

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 18 September 2017

Working document

Compilation of Opinions of the Advisory Committee relating to Article 15 of the Framework
Convention for the Protection of National Minorities (4th 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 18 September 2017, the Advisory Committee on the Framework Convention for the Protection of National Minorities had adopted a total of 24 opinions, among which 17 opinions on Article 15, of which 17 are public.

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.

Armenia

Adopted on 26 May 2016

Article 15 of the Framework Convention

Representation of minorities in elected bodies

The Advisory Committee notes that national minorities continue to show strong interest in public affairs. National minority candidates participated in the local elections of 2013 and were elected as local councillors and community chiefs. In Yerevan, councillors of Yezidi and Georgian origin have been elected to the city council. In a number of villages councillors representing the Yezidi, Assyrian or Kurdish minorities are the majority among all elected councillors and effectively are in charge of administering local affairs. At the national level, a person belonging to the Greek minority has been elected to the National Assembly and holds the post of deputy speaker.

The Advisory Committee notes that a new Electoral Code is currently under consideration and specific modalities of how to promote representation of national minorities in the National Assembly in line with the Guidelines on Political Party Regulation are being discussed with the experts of the Venice Commission. Without prejudging final discussions and their outcome, one proposal under consideration at this stage is that four national minority groups (Yezidis, Russians, Assyrians and Kurds) will be assured representation, in line with Article 89.5 of the constitutional amendments of 22 December 2015 which stipulate that “places shall be assigned in the National Assembly for representatives of national minorities”.

While welcoming these provisions that are indicative of a recognition of the existence and important contribution of national minorities to social and political life in Armenia, the Advisory Committee notes that regrettably the system currently under consideration divides national minorities into two categories, albeit on the basis of clear demographic criteria (see also paragraph 17 for further detail). This raises issues of equal treatment with regard to national minorities in Armenia. It has to be noted in this context that, according to the Advisory Committee’s interlocutors, neither the Department of National Minorities and Religious Affairs nor the Co-ordinating Council for National and Cultural Organisations of National Minorities was consulted at any stage of the process. This is also deeply regrettable.

Finally, the Advisory Committee notes that some representatives of national minorities expressed concern that prospective candidates representing them will be required to take Armenian-language exams in order to stand for election if they did not study in Armenian-language schools. Given that the Armenian language was taught in all schools in Armenia, even before the state’s independence in 1991, such a measure could be considered unjustified and unnecessary.

Recommendation

The Advisory Committee calls on the authorities to consult with national minority representatives to review the proposed provisions of the Electoral Code affecting national minorities with a view to ensuring effective representation of national minorities in the National Assembly.

Consultative mechanisms

There have been no changes affecting the composition and work of the Co-ordinating Council for National and Cultural Organisations of National Minorities, which is the main consultative body functioning at the national level. The Advisory Committee welcomes the information provided by representatives of national minorities on the increased transparency of the work of the council, in

particular as regards the clear rules of procedure and objective criteria applied to allocation of financial subsidies to organisations of national minorities (see also under Article 5). The co-ordinating council works closely with the Department of National Minorities and Religious Affairs of the government, which co-ordinates the state's policies affecting national minorities and conversely conveys the concerns of national minorities to various governmental entities. Various interlocutors of the Advisory Committee indicated their overall satisfaction with the co-ordinating council's functioning and its co-operation with the state authorities.

The co-ordinating council has been consulted by the authorities and could comment on the draft state report under the current monitoring cycle. It has to be noted however that the council has not been consulted on the draft Electoral Code's provisions affecting national minorities. Furthermore, it has not been informed of the proposed content and procedure to be followed to prepare a law on national minorities, as demanded by Article 54 of the constitutional amendments of 22 December 2015.

Recommendation

The Advisory Committee calls on the authorities to engage with the Co-ordinating Council for National and Cultural Organisations of National Minorities, with a view to finding the most appropriate modalities of involving its representatives on a regular basis in the drafting of legislation affecting national minorities and consulting the whole council at key stages of the drafting process.

Austria

Adopted on 13 October 2016

Article 15 of the Framework Convention

Representation in elected bodies and the civil service

Present situation

The national minorities in Austria continue to be represented in elected bodies at all levels, mainly in municipal councils and regional parliaments, and also in the civil service, including in executive positions. While this representation is highly welcome and attests to the long-standing integration of society, the Advisory Committee underlines the fact that it does not guarantee that the specific issues and concerns of persons belonging to national minorities are effectively represented and taken into account in relevant decision-making processes. While minority representatives acknowledge that they may be able to address individual members of elected bodies that affiliate with national minorities through informal channels, there is no institutionalised mechanism to ensure such consultation, in particular at federal level. The Advisory Committee is pleased to note the creation of a Dialogue Forum in Carinthia as part of the political negotiations that led to the compromise with respect to language rights (see Articles 10 and 11), as it institutionalises the direct access of national minority representatives to senior regional policy makers. While dysfunctional in the beginning, the Dialogue Forum has, according to minority representatives, picked up in recent years and has been a valuable tool to ensure that the specific concerns of national minorities are effectively addressed. The Advisory Committee considers that a similar mechanism at federal level could meaningfully help to address the sense of alienation and frustration shared by all national minorities, who have repeatedly demanded a form of guaranteed representation of their interests in the elected bodies at regional and federal levels.

Recommendation

The Advisory Committee calls on the authorities to establish appropriate mechanisms at local, regional and federal levels to promote institutionalised consultation and dialogue between representatives of national minorities and senior decision makers to ensure that their views and concerns are effectively taken into account.

Effective participation in decision-making processes

Present situation

The National Minority Advisory Councils continue to be the main instrument for ensuring the effective participation of national minorities in decision-making processes. However, their composition and mandate have not changed since the last monitoring cycle. Some 50% of the members are national minority representatives. While noting the assurances from the authorities that these representatives are designated through a democratic process, the Advisory Committee disagrees. The national minority representatives are selected by the Federal Chancellery from a list that is proposed by the communities. In so doing, the responsible officials take care to “sort out the best experts” in order to ensure that the Councils “can best fulfil their role as advisory body”. This, in the view of the Advisory Committee, contradicts the essence of a democratic process, even if no ill-intention is present. The other 50% of members are made up of representatives of the various political parties and by church representatives, without any input from the national minority communities. Yet, some national minority representatives consider the members who represent political parties and the churches as a rather important linkage with broader societal interests. In fact, national minority representatives did not agree with the proposal by the government to alter the Advisory Councils’ composition by raising the proportion of national minority representatives from 50% to 75%. Given their disagreement with the fact that the Federal Chancellery selects the national minority representatives, they felt that such an increase would only strengthen the influence of government over the affairs of the National Minority Advisory Councils.

The Advisory Committee notes with deep concern that the Councils, irrespective of their composition, have very limited competencies. Effectively, their only role is to meet once a year in order to approve the cultural projects that are supported by the limited funds of the Federal Chancellery. While highly appreciating the solidarity and co-operation among the various Councils, the Advisory Committee considers this process of limited relevance, as most allocations follow a certain pattern of support and merely need to be “rubber-stamped”. Highly important matters of relevance to all national minority communities, however, appear not to be discussed with the Advisory Councils. The education reform package, for instance, was prepared without special consultations, despite its obvious importance to national minority communities. The authorities put forward that Council members may, like any member of society, provide their comments within four weeks of the draft’s publication. The Advisory Committee, however, considers that more effective ways should be found for promoting participation of national minorities through a meaningful dialogue in a variety of consultation processes on issues of concern to national minorities. While the drafting of the National Human Rights Action Plan, for instance, was transparent in the sense that the proposals made by civil society representatives were made publicly accessible, there was reportedly little genuine exchange and very few of the proposals were taken into account. Another example is the preparation of the fourth State Report on the implementation of the Framework Convention. The report was prepared by the Government and minority representatives were then asked to provide their comments. As a result, the State Report and its various annexes contain rather contradictory views, as the opportunity for a meaningful dialogue on

issues of concern to national minorities and for the formation of a consolidated assessment on how best to reach progress in implementing minority rights was missed.

The Advisory Committee is pleased to note a variety of other advisory mechanisms through which persons belonging to national minorities are consulted on issues of their concern. In early 2015, the Ministry of Education created its own advisory forum, where representatives of national minorities are invited at an expert level to discuss specific issues related to minority language education. The forum has met several times, including in Klagenfurt and Eisenstadt. Regrettably, however, it is only concerned with the implementation of the education rights of persons belonging to national minorities in Carinthia and Burgenland and not of those in Styria or Vienna (see also Article 14). One representative of the National Minority Advisory Councils has further been appointed as a member of the Audience Council of the public broadcaster. While this is welcome, the Advisory Committee considers that the participation of one person is insufficient to represent the diversity of views among and within the national minority communities and can therefore not replace additional consultations with the various communities to ensure that their views are adequately taken into account. It further notes that there has been some consultation with civil society and national minority representatives in the context of the update of the Roma Strategy, but the process is reported to have mainly allowed for submission of comments rather than constituting an occasion for a meaningful dialogue.

Recommendation

The Advisory Committee reiterates its urgent call on the authorities to take all necessary measures to ensure that the National Minority Advisory Councils constitute a functional mechanism through which persons belonging to national minorities can participate effectively in all relevant decision-making processes, not limited to allocations for cultural purposes, and have access to senior policy makers, where necessary, in order to engage in a meaningful dialogue on issues of their concern.

Effective participation in socio-economic life

Present situation

The overall unemployment rate in 2015 reportedly remained at below 10%, but there is agreement among experts that the situation is worse for youth. Some of the areas where national minorities reside in substantial numbers, such as Burgenland, are particularly affected by limited infrastructure and employment opportunities. As a result, many young people belonging to national minorities are moving to Vienna and other urban centres, where they lose access to minority rights and are exposed to further assimilation processes. The Roma continue to face particular difficulties in accessing employment, as well as housing and there are continuous reports of discriminatory attitudes being encountered with respect to access to social services (see also Article 4). The Advisory Committee is pleased to note that a variety of activities aimed at empowerment and the promotion of access to the labour market have commenced in 2016 in the form of projects under the European Social Fund, with advance funding being provided by the Ministry of Labour, Social Affairs and Consumer Protection. It further notes the continued engagement of non-governmental organisations in Burgenland who are seeking to continue their support for long-term unemployed Roma through vocational training and coaching.

Recommendation

The Advisory Committee calls on the authorities to pursue their support for improving access to the labour market for persons belonging to national minorities, also including relevant vocational training for the Roma throughout Austria.

Croatia

Adopted on 18 November 2015

Article 15 of the Framework Convention

Representation in elected bodies and participation in decision-making

Present situation

The Advisory Committee notes that eight Parliamentary seats remain reserved for representatives of national minorities, three of which are to be filled by representatives of minorities who represent more than 1.5% of the population, i.e., by the Serb minority, and five to be elected in a special suffrage by persons who are registered as belonging to a national minority. Most interlocutors of the Advisory Committee indicated their satisfaction on the whole with the system of guaranteed representation and appreciate that the elected MPs attempt to reach out to their constituencies even when they live in remoter parts of the country. Some representatives of the numerically smaller minorities, however, consider that each minority should have its own representative in Parliament, or at least that the seat that represents several minorities should rotate among them on a yearly basis in order to promote their effective participation based on equality. In addition, there is wide regret among minority representatives about the fact that the dual voting rights for national minorities (one to elect their minority representative and one to take part in the general elections) that had been introduced by amendments to the Constitutional Act on the Rights of National Minorities in 2010 were abolished by decision of the Constitutional Court in July 2011. As a result, persons belonging to national minorities who wish to take part in Parliamentary elections must choose whether to take part in the general election as a regular citizen or whether they wish to vote as a registered member of a national minority from a special voting register. While many individuals wish to vote as persons belonging to national minorities, the Advisory Committee regrets reports that persons belonging to national minorities who do express their choice to vote from the minority list have faced resentment at polling stations and allegations that they “require special treatment”. It reiterates its view that persons belonging to national minorities, including women and young persons, should be encouraged to effectively participate at all levels to ensure that their concerns are integrated in mainstream politics rather than dealt with in exclusive minority-related domains only.

The interests and views of national minorities are further represented through the Council for National Minorities (see Article 5), an advisory body established in line with the Constitutional Act on the Rights of National Minorities and composed of 20 members who are appointed by the Government, including the eight Members of Parliament as well as representatives of national minority associations “of some distinction”. While the Council functions well and pronounces itself on a number of issues, beyond the allocation of cultural support, the body lacks broader competencies and is considered not to have meaningful decision-making powers. Its position as advisory body to the GOHRRNM, which itself is an “expert service” without political co-ordination authority, may be one reason for this. The Advisory Committee notes as a result that access for persons belonging to national minorities to senior government decision-making is predominantly assured via personal contacts rather than institutionalised channels such as the Council for National Minorities.

Participation of national minorities is further promoted at local level through their representation in local councils and executive bodies. Where the national minority constitutes between 5 and 15% of the

population, national minorities have the right to one seat in the local council; if their proportion exceeds 15%, that number is increased and they also have the right to an executive position, usually that of Deputy Mayor. The minority Deputy Mayors play a symbolic role, however, with some representational functions on issues related to national minorities only, rather than actively taking part in local policy- or decision-making. National minority representatives are furthermore entitled to elect their representatives in the councils of national minorities. These are consultative bodies that advise the regional or local authorities and make proposals on how to improve the situation of national minorities. However, turn-out at elections for these councils has been very low, on average around 10%. Persons belonging to national minorities point to a variety of reasons for that: firstly, the low interest stems from the fact that the elected representatives have very few competencies and their budget is limited. This is reportedly particularly the case if the minority councils voice any form of disagreement with the executive authorities. In addition, it is often paid out late in the year, making disbursement in meaningful projects during the financial year difficult. Secondly, the elections are organised separately from the general local elections and candidates receive very little campaign support. As a result and due also to the reduced number of polling stations, it is problematic for elderly persons belonging to national minorities to effectively cast their vote. The Advisory Committee further notes that the fourth such elections in May 2015 were technically conducted without legal basis, as the new Law on Local Elections of December 2012 does not regulate the election of national minority councils. This has prompted fears among some minorities that the elections could retroactively be considered invalid.

As regards the preparation of the NRIS and Action Plan, the Advisory Committee is pleased to note a variety of efforts towards the involvement of Roma representatives at civil society and government level. Overall however, there is agreement among Roma and civil society representatives that there has been insufficient consultation and co-ordination with the communities themselves at central and local level in the implementation of the NRIS 2013-2020. According to a recent evaluation of the strategy, a revision is required to make it more effective, which must be taken into account also in the preparation of the Action Plan 2016-2018. The latter must contain clear and realistic commitments that are built on comprehensive baseline data, which itself must be established according to a standardised methodology. The Advisory Committee considers it essential that Roma representatives at local and central level are systematically consulted and effectively included in the preparation of the documents. It notes with concern reports that Roma are often not viewed as equal partners in policy making and are rather considered objects than subjects of the Action Plan. A certain lack of rights awareness and appropriate understanding of the legal and political context, including as regards access to funding, has been acknowledged by Roma representatives. This should, however, be addressed through targeted training and capacity-building efforts rather than by bypassing the right of Roma to participate effectively in line with Article 15 of the Framework Convention.

Recommendations

The Advisory Committee calls on the authorities to ensure that all persons belonging to national minorities have an effective opportunity and are encouraged to participate in overall political decision-making processes as integral members of Croatian society. In addition, consultative bodies established to ensure that the specific interest and concerns of national minorities are taken into account must be equipped with sufficient competencies to effectively influence relevant decision making, not limited to cultural affairs.

It further calls on them to enhance the participation of persons belonging to national minorities, including women and young voters, at local level by ensuring that their active participation in local

elections is encouraged. An appropriate legislative framework for the elections of councils and representatives of national minorities in self-government units should be adopted, ensuring that they result in the effective participation of elected representatives in all local decision-making processes.

