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**COMMITTEE OF EXPERTS ON ISSUES RELATING TO THE PROTECTION OF
NATIONAL MINORITIES
(DH-MIN)**

**ACTIVITIES OF THE COUNCIL OF EUROPE IN THE FIELD OF THE PROTECTION
OF NATIONAL MINORITIES**

*Document prepared by the Secretariat of the Framework Convention
for the Protection of National Minorities and DH-MIN*

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INTRODUCTION

The aim of this document is to provide an overview of the Council of Europe activities relevant to the protection of national minorities.

The protection of national minorities has been on the agenda of the Council of Europe since its foundation. However, a turning point in the work of the Council of Europe in this field took place in 1993 when the Heads of States and Government, gathered in Vienna for the Second Summit of the Council of Europe, decided to initiate the drafting of a Framework Convention for the Protection of National Minorities. The Framework Convention was adopted in 1995, and it entered into force in 1998. It is currently binding on 36 States Parties.

While the Framework Convention is a unique legal instrument, embracing a range of issues of high importance for the protection of minorities, it is by no means the only tool the Council of Europe has introduced with relevance for national minorities. Various sectors of the Council of Europe have been dealing with some aspects of minority protection (language, education, etc.) or have paid attention to the situation of particular minority groups such as the Roma. On the other hand, a number of sectors, while not dealing strictly with national minorities, have taken into consideration the aspect of ethnicity in their work (ECRI for example) or have build up considerable expertise in areas which are highly relevant for the protection of national minorities (for example the Venice Commission, the Congress of Local and Regional Authorities).

This document also reflects the existing diversity of the activities carried out by the Council of Europe. These include treaty-based activities (Framework Convention, Language Charter notably), intergovernmental work, legal advice, projects on specific issues.

The input of non-governmental organisations (NGOs) in the work undertaken by the Council of Europe in the field of minorities is to be mentioned. A number of Council of Europe mechanisms are open to the contribution of NGOs and foresee their consultation. A specific chapter on the co-operation with NGOs is therefore included in the present document.

This document is not intended to be exhaustive but to give an overview the wealth of expertise on the issue of national minorities accumulated within the Council of Europe over the years, reflecting the *acquis* of the Organisation in this field.

I. FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

The Framework Convention, which entered into force on 1 February 1998, is the most comprehensive treaty designed to protect the rights of persons belonging to national minorities. It is the first ever legally binding multilateral instrument devoted to the protection of national minorities in general. Thirty-six States are currently Party to this treaty.¹

Content

The Framework Convention sets out principles to be respected as well as goals to be achieved by the Contracting Parties, in order to ensure the protection of persons belonging to national minorities, whilst fully respecting the principles of territorial integrity and political independence of States. The principles contained in the Framework Convention have to be implemented through national legislation and appropriate governmental policies. It is also envisaged that these provisions can be implemented through bilateral and multilateral treaties.

The main operative part of the Framework Convention is section II, containing specific principles on a wide range of issues, *inter alia* :

- non-discrimination;
- promotion of effective equality;
- promotion of the conditions regarding the preservation and development of the culture and preservation of religion, language and traditions;
- freedoms of assembly, association, expression, thought, conscience and religion;
- access to and use of media;
- linguistic freedoms:
- use of the minority language in private and in public as well as its use before administrative authorities;
- use of one's own name;
- display of information of a private nature;
- topographical names in the minority language;
- education:
- learning of and instruction in the minority language;
- freedom to set up educational institutions;
- transfrontier contacts;
- international and transfrontier co-operation;
- participation in economic, cultural and social life;
- participation in public life;
- prohibition of forced assimilation.

¹ Parties to the Framework Convention: Albania, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Malta, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Ukraine and the United Kingdom. Belgium, Georgia, Greece, Iceland, Latvia, Luxembourg are signatories to the Framework Convention.

The Framework Convention does not contain a definition of the concept of “national minority” as there is no general definition agreed upon by all Council of Europe member States. Each Party to the Framework Convention is therefore left with a margin of appreciation to assess which groups are to be covered by the Convention within their territory. This selection must, however, be made in good faith and in accordance with general principles of international law and the fundamental principles set out in Article 3 of the Framework Convention. In its Opinions, the Advisory Committee on the Framework Convention examines this issue. It consistently emphasises that the implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions.

Monitoring of the implementation of the Framework Convention

Introduction

The monitoring mechanism of the Framework Convention is based on Articles 24 to 26 of the Framework Convention for the Protection of National Minorities and on the Resolution (97) 10 of the Committee of Ministers as well as other relevant decisions. The evaluation of the adequacy of the implementation of the Framework Convention by the Parties is carried out by the Committee of Ministers, which is assisted by the Advisory Committee. The Advisory Committee is composed of 18 independent and impartial experts appointed by the Committee of Ministers.

The States Parties are required to submit a report containing full information on legislative and other measures taken to give effect to the principles of the Framework Convention every five years. These State reports are made public and examined by the Advisory Committee, which prepares an Opinion on the measures taken by each reporting State. Having received the Opinion of the Advisory Committee and the comment from the respective State, the Committee of Ministers is called on to adopt conclusions and, where appropriate, recommendations in respect of the State Party concerned.

Where do we stand?

A first cycle of monitoring started in 1998 with 34 Opinions adopted by the Advisory Committee and 29 Resolutions adopted by the Committee of Ministers (see www.coe.int/minorities for a presentation of the results of the monitoring country-by-country).

A second cycle of monitoring started in February 2004 with the receipt of the first second State reports and the adoption of second Opinions with respect to Croatia, the Czech Republic, Denmark, Estonia, Hungary, Italy, Liechtenstein and Moldova.

Country-visits

An important step was the introduction of country-visits by the relevant working groups of the Advisory Committee as a customary element of the monitoring procedure. The Advisory Committee visited almost all the countries under review during the first cycle of monitoring (1998-2003). In addition, at its 832nd meeting on 19 March 2003, the Deputies authorised the Advisory Committee to submit a proposal regarding the commencement of the monitoring of the Framework Convention without a State report when a State is more than 24 months late in submitting a State report. This practice will be maintained in future monitoring cycles and will include more systematically visits to the regions.

Publicity of the Opinions

As a rule, the Opinions of the Advisory Committee shall be made public at the same time as the conclusions and recommendations of the Committee of Ministers together with any comments the Contracting Party may have submitted in respect of the Opinion delivered by the Advisory Committee.

However, the State concerned may make the Opinion of the Advisory Committee and its comments public at an earlier date. A number of States have already used this possibility during the first monitoring cycle.

Follow-up to the monitoring

In all Resolutions adopted so far on the implementation of the Framework Convention, the Committee of Ministers has asked the country concerned to “continue the dialogue in progress” with the Advisory Committee and to keep the Advisory Committee regularly informed of the measures taken in response to the conclusions and recommendations of the Committee of Ministers.

In particular, a number of State Parties have taken the initiative to organise, in co-operation with the Council of Europe, so-called “follow-up seminars”, bringing together governmental representatives, experts from the national side, representatives from the civil society and members of the Advisory Committee, to discuss the implementation of the first results of the monitoring of the Framework Convention in the country concerned.

Thematic work

The adoption of country-specific opinions has formed the backbone of the Advisory Committee’s work so far. While this will remain his core task in the future, the Advisory Committee decided to launch a reflection on thematic issues with the aim of explaining in more general terms its approach and interpretation of the Framework Convention. A first exchange of views within the Advisory Committee started on the issue of education of persons belonging to national minorities. Participation and media issues will also be explored.

All three themes were initially debated by the participants at the conference organised in Strasbourg in October 2003 to mark the fifth anniversary of the entry into force of the Framework Convention. The participants at the conference encouraged the Advisory Committee to launch such thematic analyses.

Co-operation activities concerning the Framework Convention for the Protection of National Minorities

A range of activities pertaining to the protection of national minorities are being implemented in the framework of the Council of Europe co-operation and assistance programmes with the aim to facilitate the ratification and implementation of the Framework Convention: the Secretariat of the Framework Convention organises information meetings to give detailed information on the Framework Convention for the Protection of National Minorities (and other Council of Europe legal instruments) and encourage the process of its signature and ratification or, for those States already party, to discuss in more detail domestic developments and implementation of the Framework Convention. These meetings are directed to parliamentarians, government officials and representatives of national minorities. Legislative

expertise in several member and applicant states on questions relating to the protection of national minorities are also carried out by Council of Europe experts. Finally, with a view to increase the effectiveness of the supervisory mechanism of the Framework Convention, training seminars on the drafting of state reports are also organised.

Efforts to increase the dissemination of information on the Framework Convention were made in recent years in particular with the design of a brochure on the Framework Convention (now translated in 30 languages) and the release in August 2004 of the Proceedings of the Conference “Filling the Frame” to mark the fifth anniversary of the entry into force of the Framework Convention (see www.coe.int/minorities for the translation of the brochure and www.book.coe.int for the book on the conference).

II. EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

The European Charter for Regional or Minority Languages was opened for signature in November 1992 and entered into force on 1st March 1998. It has been ratified by 17 States².

The purpose of the Charter is to protect and promote the various regional or minority languages spoken in the different countries of Europe, thereby preserving the cultural wealth of our continent. The Charter provides for a definition of the languages covered by this treaty (Article 1) : these are the languages which have been traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population and are different from the official language(s) of that State. The definition explicitly excludes the languages of migrants and the dialects of the official language(s) of the State. The protection of regional and minority languages must respect the territorial integrity and traditions of each State without interfering with the development of the official language(s) of that State.

Content

- *Part II of the Charter* lays down the *aims and principles* for all the languages spoken on a given territory which are to be the States' long term policy targets.

These aims and principles include, *inter alia*, the recognition of the regional and minority language as an attribute of a community, the respect for the geographical area in which each language is spoken, the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life, and the teaching and study of these languages at all the appropriate stages. In addition, States are required to eliminate discrimination in respect of the use of regional or minority languages. Although the Charter is principally concerned with languages, which are historically identified with a particular territory of the State, it was considered necessary to grant "non-territorial languages" protection as far as possible, and they are therefore subject to the protection under Part II of the Charter.

