

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 23 May 2016

ACFC/MR(2016)001

55th meeting
Strasbourg, 22-26 February 2016
Council of Europe – Agora building
Room G04

MEETING REPORT

Item 1: Opening of the meeting

1. The Advisory Committee on the Framework Convention for the Protection of National Minorities held its 55th meeting from 22 to 26 February 2016 in Strasbourg. Mr Francesco Palermo, President of the Advisory Committee, opened the meeting and warmly welcomed the members of the Committee.

Item 2: Adoption of the agenda

2. The annotated agenda, as reproduced in Annex II, was adopted.

Item 3: Approval of the report of the 54th meeting of the Advisory Committee

3. Having examined the report of its 54th meeting, the Advisory Committee adopted the final text of the report as reproduced in document ACFC/MR(2015)003.

Item 4: Examination of draft Opinions and their adoption

4. The Committee examined the draft 4th cycle Opinion on **“the former Yugoslav Republic of Macedonia”**. During the plenary session on 24 February 2016, it decided, in the light of the final version of the draft Opinion on “the former Yugoslav Republic of Macedonia”, to vote on the text.

5. The voting was organised in accordance with Rule 34 of the Committee’s Rules of Procedure, stipulating that Opinions should be adopted by a majority of ordinary Committee members, as well as with Rule 34 of Resolution (97) 10, to the effect that “Additional members shall sit in an advisory capacity; they shall not have the right to take part in a possible vote. The same shall apply to ordinary members regarding the report of the Party in respect of which they have been elected to the List”.

6. The 4th cycle Opinion on “the former Yugoslav Republic of Macedonia” was adopted unanimously.

7. The Committee examined the draft 4th cycle Opinion on **Finland**. During the plenary session on 24 February 2016, it decided, in the light of the final version of the draft Opinion on Finland, to vote on the text.

8. The voting was organised in accordance with Rule 34 of the Committee’s Rules of Procedure, stipulating that Opinions should be adopted by a majority of ordinary Committee members.

9. The 4th cycle Opinion on Finland was adopted unanimously.

10. The Committee examined the draft 4th cycle Opinion on **Hungary**. During the plenary session on 25 February 2016, it decided, in the light of the final version of the draft Opinion on Hungary, to vote on the text.

11. The voting was organised in accordance with Rule 34 of the Committee’s Rules of Procedure, stipulating that Opinions should be adopted by a majority of ordinary Committee members, as well as with Rule 34 of Resolution (97) 10, to the effect that “Additional members shall sit in an advisory capacity; they shall not have the right to take part in a possible vote. The same shall apply to ordinary members regarding the report of the Party in respect of which they have been elected to the List”.

12. The 4th cycle Opinion on Hungary was adopted unanimously.

Item 5: Exchange of views with the Commissioner for Human Rights

13. The Advisory Committee held an exchange of views with Mr Nils Muižnieks, the Council of Europe Commissioner for Human Rights who was accompanied by Ms Françoise Kempf.

14. The Commissioner provided an overview of his engagements which are relevant to the work of the Advisory Committee, such as his recently published commentary on the situation of Travellers, past visits to Georgia and the United Kingdom, and forthcoming ones to Ukraine and Turkey. On Ukraine, he underlined that minorities' issues are prone to become more relevant in Crimea. Taking into account the forthcoming visit of the Advisory Committee to the United Kingdom, Mr Muižnieks shared some impressions from his own visit. In particular, he noted how the human rights debate plays out differently in the various parts of the country, with it being more complex in Northern Ireland and England, and smoother in Scotland. The Commissioner also indicated that one of the focuses of his visit was the proposal to replace the Human Rights Act with a British Human Rights Bill, but that he will not express his voice until the national consultation is launched, most probably after the referendum about EU membership. Finally, he considered that the current debate on migrants in the United Kingdom could have a negative impact on long-settled minorities and the situation could get worse closer to the referendum. More generally, he expressed the opinion that the migrant crisis has the potential of flaring up tensions with national minorities in Europe. In his forthcoming guidelines, the Commissioner aims to deal with refugee integration and how it can relate to the groups already present on the ground.

15. Some proposals for strengthening co-operation were identified:

- the Commissioner is to encourage ratification of the FCNM during country visits, when appropriate;
- to engage in a dialogue on mutually relevant issues;
- and to foster inter-Secretariat co-operation and exchange of information in the context of country visits.

16. The Advisory Committee welcomed this exchange of views and together with the Commissioner for Human Rights, agreed to co-operate further and to hold further exchanges in the future.

Item 6: Thematic commentary on the scope of application of the FCNM

17. The working group presented the results of the external consultation held in Vienna on 4 February 2016 with partner international organisations, academics, independent experts and representatives of national minorities. The draft text was overall very well received and endorsed as a well-argued and convincing effort of explaining the Advisory Committee's flexible approach to the scope of application that was developed over its four cycles of monitoring. Its message of focusing on access to rights on an article-by-article basis rather than status was further considered highly timely and important in the current European context. It was suggested that the draft Commentary may in some parts benefit from a shortening of the text, while other aspects required more clarification to underline the very specific and important role of the Framework Convention in the broader human rights protection system. Representatives of national minorities emphasised the importance of ensuring that established minority rights protection mechanisms do not regress in the current context of increasingly diverse societies. The working group presented its ideas of how these suggestions would be taken into account in the draft text.

