

*ADVISORY COMMITTEE ON THE
FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES*



Strasbourg, 13 May 2016

Working document

Compilation of Opinions of the Advisory Committee relating to Article 18 of the Framework
Convention for the Protection of National Minorities (3rd cycle)

"Article 18

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

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 26 opinions on Article 18.

* 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. Armenia

Opinion adopted on 14 October 2010

Article 18 of the Framework Convention

Transfrontier co-operation

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee regretted that developing cross-border co-operation was not possible with all of Armenia's neighbouring countries and hoped that a fair and lasting solution to the conflict related to Nagorno-Karabakh would open possibilities for transfrontier co-operation and that it would allow the safe voluntary return to their native lands of persons displaced by the conflict.

Present situation

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

Recommendation

The Advisory Committee hopes that a fair and lasting solution to the conflict will be found soon and that it will allow the safe voluntary return to their native lands of persons displaced by the conflict.

2. Austria

Opinion adopted on 28 June 2011

Article 17 and 18 of the Framework Convention

Cross-border relations and co-operation

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to continue to develop cross-border co-operation programmes in areas of relevance for persons belonging to national minorities.

Present situation

The Advisory Committee welcomes the fact that a number of co-operation agreements in the fields of education, culture and science have been signed between the Austrian authorities and neighbouring states. It is in particular pleased to note the co-operation and exchange programmes related to the teaching of minority languages in schools. The Advisory Committee further notes the substantial support received by minority communities in Austria from the neighbouring states in the areas of media, culture, as well as education.

The Advisory Committee reiterates in this context its concern about repeated references to the situation in neighbouring countries by the local authorities of Carinthia (see above comments on Article 6) and reminds the authorities again that the rights enshrined in the Framework Convention constitute international obligations on the State parties and are not conditional to progress recorded on similar issues in neighbouring countries.

Recommendation

The Advisory Committee encourages the Austrian authorities to continue and further develop their cross-border co-operation with neighbouring states in areas of relevance to persons belonging to national minorities.

3. Azerbaijan

Opinion adopted on 10 October 2012

Article 18 of the Framework Convention

Crossborder co-operation

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee welcomed the fact that Azerbaijan was party to bilateral agreements with neighbouring countries touching upon the protection of national minorities and encouraged the authorities to pursue such co-operation.

Present situation

The Advisory Committee welcomes the fact that Azerbaijan continues to co-operate with neighbouring countries, including on issues related to national minority protection, and encourages the authorities to consolidate regional co-operation in the area of minority language education (see comments on Article 12 above). It notes with concern, that incidents on the border between Armenia and Azerbaijan and on the Line of Contact continue to mar the efforts to bring peace to the region, and refers to the recent call of the OSCE Secretary General on all parties to refrain from the use or threat of force and to make all efforts to implement the confidence-building measures agreed in Sochi in 2011.

Recommendation

The Advisory Committee invites the authorities to pursue their co-operation with neighbouring countries on all issues related to national minority protection, and to continue to strive for lasting peace in the region.

4. Bosnia and Herzegovina

Opinion adopted on 7 March 2013

Article 18 of the Framework Convention

Bilateral agreements on national minority protection

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee encouraged the authorities to pursue co-operation at regional level on minority protection and to step up efforts to conclude bilateral agreements in this field, as a way of contributing to the preservation of minorities' cultures and languages.

Present situation

The Advisory Committee notes that no bilateral or multilateral agreements on minority protection have been concluded since its previous Opinion. However, it welcomes the interest expressed by the authorities in concluding such agreements. It also welcomes the participation of Bosnia and Herzegovina in the joint programme of the Council of Europe and the European Union on Promoting Human Rights and Minority Protection in South East Europe, which is designed to improve minority protection by enhancing the capacities of the relevant national bodies and the regional coherence of their activities.