- *Part III* contains more *specific provisions* for the languages identified hereunder by the States at the time of ratification.

The undertakings entered into by the States under Part III require the latter to adopt concrete positive measures for the protection and promotion of regional and minority languages in several fields: education, justice, dealings with the administrative authorities, media, cultural activities and facilities, economic and social life and transfrontier co-operation. However, the extent of the protection can vary according to the situation of each language (number of speakers, importance of the geographical area where it is spoken, etc.) but any Contracting State has to apply at least 35 paragraphs or sub-paragraphs of the Charter to each language that it has selected under Part III. This contributes to a minimum standard of protection. It should, however, be emphasised that the Charter does not, as such, establish any individual or collective rights for the speakers of regional or minority languages.

² Armenia, Austria, Croatia, Cyprus, Denmark, Finland, Germany, Hungary, Liechtenstein, the Netherlands, Norway, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom. It has been signed by fourteen other States: Azerbaijan, Czech Republic, France, Iceland, Italy, Luxembourg, Malta, Moldova, Poland, Romania, Russian Federation, "the former Yugoslav Republic of Macedonia", Ukraine.

Monitoring of the implementation of the Language Charter

Introduction

The Charter foresees a system of monitoring of its implementation by an independent Committee of Experts. This Committee is composed of one member per Party, appointed by the Committee of Ministers, having recognised competence in the matters dealt with in the Charter.

Each Party is required to present a first report within the year following the entry into force of the Charter with respect to it, in which the Party states its policy and measures taken in order to fulfil its obligations under the Charter. Subsequent periodical reports are to be presented thereafter every three years. These reports are made public by the State Party.

Where do we stand?

The Committee of Experts, established in accordance with the Charter's provisions, has now examined a number of initial and further periodical reports.

For an overview of the monitoring in each State Party, see the website of the European Charter at www.coe.int, under Legal affairs.

On-the-spot visit and additional information

After a first examination of the State report, the Committee of Experts may decide to visit the relevant State in order to meet with representatives of the users of the various regional or minority languages and to consult with the authorities on the contents of the information that the Committee has received.

In the context of the fact-finding process, and until one month after the on-the-spot visit, the Committee can be approached by bodies or associations legally established in the respective State Party wishing to supply additional information or to give their views on specific situations relating to the implementation of the Charter. The Charter itself does not pose any limitations as to the nature of these bodies or associations, other than the requirement that they have to be established in the concerned State in accordance with national legislation. Accordingly, they can be cultural, political bodies, or any other association which has an interest in the promotion of regional or minority languages in their country, and even a local or regional authority.

After this process of information gathering, the Committee adopts a report which is then sent to the Committee of Ministers of the Council of Europe together with proposals for the recommendations to be addressed by the Committee of Ministers to the State concerned. The Committee has so far adopted twenty-two reports, nineteen of which have already been processed by the Committee of Ministers of the Council of Europe.

Additionally, the Secretary General of the Council of Europe is required to report every two years to the Parliamentary Assembly concerning the implementation of the Charter.

Information seminars

The Charter being a rather complex instrument for States to ratify, information and/or technical seminars are regularly organised by the Secretariat of the Charter in those States which are approaching ratification. Various partners are usually involved in these seminars, such as non-governmental organisations and local, regional and national authorities. In particular, non-governmental organisations have the important role of assisting the authorities in identifying the needs of the languages as to which kind and level of protection is adequate. They also have the role of providing the Committee of Experts with information, after ratification and during the monitoring process, on how the Charter is applied in practice. Local and regional authorities are often the authorities which are in practice confronted with implementing the obligations arising from the Charter, for example in pre-school education, in local and regional assemblies and administration.

III. OTHER RELEVANT COUNCIL OF EUROPE LEGAL INSTRUMENTS

A. EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The European Convention on Human Rights which was opened for signature in Rome on 4 November 1950 and entered into force in September 1953, is the centre piece of the Council of Europe's normative "acquis". It sets forth a number of fundamental rights and freedoms (right to life, prohibition of torture, prohibition of slavery and forced labour, right to liberty and security, right to a fair trial, no punishment without law, right to respect for private and family life, freedom of thought, conscience and religion, freedom of expression, freedom of assembly and association, right to marry, right to an effective remedy, prohibition of discrimination).

Parties to the European Convention on Human Rights undertake to secure these rights and freedoms to everyone within their jurisdiction. The Convention also establishes an international enforcement machinery. To ensure the observance of the engagements undertaken by the Parties, the European Court of Human Rights in Strasbourg has been set up. It deals with individual and inter-State petitions. At the request of the Committee of Ministers of the Council of Europe, the Court may also give advisory opinions concerning the interpretation of the Conventions and the protocols thereto.

The European Convention on Human Rights' universally applicable individual rights can be claimed, individually or collectively, by persons belonging to national minorities.

The European Convention on Human Rights makes explicit reference to persons belonging to national minorities under its non-discrimination clause (Article 14). This Article stipulates that "the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association *with a national minority*, property, birth or other status. (emphasis added)" However Article 14 is not an autonomous provision: it can only be invoked in connection with one of the other rights included in the Convention.

In order to address this limitation, the Committee of Ministers adopted the Additional Protocol No 12 to the European Convention on Human Rights in 2000: this Protocol broadens the scope of protection against discrimination as it provides for a general prohibition of all forms of discrimination. Article 1 of Protocol No 12 reads as follows:

1. The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
2. No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1.

Additional Protocol No 12 entered into force on 1 April 2005³.

³ Protocol N° 12 is ratified by 11 States : Albania, Armenia, Bosnia and Herzegovina, Croatia, Cyprus, Finland, Georgia, San Marino, Serbia and Montenegro, "the former Yugoslav Republic of Macedonia".

CASE LAW

As regards the application of Article 14, according to the Court's well established case-law, a difference of treatment is discriminatory, for the purposes of Article 14 of the Convention, if it "has no objective and reasonable justification", that is if it does not pursue a "legitimate aim" or if there is not a "reasonable relationship of proportionality between the means employed and the aim sought to be realised".

Article 14 was further interpreted by the Court to cover in part the issue of indirect discrimination. The Court held that "the right not to be discriminated against the enjoyment of rights guaranteed under the Convention is also violated when States without an objective and reasonable justification fail to treat differently persons whose situations are significantly different"⁴

In its case law, the Court delivered judgements relating *inter alia* to the following minority-related issues: language proficiency for the eligibility to election (Article 3 Protocol N°1), registration and recognition of minorities and minority institutions (Article 6, 9, 11 in conjunction or not with 14), the respect for a traditional way of life (Article 8, in conjunction with Article 14)

⁴ Thlimmos v. Greece, Application N° 34369/97, Judgment 6 April 2000, para. 44.

B. EUROPEAN SOCIAL CHARTER

The European Social Charter sets out rights and freedoms and establishes a supervisory mechanism guaranteeing their respect by the States Parties. Following its revision, the 1996 revised European Social Charter, which came into force in 1999, is gradually replacing the initial 1961 treaty.

The rights guaranteed by the Charter concern all individuals in their daily lives, such as:

Housing:

- access to adequate and affordable housing;
- reduction of homelessness;
- housing policy targeted at all disadvantaged categories;
- procedures to limit forced eviction;
- equal access for non-nationals to social housing and housing benefits;
- housing construction and housing benefits related to family needs;

Health:

- accessible, effective health care facilities for the entire population;
- policy for preventing illness with, in particular, the guarantee of a healthy environment;
- elimination of occupational hazards so as to ensure that health and safety at work are provided for by law and guaranteed in practice;
- protection of maternity.

Education:

- free primary and secondary education;
- free and effective vocational guidance services;
- access to initial training (general and vocational secondary education), university and non-university higher education, vocational training, including continuing training;
- special measures for foreign residents;
- integration of children with disabilities into mainstream schooling;
- access to education and vocational training for persons with disabilities.

Employment:

- prohibition of forced labour;
- prohibition of the employment of children under the age of 15;
- special working conditions between 15 and 18 years of age;
- the right to earn one's living in an occupation freely entered upon;
- an economic and social policy designed to ensure full employment;
- fair working conditions as regards pay and working hours;
- protection from sexual and psychological harassment;
- freedom to form trade unions and employers' organisations to defend economic and social interests;
- individual freedom to decide whether or not to join them;
- promotion of joint consultation, collective bargaining, conciliation and voluntary arbitration;
- protection in case of dismissal;

- the right to strike;
- access to work for persons with disabilities.

Social protection:

- legal status of the child;
- treatment of young offenders;
- protection from ill-treatment and abuse;
- prohibition of any form of exploitation (sexual or other);
- legal protection of the family (equality of spouses within the couple and towards children, protection of children in case of family break-up);
- the right to social security, social welfare and social services;
- the right to be protected against poverty and social exclusion;
- childcare;
- special measures catering for the elderly.

Movement of persons:

- the right to family reunion;
- the right of nationals to leave the country;
- procedural safeguards in the event of expulsion;
- simplification of immigration formalities.

Non-discrimination:

- Article E of the Charter holds that the enjoyment of the rights set forth in this Charter shall be secured without discrimination on any grounds such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status.

Monitoring of the implementation of the Social Charter

The European Committee of Social Rights (referred to below as “the Committee”) ascertains whether countries have honoured the undertakings set out in the Charter. Its fifteen independent, impartial members are elected by the Council of Europe Committee of Ministers for a period of six years, renewable once. The Committee determines whether or not national law and practice in the States Parties are in conformity with the Charter (Article 24 of the Charter, as amended by the 1991 Turin Protocol).

National reports

Every year the States Parties submit a report indicating how they implement the Charter in law and in practice. Each report concerns some of the accepted provisions of the Charter. The Committee examines the reports and decides whether or not the situations in the countries concerned are in conformity with the Charter. Its decisions, known as “conclusions”, are published every year.