It further encourages the authorities to revise the NRIS in line with the results of the evaluation and ensure that Roma representatives at central and local level are closely involved in all steps, including the preparation and implementation of the corresponding 2016-2018 Action Plan.

Representation in civil service and administration

Present situation

Article 22 of the Constitutional Act on the Rights of National Minorities regulates that national minorities shall be represented in public administration and courts by taking into account the overall number of national minorities in the population at local level. The Advisory Committee welcomes efforts by the Ministry of Public Administration to establish a system of monitoring the implementation of this provision throughout the country, as well as the adoption of the Plan for the Recruitment of National Minority Members to State Administration Bodies 2011-2014. Despite successive recommendations by the Ombudsperson, however, no mechanism has been put in place to oversee implementation of the Plan, nor has it been renewed. The overall number of national minorities stood at approximately 3.6% at the end of 2014. While national minority representatives express understanding for the fact that many public positions were filled in the 1990s when mainly Croats were returning, as well as for the economic situation that places certain limitations on civil service recruitment, there is a widespread and clear sense of selective processes and ethnic bias in public recruitment. Interlocutors resent in particular the need for candidates to indicate in their application that they wish to make use of their right to preferential consideration in line with Article 22.4, which reportedly not only places them in an uncomfortable position but also has usually the opposite effect, as their minority background in fact works against them. Given the stereotypes and prejudice that dominate the public rhetoric on national minorities (see also Article 6), many persons belonging to national minorities prefer to abstain from enjoying their rights rather than going through a process that is considered to be not only pointless but also humiliating. In addition, the preferential treatment provision is reportedly sometimes invoked by persons who do not belong to national minorities, which results in some self-government units claiming to have fulfilled Article 22, without the aim of the legislature actually being met.

It is further of concern to the Advisory Committee that representation of national minorities in the courts and in the police force is particularly low (see Article 4), which impacts on the willingness of persons belonging to national minorities to address law enforcement authorities when they require assistance. Comprehensive research conducted during the reporting period suggests that the representation of national minorities in the police force has substantially decreased, in particular regarding the Serb minority and in return areas, while the number of Roma in the police force remains negligible without noticeable efforts being made by the Ministry of Interior to promote the recruitment of Roma, particularly in areas where Roma live in substantial numbers. In addition, very few civil servants belonging to national minorities hold higher positions or take part in senior decision making. As a result, members of national minorities lack the kind of networking opportunities that traditionally play a large role in the pursuit of employment even where no obvious ethnic bias is present.

Recommendation

The Advisory Committee urges the authorities to prioritise the recruitment of persons belonging to national minorities, including women, into public service at central and local level by providing effective incentives for qualified candidates to apply and to be promoted, and by sending a clear political message that diversity is an integral and appreciated feature of Croatian society.

Effective participation in socio-economic life

Present situation

The economic integration of returnees overall remains a source of deep concern. The Advisory Committee visited Serb return areas where the provision with basic public services such as electricity, gas and water is intermittent and where no investment into the severely damaged infrastructure appears to have been made since the end of the 1991-1995 conflict. Moreover, some villages lack any form of public transport which is problematic for persons without private cars, in particular the elderly. There is no bus connection, for instance, that links the village of Srb with Gračac and the proposal of a local transport provider to establish such a service was reportedly rejected without reasonable explanation. The Advisory Committee heard accounts of similar deficits of infrastructure and basic amenities also from representatives of other national minorities, such as the Italian community living in the area of Pakrac. It is deeply concerned by this situation where part of the population is physically marginalised from public life. Moreover, some of the remote villages in question are only irregularly visited by doctors or other medical staff. The engagement of civil society organisations to assist the elderly population in accessing basic services is highly appreciated in this regard. While acknowledging that other parts of the country such as some islands may be in a similar situation, the Advisory Committee points out that these parts have traditionally been remote and suitable coping mechanisms have been developed by the population over decades. Some of the areas inhabited mainly by persons belonging to national minorities, however, have undergone significant and traumatic change in the last decades, often losing important sources of employment and infrastructure, without the reduced population receiving noticeable support to address the situation and recreate economic incentives. The Advisory Committee notes with interest that some areas are exploring opportunities within the EU Regional Development Fund.

Access to adequate housing remains a major concern for persons belonging to the Roma communities as the large majority continues to live in illegal settlements that are often spatially segregated. A recent UNDP survey points to a widening gap in poverty between Roma and non-Roma with 92.3% of Roma living in relative poverty compared to 42% of non-Roma, and 65% of the Roma labour force being unemployed compared to 24% of the non-Roma population. While six of the twelve settlements in Međimurje County have been connected to electricity, many individual dwellings do not benefit as electricity companies do not trust that bills will be paid. In addition, while investments into the basic amenities in Roma settlements do improve their material living conditions, they may also serve to cement the spatial segregation of Roma which inhibits their broader socio-economic integration. Noting that the NRIS recommends addressing the housing situation of Roma in a more comprehensive manner, the Advisory Committee welcomes current plans of preparing draft legislation on Social Housing that would extend housing care also to Roma. As regards access to social benefits, it notes that following repeated amendments to the legislative framework, ownership of a private car constitutes an exclusion ground for potential beneficiaries. While being assured by representatives of the authorities that exemptions were being made for Roma who live in remote settlements and therefore depend on private transportation to access schools or other public services, the Advisory Committee regrets to have

received consistent reports of cases where Roma are stopped right outside the settlements and their allowances discontinued, depriving them of their only means of subsistence.

According to the interlocutors of the Advisory Committee, persons belonging to the Serb minority face difficulties in accessing the labour market also in the private sector due to discriminatory attitudes, while persons belonging to other national minorities do not report particular obstacles in their access to employment. They refer nevertheless to a sense of nationalism that is perceptible in a number of private sector companies and employment providers who want to be seen as loyal to Croatia and do not want to be reproached of “doing ethno-business” by hiring persons belonging to national minorities.

Recommendations

The Advisory Committee urges the authorities to prioritise the revitalisation of marginalised areas where persons belonging to national minorities reside in terms of basic infrastructure, utilities, transport, and employment opportunities. Regular access to health and other basic facilities must be provided, in particular to areas where the population is predominantly elderly.

It further calls on them to prioritise the identification of prompt and suitable solutions to the dire housing conditions of the many Roma living in illegal settlements through comprehensive approaches aimed at overcoming existing patterns of marginalisation and exclusion.

Cyprus

Adopted on 18 March 2015

Article 15 of the Framework Convention

Participation in public life and decision-making processes

Present situation

The Advisory Committee welcomes the fact that overall a very good dialogue between government and the various minority communities exists, and that the representatives maintain access to senior decision-makers on issues of their concern. It notes, however, the particular reliance on personal relations and contacts for the discussion of a variety of issues, as institutional channels for consultation remain somewhat limited. According to interlocutors, the adoption in 2011 of the Law on the Representation of Religious Groups, which was intended to strengthen the position of the latter in political decision-making, has not had much impact in reality. While there is an obligation now for members of Parliament and the relevant ministries to consult with the representatives on all issues affecting the three communities before a decision is taken, this obligation is reportedly not always followed. In addition, it does not grant the representatives of the Armenians, Maronites or Latins the right to speak themselves. It is considered positive, however, that since December 2013 the appointment of school boards at minority schools must be decided jointly with the representatives, following a decision by the Council of Ministers. The Advisory Committee reiterates its position that effective consultation should be maintained not only on issues that are of exclusive concern to minority communities but also on issues that affect them as members of broader society. It welcomes in this context the open attitude and engagement of the Commissioner to the Presidency for Humanitarian Affairs and Overseas Cypriots, who is showing pragmatism and willingness to promote the issues raised

by the representatives, including as regards the requirement to keep them informed on and involved in developments related to the settlement negotiations.

Access to employment in the civil service as well as the army by members of the Armenian community is still problematic as high-level Greek language exams continue to function as a gate-keeping device against members of this community (see comments on Article 14). The Advisory Committee considers that alternative options should be identified, such as the organisation of English language tests or the awarding of additional points in the recruitment process for the knowledge of other languages, to overcome the disadvantage faced by members of this group and ensure that equal conditions of access to the civil service are created. It reiterates its viewpoint that the recruitment of members of minority communities in the public sector should be promoted to ensure that the public administration, judiciary, law enforcement and executive bodies, to the extent possible, reflect the diversity of society.

The Advisory Committee further regrets that no efforts appear to have been made to promote the effective participation of Roma in public life. While recognising the fact that no members of the Roma community appear to have attempted to formulate the community's concerns or requests, it considers that targeted efforts should be made to enhance the capacity among the Roma to recognise and pursue their rights vis-à-vis relevant government entities. The Advisory Committee is pleased to note the efforts of the Bi-Communal Centre in Limassol, which provides a number of services to Turkish Cypriots and Roma, but considers that its contacts with members of the Roma community, while very important and perceptive, cannot be an effective substitute for genuine representation of the Roma community in decision-making processes related to issues of their concern. It welcomes in this regard the interest expressed by the Commissioner for Humanitarian Affairs and Overseas Cypriots in liaising with Roma representatives in order to inquire into their specific concerns, as well as reports that there is now some engagement of Roma parents in the affairs and management of the Agios Antonios School through the school board. As regards the right of Roma to vote in the European Parliamentary Elections in May 2014, there were reports of unnecessary bureaucratic hurdles placed in the way of Turkish Cypriots which in practice prevented many from voting.

Recommendations

The Advisory Committee calls on the authorities to further strengthen the competences of the Armenian, Latin and Maronite representatives in all decision-making processes affecting their communities' interests and concerns. It encourages them to take the necessary steps to effectively promote the recruitment of members of these communities into public administration, the judiciary and law-enforcement bodies.

It further calls on the authorities to promote direct representation of Roma interests and concerns in all decision-making affecting this community.

Effective participation in socio-economic life

Present situation

Amid a continued lack of concrete data on the access of persons belonging to various communities to employment, the Advisory Committee notes the reports of representatives that the Armenians, Latins and Maronites generally enjoy satisfactory conditions of employment and broader access to socio-economic affairs in Cyprus. It notes, however, that Roma continue to live in dire conditions, mainly in Limassol and Paphos. While reportedly only very few families remain in the precarious Polemedia settlement at the outskirts of Limassol, the majority of families now reside in the old Turkish quarter

where houses are being assigned by the local administration. The Bi-Communal Centre is organising some vocational classes, such as sewing and cooking lessons for women, and the city continues to employ some Roma for minor street work during summer. Overall, however, Roma continue to have no real opportunity to find formal employment as adult illiteracy remains common. The difficult economic climate and resulting austerity measures reportedly have a disproportionate effect on this already disadvantaged community as they are particularly reliant on social services. The Advisory Committee notes with concern reports that changes to the legislative framework governing social benefits, which took effect in July 2014 and substitute social benefits with a guaranteed minimum income, could among other groups affect Roma, who may not have the five years of legal residence that are now required to qualify for the minimum income.

Recommendation

The Advisory Committee calls on the authorities to enhance the effective participation of Roma in socio-economic life, in particular through more targeted measures to promote their access to the labour market in close and direct consultation with representatives of their communities.

Czech Republic

Adopted on 16 November 2015

Article 15 of the Framework Convention

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

Present situation

The Advisory Committee notes that the framework regulating the consultative mechanisms has not changed since the last monitoring cycle. The Government Council for National Minorities continues to be the main discussion forum between representatives of all recognised national minorities and government ministries, and plays a key role in developing, implementing and monitoring minority policies. The Advisory Committee notes with satisfaction that representatives of the Belarusian and Vietnamese minorities were invited to join the Council in 2013 (see related comment under Article 3).

At the municipal level, progress in establishing committees for national minorities has been slow in spite of the comparatively low threshold (10% of the population at the municipal level and 5% at the regional level). In fact, as a result of the last census the number of municipalities obliged by law to set up such committees decreased to 51 (from 283) and currently only 66 committees of national minorities have been set up (32 in municipalities obliged to set them up by law and 34 in which are not obliged to do so). At the regional level three committees have been set up in Karlovarský and Moravskoslezský regions and in the capital city of Prague (which were obliged to do so by law), and in Ústecký region. In addition, in some other regions there are commissions for national minorities within the structure of regional assemblies (for example in Jihomoravský region), or where national minority issues of concern are discussed within the human rights structures.

Membership in the committees for national minorities is regulated by Section 117 of the Act on Municipalities. In accordance with its provisions, representatives of national minorities are to be delegated by civil associations (NGOs) of national minorities and shall constitute no less than half of the members of the committee. The Advisory Committee notes, however, that some national minorities' representatives continue to question the not clearly specified procedures used for the appointment of

members to serve on the municipal Committees for National Minorities. In particular, according to Polish minority representatives, some appointees do not adequately represent the national minority on behalf of which they sit at the committees and do not act in the interest of national minorities, 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 again calls on 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 to eliminating the identified shortcomings.

It also asks the authorities to review the procedures for appointment of members of committees for national minorities to ensure greater involvement of national minority organisations in the process and to ensure that appointed representatives enjoy the confidence and support of the national minority they represent.

Participation of Roma

Present situation

According to the report submitted to the government by the Minister for Human Rights and Equal Treatment in February 2015, the Agency for Social Inclusion, which was established in 2008 to implement the 71 projects listed in the Strategy for Combatting Social Exclusion, implemented fully 16 and partially 37 of them. The Advisory Committee notes, however, that according to the overwhelming number of Roma representatives, the Strategy has not satisfactorily achieved its goals. On the contrary, the interlocutors of the Advisory Committee stated that while the situation of Roma in the Czech Republic was never very good, it has never been as dramatic as it is now.

In this context, the Advisory Committee notes recent change at the helm of the Agency, which resulted in the sacking of the former head (reportedly on unclear grounds, supposedly on account of poor communication with superiors). The new Director of the Agency is the former Head of the Crime Prevention Department at the Ministry of Interior. Regardless of the qualities of the new appointee, the Advisory Committee notes that his prior function raises concerns as to the perceived securitisation of Roma policy in the Czech Republic. In addition, the Advisory Committee notes that the Agency, in spite of the fact that the vast majority of its interlocutors and beneficiaries of its projects are Roma, does not even in its title refer to Roma, and consequently has never appropriately involved Roma representatives in its work.

The Council for Roma Minority Affairs, which is a permanent advisory body to the Government on issues related to Roma, is responsible for monitoring policies aiming at Roma integration. The Advisory Committee notes in particular the active role played by the Council which on a number of occasions adopted and published its opinions on issues of particular interest to the Roma, such as the amendments to the Act on Assistance in Cases of Material Need. The Advisory Committee notes, that in 2014, competencies of the Council were expanded to institutionalise its advisory role to the Agency for Social Inclusion. However, the Advisory Committee notes that reportedly, according to Roma representatives, the Council members representing the Government often show insufficient commitment to its work.

Information, according to which the Ministry of Labour and Social Affairs together with the Ministry for Regional Development and the Minister for Human Rights and Equal Opportunities are currently drafting

an Act on Social Housing, is welcomed. According to the Advisory Committee's interlocutors, this law will be presented before the Parliament in 2016 and, in the event it is approved, will enter into force in 2017. The Act will provide a legal framework guaranteeing landlords' and tenants' rights and establish a financial scheme for renovation and refurbishment of some of the more suitable privately-owned vacant properties.

Recommendation

The authorities need to take steps to improve the living conditions of the Roma, in particular by creating conditions which would allow moving residents of "residential hostels" to adequate social housing.

Denmark

Adopted on 20 May 2014

Article 15 of the Framework Convention

Consultative bodies and participation in public affairs

The Advisory Committee notes with satisfaction that the well-established system of consultation between representative organisations of persons belonging to the German minority and the authorities has continued to function smoothly in the last years. In particular, the Liaison Committee concerning the German Minority and the Secretariat of the German Minority in Copenhagen serve as contact points to identify negotiated solutions to the problems concerning that minority, in the context of the climate of mutual trust which prevails between everyone involved. The Advisory Committee is concerned, however, that for groups that have not been formally recognised, there is no structured dialogue.

