. While persons belonging to the Serb community have some employment opportunities in the Serbian-administered

institutions, there is a high proportion of elderly persons among the Serb community. Roma, Ashkali and Egyptian communities continue to experience social exclusion and discrimination. While efforts have been made to improve the situation with the introduction of small and medium-size grants and the promotion of small businesses through MOCRs in some municipalities, persons belonging to Roma, Ashkali and Egyptian communities contend that the schemes are often not available to them, despite legislative provisions. Targeted schemes should be developed to promote access to employment by members of minority communities, including through positive measures (see above comments on Article 4), and attention must be paid in particular to raise awareness in the newly established municipalities of the applicable legal framework and institutional responsibilities related to small and medium-sized enterprises.

The Advisory Committee welcomes a recent initiative of the Office of Community Affairs within the Office of the Prime Minister related to employment of minority communities in civil service and publicly owned enterprises, comprising research and awareness-raising activities as well as the development of an official strategy to address remaining challenges. With regard to the private sector economy, the Advisory Committee notes that it is developing at a much slower pace in areas inhabited by minority communities. As a result, community members are often not suitably informed about employment or business opportunities that arise, including related to the on-going privatisation process, and do not have the relevant background or experience to participate in tenders or other application procedures. Some efforts have been made, often with international or civil society support, to provide relevant vocational and other training to communities. However, much more comprehensive engagement in this regard is required to ensure that economic development, including through privatisation, is effectively accessible to members of all communities. The Advisory Committee is further concerned by reports that minority communities throughout Kosovo* face security concerns when wishing to utilise their assets for commercial gains, such as by opening a shop or cultivating their land (see above comments on Article 6).

The Advisory Committee further notes particular obstacles for members of minority communities with regard to access to health. Linked to the presence of Serbian-administered hospitals offering employment, the number of medical staff of Serb origin in Kosovo* hospitals is reportedly close to nil. As a result and in view of the above-mentioned language divide, persons belonging to minority communities do not have access to Serbian-language speaking medical staff and often travel long distances to ensure that they can be fully understood by medical professionals. The Advisory Committee also heard of difficulties when wishing to fill Serbian language prescriptions in pharmacies. In addition, returnees face complications when wishing to continue medical treatment that was commenced during displacement, as Kosovo* has only a few specialised health centres. Psychological and psychiatric treatment, for instance, is generally considered below standard. While this affects the broader population, it is of particular concern given the traumatising experience by many persons belonging to minority communities in displacement or upon return.

The Advisory Committee is further concerned by limited access by minority communities to other core services, such as utilities and garbage collection for members of minority communities, for example in the desolate social housing complexes in Obiliq/Obilić municipality which, in addition, are exposed to hazardous levels of industrial pollution.

Recommendations

The Advisory Committee calls on the authorities to intensify their efforts to promote access of minority communities to socio-economic opportunities, including in the privatisation process. Targeted training opportunities and grants must be offered, in particular in remote locations, to support the most disadvantaged to enter and remain in the labour market.

The Advisory Committee further urges the authorities to ensure that persons belonging to minority communities are effectively provided with access to quality health and other core services. Efforts must be enhanced to recruit and retain medical professionals with adequate language proficiency in minority community languages.

18. Lithuania

Opinion adopted on 28 November 2013

Article 15 of the Framework Convention

Participation in decision-making processes

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to examine, in close co-operation with minority representatives, ways of encouraging greater participation of persons with minority backgrounds in electoral processes at all levels.

Present situation

The Advisory Committee notes that minority community representatives are generally well represented in Lithuanian politics and that one minority party joined the Government following parliamentary elections in October 2012. It shares the concerns of some of its interlocutors, however, that political parties generally appear to have little outreach on substantive issues to national minorities, and that inter-ethnic relations are further politicised by the fact that minority interests appear to be represented in politics only through minority political parties. This increased focus on inter-ethnic relations in politics may indeed have contributed to the long delay in adopting a Law on National Minorities and may also challenge progress with the new draft Law.

The Advisory Committee notes on-going discussions regarding plans by the Central Electoral Commission to change the electoral boundaries prior to the next parliamentary elections. Controversy is prompted in particular by the proposal to increase the number of constituencies in Vilnius to two and re-distribute some of the districts to ensure that the number of voters in the various constituencies is roughly equal. Representatives of the Electoral Action of Poles in Lithuania contend that the electorate of national minorities would be artificially split by the proposed changes, which would worsen their chances in the elections, and proposes instead the development of three constituencies in Vilnius region, two in the Vilnius district and one in Šalčininkai district, which is populated to some 80% by persons belonging to the Polish minority. The Advisory Committee recalls in this context the recommendations and expertise provided by the OSCE Office for Democratic Institutions and Human Rights which indicated that all decisions on changes of political boundaries should be taken in consultation with minority

representatives, and also considered that a lower threshold for minority parties could enhance the representation of national minorities in the legislature.

Recommendation

The Advisory Committee encourages the authorities to continue a close dialogue with minority representatives regarding any changes to constituency boundaries to ensure that their opportunities to be effectively represented in the legislature are not negatively affected.

Consultative mechanisms

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities, in co-operation with minority representatives, to comprehensively review and render more effective the arrangements for consulting persons belonging to national minorities, including those belonging to numerically smaller groups, in order to ensure that they were systematically involved in relevant decision-making processes. It further recommended maintaining the post of Minority Advisor within the Prime Minister's Office and to ensure that he or she was closely involved in all decision-making related to national minorities.

Present situation

The Advisory Committee notes that consultation with minority communities is mainly conducted through the Council of National Minorities, which has advisory functions. There are 26 members representing 19 national minorities, with larger communities occupying two or three seats respectively. The Council meets at least eight times a year and is free to set its own agenda. Following the discontinuation at the end of 2009 of the Department for National Minorities and Lithuanians Living Abroad, which was the specialised government structure dealing with issues pertaining to minority rights protection, responsibilities were transferred to the Division on National Minority Affairs of the Ministry of Culture. The move resulted in a decrease in budget and staffing available for issues related to minority protection since 2010. The Advisory Committee welcomes plans to increase the Division's budget as of 2014 to benefit, among others, the Council, as well as discussions surrounding a possible promotion of the status of the Division to carry more political weight in the new structure.

While representatives of the Council appreciate that the Vice Minister of Culture has attended some of their meetings and has reportedly listened attentively to their concerns, making efforts to seek adequate follow-up with other relevant ministries to increase the impact of the Council, minority representatives generally express their discontent with the discontinuation of the Department. They unanimously consider that the former body provided them with more effective influence on relevant decision-making processes and more opportunities to directly meet with senior officials from other ministries and institutions. In addition, the former position of Advisor to the Prime Minister on Minority Issues was discontinued. This frustrates minority communities despite the fact that the current Prime Minister is reported to pay attention to minority protection, including as regards the development of draft legislation on national minorities. The Advisory Committee reiterates its view that issues related to national minority protection are much broader than culture, encompassing other key policy areas such as education, language and social affairs, and must therefore be closely co-ordinated between relevant government bodies. It considers that the transfer of minority related responsibilities

from the specialised structure to the Ministry of Culture must not limit the extent of attention paid to issues pertaining to minority protection and must be accompanied with targeted efforts to ensure that the views and concerns of national minority communities, including the numerically smaller ones, are effectively taken into account by all relevant government bodies, not only the Ministry of Culture and not only on matters of culture.

The Advisory Committee further notes that there seem to be no institutionalised channels for minority representatives outside Vilnius to discuss their concerns with the various relevant government bodies. While there are some means of local participation in Vilnius Municipality and other administrative regions through, for instance, electronic means, there are no advisory councils or other mechanisms at local level to ensure that the views of persons belonging to national minorities are effectively taken into account in local decision-making processes that directly affect them. The situation particularly affects numerically smaller minorities such as the Karaim, as they, in addition, do not always have a representative on the Council of National Minorities or do not have direct contact with their representative due to their remote location. The Advisory Committee notes that effective consultation mechanisms on issues pertaining to minority protection at local level may also benefit persons belonging to the majority population who find themselves in a minority situation in regions densely populated by national minorities.

Recommendations

The Advisory Committee calls on the authorities to ensure that the Council on National Minorities is empowered to effectively represent the views and concerns of national minorities, including the numerically smaller ones, in all relevant decision-making, beyond the cultural sphere. Efforts must further be made to ensure that the concerns and proposals of minority communities at local level are effectively taken into account.

The Advisory Committee urges the authorities to provide adequate financial and political support to the Division on National Minority Affairs of the Ministry of Culture and to ensure that it is enabled to effectively facilitate inter-ministerial co-ordination of all minority related government policies.

Participation in socio-economic life

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called on the authorities to develop adequate measures to counter the specific problems faced by persons belonging to national minorities in the field of employment, paying particular attention to the Visaginas region. In addition, it urged the authorities to resolutely and comprehensively address the situation of the Roma in the fields of housing, education, social welfare, health care and employment, and to ensure that Roma effectively participated in the development of adequate strategies.

Present situation

The Advisory Committee welcomes the available information on levels of socio-economic participation among minority communities resulting from the census in 2011, indicating that access to the labour market is not generally affected by ethnic background but rather by regional differences. With regard to the socio-economic integration of national minorities, in

particular Russian, Belarusian and Ukrainian, in the Visaginas region following the closure of the Ignalina nuclear power plant, the Advisory Committee notes research that suggests that knowledge of the state language, citizenship and access to social networks are considered as most important prerequisites to obtain better opportunities in the labour market, with a Lithuanian ethnic origin only raised by few respondents as relevant. In this context, the Advisory Committee welcomes again the availability of and government support for such independent research, but regrets the overall absence of regular disaggregated data on access to the labour market by persons belonging to national minorities, which makes it difficult to comprehensively assess the situation, including as regards the gender dimension among minority communities (see also above comments on Article 4).

The Advisory Committee remains deeply concerned by the lack of effective socio-economic integration of persons belonging to the Roma communities. It notes in particular the still very limited access to employment among Roma. Only 20 persons were registered as fully employed with the Ministry of Social Security and Labour in 2012, with 213 registered as unemployed and in receipt of social benefits. This leaves the majority of the estimated 2 500 Roma in Lithuania striving in the informal labour market, without any support. Access to health also remains difficult, linked, among others, to high levels of illiteracy which inhibit access to public health services particularly in Vilnius Municipality, as well as the lack of adequate health insurance (beyond emergency treatment) for many Roma who are not registered as unemployed. While welcoming the organisation of some vocational training for Roma organised by the Ministry of Social Security and Labour as well as some other initiatives that are organised with EU funding, the Advisory Committee remains deeply concerned by the lack of a comprehensive strategy for the socio-economic integration of Roma that effectively takes the views and experiences of Roma into account (see also above comments on Article 4).

The Advisory Committee is further deeply concerned by the fact that the issue of housing for the approximately 500 residents of Kirtimai settlement has not been addressed in the Roma Integration Plan 2012-2014 and remains of grave concern to the community and observers alike. With the exception of a few houses, the settlement remains illegal and the eviction of families from four houses in February 2012 continues to provoke fears of further such steps among the population. A comprehensive strategy, closely consulted with representatives of the Roma community and co-ordinated with all involved actors, including Vilnius Municipality, is urgently required to address the dire situation of the inhabitants who continue to live in sub-standard accommodation, often without electricity or running water.

Recommendation

The Advisory Committee urges the authorities to resolutely advance their efforts to promote the socio-economic integration of Roma communities. The development of a comprehensive strategy, addressing all relevant issues such as housing, employment and access to health services, is urgently called for and must be closely co-ordinated with the communities themselves as well as all relevant government bodies, notably including local authorities.

19. Moldova

Opinion adopted on 26 June 2009

Article 15 of the Framework Convention

Participation in socio-economic life

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee called on the Moldovan authorities to take resolute action to tackle Roma isolation and marginalisation from socio-economic life and public affairs. Furthermore, it regretted that the implementation of the programme adopted by the Government in 2001 to improve the situation of the Roma had not brought about tangible results.

Present situation

The Advisory Committee notes that, in general, the socio-economic situation of persons belonging to national minorities does not substantially differ from others in Moldova. However, many of them live outside the capital, sometimes in economically marginalised rural or border areas, which limits their participation in socio-economic life.

The Advisory Committee welcomes the adoption, in December 2006, of an Action Plan for the support of Roma for 2007-2010, which covers five major areas: education, culture, health and social protection, employment and public order. However, information brought to the attention of the Advisory Committee indicate that the implementation of the Action Plan, and the various sectoral plans which were adopted, is marred by a number of deficiencies, such as a lack of coordination in the implementation and the absence of an efficient mechanism for monitoring and evaluation of its results. Additionally, most of the interlocutors of the Advisory Committee underlined as a major problem the absence of specific budgetary allocations, at the central and local levels, for the implementation of the Action Plan. Roma representatives also informed the Advisory Committee that they consider their involvement in the implementation and monitoring of the Action Plan as insufficient. Therefore, although certain measures have been implemented and some results achieved, it appears that the impact of the Action Plan remains, so far, too limited, which is of concern to the Advisory Committee. Additionally, there is a need for further planning and for a new strategy for 2010 onwards.

The Advisory Committee understands that the living conditions of the Roma greatly vary in different regions of Moldova. If some families enjoy good living conditions, in particular in the Soroca and Otaci regions, others reportedly continue to live in extreme poverty and to be isolated from society, notably in villages in rural areas. Therefore, while taking note of the measures planned as part of the Action Plan for Roma 2007-2010 in the field of employment and social protection, the Advisory Committee is concerned that participation of the Roma in socio-economic life remains very limited. Moreover, as mentioned below (see paragraph 170), they only have very limited access to public employment. Sources brought to the attention of the Advisory Committee indicate that Roma being among the most vulnerable groups in Moldova, they might be particularly hit by the consequences of the recent economic crisis.

Many Roma continue to live in substandard housing conditions without easy access to health care services. Although the Advisory Committee understands that living conditions of persons belonging to the majority population in some rural areas can be difficult as well, it is particularly concerned by the fact that many Roma settlements have been categorised as “settlements without a future”. Consequently, no investments in terms of infrastructures are being made,

which reinforces the vicious circle of isolation and poverty.

Recommendation

The authorities should ensure that, in general, sufficient financial resources are allocated to the economic development of regions where persons belonging to national minorities live in substantial numbers. The latter should also be fully involved in any programme aiming at improving the economic situation in the regions where they live.

The Advisory Committee urges the Moldovan authorities to take more resolute measures to ensure that the implementation of the Action Plans for Roma results in substantial and lasting improvement in of the situation of the disadvantaged Roma. Roma representatives should be closely associated with the implementation and monitoring of this Plan.

Measures should, in particular, be taken to ensure that poor and isolated Roma settlements are included in future public investment policies and policies of infrastructure development.

Participation in elected bodies

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee noted that persons belonging to national minorities were fairly well represented in central and local elected bodies. However, it invited the authorities to review the provisions of the law on political parties which represented an obstacle to the participation of national minorities in these bodies.

Present situation

The Advisory Committee notes that persons belonging to national minorities continue to be represented in the Parliament, including following the elections of 5 April 2009, as a result of their inclusion on the lists of some political parties. At the local level, they are represented in locally-elected bodies in regions where national minorities live in substantial numbers. Nevertheless, the Advisory Committee takes the view that the current representation of minorities in elected bodies does not imply that persons belonging to national minorities benefit from every opportunity for effective participation in the political life of the country and in the decision-making process (see also remarks in respect of Article 7 above).

The Advisory Committee notes that the electoral threshold has recently been reduced from 6 to 5%. This, however, only partly meets the repeated calls for lowering the electoral threshold made in recent years, at the domestic and international levels. It recalls that such changes should in principle be made well in advance of an election.

The Advisory Committee is concerned by the fact that Roma are rarely represented in elected bodies, whether at the central or local level. This is also the case for persons belonging to numerically smaller minorities, such as Italians, Tatars and others.

The Advisory Committee notes the legal effect of Article 13 paragraph 2 of the Electoral Code of Moldova of 10 April 2008, which prevents Moldovan citizens holding dual nationality from running for the position of member of the Parliament.

Recommendations

The Advisory Committee urges the Moldovan authorities to take measures to improve

minorities' representation in elected assemblies, particularly by removing all undue obstacles, including those enshrined in law, to the effective participation in public affairs of persons belonging to national minorities.