If a State takes no action on a Committee decision to the effect that it does not comply with the Charter, the Committee of Ministers addresses a recommendation to that State, asking it to change the situation in law and/or in practice. The Committee of Ministers’ work is prepared by

a Governmental Committee comprising representatives of the governments of the States Parties to the Charter, assisted by observers representing European employers' organisations and trade unions.

Collective complaints procedure

Under a protocol opened for signature in 1995, which came into force in 1998, complaints of violations of the Charter may be lodged with the European Committee of Social Rights. Organisations entitled to lodge complaints with the Committee include the ETUC, UNICE and the IOE, non-governmental organisations (NGOs) with participative status with the Council of Europe, which are on a list drawn up for this purpose by the Governmental Committee, employers' organisations and trade unions in the country concerned and national NGOs.

In the context of its supervisory mechanism (the reporting and the collective complaints procedures), the European Social Charter focuses on questions of social equality of migrants and of the Roma and Sinti population, such as, for example, non-discrimination as regards access to employment, education, family benefits, and housing. For information on the collective complaints dealing with minority issues, see below.

CASE LAW OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS

NATIONAL REPORTS

Under Article 17 of the Revised Charter the guarantee of equal access to education for all children is assessed and particular attention is paid to vulnerable groups such as **children from minorities**. Part of the assessment covers whether special measures have been taken to ensure equal access to education for such children. As an example, in Conclusions 2003, the Committee of Social Rights wished to receive further information on the measures available for children from minorities, in particular the Turkish-speaking minority.

Under Article 2§1 of the Charter, in Conclusions XIII-I the Committee assessed whether discrimination in access to employment might exist against the **Turkish minority** in Western Thrace. In the following Conclusions (XIII-3 and XV-1) the Committee asked to be informed on the number of unemployed belonging to the **Muslim minority** as compared to the total number of unemployed in the region and about vocational training programmes and other measures designed to integrate this group into the labour market and wished to be informed of the safeguards that exist to prevent discrimination in employment on grounds of religious belief.

Furthermore, under Article 18 of the Charter, in Conclusions XIII-4, the Committee assessed whether there was discrimination against *Greek nationals of "non-Greek ethnic" origin* (mainly members of the **Turkish minority**), who might be deprived of their Greek nationality if they left the country with the intention of not returning.

COLLECTIVE COMPLAINTS

The complaint of **European Roma Rights Centre** lodged on 4 April 2003 against **Greece**, relates to Article 16 (the right of the family to social, legal and economic protection) and the Preamble (non-discrimination) of the European Social Charter. It is alleged that there is widespread discrimination both in law and in practice against Roma in the field of housing. The European Committee of Social Rights declared the complaint admissible on 16 June 2003. A public hearing was held on 11 October 2004. The decision will be made public by 8 June 2005.

Another complaint was lodged **against Italy** on 28 June 2004 by the same organisation: it relates to Article 31 (right to housing) alone or in combination with Articles E (non-discrimination) of the Revised European Social Charter. The complaint alleges that the situation of Roma in Italy amounts to a violation of Article 31 of the Revised European Social Charter. In addition, it alleges that policies and practices in the field of housing constitute, *inter alia*, racial discrimination and racial segregation, both contrary to Article 31 alone or read in conjunction with Article E. The European Committee of Social Rights declared the complaint admissible on 6 December 2004.

C. EUROPEAN CONVENTION ON NATIONALITY

The Convention, adopted by the Committee of Ministers in 1997, came into force in March 2000. This Convention embodies principles and rules applying to all aspects of nationality. It is designed to make acquisition of a new nationality and recovery of a former one easier, to ensure that nationality is lost only for good reason and cannot be arbitrarily withdrawn, to guarantee that the procedures governing applications for nationality are just, fair and open to appeal, and to regulate the situation of persons in danger of being left stateless as a result of state succession. It also covers multiple nationality, military obligations and co-operation between States parties.

The Convention states that the rules on nationality of each State Party shall be based on the following principles:

- a. everyone has the right to a nationality;
- b. statelessness shall be avoided;
- c. no one shall be arbitrarily deprived of his or her nationality;
- d. neither marriage nor the dissolution of a marriage between a national of a State Party and an alien, nor the change of nationality by one of the spouses during marriage, shall automatically affect the nationality of the other spouse.

The rules of a State Party on nationality shall not contain distinctions or include any practice which amount to discrimination on the grounds of sex, religion, race, colour or national or ethnic origin. Each State Party shall be guided by the principle of non-discrimination between its nationals, whether they are nationals by birth or have acquired its nationality subsequently (Article 5).

The Committee of Experts on Nationality (CJ-NA) undertakes the intergovernmental (standard-setting) work of the Council of Europe in the field of nationality. This Committee has, since the finalisation of the European Convention on Nationality, elaborated a Recommendation on the avoidance and the reduction of statelessness and more recently finalised reports on the misuse of nationality laws, consequences of multiple nationality and conditions for the acquisition and loss of nationality. Currently the CJ-NA is preparing principles and rules for an additional instrument to the European Convention on Nationality concerning statelessness in relation to state succession.

The Council of Europe, with the assistance of the experts in the CJ-NA, is also active in a large number of member States in multilateral and bilateral activities concerning practical issues relating to the granting of nationality. Furthermore, the Council of Europe is currently assisting several European States - such as Bosnia and Herzegovina, Azerbaijan, Georgia, "the former Yugoslav Republic of Macedonia", Serbia and Montenegro and Ukraine - in reforming their nationality laws or preparing their accession to the European Convention on Nationality.

V. INTERGOVERNMENTAL WORK AND ASSISTANCE PROGRAMMES OF RELEVANCE TO THE PROTECTION OF NATIONAL MINORITIES

A. INTERGOVERNMENTAL WORK

1. ROMA AND TRAVELLERS

THE SPECIALIST GROUP ON ROMA, GYPSIES AND TRAVELLERS (MG-S-ROM)

The Specialist Group on Roma, Gypsies and Travellers (MG-S-ROM), set up in 1995, is the first Council of Europe body responsible for reviewing the situation of Roma and Travellers in Europe on a regular basis.

The Group's terms of reference stipulate that it shall advise the Committee of Ministers, through the CDMG, on matters concerning Roma and Travellers; it also plays the role of "catalyst" for other sectors of the Council of Europe, through encouraging and stimulating activities under way and promoting new initiatives if the need arises. It can also carry out specific studies or other activities in accordance with the decisions of the Committee of Ministers or the CDMG. Lastly, it coordinates activities concerning Roma and Travellers, in liaison with the Coordinator of Activities and the Roma and Travellers Division in DGIII.

The Group now has 14 permanent members, though all member States have the possibility of sending one or more experts at their own expense, if they so desire. The Parliamentary Assembly, the Congress of Local and Regional Authorities of Europe and Council of Europe Development Bank can send one or more representatives. In addition, representatives of the Organisation for Co-operation and Security in Europe (Office for Democratic Institutions and Human Rights/Contact Point for Roma and Sinti Issues), the European Commission, the World Bank, UNHCR and UNDP attend meetings of the Group as observers. The Group can invite representatives of other Council of Europe bodies and other international organisations where appropriate. Lastly, depending on the agenda of its meetings, it may invite competent experts and representatives of Roma and Travellers organisations. The European Roma and Travellers Forum (see chapter X) recently received the status of Observer and one of its representatives is systematically reimbursed to attend MG-S-ROM meetings. It is hoped that the European Roma and Travellers Forum will exercise in future some sort of monitoring of the implementation of recommendations drafted by the MG-S-ROM.

In 2002, the Committee of Ministers adopted revised terms of reference for the MG-S-ROM, which include a methodology for monitoring the situation of Roma/Gypsies in member States, in particular by means of visits and include Travellers more clearly.

The Specialist Group has a mandate to study the policies of member states on Roma and Travellers and to draw up guidelines for the improvement of their interests in matters relating to human rights, employment, health, housing, culture and education, the situation of women and children and other issues of daily life. In this context, the Specialist Group took the initiative to develop some draft recommendations which were subsequently endorsed by the Committee of Ministers. See below:

- Recommendation Rec(2005)4 of the Committee of Ministers to member states on improving the housing conditions of Roma and Travellers in Europe
- Recommendation Rec(2004)14 of the Committee of Ministers to member states on the movement and encampment of Travellers in Europe
- Recommendation Rec(2001)17 on improving the economic and employment situation of Roma/Gypsies and Travellers in Europe
- Recommendation of the Committee of Ministers to member states on the education of Roma/Gypsy children in Europe, 2000

Two additional draft recommendations are being discussed at the level of the Group of Specialists: a draft recommendation on appropriate access of Roma and Travellers to public health care and a draft recommendation on policies for Roma and Travellers that should include a chapter on monitoring the implementation of national strategies/programmes for Roma and/or Travellers.

All these recommendations, including the proposed ones when adopted, will be incorporated into a single recommendation on policies for Roma and Travellers. The recommendation will serve as a model strategy for member states to follow in policy-making on Roma or Travellers, as well as a reference document for other international organisations working on the same issues.

One of the main priorities of the Specialist Group is the monitoring and evaluation of national strategies which have now been adopted (or about to be adopted) in 20 European countries. Many of these strategies were adopted at the instigation and with the assistance of the Council of Europe. Their implementation is now a major concern for the Organisation.

Roma under the Stability Pact in South-Eastern Europe

During the last decade the Roma populations, in particular in South Eastern Europe, have been hit by instability and turmoil. They often have been the victims of forced migration and are still today refugees or displaced persons. Their social and economic situation already precarious has been deteriorating throughout this period with serious consequences on education of children and employment. Though in most cases, the Governments realised the necessity to improve the situation of Roma, a comprehensive policy involving all relevant actors, and first of all the Roma themselves, has been usually lacking.

It is in this context that the Council of Europe and the OSCE-ODIHR, together with the financial support of the European Commission, decided to jointly address those issues in the framework of the Stability Pact through a Project entitled "Roma under the Stability Pact".

