

Advisory Committee on the Framework Convention for the Protection of National Minorities



**Tenth activity report
covering the period
from 1 June 2014
to 31 May 2016**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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French edition:
*Comité consultatif de la Convention-cadre
pour la protection des minorités nationales*

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Foreword by the President of the Advisory Committee on the Framework Convention for the Protection of National Minorities

During the past two years, the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) continued to strive for the effective guarantee of the human rights of persons belonging to national minorities across Europe.

The 4th monitoring cycle of the implementation of the Framework Convention for the Protection of National Minorities (the Framework Convention) is well under way and the ACFC acknowledges the institutional, legislative, and policy-making progress achieved in many states parties between June 2014 and May 2016. At the same time, however, it is also aware that the protection of minorities faces new challenges due to the increasing complexity and diversity of our societies, coupled with global phenomena such as migration flows, the economic crisis and growing insecurity.

During my mandate as President, the ACFC was confronted with a new reality where the protection of minorities is less visible, and thereby more subtle and difficult to implement, but even more pivotal in the present societal context. While legislation protecting the rights of persons belonging to national minorities has generally become more advanced than in the past, the challenge lies in its implementation. This is a challenge that, in the view of the ACFC, should be embraced by society as a whole: only integrated and inclusive societies where diversity is embedded, valued and lived can ensure the effective protection of minority rights.

New challenges and new forms of discrimination are also emerging and the Framework Convention as a living instrument evolves and adjusts to these challenges and new contexts. From hostile narratives in the media to structural discrimination, from unprecedented migration flows to new forms of self-identification and multiple identities, from a trend to relegate the expression of minority culture as folklore to the growing awareness of the intrinsic diversity of European societies, the Framework Convention is there to provide the frame and design possible solutions. As successful as it has been in its first 20 years of existence, it will continue to fulfil its role as a tremendous tool to manage diversity in a changing and ever more diverse Europe: because the protection of the rights of persons belonging to minorities is a process that is renewed continuously and can never be considered as fully achieved.

*Francesco Palermo
President of the ACFC (2014-2016)*



Introduction

The Framework Convention for the Protection of National Minorities (Framework Convention), which came into force on 1 February 1998, continues to remain the most comprehensive treaty designed to protect the rights of persons belonging to national minorities. States party to the Framework Convention assume a legal obligation to promote the full and effective equality of persons belonging to minorities in all areas of economic, social, political and cultural life together with the conditions that will allow them to express, preserve and develop their culture and identity.

Some 39 states are currently party to this treaty and a special monitoring agreement related to Kosovo* was signed with the United Nations Interim Administration Mission in Kosovo (UNMIK) in 2004. Four Council of Europe member states have not signed this treaty and four member states have signed but not yet ratified it.¹

The implementation of the Framework Convention is monitored by the Committee of Ministers, with the assistance of the independent ACFC. The monitoring procedure consists of a series of stages – submission of the state report by the authorities concerned, a country visit, adoption by the ACFC of its opinion, transmission of government comments, publication of the opinion and comments and adoption by the Committee of Ministers of a politically binding resolution. Set up in 1998 and composed of 18 independent experts appointed by the Committee of Ministers, the ACFC is specifically entrusted with monitoring that the rights contained in the Framework Convention in the various fields of relevance for persons belonging to national minorities are adequately implemented by all states parties.

This tenth activity report offers an overview of developments relating to the Framework Convention and the work of the ACFC between 1 June 2014 and 31 May 2016. It also provides a welcome opportunity to reflect on the major trends and challenges for minority protection in Europe today. All documents and information relevant to the two-year period covered by this report can be found at www.coe.int/minorities.

* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

1. The Framework Convention for the Protection of National Minorities was adopted by the Council of Europe in 1995 and entered into force in 1998. It has been ratified by Albania, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Malta, the Republic of Moldova, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, San Marino, Serbia, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, “the former Yugoslav Republic of Macedonia”, Ukraine and the United Kingdom. Four member states of the Council of Europe – Belgium, Greece, Iceland and Luxembourg – have also signed but not yet ratified it. Andorra, France, Monaco and Turkey have not signed the Convention.

Part I

Trends and challenges for minority protection in Europe

In Europe the issue of minority rights and their protection is as relevant and important today as when the Framework Convention was adopted. More than 20 years ago, at a time when political systems collapsed and several borders were re-defined, the Framework Convention was born out of the awareness that protecting and respecting the rights of persons belonging to national minorities was vital to ensure democracy, peace and security. Today, its relevance lies in its capacity to assist states parties in managing diversity, a task which has become more complex across our continent over the years.

Over the past two years, the ACFC has continued to play its role in the monitoring of the level of protection guaranteed to national minorities across Europe. As in previous years, the ACFC welcomed in its opinions the efforts carried out by states parties to bring domestic legislation and policies in line with the principles of the Framework Convention. It commended the enactment of numerous national minority laws and it showed appreciation for the creation of mechanisms designed to create a forum for dialogue and facilitate consultations with national minorities on matters of concern to them.

Alongside these positive developments, however, the ACFC continued to note in its opinions, and to witness during its visits, worrying developments threatening the peaceful enjoyment of their rights by persons belonging to national minorities. As underlined by the Secretary General of the Council of Europe in his 2016 Annual Report on the State of Democracy, Human Rights, and the Rule of Law in Europe,² one such trend is the rise in racist, xenophobic and extremist discourse in Europe in recent years, including in the political sphere. Other prominent voices in Europe also observed this trend.³

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2. State of Democracy, Human Rights and the Rule of Law in Europe, an Imperative for Security, report by the Secretary General of the Council of Europe 2016, www.coe.int/en/web/portal/-/thorbj-rn-jagland-europe-s-human-rights-and-security-at-risk-through-populist-nationalism.
 3. Council of Europe Human Rights Commissioner, Annual Activity Report 2015, www.wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2908210&ecMode=1&DocId=2369708&Usage=2, and EU Fundamental Rights Agency Annual Report 2014, Fundamental Rights and Achievement in 2014, www.fra.europa.eu/en/publications-and-resources/publications/annual-reports/fundamental-rights-2014.