Substantial efforts should be made to promote a better representation of the Roma at all levels. Particular attention should also be paid to the representation of persons belonging to numerically smaller minorities.

The Advisory Committee calls upon the authorities to consider Article 13 paragraph 2 of the Electoral Code in the light of the Joint Opinion of the Venice Commission and the OSCE/Office for Democratic Institutions and Human Rights.

Participation in the executive, in the judiciary and in public services

Recommendations from the two cycles of monitoring

In previous cycles of monitoring, the Advisory Committee found that the participation of persons belonging to national minorities in State administration was limited, especially at higher levels.

Present situation

The Advisory Committee is concerned by the fact that the level of participation of persons belonging to minorities in all fields of the State administration, as well as in public services, remains low. However, the Law on the rights of persons belonging to national minorities of 2001 requires that the representation of national minorities in the executive and in the judiciary at all levels, as well as in the army and law enforcement agencies, shall be "approximately proportional". Insufficient command of the State language among national minorities often constitutes a barrier in accessing public employment (see remarks under Article 14 above) or for retention in public employment. However, it only partially explains this low level of employment.

In fact, it appears that persons belonging to national minorities are not involved at higher levels of the executive, including the Government, nor are they well represented in law enforcement, the judiciary and public services. This is the case for all minorities, from the numerically larger groups such as the Ukrainians and the Gagauz, to the Roma, whose level of representation in public services is extremely limited and does not appear to be monitored. The Advisory Committee takes the view that a better participation of Roma in employment in areas such as health, employment and social services would contribute to fighting discrimination against them and improving access of the Roma population to these services.

Recommendations

The Advisory Committee calls on the authorities to take further, more resolute measures to increase the employment of persons belonging to national minorities in the State administration and in public services and to monitor the situation. Additional measures to promote the recruitment, and retention in employment, of persons belonging to national minorities should be taken, including training and retraining programmes.

Particular efforts should be made with regard to teaching of the State language, notably to civil servants.

Consultation of national minorities

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee welcomed the existence of consultation mechanisms, which enabled national minorities to take part in decision-making processes. Yet it encouraged the authorities to engage in more direct dialogue with the organisations representing national minorities.

Present situation

The Advisory Committee notes that 93 organisations representing national minorities are currently participating in the work of the Coordinating Council of Ethno-cultural Organisations, which has been operating under the auspices of the Bureau for Interethnic Relations since the setting up of the latter. It welcomes the fact that a wide range of organisations, including organisations representing immigrants, continue to be represented in the Council (see also remarks in respect of Article 3 above).

The Advisory Committee regrets that, according to various minority representatives, the Coordinating Council no longer seems to be considered as an important interlocutor for decision-makers. Communication with the Government is limited to its working relations with the Bureau for Interethnic Relations and, consequently, the Coordinating Council is now mainly dealing with cultural issues, although many of its members would welcome it having a wider participatory role with the Government. The Advisory Committee is concerned that this situation deprives persons belonging to national minorities from one of the possibilities to participate in decision-making. Moreover, it is informed that organisations not registered with the Bureau for Interethnic Relations have limited communication with the authorities.

Recommendations

The Advisory Committee calls on the Moldovan authorities to ensure that the Coordinating Council of Ethno-cultural Organisations can effectively play its role as a consultation mechanism and enable persons belonging to national minorities to participate effectively in decision-making. It also invites ministries and other relevant bodies to maintain direct contacts with representatives of national minorities, including with those which are not part of the Council of Ethno-cultural Organisations.

Participation of Gagauz in public life

Present situation

As concerns the socio-economic situation in Gagauzia, representatives of the Gagauz community reported to the Advisory Committee that there is a lack of employment opportunities and investments in Gagauzia. Additionally, despite the competences allocated to the Gagauz authorities according to the Law on the Gagauz Autonomous Territorial Unit, they claim that they lack sufficient resources and are not in a position to develop further infrastructures and economic activities. As a result, migration from Gagauz – and especially those with a higher level of education, such as medical doctors and teachers - has increased. This has resulted in villages with substantial Gagauz population losing many of their inhabitants.

Furthermore, the Advisory Committee is concerned by the fact that, despite the representation of Gagauz in the elected bodies of Gagauzia as a result of the specific autonomy regime, they are not represented in the Parliament of Moldova. In general, reports brought to the attention

of the Advisory Committee indicate that the functioning of the autonomy regime in Gagauzia is marred by a number of inconsistencies in the distribution of competences between the central Government and the authorities of Gagauzia. This has at times led to conflicting relations.

Recommendation

The authorities should ensure that, in general, sufficient financial resources are allocated to the economic development of Gagauzia.

Substantial efforts should be made to promote a better representation of Gagauz at the central level. The Advisory Committee encourages the authorities to pursue the dialogue with a view to providing a clearer determination of the competences of the Gagauz Autonomous Territorial Unit and allowing for a more effective functioning of the autonomy regime.

20. Norway

Opinion adopted on 30 June 2011

Article 15 of the Framework Convention

Participation of persons belonging to national minorities in public affairs

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to reinforce the existing arrangements for consulting the national minorities and involving them in the decision making process.

The authorities were also requested to ensure due application of the Finnmark Act in respect of all the persons concerned and especially the Kvens.

Present situation

The Advisory Committee notes that consultation of the national minorities is carried out via the Inter-ministerial Co-ordinating Committee for National Minorities and the Contact Forum between the National Minorities and the Central Authorities. It observes that other channels of communication and consultation are used, such as the bilateral meetings regularly organised by specialised ministries with the associations of the national minorities and other stakeholders in civil society to ascertain their views on draft legislation or other questions affecting them.

Furthermore, according to the authorities, the transfer of all policies on national minorities to the Ministry of Government Administration, Reform and Church Affairs (FAD), which occurred in 2010, should enhance dialogue with the national minorities, as the FAD is responsible for furthering relations between the state institutions concerned and the national minorities. The reform also seeks to optimise the involvement and accountability of the regional and local administrations with regard to these questions, as the government acknowledges that these authorities are not always aware of their obligations in this sphere, particularly those arising from the Framework Convention (see also comments under Article 11 above).

According to the Advisory Committee's interlocutors, this recent change of responsibility within the government has on the contrary caused a lack of co-ordination that often results in repetitive and unproductive formalities for the associations of national minorities which

approach the public authorities for the management of their grant applications or other requests.

The Advisory Committee understands that the FAD is responsible for the co-ordination and that the specialised ministries retain competence for the implementation of policies and the handling of substantive issues. Nevertheless, the Advisory Committee reiterates that it rests with the authorities to take the necessary measures to ensure effective communication with persons belonging to national minorities in order to guarantee the effective exercise of their rights.

Moreover, the representatives of the Kven minority have complained to the Advisory Committee of not being consulted when decisions are taken concerning the management of natural resources, for example the maintenance of fishing and hunting rights in newly created nature parks, in pursuance of the Finnmark Act of 2005.

The authorities emphasise that, in accordance with the Finnmark Act, all inhabitants have the same fishing and hunting rights, irrespective of their ethnic origin or identity. The act furthermore instituted a special commission for Finnmark to consider the question of existing rights, and the parties to any disagreement may apply to the tribunal established for that purpose. Nevertheless, the Advisory Committee considers that it remains important to ensure that all the persons concerned are consulted on issues affecting them.

Recommendations

The Advisory Committee encourages the authorities to persevere with their dialogue-based approach in order to sustain effective participation by the representatives of the national minorities in all decision-making processes affecting them and ensure coordination between all state authorities and national minorities concerned.

It also invites the authorities to take steps to increase the visibility and the understanding of the Framework Convention as well as its effective implementation at regional and local level.

Participation of Roma and Romani/Tatars in socio-economic life

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the authorities were invited to adopt specific measures of support in respect of Roma and Romani/Tatars, having regard to the difficulties encountered by these groups, particularly in employment.

Present situation

The Advisory Committee was informed that the participation of persons belonging to the Roma and Romani/Tatars minorities in socio-economic life remains difficult, despite the introduction of innovative projects to aid the access of these groups to the labour market (see comments under Articles 4 and 12 above). The Advisory Committee was also informed that the impact of these measures nevertheless remains limited even though some persons belonging to Roma and Romani/Tatars have obtained financial assistance for opening small businesses.

Recommendation

The Advisory Committee encourages the authorities to assess the measures already taken with a view to increase participation of Roma and Romani/Tatars to socio-economic life and consider the adoption of new measures, in consultation with the persons belonging to national minorities.

21. Poland

Opinion adopted on 28 November 2013

Article 15 of the Framework Convention

Minority representation in elected bodies

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee encouraged the authorities to examine, in consultation with the representatives of the national minorities, legislative provisions on the political representation of minorities in the *Sejm* and the *Senat* to reflect more adequately the composition of Polish society.

Present situation

The Advisory Committee notes that the electoral code was amended prior to the legislative elections in 2011. It notes, however, that the provisions of the law pertaining to participation of parties representing national minorities in elections to the Polish parliament (the *Sejm* and the *Senat*) have not changed since the adoption of the second opinion by the Advisory Committee. In elections to the *Sejm*, parties representing national minorities are exempt from the obligation to obtain at least 5% of the vote nationally, and their candidates participate in the allocation of seats in multi-member constituencies. The Advisory Committee notes with regret that ethnic minorities do not benefit from the above provisions. The rules for the election to the *Senat* do not contain any provision referring to minorities. Its members are elected in single-member constituencies by simple majority.

The Advisory Committee notes with satisfaction that a representative of the German minority was elected in the legislative election of 2011 taking advantage of the non-applicability of the 5% threshold to parties of national minorities. It notes further that parliamentarians identifying themselves with Armenian, Belarusian and Ukrainian national minorities were elected from the electoral lists of the national political parties. A significant number of persons speaking the Kashubian regional language have also been elected to both chambers of Parliament.

Local self-government plays an important role in many areas of public policy in Poland and persons belonging to minorities participate in local elections and to assemblies and executive positions at all levels. In the 2010 municipal elections, they successfully ran for mandates in the region (*voivodship*), county (*poviat*) and municipality (*gmina*) assemblies and for executive posts of *voits* and mayors (at the *gmina* level), and *starostas* (at the *poviat* level). The Advisory Committee notes however in this regard that no data is available on the number of persons belonging to national or ethnic minorities elected to different levels of assemblies.

Recommendation

The Advisory Committee calls on the authorities to extend the provision exempting parties representing national minorities from the obligation to obtain at least 5% of the vote nationally, to cover parties of ethnic minorities.

Consultative mechanisms

Recommendation from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee encouraged the authorities to make full use of the potential of the Joint Commission of Government and National and Ethnic Minorities and to convene its meetings regularly, in line with the provisions of Article 28 of the Act on National and Ethnic Minorities and on the Regional Language.

The Advisory Committee also encouraged the authorities to pursue and develop measures to promote Roma participation in local public life, in particular by considering setting up consultative structures at local level in areas traditionally inhabited by them.

Present situation

The Advisory Committee notes that following its establishment in 2005, the Joint Commission of Government and National and Ethnic Minorities, composed of representatives of all recognised national and ethnic minorities and of government ministries has become the main forum for developing, implementing and monitoring minority policies and is the principal forum for a regular dialogue on issues affecting all minorities. The Commission meets at regular intervals to discuss issues of interest to national minorities, adopt its opinions on legislative and other regulatory proposals and draft governmental policies. The minority side of the Joint Commission also issues its own opinions ("the positions" or "stands") voicing its concerns vis-à-vis the authorities.

The Advisory Committee further notes that a Group for Roma Affairs operates within the Joint Commission of Government and National and Ethnic Minorities to advise at all stages of the programming, implementation and monitoring of the Programme for the Roma Community in Poland.

In addition, the Parliamentary Commission on National and Ethnic Minorities continues its very active role in stimulating public interest in national minority issues. The Advisory Committee notes that in the current Parliament, elected in November 2011, it held over 50 sittings to debate and make recommendations on a multitude of issues affecting national minorities. The Advisory Committee notes with interest in particular that the Parliamentary Commission is currently examining a proposal for amendments to the Act on National and Ethnic Minorities and on the Regional Language aiming at recognising the Silesian language as a regional language, thus extending to it the protection of all the provisions currently applicable to the Kashubian language.

The Advisory Committee notes further that the main Department of Religious Denominations and National and Ethnic Minorities located within the Ministry of Administration and Digitization, which is the main organ responsible for coordination and implementation of the state's policy on national minorities, is assisted by *Voivods'* plenipotentiaries for national and

ethnic minorities. It regrets to note however that no advisory councils on minorities' issues, including Roma issues, have been set up at the local level.

The Advisory Committee notes with concern that both the Joint Commission of Government and National and Ethnic Minorities and the Group for Roma Affairs remain purely advisory bodies with no decision-making powers. According to national minority representatives, their opinions and recommendations are disregarded by the authorities, for example when deciding on the allocation of funds to cultural projects, without even stating their reasons for doing so.

In addition, the Advisory Committee is concerned by reports of cumbersome procedures resulting in long delays in electing representatives of organisations of national minorities to the Joint Commission, which in a number of cases has resulted in prolonged vacancies.

Recommendations

The Advisory Committee urges the authorities to review the position of the Joint Commission and its Group for Roma Affairs and to ensure that ministerial decisions take their opinions and recommendations fully into account.

The authorities should pursue and develop measures to promote participation of minorities in public life at local level, in particular, by considering setting up consultative structures, especially as regards Roma.

The authorities are also asked to review, in co-operation with representatives of national minorities, the procedure of election of national minority members to the Joint Committee with a view to making the procedure more participatory, efficient, transparent and swift.

Participation of national minorities in economic and social life

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee asked the authorities to continue and increase efforts to develop policies to address the problems confronting the Roma in a number of fields, particularly in the areas of housing, employment, and medical care, and allocate adequate resources to remedy the situation. In this connection, it asked that the authorities actively involve the Roma representatives in the various stages of development, implementation, monitoring and evaluation of such measures.

Present situation

The National Programme for the Roma Community in Poland established in 2004 continues to be the main operating tool for the implementation of the governmental policies for, and with the active participation of the Roma in the fields of culture, maintaining ethnic identity, improving living and health conditions, preventing racist offences and reducing unemployment. In addition, projects established in 2006 aimed at improving employment and social cohesion, increasing the education level and reducing social exclusion of Roma continue to benefit from financing available from the European Social Fund of the European Union under the Operational Project 'Human Capital'. Together, these two sources of funding in the years 2007-2011 financed projects worth 120 million zloty (€28.6 million).

Implementation of projects designed to improve housing and infrastructure depends on co-operation among the Roma, the central authorities who are purveyors of funding, as well as the local authorities who are responsible for provision of land, and necessary construction permits. The Advisory Committee was pleased to observe in Ochotnica Górna how such co-operation can bear fruit and lead to tangible improvements in the living conditions of some of the Roma communities. According to the Roma interlocutors such positive predisposition of the local authorities and the local inhabitants is becoming more frequent. The Advisory Committee finds it regrettable however, that according to the minority representatives and the authorities alike, there are cases where local authorities show complacency or outright hostility to the provision of any assistance to Roma communities in spite of the availability of funding.

The Advisory Committee also notes the on-going debate on the extension of the Białowieża National Park (BNP) to cover a larger part of the Białowieża forest. This proposal, which undoubtedly is of great importance for the preservation of biodiversity and unique ecosystems of world importance, may nonetheless lead to loss of employment opportunities for local residents, many of whom associate with the Belarusian national minority. The Advisory Committee notes in this context, that according to Belarusian representatives the high unemployment in the region has already led to a large number of young persons leaving the area, which, in the case of persons belonging to national minorities, may lead to an accelerated rate of assimilation with the Polish majority. It notes also that the authorities have been implementing the Sustainable Development Plan for the Białowieża Forest Region since 2010.

Recommendations

The Advisory Committee urges the authorities to develop, as a matter of urgency, and in consultation with Roma representatives, genuine and realistic programmes aiming to end the *de facto* exclusion of the Roma from the labour market and social services.

The Advisory Committee asks the authorities to continue to implement strategies, such as the Sustainable Development Plan for the Białowieża Forest Region, and monitor their effectiveness in consultation with local authorities and representatives of the Belarusian minority which would create economic opportunities to populations affected by the planned extension of the Białowieża National Park.