The programme aims to promote the status of the Roma population and is composed of 3 elements: a) addressing the most acute crisis situations; b) policy development on Roma affairs; c) participation of Roma in civil society.

Following its mandate, the Council of Europe has concentrated its action on the second area. The project aims also at maximising cooperation and complementarity between the three Organisations in the field of Roma-related activities, avoiding overlaps and/or duplication of activities.

2. ASYLUM SEEKERS, REFUGEES AND STATELESS PERSONS

The Ad hoc Committee of Experts on the Legal Aspects of Territorial Asylum, Refugees and Stateless Persons (CAHAR) serves as an intergovernmental forum on law and policy related to refugees and asylum seekers. The United Nations and other international organisations and agencies, both global and regional, also take part in the activities of the CAHAR. It meets regularly to discuss refugee or asylum issues, with a view to helping member States to adopt a common stance, and suggesting solutions to their practical and legal problems. The CAHAR gathers experts elected by each of the 46 Members States of the Council of Europe as well as representatives of a certain number of countries and organisations with the observer status.

The main aims of the Committee are:

- to follow developments in the field of asylum, refugees and stateless persons in member States of the Council of Europe;
- to monitor progress at the United Nations and other international organisations and institutions, whether worldwide or regional (in particular the European Union);
- to search for concrete solutions aiming at the harmonisation of rules and practices which are followed in Europe in matters of asylum policy;
- to hold regular exchanges of views to achieve a common standing between the Member states and to make proposals for the solution of practical and legal problems faced by States within its field of competence particularly by drawing up legal instruments (conventions and recommendations) for discussion and adoption by the Committee of Ministers.

Several treaties have been prepared by the CAHAR for adoption by the Committee of Ministers, of which the following are the most important:

- the Declaration on Territorial Asylum in 1977, which addressed, *inter alia*, the issue of so-called humanitarian refugees and also reaffirmed the interest of the member States in maintaining their liberal attitudes toward asylum-seekers;
- the 1980 European Agreement on the Transfer of Responsibility for Refugees, which deals with the allocation of State responsibilities concerning recognised refugees' residence and travel documents.

Recent work has led to the adoption of a number of Committee of Ministers recommendations to member States on: the harmonisation of national procedures relating to asylum (Rec (81) 16); the protection of persons satisfying the criteria in the Geneva Convention who are not formally recognised as refugees (Rec (84)1); guidelines to inspire member States' practices concerning the arrival of asylum seekers at European airports (Rec (94) 5); the right of rejected asylum-seekers to an effective remedy by rejected asylum-seekers against decisions on expulsion in the context of Article 3 of the European Convention on Human Rights (Rec (98) 13); the return of rejected asylum-seekers (Rec (99) 12); family reunion for refugees and other persons in need of international protection (Rec (99) 23), temporary protection (Rec (2000) 9), subsidiary protection (Rec (2001) 18); detention of asylum seekers (Rec (2003) 5); membership of particular social group in the context of the 1951 Convention (rec. (2004) 9); exclusion from refugee status in the context of Article 1 F of the 1951 Convention (rec. (2005) 6).

Currently, in its on-going process of creating an ever more comprehensive set of standards of the Council of Europe in the field of refugee protection, the CAHAR is considering other key issues of refugee protection such as:

- access to refugee procedure for asylum seekers arriving at seaports;
- displaced persons.

At the request of the Committee of Ministers, the CAHAR also undertook the task of drafting guidelines the expulsion of non-nationals from the territory of member states of the Council of Europe. These guidelines constitute an attempt to lay down the various standards developed by different bodies within the Council of Europe in one pragmatic text to be used by governments when developing national legislation and regulations on the subject. The guidelines have been adopted by the CAHAR at its 55th meeting (October 2004).

3. MIGRATION

The CDMG is a forum within which government experts and representatives of non-governmental organisations give thought at pan-European level to migration, to the condition and social integration of populations of migrant origin and of refugees, to the various migratory movements and to the reasons for migration.

The governments of all member states are entitled to appoint members senior national officials with policy-making responsibilities in the field of international migration, the situation of migrants and community relations. Apart from the committee members, the Parliamentary Assembly, the Congress of Local and Regional Authorities of Europe, the Council of Europe Development Bank, the Council of the European Union and the European Commission may send a representative to the meetings of the Committee. The Committee meets twice a year.

The aim of the Committee is to develop European co-operation on migration, on the situation and social integration of populations of migrant origin and refugees and on community relations; and to prepare the Conferences of European Ministers responsible for Migration Affairs and ensure the follow-up to them, having regard to the relevant decisions of the Committee of Ministers.

CDMG has several Committees functioning under its authority. In 2005, these Committees included Committee of experts on countries of emigration (MG-PE), Committee of experts on associations and co-development (MG-AC), Committee of experts on the minimum rights of irregular migrants (MG-AD), Committee of experts on the legal status of student migrants (MG-ST/E), Committee of experts on access of migrants to employment (MG-EM), Committee of experts on integration of migrant children (MG-EN) and the Specialist Group on Roma Gypsies and Travellers (MG-S-ROM).

4. EDUCATION

The Council of Europe's education programme is fixed by the Steering Committee for Education (CDED). This committee is composed of representatives from the ministries of education of countries signatory to the European Cultural Convention.

EDUCATION OF ROMA/GYPSY CHILDREN IN EUROPE

One of the programmes relevant to national minorities is the programme on “**Education of Roma/Gypsy Children in Europe**”. This project is based on the Recommendation (2000) 4 of the Committee of Ministers to member states on the education of Roma/Gypsy children in Europe and on the outline of the work for the project as adopted by the Steering Committee for Education (document CD-ED (2002) 13).

Below is an overview of the activities carried out under this project:

- *The Education of Roma/Gypsy Children: Preparatory Classes*, a seminar held in Kosice (Slovakia) under the Teacher Bursary Scheme, 20 to 24 October 2002,
- *Opré Roma: Families and School*, a seminar held in Castellon (Spain) in conjunction with a European research project, from 11 to 16 November 2002
- *Teacher Training and Research*, a seminar held in Dijon (France) as part of a European project on the training of education staff, 5 to 7 December 2002,
- *Romani in Europe (introduction to the Gypsy language in the school context)*, report relating to the organisation of a seminar in Graz (Austria),
- *Conference on the Harmonisation of Teaching Material in Romani Language*, Strasbourg, 26 and 27 May 2003,
- *A European Training Project on Schooling for Gypsy Children*, European summer university, Dijon, from 30 June to 5 July 2003,
- *The History of Roma in the European Classroom*, expert seminar on teaching of the history of Roma in Europe, European Centre for Modern Languages, Graz, Austria, 27 and 28 July 2003,
- Repertoire of official texts of the Council of Europe and activities in the field of Education.
- Development of a framework curriculum for Romani; Language Policy Division, Strasbourg, 21-22 April; 4-5 July; 2-3 November 2005'

LEARNING AND TEACHING ABOUT THE HISTORY OF EUROPE IN THE 20TH CENTURY

The project on "Learning and teaching about the history of Europe in the 20th century" adopted an interdisciplinary and pan-European stance which stressed the importance of social, scientific, cultural and oral history, among others. Similarly, the project encouraged teaching history using a range of sources, such as the new technologies, cinema, women's history, archives and museums, and developed the concept of "remembrance" as vital to the prevention of crimes against humanity.

Several in-service teacher training seminars were held throughout Europe as some of these important sources and themes are not covered adequately by the curriculum.

Skills-based teaching resources, for which material is often lacking, were developed on

(a) *Teaching the Holocaust in the 21st century*: 50 fact sheets designed to supplement teachers' knowledge on this subject, which is approached from a vast European perspective;

(b) *Teaching 20th-century women's history: a classroom approach*: designed to integrate women's history into current classroom practice;

(c) *Europe on-screen: cinema and the teaching of history*: this resource studies selected films illustrating the themes of nationalism, women, immigration and human rights, and provides a pedagogical basis for exploiting cinema as a source of history;

(d) *Teaching 20th-century European history*: this comprehensive handbook on how to teach 20th century lays the groundwork for approaching themes and topics from a European perspective; for multiperspectivity - encouraging students to investigate the experience of those holding opposing and unpopular viewpoints; provides a methodology for developing research and assessment skills of historical sources, particularly the media and new technologies; promotes understanding others through role play and the teaching of sensitive and controversial issues.

A direct result of the project was Recommendation No R (2001) 15 of the Committee of Ministers, which is the first text adopted at pan-European level to set clear methodological principles on the objectives of history teaching in a democratic and pluralist Europe. Broad in scope, this landmark document covers the aims of history teaching, the European dimension, syllabus content, learning methods, teacher training, information and communication technologies and the misuse of history. The recommendation is unconditional in its condemnation of the latter, two examples of which are abuse of the historical record and interpretations of history based upon the "us" and "them" dichotomy, as incompatible with the values of the Council of Europe.

As preventive measures against the recurrence of this century's devastating events, the recommendation calls for the implementation of the education ministers' decision to designate in schools a "Day for remembrance and for the prevention of crimes against humanity". Preparation of teaching resources and activities to enhance this day are currently being developed throughout the member states signatory to the European Cultural Convention.

INTERCULTURAL EDUCATION

The New Challenge of Intercultural Education: Religious Diversity and Dialogue in Europe is a new project launched by the Steering Committee on Education (CD-ED) in 2002 following the decision of the Secretary General to make intercultural and interfaith dialogue one of the major axes of the Council of Europe's development.

The project aims to raise the awareness of decision-makers, educators and teachers about the implications of the religious dimension of intercultural education. It also seeks to draw their attention to examples of positive experiences and of new methods and approaches in intercultural education in general, in both curricular and extra-curricular activities. Thus the project will be innovative in its theory, yet with a practical hands-on approach.

In 2004, the project has become part of the programme “Building stable and cohesive societies” of the Intergovernmental Programme of activities, working hand-in-hand with the projects “Intercultural dialogue and conflict prevention” managed by the Steering Committee of Culture and the project “Youth building peace and intercultural dialogue” managed by the European Steering Committee for Youth.