At the local level, persons belonging to the German minority are well represented in the municipal councils in Tønder, Aabenraa (Åbenrå), Sønderborg and Haderslev. According to the local representatives the Advisory Committee met during the visit, the electoral weight of the German minority in South Jutland is not of particular importance, as most issues are resolved through consensus or at least by seeking compromise solutions which would be acceptable to all.

The Advisory Committee notes that the Schleswig Party, representing interests of persons belonging to the German minority increased its electoral appeal in the 2013 municipal elections, after decades of decline. This allowed the Party to secure one mandate in Haderslev, two mandates in Aabenraa (Åbenrå), three in Sønderborg (up from one in 2009) and three in Tønder (up from two in 2009).

The Advisory Committee considers, however, that occasionally, reforms undertaken on a country-wide basis, such as introduction of e-administration can have a negative impact on the ability of persons belonging to national minorities, in particular those lacking computer skills, such as the elderly population, to participate fully in social and economic life and in public affairs.

Recommendation

The Advisory Committee again 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 as well as consider establishing effective consultative mechanisms with groups seeking protection under the Framework Convention.

Estonia

Adopted on 19 March 2015

Article 15 of the Framework Convention

Consultative bodies and participation in public affairs

Present situation

The Advisory Committee notes with regret that the situation has not improved since the previous monitoring cycle and no steps have been taken to consolidate the role of consultative bodies representing national minorities. The abolition of the consultative Presidential Round-Table in 2008 was followed by a short lived Estonian Cooperation Assembly (EKK) established in 2009, only to be abolished in 2011. Currently, there exists no body at the national level to represent interests of persons belonging to national minorities. The only option theoretically open to some minority groups, including the Russian minority, is the establishment of a Cultural Autonomy Body (Cultural Council) provided for by the Law on Cultural Autonomy of National Minorities of 1993. Regrettably, all attempts to create the Russian Cultural Council undertaken repeatedly by minority representatives since 1996 have failed (see related comment under Article 5).

The Advisory Committee notes that mainstream political parties address national minorities' concerns in their programmes and that a number of members of Parliament (Riigikogu) elected in March 2015 are associated with a national minority. However, notwithstanding the authorities' efforts to facilitate the acquisition of citizenship by stateless persons and noting that such persons have mostly the same rights as citizens, except the right to stand in any election, vote in parliamentary elections or to establish or join a political party, the Advisory Committee notes with regret that still a considerable number of Estonia's inhabitants do not enjoy full political rights and cannot participate actively in relevant decision-making processes (see also under Article 3).

The Advisory Committee acknowledges the positive role played by the National Minorities Cultural Advisory Council (NMCAC) established under the aegis of the Ministry of Culture. This does however not obscure the fact that the NMCAC cannot be considered a genuine consultation mechanism as its focus 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 a broader sense.

At the local level, some consultative bodies such as the Roundtable of National Cultural Societies organised by the Ida-Viru County Governor (since 1994), Tallinn Home Peace Forum organised by Tallinn City Government (since 2007), the Roundtable of National Minority Organisations organised by Pärnu City Government (since 2008), and the Co-ordination Council of National Minorities organised by Narva City Government have been established. The Advisory Committee is pleased to note that these platforms were used in 2011 to organise six seminars in Tallinn, Tartu and Ida-Viru on the new fundamental principles of Estonian cultural policy up to the year 2020. These "Fundamentals of Cultural Policy up to 2020" were adopted by the authorities at the end of 2013 and approved in Parliament in February 2014 (see also under Article 5).

The Advisory Committee also notes that representatives of national minorities were consulted, in the course of public meetings held in different regions of Estonia (Tallinn, Tartu, Narva and Kohtla-Järve,) in the course of the elaboration of the strategy “Integrating Estonia 2020”, which was adopted in December 2014 (see further comment under Article 6).

Recommendations

The Advisory Committee reiterates its call on the Estonian authorities to expand the 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. Institutional arrangements should be made to ensure that consultative structures created adequately represent the various national minorities.

The Advisory Committee reiterates its call on the authorities to facilitate further the acquisition of citizenship by all stateless persons with the view to enabling their full participation in the political life of the country and relevant decision making processes. This would be an indication of inclusiveness that could foster integration.

Effective participation in economic life

Present situation

The economic outlook for Estonia improved in the last five years and all segments of the Estonian society benefitted from the upturn. According to the State report, the unemployment rate in Estonia almost halved in the years 2010-2013. Unemployment has also decreased significantly in Ida-Viru County where the population is mostly Russian-speaking. Whereas in 2010, 25.6%, of the county’s inhabitants were unemployed, in 2013 the figure decreased to 15%. The Advisory Committee notes in this context that although the rate of unemployment decreased significantly across the board, the figures for Ida-Viru County confirmed that persons belonging to national minorities continue to be disproportionately affected. The situation has been understandably most difficult for persons who cannot speak Estonian, as they constituted at the end of 2013 32.3% of all registered unemployed, significantly more than their proportion within the population overall.

The Advisory Committee regrets to note that language proficiency requirements continue to be an obstacle to employment for a decreasing but still considerable number of persons belonging to national minorities. In this respect, the Advisory Committee notes with regret, that the situation has hardly changed since the last monitoring cycle. The requirements for proficiency in and use of the Estonian language for public servants and employees, both in public and in private sectors, have been established by the Regulation of the Government of the Republic N° 84 of 20 June 2011 and vary in accordance with the type of interaction with the public which the given position requires. Prospective candidates for employment are required to produce proof of their proficiency or to undertake an exam at the required level (the highest level provided for by the Government regulation is C1). In this context, the Advisory Committee notes that according to some of its interlocutors, the fact that graduates of Estonian-language schools are presumed to have the necessary linguistic skills and are thus not required to provide any proof (other than the graduation diploma) is considered to have discriminatory character on persons belonging to national minorities. It also creates an incentive for children belonging to national minorities to opt for Estonian language education, which on the one hand may assist their greater

integration in Estonian society, but on the other infringe on their right to be taught in their minority language as provided for under Article 14.2 of the Framework Convention.

The Advisory Committee is deeply concerned about a case of an applicant belonging to the Russian minority, clearly identifiable by his first and last names, whose application in 2011 for a position at the Ministry of Foreign Affairs of Estonia was rejected on the ground that the Ministry expected applicants to speak Estonian at C2 level (level of proficiency not required under Government regulation N° 84). In the specific case it notes that the Commissioner for Gender Equality and Equal Treatment issued on 16 August 2012 an Opinion in which she considered that the Ministry of Foreign Affairs had discriminated against the applicant on the ground of his ethnicity.

While acknowledging the importance of Estonian language skills for accessing the labour market, the Advisory Committee reiterates its opinion that language proficiency requirements constitute a barrier for the access to employment of persons belonging to national minorities and must not be disproportionate. Where proficiency in the official language may indeed be a legitimate precondition for a number of positions, requirements must in each case be proportionate to the public interest pursued, which must be clearly defined, and must not go beyond what is necessary to achieve that aim. In this context, the Advisory Committee notes with regret the unavailability of data on the proportion of persons belonging to the Russian minority employed in the public sector. Circumstantial evidence indicates that the number of such persons remains low, well below the proportion of persons belonging to the Russian minority within society.

Recommendations

The Advisory Committee urges the authorities to continue their efforts to address the still disproportionately high unemployment rate among persons belonging to national minorities. It further calls on the authorities to enhance their efforts to promote access to employment of persons belonging to national minorities through broader measures, beyond language training, and to ensure that particularly affected regions receive further targeted support to address the specific effects of the economic crisis on their local economy.

The Advisory Committee strongly encourages the authorities to ensure that language proficiency requirements are applied fairly and proportionately to the pursued aim, and asks them to consider applying the same tests to all applicants irrespective of their first language.

Finland

Adopted on 24 February 2016

Article 15 of the Framework Convention

Participation in public life, decision-making processes and public administration

Present situation

National minorities continue to be represented and contribute to the political decision-making process through advisory boards and, as regards Sámi, also via the Sámi Parliament. The Advisory Board for Ethnic Relations (ETNO) was widely consulted by the various ministries on legislation and policy making

relevant to minorities (e.g. integration, education, and language issues) both at national and at regional board level. This helped to increase its legitimacy. ETNO's current priorities are reducing discrimination and raising employment for persons belonging to minorities. ETNO considers that it will be a challenge to keep the balance in the future between national minorities and new groups, in particular migrants. It is also of the opinion that the government does not envisage the establishment of any new advisory board targeting specific groups. The Advisory Committee notes that the Russian community is represented in ETNO but not in the Advisory Language Board, while the Karelian speakers are not present in any structure. Estonians are also represented in ETNO. The Advisory Board for Roma Affairs, half of which is composed of Roma representatives, as well as its regional offices, also reported to the Advisory Committee a good level of co-operation with central and local authorities.

At municipal level, consultative organs have been established on integration- and migration-related issues, on multiculturalism and on Roma affairs. A national languages network of Finnish municipalities has been established to foster inter-municipal co-operation with respect to the implementation of the language legislation.

The Advisory Committee strongly regrets that the Government Bill on the Sámi Parliament Act (HE 167/2014) which, *inter alia*, amended the notion of "negotiation obligation" of Article 9 in order to enhance the involvement of the Sámi Parliament into decision making beyond mere consultation, was dropped. While it acknowledges that, during the period under consideration, there was a good level of co-operation between the government and the Sámi representatives, it also reckons that political circumstances have prevented amendment of the legislation. This leads in practice to a situation where the Sámi Parliament is still not in the position of influencing effectively the outcome of the decision-making process when important issues of concern for the Sámi people are at stake.

Due to the fact that gathering data on ethnic affiliation is not allowed by law, there is no precise indication of national minorities' presence in elected bodies and in public administration, either at central or local levels. The Advisory Committee reiterates its view that political participation of minority representatives in relevant decision-making processes is crucial for their interests to be heard. It also highlights that recruitment of persons belonging to minorities into public administration, law enforcement and the judiciary should be promoted as a means to better respond to their needs, such as with regard to the use of their language, and to attest to the government's openness towards the diversity present in society. Enhanced presence in the police ranks may have a positive impact on the willingness of persons belonging to national minorities to address law enforcement when they require assistance (see also Article 6).

Recommendations

The Advisory Committee reiterates its call on the authorities to ensure that the composition of the existing consultation mechanisms (ETNO, Advisory Language Board) is adjusted so as to include all minorities, in particular the Russian, Karelian, and Estonian communities, so as to guarantee an effective and inclusive channel of communication, consultation and influence on the decision-making process. It also encourages the resumption of dialogue with the Sámi minority for the purpose of strengthening their participation by amending accordingly the current legislation.

It also urges them to enhance opportunities for persons belonging to national minorities to participate in public affairs, including through measures that facilitate their engagement in broader political processes and mainstream political parties. Similarly, their recruitment into public service, in particular

the police at central and local levels, should be promoted in order to send a clear message that diversity is valued in Finnish society.

Effective participation in socio-economic life

Present situation

The existing legal framework regulating Sámi cultural autonomy covers the provision of social and health services in the Sámi languages in the Homeland and annual appropriations are dedicated to this issue. Resources are used to recruit Sámi-speaking employees, to produce or purchase services in Sámi, with particular emphasis on early childhood and elderly care. The Advisory Committee notes nonetheless that the provision of social and health services in Sámi is considered not to be sufficient by the Sami people, and that further efforts are necessary to increase the number of bilingual personnel and language training. It considers also particularly relevant that the Public Social Welfare and Health Care Service Structure Reform (SOTE) pays attention to the geographical reorganisation of services by municipalities to continue guaranteeing the linguistic rights of the Sámi population in the Homeland. The dispersion of the Sámi population in the territory also plays a role when it comes to the provision of social services, not only in the Homeland but also outside.

The Advisory Committee is deeply concerned that access to employment remains very difficult for persons belonging to minority groups as a consequence of prejudice and discriminatory attitudes in the labour market. The Advisory Board on Roma Affairs highlighted in particular that, contrary to the progress achieved in education, discrimination against Roma in employment is of considerable concern and higher than any other group. Prejudice is such that even when Roma have the necessary qualifications and employment is available, they are discriminated against. Russians are reportedly also widely discriminated against when trying to access jobs, in particular as a consequence of their names on applications where their ethnic origin is visible. Estonians also encounter certain difficulties to accede to employment and are discriminated against as regards social conditions and salaries. A government campaign targeting employers and trying to reduce discrimination in working life for disadvantaged young people (*Asenne meininki* – It's all about attitude) has been launched. Equality in working life is also promoted through the network of employers who have signed the Finnish Diversity Charter, a non-binding instrument striving for diversity in recruitment and management, including on the ground of ethnic origin.

The Advisory Committee acknowledges these efforts as well as the equality action plans that each enterprise is called to develop on the basis of the Non-Discrimination Act, as tools to improve equality for national minorities in the labour market. However, it was informed by interlocutors that, on the one hand, they do not target Roma in particular and, on the other hand, follow-up on the implementation of all these initiatives is necessary for them to be effective. In this context, the Advisory Committee considers that the limitation of the mandate of the Non-Discrimination Ombudsman as far as employment is concerned is unfortunate considering the trust-building role it has had towards minorities in the past.

Roma in Finland live in standard housing together with the rest of the population all around the country. Authorities and Roma representatives concurred that they face housing issues which are rather the consequence of cumulating socio-economic factors determining high vulnerability (income, unemployment, etc.) coupled with an alleged discriminatory attitude by certain municipalities when allocating social housing and the private sector. Several awareness-raising measures (printed material, seminars, conciliation process with municipalities) have been launched to help Roma people to deal with

housing issues. The Advisory Committee was informed that housing remains highly problematic for the small component of the Roma population who are citizens of other EU countries and, as such, fall through the system. As regards access to social and health services, the Advisory Committee learned it is not a priority issue for the Roma population whose vehicular language has been Finnish for a long time.

The Advisory Committee understands that access to social and health services in the Russian language has improved in particular as regards doctors and family and youth services. In particular, the 2015 reform of social welfare has drawn a distinction between social and child welfare which should help municipalities in dealing with child-raising issues in a multicultural context. However, it was also informed by Russian-speaking representatives that services targeted at people with disabilities are lacking and provided only by non-profit organisations.

Recommendations

The Advisory Committee calls on the authorities to intensify their efforts to ensure that a sufficient number of municipal employees are adequately trained and able to respond to requests in Sámi languages, in particular with respect to access to social and health services.

It also reiterates its call on the authorities to make a stronger commitment in human and financial resources to implement the National Roma Policy with respect to employment, including of women, as well as to increase efforts to reduce discrimination towards Roma and any other minority groups with respect to access to the labour market. It also invites the authorities to consider the extension of the Non-Discrimination Ombudsman's mandate to include employment issues.

Germany

Adopted on 19 March 2015

Article 15 of the Framework Convention

Participation in public affairs

Present situation

The Advisory Committee notes with interest that there are mechanisms in place to facilitate the participation of national minority parties in certain parliamentary bodies, through the exemption of national minority parties from the 5% threshold for representation in the parliaments of Schleswig-Holstein and Brandenburg, and the exemption from the same 5% threshold for the distribution of seats among *Land* lists in the federal parliament. Persons belonging to national minorities have also been elected on mainstream party lists in these *Länder*, and the current Prime Minister of Saxony identifies himself as a Sorb. The Advisory Committee regrets, however, the low level of political representation of Sinti and Roma, and considers that more needs to be done to promote the participation of Sinti and Roma at political level, whether in dedicated or mainstream parties.

As regards consultation mechanisms, the Advisory Committee welcomes the efforts made by the Federal Commissioner for National Minorities in recent years to visit and establish direct contacts with all of the national minorities recognised in Germany. It notes that these efforts have not only been of symbolic significance to national minorities but have also contributed to progress made in practice, such as the establishment at federal level of a Consultative Committee on Issues concerning German Sinti and

Roma (see further below). It also notes with interest the work of the Schleswig-Holstein Commissioner for National Minorities, serving as a vector for communication between the authorities and the minorities present in Schleswig-Holstein.