22. Portugal

Opinion adopted on 4 December 2014

Article 15 of the Framework Convention

Consultation mechanisms

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to identify ways of improving participation of persons belonging to the Roma minority in public affairs. In particular, it called on the authorities to re-establish as soon as possible a formal structure for dialogue with and consultation of persons belonging to the Roma minority. It also asked that further measures be taken to improve co-ordination, at all levels, of policies and projects to

improve the situation of Roma and that Roma be effectively engaged in the elaboration of such projects, especially at the local level.

The Advisory Committee also encouraged the authorities to find ways of creating conditions conducive to a better participation of Roma in elections and in elected bodies, in particular by means of awareness-raising activities in the Roma community and the majority population.

Present situation

The Advisory Committee notes that Advisory Group for the Integration of Roma Communities (CONCIG), set up in June 2014, includes four representatives of the Roma community. One Roma representative is also a member of the Commission for Equality and against Racial Discrimination.

The Advisory Committee is pleased to note that the Portuguese authorities have increased the number of Roma representatives in CONCIG from the planned number of two to four. However, according to the interlocutors of the Advisory Committee, it seems that the effective participation of these representatives in the work of the Advisory Group is hampered by practical shortcomings. The Advisory Committee was informed, for example, that representatives have difficulties travelling to Lisbon to the meetings, due to financial constraints. As regards as the Commission for Equality and against Racial Discrimination, the Advisory Committee noted already that its role in the complaints procedure remains rather limited.

At present there is no person belonging to the Roma community in the office of the High Commissioner for Immigration and Intercultural Dialogue (ACIDI), including in the team dealing with issues related to this community. The Advisory Committee was moreover informed that Roma representatives were not adequately consulted in the drafting process of the National Roma Communities Integration Strategy.

Recommendation

The authorities should further strengthen the existing consultative mechanisms between the authorities and the Roma in order to ensure effective participation of the latter in decision-making on issues of concern to them.

Participation of Roma in socio-economic life

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called on the authorities to take vigorous measures to improve the living conditions of those Roma who live in substandard housing, with the full consultation and involvement of persons concerned at all stages of the projects.

The Advisory Committee invited the authorities to address the problems facing those Roma who were compelled to move from place to place. It also invited the authorities to take more resolute measures to clarify the legal framework regulating itinerant trade and encouraged them to design measures to promote sustainable alternatives to itinerant trade and selling on

market places and fairs, in close co-operation with Roma representatives and based on their needs.

Present situation

The Advisory Committee notes with deep concern that the majority of Roma continue to live in substandard or inadequate housing conditions, in remote areas, outside towns, without access to public transport or basic facilities. According to the information made available to the Advisory Committee, in some cases, such as Rio Maior, the Roma settlement is located on a former industrial site, lacking access to water or electricity. The Advisory Committee is particularly worried that in Vidigueira access to water supply was denied and the settlement was then demolished in June 2014, with no alternative housing solutions having been proposed.

The Advisory Committee is pleased to note the positive examples of cities such as Coimbra, where the municipality offered housing to Roma in existing neighbourhoods in the city, thereby integrating them in the local communities instead of separating them. Reportedly, this had a positive effect on the Roma families concerned and the local communities as a whole. Such examples should be followed by other Portuguese municipalities.

The Advisory Committee regrets to note that no solutions have been found to the problems facing those Roma who were compelled to move from place to place. These Roma are faced with additional problems arising from their having to move constantly, such as access to education for their children or access to employment and health care.

The Advisory Committee notes that the authorities have continued to implement long-term programmes to improve access of persons belong to disadvantaged groups, including Roma, to the labour market. The National Roma Communities Integration Strategy also sets out objectives promoting access to the labour market.

Despite these efforts, no solutions have been yet identified to promote sustainable alternatives to itinerant trade and selling at markets and fairs. As noted by the Advisory Committee in its second Opinion, a uniform legal framework regulating itinerant trade at local level is absent. This results in a lack of clarity and legal certainty as regards the rules prevailing locally. Also there have been no developments with regard to support for self-employment and the setting up of small businesses, which could constitute alternatives to itinerant trade and working at fairs and markets.

Recommendations

The Advisory Committee calls on the authorities to step up their policies and programmes to promote the access of Roma to the labour market. This should be done on the basis of careful evaluation of current programmes and in close co-operation with Roma organisations and representatives.

The Advisory Committee reiterates its call on the authorities to clarify the legal framework regulating itinerant trade and also promote sustainable employment alternatives, in close co-operation with Roma representatives and based on their needs.

The Advisory Committee reiterates its call on the authorities to reinforce measures to improve the living conditions of those Roma who live in substandard housing, drawing on existing positive experiences, with full consultation and involvement of persons concerned at all stages of the projects.

23. Romania

Opinion adopted on 21 March 2012

Article 15 of the Framework Convention

Participation of persons belonging to national minorities in public affairs

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee encouraged the authorities to pursue and develop measures to promote Roma participation in local public life, in particular, by finding ways of making the consultative structures established at that level more effective.

The authorities were further encouraged to identify ways to clarify the institutional position of the Council of National Minorities and make its action more effective, and to provide opportunities for organisations of national minorities other than those that are members of the Council to be involved in decision-making and to have access to the resources allocated by the state for the protection of national minorities.

The Advisory Committee also asked the authorities to ensure that the draft Law on the Status of National Minorities complied with the principles of equal opportunities and pluralism both within minorities and between their representative organisations.

Present situation

The Advisory Committee notes that the electoral system was reformed in Romania in 2008 to replace the proportional voting system by a Mixed Member Proportional (MMP) representation system. Under the new system, a candidate who obtains over 50% in any 315 single-member constituencies wins a seat. The unelected seats are then allocated among the political parties in proportion to their share of the votes obtained nationally. The Advisory Committee notes, in this context, that in the 2008 elections, the Democratic Union of Hungarians in Romania successfully attracted a large proportion of the votes (over 425,008 of the 7,238,871 votes cast) and is represented in the Chamber of Deputies by 22 members (out of 334) and in the Senate by 9 Senators (out of 137).

The Advisory Committee notes that the electoral reform did not affect the provisions of the Romanian Constitution designed to ensure political representation of national minorities and that 18 seats in the Chamber of Deputies are reserved for representatives of organisations of national minorities who failed to secure a seat through the generally applicable procedure. It is to be noted that eighteen deputies elected, according to the procedure described above, have formed a Parliamentary Group of National Minorities in the Chamber.

The Advisory Committee notes with concern that, in respect of candidates representing national minorities, the electoral legislation favours candidates put forward by organisations represented in the Council of National Minorities over those, representing other organisations (see related comment under Article 7 above). The conditions established by electoral legislation, in particular the necessity to collect, within 30 days of announcement of the election day, signatures in number not less than 15% of the total number of citizens who declared themselves in the last census as belonging to the respective minority are of particular concern. In practice, these conditions create considerable obstacles to nominating alternative candidates.

Moreover, the complicated way in which mandates are awarded to candidates who have not gained over 50% of the votes outright, undermines the transparency of the process. It is to be noted that participation in each successive parliamentary election in Romania in the last twenty years has decreased. The electoral turnout in 2008 was 39,2% of all eligible voters, which was down from 86,18% in 1990.

In the local elections of 2008, over 2,300 representatives of the Hungarian, German, Ukrainian, Lippovan Russian, Bulgarian, Czech, Slovak, Polish, Croat, Serbian, Greek and, Tatar national minorities, as well as over 200 Roma were elected to municipal councils. In the county council elections, candidates representing Hungarian and German minorities secured over 100 mandates. Over two hundred representatives of national minorities were directly elected to executive positions of mayors at local level.

Recommendation

The Advisory Committee considers that the authorities should, when drafting the Law on National Minorities, create conditions for free and fair competition in the electoral process between different organisations representing national minorities. They should also ensure that the allocation of seats is done in a simplified and transparent way.

Effective participation of Roma in social and economic life

The Advisory Committee notes that, in February 2005, the Government of Romania, together with eight other governments in Central-Eastern Europe signed the Declaration of the Decade of Roma Inclusion committing itself to improve the socio-economic status and social inclusion of Roma. The Declaration was followed by the adoption of a National Action Plan, and drafting of the Strategy for Roma 2011-2020 (not adopted as yet) which focus on the priority areas of education, employment, healthcare, housing, and commits relevant government ministries and agencies to taking into account the other core issues of poverty, discrimination, and gender (see also related comment under Article 4 above).

The Advisory Committee welcomes the efforts, undertaken by many local authorities in co-operation with central authorities and coordinated by the National Agency for Roma, to improve the living conditions in Roma settlements within the framework of the Government's strategy for the improvement of the Roma situation, in particular, in the field of housing, infrastructure development and access to employment.

The Advisory Committee notes, however, with deep concern that many Roma remain excluded from mainstream society and face difficult and inadequate living conditions. Roma continue to

face problems in relation to access to employment, adequate housing, social protection and healthcare facilities, and discriminatory and stereotypical attitudes in some sectors of society.

It should be noted that in Romania, according to available data, unemployment affects 30% of Roma men aged 25-34 and 38% of those aged 35 to 44. Less than 20% of Roma women of all age groups are in paid employment. Additionally, average wages paid to Roma are significantly lower than those paid to other persons with comparable education. It is estimated that per capita income is almost 50% lower in Roma households as compared to the majority's average.

The Advisory Committee notes in this context that the Strategy for Roma 2011-2020, if properly funded and implemented, offers a comprehensive tool to improve significantly the situation of Roma in all socio-economic fields.

Recommendations

The Advisory Committee strongly urges the authorities to take resolute steps in order to prevent, combat and sanction the inequality and discrimination suffered by the Roma. The authorities must step up their efforts, in particular at local level, in order to improve the employment opportunities and living conditions of Roma and to promote their integration into the mainstream society.

24. Russian Federation

Opinion adopted on 24 November 2011

Article 15 of the Framework Convention

Representation in elected bodies

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to consider the possibility of reintroducing the provisions allowing quotas for indigenous peoples in the legislatures of the subjects of the Federation.

The authorities were also invited to evaluate the effects of the electoral system and legislation governing political parties on the effective participation of persons belonging to national minorities in public affairs.

Present situation

The Advisory Committee is pleased to note that persons belonging to national minorities are represented in a number of elected bodies, particularly at regional level, due to their engagement in mainstream political parties. However, the Advisory Committee learned that those members of local assemblies belonging to national minorities are, in most cases, unwilling to represent the interests of their minority community. In general, the Advisory Committee regrets that various obstacles continue to prevent the representation of persons belonging to national minorities at all levels, even though some barriers have been lowered, such as threshold for political parties to enter elected bodies to 5%. The remaining obstacles include the prohibition of political parties established on the basis of religious or ethnic affiliation and the requirement for establishing a political party to be present in at least half of

the subjects of the Federation (see also remarks on Article 7 above). Furthermore, mainstream political parties are, reportedly, not very sensitive to minority-related issues and to involving persons advocating for minority rights in their ranks.

In this context, the Advisory Committee regrets that no measures were taken to compensate for the abolition, in 2004, of the reserved seats for the Komi-Permyak minority in the Perm *Krai* assembly. In contrast, it is pleased to note that, in the Khanti Mansi Autonomous *Okrug*, an informal mechanism was established whereby persons belonging to indigenous peoples continue to be allocated three seats in the regional assembly. The Advisory Committee welcomes this practice which guarantees that persons belonging to these groups have a voice in elected bodies.

Since 2004, governors of the subjects of the Federation are appointed by the central authorities and no longer elected. Minority representatives point out that this has led to less consideration being given in the Federation Council to minority concerns, as it has resulted in a looser connection between the authorities and the inhabitants of a given region, which affects in particular persons belonging to minorities.

Recommendation

The Advisory Committee reiterates its call on the authorities to consider all measures, including reserved seats, to increase opportunities for persons belonging to national minorities to be represented in elected assemblies at various levels, so as to enable them to advocate their legitimate interests.

Consultation mechanisms

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to speed up the establishment of the Consultative Council on Inter-ethnic Relations under the Ministry for Regional Development as well as to take further steps to ensure effective participation of persons belonging to national minorities in decision-making.

Present situation

The Advisory Committee notes the establishment in 2006 of the Consultative Council of National-Cultural Autonomies under the Ministry for Regional Development. Nevertheless, it regrets that by virtue of the rules governing the setting up of national-cultural autonomies, the Consultative Council discusses mainly issues connected with preservation and promotion of minority cultures but cannot address other priorities of persons belonging to minorities (see also remarks on Article 5 above). Moreover, there is no obligation for the federal authorities to consult the Council on minority-related issues. Its impact on decision-making is reportedly limited, including as far as decisions on funding allocation are concerned (see also remarks on Article 5 above).

At regional and local levels, the Advisory Committee is pleased to note that interethnic and inter-religious councils have been set up under the governments of a large number of subjects of the Federation, including in Perm, Tyumen and in Moscow. Nevertheless, representatives of

various minorities are of the opinion that these councils have a limited impact and often do not meet frequently enough. Furthermore, there is sometimes a lack of clarity regarding the composition of some of these bodies. In Tyumen for instance, the Advisory Committee found it surprising that the chairmanship of the consultative council was attributed during eight years to ethnic Russians as representatives of the majority population.

The Advisory Committee finds it worrying that persons belonging to indigenous peoples have reportedly insufficient access to consultative mechanisms to ensure that their views are duly taken into account, although the current legislation provides for their consultation in decision-making processes on issues of concern to them, particularly regarding the use of natural resources. The extent to which consultations are carried out varies, reportedly, on the willingness of local authorities. Representatives underline, in addition, that consultations often do not lead to meaningful results for them.

The Advisory Committee notes with satisfaction that, at regional level, consultative bodies of indigenous peoples have been established in the region of Khabarovsk. However, representatives of these minorities regret the lack of such a consultative structure at federal level. They believe that a consultative council at federal level, similar to the Consultative Council for National-Cultural Autonomies, should be created to ensure the consistent representation of their concerns at federal level. They argue that there is, at present, no obligation for the federal authorities to consult them and therefore, no systematic and consistent involvement in decision-making on issues of concern to them. The Advisory Committee believes that it is important to ensure that well-defined structures are available for regular consultation between federal authorities and representatives of indigenous peoples of the North, Siberia and Far East so as to ensure effective involvement of these groups in decision-making on all issues of concern to them.

Finally, some minority representatives have indicated that there is a lack of overall communication on minority policies and their coordination of the latter among the subjects of the Federation, as well as between the regional and the federal levels. This is, in their view, especially detrimental to the efforts made to preserve and promote the languages and cultures of minorities who live in various regions. This situation also generates varying levels of implementation of the rights protected under the Framework Convention in different regions and, consequently, a lack of legal certainty for persons belonging to national minorities as to the enjoyment of their rights.

Recommendations

The Advisory Committee invites the authorities to ensure that existing consultative bodies of national minorities effectively provide for the regular and sustainable involvement of persons belonging to minorities in all issues concerning to them.

It also invites the authorities to set up a structure at federal level to enable regular consultation of persons belonging to indigenous peoples, in close consultation with representatives of these groups. The authorities must also take additional steps to guarantee effective consultation of persons belonging to these groups in decision-making on issues of relevance to them at regional and local levels.

Further steps should be taken to improve coordination of minority policies of the subjects of the Federation as well as between the federal and regional levels. Particular emphasis must be put on the need to ensure a consistent implementation of the rights provided for under the Framework Convention throughout the territory of the Russian Federation.

Participation in economic life

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee found shortcomings regarding the effective participation of persons belonging to national minorities in economic life and strongly encouraged the Russian authorities to ensure that there were no undue restrictions to their access to the labour market, including through the development of positive measures.

Present situation

The Advisory Committee notes with concern that the overall socio-economic situation of persons belonging to indigenous peoples is, according to numerous reports as well as interlocutors of the Advisory Committee from these minority groups, still substantially worse than the Russian average. Disadvantages are particularly present in the areas of access to health services and the labour market. Against this background, the Advisory Committee welcomes the action plan aimed at the implementation of the Concept Paper mentioned under Article 5, which contains a number of measures to improve the living standards of persons belonging to indigenous peoples in the Russian Federation.

However, as mentioned above (see comments on Article 5), the implementation of this action plan has been slow and minority representatives themselves appear to have been insufficiently consulted on its development. With regard to the quota system established to ensure access of representatives of indigenous groups to higher education, for instance, the Advisory Committee learned that the number of guaranteed places is diminishing and, if available, limited to medical and philological faculties. According to minority representatives, they urgently need more such university places and wish to have access also to technological, engineering and law faculties. This would give communities access to their own legal expertise, regarding environmental protection issues, for instance, and also enable them to better appropriate technological advances into their traditional lifestyles, thereby helping them to overcome infrastructural and economic difficulties.