Analysts believe that this trend is fed by the intensification of enhanced migration flows, the ongoing economic crisis and rising political instability, leading to anti-immigrant rhetoric, particularly by extremist parties, with a spillover to settled minorities. In certain countries, irresponsible media either fuel or exacerbate this trend.

The challenge for states parties is how to preserve and nurture unity in diversity: how can they promote integrated and inclusive societies, while at the same time protecting diversity and supporting individuals to affirm their different ethnic, linguistic, cultural and religious identities? Policies should be developed aimed at promoting understanding and mutual respect amongst citizens, and encouraging active participation of all in political, social and cultural life, including by the establishment and the empowerment of consultation mechanisms. Among these policies, integration strategies play a relevant role and while targeting (recent and less recent) migrant communities, they should also embrace minorities, so as to address the underlying issue of managing diversity and complexity in society. This is a precondition for effective enjoyment of minority rights and thus for stability and democracy. It is also vital that the authorities engage actively in breaking down stereotypes and reframing debates in the media to dispel narratives which only heighten any “anti-other” sentiment.

During its visits, the ACFC observed a second trend: the polarisation of societies along ethnic and linguistic lines. This polarisation appears in different forms, embodied in parallel education systems or in the instrumentalisation of languages to nurture (new) divides in society. It appears on different occasions: it may surface in, for instance, access to welfare, where minorities are disproportionately affected by austerity measures. In general, matters related to the allocation of public resources are very sensitive to political instrumentalisation and persons belonging to national minorities tend to be particularly vulnerable when tensions escalate.

For states, striking a balance between what is necessary in economic terms and what is necessary in terms of fulfilling the needs and rights of persons belonging to national minorities, is certainly no easy task. When resources are strained, they need to find a fair balance between budget cuts and the provision of resources to ensure greater equality and compliance with the goals of the Framework Convention. In doing so, consideration must be given to the fact that costs of providing rights, such as the use of minority languages in public life, for teaching in and the training of future teachers of minority languages, are often offset by the hidden, long-term costs to society of denying recognition to the identity of persons belonging to national minorities. Likewise, economic hardship should be handled with a heightened sense of solidarity in a society that embraces all members rather than branding scapegoats, feeding fear, and consolidating divisions. In addition, special attention needs to be paid to the situation of women and girls belonging to national minorities, as the risk of multiple discrimination is real.

Finally, the ACFC remains deeply concerned that in spite of a number of national, international and other initiatives, the situation of disadvantage of the Roma persists throughout the continent. Notwithstanding states parties’ efforts and achievements, the Roma’s equal and effective participation in political and socio-economic life remains elusive across Europe. Discrimination and segregation in education,

employment and housing are still pervasive and states parties should increase their efforts to offset them. The ACFC considers that the underlying challenge continues to be how to bring about a profound and radical change in mentality to overcome the long- and widely held perception, built up over centuries, of the Roma as outsiders.

However great the challenges above are, the ACFC remains convinced that the non-respect of minority rights, and human rights in general, comes at the cost of diminished democratic security in Europe. On the contrary, states parties should engage to embed these rights into the legal, political and social structure of their nations, in order to build open, inclusive, and secure societies. The ACFC is committed to continue contributing to this aspiration.



Part II

Country-specific monitoring by the ACFC

The monitoring procedure set up under the Framework Convention requires each state party to submit a first report within one year of entry into force of the Convention and, thereafter, a report every five years. Having examined the state report and visited the country in order to gather further information during meetings with the government, minority representatives and other stakeholders, the ACFC adopts its opinion on the implementation of the Convention in the country. The opinion is forwarded to the authorities concerned, who provide their comments on the ACFC's findings. The opinion is published upon its receipt by the government, or four months later together with the latter's comments. Based on the ACFC's opinion, the Committee of Ministers adopts a resolution, containing conclusions and recommendations in respect of the state concerned (see flow chart in Appendix 4).

In the two years covered by the present report, the ACFC received 15 reports and adopted 17 opinions during a total of six plenary meetings. Members of the ACFC's working groups took part in 15 visits to states parties. In addition, one follow-up activity was organised in close partnership with the authorities concerned. Over the same period, the Committee of Ministers adopted a resolution in respect of 15 states parties to the Framework Convention. These resolutions completed the monitoring cycles in respect of almost all the countries having submitted their state reports prior to 1 June 2014.

State reports

Between 1 June 2014 and 31 May 2016, the ACFC received a total of 15 state reports, commencing a new monitoring cycle in each case. The outline of fourth-cycle state reports, which the Committee of Ministers approved in April 2013, invited states parties to report, in particular, on the implementation of the recommendations, as well as any relevant development in minority protection.

4th monitoring cycle

- ▶ Ukraine, in May 2016
- ▶ UNMIK/Kosovo (Progress Report), in March 2016
- ▶ Romania, in February 2016
- ▶ Austria, in January 2016
- ▶ Norway, in July 2015
- ▶ Republic of Moldova, in June 2015

- ▶ Hungary, in March 2015
- ▶ United Kingdom, in March 2015
- ▶ San Marino, in March 2015
- ▶ Finland, in January 2015
- ▶ Armenia, in December 2014
- ▶ Croatia, in September 2014
- ▶ Czech Republic, in July 2014
- ▶ “The former Yugoslav Republic of Macedonia”, in July 2014
- ▶ Malta, in June 2014

The ACFC is still awaiting seven out of 10 fourth-cycle state reports:

- ▶ Albania, due in January 2016
- ▶ Bulgaria, due in September 2015
- ▶ Bosnia and Herzegovina, due in September 2015
- ▶ Ireland, due in September 2015
- ▶ Switzerland, due in February 2015
- ▶ Russian Federation, due in December 2014
- ▶ Slovenia, due in July 2014

The ACFC welcomes the fact that state reports are generally very thorough and informative. It also appreciates the fact that in many states parties, civil society stakeholders – national minority organisations, human rights NGOs, etc. – are widely involved in the preparatory and drafting process. It considers the shadow reports produced by civil society, when applicable, very useful to gain an overall picture of the national situation.