LANGUAGE EDUCATION POLICY AND MINORITIES

The Division contributes to transversal activities related to minorities, particularly with regard to bilingual education, language competence in the official languages for integration purposes and linguistic legislation. These continue to be central elements in several Council of Europe/European Union joint programmes.

The Language Policy Division provides expertise and co-operates closely with other relevant sectors of the Council of Europe in this area on an ongoing basis. Its activities relate to:

- Language policy and legislation with regard to education systems,
- Language requirements for citizenship and policies for integration,
- Seminars for policy deciders, with representatives of authorities and minorities,
- targeted Co-operation Programmes and Joint Programmes (Council of Europe/European Union) to provide assistance to particular countries or regions,
- Elaboration and publication of policy guidelines,
- Reports (needs analysis, policy planning etc.) concerning specific countries or entities.
- A regional programme has recently been completed on the education of minorities in Moldova, Ukraine, Belarus, Russian Federation, Georgia, Armenia, Azerbaijan.'

5. MEDIA

The role of the **Steering Committee on the Mass Media (CD-MM)** is to develop European co-operation on means of public communication with a view to further enhancing freedom of expression and information in a pluralistic democratic society, as guaranteed by Article 10 of the European Convention on Human Rights. The activities which it manages are aimed at promoting the free flow of information, ideas and opinions across frontiers – by means of a plurality of independent and autonomous media, taking account of political, economic and technological changes in the field of new communications services, as a result of globalisation.

Part of the CD-MM's mandate is to develop European policy measures and appropriate legal and other instruments to address issues pertaining to the abovementioned areas. In this context, a number of Recommendations have been prepared. Two of them are particularly relevant to the issue of national minorities:

Recommendation (97) 20 on hate speech: this Recommendation lays down the following principles as a basis for action to combat hate speech:

- the responsibility of public officials and authorities to refrain from statements that may reasonably be understood as hate speech (such statements should be prohibited and publicly disavowed whenever they occur);
- the establishment and maintenance of an effective legal framework enabling administrative and judicial authorities to reconcile respect for freedom of expression with respect for human dignity and the protection of the reputation or rights of others;

The Committee of Ministers further recommends that such steps should form part of a comprehensive approach to the phenomenon, which also targets its social, economic, political, cultural and other root causes.

Recommendation (97) 21 on the media and the promotion of a culture of tolerance: this Recommendation calls for increased awareness on the professional practices conducive to the promotion of a culture of tolerance among the press, radio and television enterprises, the new communications and advertising sectors, the representative bodies of media professionals in these sectors, regulatory and self-regulatory bodies in these sectors, and schools of journalism and media training. Means of action are defined such as training, reflecting on the ways of reporting acts of racism and intolerance as well as depicting different communities, and drawing up professional codes of conduct within the different media sectors. It also calls for the broadcasting media to create an atmosphere in which intolerance can be challenged.

The 7th European Ministerial Conference on Mass Media Policy, held in Kyiv (Ukraine) on 10 and 11 March 2005, resulted in the adoption of a key Resolution on cultural diversity and media pluralism in times of globalisation. An Action Plan, also adopted at the Ministerial Conference, which will be implemented by the CDMM under the authority of the Committee of Ministers, entails the setting up of a Group of Specialists on cultural diversity and media pluralism. This Group has the mandate to examine, *inter alia*, how different types of media can play a part in promoting social cohesion and integrating all communities and generations.

Assistance programme

In order to promote the functioning of professional, independent and pluralistic media in Europe, the Council of Europe has since 1989 offered programmes of assistance to its current and potential member States. The programme for **Assistance and Technical Co-operation in the media field** (ATCM) covers a wide range of issues such as the rights and responsibilities of journalists, the regulation of the press, radio and television sectors; access to information etc. At present, the ATCM programme focuses on the countries of the Community of Independent States (C.I.S.), the South-Caucasus and the South East European countries. These activities aims notably at developing **legal and policy tools for combating racism, xenophobia, anti-semitism and intolerance and the promotion of good practices in the field**. In this connection, specific information and training activities have been organised for media professionals on minority and the media, covering issues such as protecting the right to freedom of expression and information of persons belonging to ethnic minorities, national policies concerning the access of persons belonging to ethnic minorities to the media, techniques for reporting across ethnic lines.

Relevant texts

- Recommendation (97)20 of the Committee of Ministers on ‘hate speech’,
- Recommendation (97)21 of the Committee of Ministers on the media and the promotion of a culture of tolerance,
- Legal measures in the member States of the Council of Europe against racism and intolerance relevant to the mass media, MM-S-IN (95) 19,
- Comparative study on codes of ethics dealing with media and intolerance, MM-S-IN (95) 21.

B. ASSISTANCE PROGRAMMES

1. HUMAN RIGHTS CO-OPERATION AND AWARENESS PROGRAMMES

The Human Rights Co-operation and Awareness Division of the Directorate General of Human Rights of the Council of Europe aims to promote:

- the knowledge of the European Convention on Human Rights (ECHR) and other human rights standards of the Council of Europe,
- the adoption of legislation compatible with the ECHR,
- development of good practices in domestic application of human rights standards, including the execution of judgments of the European Court of Human Rights

A wide range of programmes are implemented by the Human Rights Co-operation and Awareness Division, often in the form of Joint Programmes with the European Commission targeting certain geographical areas. The programmes focus on human rights training and awareness raising for specific professional groups such as judges, prosecutors, practicing lawyers and law enforcement representatives. Other beneficiaries include governmental officials, NGO representatives, young people, human Rights monitors and vulnerable groups.

These programmes comprise projects such as compatibility studies and legislative expertises, long-term capacity building, provision of documentation, translation of the case law of the European Court of Human Rights into the relevant languages and multilateral meetings.

Building on the success of the "Police and Human Rights 1997-2000" Programme, a new programme "Police and Human Rights – Beyond 2000" was prepared: its aim is to enable all police officers in the member states of the Council of Europe to gain a sound knowledge of human rights standards and to acquire skills that will enable them to apply these standards as they go about their daily duties.

Apart from human rights training courses, special attention is given to offering advice and support in terms of restructuring police education systems and curricula development. Support has been provided in certain countries to review and redesign the existing curricula in order to ensure the inclusion of European human rights standards components.

Targeted programmes have also been elaborated by this Division in relation to the Roma/Gypsy community as well as refugees. Several workshops have been organised in co-operation with the European Roma Rights Centre, a public interest law centre. Other events have been organised in co-operation with the United Nations High Commissioner for Refugees. These initiatives are aimed at providing practical guidance as to how the European Convention on Human Rights and other human rights standards and mechanisms of the Council of Europe can be used to protect the rights of the Roma community and refugees

2. CONFIDENCE BUILDING MEASURES PROGRAMME

The aim of the Confidence-building Measures (CBM) Programme is to give moral and financial support to civil society initiatives of which the primary objective is to promote harmonious inter-cultural relations between majority and minority groups.

The activities to be supported are of a preventive nature, i.e. they are designed to defuse possible tensions, which could lead to serious conflicts. They are essentially practical in

character and help to break down barriers between different communities at the grass roots level through dialogue and opportunities to work together on specific projects. Such shared experience is seen as the most effective way of promoting mutual knowledge and understanding and rejection of violence as a means of solving problems.

Projects are presented and implemented by NGOs, local and regional authorities, educational establishments, television and radio stations and take the form of seminars, workshops, training courses, television or radio programmes. In addition to their inter-ethnic dimension, projects are related to one or more of the fields of competence of the Council of Europe (e.g. human and minority rights, youth, education, culture, social cohesion, media, local and regional democracy, transfrontier co-operation).

Projects are selected on an annual basis by an intergovernmental Steering Group. Projects which are approved by the Steering Group can either be financed from the Council of Europe budget or from voluntary contributions from individual member States.

Since the creation of the Programme in 1994, approximately 370 such projects have been financed in Albania, Armenia, Azerbaijan, Austria, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Georgia, Germany, Greece, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, "the former Yugoslav Republic of Macedonia", Turkey and Ukraine.

V. PARLIAMENTARY ASSEMBLY

The Parliamentary Assembly is the deliberative organ of the Council of Europe: it consists of delegations of democratically elected members of national parliaments. The work of the Parliamentary Assembly is organised in ten committees (and sub-committees): Political Affairs, Legal Affairs and Human Rights, Economic Affairs and Development, Social, Health and Family Affairs, Migration, Refugees and Population, Culture, Science and Education, Environment, Agriculture and Local and Regional Affairs, Equal Opportunities for Women and Men, Rules of Procedure and Immunities, Monitoring (see also below for further information on the two most relevant committees for national minorities).

The Parliamentary Assembly has had a leading role in the field of national minorities since the organisation was established: it has continuously maintained the issue of minority protection on the agenda and has been encouraging standard-setting processes as well as devoted specific attention to some particular minority situations.

As an illustration to its contribution to standard-setting for the rights of minorities, the Parliamentary Assembly adopted Recommendation 1201(1993) on an additional protocol on the rights of national minorities to the European Convention on Human Rights; a draft protocol forms an integral part of the Recommendation.

Special reference must be made to Article 1 of the draft protocol which contains a rare definition of the term "national minority":

"(...) the expression "national minority" refers to a group of persons in a state who :
a. reside on the territory of that state and are citizens thereof; b. maintain longstanding, firm and lasting ties with that state; c. display distinctive ethnic, cultural, religious or linguistic characteristics; d. are sufficiently representative, although smaller in number than the rest of the population of that state or of a region of that state; e. are motivated by a concern to preserve together that which constitutes their common identity, including their culture, their traditions, their religion or their language."

Article 11, which reads as follows, is also significant:

"In the regions where they are in a majority the persons belonging to a national minority shall have the right to have at their disposal appropriate local or autonomous authorities or to have a special status, matching the specific historical and territorial situation and in accordance with the domestic legislation of the state."