The Advisory Committee regrets that current government efforts, which are mainly geared towards the preservation of traditional lifestyles, create, according to minority representatives, dependencies that are increasingly difficult for communities to overcome. It is concerned in this regard by draft amendments to the federal Law on Fishery which redefine the scope of traditional fishing to cover only fishing for immediate personal needs, thereby threatening the ability of the small community-based indigenous enterprises (*obshchinas*) to realise their right to work and to gain their livelihood in line with Article 15 of the Framework Convention by selling their products. The Advisory Committee is of the opinion that there is an urgent need for positive measures to promote access of persons belonging to indigenous peoples to the labour market, including by removing all obstacles to their engagement in the broader economic sphere. It is essential that minority representatives are closely involved in the development,

implementation and regular monitoring of such measures to ensure their effectiveness in reaching the target beneficiaries.

The Advisory Committee further notes with concern reports on the overall persistently alarming health indicators for indigenous communities. While the general situation appears to have improved since the 2002 census, which revealed that life expectancy for indigenous persons was 15 years below the Russian average, recent studies in addition point to a direct link between the health status and the deteriorating ecological situation in some regions populated by indigenous peoples. Preliminary results of the 2010 census in Yamsk and Takhtoyamsk villages of Magadan *Oblast* indicated that the village population has decreased by 25% since 2002, which is attributed to poor medical services and alcohol abuse. In addition, access to health services is often very problematic for indigenous communities because of their remote location.

The Advisory Committee also regrets that there is no comprehensive programme to address the significant under-representation of persons belonging to the Roma minority in the labour market. While lack of statistical data hinders studies regarding the number of Roma working in the public sector, reports indicate that those numbers are very low due to widespread prejudice against Roma in the public and private sectors (see related comments on Article 4 above) and their lack of training. The Advisory Committee further learned that the presence of persons belonging to other minority groups in public sector employment is also limited. As a result, the representation of minority language speakers in the public sector is often insufficient to enable persons belonging to national minorities to address local administrative authorities in their language (see comments on Article 10 above). In areas inhabited in substantial numbers by persons belonging to national minorities, including "titular groups", special provisions should be made to ensure that qualified persons belonging to national minorities have equal access to public sector employment. Their regional state language or minority language skills should in this regard be viewed as an advantage, as employing them will enable the local authorities to implement their obligation concerning the possibility to have contacts with local administrative authorities in the minority language, as stipulated in federal and regional language laws.

Recommendations

The Advisory Committee calls on the authorities to accelerate implementation of measures aimed at the improvement of the socio-economic conditions of indigenous peoples, particularly as regards access to the labour market and health care services. Any such measures should be designed, implemented, and regularly monitored in direct consultation with minority representatives themselves in order to ensure their maximum effectiveness. Particular attention should be paid to promote self-sufficiency of indigenous communities.

The Advisory Committee further urges the authorities to adopt without delay comprehensive positive measures aimed at promoting access of Roma to all sectors of the labour market, including through vocational education and training.

The authorities should also ensure that a sufficient number of staff with minority language proficiency is employed in public services to enable persons belonging to national minorities

effectively to use their languages in official contacts with the local administrative authorities, in accordance with Article 10 of the Framework Convention.

25. Serbia

Opinion adopted on 28 November 2013

Article 15 of the Framework Convention

Representation in elected bodies

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee encouraged the Serbian authorities to promote the effective participation of national minorities, including the numerically smaller ones, in the electoral process, and to undertake periodical reviews of the arrangements in place, in consultation with national minorities, in order to ensure that they adequately reflect the needs of persons belonging to national minorities.

Present situation

As the Advisory Committee has previously observed, Serbian legislation includes commendable provisions aimed at promoting the representation of national minorities in elected bodies at national, provincial and local levels. The Advisory Committee also welcomes the fact that in accordance with the 2009 Law on Political Parties, the number of members required to establish a political party of a national minority is 1 000, compared with 10 000 for other political parties. In addition, the Law on Local Elections was amended in 2011 so as to require that, in units of self-government with an ethnically mixed population, account be taken of the representation of national minority political parties in the local assembly when appointing members of local electoral boards (polling station committees).

The Advisory Committee notes with interest that several members of the national Parliament are persons belonging to national minorities, including one Roma MP, and that the Parliament has a Committee on Human and Minority Rights and Gender Equality that includes MPs belonging to national minorities. However, it has been reported that only the Hungarian and Bosniac minorities (the two largest minorities according to census figures) are regularly represented in the Parliament. The Advisory Committee observes that only one general election has been held since the 2009 Law on Political Parties was enacted, and that the impact of this Law combined with the waiver of the 5% threshold for minority political parties under Article 81 of the Law on Election of Members of Parliament, is therefore difficult to assess. It notes with concern that some persons who do not belong to or genuinely represent national minorities have reportedly abused the lower threshold for the registration of political parties of national minorities in order to register their political parties as national minority parties and thereby benefit from the waiver of the 5% threshold for seats in parliament.

In view of the importance for national minorities of being able to participate effectively in public affairs, the Advisory Committee again underlines the usefulness of periodically reviewing the measures in place so as to ensure that the needs of all national minorities are adequately taken into account. In this respect, and in addition to the issues mentioned above, the long-term consequences of allowing political parties of national minorities to represent only a single

national minority ought to be evaluated, in particular as regards the possibilities for numerically smaller minority to be represented in parliament and as regards the risk that such a provision may heighten ethnic fragmentation.

Recommendation

The Advisory Committee encourages the Serbian authorities to continue to promote the effective participation of national minorities in electoral processes. At the same time, they should consider reviewing the provisions in place regarding the election of members of parliament in order to avoid abuse of the more flexible provisions regarding national minority parties and promote a more effective participation of numerically smaller national minorities in elected bodies at national level.

Participation in public administration and in the judiciary

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee recommended that the authorities collect comprehensive data on the representation of national minorities in public administration at all levels and take measures to ensure their adequate representation in public administration, the judiciary and the police force.

Present situation

As the Advisory Committee has previously noted, a number of welcome provisions aim at promoting the adequate representation of national minorities in public administration. Nonetheless, it remains difficult to evaluate the impact of these provisions in practice, due to a lack of data in this field. The Advisory Committee notes that in 2010, having carried out a detailed study of the situation regarding the employment of national minorities in state institutions exercising public authority, the Ombudsman concluded that the state authorities were not respecting their obligations under domestic law in this field. It regrets that the authorities have not since followed up on the Ombudsman's recommendations in this respect.

According to the information received by the Advisory Committee, there are relatively few problems with the participation of persons belonging to national minorities in administrative bodies at local level in areas where persons belonging to national minorities live compactly. However, national minorities remain significantly under-represented in state-level public administrations and public enterprises. There are reportedly hardly any Roma employed in the public sector (see further below, Participation in socio-economic life). Albanians and Bosniacs remain almost entirely absent from state-level administrations even in the areas where they are the majority population at local level – a fact that accentuates their sense that they are ignored, or considered only as a problem, by the State. Croats and Ruthenians have also signalled some problems of insufficient participation in public bodies.

The Advisory Committee notes with interest that according to a study conducted by the Ministry of Justice, the presence of persons belonging to national minorities in appellate courts is highest in areas where national minorities live most compactly. The Ministry also keeps records of the languages in which judges can work, which may provide some indications as to the extent to which persons belonging to national minorities are employed in the judicial

system. Nonetheless, it continues to be the case that very few Albanians and Bosniacs are employed in the court system, which not only leads to problems in access to justice in minority languages in areas where this should be possible (see above, Article 10) but also contributes to a lack of confidence of these minorities in the judicial system.

The Advisory Committee welcomes the fact that there have been successful efforts to promote a more multi-ethnic police force in southern Serbia: approximately two-thirds of recruitments made as part of these efforts have been Albanian and one-third Serb, and the force is reportedly functioning well. However, these efforts have not been renewed in southern Serbia or followed up by other ministries, and have rarely been replicated in other regions. The Advisory Committee notes however with interest that, following a recommendation from the Ombudsman indicating that more persons belonging to national minorities should be employed in the police forces in Novi Pazar and Prijepolje, a project was run from March 2012 to March 2013 in which 67% of candidates belonged to national minorities from Novi Sad, Novi Pazar and Prijepolje.

Recommendations

The Advisory Committee reiterates its recommendation that the authorities collect comprehensive data on the representation of national minorities in public administration at all levels, while fully respecting international standards in the field of personal data protection.

It again calls on the authorities to take vigorous measures to address the under-representation of national minorities in public administration, particularly at state level. Such measures should also be taken as regards the judiciary, in particular for the Albanian and Bosniac minorities. It strongly encourages the authorities to pursue their efforts to create a multi-ethnic police force, and to pay particular attention to ensuring adequate representation of Bosniacs in the police force in the Sandžak.

Councils of National Minorities

Recommendations from the two cycles of monitoring

In its previous monitoring cycles, the Advisory Committee called on the authorities to ensure that the future law on national minority councils provided appropriate guarantees for the participation of councils in relevant decision-making processes and that they received adequate support in practice to fulfil their tasks. It also highlighted that both the legal provisions governing the establishment of special electoral registers for the election of national minority councils and their implementation in practice must respect the principle of free self-identification.

Present situation

The Advisory Committee welcomes the enactment in 2009, after a long delay, of the Law on National Councils of National Minorities. This Law notably governs the competences of national minority councils with regard to the four fields in which national minorities may exercise their constitutional rights of self-government: culture, education, information in national minority languages and official use of language and script, as well as electoral procedures for national minority councils and the latter's funding.

Overall, the Law sets up a generous system in favour of national minority councils, covering a range of fields and granting the councils very wide-ranging competences. It must however be noted from the outset that flaws in the drafting and conception of the Law on National Councils of National Minorities, as well as conflicts with provisions of other laws, have led to serious problems regarding its implementation in practice (see further above, under the relevant Articles, and below). Moreover, at least eight initiatives for constitutional review of the Law, each contesting several of its provisions, were lodged between May 2010 and October 2011; this appears to reflect significant dissatisfaction with the contents of the Law and creates uncertainty as to the effects of decisions made by some councils on the basis of the impugned provisions.

The Advisory Committee welcomes the election in June 2010, in the first elections held under the new Law, of nineteen national minority councils. However, it notes with concern that the manner in which these elections were held has been the subject of considerable criticism. Sensitive personal data on ethnicity was reported to have been processed by unauthorised persons and applications for enrolment in special electoral registers to have been lodged on behalf of third parties without their consent, in breach of the principle of free self-identification. Some public officials reportedly also refused to recognise the ethnic affiliation declared by individuals (in particular as regards Vlachs), again in breach of the principle of free self-identification.

In addition, the Advisory Committee finds highly questionable the authorities' modification of the rules governing constitutive meetings of national minority councils immediately prior to the constitutive meeting of the National Council of the Bosniac National Minority, so as to increase the quorum required for the constitutive meeting of this specific council to two-thirds of its elected members. The introduction of this requirement, which applied only to the Bosniac national minority council, was later found by the Ombudsman to have been carried out without a legal basis and by the Commissioner for the Protection of Equality to have constituted discrimination against the National Council of the Bosniac National Minority. Moreover, the modified rule subsequently served as the basis of the authorities' refusal to recognise that the council, elected in 2010, had been constituted, as it held its constitutive meeting with less than two-thirds of its members present. In consequence, it is the council elected in the previous elections of 2003 – with a different political composition – which is recognised by the authorities as the council that continues to work until the next elections. While the latter appears to be exercising these functions sincerely, the Advisory Committee finds highly regrettable the authorities' intervention in the functioning of the Bosniac Minority Council, which can only be perceived by minorities as politically motivated. It moreover appears to have heightened tensions within the already divided Bosniac minority while strengthening the impression amongst representatives of this minority that the authorities were seeking to portray the minority as problematic, and at the same time diminishing public confidence in the possibility for all national minority councils to carry out their work independently.

The National Councils of the Ashkali, Bunjevci and Slovenian national minorities that were elected in 2010 were subsequently dissolved due to their failure to carry out certain basic activities provided for by law. No provision is made in the Law for new elections to be held in such cases – an omission that needs to be rectified, in particular taking into account the specific situations of numerically smaller minorities.

The Advisory Committee notes that many of the difficulties that have arisen in the implementation of the Law flow directly from contradictions between this Law and other legislation. A further major issue of concern is the lack of criteria applicable to decisions of a national minority council to declare an institution to be of particular significance to it. Bearing in mind that the funding allocated to national minority councils depends in part on the number of institutions that they have declared to be of particular significance to the minority they represent (see above, Article 5), this leaves broad scope for abuse of this right. Moreover, nothing prevents two or more councils from declaring the same institution to be of particular significance to them and requesting the transfer of founder rights in their favour – a situation which is however not specifically envisaged by the Law, which lays down no bases on which to resolve possible conflicts in this area.

As mentioned above (see comments under Article 5), the significant differences in the amounts of funding available to national minority councils based in Vojvodina (which may receive provincial support) and those based elsewhere in Serbia (which may not) lead to regional inequalities between the national minority councils. Those councils whose seats are not in Vojvodina (such as the Albanian, Bosniac and Bulgarian national minority councils) find themselves less well positioned to fund their activities, and a two-speed system is created in which national minority councils based outside Vojvodina are inevitably left behind.

The Advisory Committee notes that in accordance with the system set up by the Law on National Councils of National Minorities, a single Council is elected by each national minority to exercise the autonomy of persons belonging to that national minority throughout Serbia. No equivalent bodies exist at the local level, although many decisions concerning the exercise of minority rights (such as changes to municipal statutes to bring a minority language into official use – see above, Article 10) are made at local level. In practice, national minority councils play an overwhelmingly dominant role in the realisation of minority rights in Serbia, having in effect become the main channel of participation for national minorities. Coupled with their political role, this makes it difficult to find common positions within national minority councils. In this regard, the Advisory Committee notes with regret that the establishment of the Vlach National Minority Council has not created a forum in which the holders of differing views on Vlach identity have been able to find common ground and work towards shared goals, but has instead become the object of a power struggle between different groups within the Vlach minority. The Advisory Committee is also concerned that the national minority council system, as it is presently conceived, may lead to fragmentation in the representation of minorities, in so far as each council represents only the interests of a single national minority and little has been done to encourage co-operation between the various councils. Long-lasting problems between the Romanian and Vlach national minority councils, even on issues where there may be common interests, are particularly illustrative of this difficulty.

The Advisory Committee observes that the establishment of councils for inter-ethnic relations in all local self-government units with an ethnically mixed population could to some extent serve to counterbalance this situation and in particular, to ensure that a forum exists in which to bring together all issues of inter-ethnic relations at local level. However, although some competences of these councils were transferred to national minority councils by the 2009 Law on National Councils of National Minorities, few of these councils have in fact been established and even fewer are fully operational. Moreover, where they do exist, the member of the

council for inter-ethnic relations appointed to represent the interest of each national minority is designated by the national council of the national minority, in effect reinforcing the monopoly of national minority councils on national minority-related issues.

Finally, the Advisory Committee recognises that both mainstream and minority political parties can play a useful role in promoting the rights of persons belonging to national minorities. However, it draws attention to the risks inherent in the combination of extensive competences granted to national minority councils in Serbia and the domination of some national minority councils by political parties. It is particularly concerned that this situation may encourage some political parties to seek to consolidate their political power through the national minority councils, rather than focusing their work within national minority councils primarily on the concerns that these councils are designed to protect.

The Advisory Committee welcomes the authorities' recognition that amendments to the Law on National Councils of National Minorities are needed and notes with interest that a working group including representatives of all key ministries was set up in June 2013 to prepare draft amendments to this Law. However, only two representatives of national minorities (compared with nineteen national minorities having elected national minority councils in 2010) have been appointed to participate in this working group. The Advisory Committee acknowledges that these representatives have been designated to act in this context for all national minorities. Nonetheless, given the wide variations between the situations of the numerous national minorities present in Serbia, it finds regrettable that there is not broader direct participation of representatives of national minorities in such a working group.