Nonetheless, the ACFC regrets to understand from civil society stakeholders that sometimes their views are not retained in part or in full in the final version of the report. It also invites those states parties that are not yet following the best practice of an inclusive approach as regards civil society to consider applying it in the next monitoring cycle. Finally, the ACFC is seriously concerned by the fact that not all states parties submit their report within the time frame expected by the Framework Convention, as demonstrated by the figures above. As a result, substantial delays accumulated with fourth-cycle state reports, which will have repercussions on the following stages of the monitoring process. The ACFC invites states parties to endeavour to submit reports within the expected time frame to allow the completion of a monitoring cycle in an orderly and coherent manner. The ACFC remains available to the states parties for training on the preparation of state reports.

Country visits

Between 1 June 2014 and 31 May 2016, delegations of the ACFC carried out 15 visits and, with respect to Portugal, held one meeting in Strasbourg as part of its regular monitoring procedure:

4th monitoring cycle

- ▶ Armenia, in April 2016
- ▶ United Kingdom, in March 2016
- ▶ Republic of Moldova, in March 2016
- ▶ Hungary, in December 2015
- ▶ “The former Yugoslav Republic of Macedonia”, in December 2015
- ▶ Finland, in October 2015
- ▶ Croatia, in July 2015
- ▶ Italy, in June/July 2015
- ▶ Czech Republic, in April 2015
- ▶ Germany, in January 2015
- ▶ Cyprus, in December 2014
- ▶ Estonia, in November 2014
- ▶ Slovak Republic, in September 2014
- ▶ Spain, in July 2014

3rd monitoring cycle

- ▶ Portugal, in September 2014 (meeting of the working group in Strasbourg)

2nd monitoring cycle

- ▶ Georgia, in March 2015

As of now, country visits have become practice and form an indispensable part of the monitoring process. They allow the ACFC to build on the state report and acquire a better understanding of the situation in the country, by meeting with government officials at central and regional level, representatives of parliament and relevant institutions including ombudsmen, as well as civil society organisations and minority representatives. Visits are not only the occasion to collect additional and updated information on the country situation, but they also offer the possibility to engage with stakeholders in the field and establish a dialogue which goes beyond the time frame of the visit itself. To this end, the ACFC regularly endeavours to visit not only the capital city of the state in question to meet with government and other stakeholders, but also areas populated by minorities to evaluate the situation of national minorities on the ground.

Country-specific opinions

Between 1 June 2014 and 31 May 2016, the ACFC adopted a total of 17 opinions:

4th monitoring cycle

- ▶ Armenia, in May 2016
- ▶ United Kingdom, in May 2016
- ▶ Republic of Moldova, in May 2016

- ▶ Finland, in February 2016
- ▶ Hungary, in February 2016
- ▶ “The former Yugoslav Republic of Macedonia”, in February 2016
- ▶ Croatia, in November 2015
- ▶ San Marino, in November 2015
- ▶ Italy, in November 2015
- ▶ Czech Republic, in November 2015
- ▶ Cyprus, in March 2015
- ▶ Estonia, in March 2015
- ▶ Germany, in March 2015
- ▶ Slovak Republic, in December 2014
- ▶ Spain, in December 2014

3rd monitoring cycle

- ▶ Portugal, in December 2014

2nd monitoring cycle

- ▶ Georgia, in June 2015

In its fourth cycle, the ACFC is maintaining the practice of formulating two sets of recommendations: three to five recommendations for immediate action, and a longer set of further recommendations. This arrangement aims at signalling to the state party where the priority for action should lie. In its monitoring process, the ACFC keeps track of measures implemented as a result of its recommendations and adapts its language to express progressive urgency in cases where a recommendation is repeatedly not followed up.

Resolutions of the Committee of Ministers

Between 1 June 2014 and 31 May 2016, the Committee of Ministers adopted a total of 15 resolutions:

4th monitoring cycle

- ▶ Cyprus, in May 2016
- ▶ Slovak Republic, in April 2016
- ▶ Germany, in February 2016
- ▶ Denmark, in July 2015
- ▶ Liechtenstein, in April 2015

3rd monitoring cycle

- ▶ Portugal, in May 2016
- ▶ Serbia, in July 2015
- ▶ Bosnia and Herzegovina, in May 2015

- ▶ Poland, in March 2015
- ▶ Azerbaijan, in January 2015
- ▶ UNMIK/Kosovo, in November 2014
- ▶ Malta, in July 2014

2nd monitoring cycle

- ▶ Montenegro, in March 2015
- ▶ Latvia, in July 2014

1st monitoring cycle

- ▶ Georgia, in June 2014

The adoption of a resolution by the Committee of Ministers formally completes the monitoring process and it is closely based on the opinion formulated by the ACFC. For this reason, it must be read in combination with the opinion in view of the implementation by the states parties of the recommendations. The ACFC values its constructive working relations with the Committee of Ministers' Rapporteur Group on Human Rights (GR-H) configuration, which continues to endorse and support the findings of the monitoring process. In 2014-2016, as in the previous biennium, a considerable number of resolutions were adopted, thereby closing one monitoring cycle and opening the next.