Recommendation

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

5. Cyprus

Opinion adopted on 19 March 2010

Article 18 of the Framework Convention

Bilateral agreements concerning the protection of minorities

Recommendations from the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to make use of the numerous opportunities opened up by bilateral co-operation in the fields of culture, education and science to assist persons belonging to the "religious groups". It also encouraged them to keep the representatives of the "religious groups" informed and involve them in the drawing up and implementation of bilateral projects of interest to them.

Present situation

The Advisory Committee welcomes the authorities' undertaking, as expressed in the State Report, to involve representatives of the "religious groups" more effectively in the development of bilateral co-operation on matters of particular interest to them. However, the Advisory Committee has not received any information on actual developments in this field

since the previous monitoring cycle.

Recommendation

As in previous monitoring cycles, the Advisory Committee encourages the authorities to explore and make full use of the opportunities opened up by bilateral co-operation to assist persons belonging to the “religious groups” in fields of interest to them, as well as to consult, their representatives and involve them in such projects.

6. Denmark

Opinion adopted on 31 March 2011

Article 18 of the Framework Convention

Co-operation between the regions of South Jutland and Schleswig-Holstein

Recommendations of the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee considered that the planned administrative reform (see Article 15) should be implemented in such a way as to guarantee that it would have no adverse effects on the possibility for persons belonging to the German minority to participate in transfrontier co-operation, as currently carried out in the region of South Jutland, and Schleswig-Holstein (Germany).

Present situation

The Advisory Committee welcomes the participation of the German minority in the work of the Euro-region *Region Sønderjylland-Schleswig*, in particular in the Regional Assembly where it is represented by one appointed member and an elected member of the Schleswig Party (*Schleswigsche Partei*). This participation emphasises the important role played by the national minority in the development of co-operation between Denmark and Germany.

However, representatives of the German minority pointed out to the Advisory Committee that budgetary problems were threatening the continuation of their transfrontier co-operation activities in the fields of education, the media and social services due to the restrictions announced for 2011.

Recommendation

The Advisory Committee encourages the authorities to increase their efforts to ensure more effective transfrontier co-operation with regard to the protection of national minorities in the border region between Denmark and Germany.

7. Estonia

Opinion adopted on 1 April 2011

Articles 17 and 18 of the Framework Convention

Transfrontier contacts

Recommendations of the two previous monitoring cycles

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to continue introducing initiatives to facilitate cross-border contacts between Estonia and the Russian Federation and involving persons belonging to national minorities in relevant bilateral initiatives.

Present situation

The Advisory Committee appreciates the continued efforts made by the authorities to promote good neighbourly relations with the Russian Federation and introduce new initiatives to facilitate cross-border contacts. In this regard, the Advisory Committee considers that a co-operation agreement with the Russian Federation with regard to the mobility of workers in the wider Narva region would be of particular benefit to persons belonging to national minorities, particularly in the field of social security.

Recommendation

The Advisory Committee encourages the authorities to continue their efforts in promoting transfrontier contacts between Estonia and the Russian Federation and consider the possibility of a bilateral co-operation agreement regarding the mobility of workers in the wider Narva region that would clarify the social security situation for persons who work in one country but reside in the other.

8. Finland

Opinion adopted on 14 October 2010

Article 18 of the Framework Convention

Nordic Sami Convention

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to pursue regional co-operation on Sami issues, including by completing the work on a Nordic Sami Convention providing strong guarantees for the protection of the Sami as an indigenous people.

Present situation

The Advisory Committee notes that preparations regarding the draft Nordic Sami Convention have now been completed by the Finnish authorities but understands that issues of constitutionality of some provisions of the Convention are still being debated. Negotiations among the Nordic countries should resume when outstanding issues have also been settled in the neighbouring countries.

Recommendation

The Advisory Committee encourages the Finnish authorities to continue their engagement in the process of regional co-operation and further support the adoption of a Nordic Sami Convention which provides a common definition for the Sami people and effective guarantees for their protection as an indigenous people.