Recommendations

The Advisory Committee strongly encourages the authorities to pursue their work towards revising the Law on National Councils of National Minorities, in close consultation with representatives of all national minorities and of civil society. In so doing, particular care should be taken to remove conflicts with other laws; to lay down clear criteria for the transfer of competences to national minority councils; to ensure that all cases where conflicts of interests between two or more councils may arise are regulated on the basis of clear criteria; and to strengthen the legal provisions governing elections to national minority councils and their implementation, so as to ensure full respect for the principle of free self-identification.

The authorities should abstain from intervening in the internal functioning of national councils of national minorities.

The Advisory Committee recommends that the authorities promote the establishment and effective functioning of councils for inter-ethnic relations at local level in all municipalities with an ethnically mixed population.

Participation in socio-economic life

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee called on the Serbian authorities to pay increased attention to the situation of persons belonging to national minorities living in

economically disadvantaged areas by adopting temporary positive measures, with particular emphasis on effectively addressing the problems identified regarding the access of Roma to employment.

Present situation

The Advisory Committee welcomes the continued efforts of the Coordination Body for Preševo, Bujanovac and Medveđa, working together with these three municipalities to improve the situation in a variety of fields, including as regards education, strengthening civil society, infrastructure and economic development. It understands that the Coordination Body and representatives of the Albanian national minority reached agreement in early 2013 on the issues that should be on the agenda for improving the situation in this region, and hopes that this shared understanding will accelerate positive processes that are already under way and provide new impetus for overcoming the socio-economic disadvantages experienced in this region. The Advisory Committee notes with regret, however, reports that leaders of ethnic Albanian parties from southern Serbia decided in late November 2013 to suspend talks with the central authorities, following the rejection of amendments to the Courts Network Bill that had been proposed by an ethnic Albanian MP (see also above, Article 10).

The Advisory Committee observes that other regions where minorities live, such as eastern Serbia and the Sandžak, also experience relative socio-economic disadvantage. It emphasises the importance not only of taking adequate temporary special measures within the meaning of Article 4, paragraph 2 of the Framework Convention to promote effective equality of persons belonging to national minorities but also of ensuring that persons belonging to national minorities in these regions are duly involved in designing, implementing and evaluating such measures, which are of direct concern to them and should be adapted as a function of their specific needs.

For the Roma national minority, discrimination in all fields of daily life (see above, comments under Articles 4 and 12), the very high proportion of Roma that have no profession or professional qualifications and high levels of prejudice against them also severely limit their opportunities in the labour market. This marginalisation is all the more detrimental given that many private sector jobs are reportedly never advertised but simply attributed through existing networks of contacts, making the cycle of exclusion particularly difficult to break, including for highly qualified Roma. The Advisory Committee welcomes the efforts currently being made to combat these phenomena at both state and provincial level, as part of the National Employment Action Plan and the Strategy for the Improvement of the Status of the Roma. It stresses the need to take a comprehensive approach in this field, directing some measures also towards changing employers' attitudes. The impact of these efforts should also be evaluated regularly in order to adapt them as needed, including to a constantly evolving labour market.

Recommendations

The Advisory Committee calls on the Serbian authorities to pursue their efforts to improve the situation in the Preševo, Bujanovac and Medveđa municipalities with a view inter alia to strengthening development in this region as well as the participation of persons belonging to the Albanian minority in the economic life of the region.

It urges the Serbian authorities to adopt positive measures aimed at addressing the situation faced by persons belonging to national minorities living in economically disadvantaged areas, in consultation with representatives of the national minorities concerned. Particular emphasis also still needs to be placed in this context on effectively addressing the problems identified regarding the access of Roma to employment.

26. Slovak Republic

Opinion adopted on 28 May 2010

Article 15 of the Framework Convention

Participation in socio-economic life

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee encouraged the authorities to make more determined efforts to improve participation of the Roma, including Roma women, in socio-economic life. The Advisory Committee invited the authorities to consult the Roma more consistently on the elaboration of various programmes and strategies.

Present situation

Persons belonging to national minorities, especially those living in economically disadvantaged regions, face particular difficulties in the field of participation in socio-economic life. Roma families are most severely hit by poverty and unfavourable living conditions. Moreover, persons belonging to the Roma, but also numerically-smaller minorities, are more affected by unemployment which has led to their increasing migration within the Slovak Republic and abroad. Unemployment perpetuates the cycle of poverty and continues to make persons belonging to the Roma minority dependent on social security benefits.

The Advisory Committee notes that the Slovak authorities are aware of the gravity of the situation of the Roma minority and that specific programmes have been elaborated to improve their situation in the field of housing, employment, education and social care. Some financial resources have been allocated, in particular through the European Social Fund, to implement these programmes. Despite these efforts, the Advisory Committee regrets that the programmes have often not been properly implemented due *inter alia* to insufficient financial resources and a lack of genuine commitment of the central and local authorities. There is still a need to develop a more systematic and coordinated approach to tackle the problematic situation of the Roma minority in different sectors and particular attention should be paid to the ways in which the available resources are spent.

Although there is no reliable data available on the employment of persons belonging to the Roma minority, information received by the Advisory Committee suggests that their situation as regards formal employment is alarming. Many Roma are affected by long-term unemployment due *inter alia* to discriminatory practices in the labour market and lack of quality education (see also remarks under Article 4). They are also often employed in low quality jobs in informal sectors. In addition, the economic crisis seems to have impacted negatively on their employment rate. Those without any qualifications find themselves in a particularly vulnerable situation. In this context, the Advisory Committee finds it therefore commendable that outreach workers, which are intermediate links between the public authorities and the Roma,

have been recruited in some localities.

The Advisory Committee is also deeply concerned by the fact that the general health situation of the Roma is still markedly worse than that of the rest of the population. The Roma continue to suffer from discrimination in access to healthcare services and they do not always receive equal treatment from medical staff. The Advisory Committee has been informed of instances of segregation of Roma women in hospitals, including physical separation from non-Roma patients. It reiterates that such practices are not compatible with the principles of the Framework Convention (see also remarks under Article 4).

The Advisory Committee is deeply concerned about the situation of persons belonging to the Roma minority in the field of housing. Despite action taken at the central and local levels to improve access to housing for Roma, a considerable number of Roma continue to live in segregated and sub-standard accommodation, often in under-developed rural and/or informal settlements. Incidents of eviction of Roma have occurred in some municipalities in the period under review. According to non-governmental organisations, the main factors contributing to this situation are the unsettled land ownership, changes in the tenant's security of tenure and the social security reform. The impossibility for many Roma families to pay a rent has led to their excessive indebtedness, which affects their access to housing. Furthermore, the process of decentralisation accompanied by the transfer of State property and competencies to the local authorities, had a negative impact on the situation of the Roma minority in the field of housing. As a consequence, many Roma face difficulties in accessing infrastructures, educational facilities and social services. While welcoming that some efforts have been made by the authorities to remedy this situation, the Advisory Committee considers that more effective measures and policies, adequately resourced and targeted, should be developed by the authorities at the central and local levels in order to improve the situation of the Roma.

Recommendations

The Advisory Committee calls on the authorities to pay increased attention to the situation of persons belonging to national minorities living in economically-disadvantaged areas by adopting strategies to address their situation. Every effort should be made to ensure effective and consistent participation of persons belonging to the Roma and other minorities concerned in the design, implementation and evaluation of the strategies. Adequate funding should be provided and efforts should be stepped up to ensure proper use of the funding available.

The Advisory Committee urges the authorities to implement programmes aimed at improving the access of Roma to employment.

The authorities should step up their efforts to develop comprehensive sectoral policies to address problems of substandard housing affecting mainly the Roma. If there is a need for re-housing, the authorities should organise prior consultation with the Roma minority or the individuals concerned in order to reach solutions that are acceptable to all parties, including the offer of appropriate alternative accommodation, in accordance with the Committee of Ministers' Recommendation Rec(2005)4 on improving the housing conditions of Roma and Travellers in Europe.

Participation in public life

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee invited the authorities to strengthen the resources, composition and working methods of the Consultative Council.

Present situation

The Advisory Committee notes with satisfaction that legislative and institutional measures have been taken to enable persons belonging to national minorities to play a full part in public life. Beyond the right to parliamentary representation, guaranteed by the Constitution and set out in the electoral legislation, persons belonging to national minorities can make their voice heard through the Consultative Council, consultative body to the Government.

Persons belonging to the Hungarian minority hold twenty seats (approximately 12%) in the Parliament as a result of the 2006 elections. The Advisory Committee also finds it commendable that some members of the Parliament belonging to the Hungarian minority hold important positions in the Parliament, in particular those of Chairmen and Deputy Chairmen of parliamentary committees. The Advisory Committee also notes with satisfaction that there is a special parliamentary committee dealing with human rights and minority issues.

The Advisory Committee notes that the Roma are not sufficiently represented at the central level, having only one Roma member of the Parliament in 2009. The Roma representatives with whom the Advisory Committee met expressed their disappointment with regard to the lack of interest from mainstream political parties to include them on their electoral lists. The situation of Roma appears not to be on the agenda of political parties and the latter's programmes reportedly do not adequately reflect the concerns of the Roma minority. The Advisory Committee reiterates that political parties, both mainstream and those formed by persons belonging to national minorities, can play an important role in facilitating participation of persons belonging to national minorities in public affairs.

The Advisory Committee notes with satisfaction that persons belonging to national minorities, including the Roma and numerically-smaller national minorities, are represented in elected bodies at the local and regional levels. This is particularly relevant in municipalities with substantial numbers of persons belonging to national minorities and where their representatives participate in local councils.

The Advisory Committee notes with satisfaction that the Consultative Council continues to function under the auspices of the Deputy Prime Minister. In addition, a minority consultative mechanism has been established within the Ministry of Education, and minority representatives have been consulted on issues relating to minority education. However, no consultative procedures have been set up at the regional and local levels.

The Advisory Committee finds it commendable that the Consultative Council's members have been consulted on issues affecting national minorities, including on the drafting of the third State Report on the implementation of the Framework Convention and prior to the adoption of the 2009 State Language Law. Representatives of the Hungarian minority, however, consider that their comments, in particular with respect to the 2009 State Language Law, have not been sufficiently taken into account. In this respect, the Advisory Committee wishes to stress that the 'effective' participation of national minorities does not only imply the existence of tools and

mechanisms for consultation of national minorities but also that consultation should have an impact on the decisions taken with regard to national minorities. The authorities should therefore provide the necessary conditions so that participation of national minorities has a substantial influence on decision-making and there is a shared ownership of the decisions taken, including on language-related matters.

The Advisory Committee notes that the Consultative Council reviewed its appointment procedure in 2007. Consequently, each national minority is entitled to have one seat in the Consultative Council. According to representatives of the Hungarian minority, this has resulted in a decreased representation of this minority in the Consultative Council. Moreover, concerns have been raised with the Advisory Committee about the lack of transparency in the appointment procedure of members of the Consultative Council and its working methods. The Advisory Committee considers it important that the Consultative Council's composition and working methods enable a genuine representation of a wide range of views among persons belonging to national minorities.

Recommendations

The Advisory Committee invites the authorities to take measures to promote increased participation of persons belonging to the Roma minority in elected bodies, in particular at the central level. Efforts should be stepped up to raise awareness on the importance of the participation of Roma in public affairs, including through their participation in mainstream political parties.

Further efforts should be made by the authorities to improve the functioning of the Consultative Council. The appointment procedures should be periodically reviewed to make sure that the Consultative Council represents a pluralism of views among persons belonging to national minorities. It is important to ensure that the appointment procedures are transparent and designed in close consultation with persons belonging to national minorities. Moreover, the authorities should provide all the necessary conditions to enable national minorities to have a substantial influence on decision-making on issues of relevance to them.

Participation in public services and the law enforcement agencies

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee encouraged the authorities to ascertain whether persons belonging to national minorities, particularly the numerically-smaller minorities, were adequately represented in the civil service and, where appropriate, to take further measures to improve the situation in this respect.

Present situation

The Advisory Committee is concerned about the fact that persons belonging to national minorities, including the numerically-smaller ones, are not employed in sufficient numbers in public administration, in particular at the central level. Persons belonging to the Hungarian minority have reported that they have experienced a decrease in their participation in central public offices. The Advisory Committee considers that public administration should, as far as possible, reflect the diversity of society, including through the inclusion of persons belonging to national minorities in public offices, whichever government is in office. The participation of persons belonging to national minorities in public administration can also assist the latter in

responding more effectively to the needs of national minorities.

Representation of the Roma in the executive structures and public administration, the judiciary and law-enforcement agencies appears to be even more limited. According to the Roma representatives, the public service is reluctant to recruit Roma police officers and civil servants, including at the local level. For example, only three Roma police officers out of a total of two hundred have reportedly been employed in the Košice police service. The Advisory Committee is of the opinion that the recruitment of Roma in public administration and in law-enforcement agencies can contribute to a better image and increased awareness of the Roma culture within the general population and can have a positive effect on their participation in the society.

Recommendation

The Advisory Committee encourages the authorities to identify ways and means of promoting further the recruitment of persons belonging to national minorities, including numerically-smaller ones, in the public service. More resolute efforts should be made to increase the representation of Roma in public administration and law enforcement agencies, including through an adequately funded government action plan with broad targets.

27. Slovenia

Opinion adopted on 31 March 2011

Article 15 of the Framework Convention

Participation of minorities in public affairs

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee urged the authorities to take all necessary measures to ensure that a Roma councillor was elected to the Grosuplje local council, in accordance with the amended Local Self-Government Act. It also invited them to provide Roma councillors with training to enable them to carry out their tasks effectively. In general, it urged them to consider ways of increasing the participation of Roma in public affairs, while ensuring that both "autochthonous" and "non-autochthonous" Roma were able to take part effectively in decision-making concerning them.

It also invited the authorities to identify, in consultation with representatives of the Hungarian and Italian minorities, ways of enabling them to take part more effectively in decision-making on legislative provisions concerning them.

Present situation

The Advisory Committee welcomes the amendments in September 2009 to the Law on Local Self-Government requiring the National Election Commission to call for elections of Roma councillors in the designated municipalities, should the municipalities fail to do so. However, the specific situation regarding the election of a Roma councillor in the local council of Grosuplje is worrying. This municipality failed to organise elections of the Roma councillor, and after the elections had been organised by the National Electoral Commission in January and in December 2010, it failed to confirm the mandate of the elected Roma councillor. The Advisory Committee is deeply concerned that the mandate of the duly elected Roma councillor had to be

reconfirmed by the administrative court before he was finally able to participate in the work of the local council.

In the 19 other municipalities in which Roma councillors have been elected, the Advisory Committee understands that their participation in the work of local councils has had a positive impact on the way in which concerns of the Roma population are taken into account. However, many interlocutors underlined the need for further training of the Roma councillors, in order for them to be able to carry out their tasks effectively.

Nevertheless, the system of elected Roma councillors applies only to the 20 designated municipalities in which the Roma are considered to be "autochthonous". The Advisory Committee is of the opinion that the authorities should enlarge the list of municipalities in which Roma communities are entitled to elect representatives in local councils, so as to ensure their consistent participation in public affairs at local level.

According to information at the disposal of the Advisory Committee, the participation of Roma in public affairs at national level remains insufficient, although progress has been made since the second Opinion. The Advisory Committee is pleased to note that Roma organisations were consulted in the preparation of the Roma Community Act of 2007 and of the National Strategy for Roma 2010-2015 adopted by the government in March 2010. In line with the Roma Community Act, a Roma Community Council was established in 2007 as a consultative body for the Parliament, the government and other state authorities. However, its composition raised controversy as two-thirds of the seats are reserved for one umbrella organisation, the Union of Roma of Slovenia. It is of utmost importance to ensure that this body adequately reflects the diversity within the Roma community in Slovenia. The Advisory Committee is also informed that members of the Council in some cases would need further training to be able to carry out their tasks more effectively.

The Advisory Committee notes with satisfaction that persons belonging to the Hungarian and Italian minorities continue to have good possibilities to participate in public affairs at local level in the "ethnically-mixed areas". However, the Advisory Committee regrets that their involvement in policy-making at central level remains insufficient, despite the existence of various consultation mechanisms. In particular, interlocutors of the Advisory Committee were of the opinion that the consultation of national minority representatives on issues of concern to them, especially draft legislation, is often not carried out at the right moment. This reportedly prevents them from having their concerns duly taken into account.