The Advisory Committee further notes as an example of good practice the annual conference on the implementation of the rights set out in the Framework Convention and the Language Charter, organised by the Federal Ministry of the Interior and including representatives of the federal government, governments of the *Länder* and national minorities. As observed in its previous opinion, this mechanism provides an effective means of ensuring that the representatives of national minorities are regularly and actively involved in the process of monitoring and dialogue with the authorities that are central to the implementation of these instruments in daily life.

Following lengthy discussions leading to an agreement between the federal authorities and the two main umbrella organisations of Sinti and Roma in Germany, the Advisory Committee welcomes the establishment at federal level of a Consultative Committee on Issues concerning German Sinti and Roma, which met for the first time on 18 March 2015. It understands that this body is intended to serve as a forum in which all federal domestic policy issues relevant to German Sinti and Roma can be discussed, and to function similarly to the existing Consultative Committees on Issues concerning the Danish minority, the Sorbian people and the Frisian ethnic group. It will thus include representatives of the Federal Ministry of the Interior, of the relevant *Länder* authorities (each *Land* having been invited to appoint a member) and of the Sinti and Roma minority, and will meet at least once a year.

As regards consultative bodies on national minority issues at the level of the *Länder*, the Advisory Committee welcomes the establishment in Baden-Württemberg of a Council for Sinti and Roma Affairs, including six representatives of the authorities and six representatives of Sinti and Roma, on the basis of the November 2013 Treaty concluded between the authorities of the *Land* of Baden-Württemberg and the Baden-Württemberg Association of German Sinti and Roma. It also welcomes information received according to which the recognition of the Sinti and Roma minority in the Constitution of Schleswig-Holstein has led to the creation of a consultative body at the level of this *Land*, similar to those already existing in Schleswig-Holstein for the Frisian and Danish minorities. The Advisory Committee sees these developments as important steps that may contribute to improving the participation of Sinti and Roma in public life. It recalls however that Sinti and Roma communities are also present, but with only limited participation, in other *Länder*, and considers that further efforts are needed to ensure that they are able to participate effectively in public life, whether through formal or information consultation mechanisms. Due regard must also be paid in this context to the diversity found within these groups.

The Advisory Committee welcomes the appointment in Brandenburg, on the basis of the amended Sorbs/Wends Act, of a Commissioner for Sorbian/Wendish Affairs with the rank of State Secretary, assisted by a full-time staff member. It notes, however, that some Sorbian representatives have expressed reservations regarding the new procedures in place for the election of the Council for Sorbian/Wendish Affairs, which require all persons wishing to vote to register for the electoral rolls in advance. The Advisory Committee understands that this mechanism was introduced in order to enable persons identifying themselves as Sorbs/Wends but living outside the traditional settlement areas of this minority to vote in the elections, in addition to those persons who were already entitled to vote under the previous rules. However, and although the registration process is to be run entirely by Sorbian associations, it notes that some concerns have been voiced regarding whether individuals will accept the registration process, and the impact that such a lack of willingness among Sorbs to register might have on the legitimacy of this body.

Representatives of Sorbs also continue to be in a clear minority on the governing board of the Foundation for the Sorbian People, holding six of its fifteen seats. The remaining nine seats in this Foundation, which is responsible for distributing the entirety of the federal and *Land* funding of approximately €17M allocated to the preservation and promotion of Sorbian culture through education, museums, cultural and other activities (see above, Article 5), are held by six representatives of the various authorities that are the sources of the Foundation's funding and three representatives of local authorities. The Advisory Committee observes that increasing the role of Sorbs in the governing board of this Foundation would allow the latter to participate more effectively in decision-making concerning the preservation and promotion of their culture.

The Advisory Committee notes with interest the continued functioning, with financial support of €60 000 per annum from the federal authorities, of the Council and Secretariat for National Minorities, which represent the interests of national minorities vis-à-vis the federal parliament and government.

Recommendations

The Advisory Committee calls on the authorities to take more resolute steps to promote effective participation of Roma and Sinti in public life, in particular at political level. In the *Länder* where this has not yet been done, the Advisory Committee also recommends that the authorities establish, in close co-operation with Sinti and Roma representatives, mechanisms allowing for the effective participation of Sinti and Roma in decision-making on issues of concern to them.

The Advisory Committee recommends that, following the next elections to this body, the authorities review, together with representatives of the Sorbian minority, the impact of the new procedures governing the election of the Council for Sorbian/Wendish Affairs in Brandenburg, with a view to assessing the extent to which the new rules have facilitated the participation of Sorbs in this process and remedying any problems identified. It recommends that the authorities, in close co-operation with representatives of the Sorbian minority, find means to allow Sorbian representatives to participate more effectively in decision-making processes concerning the allocation of funds to the preservation and promotion of their culture.

Participation of Sinti and Roma in socio-economic life

Present situation

The Advisory Committee has received reports of certain patterns of behaviour towards Sinti and Roma that tend to keep them or place them at a significant disadvantage in the socio-economic sphere. Some Job Centres are for example reported regularly to use delaying tactics when dealing with applications for support from Sinti and Roma, or even to obstruct such applications. At the same time, access to jobs requiring higher education or advanced vocational training, while reportedly gradually improving, is hampered due to the discrimination faced by Sinti and Roma in the field of education (see also Article 12). In the field of housing, abusive practices by some landlords are reported to affect migrant Roma in particular.

The Advisory Committee regrets that no overall data are available regarding this situation, and few detailed studies appear to have been carried out. It observes that this makes it impossible to determine the extent and root causes of such problems and to address them adequately.

Recommendation

The Advisory Committee calls on the authorities to strengthen their efforts to promote the equality of Sinti and Roma in socio-economic terms, particularly as regards access to employment and housing. Measures taken in this respect should be based on a thorough evaluation of the situation of Sinti and Roma in this field.

Hungary

Adopted on 25 February 2016

Article 15 of the Framework Convention

Participation in public life and decision-making processes

Present situation

The Advisory Committee notes that enabling persons belonging to national minorities to be represented in parliament constituted one of the key recommendations made in the third Opinion. Measures taken to address the concerns of the Advisory Committee have been described in paragraph 9 of this Opinion. In particular, the Advisory Committee notes that all 13 recognised national minorities are represented in the National Assembly by elected nationality advocates, whose role is to raise minority concerns at the highest level of the legislative power. These advocates participate in the parliamentary elections as candidates on national minority lists and may be elected as regular members of parliament on a preferential basis (provided the national minority list on which they are running obtains at least a quarter of the votes necessary for an election of a political party candidate). Should the minority list be unsuccessful, the candidate who obtained most votes enters the parliament as a “nationality advocate”. In particular, they have the right to attend and to address committee and plenary meetings on issues pertaining to national minority protection in the National Assembly, to have access to official documents available to parliamentarians and to initiate legislation, which is highly appreciated. The Advisory Committee notes however, that the rules of procedure leave it to the discretion of the House Committee (Praesidium of the National Assembly) to decide on a case by case basis when the right to address the National Assembly shall be granted.

The Advisory Committee recalls that national minority self-governments have been a part of the representative and consultative mechanism for national minorities for almost twenty years in Hungary. The self-governments enjoy democratic legitimacy on account of their election by all registered national minority voters, and play an important role in the management of education establishments and cultural institutions. The Advisory Committee notes in this context that the relationship and clear division of competencies between the central organs of national minority self-governments and newly created nationality advocates needs to be carefully considered in light of the experience gathered in the first years of the functioning of the parallel structures.

Following the municipal elections of October 2014, all 13 recognised national minorities have established self-governments at the central level. At the county level, 60 self-governments have been established, with a further 2,100 self-governments at the municipal level (of which 1,100 have been established by the Roma). The Advisory Committee is pleased to note that in addition to managing their own educational and cultural matters, the national minority self-governments at the central level have

to be consulted in the process of drafting any legislation which may impact the enjoyment of their rights.

In general, the Advisory Committee notes that together with the increased funding put at the disposal of national minority self-governments in recent years, which is welcome, the authorities introduced greater control over the manner in which the money is spent, including through the imposition of more burdensome and time-consuming administrative procedures. This has put some self-governments (in particular the smaller ones) under strain, and forced their representatives to acquire new skills to conform to the regulations.

The Advisory Committee welcomes information of co-ordination among national minority self-governments which resulted at the central level in the establishment of the Association of National Minority Self-Governments (ONÖSZ) and other local consultative bodies, such as the Municipal Council of Nationalities in Pécs, have been established to speak on behalf of all minorities and be consulted on the disbursement of funding for minority related projects. The Advisory Committee considers that such initiatives increase visibility of minority issues and mitigate the risk of isolating minority policies within the minority self-governments.

Finally, the Advisory Committee welcomes the information on the continuing active role played by the Jewish Roundtable, composed of representative organisations of the Jewish community and Hungarian officials, in serving as a forum for discussing issues and finding solutions to issues affecting that community.

Recommendations

The Advisory Committee invites the authorities to review, in consultation with national minority representatives, the existing practice and to define clearly, in the procedures of the National Assembly, the nationality advocates' right to address the National Assembly.

The authorities should continue to work closely with national minority self-governments to ensure smooth transition and satisfactory future co-operation on all issues. They should also encourage all municipalities, where national minorities reside in substantial numbers, to establish councils of national minorities with the view to making the local decision-making processes more inclusive.

Effective participation in socio-economic life

Present situation

The socio-economic situation of most national minorities living in Hungary does not diverge from the majority population. With the exception of the Roma, persons belonging to various ethnic groups making up the Hungarian society are well integrated and participate fully in the economic, social and cultural life.

The Advisory Committee notes that in municipalities where at least 20% of the population belongs to a national minority, their ability to speak the "mother tongue" of the given national minority is taken into consideration when filling the positions of local civil servants and public sector employees as well as the positions of public notary and court bailiff. The Advisory Committee regrets to note that no figures are available on how many municipalities apply this legal provision in practice and how many municipal employees have been recruited as a result.

Regrettably, Roma continue to be excluded from effective participation in social and economic life. The unemployment among Roma is a source of grave concern. Roma account for 25 to 30% of the registered unemployed (100,000-130,000 persons) and according to the EU Agency for Fundamental Rights research, 68% claim to have been the object of discrimination within the last five years in their efforts to find employment. Consequently, only 2% to 2.5% of the total number of employed people are Roma, although they constitute approximately 7% of the population of Hungary.

Unemployed Roma participate in the public employment programme introduced in 2012 and from adult and vocational training schemes of which according to estimates based on self-declaration, they are the primary beneficiaries (see related comments under Articles 4 and 12). It has to be noted however that deepening cuts in the social benefits system in the last six years have had a disproportionate effect on Roma families. The Advisory Committee notes that following the most recent overhaul of the social benefits system in March 2015, the responsibility for disbursement of unemployment benefits and social allowances was transferred to the municipal authorities. Under the current regulation, the maximum length during which the unemployment allowance (officially called “employment substituting subsidy”) can be paid, has been reduced from nine to three months and only one person in a household is entitled to receive it. Even when supplemented by family and housing benefits, the overall income of the unemployed does not reach the minimum subsistence level. The Advisory Committee notes with regret that this policy designed to rollback the welfare state runs contrary to the professed claim to help some half a million people out of poverty by 2020.

The health indicators for the Roma population are significantly lower than those of the majority population. According to the National Social Inclusion Strategy, Roma have at least a double illness rate as regards most frequently occurring internal medical conditions, compared with the entire population. In case of some illnesses, such as asthma and stomach illnesses, the illness rate for Roma is five times higher than the national average and in the case of three illnesses (impaired eyesight, iron-deficiency anaemia, and infectious lung diseases), it is ten times higher than the average. Consequently, the average life expectancy of Roma in Hungary is ten years shorter compared to the entire population. Although Roma, like all other Hungarian citizens, have access to free health-care services, most of the Roma (64.2%) never consult doctors. The reasons for this alarming state of affairs include, according to Roma representatives, poor access to medical facilities in the most deprived areas, low awareness of health risks, in particular of smoking, equally low awareness of necessity of preventive health-screening tests, discriminatory attitudes and lack of awareness of Roma sensibility as regards health care among health professionals.

Recommendations

The Advisory Committee urges the authorities to intensify measures aimed at promoting access to employment for Roma. Specific vocational training is needed to support the long-term unemployed and measures must be closely co-ordinated with Roma themselves at the central, regional and local levels.

The Advisory Committee calls on the authorities to continue their support, in consultation with Roma representatives, to guarantee equal access to health-care services for Roma, while paying due attention to the specific concerns of Roma women, by including specific preventive measures, increasing health literacy, conducting public-awareness campaigns and employing health mediators.

The Advisory Committee calls on the authorities to consider making a course on Romology a compulsory element of medical studies to make health professionals aware of Roma cultural sensibility as regards health care.

The authorities should collect data and monitor the implementation of legislative provisions on recruitment of municipal employees capable of speaking national minority languages.

Italy

Adopted on 19 November 2015

Article 15 of the Framework Convention

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

Present situation

The Advisory Committee notes that the situation as regards participation of persons belonging to linguistic minorities in decisions affecting them has remained virtually unchanged since the last monitoring cycle. The umbrella organisation of all recognised historic linguistic minorities “CONFEMILI” represents the interests of its members in particular through participation in the work of the Technical Committee assisting in the implementation of Law No.°482/1999. It has to be noted however that the competencies of the Technical Committee, whose composition is dominated by representatives of government departments and other public provincial, regional and municipal bodies, are very limited. In addition, the Advisory Committee during its visit to Italy observed the predominantly male composition of the Technical Committee. Although the Technical Committee is consulted on issues of interest to minorities, its role in the decision-making process is of a consultative nature only.

The Advisory Committee notes that at the regional level, the degree of involvement of national minorities in the decision-making processes varies greatly, depending on the region, its status, legislative arrangements and the historical traditions.

The Advisory Committee recalls that in the Bolzano/Bozen province, the system of allocating posts strictly according to the demographic proportion of the three main linguistic groups (Italian-speaking, German-speaking and Ladin communities – see related comment under Article 4) has been in place for many years now and has allowed to make minority participation more effective since each group’s representation in the civil service now approximates to its demographic profile. Furthermore, it is commendable that in exceptional cases derogations are possible in order to allow for certain flexibility in the functioning of the mechanism.

The Permanent Institutional Panel on Issues concerning the Slovenian-speaking Minority which was established in 2012 is the main consultative forum for discussions and analysis of issues concerning the implementation of Law No.°38/2001 and other issues related to rights protection. The Advisory Committee is pleased to note that the main representative organisations of the Slovene minority, such as the Joint Institutional Committee for the Slovene Minority, the Slovene Cultural Economic Union and the Confederation of Slovene Organisations, are permanent members of the Institutional Panel. Information on the active role played by the Institutional Panel in addressing problems concerning funding of activities and allocation of subsidies to the publishing sector is particularly welcome.

Recommendation

The authorities should review the procedures for appointment of representatives of national minorities in the work of the Technical Committee to ensure that the legitimate interests of all recognised historic linguistic minorities are represented. Furthermore, the composition of the Technical Committee should be more balanced, including as regards gender, to allow effective participation of representatives of minorities on issues affecting them.

Consultation and participation of Roma, Sinti and Caminanti

Present situation

The Advisory Committee notes that although no permanent advisory body has yet been set up through which Roma, Sinti and Caminanti could be consulted on policies and measures adopted with regard to them, key representative Roma, Sinti and Caminanti organisations have been consulted on the National Strategy for the inclusion of Roma, Sinti and Caminanti Communities 2012-2020, following the designation in 2011 of UNAR as the National Contact Point for Roma Integration Strategies.

It has to be noted however that some representatives of Roma, Sinti and Caminanti considered that the invitation extended to them to take part in consultations was rather formalistic, extended out of politeness and political correctness rather than out of genuine interest to hear their views. In particular, Roma representatives complained that they were involved only at the final stages of the drafting process, were often asked to participate only in parts of the meetings which their interlocutors considered “relevant”. Such a “top-down” approach was regarded to be not very inclusive and disrespectful of the Roma, Sinti and Caminanti communities.