9. Germany

Opinion adopted on 27 May 2010

Article 18 of the Framework Convention

Co-operation with neighbouring countries

Present situation

The Advisory Committee welcomes the signing in June 2007 of a new partnership agreement between Schleswig-Holstein and the Danish South Jutland region, which underlines the importance of the role played by national minorities in the development of co-operation between the two countries.

It also notes the existence of various forms of co-operation involving persons belonging to the Sorbian minority between Germany, the Czech Republic and Poland. The Ems-Dollart Region along the Dutch-Lower Saxony border has also developed close co-operation, as a euro-region linking the German area in question and the Dutch province of Friesland, between the Frisian minorities on both sides of the border. The Advisory Committee also notes the role played in cross-border co-operation by the Interfrisian Council, which brings together persons belonging to the North Frisian, Saterland Frisian and East Frisian minorities, plus the Frisian minority in the Netherlands.

Recommendation

The Advisory Committee encourages the authorities to pursue and where necessary intensify international co-operation to protect national minorities, especially in border regions where substantial numbers of national minorities reside, as required by Article 18, paragraph 2 of the Framework Convention.

10. Hungary

Opinion adopted on 18 March 2010

Article 18 of the Framework Convention

Transfrontier co-operation

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee welcomed the fact that Hungary was party to numerous bilateral treaties and cultural agreements covering the protection of

persons belonging to national minorities and recommended setting up the joint bodies envisaged in the bilateral treaty with Serbia.

Present situation

The Advisory Committee is pleased to note that the joint committees envisaged in the bilateral treaty with Serbia have been set up and have been meeting at regular intervals.

11. Ireland

Opinion adopted on 10 October 2012

Articles 17 and 18 of the Framework Convention

Co-operation with the United Kingdom

Present situation

The Advisory Committee strongly welcomes the continued co-operation on minority related issues between Ireland, the United Kingdom, and the Northern Ireland Executive. It is informed that cross border co-operation takes place in the field of programmes to improve the situation of Travellers and Roma. It notes in particular that the All Ireland Traveller Health Study, which was an initiative undertaken simultaneously in both Ireland and Northern Ireland, provides information on the situation of Travellers both in Ireland and Northern Ireland.

The Advisory Committee is also pleased that close co-operation between the Governments of Ireland and the United Kingdom continues in the field of protection of human rights, as part of the process of promotion of peace and stability in Northern Ireland which started with the Belfast (Good Friday) Agreement of 1998. It hopes that this process will not be hampered by financial restrictions, which are likely to have an impact also in the field of cross border institutions, projects and activities.

Recommendation

The Advisory Committee encourages the Government of Ireland to continue to co-operate with the Northern Ireland Executive and the Government of the United Kingdom on human rights issues, including minority rights protection. Sufficient resources should be allocated to support the continuation of cross-border projects between persons living in Ireland and in Northern Ireland.

12. Italy

Opinion adopted on 15 October 2010

Article 18 of the Framework Convention

Co-operation with neighbouring countries

Present situation

The Advisory Committee notes with satisfaction the positive developments reported on co-operation with neighbouring countries - Austria, France and Slovenia - in matters relating to the protection of persons belonging to minorities.

The Advisory Committee notes with interest the ongoing forms of cross-border co-operation involving regions where persons belonging to national minorities live in substantial numbers, such as Piedmont, Trentino-South Tyrol and Friuli Venezia Giulia.

As regards co-operation with Slovenia, it notes with satisfaction that in November 2009, at the second annual meeting under their bilateral co-operation agreement, both governments again confirmed their strong commitment to protecting the minorities living on their respective territories and their determination to strengthen bilateral co-operation in this respect. The Advisory Committee furthermore welcomes the fact that the new legislation adopted by the Friuli Venezia Giulia region on the protection of minorities also contains provisions encouraging bilateral co-operation in this field.

Recommendation

The Advisory Committee encourages the authorities (central, regional and local) to pursue further and strengthen bilateral co-operation in the field of minority protection, as required by Article 18, paragraph 2, of the Framework Convention, particularly in border regions where persons belonging to national minorities reside in substantial numbers.