Recommendations

The Advisory Committee calls on the authorities to ensure that the elected Roma councillor in the municipality of Grosuplje be able to carry out effectively his mandate in the local council, in accordance with the law. Further steps should also be taken to provide Roma councillors with all the support they need to carry out their tasks effectively, including adequate training.

All measures should be taken to ensure that Roma are able to take part in public affairs at the local level on an equal footing. It would be particularly important to consider enlarging the list of municipalities in which Roma communities are entitled to elect their representatives in local

councils. The Advisory Committee also encourages the authorities to support further the work of the Roma Community Council. It is essential to ensure that the Council reflects the needs and concerns of all Roma communities living in Slovenia and that its members can effectively take part in decision-making on Roma-related issues.

The Advisory Committee invites the authorities to ensure timely and effective consultation of representatives of the Hungarian and Italian minorities, especially when preparing new legislation of concern to them, in order to make sure that their views are duly taken into account.

Consultation of the Italian minority in the process of creating the new municipality of Ankaran/Ancarano

Present situation

The Advisory Committee notes that the Constitutional Court of Slovenia ordered in November 2010 the creation of a new municipality in Ankaran/Ancarano, near Koper/Capodistria, following a local referendum held in 2009. The territory of this new municipality is part of the "ethnically-mixed area" as defined by law and should accordingly comprise Italian language institutions. This development is of deep concern for part of the Italian minority living on this territory. The Advisory Committee is concerned by the apparent lack of consultation and involvement of representatives of the Italian minority in the preparation of this administrative change. Consequently, their concerns seem not to have been taken into account. Additionally, there seems to be a lack of clarity as to the possible consequences of this administrative change for the protection of the rights of persons belonging to the Italian minority.

Recommendation

The Advisory Committee calls on the authorities to provide clear guarantees that the administrative change under way will not jeopardise the level of protection of minority rights enjoyed by persons belonging to the Italian minority residing in this part of the "ethnically-mixed area". In general, when carrying out administrative changes in areas where persons belonging to minorities live in substantial numbers, particular attention should be paid to involving these persons closely in the process of change so that their concerns and needs are duly taken into account and their rights under the Framework Convention are fully respected.

Participation of minorities in socio-economic life

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee invited the authorities to step up initiatives and programmes designed to improve the situation of the Roma, particularly in the areas of housing, unemployment and education. It underlined that it was essential to involve actively Roma in the various stages of development, implementation and evaluation of such measures.

Present situation

The Advisory Committee was informed that, although the conditions in different regions of Slovenia differ, the participation in socio-economic life of most of the Roma continues to be very limited. In particular, their housing situation remains very poor, especially in some areas

(see remarks under Article 4 above), which has a negative impact on their health status, access to education and employment. Unemployment rates are very high, although Roma have reportedly not been disproportionately affected by the global economic crisis. The Advisory Committee is concerned by these persistent problems that perpetuate the marginalisation of Roma population.

Against this background, the Advisory Committee welcomes the adoption in 2010 of the National Programme of Measures for Roma for 2010-2015, elaborated in co-operation with Roma representatives (see also remarks in respect of Article 4 above). It believes that the strategy, which focuses on six main areas (housing, education, employment, health, culture and language and the fight against discrimination), is an important step forward. It understands in this context that public tenders were launched for local authorities to develop infrastructures, Roma housing and employment (mainly through public work programmes). It expects that the authorities will take all the required measures to encourage local authorities to apply for tenders and develop plans to improve the situation of the Roma.

Representatives of the Hungarian and Italian minorities deplore the fact that many young, educated persons tend to leave the “ethnically-mixed areas” due to a lack of economic opportunities and incentives to stay. They particularly regret the lack of willingness of students belonging to those minorities to opt for careers in minority educational institutions. In this context, the Advisory Committee is pleased to see that in the Plan for the economic development of the region of Pomurje 2010-2015, mention is made of the importance of paying particular attention to the needs of the “ethnically-mixed areas” so as to create further economic opportunities for persons belonging to the Hungarian community. The Advisory Committee is indeed of the opinion that representatives of minorities should be closely involved in the preparation and implementation of regional economic development plans, so that their concerns are also duly taken into account.

Recommendations

The Advisory Committee calls on the Slovenian authorities to ensure effective and timely implementation of the National Programme of Measures for Roma for 2010-2015, by allocating the necessary financial and human resources. Roma representatives should remain closely involved in the implementation and evaluation of the measures taken and programmes implemented in this context. Particular emphasis should be placed on awareness-raising of the local authorities on their responsibilities as part of the implementation of these measures.

The Advisory Committee encourages the authorities to take fully into account the needs and concerns of persons belonging to national minorities when designing and implementing regional economic plans covering the “ethnically-mixed areas”. They should also consider, in consultation with national minority representatives, possible incentives for young persons belonging to national minorities to stay in these regions and work for minority institutions.

28. Spain

Opinion adopted on 22 March 2012

Article 15 of the Framework Convention

Participation of the Roma in public affairs

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to identify ways and means of promoting the participation of Roma in elected bodies at all levels.

It also invited them to ensure the effectiveness of the Consultative Council for the Roma People and its adequate and effective involvement in the preparation of the Roma Development Plans. Additionally, it invited the authorities to encourage autonomous governments and municipalities to establish their own consultative mechanisms to ensure effective participation of the Roma in public affairs.

Present situation

The Advisory Committee regrets that the representation of Roma in elected bodies at all levels has not increased since its previous visit. The general elections of November 2011 have, in particular, not resulted in any improvement in the situation in this regard even though Roma representatives have been included on the electoral lists of some mainstream political parties. Consequently, Roma continue to be largely under-represented in Spanish political life and public affairs, even in regions where they reside in substantial numbers, such as Andalusia.

The Advisory Committee believes that the extensive support provided to the work of Roma non-governmental organisations by the authorities at state and regional levels for many years, although commendable, does not replace direct representation in elected bodies. This situation results in Roma representatives and organisations being mainly active in the area of projects and programmes for Roma and in a lack of effective participation of the Roma in public affairs as a whole.

The Advisory Committee is pleased to learn that the State Council for the Roma People, which was established in 2005, has been functioning since 2007 under the auspices of the Ministry for Health, Social Services and Equality. It is a collegial body composed of 20 representatives of Roma NGOs and 20 representatives of the State administration. Its mandate includes assessing policies, projects and legislation on the Roma community, proposing measures and projects to improve the situation and making suggestions as to the use of funds. It is also conceived as a consultative body between the administration and Roma civil society. It was widely involved in the preparation of relevant policy documents, such as the Action Plan for the Roma Population for 2010-2012. This is a welcome development.

However, the Advisory Committee is informed that the impact of the consultations carried out by the State Council is so far limited by a number of factors. Firstly, the Council can react to proposals and suggestions put forth by the administration, but it has limited opportunities to take initiatives on issues that it considers a priority, including on the allocation of financial support. Additionally, the Advisory Committee notes that consulting the State Council on issues of concern for the Roma is not mandatory for the administration. Furthermore, it is aware of criticism related to the composition of the State Council. While the composition of the Council

is regulated according to detailed rules of procedure, including public calls for interest and a selection procedure based on a number of criteria, complaints relate to the fact that the final selection is made by the administration, which is also chairing the Council. While welcoming the fact that the authorities have attempted to design a transparent system of representation, the Advisory Committee believes that constant attention should be paid to ensuring that the established criteria allow for sufficient representativity. It is also important for the authorities to maintain communication with NGOs that are not part of the Council.

The Advisory Committee notes that consultation bodies also exist at the regional level, in Barcelona (City), Extremadura, Madrid (Autonomous Community), the Basque Country and in Andalusia. However, the Advisory Committee notes with regret that, according to various interlocutors, the impact of the work of these bodies on decision-making on Roma issues is limited. It believes that increased consultation and participation of the Roma at the regional and local level is essential, especially as a number of key competencies in important areas for the integration of the Roma community (such as education or housing) are in the hands of the local and regional authorities.

Recommendations

The Advisory Committee reiterates its call to the authorities to find ways of actively promoting participation of the Roma in elected bodies at all levels. This could be achieved by raising awareness of mainstream political parties to the need for political life to reflect the diversity of society and for persons belonging to minorities to participate in decision-making, including minority groups such as the Roma.

The Advisory Committee invites the authorities to continue supporting the work of the State Council for the Roma People. They should, in particular, ensure regular and effective consultation of the Council on all matters of concern to the Roma and that the views of the State Council are duly taken into account by the administrations concerned. Moreover, the authorities should take all measures to ensure that the Council fully represents the diversity of the Roma movement in Spain and that communication is also maintained with organisations that are not part of the Council.

The authorities must promote the establishment of consultative bodies between regional and local authorities and the Roma in order to ensure a meaningful participation of the latter in decision-making on issues of concern to them.

Participation of Roma in socio-economic life: employment

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to seek further resources to support specific programmes aimed at ensuring effective equality of Roma in their access to employment, housing, health care and other social services, while continuing to promote full enjoyment by Roma of mainstream programmes in these areas.

Present situation

The Advisory Committee notes with satisfaction that the authorities have continued to implement long-term programmes to improve access of persons belong to disadvantaged groups, including the Roma, to the labour market. The use of EU funds, and notably of the European Social Fund (ESF) for programmes targeting Roma, is particularly welcome. In this respect, the Advisory Committee notes with interest the work of the European Social Fund Unit within the Ministry of Labour and Immigration which is in charge of implementing anti-discrimination programmes funded by the ESF with co-funding of regional and local authorities. The long-term impact of these programmes remains, nonetheless, to be fully evaluated. The Advisory Committee also appreciates the approach taken by the authorities in promoting integration in the labour market consisting of favouring individualised approaches and support in order to narrow the gap between unemployed persons and the labour market (for instance through the ACCEDER, EQUAL and "Surge" to promote the employment of persons in a very disadvantaged situation). Moreover, it notes with interest the commitment of the authorities to promote employment of unemployed persons belonging to disadvantaged groups by developing the social responsibility of companies, for instance through public tenders.

Despite these efforts, the Advisory Committee is concerned that unemployment among Roma is reportedly rising in a disproportionate way (see also remarks under Article 4 above) since the beginning of the economic crisis. It is important that the authorities continue to pay specific attention to the employment situation of the Roma, despite the current budgetary restrictions, in order to avoid jeopardising the results achieved in recent years and so as to mitigate the risks of further marginalisation and social exclusion of part of the Roma population, especially young people.

The Advisory Committee learnt with concern that the adoption of new legislation regarding street markets (*venta ambulante*), transposing the EU Directive 2006/123/EC on services in the internal market, might result in many Roma being deprived of the opportunity to practice their traditional trade in street markets and, therefore, losing an important source of income. The Royal Decree 199/2010 regulating the exercise of trade on street markets imposes a yearly limitation of the number of licences granted to street sellers in order to safeguard free competition. Moreover, licences will have to be renewed every year with no guarantee as to their continuation, as there will be fewer licences granted than the number of sellers, in order to ensure unhindered competition. This new situation will result in increased insecurity for street sellers. Considering that it will be difficult for many of these persons to undergo retraining and have access to the labour market, the Advisory Committee is concerned that many of them might lose any form of income. The Advisory Committee notes that a moratorium on the implementation of this new legislation is currently in place and it expects that it will be prolonged, until satisfactory solutions are found to avoid many Roma families losing their sources of income.

Recommendations

The Advisory Committee calls on the authorities to continue their policies and programmes to promote access of Roma to the labour market. This should be done on the basis of careful evaluation of current programmes and in close co-operation with Roma organisations and representatives.

The Advisory Committee urges the authorities to seek ways to prevent many Roma street sellers from losing their source of income as a result of the implementation of the new legislation on street markets and itinerant trade.

Resettlement

Recommendations from the two cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called on the authorities to investigate whether the practice of relocating the inhabitants of informal settlements in "special neighbourhoods" continued in parts of Spain. The authorities were also invited, in cases of lawful evictions, to organise prior consultations with those concerned in order to reach solutions that were acceptable to all parties.

Present situation

The Advisory Committee is pleased to learn that the authorities have continued to work towards the eradication of slums and settlements with substandard conditions. It praises, in particular, the work carried out in Sevilla, where only two such settlements remain, and in Madrid, where the action of the Institute for Resettlement and Social Integration (IRIS) of the Madrid Autonomous Community resulted in around 2,400 families being transferred from shanty dwellings to mainstream social housing. The Advisory Committee notes that the current positive results of the work of IRIS are the consequence of a drastic change of policy at the end of the 1990s, when it was decided to favour the integration of the families concerned by resettling them in the city rather than their segregation, which was the preferred option in the past and led to disastrous consequences. Other positive examples brought to the attention of the Advisory Committee, aimed at integrating inhabitants of former shanty towns or dilapidated settlements, include the building of a students' dormitory within a formerly run-down district of Sevilla, inhabited mainly by Roma ("*las 3000 viviendas*").

However, the Advisory Committee notes with concern that there remains a number of slums populated mainly by Roma (and migrants). A study published in 2007 indicates that around 12% of the Roma population still lives in substandard housing and 4% in slums or segregated accommodation. This situation continues to have a detrimental impact on the state of health of part of the Roma population, as well as on other areas such as access to education and employment. Moreover, the Advisory Committee is informed that whereas successful programmes have included long-term and comprehensive support for the families concerned (sometimes over 4-5 years), including counselling, social support, support in the fields of access to education and employment, mediation with neighbours, etc, a number of resettlement operations have failed to put an end to segregation, substandard living conditions and marginalisation due to a lack of continued social support. The Advisory Committee is in particular worried by various reports indicating that the resettlement of Roma families continues to be sometimes met by acute hostility from the majority population living in the neighbourhood, leading to further relocations and tense situations (see also remarks under Article 6 above). Additionally, the Advisory Committee is informed that the support available at state level to eradicate slums or rehabilitate dilapidated urban areas through the National Housing Plan is not fully used by the autonomous authorities (which are responsible for most of the issues connected to housing and urban planning).

Furthermore, the Advisory Committee is concerned that the access of Roma families to the housing market remains very difficult, due to the disproportionate impact on them of general difficulties, such as the high price of rents and a lack of subsidised and social housing, but also due to problems affecting them in particular, such as the lack of security of tenure, vulnerability to evictions and reported increasing discrimination against them in the housing market (see also remarks under Article 4 above).

Recommendations

The Advisory Committee calls on the authorities to pursue their efforts to eradicate slums by replicating good practices in this field as appropriate, in order to promote integration of the Roma families concerned in mainstream housing. In doing so, they must pay particular attention to the need for long-term, comprehensive social support for the families affected by the resettlements.

The authorities should also ensure that the rights flowing from the Framework Convention are respected at the local level as well as guarantee equal access of the Roma to adequate and affordable housing.

29. Sweden

Opinion adopted on 23 May 2012

Article 15 of the Framework Convention

Sami Parliament

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee encouraged Sweden to take further steps to develop the role of the Sami Parliament in decision-making processes, and emphasised the importance of effective participation by Sami in decision-making not only in the reindeer industry but in a wide range of areas, including spatial planning.

Present situation

Although the Sami Parliament is a popularly elected body, its key function remains that of a state agency responsible for administering policies decided by the *Riksdag* and the central government. The Advisory Committee observes that this situation may result in conflicts between its political and administrative functions.

As noted above (see Article 5), despite the transfer of certain powers to the Sami Parliament over the last five years, its role in decision-making processes on issues affecting land and the traditional activities of the Sami people remains limited. It has neither a right of co-determination in legislative matters nor a right of veto in administrative decisions, and there is no automatic referral to it of matters in which Sami interests are at stake.

The Advisory Committee maintains its view that increasing the participation of the relevant Sami bodies, including Sami villages, in the preparation, implementation and evaluation of

spatial planning decisions is a key area that needs to be addressed. As already noted in the Advisory Committee's second opinion, planning decisions on issues such as the relocation of the centre of the municipality of Kiruna will have a significant impact on reindeer herding in the area and more broadly on several issues of concern for the Sami population.

Recommendation

The Advisory Committee recommends that the Swedish authorities take further steps to ensure that the Sami Parliament, as the main representative body of the Sami people, is able to participate effectively in decision-making processes in all areas affecting the Sami people, including public affairs such as spatial planning as well as the reindeer industry and educational and cultural matters.