Roma, Sinti and Caminanti representatives have also expressed their reservations as regards the manner in which they are involved in the implementation of the Strategy. In fact, they are invited by the National Focal Point to participate in the meetings of the thematic workshops or of working groups set up under the Strategy on an *ad hoc* basis, at the discretion of UNAR. At the regional level, it is very much the same. Local Roma organisations are invited to the meetings of regional workshops according to criteria which are not clear or understood by the organisations or civil society. The Advisory Committee notes in this context that, notwithstanding the existing fragmentation and continual evolution of Roma civil society, which makes at times the consultation process time-consuming and difficult, all relevant groups are entitled to be consulted at all stages of the process.

Recommendation

The Advisory Committee calls on the authorities to ensure, in due consultation and with the active participation of local authorities and Roma, Sinti and Caminanti representatives, the implementation of the National Strategy for the inclusion of Roma, Sinti and Caminanti Communities 2012-2020. Efforts should be made to involve representatives of these communities in all stages of planning, implementing and evaluating policies and measures adopted in the framework of the Strategy.

Far more determined efforts should be made to find ways and means to improve substantially the participation of persons belonging to the Roma, Sinti and Caminanti communities, including women, in decision-making processes. The authorities should ensure that the Roma, Sinti and Caminanti and their organisations are treated as key partners in all governmental programmes aimed at improving their situation.

Effective participation in socio-economic life

The unemployment rate among Roma remains unacceptably high and shows no signs of decreasing. According to a survey commissioned by the European Union Agency for Fundamental Rights (FRA) it is estimated that only one in ten Roma aged 20 to 64 has a paid employment. An estimated half of the working age Roma men are self-employed, carrying out independent work as metal collectors and itinerant tradesmen, of whom 50% are working in the grey-zone in an undeclared manner. Reportedly, the unemployment rate among Roma women is even higher. This has significant negative repercussions on the social security of the Roma families. The lack of legal income has a knock-on effect on the residence permits for foreign Roma, who must demonstrate to the authorities certified legal employment or a self-certified annual income of more than 6,000 EUR in order to reside in the country for more than three months. Also, according to some Roma the Advisory Committee spoke to, the lack of certified income endangers Roma families in as much as their children risk being placed into care on the basis of the extreme material deprivation of their parents. While noting that the authorities are obliged to ensure the well-being and security of minors, the Advisory Committee notes that the internal community support and extended family bonds need to be factored in before making any decision impacting on families, in particular concerning the placement of minors in alternative care.

In this context, the Advisory Committee notes that the National Roundtable on Labour, which met for the first time in January 2014, proposed to launch an experimental programme to promote access of disadvantaged and discriminated persons to the labour market under the Convergence Objective for regions of Campania, Calabria, Puglia and Sicily. The project was to offer traineeships to 80 Roma. The Advisory Committee has no information on the success rate of the project. It notes however that, four months after its launching, i.e. in April 2014 no activities have been initiated. It is similarly difficult to evaluate the success rate of other projects such as the programme to combat undeclared work and the personal carer training programme. As the funding for such initiatives is not “Roma-specific” the number of Roma who participated in the projects and the relevant percentage of ‘success’ is not known.

Roma continue to face obstacles in access to health facilities and their health status and life expectancy are inferior compared to non-Roma. It is estimated that Roma life expectancy is ten years lower than that of the average for the general population and the infant mortality rate for Roma children is at least twice as high as the national average

Access to health services for Roma depends on their legal status. Roma, who are Italian citizens, as well as non-EU immigrants with valid residence permits, are automatically covered by the national health system (*Servizio Sanitario Nazionale/SSN*). Legally employed EU citizens and their family members are also entitled to the services of the SSN. Other categories of foreigners can receive emergency or essential treatment including paediatric care, obstetric care, vaccination and free drug prescriptions. However it is to be noted that Roma living in informal settlements are often not aware of their rights.

The Advisory Committee notes that in authorised camps, such as the *Panareo* camp in Lecce, all residents of the camp are covered by health insurance and a dispensary located at the camp is being constructed. The authorities are aware of the shortcomings and challenges faced by the Roma who live in such a remote location without convenient transportation services, in particular as regards women’s health (gynaecological care, breast cancer prevention - access to mammograms - and cervical cancer prevention), which cannot be arranged on the spot and require access to specialised clinics. In this context the Advisory Committee notes that research conducted in 2012 by the Milan-based Charity Foundation *Angelo Abriani* found that more Roma, Sinti and Caminanti women than men declared ill-health. Transportation of Roma children to schools is also an issue which requires the constant attention of the authorities (see further comment under Article 12).

Recommendation

The Advisory Committee reiterates its call on the authorities to take effective measures as a matter of urgency to find solutions, in consultation with Roma, Sinti and Caminanti representatives, to the serious problems affecting housing, employment and access to health services, to enable them to enjoy decent living conditions.

Moldova, Republic of
Adopted on 25 May 2016

Article 15 of the Framework Convention

Consultation and participation in decision-making processes

Present situation

The Co-ordinating Council of Ethnocultural Organisations under the Bureau for Interethnic Relations, which was designed as the main mechanism for the participation of persons belonging to national minorities in decision making, and established in line with Article 25 of the Law on National Minorities, continues to carry out its advisory role and is composed of a variety of organisations that represent 30 national minorities as well as other societal groups. While welcoming the existence of a platform for the exchange of views amongst associations of national minorities and other civil society groups with government representatives, the Advisory Committee notes that most national minority representatives do not consider the Co-ordinating Council to be an important tool for ensuring that their views and concerns are effectively taken into account by the various levels of government. There is reportedly very little follow-up given to the issues raised by them during the various meetings and it is unclear to what extent their concerns are channelled into the decision-making processes of the various line ministries, including with regard to draft pieces of legislation. In addition, the Bureau for Interethnic Relations, as the main governmental body tasked with handling the wide range of issues pertaining to national minority protection, appears not to play a meaningful role within the government. It has undergone a period of frequent changes in management and continues to be housed in unsuitable premises, operating with a limited budget and 17 staff. Despite its broad responsibilities, it is viewed as focussing mainly on cultural preservation issues without, however, having an adequate budget even for that task (see Article 5) and is viewed by minority representatives as having lost further political clout, particularly in recent times.

There are other national platforms, such as the National Council for Participation, which are designed to promote consultation with civil society and participation in the decision-making processes at central level. However, persons belonging to national minorities have only rarely been able to use these platforms, as they frequently lack the relevant information as well as resources and capacity to do so. At the local level, where national minorities constitute a significant part of the population, such as in Balti, consultation mechanisms with an advisory function have also been created. While shortcomings have been reported with respect to unclear competencies and little follow-up given to the discussions held in these local advisory bodies, the Advisory Committee notes that in addition, there appears to be no system in place to ensure that the local issues of concern are regularly taken up and considered by the Co-ordinating Council and the Bureau for Interethnic Relations or other government bodies at central level (see also below).

Recommendation

The Advisory Committee reiterates its call on the authorities to ensure that national minority representatives are effectively consulted at central and local levels on all issues that concern them, not only those related to culture, and that their views are seriously taken into account during relevant decision-making processes. The competencies of and resources available to the Bureau for Interethnic Relations as the main body responsible for dealing with issues pertaining to national minority protection must be enhanced, including through relevant capacity building measures, which should also be made available to the Co-ordinating Council.

Representation in elected bodies and in public administration

Present situation

National minorities continue to be represented in elected bodies, yet mainly at local level. The fact that Article 8 of the 2007 Law on Political Parties effectively prevents the registration of regionally based political parties limits their opportunities to represent their specific regional and minority interests at central level, as few mainstream political parties engaged in central level politics reach out to national minority communities and their specific interests. While personal contacts with decision makers in mainstream parties, such as members of parliament, may be used to bring forward specific issues of concern, the effectiveness of such avenues is compromised by political instability. The Advisory Committee considers that representation at national level remains of particular concern despite modest progress in decentralisation, since many of the decisions affecting national minority populations in the regions continue to be taken in the capital, with limited consultation or co-ordination with the regions. A reform of public administration, for instance, appears to have been discussed at central level in some detail without seeking input from the local administrations, which appears to be not in line with Article 19 of the Law on National Minorities. This has caused apprehension in particular in Taraclia *rayon*, where the Bulgarian minority constitutes 65% of the population. It is feared that a possible upcoming merger with Cahul *rayon* into one larger district could result in a loss of decision-making authority for the Bulgarian minority, as well as a reduction in accessible public services. Its local council submitted a request for the establishment of Taraclia *rayon* as a “national cultural district”, which was rejected in a government decision in February 2016. The Advisory Committee considers that close consultations and effective dialogue are indispensable to ensure the involvement of regional and national minority representatives in broader political processes, including in discussions on how to meet the legitimate concern of administrative efficiency without reducing the effective enjoyment of minority rights.

The Advisory Committee further notes in this context that the elected members of the People’s Assembly of Gagauzia are not represented in the Parliament of Moldova, which continues to inhibit close co-ordination between the central and regional legislatures. It appears that the concept of autonomy and what it may entail for the promotion of the effective participation of persons belonging to national minorities, remains unclear to many of those involved, which has led to skewed expectations and sometimes disagreement and tension between the central and regional authorities. Unresolved questions remain, for instance, with respect to the legislative competencies of the People’s Assembly. One example is in the field of education, where it is unclear whether Gagauzia is competent to adopt its own Education Code. It is welcome in this context that a Moldova-Gagauz parliamentary working group, composed of five members of parliament and five members of the People’s Assembly of Gagauzia, was established in late 2015 as a permanent mechanism with international support. It held its first meeting in February 2016, with the aim of clarifying the respective competences and promoting a more effective functioning of the autonomy structures in line with the legislative framework.

The level of representation of national minorities in the public administration continues to be low, in particular at central level, where public institutions are reported to be increasingly mono-ethnic. The

Advisory Committee notes with concern that the long-standing inadequacies of the education system with respect to the quality of state language teaching (see Article 14) has resulted in a situation where persons belonging to national minorities are not able to meet the language requirements in the entry tests for public service. At the same time, no provision has been made to accommodate applicants that bring other languages and skills, such as through the application of different standards in the evaluation of tests, nor does the recruitment system reflect an effort to increase the representation of national minorities and promote multilingualism in the public service (see also Article 10). While noting some developments with respect to the election of local councillors, the Advisory Committee further notes with concern that the representation of Roma is particularly low at all levels of state administration.

Recommendations

The Advisory Committee urges the authorities to ensure that the views and concerns of persons belonging to national minorities are systematically taken into account in all decision-making that is relevant to them and that may have an impact on the enjoyment of minority rights at central and local levels. In particular, any steps towards reforming the system of public administration must be closely consulted with relevant regional and minority representatives to ensure that the effective enjoyment of minority rights, such as those of Bulgarians in Taraclia *rayon*, is not negatively affected.

It further calls on the authorities to take the necessary legislative steps and policy measures towards increasing the representation of national minorities in elected bodies and public administration at all levels, including within the context of broader decentralisation measures.

The Advisory Committee further recommends the authorities to incentivise the outreach of political parties to national minority communities and their regional concerns and to enhance their efforts towards the promotion of a constructive and institutionalised dialogue with local authorities and with the Gagauzian authorities in order to ensure that their specific concerns and interests are adequately taken into account in all decision making.

Effective participation in socio-economic life

Present situation

While the official unemployment rate remains under 5%, estimates of the hidden figures are much higher, in particular with respect to youth and the populations in the regions. Regional development thus remains a major issue of concern for the government. While the lack of economic opportunities affects all communities and has contributed to significant emigration in recent years, the situation in rural and border regions, where national minorities reside in substantial numbers, is particularly critical. Steps taken for the socio-economic development of Gagauzia are welcome in this context. Following amendments to the Law on Public Local Financing in 2014, the Gagauzian authorities retain all tax income and are authorised to directly co-ordinate with international donors, which has raised hopes for some economic investment in the territorial unit. Other districts continue to depend on central budgeting, which is viewed critically by some local authorities, for instance in Balti.

The Advisory Committee further notes that access to public services is reportedly becoming increasingly problematic without proficiency in the state language. Persons belonging to national minorities report difficulties, for instance, when seeking to pass the driving test, which is administered only in the state language, or when addressing certain health services. While there are reports of intentional discrimination of individuals for speaking either the state language or Russian (see Article 4), there are also instances where public services can effectively not be provided to citizens because of language barriers. The Advisory Committee considers it crucial that appropriate opportunities for professional and career development, including vocational training, are also made available in minority languages, in

order to promote access to services in minority languages (see also Article 10) as well as to prevent further emigration.

Roma continue to experience particular obstacles in finding employment (see also Article 4) as well as persistent discrimination in access to goods and services. Statistics collected in 2011 show a significant gap between the employment rates of Roma and non-Roma. Civil society organisations estimate, however, that the hidden unemployment among Roma is much higher than the published figure, as only very few Roma are registered with the national employment centres. This limits their opportunities for vocational and other professional training and impedes access to full health insurance. The Advisory Committee further regrets that significant measures foreseen in the Roma Action Plan 2011-2015 were not implemented. One of its priority areas, for instance, was the recruitment of 48 Roma community mediators by the end of 2015 to facilitate access to services in Roma communities. While 25 mediators were recruited by the end of 2014 by the Ministry of Labour and Social Protection, a change in the legislative framework resulted in their services as of 2015 no longer being co-ordinated and paid at central level but by the local government units. Owing to the hesitation reportedly shown by many mayors in allocating the respective salaries within their local budgets, the number of mediators decreased to 14 in 2015 and then further to nine in early 2016.

Furthermore, no comprehensive effort has been made to address the housing concerns of Roma, leaving a large part of the population living in sub-standard conditions with limited access to drinking water, canalisation and a regular power supply, thus affecting children in particular. While the Advisory Committee welcomes the adoption of the Law on Housing in April 2015, which establishes needs-based criteria for the allocation of social housing, it notes with concern that the repeated requests of civil society representatives for an adequate response to the critical housing situation of Roma have thus far been responded to with references to the generally unfavourable conditions for access to social housing and budget restraints rather than concrete actions.

Recommendations

The Advisory Committee urges the authorities to prioritise the economic revitalisation of areas where persons belonging to national minorities reside with respect to suitable infrastructure and employment opportunities, and to ensure that information on relevant public services is made readily available to communities, including in minority languages.

It further urges the authorities to prioritise the employment of Roma mediators in relevant locations to effectively promote access to education, health and social services. The dire housing conditions of many Roma must in particular be addressed without delay in order to overcome existing patterns of marginalisation and extreme poverty.

Norway

Adopted on 19 November 2015

Article 15 of the Framework Convention

Participation in public life, decision-making processes, and public administration

Present situation

The Advisory Committee notes that consultation with national minority organisations continues to take place bilaterally, as well as in the 'Contact Forum' established by the Ministry of Local Government and

Modernisation, which meets once a year to discuss issues relevant to persons belonging to national minorities. The Advisory Committee was informed, however, by independent bodies and civil society organisations that this forum is not considered very effective in advancing national minority interests. Moreover, national minorities consider their participation in decision making relating to issues of their concern very limited. Both Tater/Romani and Roma particularly resented the fact that programmes are often put in place without sufficient consultation with the minority concerned. To comply with its task to combat ethnic discrimination, the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) established the 'forum to combat ethnic discrimination'. The forum is a meeting place for state actors to exchange best practices on the fight against ethnic discrimination and racism in the public sector. The Department of Sami and Minority Affairs in the Ministry of Local Government and Modernisation is represented in the Bufdir forum together with six directorates from the welfare sector and the Equality and Anti-discrimination Ombudsperson.

The Advisory Committee notes that the 2009 Action Plan for Equality and Prevention of Ethnic Discrimination contained measures addressing the limited participation of persons belonging to ethnic minorities in public life, in central and local elected bodies, as well as in public administration and the police. Persons belonging to national minorities, including women, were not specifically targeted although potentially covered on ethnic grounds. With the exception of the Sami who are politically organised, the level of participation of minorities in public life still seems to remain low. However, no precise data is available.