A fruitful dialogue has been established between the ACFC and the Committee of Ministers, which is recognised by both parties. The GR-H invites the President of the ACFC to its meetings twice per year to present country-specific opinions and express views and concerns on related developments. These meetings facilitate a direct assessment of how the opinions are perceived by states parties, and also provide an opportunity to exchange information regularly on non-country specific issues of special importance to the Framework Convention and its monitoring mechanism. They also add a multilateral dimension to the process, thus transcending the scope of bilateral or interstate relations which in the past has sometimes resulted in insufficient protection of minority rights, and tensions.

In February 2014, and again in March 2015, the ACFC invited the Chairman of the Committee of Ministers' Rapporteur Group on Human Rights (GR-H) to an exchange of views during the ACFC's plenary meeting. This occasion provided an opportunity for the ACFC as a whole to discuss ways of improving mutual understanding and speeding up the monitoring process.

In parallel to its country-by-country monitoring activities, the ACFC has continued to pursue its thematic work through the elaboration of a commentary on the scope of application of the Framework Convention (see further below, Chapter IV). This text is intended to complement the thematic work already done in the 2006 Commentary on education under the Framework Convention, the 2008 Commentary on the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs and the 2012 Commentary on the language rights of persons belonging to national minorities under the Framework Convention.

The ACFC

At its 51st meeting in December 2014, the ACFC elected a new Bureau: Mr Francesco Palermo (member in respect of Italy) as President (acting President as of 1 June 2014), Ms Petra Roter (member in respect of Slovenia) as First Vice-President and Ms Ivana Jelić (member in respect of Montenegro) as Second Vice-President.

The ACFC works as a collegial body and its output, in particular its opinions and thematic commentaries, adopted at its plenary sessions, are the outcome of extensive discussions and exchanges. As noted in the ACFC's previous activity report, following the Parliamentary Assembly meeting in April 2012 on the selection processes of experts of the monitoring mechanisms, the ACFC underlined that in line with the provisions of the Framework Convention and Committee of Ministers' Resolution(97)10, independence, impartiality, experience and expertise on minority issues are preconditions for the appointment as an ACFC member. In addition, it is beneficial if a variety of expertise, ranging from the legal field and political science to history and anthropological and linguistic studies is represented in the Committee. Persons belonging to minority and majority communities, those with experience in academia, civil society or previous government positions, serve in the Committee and contribute to its knowledge base. Proficiency in at least one of the Council of Europe's official languages (English and French) is a prerequisite for serving on the Committee and other factors such as gender balance within the Committee may also need to be considered. These considerations need to be consistently taken into account in the selection of candidates and elections to the list of experts eligible to serve on the ACFC.

The ACFC also welcomes the election of a number of candidates to the list of additional members of the ACFC in the period covered by the present activity report. This allows the ACFC to draw from the experiences and expertise developed in all member states and to examine the implementation of the Framework Convention in all states in a composition which includes the independent expert member appointed in respect of the state party concerned.

Part III

Transparency of the process and dialogue

Publicity of the ACFC's opinions

Between 1 June 2014 and 31 May 2016, a total of 14 ACFC opinions were made public:

4th monitoring cycle

- ▶ Croatia, in May 2016
- ▶ San Marino, in April 2016
- ▶ Cyprus, in November 2015
- ▶ Germany, in October 2015
- ▶ Estonia, in October 2015
- ▶ Slovak Republic, in June 2015
- ▶ Spain, in June 2015
- ▶ Denmark, in January 2015
- ▶ Liechtenstein, in December 2014

3rd monitoring cycle

- ▶ Portugal, in June 2015
- ▶ Lithuania, in October 2014
- ▶ Bulgaria, in July 2014
- ▶ Serbia, in June 2014

2nd monitoring cycle

- ▶ Georgia, in January 2016

As noted in previous activity reports, a major procedural improvement was adopted in 2009:⁴ the ACFC's opinion can now automatically be published four months after it has been sent to the state party concerned, irrespective of whether the Committee of Ministers has adopted the respective resolution. States may also publish it immediately

4. CM/Res(2009)3 of 16 April 2009 amending Resolution(97)10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the Protection of National Minorities.

(and indeed are encouraged to do so). The ACFC regrets that so far no states parties have chosen to publish the ACFC's opinion immediately upon receipt. As far as the Committee is aware, during the period under review, no state party has translated the opinion into the official language(s) of the country, or into minority languages, which would contribute to a wider dissemination and a better understanding of the implementation of the Framework Convention by the persons belonging to minorities and the public at large. This is an important means of promoting dialogue at domestic level on the implementation of minority rights.

States parties have the opportunity to submit their written comments on the ACFC opinion within four months of the transmission of the opinion. The government comments are an important part of the monitoring process as they represent the continuation of the dialogue undertaken with the authorities during the visit. They provide answers to the ACFC's findings and point out factual changes which have occurred meanwhile, and address any other issue of relevance in connection with the opinion. The opinion and the comments of the government are made public simultaneously to ensure transparency. The timely publication of opinions and government comments ensures that the findings and recommendations are not outdated at the moment of their publication and allows the authorities to start working on the implementation of the recommendations quickly.

Importance of follow-up activities

Between 1 June 2014 and 31 May 2016, one follow-up event was held:

3rd monitoring cycle

- ▶ Ireland, in November 2015

The ACFC considers the monitoring mechanism as an open-ended process where each step builds on the previous ones in a continuum between cycles aimed at positively improving the situation for minorities on the ground. In this perspective the organisation of follow-up dialogues is an important step in the process since it allows reducing the gap between formal cycles. The ACFC has always encouraged states parties to organise follow-up activities, which usually consist of one- to two-day conferences, gathering minority representatives, national and local authorities, experts and civil society organisations. The added value of these meetings is a better understanding of the Committee of Ministers' recommendations, reflecting on possible arrangements and/or obstacles to implement them, enhancing dialogue with all stakeholders, and providing the ACFC with updated information. Furthermore, they can provide a unique opportunity for joint activities with other monitoring bodies.

