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**AD HOC COMMITTEE FOR THE PROTECTION OF
NATIONAL MINORITIES**

(CAHMIN)

**Informal proposal
for further discussion in the CAHMIN
submitted by the delegation of the Netherlands
in co-ordination with Belgium,
Germany, Hungary, Norway and Portugal**

Chapter III: Implementation of the undertakings

Article 21

1. There shall be established a Committee on the Protection of National Minorities (hereinafter referred to as the Committee). It shall consist of nine members and shall carry out the functions hereinafter provided.
2. The members of the Committee shall be appointed by the Committee of Ministers from a list of three individuals, put forward by each Party. The same procedure applies to the election of ad hoc members of the Committee (Article 27 paragraph 3). No two members of the Committee may be nationals of the same State.
3. The members shall be experts of high moral character and of recognised competence in the field of human rights and national minorities. They shall serve in their personal capacity.

Article 22

1. The members of the Committee shall be appointed for a period of six years. They may be reappointed once. However, of the members first appointed, the terms of four members shall expire at the end of three years.
2. The members whose terms of office are to expire at the end of the initial period of three years shall be chosen by lot by the Committee of Ministers immediately after the first appointment has been made.
3. In order to ensure that, as far as possible, one half of the membership of the Committee shall be renewed every three years, the Committee of Ministers may decide, before proceeding to any subsequent appointments, that the term or terms of office of one or more members to be appointed shall be for a period other than six years but not more than nine and not less than three years.
4. A member of the Committee appointed to replace a member whose term of office has not expired shall hold office for the remainder of his predecessors' terms.

Article 23

The Committee shall draw up its own rules of procedure. These rules shall be approved by the Committee of Ministers.

Article 24

The Secretariat of the Committee shall be provided by the Secretary General of the Council of Europe.

Article 25

The Parties shall send to the Secretary General of the Council of Europe a report concerning the measures they have adopted which give effect to the undertakings of Chapter II of this framework Convention:

- a. within two years after the entry into force of the present framework Convention with respect to the party concerned, and
- b. every three years after the examination of the previous report and whenever the Committee so requests.

Article 26

Alternative I

Reports submitted pursuant to Article 25 may [shall] be made available [to the public] on request.

Alternative II

The report pursuant to Article 25, shall be made available [upon request] to organisations competent in the field of the protection of national minorities. These organisations may send to the Secretary General any comments on the report of the Party. The Secretary General shall send a copy of those comments to the Party concerned, who might wish to respond.

Article 27

1. The Committee shall examine the reports submitted by the Parties pursuant to Article 25. To this effect, the Committee may request further information from the Parties and also take into account other available information pertinent to the report under consideration.
2. The Committee may hold, if necessary, a meeting with the representatives of a Party, either on its own initiative or at the request of the Party concerned.
3. During the examination of the report of a Party the Committee is composed, besides its regular members, of an additional ad hoc member elected, pursuant to Article 21 paragraph 2, from a list put forward by the State whose report is being examined, if none of the regular members of the Committee was proposed by this State.

Article 28

1. On completion of its examination, the Committee shall draw up a report containing its conclusions. This report shall be communicated by the Secretary General to the Party concerned, the Committee of Ministers, and the Parliamentary Assembly, and shall be made public.

[2. The Committee may, in addition, on the basis of its report, submit to the Committee of Ministers, confidential proposals for specific recommendations to the Party concerned.]

Article 29

The Committee may adopt general comments as it may consider appropriate relating to the implementation of the framework Convention.

Article 30

The Committee shall every year submit to the Committee of Ministers and to Parties which are not members of the Council of Europe a general report on its activities. The report shall be transmitted to the Parliamentary Assembly and made public.

[Article 31]¹

If the Committee has made confidential proposals for specific recommendations, as mentioned in Article 28 paragraph 2, the Committee of Ministers shall decide, by a 2/3 majority of those voting, on the basis of the report of the Committee and the confidential proposals for specific recommendations, whether a resolution containing any specific recommendations to the Party concerned should be adopted.]

¹ With a view to possible accession of non-Council of Europe-States to the framework Convention, further considerations should be given to the possible representation of those States in the Committee of Ministers, whenever decisions have to be taken with respect to those States.

Short Explanatory Report

This informal proposal contains an implementation mechanism for the framework Convention for the protection of national minorities. The proposed mechanism is based on a system of reporting and its underlying idea is to support the Parties in their endeavours to implement the principles and obligations enshrined in the Convention. Inspiration was sought by several conventions of the Council of Europe and the United Nations.

The reports are to be examined by a Committee on the protection of National Minorities, which will consist of nine persons. Members of the Committee shall serve in their personal capacity. If a report is to be examined of a Party, which does not have a member in the Committee, an ad hoc member from that State will be appointed to the Committee in order to provide the necessary expertise when examining the report. These ad hoc members will have the same status and rights as the permanent members of the Committee.

When examining the report of a Party, the Committee may also take into account information from other sources, for example from organisations representing national minorities. Furthermore, the Committee shall enter into a dialogue with each Party and may to further such dialogue hold meetings with Party representatives.

After examination of the report, the Committee shall in any case draw up a report containing its conclusions. These conclusions are primarily of a factual character and may relate to inter alia the co-operation with the Party during the examination and positive and negative elements and developments in the country concerned. This report shall be communicated to the Party concerned, the Committee of Ministers and the Parliamentary Assembly and shall be made public.

In addition, the Committee may:

- [- submit to the Committee of Ministers confidential proposals for specific recommendations. These recommendations may for example relate to shortcomings in the implementation of the framework Convention. Such recommendations however are not only of a legal but also of a political character. Therefore, it is for the Committee of Ministers to decide whether any action, and if so what action, should be taken.]
- adopt general comments, which are not related to specific reports or country-situations, but are of a general character, to facilitate implementation.