The Advisory Committee reiterates its view, as expressed in its second Thematic Commentary in 2008 that political participation of minority representatives in relevant decision-making processes is crucial for their interests to be heard. It also highlights that recruitment of persons belonging to national and ethnic minorities into public administration, law enforcement bodies, and the judiciary should be promoted as a means to respond more effectively to their needs, and to attest to the government openness towards diversity in society. An increased presence of persons belonging to national minorities in police ranks may have a positive impact on the willingness of persons belonging to national minorities to address law enforcement officers when they require assistance (see also Article 6).

Recommendation

The Advisory Committee reiterates its call on the authorities to increase opportunities and enhance mechanisms for persons belonging to national minorities to participate in decision-making processes, in particular when measures targeting them are planned and implemented. Similarly, their recruitment to the administration and the police should be promoted in order to send a clear message that diversity as an integral part of the society is valued across Norway.

Effective participation in socio-economic life

Present situation

The authorities, independent bodies and representatives of national minorities were of the opinion that Tater/Romani and Roma regularly experience discriminatory attitudes in employment, housing, access to camping sites and restaurants. Although within the Tater/Romani community there are members with high qualifications and employment, there are also many others who have a lower level of education and who experience difficulties when trying to enter the labour market because of the lack of formal qualifications. While in the past there was less interest in formal education, there is now a growing interest among the group to access formal education and to benefit from mechanisms which

would certify competences and skills acquired through practice. The situation of the Roma in the labour market is even more critical and more proactive efforts conducive to facilitating access to formal education are needed. However, the Advisory Committee understands that no special measures are envisaged as regards these two minority groups. It was also informed that Roma face discriminatory attitudes when looking for housing. The Advisory Committee notes that no follow-up measure to the 2009 Action Plan of the City of Oslo has been taken in this context. The lack of data and research on this issue prevents a factual understanding of the situation and the elaboration of appropriate measures.

Recommendation

The Advisory Committee recommends that the authorities step up their efforts to facilitate access of persons belonging to the Tater/Romani and Roma minorities to employment and apprenticeship, as well as to reduce inequalities that Roma in particular experience in access to housing, including by conducting research to assess the situation.

Slovak Republic

Adopted on 19 November 2015

Article 15 of the Framework Convention

Participation in public life and decision-making processes

Present situation

National minorities continue to be represented in elected bodies at local, regional and central level, where they, among others, also promote attention to issues of concern to their communities. The Advisory Committee welcomes this as crucial for the effective participation of minority representatives in relevant decision-making processes. It notes, however, that there is only one Roma MP at central level and only one Roma regional MP which still constitutes a significant underrepresentation. While a number of parties have been created around particular minority communities, such as the Hungarian Coalition party, the Roma Coalition Party, the Roma Initiative and the Party of Roma Union, interlocutors of the Advisory Committee observe that mainstream parties, with exception of MOST-HID, only rarely appear to accommodate the views and concerns of national minority communities in their party programmes. With regard to the local elections conducted in November 2014, the Advisory Committee welcomes the decision of the Constitutional Court of September 2014 to suspend the discussion of a draft bill that made it obligatory for mayoral candidates in local elections to have completed secondary education as an unconstitutional interference with the electoral process. The draft bill was reportedly submitted with the intention to place candidates of Roma origin at a disadvantage.

The position of Deputy Prime Minister for Human Rights and National Minorities, which oversaw minority rights related issues and chaired the Consultative Council for National Minorities, was abolished in 2012 and the position of Government Plenipotentiary for National Minorities created. The appointed Plenipotentiary resigned in June 2013 however, after only one year in office, and a senior employee of the Government Office has been carrying out these functions since, given that no agreement on another candidate could be found. A consultative mechanism for national minorities, the Sub-Committee on National Minorities and Ethnic Groups (see above comments on Article 5) continues to function, under the Government Council for Human Rights, and is chaired by the Plenipotentiary, i.e., currently by a government employee. It is welcome that the members of the Sub-Committee are elected

by secret ballot rather than appointed by state officials, which promotes the genuine representation of national minority interests and concerns. National minority representatives, however, consider the organisational changes of 2012 as a demotion of their issues in the political agenda, as they have lost direct contact with a ministerial post and feel that they are less able to influence decision-making processes, including on issues that directly affect them. The Advisory Committee considers it essential for the authorities to review the position of the Plenipotentiary for National Minorities within the broader human and minority rights structure, in particular also given the recent transfer of responsibilities for the human rights agenda to the Ministry of Justice. It is key that any entity responsible for issues pertaining to minority protection has the necessary authority and weight in the Cabinet to be able to coordinate effectively governmental policy on issues pertaining to national minority protection, while representing the views and concerns of all national minorities, including the Roma.

The participation of national minorities in public administration remains disproportionately low. While the numerically larger minorities are represented at local level in the municipal administrations and other public entities, the Advisory Committee is concerned that very few Roma are employed in public administration and law enforcement at central and local level, despite the quite high number of qualified candidates. It reiterates its view that the recruitment of Roma into public administration, law enforcement, and the judiciary should be promoted as a means to better respond to the needs of Roma, such as with regard to the use of their language, as a means to attest to the government's openness towards the diversity present in Slovak society, and as a means to promote a more proportionate participation of Roma in public life. The fact that only very few Roma are formally employed in the civil service, even in areas where Roma constitute the majority of the population, strengthens stereotypes and prejudice against them, and in turn generates more reluctance to recruit them. The Advisory Committee notes in this context that the number of Roma employed by the Roma Plenipotentiary Office has significantly increased since the appointment of the current Plenipotentiary.

Recommendations

The Advisory Committee encourages the authorities to promote the adequate representation of national minorities in public life, including through measures that facilitate their engagement in broader political processes and mainstream political parties.

The Advisory Committee further calls on the authorities to review the position of the Plenipotentiary for National Minorities within the broader human rights structure, to ensure that high-level political attention is accorded to all issues pertaining to national minority protection, and that the views and concerns of all minorities are effectively considered in relevant decision-making processes.

The Advisory Committee further urges the authorities to promote the recruitment of persons belonging to national minorities, in particular Roma, into public service.

Effective participation in socio-economic life

Present situation

Persons belonging to most national minorities do not face particular obstacles in their access to employment. There are regional disparities, however, and parts of southern and south eastern Slovakia, where national minorities live in substantial numbers, experience particular stagnation in development of infrastructure and economic opportunities, leading to especially high levels of unemployment, for instance in the area of Rimavská Sobota. Unemployment among Roma remains extremely high however,

with most estimates averaging at around 80% - 90%. The limited employment opportunities that exist are found mainly in the informal sector. Considerable efforts are made by the authorities and the creation of 1400 jobs has been reported by the Government Plenipotentiary for Roma Communities. The Advisory Committee is concerned, however, about the apparent lack of understanding of the severe obstacles faced by Roma. While the Ministry of Labour and Social Welfare has developed special labour programmes targeting youth or the socially disadvantaged, there are, according to civil society representatives, no specifically designed measures to promote the employment opportunities of often long-term unemployed Roma, taking into account the multiply-layered disadvantages they face, related among others to language, education and cultural barriers, as well as continued prejudice and discrimination in the labour market (see above comments on Article 4). Recent amendments in the legislation governing social assistance appear to reflect the public view that most of the unemployed Roma are choosing to be unemployed, rather than forced by circumstance.

According to the Roma Atlas, some 47% of the Roma in Slovakia live integrated with the non-Roma population, while the majority lives in settlements located either within municipalities (12.5%), on the edges of villages (23.5%), or in segregated settlements (17%). Over 10% of Roma houses do not have access to running water, many more have water only during certain hours a day, and access to electricity is intermittent or non-existent in many settlements. Housing thus remains one of the grave concerns, having a direct impact on health, access to education, employment, and other rights. The views and concerns of Roma leaders are reportedly often not sufficiently taken into account by higher-level local authority when decisions related to the allocation of housing or provision of public utilities are made, which undermines the efficiency and practicality of results. It is particularly alarming that forced evictions continue to take place. The Advisory Committee welcomes in this context the efforts made by some municipal authorities, with the assistance of civil society organisations, as well as the Roma Plenipotentiary to promote the legalisation of settlements and thereby increase the security of tenure for inhabitants. As evident from the successful cases where Roma have been closely involved in decision-making and partially innovative approaches have been found to end ghettoization, the role of the local authorities is key in this process. Commitment is, however, lacking in many places and the support for additional construction of housing is used in some areas to boost spatial segregation of Roma, including through the construction of walls.

Inequalities in health status and access to health services for Roma persist, caused by a combination of factors such as substandard living conditions, environmental hazards, the distance of many Roma settlements from health centres as well as the costs of health services or medication even if subsidised. In addition, discriminatory attitudes among health professionals towards Roma continue to be widely reported. The engagement of civil society organisations as well as the Ministry of Health and the Office of Public Health, in cooperation with the Roma Plenipotentiary, in employing health mediators to accompany Roma when visiting health centres, must be continued. This remains particularly important for Roma women, including with regard to reproductive health issues. While increased efforts are being made to ensure the fully free and informed consent prior to any intrusive procedures, civil society representatives point to the need for sustained attention to this issue, particularly in eastern Slovakia. The Advisory Committee underlines in this context the potential role of community centres that in some instances also accommodate the provision of health services for special hours and in proximity to residential areas of Roma. It regrets though that reportedly only some 40 centres work effectively, many others having closed, and considers that efforts should be made to promote the more regular use of community centres at local level, in close consultation with Roma and civil society representatives.

Recommendations

The Advisory Committee urges the authorities to intensify co-ordination and strategic leadership to comprehensively promote access to employment for Roma. Specific vocational training, supported by adequate resources, is needed to support the long-term unemployed and measures must be closely coordinated with Roma themselves at central, regional and local level.

The Advisory Committee further urges the authorities to increase their efforts to address the housing situation of Roma living in settlements and often without legal title. Comprehensive measures must be found in close and continued consultation with Roma representatives to discontinue spatial segregation and ghettoization of Roma and promote their integration within communities.

The Advisory Committee calls on the authorities to continue and enhance their support for targeted measures to promote equal access to healthcare services by Roma, while paying due attention to the specific concerns of Roma women.

Spain

Adopted on 3 December 2014

Article 15 of the Framework Convention

Participation of Roma in public affairs

Elections were held in the Autonomous Communities of Andalusia and Catalonia in 2012 and in the Basque Country and Galicia in 2013. Otherwise, no elections have been held at any level in Spain since the Advisory Committee's previous Opinion, and it remains the case that Roma are largely under-represented in political life. According to the information available to the Advisory Committee, there are no Roma members of the national parliament or of the parliaments of the various Autonomous Communities. Furthermore, despite the inclusion of Roma candidates on some electoral tickets, very few Roma are elected at local level, even in regions where Roma reside in substantial numbers such as Andalusia.

The authorities rely extensively on Roma NGOs to propose and implement programmes designed to improve the situation of Roma, and continue to provide considerable support to such programmes. While this driving role given to Roma organisations is commendable, the Advisory Committee notes that the considerable extent to which this model is applied also carries with it some negative side-effects, not least because few NGOs are able to carry out programmes throughout Spain, meaning that it is more difficult for issues to be addressed systematically across the country and for locally successful projects to be transferred elsewhere. The extensive mobilisation of politically active Roma to work on projects and programmes aimed essentially at improving the situation of Roma also tends to confine them to the role of defending and promoting the rights of this minority and to perpetuate the lack of effective participation of Roma in public affairs more generally. In addition, the tendency to turn frequently to the same organisations in this context is a source of tensions within the Roma community.

The Advisory Committee notes with interest that the State Council for the Roma People continues to function as an advisory body composed of equal numbers of Roma representatives and of representatives of the State administration, having as its main purpose to foster the participation of

Roma civil society in policy development and in the promotion of equal opportunities for and equal treatment of Roma. Its terms of reference allow it inter alia to provide advice on policies, projects and legislation affecting Roma, to propose measures to improve the situation and to make suggestions as to the use of funds in this field. A standing committee and working groups on education, employment, health, housing, culture and (in a single working group) social action, equality and non-discrimination and the European agenda have been set up. The Advisory Committee welcomes these mechanisms, in particular as they are intended to facilitate the participation of Roma in the design of programmes of direct interest to them. However, it regrets that the Council and its working groups rarely meet, making opportunities for meaningful dialogue scarce, and that consultations on key policy documents such as the Operational Plan for the Social Inclusion of Roma People 2014-2016 were conducted essentially in writing, on the basis of proposals drawn up by the government. The Advisory Committee notes that these weaknesses in the functioning of the Council and its working groups limit their effectiveness as consultation mechanisms and in particular limit their capacity to influence policy-making.

The Advisory Committee recalls the questions of principle raised in its Third Opinion regarding the selection procedure for non-governmental members of the Council: despite a transparent procedure involving public calls for tender from NGOs and clear selection criteria, it is the State administration, rather than Roma themselves, that decides which Roma organisations may sit on the Council. In essence, this means that the government can choose the Roma organisations with which it wishes to work in this context. The Advisory Committee regrets that the appointments procedure in place does not preserve the appearance of independence of the Council, which may in the long term weaken its credibility vis-à-vis the Roma community. In addition, it is important that the authorities maintain contact with a broad range of Roma NGOs, including associations that are not members of the Council.

The Advisory Committee notes with interest the creation of a regional Roma Council in Castile-La Mancha, in addition to similar bodies already existing at regional level in the Autonomous Communities of the Basque Country, Catalonia and Extremadura and at municipal level in Barcelona. It again emphasises the important role that such bodies can play, in particular bearing in mind that in Spain many competencies that have a direct impact on the situation of the Roma (for example competencies in key fields such as education, housing and health) are attributed to authorities at regional or local level.

Recommendations

In addition to promoting the participation of Roma in appointed bodies, the Advisory Committee again calls on the authorities actively to promote the effective participation of Roma in elected bodies at all levels, for example by promoting the reflection of the diversity of society in the lists of candidates of political parties.

The Advisory Committee invites the authorities to continue supporting the work of the State Council for the Roma People and to strengthen this support as necessary in order to increase the effectiveness of this body. In particular, the authorities should ensure that the Council and its working groups meet regularly and that they are regularly and effectively consulted on all matters of concern to the Roma. At the same time, the authorities should ensure that the diversity of the Roma movement in Spain is fully reflected in the Council and that communication is maintained with organisations that are not part of the Council.

The Advisory Committee recommends that the authorities promote wherever appropriate the establishment of effective consultative bodies between the authorities at local and regional levels and the Roma, in order to ensure that Roma are able to participate meaningfully in decision-making on issues of concern to them at all relevant levels.

Participation of Roma in socio-economic life: employment

The Advisory Committee welcomes the continued implementation of long-term programmes to improve access of persons belonging to disadvantaged groups, including the Roma, to the labour market. It welcomes in particular the success of programmes such as the *Acceder* 2007-2013 programme, co-funded by the European Social Fund and numerous national and regional public administrations, and implemented by the Fundación Secretariado Gitano in Autonomous Communities. Cited as an example of best practice in Europe, this programme, which aims to assist mainly unemployed and unskilled Roma in receiving professional training in line with the demands of the labour market and gaining entry into the labour market, has benefited over 50 000 beneficiaries, thousands of whom received employment contracts in the relevant period. The Advisory Committee notes with interest that there has been a gradual increase in the proportion of Roma women participating in this programme, showing both increased interest from Roma women in accessing the labour market and that positive measures may usefully support this process. The programme also works to encourage employers to employ Roma in their workforce. The Advisory Committee strongly hopes that the conclusion in October 2014 of a new partnership agreement between the European Social Fund and Spain for the 2014-2020 period will enable such successes to be consolidated, and emphasises the importance of ensuring not only initial access to employment but also durability of employment. It welcomes the conclusion of the National Youth Guarantee System, designed to promote youth employment, in July 2014, and notes that this may be of particular relevance to Roma, among whom the youth unemployment rate is very high (see below). It also notes with interest the relevance to Roma women of programmes such as the CLARA programme, aimed at increasing the employability of women at risk of social exclusion, and the SARA programme, run by the Spanish Red Cross and CEPAIM, aimed at assisting migrant women (including migrant Roma women) to participate and integrate fully in Spanish society, including the labour market.