The ACFC regrets in particular the discrepancy between the number of the opinions and follow-up events during the past two years, and it plans to open a conversation with states parties on ways to increase their number. Follow-up events, no matter what form they take, can play an important catalyst role to make the Framework Convention better known and orient efforts to improve the legislation and practices to enhance the rights of persons belonging to minorities at domestic level.

Outreach and media presence

In 2015, two international conferences, *Minority Protection at a Crossroads* on 31 March in Mariehamn, Åland Islands (Finland), and *Minority Rights in Divided Societies* on 15 October in Sarajevo (Bosnia and Herzegovina) were organised under the auspices of the ACFC. Both events contributed to increasing the Framework Convention's visibility.

The Åland Islands conference aimed at taking stock of the challenges in the protection of minorities in a European context of growing racism and nationalism and focused on the role of the monitoring bodies, in particular in conflict situations (such as Ukraine and Crimea, Georgia, Abkhazia and South Ossetia). Monitoring bodies' independence and impartiality were considered as assets to ensure the most effective protection of minorities in those circumstances. The President of the ACFC was joined by the President of the Committee of Experts of the European Charter for Regional or Minority Languages (COMEX), and Ms Astrid Thors, Organization for Security and Co-operation in Europe (OSCE) High Commissioner on National Minorities, which demonstrates the efforts to enhance synergies not just between the Council of Europe kin monitoring mechanisms but also between key external partners working in the area of minorities.

The Sarajevo conference proved again that the issue of minority rights and their protection within a broader understanding of societal peace and stability is as relevant and important today as it was 20 years ago when the Framework Convention was adopted. The conference was organised by the Bosnia and Herzegovina chairmanship of the Council of Europe with an opening by the State Minister for Refugees and Human Rights, Ms Semiha Borovac. Renowned experts and representatives of international and national organisations gathered together to address the important challenges that persons belonging to national minorities in the Western Balkans still face today due to prejudice and societal divisions. It concluded that the existing instruments to promote minority rights in divided societies can and must be adjusted to today's challenges, applying flexibility in the management of evolving diversity, while the role of civil society and individuals needs to be enhanced.

In the past years, the ACFC and its Bureau have continued to devote considerable efforts to bringing the work of the ACFC closer to the general public through media platforms that are accessible to all. Through interviews broadcast in the media in specific countries on the occasion of visits or international events, members of the ACFC have in particular addressed topical questions of concern to national minorities, with the aim of making the issues at stake more accessible to the wider public and thus strengthening the knowledge of how the Framework Convention is applied on the ground. The Sarajevo conference received wide media coverage and was the occasion for the President of the ACFC to reinforce the messages of the relevance of the Convention in post-conflict society to overcome remaining divisions along ethnic lines.

Part IV

Thematic work of the ACFC

Despite the fact that a number of international instruments make reference to minority cultures, languages or traditions, and that there is some common understanding of what the term “national minority” means, no universally shared definition exists. As a result, the question of who is to be recognised as a rights holder under the Framework Convention has, since its adoption, been the subject of extended debate at international and national, academic and political levels. In response to continued discussions in some states parties and to questions raised regarding the mandate of the ACFC, the ACFC decided in 2012 to devote its fourth thematic commentary to the scope of application of the Framework Convention.

A working group composed of several members of the ACFC commenced the drafting process in the course of 2013 and the outline, structure, content and scope of the Commentary were discussed in various stages by the ACFC in plenary. More advanced drafts were shared with a number of internal Council of Europe and external stakeholders, in particular with representatives of international organisations, experts, academia and minority organisations, to obtain their comments and suggestions on the text. Subsequently, a broader round table consultation was organised in early 2016 to ensure that a wide range of views and concerns was duly taken into account before adopting the Commentary on 27 May 2016.

It is the purpose of the Fourth Commentary of the ACFC to clarify that the absence of a definition of the term “national minority” in the Framework Convention is not only intentional, but necessary so that the specific societal circumstances in states parties are duly taken into account when considering the scope of application of minority rights. The Framework Convention was deliberately conceived as a living instrument whose interpretation must evolve and be regularly adjusted to new societal challenges. It contains a broad range of rights. Some apply explicitly to all individuals on the territory, while the scope of application of others may be linked to specific conditions. When examining the approaches taken by states parties with regard to the scope of application of the Framework Convention, the ACFC has therefore consistently encouraged the authorities to be inclusive and context specific and to consider on an article-by-article basis which rights should be made available to whom. Such an approach not only ensures the most effective implementation of the Framework Convention based on fact rather than status, but it also promotes a climate of dialogue and understanding in society where diversity is viewed as a source of enrichment rather than division.

Part V

Co-operation with other bodies

Since the beginning of its activities, the ACFC has considered co-operation with other bodies, civil society, and academia active in the field of minority protection both within and outside the Council of Europe to be of the utmost importance (see Appendix 5).

Co-operation activities within the Council of Europe

The ACFC continues to participate in the Secretary General's annual informal meeting of the presidents of Council of Europe human rights monitoring bodies aimed at supporting their work, strengthening co-operation and ensuring that effective follow-up is given to their findings. Exchanges are also regularly pursued with the Commissioner for Human Rights, who addressed the ACFC at its plenary in February 2016. Collaboration with the Parliamentary Assembly Committee on Equality and Non-Discrimination took the form of a joint hearing of the two Sub-Committees in September 2016 on the Rights of Minorities and Gender Equality and on the situation of women belonging to minorities respectively.