In the context of the enlargement of the Council of Europe, the Parliamentary Assembly has played a central role, in particular in formulating Opinions on States application for membership. These include a set of commitments to be fulfilled by the State concerned which usually include a specific requirement regarding the protection of national minorities. As a result, minority protection has been included in the post accession monitoring developed to assess compliance with the commitments undertaken.

The Parliamentary Assembly is also active in promoting the ratification and implementation of the Framework Convention for the Protection of National Minorities and the European Charter on Regional or Minority Languages.

Legal Affairs and Human Rights Committee

Among the broad range of areas covered by the Legal Affairs and Human Rights Committee is the protection of national minorities. In its function as Legal Advisor of the Parliamentary Assembly, this Committee at the request of the Committee of Ministers gives its opinion on draft conventions prior to their final adoption and has done so for the Framework Convention for the Protection of National Minorities (see also below for the list of documents related to the issue of minority protection adopted by the Parliamentary Assembly).

In April 2005, the Committee decided to set-up a sub-committee on the rights of minorities.

This Committee has appointed a Rapporteur on the ratification of the Framework Convention for the Protection of National Minorities by Council of Europe member states in November 2004. A questionnaire on this subject was sent to all Council of Europe Parliamentary delegations and a report on this subject. Member states should be prepared and examined by the Parliamentary Assembly by the end of 2005.

Monitoring Committee (Committee on the honouring of obligations and commitments by member States of the Council of Europe)

The Monitoring Committee is responsible for verifying the fulfilment of obligations assumed by member States under the terms of the Statute of the Council of Europe, the European Convention on Human Rights and all other Council of Europe Conventions to which they are parties, as well as the honouring of commitments entered into by the authorities of member States upon accession to the Council of Europe.

The Monitoring Committee has developed a specific system to monitor States' compliance in this respect under Resolution 1115 (1997) which resulted in the adoption of monitoring reports in respect of each country individually including a draft resolution in which proposals are made for the improvement of the situation and a draft recommendation for the attention of the Committee of Ministers.

The list of the main Recommendations and Resolutions in the field of national minorities below illustrates the diversity of the work of the Parliamentary Assembly in this field:

- Resolution 1335 (2003) Preferential treatment of national minorities by the kin-state: the case of the Hungarian Law on Hungarians Living in Neighbouring Countries ("Magyars"2) of 19 June 2001
- Recommendation 1609 (2003) Positive experiences of autonomous regions as a source of inspiration for conflict resolution in Europe.
- Recommendation (2003) 1623 Rights of National Minorities
- Recommendation 1492 (2001) Rights of National Minorities
- Resolution 1301 (2002) National Minorities in Belgium (added 19 November 2003)
- Recommendation 1383 (1998) Linguistic diversification
- Recommendation 1353 (1998) Access of minorities to higher education
- Recommendation 1345 (1997) On the protection of national minorities
- Recommendation 1300 (1996) On the protection of the rights of minorities
- Recommendation 1285 (1996) On the rights of national minorities
- Recommendation 1277 (1995) On migrants, ethnic minorities and media
- Recommendation 1275 (1995) On the fight against racism, xenophobia, anti-Semitism and intolerance
- Recommendation 1255 (1995) on the protection of the rights of national minorities
- Recommendation 1201 (1993) On the additional protocol on the rights of minorities to the European Convention on Human Rights
- Recommendation 1177 (1992) On the rights of minorities
- Recommendation 1134 (1990) On the rights of minorities
- Opinion No. 142 (1988) On Resolution 192 (1988) on regional or minority languages in Europe, adopted by the Standing Conference of Local and Regional Authorities of Europe
- Resolution 1172 (1998) Situation of the French-speaking population living in the Brussels periphery
- Resolution 1171 (1998) Endangered Uralic minority cultures
- Recommendation 1334 (1997) On refugees, asylum-seekers and displaced persons in the Commonwealth of Independent States (CIS)
- Recommendation 1333 (1997) On the Aromanian culture and language
- Recommendation 1291 (1996) On Yiddish culture
- Resolution 1049 (1994) On the situation of the German ethnic minority in the former Soviet Union
- Resolution 996 (1993) On population movements between the states of the former Soviet Union
- Recommendation 1203 (1993) On Gypsies in Europe

- Recommendation 1150 (1991) On the situation of the Iraqi Kurdish population and other persecuted minorities
- Resolution 927 (1989) On the situation of the ethnic and Muslim minority in Bulgaria
- Recommendation 1114 (1989) On the situation of minorities in Romania
- Recommendation 1040 (1986) On the situation of the German ethnic minority in the Soviet Union
- Resolution 1049 (1994) On the situation of the German ethnic minority in the former Soviet Union

VI. CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE

The Congress of Local and Regional Authorities of the Council of Europe was established in 1994 as a consultative body to replace the former Standing Conference of Local and Regional Authorities of Europe. It works on the basis of Statutory Resolution (2000) 1 of the Committee of Ministers of the Council of Europe and is an independent organ of the Council of Europe comprising elected local or regional authority representatives.

The Congress comprises two chambers: the Chamber of Local Authorities and the Chamber of Regions and divides its work up amongst four statutory committees: 1) the Institutional Committee, 2) the Committee on Culture and Education, responsible for media, youth, sport and communication, 3) the Committee on Sustainable Development, responsible for environmental affairs and spatial and urban planning, 4) the Committee on Social Cohesion, responsible for issues concerning employment, citizenship, migration, inter-community relations, equality between women and men, and solidarity.

Given the close link between local self-government (the promotion of which is one the main function of the Congress) and the advancement of minority concerns, the work of this Council of Europe organ is highly relevant for the issue of national minorities.

The Congress has adopted resolutions and recommendations dealing specifically with minority protection. In these texts (see below), the Congress has highlighted the instrumentality of the principle of subsidiarity in solving minority issues as well as the positive contribution of territorial autonomy in this area. It has also referred to the principle of cultural autonomy as a usefully complement to self-government.

The Congress was at the origin of two important texts for minority protection: the European Charter of Regional or Minority Languages (see section III) and the European Charter for Local Self Government and has developed monitoring functions under the latter treaty (see further information below).

Monitoring of local and regional democracy

The European Charter of Local Self-Government was opened for signature in 1985 and entered into force in 1988. It is currently ratified by 41 States. It deals with the defence and development of local self-government and enshrines the principle of subsidiarity among other principles. Each Party to the Charter undertakes to consider itself bound by a minimum number of paragraphs of Part I of the Charter, including among the hard core provisions.

Since 1995 the Congress has introduced a monitoring system on local and regional democracy in member states. In 2000 the Committee of Ministers gave the Congress statutory responsibility of preparing on a regular basis country by country reports on the state of local and regional democracy in all member states of the Council of Europe and of monitoring an effective implementation of the European Charter of Local Self-government (Art. 2.3 of the Statutory Resolution of the Congress (2000) 1):

Today the system of monitoring is twofold:

- *Ex-officio* monitoring which consists in a review of the manner in which the articles of the Charter are applied in all contracting states, based on the findings of a committee of independent experts and resulting in the preparation of general reports on the implementation of various articles of the Charter. These include comments and proposals to the Government.
- Country by country monitoring reports carried out by the Institutional Committee of the Congress, which consists of an examination of the situation of local authorities in a specific state.

As part of this monitoring procedure:

- the Congress carries out fact finding missions which allows for frank and constructive dialogue with both the national authorities and the territorial authorities of the member state concerned. The Congress rapporteurs act through national delegations to the Congress and are assisted by a consultant from the Group of independent experts.
- representatives of national governments responsible for local and regional self-government participate in Congress sessions with a view to reporting on how Congress recommendations are implemented in national legislation.

On the occasion of their visits Congress rapporteurs usually pay due regard to minority issues.

Texts adopted by the Congress

In addition to the above-mentioned Conventions, the Congress has adopted a number of recommendations and resolutions with relevance to national minorities. These include:

Resolution 232 (1992) on autonomy, minorities, nationalism and the European Union

Resolution 52 (1997) on "Federalism, regionalism, local autonomy and minorities"

Resolution 44 (1997) "Towards a tolerant Europe: the contribution of the Roma"

Recommendation 43 (1998) on territorial autonomy and national minorities

Recommendation 44 (1998) on the crisis in Kosovo

Resolution 65 (1998) on territorial autonomy and national minorities

Recommendation 70 (1999) on local law/special status

Resolution 175 (2004) on migration flows and social cohesion in South-East Europe: the role of local and regional authorities

Recommendation 147 (2004) on migration flows and social cohesion in South-East Europe: the role of local and regional authorities

VII. COMMISSIONER FOR HUMAN RIGHTS

The institution of the Commissioner for Human Rights was created by Resolution (99)50 of the Committee of Ministers on 7 May 1999, at its 104th session in Budapest. Under this Resolution, the Commissioner is mandated to promote education in and awareness of human rights in the member States; identify possible shortcomings in the law and practice of member States with regard to compliance with human rights and help promote the effective observance and full enjoyment of human rights, as embodied in the various Council of Europe instruments.

The Commissioner is not a judicial body. In carrying out his mandate, the Commissioner has undertaken official visits and seminars and adopted recommendations (see also below) and opinions.

In the context of his official visits, the Commissioner has enquired into the situation of minorities and has addressed the issue of access of national minorities to education and health, employment among other issues. The situation with regard to the acquiring of citizenship of minority groups in certain countries has also been examined by the Commissioner.

Of relevance for minority protection is the role of Ombudsmen. This role has been examined in some of the round-tables of European Ombudsmen regularly organised by the Office of the Commissioner: for example, in the 8th Round Table of European Ombudsmen held in Oslo in November 2003, the participants underlined the catalytic role of the ombudsman in the protection of national minorities, as well as their important preventive role, through for instance, generating dialogue.