13. Kosovo*

Opinion adopted on 6 March 2013

Articles 17 and 18

Regional co-operation

Present situation

The Advisory Committee welcomes the on-going European Union-mediated dialogue between Pristina and Belgrade that has resulted in significant progress on long-standing issues, such as the integrated management of crossing points implemented as of December 2012, and constitutes an important opportunity to resolve outstanding difficulties in a number of other spheres of concern to minority communities and to the enjoyment of rights contained in the Framework Convention, including with regard to return.

Recommendation

The Advisory Committee encourages the authorities to pursue their efforts with respect to regional co-operation and dialogue in order to promote the implementation of rights contained in the Framework Convention throughout Kosovo*, including with regard to return.

14. Lithuania

Opinion adopted on 28 November 2013

Article 18 of the Framework Convention

Bilateral co-operation

Present situation

The Advisory Committee notes that Lithuania has concluded bilateral agreements with neighbouring states, including with Poland, containing clauses aimed at protecting national minorities. It considers that the authorities should enhance the implementation of the agreements and ensure that the enjoyment of rights of persons belonging to national minorities is not negatively affected by political considerations.

Recommendation

The Advisory Committee encourages the authorities to implement the existing bilateral agreements pertaining to minority protection in the spirit of the Framework Convention.

15. Moldova

Opinion adopted on 26 June 2009

Article 18 of the Framework Convention

Cross border co-operation

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee encouraged the Moldovan authorities to promote full and effective implementation of the various bilateral agreements and treaties concluded by Moldova concerning the rights of national minorities.

Present situation

The Advisory Committee notes with satisfaction that there are significant cross border exchanges and apparently good co-operation with Ukraine, for the benefit of persons belonging to the Ukrainian minority. Moreover, it welcomes the conclusion of inter-regional co-operation programmes in the field of protection of minority rights, respectively between the regions of Odessa in Ukraine and Southern Moldova and Chernivtsy in Ukraine and Northern Moldova. Additionally, it expects that the Agreement between Ukraine and the Republic of Moldova on co-operation in the field of protection of minority rights, elaborated in 2008, should, according to the authorities, be ratified soon by the Moldovan Parliament.

The Advisory Committee welcomes the co-operation programmes agreed by Moldova and respectively Ukraine and Bulgaria in the field of education. These programmes provide for subsidised exchanges of students from national minorities between the respective countries. These exchanges should greatly contribute to the preservation and promotion of the languages and cultural heritage of the national minorities. Furthermore, the Advisory Committee finds it important that inter-institutional co-operation programmes have been agreed by the Bureau for Interethnic Relations and similar institutions in Bulgaria (Office for the Bulgarians abroad) and in Latvia, Lithuania and Estonia.

Recommendation

The Advisory Committee encourages the Moldovan authorities to continue to pursue their policy of developing co-operation programmes with neighbouring countries in the field of minority protection. It expects, in particular, that the new agreement concluded with Ukraine will soon enter into force and be implemented.

16. Norway

Opinion adopted on 30 June 2011

Article 18 of the Framework Convention

Bilateral and regional co-operation on minority-related issues

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the authorities were encouraged to develop regional co-operation for the protection of national minorities.

Present situation

The Advisory Committee is pleased to note that the Nordic Working Group for National Minorities continues to meet annually in order to examine policies and other questions related to minority issues. However, according to information received, transfrontier co-operation on regional level is insufficient.

Recommendation

The Advisory Committee encourages the authorities to continue to co-operate with neighbouring countries including in the context of the Nordic Working Group for National Minorities.

17. Poland

Opinion adopted on 28 November 2013

Article 18 of the Framework Convention

Bilateral co-operation

Present situation

The Advisory Committee notes that Poland has concluded bilateral agreements with neighbouring countries containing clauses aimed at protecting national minorities. It considers that the authorities should enhance the implementation of the agreements and ensure that the enjoyment of rights of persons belonging to national minorities is not negatively affected by political considerations.