The secretariat of the Framework Convention has also enhanced its co-operation with the European Commission against Racism and Intolerance (ECRI), as well as with the secretariat of the European Charter for Regional or Minority Languages (ECRML). The ACFC and ECRI organised two joint country visits: to Estonia in November 2014 and Georgia in March 2015. Joint monitoring exercises had already been organised in 2012 (Ireland) and 2013 (Bulgaria), following the encouragement of Council of Europe member states. The visits to Estonia and Georgia were chosen due to the coincidence of their respective monitoring cycles, as well as commonalities on the issues to be addressed. While the delegations were composed of representatives of both monitoring mechanisms and secretariats, each of the monitoring bodies subsequently adopted its findings separately following the normal procedures. These joint visits allowed the authorities and civil society representatives in Estonia and Georgia to address issues of interest to ECRI and the ACFC in a single visit. This approach was valued by all sides since it increased the effectiveness and consistency of the monitoring work, although it remains important that joint visits are well planned to be successful. Furthermore, achieving greater synergies among the three monitoring mechanisms will reduce the perceived monitoring fatigue, and provide new opportunities for joint follow-ups and result in greater impact on the ground.

Co-operation with other international institutions

The ACFC continued to regularly engage with other international institutions involved in minority rights protection, in particular the OSCE High Commissioner on National Minorities and her office. The High Commissioner addressed the ACFC during its November 2015 plenary to take stock of common challenges and reflect on the way forward. Regular and fruitful co-operation with institutions such as the European Union, the EU Fundamental Rights Agency, or the United Nations Office of the High Commissioner for Human Rights, as well as United Nations treaty bodies and the Forum on Minority Rights also remains of key importance to the ACFC. The preparation of the thematic commentary on the scope of application of the Framework Convention provided additional occasions to exchange views with all these bodies. Finally, a joint programme between the European Union and the Council of Europe, Promoting Human Rights and Minority Protection in South Eastern Europe, launched in November 2013, is ongoing. The project is designed to break down barriers for minorities at local level so that they can fully enjoy their rights in line with European standards, in particular the Framework Convention and the European Charter for Regional or Minority Languages.

Co-operation with civil society

Co-operation with civil society organisations remains a key priority for the ACFC. The monitoring process offers the possibility to widely engage with minority associations and human rights NGOs (country visits and follow-up seminars, submission/reception of “shadow reports” and replies to the ACFC’s specific questions etc.). In addition, in the past two years, the ACFC and its secretariat also provided support to a significant number of awareness-raising activities, round table discussions and seminars, with an aim to promote knowledge of the Framework Convention and disseminate its principles among key audiences.

Appendix 1

Signatures and ratifications of the Framework Convention for the Protection of National Minorities (CETS No. 157)

Treaty open for signature by Council of Europe member states and up until the date of entry into force by any other state so invited by the Committee of Ministers

Opening for signature

Place: Strasbourg

Date: 1/2/1995

Entry into force

Conditions: 12 Ratifications.

Date: 1/2/1998

Status as of: 22/04/2016

Member states of the Council of Europe

	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	29/6/1995	28/9/1999	1/1/2000							
Andorra										
Armenia	25/7/1997	20/7/1998	1/11/1998							
Austria	1/2/1995	31/3/1998	1/7/1998			X				
Azerbaijan		26/6/2000 a	1/10/2000			X				
Belgium	31/7/2001				X					
Bosnia and Herzegovina		24/2/2000 a	1/6/2000							
Bulgaria	9/10/1997	7/5/1999	1/9/1999			X				
Croatia	6/11/1996	11/10/1997	1/2/1998							
Cyprus	1/2/1995	4/6/1996	1/2/1998							
Czech Republic	28/4/1995	18/12/1997	1/4/1998							
Denmark	1/2/1995	22/9/1997	1/2/1998			X				
Estonia	2/2/1995	6/1/1997	1/2/1998			X				
Finland	1/2/1995	3/10/1997	1/2/1998							
France										
Georgia	21/1/2000	22/12/2005	1/4/2006							
Germany	11/5/1995	10/9/1997	1/2/1998			X				
Greece	22/9/1997									
Hungary	1/2/1995	25/9/1995	1/2/1998							
Iceland	1/2/1995									
Ireland	1/2/1995	7/5/1999	1/9/1999							
Italy	1/2/1995	3/11/1997	1/3/1998							
Latvia	11/5/1995	6/6/2005	1/10/2005			X				
Liechtenstein	1/2/1995	18/11/1997	1/3/1998			X				

	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Lithuania	1/2/1995	23/3/2000	1/7/2000							
Luxembourg	20/7/1995					X				
Malta	11/5/1995	10/2/1998	1/6/1998		X	X				
Republic of Moldova	13/7/1995	20/11/1996	1/2/1998							
Monaco										
Montenegro		11/5/2001 a	6/6/2006	54						
Netherlands	1/2/1995	16/2/2005	1/6/2005			X		X		
Norway	1/2/1995	17/3/1999	1/7/1999							
Poland	1/2/1995	20/12/2000	1/4/2001			X				
Portugal	1/2/1995	7/5/2002	1/9/2002							
Romania	1/2/1995	11/5/1995	1/2/1998							
Russian Federation	28/2/1996	21/8/1998	1/12/1998			X				
San Marino	11/5/1995	5/12/1996	1/2/1998							
Serbia		11/5/2001 a	1/9/2001	54						
Slovak Republic	1/2/1995	14/9/1995	1/2/1998							
Slovenia	1/2/1995	25/3/1998	1/7/1998			X				
Spain	1/2/1995	1/9/1995	1/2/1998							
Sweden	1/2/1995	9/2/2000	1/6/2000			X				
Switzerland	1/2/1995	21/10/1998	1/2/1999			X				
"The former Yugoslav Republic of Macedonia"	25/7/1996	10/4/1997	1/2/1998			X				
Turkey										
Ukraine	15/9/1995	26/1/1998	1/5/1998							
United Kingdom	1/2/1995	15/1/1998	1/5/1998							

Total number of signatures not followed by ratifications: 4

Total number of ratifications/accessions: 39

Notes:

54 Date of accession by the state union of Serbia and Montenegro.

a: Accession; s: Signature without reservation as to ratification; su: Succession; r: Signature "ad referendum".