RECOMMENDATION

As part of the Commissioner's mandate is the identification of shortcomings in law and practice. In this context, the Commissioner adopted Recommendations, including a **Recommendation concerning certain aspects of law and practice relating to sterilization of women in the Slovak Republic.**

In this Recommendation, the Commissioner analyses and proposes solutions concerning sterilizations which have been carried out on Roma women often without their consent and concerning the enquiry undertaken by the Slovak authorities afterwards. These include:

"the rapid adoption of new legislation introducing and sufficiently specifying the requirement of free and informed consent for medical acts, including sterilizations, in line with the requirements of international law.

the rapid adoption of specific regulations on the patient's right to access his or her medical files, including rules on the delegation of that right.

adequate resources be allocated for measures aimed at improving the health care system, including gynaecological and obstetrical medical services and counselling, and that equal

establish the modalities and criteria for the remedies to be offered to the victims, consideration should be given to the creation of an independent commission. The redress should include compensation and apologies."

Reports of the visits of the Commissioner

In the course of his mandate, the Commissioner visited the following 29 countries, each of them were or will be followed by a report: Andorra, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Georgia, Greece, Hungary, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom

VIII. EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE (ECRI)

ECRI is a mechanism which was established by the first Summit of Heads of State and Government of the member States of the Council of Europe. The decision to establish ECRI is contained in the Vienna Declaration adopted by the first Summit on 9 October 1993. The European Conference against Racism, held in Strasbourg in October 2000, called for the strengthening of ECRI's action. On 13 June 2002, the Committee of Ministers adopted a new Statute for ECRI, consolidating its role as an independent human rights monitoring body on issues related to racism and racial discrimination.

ECRI's task is to combat racism, xenophobia, antisemitism and intolerance at the level of greater Europe and from the perspective of the protection of human rights. ECRI's action covers all necessary measures to combat violence, discrimination and prejudice faced by persons or groups of persons, notably on grounds of "race", colour, language, religion, nationality and national or ethnic origin.

ECRI's programme of activities comprises three aspects: country-by-country approach; work on general themes; activities in relation with civil society.

Country-by-country approach

In the framework of this approach, ECRI monitors phenomena of racism and racial discrimination by closely examining the situation in each of the member States of the Council of Europe. ECRI draws up reports containing its analyses and recommendations as to how each country might deal with the problems identified.

In order to obtain as detailed and comprehensive a picture as possible of the situation as regards racism and intolerance in each country, a contact visit is organised for the ECRI Rapporteurs before the preparation of each new country report.

ECRI's reports are first transmitted in the form of draft texts to the member States concerned for a process of confidential dialogue with the national authorities of these countries. The content of the report is reviewed in the light of this dialogue. The report is then adopted in its final form and transmitted by ECRI to the government of the member State concerned, through the intermediary of the Committee of Ministers of the Council of Europe. The report is then made public, unless the government in question is expressly against its publication.

The country-by-country approach deals with all member States of the Council of Europe on an equal footing. The work is taking place in four/five-year cycles, covering ten/twelve countries per year. The reports of the first round were completed at the end of 1998 and those of the second round at the end of the year 2002. Work on the third round reports started in January 2003.

The publication of ECRI's country reports constitutes an important step in the development of an on-going active dialogue between ECRI and the authorities of the member States, in order to identify solutions to the problems of racism and intolerance that confront the latter.

The input from non-governmental organisations and other institutions or individuals active in this field are welcome in this process to ensure that ECRI's work is as constructive and useful as possible.

Work on general themes

The second aspect of ECRI's programme focuses on general themes which are particularly important in combating racism, xenophobia, antisemitism and intolerance, as well as specific activities on these subjects.

1) General Policy Recommendations:

ECRI has so far adopted nine General Policy Recommendations addressed to the governments of the member States of the Council of Europe covering the main aspects of racism and intolerance and providing basic guidelines for developing comprehensive national policies.

- General Policy Recommendation N° 1: Combating racism, xenophobia, antisemitism and intolerance
- General Policy Recommendation N° 2: Specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level
- General Policy Recommendation N° 3: Combating racism and intolerance against Roma/Gypsies
- General Policy Recommendation N° 4: National surveys on the experience and perception of discrimination and racism from the point of view of potential victims
- General Policy Recommendation No 5: Combating intolerance and discrimination against Muslims
- General Policy Recommendation N° 6: Combating the dissemination of racist, xenophobic and antisemitic material via the Internet
- General Policy Recommendation N° 7: National legislation to combat racism and racial discrimination
- General Policy Recommendation N° 8: Combating racism while fighting terrorism
- General Policy Recommendation N° 9: The fight against antisemitism.

2) Collection and dissemination of examples of "good practices"

Another focus of ECRI's activities involves collecting examples of "good practices" in the fight against racism and intolerance, and disseminating them widely in relevant circles. The most recent collections of "good practices" addressed the following themes:

- Specialised bodies to combat racism and intolerance at national level
- Good practices to combat racism and intolerance in the media
- Practical examples in combating racism and intolerance against Roma/Gypsies

Relations with civil society

This aspect of ECRI's programme aims at spreading ECRI's anti-racist message as widely as possible among the general public and making its work known in all relevant spheres at international, national and local level. ECRI's programme of action on relations with civil society acknowledges the fact that racism and intolerance can only be successfully countered if civil society is actively engaged in this fight: tackling racism and intolerance requires not only action on the part of governments (to whom ECRI's recommendations are addressed), but also

the full involvement of civil society. ECRI attaches great importance to ensuring that its anti-racism message filters down to the whole of civil society, and also to involving the various sectors of society in an intercultural dialogue based on mutual respect. The programme of action implemented by ECRI to develop its relations with civil society includes the following activities:

- Organisation of information sessions and round tables in member States at the time of publication of ECRI's country reports, in co-operation with national partners.
- Thematic and co-operation meetings with NGOs active in combating racism and intolerance and participation in events organised by NGOs.
- Use of the media to communicate the results of ECRI's work and to spread the anti-racist message as widely as possible; development of the website "combating racism and intolerance": www.coe.int/ecri.
- Information activities aimed at governmental and parliamentary political audiences.
- Contacts with the Youth sector.

In implementing its activities, ECRI co-operates closely with the European Monitoring Centre on Racism and Xenophobia (EUMC), on the basis of the Agreement signed on 10 February 1999 by the Council of Europe and by the European Community.

ECRI General Policy Recommendation N° 7: National legislation to combat racism and racial discrimination (adopted on 13 December 2002)

This General Policy Recommendation contains the elements which ECRI considers to be key for an effective national legislation against racism and racial discrimination.

In this text ECRI calls for the strengthening of legal tools aimed at guaranteeing protection of individuals against racism and racial discrimination and at promoting genuine equality of all persons. Thus, ECRI calls for more effective legal protection from acts of racism and discrimination on the basis of race, colour and national or ethnic origin, but also of language, religion and nationality.

ECRI recommends that the prohibition of discrimination should apply to a very broad range of areas, including the activities of the police and border control officials. It recommends the creation of independent specialised bodies to combat racism and racial discrimination in each member State, which can not only monitor the situation and formulate recommendations to governments, but also assist or represent complainants in pursuing their legal claims and carry out investigations.

Reflecting its approach that racism and discrimination should not only be countered when they manifest themselves, but should also be prevented through the promotion of equality and awareness raising, ECRI furthermore recommends that all public authorities be subjected to a legal obligation to promote equality and to prevent discrimination in carrying out their functions.

IX. EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION)

The European Commission for Democracy through Law, better known as the Venice Commission, is the Council of Europe's advisory body on constitutional matters. Established in 1990, the Commission has played a leading role in the adoption of constitutions that conform to the standards of Europe's constitutional heritage.

Over years, the Commission has become an internationally recognised independent legal think-tank, providing "constitutional advice" to individual states and playing a unique role in crisis management and conflict prevention through constitution building and advice.

The typical working method of the Commission consists in the preparation of opinions or studies by a certain number of its members, after visiting the country concerned and meeting and consulting with the relevant national authorities, in order to get acquainted with the situation pertaining and to propose workable solutions. The Commission adopts a comparative approach, aiming at sharing the experiences acquired by each member State of the Council of Europe through the functioning of its own democratic institutions.

The Venice Commission has been involved with the issue of minority rights since 1991 when it adopted a "Proposal for a European Convention for the Protection of National Minorities". It was later (1992) called upon examining the proposed additional protocol to the European Convention on Human Rights prepared by the Committee on Legal Affairs and Human Rights of the Council of Europe Parliamentary Assembly (notably its Article 11), as well as certain provisions of the European Charter for Regional or Minority Languages (1996).

Since then, it has co-operated with the national authorities of a number of countries (including Hungary (1993), the Republic of Moldova (1995 and 1999), Croatia (1996 to 2002), Bosnia Herzegovina (2001), Serbia and Montenegro (2003), Lithuania (2003), Montenegro, Romania and Ukraine (2004) providing its opinion on the conformity with European standards of several draft pieces of legislation relating to the rights of persons belonging to national minorities. In March 2002, at the request of the Parliamentary Assembly, it examined the question of the possible groups of persons to which the Framework Convention for the Protection of National Minorities would be applicable, once it is ratified by Belgium.

In October 2001, the Commission adopted a report on "Preferential treatment of national minorities by their kin-State". This report, which addressed for the first time this phenomenon of international law, was later regarded as setting out the standards of acceptable conduct of States in their relations with their so-called kin-minorities. It also served as an instrument of mediation between Hungary and Romania in their dispute concerning the Hungarian "status law". As a follow-up to this report, in the light of the great interest it had aroused, the Commission organised an international colloquy in June 2002 in Athens on "Protection of national minorities by their kin-States"; the proceedings appear in the volume No 32 of the Venice Commission series "Science and Technique of Democracy".

The Commission is currently working on a study on the issue of whether it is appropriate to have a citizenship requirement in the general definition of "national minorities". This study shall be carried out on the basis of discussions held on the topic with other international bodies dealing with minority protection notably the Advisory Committee on the Framework

Convention on National Minorities, the Working Group on Minorities within the UN Sub-Commission on Human Rights, the Committee of Experts on the European Charter on Regional or Minority Languages, the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe and the OSCE High Commissioner on National Minorities.

In addition, the Venice Commission being active in the broad area of constitutional law has also covered issues which have an underpinning on minority protection (for example political parties and elections, territorial organisations of a State).