Recommendation

The Advisory Committee encourages the authorities to implement the existing bilateral agreements pertaining to minority protection in the spirit of the Framework Convention.

18. Romania

Opinion adopted on 21 March 2012

Article 18 of the Framework Convention

Bilateral co-operation

Present situation

The Advisory Committee notes that Romania has concluded with neighbouring countries, bilateral agreements containing clauses aimed at protecting national minorities. It regrets however that the operation of the bilateral agreement between Romania and Ukraine, which was monitored between 2006 and 2008 by a bilateral commission with the involvement of international observers, has remained problematic, despite the renewal of official contacts in 2011.

Recommendation

The Advisory Committee encourages the authorities to implement the existing bilateral agreements in the spirit of good neighbourliness, friendly relations and co-operation between states.

19. Serbia

Opinion adopted on 28 November 2013

Article 18 of the Framework Convention

Bilateral agreements and regional co-operation

Recommendations from the two previous cycles of monitoring

In its previous monitoring cycles, the Advisory Committee encouraged the Serbian authorities to step up efforts to conclude bilateral agreements with neighbouring countries and to ensure that the conditions for the effective implementation of existing agreements were in place.

Present situation

The Advisory Committee notes that bilateral agreements relevant to the exercise of minority rights are in place with Croatia, Hungary, Romania and “the former Yugoslav Republic of Macedonia”. It welcomes the on-going European Union-mediated dialogue between Belgrade and Pristina, which has resulted in significant progress on long-standing issues. No new agreements have been concluded with other states (notably Albania, Bosnia and Herzegovina, Bulgaria and Montenegro) since the Advisory Committee’s previous Opinion.

While acknowledging the existence of legal and other obstacles that may at present hamper the conclusion of bilateral agreements with these states, the Advisory Committee recalls that such agreements as well as informal cross-border co-operation can contribute to the promotion of the rights of persons belonging to national minorities and of tolerance, prosperity, stability and peace in the region.

Recommendation

The Advisory Committee encourages the authorities to pursue their efforts with respect to regional co-operation and dialogue.

20. Slovak Republic

Opinion adopted on 28 May 2010

Article 17 and 18 of the Framework Convention

Bilateral activities and transfrontier co-operation

Recommendations from the two previous cycles of monitoring

In previous cycles of monitoring, the Advisory Committee welcomed the efforts made to improve the functioning of the joint commissions set up between Hungary and the Slovak Republic. The authorities were encouraged to ascertain that there were no undue obstacles to the recognition of diplomas for foreign teachers of minority languages.

Present situation

The Advisory Committee takes notes of the fact that the Slovak Republic is party to a number of bilateral agreements that are of relevance to national minorities, including with the Czech Republic, Germany, Hungary, Poland and Ukraine. It finds commendable that there are several

bilateral commissions with Hungary, including in the field of economic co-operation, education and culture. Information received by the Advisory Committee, however, suggests that conclusions issued in the context of the bilateral commissions often remain unimplemented. It is also important that the bilateral commissions meet regularly to discuss minority-related issues falling within their competences.

The Advisory Committee notes with concern that persons belonging to the Ukrainian and Ruthenian minorities have experienced difficulties in maintaining transfrontier contacts with persons having the same ethnic, cultural and linguistic identity living in Ukraine. Following the entry into force of the Schengen Agreement, delays in obtaining a visa for persons travelling from Ukraine have had a negative impact on the organisation of cultural events in the Slovak Republic.

Recommendations

The Advisory Committee encourages the authorities to make sure that no undue obstacles prevent contacts across frontiers between persons sharing the same ethnic, cultural or linguistic identity. In particular, the authorities are invited to implement visa requirements in a manner that does not cause undue delays and restrictions on the right of persons belonging to national minorities to establish and maintain contacts across frontiers.

The Advisory Committee encourages the authorities to continue implementing bilateral treaties and other agreements with a view to improving the protection of the rights of persons belonging to national minorities. Representatives of national minorities should be systematically involved in the implementation of bilateral projects of interest to their respective communities.