R.: Reservations; D.: Declarations; A.: Authorities; T.: Territorial Application; C.: Communication; O.: Objection.

Source: Treaty Office on www.conventions.coe.int

Kosovo* is subject to a specific monitoring arrangement in conformity with the 2004 Agreement between the United Nations Interim Mission on Kosovo (UNMIK) and the Council of Europe.

Appendix 2

Geographical scope of application of the Framework Convention

States parties to the Framework Convention

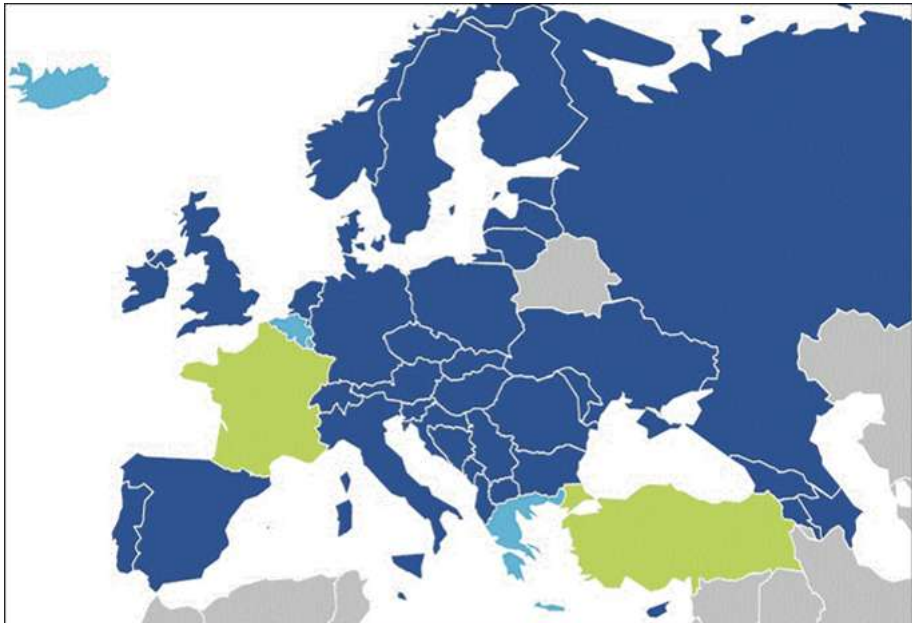
Albania	Estonia	Malta	Serbia
Armenia	Finland	Republic of Moldova	Slovak Republic
Austria	Georgia	Montenegro	Slovenia
Azerbaijan	Germany	Netherlands	Spain
Bosnia and Herzegovina	Hungary	Norway	Sweden
Bulgaria	Ireland	Poland	Switzerland
Croatia	Italy	Portugal	"The former Yugoslav Republic of Macedonia"
Cyprus	Latvia	Romania	Ukraine
Czech Republic	Liechtenstein	Russian Federation	United Kingdom
Denmark	Lithuania	San Marino	

States having signed but not ratified the Framework Convention

Belgium	Iceland
Greece	Luxembourg

States having neither signed nor ratified the Framework Convention

Andorra	Monaco
France	Turkey



Kosovo* is subject to a specific monitoring arrangement in conformity with the 2004 Agreement between the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Council of Europe.

Appendix 3

Composition of the ACFC

Composition of the Bureau

President: Mr Francesco PALERMO (Italy) – term of office June 2012-May 2016

First Vice-President: Ms Petra ROTER (Slovenia) – term of office June 2014-May 2018

Second Vice-President: Ms Ivana JELIĆ (Montenegro) – term of office June 2012-May 2016