General consultative structures

Recommendations from the two previous cycles of monitoring

In previous monitoring cycles, the Advisory Committee encouraged the authorities to ensure clarity and consistency in governmental responsibilities for dealing with national minority issues as well as broad, inclusive and effective consultation of national minorities, both at national and at local level.

Present situation

The Advisory Committee welcomes the efforts made at national level to consult persons belonging to national minorities on issues of relevance to them through meetings and consultations with their representatives. However, it notes with regret that there is no specific structure for such consultations and that the perception of representatives of national minorities is that such consultation often occurs too late in the process for their input to have a significant influence on the outcome. It also notes that youth representatives consider that they are not sufficiently involved in government consultations with national minorities. Issues concerning the extent to which their views were taken into account, despite the consultations that were held, in drawing up the Strategy for Roma Inclusion 2012-2032, were also amongst the causes of concern expressed by Roma representatives with respect to this strategy (see Article 4 above).

The Advisory Committee underlines that the consultation process also continues to be hampered by changes in the government structures responsible for these issues. While many of the civil servants handling minority questions remain the same, frequent reallocation of minority issues from one ministry to another (most recently, the return of this portfolio from the Ministry of Justice to the Ministry of Integration, within the Ministry of Employment) means constant efforts need to be invested in institutional issues. This is problematic both from the point of view of continuity and for the strength and overall visibility of minority protection in the public sphere.

The Advisory Committee also observes that while representatives of national minorities express the need for consultations to be developed further, some consider that this needs to be accompanied by various forms of support, including capacity-building measures, especially where the minority is numerically small.

At the local level, there are wide variations in the possibilities open to representatives of national minorities to participate in decision-making processes, with some municipalities and county administrations taking a far more proactive approach than others.

Moreover, the Advisory Committee observes that there is a high degree of decentralisation in Sweden. It notes with regret that this has resulted in insufficient coordination both amongst the central authorities themselves and between the central authorities and decentralised authorities dealing with issues related to national minorities. Certain difficulties faced in implementing the rights of persons belonging to national minorities (see in particular above regarding support for minority culture (Article 5), use of minority languages in contacts with the administration (Article 10) and funding of mother tongue instruction (Article 14)) arise as a direct result of this insufficient coordination. This situation is further compounded by the absence of effective mechanisms to ensure that decentralised authorities respect their obligations arising under international and domestic law.

Recommendations

The Advisory Committee strongly encourages the Swedish authorities to ensure that governmental consultations with national minority representatives are placed on a more structured footing and carried out in a consistent manner, in order to ensure that the consultation of national minorities is broad, inclusive and effective at national, regional and local levels. In this context, the authorities should take action to provide various forms of support, including capacity-building measures, in particular for the numerically smaller minorities. They should also take steps to promote the sharing of best consultation practices between the relevant national, regional and local authorities.

The Advisory Committee recommends that the Swedish authorities step up their efforts to improve coordination amongst the central authorities responsible for issues related to national minorities and between the central and decentralised authorities, in order to strengthen the content and the implementation of policies aimed at the protection of persons belonging to national minorities.

Roma participation

Present situation

The Advisory Committee notes with deep concern that Roma are marginalised and disadvantaged in the socio-economic sphere, suffering discrimination for example in the housing sector, in access to goods and services and in the field of education (see under Article 12 above). It refers to ECRI's detailed findings and recommendations in this regard. It also notes complaints that rules and practices regarding taking children into public care may have a disproportionately negative impact on Roma children in so far as they are frequently placed with non-Roma families and disconnected from their minority background.

The Advisory Committee notes with interest that the National Institute of Public Health presented a report in April 2010 analysing the health status of Roma and proposing ways in which health promotion and preventive health measures could be conducted amongst them. It also notes with satisfaction that the National Board of Health and Welfare has compiled and

distributed to county councils a document explaining the implications for health authorities of the National Minorities Act.

The Advisory Committee welcomes the adoption by the Swedish government on 16 February 2012 of a Strategy for Roma Inclusion 2012-2032 (2011/12:56), covering the fields of education, employment, housing, health, social care and security, culture and language, and the organisation of civil society. It notes that the overall aim of the strategy is that by 2032, the rights of Roma born in 2012 should be able to be safeguarded within ordinary structures to the same extent as the rights of other twenty-year-olds – in other words, these Roma should then benefit from full and effective equality.

The Advisory Committee welcomes the extensive involvement of Roma organisations in the preparatory phases of this strategy and the fact that they consider many elements of the strategy to be positive. At the same time, it notes the concerns expressed by Roma organisations that the focus on achieving equality primarily for children born today may create divisions between young Roma and older generations and that the strategy does not make sufficient provision for Roma to participate as actors in its implementation. The Advisory Committee welcomes the indication that dialogue between the authorities and Roma organisations is continuing with regard to the strategy.

Recommendations

The Advisory Committee encourages the Swedish authorities to pursue their consultations with representatives of the Roma with a view to promoting the participation of Roma, including women, in social and economic life. They must involve Roma directly in ensuring the successful implementation of the strategy for Roma Inclusion 2012-2032 and allocate adequate resources to achieving the desired outcomes. The implementation of the strategy should also be monitored and evaluated regularly, in close co-operation with Roma representatives.

The Advisory Committee calls on the Swedish authorities to ensure that where a decision is taken to remove a Roma child from his or her family, special attention is paid to the socio-economic vulnerability of the child. Care should also be taken in placing Roma children with foster families to ensure that families are chosen that can best guarantee the preservation of the children's Roma identity and culture.

30. Switzerland

Opinion adopted on 5 March 2013

Article 15 of the Framework Convention

Representation of minorities in the federal administration

Recommendations from the previous two monitoring cycles

The authorities were requested to adopt additional measures to collect qualitative data on the representation of linguistic minorities in the federal administration, and the efforts to improve the representation of linguistic minorities, including in executive posts, were to be intensified.

Present situation

The Advisory Committee notes that the Law on Languages (LLC) establishes the representation of the linguistic communities in the federal administration at 70% of German-speakers, 22% of French-speakers, 7% of Italian-speakers and 1% of Romansh speaking minority. Furthermore, a Multilingualism Delegate was appointed in 2010 under this Law with responsibility for promoting knowledge of the official languages in the federal administration and ensuring respect for the representation of linguistic minorities.

Despite the positive developments introduced by the Law on Languages (LLC), the Advisory Committee shares the concerns voiced by some of its interlocutors regarding the quantitative data by linguistic affiliation collected by the Federal Office of Personnel which failed to take account of the level of responsibility in posts occupied by linguistic minorities, so that it was impossible to establish reliably whether linguistic representation was qualitatively balanced. Estimates suggest that persons speaking Italian and Romansh languages are still under-represented in managerial posts. Moreover, the same interlocutors cast doubt on the independence of the post of the Multilingualism Delegate, who is currently working under the authority of the Federal Office of Personnel. They consider that the efficiency of this post would be increased if it were moved to a different department. They also highlight shortcomings in the consultation process, including the fact that they were not consulted on the preparation of the Federal Law on the Promotion of Culture (LEC). The Advisory Committee shares these concerns.

Recommendation

The Advisory Committee reiterates its recommendation on collecting qualitative data on the representation of linguistic minorities in the federal administration. It invites the authorities to take more determined action to ensure that the Federal Law on the National Languages and Understanding between the Linguistic Communities is regularly reviewed and that amendments are proposed in order to remedy any omissions or difficulties noted in the representation of linguistic minorities, including in managerial posts.

Participation and consultation mechanisms for Travellers

Recommendations from the previous two monitoring cycles

The authorities were invited to review the Foundation terms of reference in order to reinforce its powers and pinpoint additional forms of financial support. Moreover, more systematic modes of consultation of the Travellers were to be introduced at the cantonal and inter-cantonal levels.

Present situation

The Advisory Committee welcomes the authorities' recognition of the Travellers' umbrella organisation *Radgenossenschaft der Landstrasse* and the Foundation as mechanism for consulting the Travellers and the effective co-operation among the various stakeholders. It also notes with satisfaction that since its previous Opinion several cantons have set up joint working groups of civil servants and Travellers mandated to discuss the problems of stopping places and education for their children. Furthermore, it welcomes the facilities provided under the Federal Law on the Promotion of Culture (LEC) for reinforcing the Foundation's powers, and hopes that the authorities will quickly take the necessary decisions for putting these new powers into

practice, so that sustainable responses can finally be found to meeting the Traveller's needs, notably in terms of stopping places, (cf. also the comments on Article 5 above).

However, the Advisory Committee regrets that ten years after the publication of the Foundation's first report on the situation of Travellers, no consultation mechanism exists at the inter-cantonal level and only few of them have been put in place at cantonal level. It notes with concern that this persistent lack of political will at the inter-cantonal level prevents any appropriate consideration of the specific needs of this community, and has undoubtedly delayed the search for solutions to the serious problem of insufficient numbers of transit or stopping sites.

Recommendation

The Advisory Committee invites the authorities to consider all the possibilities offered by the Federal Law on the Promotion of Culture (LEC) in order to broaden the competences and consolidate the financial structure of the Foundation. Moreover, more specific measures are needed to establish consultation mechanisms for Travellers at the inter-cantonal level and in all cantons.

31. "the former Yugoslav Republic of Macedonia"
Opinion adopted on 30 March 2011

Article 15 of the Framework Convention

Effective participation of persons belonging to minorities in public affairs

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee encouraged the authorities to ensure, in accordance with the Ohrid Agreement, the equitable representation of persons belonging to national minorities in public life, centrally and locally, and with due regard for the needs of numerically-smaller communities in this field.

The Advisory Committee also urged the authorities to combat the marginalisation and social exclusion of the Roma and help make their participation in public affairs more effective.

Present situation

The Advisory Committee notes with satisfaction that persons belonging to national minorities continue to play an active role in the political life of "the former Yugoslav Republic of Macedonia". There are two major Albanian parties represented in the National Assembly (one in government, one in opposition) and there are a number of parliamentarians elected in respect of all national minorities recognised in "the former Yugoslav Republic of Macedonia", including Roma. At the local level, persons belonging to national minorities are widely represented among the authorities.

The Advisory Committee notes that interpretation between the Albanian and Macedonian languages is ensured in the plenary and committee sessions of the National Assembly.

The Advisory Committee welcomes the adoption in 2008 of the Law on Promoting and Protecting the Rights of Persons Belonging to Communities which Represent Less than 20% of

the Population, which complements the legislative acts adopted to implement the Ohrid Framework Agreement. The Advisory Committee notes with satisfaction that the above-mentioned law enshrines the principle of equitable representation in respect of employment of persons belonging to minority communities in the state administration bodies and in other public institutions at all levels.

The Advisory Committee further notes that the Agency for the Exercise of Rights of Persons Belonging to Communities was established to promote and monitor the implementation of the law and that a special fund was set up to implement specific programmes in the field of employment of persons belonging to national minorities.

The Advisory Committee notes, in this context, that there has been some progress towards implementing the right to the equitable representation of ethnic communities in the public sector, at central and local levels, thus implementing the Law on Civil Servants. According to the latest available figures for 2009 the overall number of civil servants from minority ethnic communities was 29%. In particular, it seems that the number of persons belonging to the Albanian minority employed in the civil service has increased, although it still does not correspond to the proportion of Albanians in Macedonian society. It must be noted with regret, however, that persons belonging to numerically-smaller minorities (Bosniaks, Serbs, Turks, Vlachs and Roma) are still significantly underrepresented.

The Advisory Committee also notes that many new employees belonging to national minorities, hired to increase the quota of such persons within the workforce, do not have clearly defined job descriptions, or even proper workplaces. The Advisory Committee received disconcerting reports that some of the newly-hired persons are paid all or part of their salary without having to report for work. This does not help to increase the effective participation of persons belonging to national minorities in the economic life of the country. In addition, it could have a negative impact on the quality and the consistency of services provided by the civil service and foster resentment in society.

The Advisory Committee notes with concern that the current economic difficulties experienced in "the former Yugoslav Republic of Macedonia" have hit particularly hard the Roma, among whom the unemployment rate is more than double the national average. In this context, the Advisory Committee regrets to note that according to Roma representatives, implementation of the action plans in the Framework of the 2005-2015 Decade of Roma Inclusion have not been implemented at a sustained rate. The authorities have not shown the necessary determination and the inter-ministerial co-ordination working group on implementation of the Roma strategy met only twice in 2009.

Recommendations

The Advisory Committee urges the authorities to take effective measures to redress the underrepresentation of persons belonging to numerically-smaller national minorities in state administration bodies and in other public institutions at all levels. The authorities should ensure that posts which are offered to persons belonging to national minorities have clear duties and remits associated with them which allow for the effective participation of persons belonging to national minorities in the economic life of the country.

The authorities should continue and increase efforts to develop and implement policies to address the problems confronting the Roma in the field of employment, and allocate adequate resources to remedy the situation.

32. Ukraine

Opinion adopted on 18 May 2012

Article 15 of the Framework Convention

Minority representation in elected bodies

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee invited the authorities to consider removing legal obstacles to wider representation of national minorities and more effective participation of persons belonging to national minorities in elected bodies, in the context of a forthcoming review of the electoral system and the legislation on political parties.

Present situation

The Advisory Committee notes the ongoing electoral reform and the amendments of the Law on Parliamentary Elections, adopted in November 2011. It regrets that the numerous recommendations by international bodies for the introduction of a regional proportional system based on open lists and multiple regional constituencies, to allow for stronger regional, including minority, representation have not been taken into account. The Advisory Committee is in particular concerned by the reported lack of transparency in the drafting process of this law. Minority representatives regret the increase of the threshold from 3 to 5%, as well as the banning of electoral blocs, as such provisions may limit the possibilities of smaller or new political parties to enter parliament. In the view of most interlocutors of the Advisory Committee, including the Parliamentary Commissioner for Human Rights (hereinafter the Ombudsman), these steps reduce political pluralism and further limit the chances of minority communities to be presented in parliament.

In addition, the Advisory Committee regrets that no efforts have been made to develop mechanisms to implement Article 14 of the 1992 Law on National Minorities, which in principle provides for the entitlement of national minorities to designate their own candidates in elections. The 2002 Law on Political Parties continues to require that all political parties should be active nationwide and register in 17 out of 27 regions of the country, a requirement practically impossible to meet by small or regional parties of national minorities. In addition, there is still no obligation for the Central Election Commission to take the composition of the population into account when establishing the boundaries of electoral constituencies, despite the long-standing demand of minority representatives. The Advisory Committee reiterates its finding that this situation presents serious obstacles for persons belonging to national minorities to obtain representation in elected bodies and is not in line with the requirements to promote their full and effective participation in public affairs, as contained in Article 15 of the Framework Convention.

During its visit, the Advisory Committee learned that a parliamentary hearing related to national minority protection and inter-ethnic issues had been held on 11 January 2012. According to governmental and non-governmental representatives alike, this first-time event

was considered highly useful, providing a rare opportunity for minority representatives to address parliament, and offered a welcome occasion for the legislature to obtain information on issues and concerns directly from minority representatives and relevant government organs. The Advisory Committee considers it very important that minority representatives be granted regular access to parliament and participate in discussions on issues of their concern, particularly in view of the limited opportunities for persons belonging to national minorities to achieve representation in parliament.

Recommendation

The Advisory Committee calls on the authorities to review comprehensively their electoral laws and ensure that the legislative framework contains effective mechanisms for persons belonging to national minorities to be adequately represented in elected bodies at all levels so as to participate fully in public affairs, in line with Article 15 of the Framework Convention. In addition, they should be granted regular access to parliament to ensure that their concerns are adequately taken into account.

Consultative mechanisms

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called on the authorities to increase efforts to ensure the effective consultation of all national minorities on relevant issues. The Advisory Committee further encouraged the State Committee and other state institutions to consult regularly the Council of Representatives of All-Ukrainian Minority Associations, as well as relevant Roma organisations, and to consider restoring a consultative body regarding the Crimea to ensure the participatory discussion of inter-ethnic issues in this region.