21. Slovenia

Opinion adopted on 31 March 2011

Article 17 and 18 of the Framework Convention

Crossborder co-operation

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee encouraged the authorities to develop further bilateral co-operation, particularly with neighbouring states.

Present situation

The Advisory Committee is pleased by the well-developed co-operation with neighbouring states in the field of minority protection, both at inter-states level and at the level of co-operation between minority organisations. It notes with particular interest that joint projects are being implemented jointly by the Italian minority in Slovenia and the Slovene minority in Italy and by the Hungarian minority in Slovenia together with the Slovene minority in Hungary.

Intense co-operation is also taking place between persons belonging to the Italian minority on either sides of the Slovenian-Croatian border.

Despite the existence of numerous crossborder co-operation agreements and intense exchanges in practice, interlocutors of the Advisory Committee reported that insufficient implementation of minority rights by neighbouring States is sometimes used as an argument for not giving further consideration to claims by representatives of minorities. This discourse has a negative impact on public perceptions of persons belonging to national minorities. The Advisory Committee wishes to reiterate that the rights protected under the Framework Convention are not conditional to progress recorded on similar issues in neighbouring countries.

Recommendation

The Advisory Committee encourages the authorities to continue supporting the development of intense crossborder co-operation in all areas concerning persons belonging to national minorities. The Advisory Committee calls on all parties concerned to refrain from linking the implementation of protective measures for persons belonging to national minorities under the Framework Convention to progress on similar issues in neighbouring countries.

22. Sweden

Opinion adopted on 23 May 2012

Article 18 of the Framework Convention

Nordic Sami Convention/Cross-border co-operation

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to pursue further regional co-operation on Sami issues, including by adopting the Nordic Sami Convention.

Present situation

The Advisory Committee is pleased to note that, after many years of delayed progress, the representatives of the Governments of Sweden, Finland and Norway, and the three Sami Parliaments, finally agreed in November 2010 on a model for negotiations with a view to the adoption of the Nordic Sami Convention. Following the agreed model, three delegations each composed of six persons, including representatives both of the respective governments and Sami Parliaments, resumed the negotiations in 2011 with the aim of adopting this Convention in 2016.

The Advisory Committee has also been informed that interesting initiatives of cross-border co-operation on minority issues in education and other fields continue to be developed by local authorities. The Advisory Committee is also pleased to note that the Nordic Working Group

for National Minorities continues to meet annually in order to examine policies and other questions related to minority issues. The Advisory Committee observes that such opportunities could be developed further, including in the field of teacher training, and might have an especially positive impact towards revitalising the languages of the numerically smaller minorities.

Recommendations

The Advisory Committee encourages the Swedish authorities to continue their positive engagement in the process of adopting a Nordic Sami Convention, which should provide a common definition for the Sami people and effective guarantees for their protection as an indigenous people.

It also encourages the Swedish authorities to support the expansion of cross-border co-operation activities on issues of interest to national minorities, such as culture, history, and language, in particular where such activities could be beneficial for the revitalisation of the languages spoken by the numerically smaller minorities.

23. Switzerland

Opinion adopted on 5 March 2013

Articles 17 and 18 of the Framework Convention

Effect of the current bilateral agreements on Travellers

Recommendations from the previous two monitoring cycles

The Swiss authorities were invited to consider the different means of improving the situation of Swiss Travellers wishing to practise their itinerant way of life in bordering European Union countries.

Present situation

The Advisory Committee notes with satisfaction that since 2008, in the light of the bilateral agreements concluded between Switzerland and the European Union, Swiss Travellers now have the same residence and employment rights, particularly in the field of itinerant trade, as those enjoyed in Switzerland by the nationals of EU countries.