The Advisory Committee is concerned that in spite of these efforts, unemployment remains very high among Roma. According to 2011 figures, only 38.6% of Roma were in salaried employment (conferring labour rights and the right to social protection), compared with 83.6% of the majority population. Prejudice and discrimination on the part of employers result also in numerous cases in which Roma are refused access to employment on the grounds of their ethnicity. As a result, a disproportionate number of Roma are employed in a family business (26%, compared with 0.8% of the population as a whole). The low level of initial qualifications of many Roma makes them particularly vulnerable as regards both access to the labour market and the risk of loss of job. The economic crisis has hit hard across the Spanish population as a whole, tripling the overall unemployment rate; nonetheless, the unemployment rate of Roma remains disproportionately high, at 42% – 17% higher than that of the majority population. As regards the access to employment of young Roma, the Advisory Committee notes with deep concern that 43.3% of Roma aged between 15 and 19 years and 48.5% of Roma between 20 and 24 neither study nor work.

Against this overall background, many previously salaried Roma workers have been forced back into “traditional” jobs such as scrap and metal collecting and itinerant trade – in the latter case, an area to which many other workers having lost their jobs are also increasingly turning, resulting in heightened competition in this market. In parallel, moreover, increasingly strict regulations introduced to transpose

EU directives in these areas make it more and more difficult for Roma both to fulfil the legal requirements for these activities and to make an adequate living from them. The Advisory Committee is concerned that the implementation of these regulations will aggravate the already precarious position of Roma in the labour market and may result in many Roma families losing their source of income.

Recommendations

The Advisory Committee invites the authorities to continue and strengthen their policies to promote the equal access of Roma to the labour market, and to include such policies as a high priority in the implementation of the 2014-2020 partnership agreement between the European Social Fund and Spain. Such policies should be based on a thorough evaluation of policies already implemented and should also include measures designed to ensure the sustainability of employment.

It strongly encourages the authorities to ensure that measures taken as part of the National Youth Guarantee System are available and accessible to young Roma and to monitor continuously the implementation of these measures in order to adapt them as necessary to ensure that they achieve the aim of reducing unemployment among young Roma.

The Advisory Committee calls on the authorities to ensure that the manner in which EU directives on itinerant trade and waste collection are implemented does not result in Roma families losing their source of income. The authorities should ensure in particular that effective measures to accompany the workers affected by the transition and to assist them to comply with the new regulations are in place and accessible to Roma.

Participation of Roma in socio-economic life: housing

The Advisory Committee welcomes the fact that the percentage of Roma living in substandard housing has significantly dropped over the past decades, from 31% in 1991 to approximately 12% in 2007. However, as these figures show and despite the considerable progress made, a large number of Roma continue to be faced with inadequate housing conditions. The Advisory Committee welcomes the fact that the improvement of housing conditions of Roma is one of the priority areas tackled in the National Roma Integration Strategy. It notes that complementary priorities are being pursued in this field: the eradication of slums and access to quality housing and accommodation.

The Advisory Committee welcomes the holistic approach taken in resettlement projects such as the IRIS rehousing project in the Autonomous Community of Madrid, seeking to ensure not only that an adequate home is provided, but also family and residential community support. It also welcomes the continuing co-operation between the authorities of Andalusia and Sevilla and a wide range of NGOs in order to improve the living conditions in the notoriously run-down Polígono Sur district of Seville, including the part of this district mostly inhabited by Roma ("*las 3000 viviendas*"). Bearing in mind that the Spanish Constitution attributes competence in housing matters to the Autonomous Communities, the Advisory Committee underlines the particular importance of sharing good practices in this field.

The Advisory Committee is concerned that cuts made to housing support payments, notably in response to the economic crisis, have reduced the access of Roma to such support. It is also concerned at reports that families whose income is generated essentially in the informal employment sector – a reality that concerns increasing numbers of Roma families due to spiralling unemployment rates (see above) – face particular difficulties in accessing social housing, since they are generally unable to demonstrate that they have the minimum income required to apply. As regards access to private-sector housing, the

Advisory Committee has again received reports of discrimination against Roma in this field, especially against non-Spanish Roma (see also above, comments with respect to Article 4). Moreover, it is concerned at reports that Roma are increasingly facing evictions. In the light of these developments, the Advisory Committee considers that up-to-date data on the situation of Roma with regard to housing is needed, and welcomes information that work on an up-to-date map of access to housing is currently being carried out.

Recommendations

The Advisory Committee encourages the authorities to pursue their efforts to eradicate slums and promote the integration of the Roma families concerned in mainstream, non-segregated housing. It encourages them in particular to encourage the sharing of good practices between Autonomous Communities and ensure that long-term, comprehensive social support is provided to families affected by resettlements.

The authorities should also review the changes made to public housing support mechanisms in the light of their impact on the most vulnerable groups in this field, with a view to ensuring that those persons most exposed to poverty, including some Roma, are not deprived of access to adequate housing.

Participation of Roma in socio-economic life: health

The Advisory Committee notes with concern that foreign Roma are amongst the groups most affected in Spanish society by poverty and, in part as a consequence of this, most exposed to risk factors for health. The Advisory Committee is deeply concerned that health reforms rolled out in the context of austerity measures, reducing access to the public health system and excluding undocumented migrants from access to free primary health care, have had a particularly negative effect on the access to health care and the health status of foreign Roma, even though many local authorities and health professionals reportedly continue to provide health care in practice. It welcomes the fact that some Autonomous Communities have decided not to apply these reforms but to maintain universal health care.

Recommendation

The Advisory Committee urges the authorities to ensure that health care reforms are not implemented in such a way as to have a disproportionate effect on vulnerable groups, including foreign Roma.

In addition to promoting the participation of Roma in appointed bodies, the Advisory Committee again calls on the authorities actively to promote the effective participation of Roma in elected bodies at all levels, for example by promoting the reflection of the diversity of society in the lists of candidates of political parties.

The Advisory Committee invites the authorities to continue supporting the work of the State Council for the Roma People and to strengthen this support as necessary in order to increase the effectiveness of this body. In particular, the authorities should ensure that the Council and its working groups meet regularly and that they are regularly and effectively consulted on all matters of concern to the Roma. At the same time, the authorities should ensure that the diversity of the Roma movement in Spain is fully reflected in the Council and that communication is maintained with organisations that are not part of the Council.

The Advisory Committee recommends that the authorities promote wherever appropriate the establishment of effective consultative bodies between the authorities at local and regional levels and

the Roma, in order to ensure that Roma are able to participate meaningfully in decision-making on issues of concern to them at all relevant levels.

Participation of Roma in socio-economic life: employment

The Advisory Committee welcomes the continued implementation of long-term programmes to improve access of persons belonging to disadvantaged groups, including the Roma, to the labour market. It welcomes in particular the success of programmes such as the *Acceder* 2007-2013 programme, co-funded by the European Social Fund and numerous national and regional public administrations, and implemented by the Fundación Secretariado Gitano in 14 Autonomous Communities. Cited as an example of best practice in Europe, this programme, which aims to assist mainly unemployed and unskilled Roma in receiving professional training in line with the demands of the labour market and gaining entry into the labour market, has benefited over 50 000 beneficiaries, thousands of whom received employment contracts in the relevant period. The Advisory Committee notes with interest that there has been a gradual increase in the proportion of Roma women participating in this programme, showing both increased interest from Roma women in accessing the labour market and that positive measures may usefully support this process. The programme also works to encourage employers to employ Roma in their workforce. The Advisory Committee strongly hopes that the conclusion in October 2014 of a new partnership agreement between the European Social Fund and Spain for the 2014-2020 period will enable such successes to be consolidated, and emphasises the importance of ensuring not only initial access to employment but also durability of employment. It welcomes the conclusion of the National Youth Guarantee System, designed to promote youth employment, in July 2014, and notes that this may be of particular relevance to Roma, among whom the youth unemployment rate is very high (see below). It also notes with interest the relevance to Roma women of programmes such as the CLARA programme, aimed at increasing the employability of women at risk of social exclusion, and the SARA programme, run by the Spanish Red Cross and CEPAIM, aimed at assisting migrant women (including migrant Roma women) to participate and integrate fully in Spanish society, including the labour market.

The Advisory Committee is concerned that in spite of these efforts, unemployment remains very high among Roma. According to 2011 figures, only 38.6% of Roma were in salaried employment (conferring labour rights and the right to social protection), compared with 83.6% of the majority population. Prejudice and discrimination on the part of employers result also in numerous cases in which Roma are refused access to employment on the grounds of their ethnicity. As a result, a disproportionate number of Roma are employed in a family business (26%, compared with 0.8% of the population as a whole). The low level of initial qualifications of many Roma makes them particularly vulnerable as regards both access to the labour market and the risk of loss of job. The economic crisis has hit hard across the Spanish population as a whole, tripling the overall unemployment rate; nonetheless, the unemployment rate of Roma remains disproportionately high, at 42% – 17% higher than that of the majority population. As regards the access to employment of young Roma, the Advisory Committee notes with deep concern that 43.3% of Roma aged between 15 and 19 years and 48.5% of Roma between 20 and 24 neither study nor work.

Against this overall background, many previously salaried Roma workers have been forced back into “traditional” jobs such as scrap and metal collecting and itinerant trade – in the latter case, an area to which many other workers having lost their jobs are also increasingly turning, resulting in heightened competition in this market. In parallel, moreover, increasingly strict regulations introduced to transpose

EU directives in these areas make it more and more difficult for Roma both to fulfil the legal requirements for these activities and to make an adequate living from them. The Advisory Committee is concerned that the implementation of these regulations will aggravate the already precarious position of Roma in the labour market and may result in many Roma families losing their source of income.

Recommendations

The Advisory Committee invites the authorities to continue and strengthen their policies to promote the equal access of Roma to the labour market, and to include such policies as a high priority in the implementation of the 2014-2020 partnership agreement between the European Social Fund and Spain. Such policies should be based on a thorough evaluation of policies already implemented and should also include measures designed to ensure the sustainability of employment.

It strongly encourages the authorities to ensure that measures taken as part of the National Youth Guarantee System are available and accessible to young Roma and to monitor continuously the implementation of these measures in order to adapt them as necessary to ensure that they achieve the aim of reducing unemployment among young Roma.

The Advisory Committee calls on the authorities to ensure that the manner in which EU directives on itinerant trade and waste collection are implemented does not result in Roma families losing their source of income. The authorities should ensure in particular that effective measures to accompany the workers affected by the transition and to assist them to comply with the new regulations are in place and accessible to Roma.

*“The former Yugoslav Republic of Macedonia”
Adopted on 24 February 2016*

Article 15 of the Framework Convention

Participation in elected bodies and decision-making processes

Present situation

As a result of the consociational set-up of the state (see Article 4), the four main political parties continue to be established along ethnic lines, which ensures that the two main ethnic communities are represented both in the government coalition and in the opposition. Persons belonging to the Turkish, Serb, Bosniak and Roma minorities have also organised themselves in smaller ethnic political parties. In order for them to enter Parliament and play a role in decision making, however, they must align themselves with one of the main political parties, which reduces their negotiating power. According to the representatives of the numerically smaller minorities, an electoral system based on a single electoral district would be more favourable for their representation in Parliament than the current system. Overall, minority representatives report that there is little sense of political participation within their communities, with some representatives even making reference to pressures felt ahead of the June 2016 elections to either disengage from politics or support the governing coalition. While welcoming the fact that voter information material is provided in minority languages and efforts are made to promote their participation in the elections, the Advisory Committee is concerned by the limited trust expressed within the various minority communities in a genuinely democratic election process that is based on the

equality of votes. It notes in particular the acknowledged need to update the voter lists ahead of the elections, which currently contain 1.7 million registered voters with an overall population of just over 2 million, as well as allegations regarding a pattern of manipulation of votes from persons belonging to the Roma minorities.

The Advisory Committee further notes concerns expressed by the representatives of numerically smaller communities that they have been excluded not only from the participatory process leading to and established by the OFA, but that they have equally not been consulted in the ongoing OFA implementation review process. It welcomes in this context the creation of the participatory forum in 2011 at the initiative of the Agency for the Exercise of Community Rights. It is made up of 35 members from the various communities as well as representatives from relevant government bodies, and is highly welcome by representatives of the numerically smaller communities, as the only institutional channel through which they can voice their concerns or views about issues of interest to them. The Advisory Committee notes, however, that the forum only functions as an advisory body, without its own budget and without clear competencies, thereby lacking the power to influence effectively the relevant decision-making processes. In fact, its recommendations appear to be simply acknowledged without being relayed to relevant ministries and without a senior-level government body ensuring that follow-up is co-ordinated at central and local levels.

At the local level, the Advisory Committee welcomes that national minorities continue to be relatively well represented. The Roma minority, for instance, has one member in the local council of eight municipalities and there is one municipality where nine of 16 councillors are Roma representatives. Persons belonging to national minorities are further supposed to be represented through the Commissions for Inter-Community Relations that are meant to be established in line with the OFA in all municipalities where communities constitute at least 20% of the population. Some 22 municipalities are thus legally required to establish such Commissions and an additional 17 have voluntarily decided to do so, which is highly welcome. The Commissions are envisaged to serve as consultative mechanisms and thereby promote interethnic dialogue. The Advisory Committee regrets, however, to have received unanimous reports from civil society and minority representatives that these Commissions, similar to the Gender Equality Commissions that are also supposed to be set up at the local level, are often not functional and, given their lack of clear competencies and a budget, do not have any impact on relevant decision-making processes. In addition, the process of appointing members to these Committees is reportedly often instrumentalised for political purposes, thereby thwarting its important aim of ensuring that the concerns of minority communities are effectively taken into account before relevant decisions are made.

Recommendations

The Advisory Committee calls on the authorities to take all necessary measures to ensure that persons belonging to national minorities have an effective and equal opportunity to take part in electoral processes at all levels.

It further calls on them to clarify the mandate and competencies of the participatory forum and to ensure that the views and concerns of minority representatives at central and local levels are effectively taken into account by senior government officials in all relevant decision-making processes.

Functioning platforms must be established at local level to ensure that minority representatives, including those belonging to numerically smaller minorities, have an effective opportunity to participate

in relevant decision making. Efforts should further be made to strengthen the inter-community related mechanisms at local level, including the Commissions.

Representation in civil service and administration

Present situation

The number of persons belonging to national minorities employed in civil service and public administration has gradually continued to increase over the years. While *equitable* representation in terms of the proportions of the various groups according to the 2002 census has not been reached, updated figures presented in the Annual Report of the Ombudsman of 2014 show that the numbers of persons belonging to the Albanian, Turkish and Romani minorities have particularly increased. Overall, the presence of women representatives of national minorities is much lower than the representation of men. It is of concern to the Advisory Committee that the underlying aim of promoting effective participation and representation of minority communities in public institutions appears not to have been furthered in the process. According to unanimous reports of international, civil society and minority representatives, many of the individuals who were recruited by the OFA Secretariat based on Annual Plans for equitable representation developed in each Ministry have yet to be placed in public institutions. According to the Secretariat itself, 30% of its employees are at home pending placement, yet in receipt of salaries, while it is widely estimated that the actual number is higher, reaching up to some 50,000 individuals according to interlocutors of the Advisory Committee. When in service, some of the civil servants recruited according to the OFA are reportedly placed either in separate parts of buildings or even in entirely different locations. This means there is no interaction between civil servants and no genuine inclusion or participation.