Present situation

The Advisory Committee notes that the Council of Representatives of All-Ukrainian Minority Associations continues to exist under the auspices of the Ministry of Culture, after the above-mentioned dissolution of the SCNR. However, it regrets receiving reports that the Council has been meeting irregularly since and that it is no longer granted access to high-level officials. It further notes that a number of so-called 'civic councils' have been established under different ministries, such as the Ministries of Justice and the Interior, consisting of civil society, including minority representatives, with a view to providing advice on relevant legislative drafts and policy developments. According to the interlocutors of the Advisory Committee, these councils function to a varying extent. Minority representatives consider unanimously, however, that they do not constitute adequate consultation mechanisms as they meet irregularly, are usually chaired by lower level ministerial officials, and do not appear to have any impact on decisions that are subsequently taken. While the Advisory Committee, in principle, welcomes the establishment of such councils, which can indeed serve as a platform for constructive discussions, it reminds the authorities that consultations must be conducted regularly and at appropriate level to ensure that they constitute useful mechanisms for persons belonging to all national minorities, including the Roma, to have an effective impact on decisions of relevance to them. In addition, it regrets that changes were reportedly introduced recently to the effect that legal status is granted only to councils established at national level, and not to the regional ones, which appears to limit unduly the relevance of consultative councils at regional level.

The Advisory Committee welcomes the extent to which the Council of the Crimean Tatar People under the President has functioned since 1999, giving an opportunity to representatives of the *Mejlis*, the executive body elected by the adult Crimean Tatar population, to convey the concerns and views of their electorate to the Ukrainian President. It regrets, however, that the composition of this Council appears to have been altered unilaterally and without consultation with the *Mejlis* representatives in August of 2010, to include a majority of new representatives who are not elected but appointed by the government. The Advisory Committee regrets this development as it undermines the representative nature of this Council that has reportedly been functioning very well and enjoying wide respect and trust among the Crimean Tatar population. The Advisory Committee finds that decisions regarding the composition of advisory or consultative councils must be taken transparently and in close consultation with the relevant minority representatives in order to ensure that they constitute effective mechanisms to establish constructive dialogue with the minority community involved.

The Advisory Committee further notes that the Crimean Inter-Ethnic Council, a platform to discuss inter-ethnic issues with representatives of all communities, has still not been re-established. It is concerned by the frustration expressed by representatives of all communities in the Crimea, including the Ukrainian, who have not been able to meet government representatives of adequate seniority for a number of years to discuss issues of their concern, such as the increase in inter-ethnic hostilities in recent years (see comments on Article 6 above).

Recommendations

The Advisory Committee urges the authorities to ensure that the Council of Representatives of All-Ukrainian Minority Associations is regularly consulted on all issues pertaining to minority protection and is granted adequate opportunities to impact effectively on relevant decision-making processes. A similar consultative body should also be established in the Crimea to provide opportunities for all minority representatives in this region to access the relevant authorities regularly, and thereby enter into a constructive dialogue.

In addition, the Advisory Committee calls on the authorities to limit state interference in the composition and functioning of minority representative bodies to ensure that they effectively represent the views and concerns of the minority communities concerned.

Specialised governmental bodies

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee called on the authorities to consolidate the governmental structures dealing with national minorities, in particular the State Committee on Nationalities and Religions, to achieve greater continuity, effectiveness and consistency in their work.

Present situation

The Advisory Committee regrets the dissolution of the SCNR at the end of 2010 (see Articles 4 and 5 above), which had worked since March 2007 as the main body dealing with issues pertaining to national minorities in Ukraine, replacing the former State Committee for Nationalities and Migration. The Advisory Committee shares the deep concern of minority and numerous government representatives that this development constitutes another relegation of

national minority related issues within the administration. Formerly dealt with by a Ministry, this important responsibility has been transferred from a State Committee with some 200 staff to the 'Sub-department of national minorities and Ukrainian diasporas' within the Ministry of Culture, a division of 24 staff, of which only a few work on national minority protection. Indeed, this development is widely seen as having left an institutional vacuum that neglects the fact that the concerns of a large number of minority communities in Ukraine go far beyond culture. According to the Ombudsman's Office, the dissolution of the SCNR has resulted in a sharp increase of applications to the Ombudsman from persons belonging to national minorities as well as minority associations. While welcoming the increased engagement of the Ombudsman's Office in issues pertaining to minority protection, the Advisory Committee agrees with many of its interlocutors that urgent action should be taken to re-establish a specialised government body with sufficient financial and human resources, in order to co-ordinate the relevant activities of various ministries concerning issues pertaining to national minority protection, such as language policy, education, social policy and land distribution.

Recommendation

The Advisory Committee urges the authorities to re-establish a specialised and stable government body with sufficient financial and human resources to co-ordinate all issues relating to national minority protection, in order to ensure transparency and build confidence that adequate levels of attention are paid by the state to minority protection issues.

Participation in socio-economic life

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to ensure equal access of persons belonging to national minorities to the labour market and develop targeted policies, possibly including positive measures, to improve the situation in respect of groups such as the Roma and the Crimean Tatars. In addition, it called for resolute steps to provide effective health services to all minority communities and to address the problem of sub-standard housing and lack of basic infrastructure. Transparent legal norms governing land restitution to the formerly deported peoples, including the Crimean Tatars, had to be further developed in consultation with those concerned.

Present situation

The Advisory Committee deeply regrets that no significant developments have been made with regard to the effective participation of some national minorities in socio-economic life. While acknowledging that unemployment and poverty are a general concern in Ukraine, there are significant additional obstacles to accessing employment as well as adequate health services or housing for persons belonging to disadvantaged groups, such as Crimean Tatars and Roma (see also comments on Article 4 above), which are acknowledged by relevant authorities but not acted upon. The Advisory Committee remains deeply concerned by the high prevalence of tuberculosis and diphtheria among Roma children in the Transcarpathia region, for instance, which has not improved since the last monitoring cycle. In addition, it is of deep concern to the Advisory Committee that Roma continue to report that some doctors and medical centres refuse to provide them with necessary treatment. The fact that only very few Roma are in formal employment strengthens stereotypes and prejudice against them, which generates in turn reluctance to recruit them. The situation is exacerbated by the fact that educational achievement among Roma, particularly as regards women, has not improved. The Advisory

Committee considers this situation to be in urgent need of attention and comprehensive action by the authorities.

The Advisory Committee deeply regrets that the socio-economic situation of the Crimean Tatars appears also not to have improved since the second monitoring cycle. It underlines the continued lack of a legislative framework (see comments on Article 4 above) related to the restitution and compensation for the loss of over 80,000 private dwellings and 34,000 hectares of farmland following deportation. Some 85% of the Crimean Tatars living in rural areas were excluded from the process of allocation of agricultural lands to former workers of state enterprises, because they were deported prior to the functioning of the *kolkhozes* as of 1948. The lack of progress and reported break off in dialogue between the authorities and Crimean Tatar representatives concerning land issues, including as regards adequate compensation and questions relating to the unauthorised occupation of land, is of particular concern to the Advisory Committee, as it fuels hostility between different ethnic groups in the Crimea as well as within the Crimean Tatar population. Moreover, the fact that most of the Crimean Tatars were not able to return to their former places of residence situated mainly on the south-eastern coast of the Crimea, but forced to settle in the interior steppe region, which does not lend itself to their traditional economic activities, continues to hamper their effective participation in economic life. In addition, the Advisory Committee is further deeply concerned by the reported continued lack of adequate employment opportunities for Crimean Tatars in public office, particularly at higher level.

The Advisory Committee further notes the report of the Audit Chamber of Ukraine regarding the use of budget funds earmarked for the state programme for the resettlement of Crimean Tatars and other formerly deported peoples between 2009 and 2011, published in early 2012. Accordingly, the authorities failed to provide Crimean Tatars and other groups with sufficient housing and to create adequate conditions for their integration into Ukrainian society. Less than 60% of the earmarked state funding was allocated, and 65% of the allocations for the Crimea and Sebastopol were used in violation of the rules. As a result, only 625 families had improved their living conditions and 340 infrastructure, social and cultural facilities had remained unfinished. The Advisory Committee finds that resolute steps must be taken to remedy this situation and to ensure that the allocation of the limited funds earmarked for the resettlement and integration of formerly deported peoples must be regularly monitored and evaluated, in close consultation with representatives of the groups concerned, to ensure that the funds actually reach their beneficiaries.

Recommendations

The Advisory Committee urges the authorities to adopt comprehensive measures, in close consultation with relevant community representatives, to promote effectively the participation of Roma in socio-economic life. Particular efforts must be made to ensure adequate access to health services, housing, and employment, including through targeted vocational education and training.

The Advisory Committee further urges the authorities to step up their efforts to adopt clear legal norms governing the restitution of and compensation for land to Crimean Tatars and other formerly deported persons. In addition, targeted measures must be developed, in close consultation with minority representatives, to promote effective access to formal employment, including at higher level.

33. United Kingdom

Opinion adopted on 30 June 2011

Article 15 of the Framework Convention

Effective participation in public affairs

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee urged the authorities to identify, in close cooperation with minority representatives, ways of encouraging greater participation of persons from minority ethnic community backgrounds in electoral processes at all levels.

The Advisory Committee invited the authorities to keep their project-based approach to consultation under review and to ensure that the closure of standing consultative structures has no detrimental impact on the opportunities for minority ethnic communities to participate in public life. It also urged them to engage with the full spectrum of opinions when they consult with minority ethnic communities and to step up communication with a wide range of representatives of Muslim communities in order to ensure their inclusion in decision-making.

Present situation

The Advisory Committee is pleased to note that the number of Members of Parliament from a minority ethnic community background that were elected in the 2010 legislative elections doubled in comparison with previous elections. It also welcomes the initiatives taken by the authorities in recent years to promote a better representation of minorities in elected bodies, such as the commitment taken by the Government for 2008-2011 to increase the overall representation of women and persons belonging to minorities, the creation in England of a taskforce to support an increase in the number of councillors from minority ethnic communities, as well as funding by the Scottish Executive of leadership training among these groups. The Advisory Committee observes with satisfaction that these initiatives indicate a strategic government policy approach aimed at achieving a systemic breakthrough in the participation of minority ethnic communities in public affairs.

Despite these efforts, which have already yielded some results in the last few years, the Advisory Committee notes with concern that persons belonging to minority ethnic communities remain under-represented in all the elected bodies, particularly at national level. Besides, representatives of minority ethnic communities have underlined their particularly weak representation in elected bodies in Northern Ireland, as well as in Scotland where they feel that much progress is needed. The Advisory Committee deplores that Gypsies and Travellers are virtually absent from elected bodies at all levels.

Interlocutors of the Advisory Committee, including representatives of the authorities, have acknowledged that there is a gap regarding regular, effective communication with persons belonging to minority ethnic communities, and that communication channels with the authorities should be developed at all levels. While taking note of positive initiatives such as the setting up of a National Muslim Women's Advisory Group and of a Youth Advisory Group to strengthen dialogue with Muslim communities, the Advisory Committee finds that there is a need for more structural consultative bodies in order to ensure regular communication between the authorities (especially at the level of central and devolved executives) and various interlocutors from minority ethnic communities. The Advisory Committee welcomes the fact

that in areas where there are planning concerns, consultations between the local authorities and the Gypsy and Traveller groups concerned are taking place, although they reportedly not always result in effective engagement of persons belonging to the Gypsy and Traveller communities in decisions affecting them. This has a negative impact on issues of planning for Gypsy and Traveller sites.

Commendable initiatives that resulted in effective empowerment and participation of persons belonging to minorities were brought to the attention of the Advisory Committee, for instance the All-Ireland Health Strategy through which Gypsy and Traveller were trained to carry out research work and now act as community health workers. Such an experience could be analysed and replicated in other regions and other areas of work. The Advisory Committee is also pleased to learn that the draft National Strategy for Gypsies and Travellers in Wales was prepared based on extensive consultation with Gypsies and Travellers.

Recommendations

The Advisory Committee encourages the authorities to continue promoting effective participation of persons belonging to national minorities in elected bodies at all levels. Particular measures should be taken to step up participation in local councils of under-represented groups, such as Gypsies and Travellers.

The Advisory Committee calls on the authorities to establish consultative mechanisms to develop communication between the authorities and representatives of minority ethnic communities on a regular basis, in order to ensure their regular and effective engagement in policy-making.

Participation in social and economic life

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee invited public authorities to continue taking measures to implement their specific duties concerning recruitment, retention and progression under the Race Relations (2000) Act and to give attention to the need for reforms to the appointment process of the judiciary. It also invited the Police Service of Northern Ireland to continue its efforts to achieve a balanced representation of Catholic and Protestant officers.

Present situation

The Advisory Committee welcomes the fact that the authorities have continued to monitor regularly the implementation of their duty to promote recruitment and retention of persons belonging to minority ethnic communities. It is also pleased by the progress achieved in certain areas. It highlights in particular the significant progress achieved towards a more balanced representation in the Northern Ireland Police Service. Currently around 30% of the police officers are Catholics compared with 8.3% in 1999 when the 50:50 recruitment system was established as a result of the Belfast (Good Friday) Agreement (see also remarks under Article 4 above). It expects that, following the ending of the 50:50 recruitment scheme in April 2011, the authorities will continue to monitor carefully the situation in the Police Service in order to ensure that recruitment and retention of police officers will continue to be guided by the need to guarantee effective equality and ensure that there will be no regression in progress achieved

in the last ten years. The Advisory Committee regrets, however, that the percentage of policemen belonging to minority ethnic communities remains negligible.

Information provided to the Advisory Committee indicate that, since its second Opinion, the recruitment of persons belonging to minority ethnic communities in Great Britain has increased to the police and the Crown Prosecution Service, including for the latter to senior positions. This is a development in the positive direction. The Advisory Committee notes nonetheless that further progress is needed in order to achieve the goal of a truly multiethnic force. In the judiciary, official figures show only a limited improvement in the situation, despite the existence of a duty to promote minority representation in the judiciary.

In the fields of employment, housing and health, monitoring of equality outcomes for persons belonging to minority ethnic communities has also continued, although it remains difficult to obtain consistent data in all of these areas. As regards employment, the Advisory Committee notes with satisfaction that between 2006 and 2008, employment rates among persons belonging to various minority ethnic communities have steadily increased, although there remain strong inequalities between different groups as well as occupational segregation. It also notes with interest the continued work of the Ethnic Minority Employment Task Force, which coordinates the action of the Government in the field of promotion of ethnic minority employment. The Advisory Committee also notes that a new policy in this respect was launched in 2010, which involves mainstreaming of the specific needs and difficulties of persons belonging to ethnic minority communities, rather than providing targeted services.

In the field of housing, the Advisory Committee notes with concern that despite improvements, especially in the availability of social housing, persons belonging to minority ethnic communities continue to be more likely to live in overcrowded accommodation and to face the risk of homelessness. Information brought to its attention from various sources highlights the particularly difficult situation facing many recent migrants and asylum-seekers belonging to minority ethnic communities who often suffer from destitution and live in substandard housing (see also remarks under Article 4 above). Additionally, the reform of the system of housing benefits that is being implemented to decrease the allocations made to tenants in the private sector could have a disproportionate impact on persons belonging to the most deprived minority ethnic communities.

As regards health care, the Advisory Committee notes that in this area, progress has also been achieved since its second Opinion was adopted. This includes a positive change in the approach to persons from different ethnic background as well as the inclusion of race equality issues throughout the National Health Service. It welcomes the commitment of the authorities to continue paying attention to health inequalities among persons from different ethnic backgrounds in the future. However, it is concerned by persisting inequalities affecting particular minority groups, such as Bangladeshi and Pakistani women and Gypsies and Travellers, who have a much lower life expectancy and face mental health problems much more frequently than persons belonging to the majority. Various sources indicate that persons belonging to these groups often consider that the response of the health services to their needs remains inadequate. Gypsies and Travellers report that they often find it difficult to register with a general practitioner.

Recommendations

The Advisory Committee invites the authorities to continue promoting increased participation of persons belonging to minority ethnic communities in public services, particularly as far as the police and the judiciary are concerned. In Northern Ireland, the Advisory Committee calls on the authorities to monitor carefully recruitments in the Police Service and to take effective measures, as appropriate, to ensure that equality between the two main communities, as well as with other minority ethnic communities, continues to be a guiding principle.

The authorities should continue to monitor the situation of persons belonging to various minority ethnic communities in the fields of employment, housing and health, through regular data collection. The Advisory Committee also urges them to carry out impact assessments of the new policy measures taken since 2010 in the areas of employment and housing on persons belonging to disadvantaged minority ethnic communities.

Efforts to reduce inequalities in health care between persons from different minority ethnic communities and the majority population must continue, with particular emphasis on accessibility of health care to persons belonging to disadvantaged minority ethnic communities.