18. The Advisory Committee proceeded with a round-table of additional observations and suggestions for amendments in the plenary. It was decided that the Secretariat will send the revised

draft containing the various additional comments received before the end of April, in view of adopting the Commentary in two readings during the Advisory Committee's next plenary in May 2016. The Advisory Committee will send any ideas regarding the launch of the commentary during the autumn session in 2016, on 10 October, to the Secretariat.

Item 7: Recent and future developments

19. The Advisory Committee was informed of recent developments linked to the Framework Convention since the previous meeting concerning the status of receipt of State Reports, country visits, opinions published, submission of government comments, resolutions adopted as well as events in which the ACFC and/or Secretariat members have participated.

20. The Advisory Committee decided to continue the practice initiated at the 54th meeting, to have a road map for the preparation of the forthcoming Opinions on Armenia, the Republic of Moldova and the United Kingdom for the plenary session to be held in May 2016:

United Kingdom

7-11 March: visit

21 March: outline per article (bullet points)

1 May: final draft to working group (WG)

13 May: final draft to the Advisory Committee (ACFC)

Moldova, Republic of

14-18 March visit

1 April: key points for all relevant articles

22 April: Article-by-article findings (comments from WG end of April)

6 May: final draft to the WG

13 May: final draft to the ACFC

Armenia

4-8 April: visit

14 April: key points for all relevant articles

4 May: final draft to the WG

13 May: final draft to the ACFC

21. The Advisory Committee also took note of the invitation received from the Presidential Palace signed by Mr Pandelis Pandelides of the Secretariat to the President of the Republic of Cyprus transmitted via Mr Yiannis Chrysostomis to organise a conference in Cyprus in 2016. After a discussion taking into account several factors, it was decided that it would be favourable to have the meeting in Spring 2017 during the Cyprus Chairmanship of the Committee of Ministers and that this meeting would also be an ideal opportunity to cover the 4th cycle follow-up procedure which would be highly appreciated by the Advisory Committee.

22. At the invitation of Prof. JUDr. Jan Kuklí, DrSc. Dean, Faculty of Law, Charles University, it was decided to organise a follow-up event in Prague at the end of 2016, after the adoption by the Committee of Ministers' draft Resolution on the Czech Republic. The morning session will be devoted to the presentation of the ACFC Opinion and recommendations to the authorities and the representatives of minority associations. The afternoon session will focus on a specific theme (to be identified).

23. The same model of event will be organised in Bratislava after the adoption by the Committee of Ministers of the draft Resolution on the Slovak Republic.

Item 8: Dates of next meetings

24. The dates for the following meetings were confirmed as follows:

55th plenary session: 22-26 February 2016

56th plenary session: 23-27 May 2016

57th plenary session: 10-14 October 2016.

ANNEX I - LIST OF PARTICIPANTS

Advisory Committee for the Protection of National Minorities

Mr Francesco PALERMO (Italy) – *President*
Ms Petra ROTER (Slovenia) - *First Vice-President*
Ms Ivana JELIĆ (Montenegro) - *Second Vice-President*
Mr Eero J. AARNIO (Finland)
Mr Reinis ĀBOLTIŅŠ (Latvia)
Ms Arzu AGHDASI-SISAN (Azerbaijan)
Mr Neven ANĐELIĆ (Bosnia and Herzegovina)
Mr Grigor BADIRYAN (Armenia)
Ms Brigitta BUSCH (Austria)
Mr Yiannis CHRYSOSTOMIS (Cyprus)
Ms Emilia DRUMEVA (Bulgaria)
Ms Helena HOFMANNOVÁ (Czech Republic)
Mr Tomáš HRUSTIČ (Slovak Republic)
Ms Tove H. MALLOY (Denmark)
Ms Tatjana MURAVJOVA (Estonia)
Mr Craig OLIPHANT (United Kingdom)
Mr Valery OVCHINNIKOV (Russian Federation)
Ms Carmen SANTIAGO REYES (Spain)

Additional members of the Advisory Committee

Ms Melina GRIZO (“The former Yugoslav Republic of Macedonia”)
Ms Erzsébet SZALAYNÉ SÁNDOR (Hungary)

Invited guests

Mr Nils MUIŽNIEKS, Council of Europe Commissioner for Human Rights
Ms Françoise Kempf, Office of the Commissioner for Human Rights

Council of Europe

Ms Maria OCHOA-LLIDO, Head of Anti-discrimination and Social Cohesion Department

Secretariat

Ms Michèle AKIP, Head of Secretariat
Mr Krzysztof ZYMAN, Administrator
Ms Charlotte ALTENHÖNER-DION, Administrator
Ms Gisella GORI, Administrator
Ms Nicola MARKES, Documentalist
Ms Danijela GERDIJAN, Assistant
Mr Anthony ISKENDERIAN, Assistant

Interpreters

Mr Luke TILDEN
Mr Nicolas GUITTONNEAU
Ms Isabelle MARCHINI

ANNEX II - ANNOTATED AGENDA

Opening of the meeting

Adoption of the agenda

Approval of the 54th meeting of the Advisory Committee

Examination of draft Opinions and their adoption

Exchange of views with the Commission for Human Rights

Thematic commentary on the scope of application of the FCNM

Recent and future developments

Dates of the next meeting