



Strasbourg, 18 September 2017

Working document

Compilation of Opinions of the Advisory Committee relating to Article 17 of the Framework
Convention for the Protection of National Minorities (4th cycle)

"Article 17

- 1 The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.
- 2 The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels."

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 7 opinions on Article 20, of which 7 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.

Croatia

Adopted on 18 March 2015

Articles 17 and 18 of the Framework Convention

Bilateral co-operation

Present situation

The Advisory Committee welcomes the existence of a number of bilateral agreements with other states that further co-operation in particular in the fields of culture and education. It notes with regret, however, that in the wake of the crossing of refugees through Croatia in the second half of 2015 (see comments on Article 6) disputes erupted with neighbouring states leading to the temporary closure of borders. The Advisory Committee is in particular concerned about the fact that the events were accompanied by nationalist rhetoric that could negatively affect inter-ethnic relations within Croatia.

Recommendation

The Advisory Committee calls on the authorities to maintain a spirit of good neighbourly relations and promote close co-operation within the region on a variety of issues pertaining to minority protection, not limited to education and culture.

Cyprus

Adopted on 18 March 2015

Articles 17 and 18 of the Framework Convention

Bilateral cooperation

Present situation

The Advisory Committee welcomes the close contacts that the representatives of the various groups maintain with cultural and educational establishments in countries where kin-communities reside, in particular Lebanon, and notes the benefits of using some of the more advanced education material available there in respective schools in Cyprus, particularly in view of the remaining budget restrictions.

Recommendation

The Advisory Committee encourages the authorities to support the contacts of minority representatives with neighbouring countries and consider ways to increase cooperation in particular for the benefit of new cultural and language learning initiatives in Cyprus.

Fourth cycle – Art 17

Denmark

Adopted on 20 May 2014

Articles 17 and 18 of the Framework Convention

Bilateral agreements and promotion of trans-frontier co-operation

The Advisory Committee recalls the crucial importance and success of the Copenhagen-Bonn Declarations of 1955 that have been a cornerstone for developing the rights of persons belonging to the German minority in Denmark and the Danish minority in Germany. These declarations, which can be rightfully perceived as models for amicable and peaceful solutions to minority problems and which have contributed to the development of fruitful relations in the border region, have been tested by the passage of time.

The system of protection of German minority rights in Denmark and Danish minority rights in Germany has evolved over the years to depend on “kin”-state funding. The Advisory Committee wishes nonetheless to recall that the protection of national minorities’ rights in any state is primarily a responsibility of that state and not of the “kin”-state.

The trans-frontier co-operation and free contacts across the Danish-German border contribute constantly to the Danish-German relations. The Advisory Committee wishes to underline the importance of consulting with representatives of the German minority when such trans-frontier co-operation projects are planned and implemented (see related comments above under Article 5).

Recommendation

The Advisory Committee invites the authorities to ensure the effective participation of the German minority when designing and implementing cross-border projects.

Hungary

Adopted on 25 February 2016

Article 17 of the Framework Convention

Transfrontier co-operation

Present situation

The Advisory Committee notes that joint minority consultative committees have been established on the basis of bilateral treaties and cultural agreements with Croatia, Romania, Serbia, the Slovak Republic, Slovenia and Ukraine to act as fora for discussing issues affecting minorities on both sides of the border. Information on inclusion of representatives of national minority self-governments in the respective Hungarian delegations is particularly welcome. The Advisory Committee notes with interest that the protocols of the meetings are transferred to the central authorities and become the basis for national action plans. The Advisory Committee wishes nonetheless to recall, in that respect, that the protection of national minority rights in any state is primarily a responsibility of that state and in no case should be dependent on the condition of bilateral relations with neighbouring countries.

Recommendation

The Advisory Committee encourages the authorities to implement the existing bilateral agreements in the spirit of good neighbourliness, friendly relations and co-operation between states, without prejudice of multilateral fora and standards.

Moldova, Republic of
Adopted on 25 May 2016

Articles 17 and 18 of the Framework Convention

Bilateral co-operation

Present situation

The Advisory Committee is pleased to note the existence of co-operation agreements on a variety of issues and in a spirit of good neighbourly relations with a number of countries such as Bulgaria and Romania, as well as at the inter-regional level. There is substantial co-operation particularly in the educational field, involving the exchange of teachers and professors, as well as regarding opportunities for scholarships (see Article 14). The Advisory Committee reminds the authorities, however, that the responsibility to protect minority rights, as part of general human rights, lies primarily with the state in which the minority resides. The accessibility of viable options for tertiary education for persons belonging to national minorities, for instance, may therefore not be made dependent on the diplomatic relations with neighbouring countries but must be addressed domestically. In addition, the Advisory Committee considers that national minority representatives should be consulted on issues concerning them with respect to such co-operation activities, in an effort to identify practical solutions to some of the remaining challenges through the enhanced development of people-to-people contacts across borders and the active facilitation of linkages between neighbouring societies.

Recommendation

The Advisory Committee encourages the authorities to pursue their efforts to promote good relations within the region and to enhance in particular the effective participation of persons belonging to national minorities in the development and implementation of relevant co-operation agreements.

Norway
Adopted on 13 October 2016

Articles 17 and 18 of the Framework Convention

Bilateral co-operation

Present situation

The Advisory Committee is pleased to note the existence of a variety of co-operation agreements aimed at promoting cultural co-operation and understanding between Norway and its neighbouring countries (for example, the Norwegian-Finnish Cultural Fund, the Finnish-

Norwegian Arctic Partnership). The Advisory Committee also welcomes the cross border co-operation involving persons belonging to the Kven minority organised by the Kvenland Association (*Kvenlandsforbundet*) with persons belonging to minorities in Norway, Sweden and Finland. Co-operation between the Kvens and the Torne Valley Finns in Sweden (also named Meänkieli) is particularly developed due to strong historical links and parallels in culture and language. Cultural co-operation in term of projects, festivals and contacts between the Kvens in Norway and minorities in neighbouring countries also expanded covering Norway, Sweden, Finland, the Baltic states and the Republic of Karelia in Russia.

Recommendation

The Advisory Committee encourages the authorities to pursue their efforts to promote good relations within the region by enhancing the effective participation of persons belonging to national minorities in the development and implementation of relevant co-operation agreements and by supporting cross-border initiatives between national minorities.

“The former Yugoslav Republic of Macedonia”

Adopted on 24 February 2016

Articles 17 and 18 of the Framework Convention

Bilateral and regional co-operation

Present situation

A number of bilateral agreements with neighbouring and other states exist, that further co-operation on issues pertaining to national minority protection, in particular in the fields of culture and education. The Advisory Committee notes with regret that the transit of high numbers of refugees through the country led to several instances of temporary closures of the border in late 2015 and early 2016, as well as to a practice of selectively allowing only refugees from some countries of origin to enter the country. In February 2016, a fence is being constructed to seal off the border with Greece, creating a blockage for thousands of individuals, including children. While aware of the considerable pressures involved, including from member States of the European Union, the Advisory Committee recalls the “former Yugoslav Republic of Macedonia’s” obligations towards human rights and refugees in line with international and regional instruments.

Recommendation

The Advisory Committee calls on the authorities to maintain a spirit of good neighbourly relations and promote close co-operation and co-ordination within the region on a variety of issues pertaining to minority protection, not limited to education and culture.