24. “the former Yugoslav Republic of Macedonia”

Opinion adopted on 30 March 2011

Article 18 of the Framework Convention

Bilateral co-operation in the field of protection of national minorities

Recommendations from the two previous cycles of monitoring

In the previous cycles of monitoring, the Advisory Committee urged the authorities to develop initiatives taken in relation to minority protection in the context of bilateral co-operation with all neighbouring countries.

Present situation

The Advisory Committee welcomes the signing in 2007 of the bilateral agreement between “the former Yugoslav Republic of Macedonia” and the Republic of Croatia for the preservation and promotion of national identity of the respective ethnic communities living in both countries. The Advisory Committee notes that, according to the information contained in the State Report, this agreement protects the rights of persons belonging to the Croat national minority living in “the former Yugoslav Republic of Macedonia” to express, preserve and promote their national, cultural, linguistic and religious identity, to study their minority language and to participate effectively in public affairs.

Recommendation

The Advisory Committee encourages the authorities to draw on the provisions of the 2007 Agreement with the Republic of Croatia and consider introducing measures for the preservation, protection and promotion of national identity of persons belonging to the Croat community.

25. Ukraine

Opinion adopted on 22 March 2012

Article 18 of the Framework Convention

Bilateral co-operation

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the authorities to pursue their efforts to co-operate with neighbouring countries to avoid undue restrictions on the right of persons belonging to national minorities to establish and maintain contacts across frontiers.

Present situation

The Advisory Committee notes that the bilateral agreements concluded with a number of neighbouring and other countries, such as with Hungary, contain clauses aimed at minority protection, including in the domains of education and cultural exchanges. It regrets, however, that the implementation of the bilateral agreement between Ukraine and Romania, which was monitored between 2006 and 2008 by a bilateral commission with the involvement of international observers, has remained problematic, despite a renewal of official bilateral

contacts in 2011. An agreement on small border traffic, discussed by the Foreign Ministers in 2011, has still not been signed.

Recommendation

The Advisory Committee encourages the authorities to increase their efforts to establish and maintain positive relations with neighbouring countries, and to implement the existing bilateral agreements in a spirit of good neighbourliness, friendly relations and co-operation between states.

26. United Kingdom

Opinion adopted on 30 June 2011

Articles 17 and 18 of the Framework Convention

Cooperation with Ireland

Recommendations from the two previous cycles of monitoring

In the previous monitoring cycles, the Advisory Committee encouraged the Government of the United Kingdom to continue its close cooperation with Ireland on matters relevant to the protection of human rights in Northern Ireland and to continue promoting trans-frontier contacts between persons living in Ireland and Northern Ireland.

Present situation

The Advisory Committee strongly welcomes the continued cooperation on minority-related issues between Northern Ireland and Ireland. It is informed that cross border cooperation is particularly intense and fruitful in the field of programmes to improve the situation of Gypsies and Travellers. It notes in particular that the All-Ireland Traveller Health Study, which is the result of joint work across the border, has yielded important results (see also remarks under Article 15 above). Nevertheless, it also takes note of concerns expressed with regard to immigration controls at Northern Ireland ports and airports and along the border with Ireland on passengers travelling within the Common Travel Area and allegations of racial profiling as part of these controls (see also remarks under Article 4 above).

The Advisory Committee is also pleased that close cooperation between the Governments of the United Kingdom and Ireland continues in the field of protection of human rights, as part of the process of promotion of peace and stability in Northern Ireland which started with the Belfast (Good Friday) Agreement of 1998. It hopes that this process will not be hampered by financial restrictions, which are likely to have an impact also in the field of cross border institutions, projects and activities (see remarks in respect of Article 5 above).

Recommendations

The Advisory Committee encourages the Government of the United Kingdom to continue to cooperate with Ireland on human rights issues, including minority rights protection, in Northern Ireland. Sufficient resources should be allocated to support the continuation of cross-border projects between persons living in Northern Ireland and in Ireland.

The authorities should review the manner in which immigration controls are carried out in ports, airports and along the border with Ireland, so as to avoid any racial profiling of persons belonging to some minority groups (see also recommendation under Article 4 above).