Mr Eero J. AARNIO (Finland) – term of office June 2012-May 2016

Mr Reinis ĀBOLTIŅŠ (Latvia) – term of office June 2014-May 2018

Ms Arzu AGHDASI-SISAN (Azerbaijan) – term of office June 2012-May 2016

Mr Neven ANĐELIĆ (Bosnia and Herzegovina) – term of office June 2014-May 2018

Mr Grigor BADIRYAN (Armenia) – term of office June 2012-May 2016

Ms Brigitta BUSCH (Austria) – term of office June 2014-May 2018

Mr Yiannakis CHRYSOSTOMIS (Cyprus) – term of office June 2014-May 2018

Ms Emilia DRUMEVA (Bulgaria) – term of office June 2012-May 2016

Ms Helena HOFMANNOVÁ (Czech Republic) – term of office June 2012-May 2016

Mr Tomáš HRUSTIČ (Slovak Republic) – term of office June 2014-May 2018

Ms Tove H. MALLOY (Denmark) – term of office June 2014-May 2018

Ms Tatjana MURAVJOVA (Estonia) – term of office June 2012-May 2016

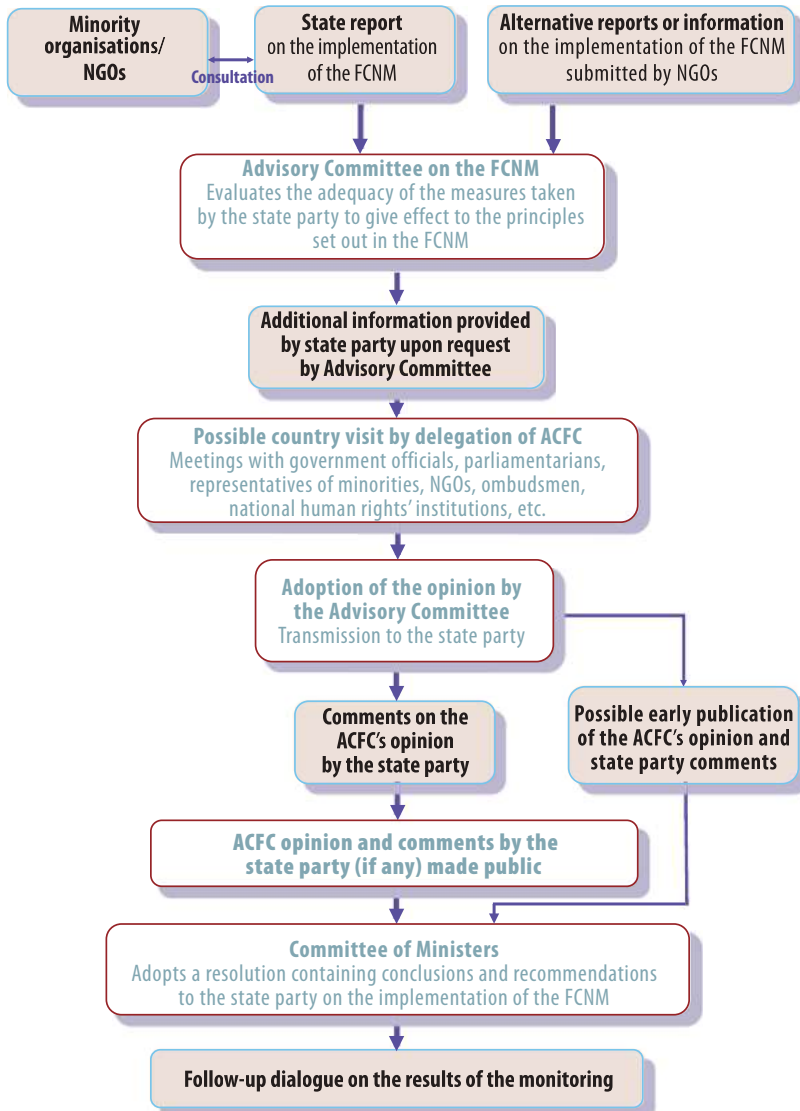
Mr Craig OLIPHANT (United Kingdom) – term of office June 2014-May 2018

Mr Valery OVCHINNIKOV (Russian Federation) – term of office June 2012-May 2016

Ms Carmen SANTIAGO REYES (Spain) – term of office June 2014-May 2018

Appendix 4

Monitoring cycle – Flow chart of monitoring arrangements under the Framework Convention and relevant Committee of Ministers' resolutions and decisions



Appendix 5

Participation in events related to the protection of minority rights

UN/OSCE/EU/COE Inter Agency Consultations, The Hague, Netherlands, 3 May 2016

20th Anniversary of the Hague Recommendations Regarding Education Rights of National Minorities, The Hague, Netherlands, 20 April 2016

External Consultations on the Draft 4th Thematic Commentary on the Scope of Application of the Framework Convention, Vienna, Austria, 4 February 2016

Committee of Ministers' GR-H. Presentation of ACFC opinions on Cyprus, Estonia, Germany, Portugal, the Slovak Republic and Spain, 23 November 2015

4th annual meeting of the Secretary General of the Council of Europe with the Presidents of Monitoring and Advisory Bodies, Strasbourg, 23 November 2015

OSCE Supplementary Human Dimension Meeting on OSCE Contribution to the Protection of National Minorities, Vienna, Austria, 29-30 October 2015

ACFC Conference on Minority Rights in Divided Societies, Sarajevo, Bosnia and Herzegovina, 15 October 2015

PACE Committee on Equality and Non-Discrimination, joint hearing of the Sub-Committee on the Rights of Minorities with the Sub-Committee on Gender Equality on "The situation of women belonging to minorities", Strasbourg, 28 September 2015

Global Minority Rights Summer School jointly organised by the National University of Public Service, the Tom Lantos Institute, and the Middlesex University of London, Budapest, Hungary, 23 July 2015

Conference Promoting and Progressing the Rights of Persons from Minority Groups, organised by the National University of Ireland, Maynooth, Ireland, 20 April 2015

International conference Minority Protection at a Crossroads, Mariehamn, Åland Islands, 31 March 2015

Side event on "Implementing linguistic minority rights" organised in the frame of the 28th session of the Human Rights Council, Geneva, Switzerland, 20 March 2015

UN/OSCE/EU/COE Inter Agency Consultations, The Hague, Netherlands, 9 March 2015

Committee of Ministers' GR-H. Presentation of ACFC opinions on Denmark and Liechtenstein, exchange of views with the President of the ACFC, Strasbourg, 19 February 2015

3rd annual meeting of the Secretary General of the Council of Europe with the Presidents of Monitoring and Advisory Bodies, Strasbourg, 2 December 2014

Conference: Sami – The People, their Culture and Languages and the Council of Europe, Sajos, Inari, Finland, 27-29 November 2014

Seventh Forum on Minority Issues, Geneva, Switzerland, 25-26 November 2014

Committee of Ministers' GR-H. Presentation of ACFC opinions on Bosnia and Herzegovina, Bulgaria, Lithuania, Montenegro, Poland and Serbia, statement by the President *ad interim* of the ACFC, Strasbourg, 21 October 2014

20th anniversary of the Central European Initiative and its instrument for the protection of minority rights, Trieste, Italy, 9 October 2014

OSCE High Commissioner on National Minorities conference: Integration of Multiethnic Societies, Almaty (Kazakhstan), 25 September 2014

Meeting of a group of international experts assisting the Moldovan Government with the drafting of a strategy for the integration of society, 22-23 September 2014

23rd Course on International Protection of Human Rights - Protection of National Minorities, Poznań Human Rights Centre, Poland, 4 September 2014

Humanity in Action Fellowship "*Agir pour l'égalité dans nos quartiers*", Paris, 17 June 2014

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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