The Advisory Committee is concerned by the resentment this situation causes on all sides. It leads to minority representatives being viewed as “lazy” and unwilling to work while the employees themselves would wish to contribute with their abilities and skills but feel excluded and manipulated. In addition, it leads to an inflated and inefficient public administration, which is viewed by some interlocutors of the Advisory Committee as susceptible to political manipulation. At the same time, persons belonging to numerically smaller minorities reportedly continue to claim affiliation with one of the larger communities in order to be hired, according to the OFA, as public service still offers a very attractive employment given the overall bleak labour market situation. The Advisory Committee notes plans according to which the recruitment of all public servants, irrespective of their ethnic background, will be taken over by the Ministry of Information Society and Administration as of 2016. It welcomes this development as an effort to promote transparency and accountability in the recruitment process which is to be based on merit and is to prioritise the recruitment and promotion of persons belonging to national minorities in order to ensure that they are effectively represented in public service at all levels. It considers further that the change in the procedure will only be effective if accompanied by targeted training and awareness-raising activities to ensure that the value and objectives of equitable representation are adequately understood by decision makers as well as throughout the civil service.

The Advisory Committee welcomes reports that the number of persons belonging to all national minorities in the police, both uniformed and within administration, has reportedly increased over the years, as this may contribute to the development of more trust within minority communities in the police. It is further welcome that national minorities continue to be relatively well represented in public administration at local level. In some cases, however, civil servants appear to be hired in particular for the purpose of addressing the situation of a specific minority or minorities in general, which, while

appropriately making use of their specific linguistic and other abilities, should not be viewed as the main area where persons belonging to national minorities can be suitably employed.

Recommendation

The Advisory Committee urges the authorities to ensure that the aim of equitable representation in public administration is implemented genuinely and persons belonging to all national minorities are recruited through a merit-based system and according to actual requirements, so as to ensure that they can effectively contribute to the functioning of an ethnically diverse public administration.

Effective participation in socio-economic life

Present situation

While there has been some economic recovery, the employment situation overall is still serious. The official unemployment rate stands at around 30%, Eastern areas of the country being especially underdeveloped from an infrastructure point of view. Women generally are particularly affected and, as a result, drawn into the informal labour market. While persons belonging to other national minorities do not report particular obstacles in their access to employment, the Advisory Committee observes with concern that the employment situation amongst Roma communities remains grave with the unemployment rate estimated to be around 70%. It notes in particular that only some 1,750 persons belonging to the Roma minority are registered as active employment seekers with the Employment Agency and thus benefit from the yearly operative plan adopted by the Ministry of Labour and Social Policy to promote their integration into the labour market. According to minority representatives, many Roma have not been clearly informed about the conditions and consequences of registering as an active or passive employment-seeker, as a result of which quite a number of persons have been de-registered without their knowledge and have lost their social benefits as a result. Moreover, it is of deep concern to the Advisory Committee that the vast majority of Roma remains without registration with the Employment Agency and thus without social welfare benefits, yet no comprehensive strategy appears to have been developed to promote their registration.

The Advisory Committee further learned that following changes to the Law on Social Welfare in 2015, persons who receive over 7,000 Macedonian Dinar per year (roughly 110 EUR) from another source must report that income and return the welfare benefits they have received. Roma representatives feel that they are particularly targeted with this new provision, as many of them can only get by with international money transfers from family living abroad. Moreover, the Ministry of Labour and Social Policy decided to apply this provision retroactively to 2014 which is contrary to Article 52(4) of the Constitution, according to which laws and other regulations may have a retroactive effect only if it is favourable for the citizens.

Housing further continues to remain very problematic for many Roma. Following the welcome adoption in 2011 of the Law on the Treatment of Illegally Constructed Buildings, which paved the way for the legalisation of over 200,000 properties in the country, over 1,500 applications have been submitted from persons belonging to the Roma community, often with the support of legal aid centres. The Advisory Committee welcomes the decision in 2014 to render the issuance of official papers from the cadastral office free of charge for social welfare recipients, which has facilitated the legalisation process for many Roma. While in some municipalities such as Gostivar and Kochani, a reported 90% of legalisation applications from Roma have been duly processed, the situation in other municipalities remains uncertain as, overall, only some 25% of the legalisation cases have been completed. The

situation of some 2,500 Roma (400 – 600 families) in the Sredorek settlement of Kumanovo is particularly problematic. As the land is identified as green area in the urban plan, a special consent by the municipal council is required in order to move forward with the legalisation requests. Over 200 fully completed applications for legalisation have reportedly been pending since 2011 without the municipal council even having discussed the issue. The Advisory Committee welcomes reports that the Ministry of Transport, following the intervention of the National Roma Centrum, requested the municipality at the end of December 2015 to provide information within five days on the procedure and measures taken with regard to the outstanding applications. No action had been taken, however, until the adoption of this Opinion.

The Advisory Committee further notes with deep concern that the living conditions in many of the Roma dwellings remain sub-standard, without safe drinking water or sanitation facilities. Many families are either not connected to utilities or not able to pay for these basic services. According to minority and civil society representatives, Roma are moreover often very poorly informed about their rights and the relevant procedures relating to their housing situation, including their property status, which makes them particularly vulnerable to discrimination, abuse and exposes them to the risk of eviction.

The Advisory Committee welcomes important steps that have been taken to promote access to health for socially and economically marginalised groups, among them many Roma. Ante-natal care has become accessible free of charge for social welfare recipients, for instance. Roma remain particularly disadvantaged, however, since there are few doctors available in proximity to the settlements and the costs involved for the transport to and from doctors or hospitals are often too high. In addition, Roma report that they have been refused medical care by some doctors or have received inadequate and negligent treatment inferior to that provided to other patients. The Advisory Committee is pleased to note the intervention by the Ombudsperson in a number of cases where, in particular, Roma appear to have been charged for services that should be provided without cost, or were not released from hospital before the treatment had been paid for. Repeated requests for the services of an obstetrician to be made available to the approximately 8,000 women of reproductive age living in Šuto Orizari were responded to at the end of 2015. The Ministry of Health has facilitated three weekly visits of practitioners from the University clinic for gynaecology. Concerns remain, however, as they reportedly do not provide full health services, and do not prescribe medications or make referrals to health care at the secondary or tertiary levels. According to minority representatives, the unsatisfactory situation regarding access to basic health services is the main reason for their need for foreign money transfers, which however, following the legislative changes in 2015 (see above), now put their badly needed social welfare benefits at risk.

Recommendations

The Advisory Committee urges the authorities to intensify their efforts towards the comprehensive registration of all Roma with the Employment Agency, in order to ensure that they can effectively benefit from employment promotion measures and receive social welfare payments. The amendments to the 2015 Social Welfare Law must not be applied retroactively to 2014 and their impact on economically extremely disadvantaged groups should be re-evaluated without delay.

It further urges them to promote the implementation at local level of laws and regulations intended for the benefit of citizens, such as related to property legalisation, and to ensure that Roma are not discriminated against in the delivery of services, in particular regarding health.

United Kingdom
Adopted on 25 May 2016

Article 15 of the Framework Convention

Participation in public life, decision-making processes and public administration

Present situation

The Advisory Committee notes that representation of national and ethnic minorities in public life has improved, but continues to be low at both UK and local levels. According to the state report, ethnic minorities recruited in the public service numbered 9.6% in 2013 (compared with 5.7% in 1997); however, their presence has decreased at the senior level (from 4.8% in 2011 to 3.8% in 2013). To improve the situation, measures to help the career progress of persons belonging to minorities have been put in place. In Northern Ireland, sectarianism seems to marginalise Black and ethnic minority voters or potential candidates for office, and their presence in public service amounts to 0.2%. No specific training for leadership or similar measures appears to be in place to help improve the situation.

Participation in the decision-making process through consultative bodies varies among the nations, but overall appears to remain rather unstructured. The Advisory Committee notes that the All-Party Parliamentary Group on Islamophobia was re-established in Parliament in 2011, and the cross-Government Working Group on Anti-Muslim Hatred was created in 2012. In Scotland the authorities give precedence to informal dialogue with ethnic communities and expressed no intention of establishing more formal consultative bodies. The Wales Race Forum was established to help the Welsh Executive understand the key issues and barriers facing Black and ethnic minority communities and to enable it to engage on a regular basis.

The Advisory Committee notes that Gypsy, Traveller and Roma participation in public life is almost non-existent. Mechanisms to consult them are either no longer functioning, such as the Ministerial Working Group on tackling inequalities experienced by Gypsies and Travellers, or are considered inefficient by the minority's representatives, as is the case with the Liaison group with NGOs at DCLG, which lacks participation of Roma representatives. Gypsy, Traveller and Roma presence in public service is very limited, and often also social and welfare officers do not belong to the minority. In Wales three times per year Gypsy, Traveller and Roma associations lead a forum with the Executive, the police and other stakeholders. The Travelling Ahead Project ensures young Gypsies and Travellers are better able to participate in decision making.

The Advisory Committee observes that sustained efforts have been deployed across the UK to increase national and ethnic minorities' presence in the police, which has currently improved to 5.5%. Further positive action consists in targeting these groups to participate in general or dedicated programmes to integrate the police ranks, including at leadership level; this has begun to achieve outcomes. Interlocutors of the Advisory Committee also indicated good practice examples, such as the association of officers belonging to minorities in London's Metropolitan Police or the Gypsy Roma Traveller Police Association. Despite improvement, however, one of the most relevant barriers continues to be knowledge of the English language. Efforts are also needed to increase national and ethnic minorities' presence in the police in Northern Ireland, where it stands at 0.54%. The Police Service of Northern Ireland (PSNI) seems committed to encouraging applications from under-represented groups and to establishing an Ethnic Minority Police Association in its Equality, Diversity and Good Relations Strategy.

The Advisory Committee reiterates its view, as expressed in its 2008 thematic commentary, that political participation of minority representatives in relevant decision-making processes is crucial for their interests to be heard; permanent consultative and advisory mechanisms can promote this aim. It also highlights the point that recruitment of persons belonging to national and ethnic minorities into public administration, law enforcement and the judiciary should be promoted as a means to better respond to their needs and to attest to the government's openness to diversity in society. An enhanced presence in police ranks may have a positive impact on the willingness of persons belonging to national minorities to address law enforcement when they require assistance (see also Article 6).

Devolution

The devolution process has continued, and relations between the devolved executives and the UK Cabinet are in general considered good, although differences among nations remain. The Memorandum of Understanding (2012) is considered adequate and a good basis for co-operation, and no dispute mechanisms have been invoked during the reporting period. The recent review of the Memorandum has been welcomed by representatives of the Executives. The Joint Committee has been reconstituted and is expected to address pertinent issues. Issues of concern include differences in administrative cultures and adaptation to new administrative procedures. There is a desire for enhancement of the civil services; staff exchanges have been suggested as a mode of improvement. The Scottish referendum process was considered fair, and post-referendum negotiations have been smooth. The Draft Scotland Bill (2015), which provides additional powers, is expected to pass in both the Scottish and the UK parliaments. Negotiations on the Welsh Draft Bill came to a halt because of disagreement on its potential withdrawal of powers and for not paralleling the Scotland Bill, but they are expected to resume soon.

The Advisory Committee notes that an agreement has been reached between the UK Government, Cornwall Council and the Isles of Scilly Local Enterprise Partnership to decentralise a number of tasks and responsibilities to the Cornwall authorities. The so-called Devolution Deal (2015) aims to empower local authorities in sectors such as public transport, employment and skills, EU funding, business, energy, health and social care, public estate and heritage, and governance. No fiscal powers are transferred, and all delegated tasks are to be arranged by prior agreement with the UK Government. Moreover, the deal does not delegate tasks or powers in the areas of education and language revitalisation, the two most important issues to the Cornish people, according to the Advisory Committee's interlocutors. The Advisory Committee understands that these issues were discussed but agreement was not reached. In spite of its title, it is questionable if the agreement devolves any independent powers to the Cornwall Council. The Advisory Committee realises that it is a first step, but it urges the UK Government to continue the process, especially by expanding the deal to include education and language revitalisation.

Recommendations

The Advisory Committee reiterates its call to the authorities to enhance opportunities for persons belonging to national and ethnic minorities to participate in public affairs, and this should include measures that facilitate their engagement in broader political processes and mainstream political parties. Similarly, their recruitment into public service, in particular the police at central and local levels, should be promoted to send a clear message that diversity is valued across the UK.

The UK Government should continue the good dialogue with the three devolved administrations and ensure that negotiations progress in a transparent and democratic manner. It should establish

permanent ongoing dialogue with Cornwall Council and the Cornish people through consultative and advisory mechanisms.

Effective participation in socio-economic life

Present situation

The authorities indicated that, in 2014, the employment rate of national and ethnic minorities was 61.4%, which is the highest since records began in 2001, and represents an increase of 20% during the period under examination. Nonetheless, they also acknowledged that barriers, such as language barriers, discrimination and low participation in apprenticeships, still affect ethnic minorities' unemployment, which was 11.3% as compared to 6.2% of the overall population. Black Africans (18.3%) have the highest unemployment rate, while Pakistanis and Bangladeshis have low-skilled jobs, in contrast to Indians, who work in the highest skilled professions. The Advisory Committee also understands from interlocutors that improved educational attainment does not automatically translate into higher employment rates for certain ethnic groups and, even when they do, there is still a "glass ceiling" effect so that it is more difficult for persons belonging to national and ethnic minorities to reach leadership roles. This lack of leadership role model is held in turn to impact Black youth's opportunities. The Advisory Committee also observes the authorities' awareness of the need to improve minorities' employment, as exemplified by the 20% target, addressing in particular young Black men and Pakistani and Bangladeshi women in the UK Government's Vision 2020. Programmes such as Jobcentre Plus, Work Programme and the Apprenticeship Grant for Employers aim at the same goal. In Scotland, there seems to be a similar pattern, where progress in education and apprenticeship by persons belonging to minorities does not translate into better jobs.

The Advisory Committee understands from its interlocutors that Gypsies, Travellers and Roma still experience exclusion from many different aspects of political, social and economic life. In particular, the employment situation of Gypsies and Travellers has deteriorated and shows big discrepancies with the rest of society. Taking into consideration the traditional occupations of these minorities, their situation also worsened as a consequence of the Scrap Metal Dealers Act 2013, which introduced the administratively burdensome obligation to apply to each local authority and pay a fee to carry out the activity. While the aim of the Act was to reduce metal thefts, Gypsies and Travellers' representatives argued that it affects them disproportionately, in particular because of the fact that they work across different local authorities. The UK Government indicated that the legislation was under review. The Advisory Committee also observes the authorities' awareness of the serious health inequalities experienced by Gypsies and Travellers who continue to suffer from poor health, difficult access to health services and lower life expectancy across the country. A recent study commissioned by the authorities demonstrated widely the link between poor health conditions and inadequate and insecure campsite availability.

All across the UK, and considering they are mostly EU citizens, Roma experience a different kind of discrimination in employment, being mainly employed in low-paid and precarious work due to low qualifications and poor literacy in the English language. The Advisory Committee notes that Roma also face discrimination in housing, in particular overcrowding and a disproportionately high proportion renting in the private sector, although this is not always perceived as seriously problematic by Roma themselves, who need low housing costs as a consequence of being in low-paid and precarious jobs. Access to welfare and health services is more problematic, although positive steps have been taken (dedicated social welfare officers, entry point for services), for example in Northern Ireland, following serious public health concerns. Nonetheless, the Advisory Committee is very concerned by reports of

increasing numbers of Roma children taken into foster care in England, which would be often the consequence of destitution and poor quality housing. Social services departments claim that their interventions occur on the ground of parental neglect, thereby demonstrating the high cost and impact on these communities of the inequalities experienced. The Advisory Committee also understands from first-hand experience that Roma families opt to leave the country rather than face such a risk.

Recommendations

The Advisory Committee calls on the authorities to intensify targeted initiatives to maximise the participation of persons belonging to national and ethnic minorities in employment, training and career progression, in line with the Vision 2020 targets, and to allocate sufficient funds.

It also reiterates its call on the authorities to step up efforts to reduce inequalities experienced by Gypsies, Travellers and Roma in social and economic life, specifically implementing measures in close co-operation with those communities' representatives to prevent discrimination in employment and housing, health inequalities and inadequate social services interventions that result in undue taking of children into foster care.