The Commission has also carried out several studies on minority-related matters. In 1993, it carried out a comparative study (based on replies to a questionnaire submitted by twenty-six States) on the protection of minorities at the national level, which demonstrated the diversity of existing legal models of minority protection. In 1994, it published a specific study on "Protection of Minorities in Federal and Regional States. Austria, Belgium, Canada, Germany, Italy, Spain, Switzerland". In 1996, the Commission published the proceedings of a UniDem (University for Democracy) seminar held in Lausanne on the topic of "Local self-government, territorial integrity and protection of minorities", based on the experiences of several countries of Western, Eastern and Central Europe. In 2000, it adopted a study on "Electoral law and national minorities", which is part of its work on the participation of persons belonging to national minorities in public life.

List of the most important documents adopted by the Venice Commission

CDL-AD(2005)009 Report on electoral rules and affirmative action for national minorities' participation in the decision-making process in the European countries

CDL-AD(2002)001 Opinion on Possible Groups of Persons to which the Framework Convention for the Protection of National Minorities could be applied in Belgium

CDL-INF(2001)019 Report on the Preferential Treatment of National Minorities by their Kin-State, adopted by the Venice Commission at its 48th Plenary Meeting (Venice, 19-20 October 2001)

CDL-MIN(1999)001rev Electoral law and national minorities

CDL-MIN(1998)001rev Summary report on participation of members of minorities in public life

CDL-MIN(1996)002rev Opinion on the provisions of the European Charter for Regional or Minority Languages which should be accepted by all the contracting states

CDL-MIN(1994)001rev2 The protection of minorities in federal and regional States: consolidated report based upon studies carried out in relation to Austria, Belgium, Canada, Germany, Italy, Spain and Switzerland

CDL-MIN(1993)002rev The participation of persons belonging to national minorities in the functioning of democratic institutions

CDL-MIN(1992)008 Opinion on proposal drawn up by the Committee on Legal Affairs and Human Rights for an additional protocol to the European Convention on Human Rights concerning the rights of minorities

CDL(1991)008 Explanatory report on the proposal for a European Convention for the Protection of Minorities

CDL(1991)007 Proposal for an European Convention for the Protection of Minorities

CDL-MIN(1991)020rev Opinion on the draft Charter for regional or Minority Languages

X. CO-OPERATION WITH NGOs AND THE EUROPEAN FORUM FOR ROMA AND TRAVELLERS

A. CO-OPERATION WITH NGOS

Recognising the contribution of NGOs in its work, the Council of Europe provides international NGOs with the opportunity to acquire participatory status. This status which is governed by Resolution (2003)8 adopted by the Committee of Ministers on 19 November 2003 reinforces co-operation with NGOs. At the time of writing, more than 400 non-governmental organisations have participative status with the Council of Europe.

The Council of Europe co-operates with NGOs in all bodies of its organisational structure: the Committee of Ministers; the Parliamentary Assembly; the Congress of Local and Regional Authorities of the Council of Europe, as well as its Programme of Activities.

Co-operation takes many forms, from simple consultation to full-scale collaboration on specific projects. NGO experts may participate as consultants in various studies or contribute to the work of intergovernmental committees on an *ad hoc* basis; prepare memoranda for the Secretary General; make oral or written statements to the Parliamentary Assembly's Committees and to the Congress of Local and Regional Authorities; address colloquies, seminars and other meetings organised by the Council of Europe. NGOs report back to the public on progress in Council of Europe projects in their sphere, while making their own expert advice available to the Council.

There are significant examples of co-operation. The Parliamentary Assembly and its committees may seek advice from NGOs enjoying participatory status, in turn, the NGOs receive the Assembly's agenda and public documents. They have a range of opportunities to bring their views to the attention of the Assembly in writing or orally to an Assembly Committee. They submit pertinent information to the different committees as well as to individual parliamentarians. Information from NGOs working in the area of human rights protection is of continuing importance to the Assembly throughout the process of membership application and subsequent monitoring.

NGOs (national or international) can contribute to the various human rights monitoring systems functioning within the Council of Europe. :

They can provide useful advice or even legal representation for individuals or groups of individuals who wish to bring complaints before the European Court of Human Rights. In certain circumstances, NGOs can be invited to provide information to the Court which contributes to the analysis of issues raised.

They can provide alternative information to the monitoring bodies of the Framework Convention for the Protection of National Minorities and the Charter for Regional or Minority Languages (see also relevant sections of this document).

ECRI also co-operates with international and national NGOs through its monitoring work and in the framework of its programme of action on relations with civil society (see also relevant section of this document).

As far as NGOs and the European Social Charter are concerned, the Protocol providing for a system of collective complaints came into force on 1 July 1998 in ratifying states. This procedure entitles international NGOs enjoying participatory status and included in a special list, amongst other organisations, to lodge collective complaints with the European Committee of Social Rights alleging violations of the Charter (see also the section on the European Social Charter).

B. THE EUROPEAN FORUM FOR ROMA AND TRAVELLERS

The European Roma and Travellers Forum has the status of an international non-governmental organisation (INGO), with the mandate to represent Roma communities all over Europe.

The idea of such a Forum, discussed since the early 1990s, was given a more concrete form in 2001, when President Tarja Halonen of Finland, in an address to the Parliamentary Assembly of the Council of Europe, proposed creating a consultative assembly for the Roma on a European level. The purpose, in her own words, is to "give a voice to the Roma".

The Forum is an autonomous body, independent of governments and inter-governmental organisations. It has a legal Partnership Agreement with the Council of Europe, which, amongst other things, provides for the establishment of relations with the various bodies of the Council of Europe.

The Forum is intended as an elected body bringing together legitimate voices of Roma, Sinti and Traveller communities: it is open to all organizations working for Roma, Sinti, Kale and other related groups. The members of the Forum are the national umbrella organizations, the Roma international organizations. These members will nominate delegates to sit in the plenary meetings and in the Executive Committee.

National umbrella organizations of the Roma and/or Travellers must cover 75 per cent of the national structures representing this population in the country concerned. These national umbrella organizations will appoint one titular delegate and three substitutes to the Forum.

At the time of writing, the first general plenary of the Forum is scheduled in the summer of 2005. Only organisations recognized by the Forum by the end of May 2005 will be able to send delegates to this first session.

APPENDIX - COMPARATIVE TABLE OF RATIFICATIONS OF RELEVANT COUNCIL OF EUROPE TREATIES/ TABLEAU COMPARATIF DES RATIFICATIONS DES TRAITES DU CONSEIL DE L'EUROPE PERTINENTS

Updated – 15 April 2005 / Mis à jour le 15 avril 2005

MEMBER STATES / ETATS MEMBRES	Framework Convention for the Protection of National Minorities / Convention-cadre pour la protection des minorités nationales	European Charter for Regional or Minority Languages / Charte européenne des langues régionales ou minoritaires	Protocol No 12 / Protocole No 12	European Social Charter / Charte sociale européenne	European Social Charter (Revised) / Charte sociale européenne (révisée)	Additional Protocol to the European Social Charter Providing for a System of Collective Complaints / Protocole additionnel à la Charte sociale européenne prévoyant un système de réclamations collectives	European Convention on Nationality / Convention européenne sur la nationalité	MEMBER STATES / ETATS MEMBRES
ALBANIA / ALBANIE	28/09/1999	-	26/11/2004	-	14/11/2002	-	11/02/2004	ALBANIA / ALBANIE
ANDORRA / ANDORRE	-	-	-	-	12/11/2004	-	-	ANDORRA / ANDORRE
ARMENIA / ARMENIE	20/07/1998	25/01/2002	17/12/2004	-	21/01/2004	-	-	ARMENIA / ARMENIE
AUSTRIA / AUTRICHE	31/03/1998	28/06/2001	-	29/10/1969	-	-	17/09/1998	AUSTRIA / AUTRICHE
AZERBAIJAN / AZERBAIDJAN	Accession / adhésion 26/06/2000	-	-	-	02/09/2004	-	-	AZERBAIJAN / AZERBAIDJAN
BELGIUM / BELGIQUE	-	-	-	16/10/1990	02/03/2004	23/06/2003	-	BELGIUM / BELGIQUE
BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE	Accession / adhésion 24/02/2000	-	29/07/2003	-	-	-	-	BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE
BULGARIA / BULGARIE	07/05/1999	-	-	-	07/06/2000	*	-	BULGARIA / BULGARIE
CROATIA / CROATIE	11/10/1997	05/11/1997	03/02/2003	26/02/2003	-	26/02/2003	-	CROATIA / CROATIE
CYPRUS / CHYPRE	04/06/1996	26/08/2002	30/04/2002	07/03/1968	27/09/2000	06/08/1996	-	CYPRUS / CHYPRE
CZECH REPUBLIC / REPUBLIQUE TCHEQUE	18/12/1997	-	-	03/11/1999	-	-	19/03/2004	CZECH REPUBLIC / REPUBLIQUE TCHEQUE

* Declaration contained in the instrument of ratification deposited on 7 June 2000: In accordance with Part IV, Article D, paragraph 2, of the Revised European Social Charter, the Republic of Bulgaria accepts the supervision of its obligations under this Charter following the procedure provided in the Additional Protocol to the European Social Charter providing for a system of collective complaints of 9 November 1995 / Déclaration consignée dans l'instrument de ratification déposé le 7 juin 2000 : Conformément à l'article D, paragraphe 2, de la Partie IV de la Charte sociale européenne (révisée), la République de Bulgarie déclare qu'elle accepte le contrôle de ses obligations au titre de cette Charte selon la procédure prévue par le Protocole additionnel à la Charte sociale européenne prévoyant un système de réclamations collectives, du 9 novembre 1995.

MEMBER STATES / ETATS MEMBRES	Framework Convention for the Protection of National Minorities / Convention-cadre pour la protection des minorités nationales	European Charter for Regional or Minority Languages / Charte européenne des langues régionales ou minoritaires	Protocol No 12 / Protocole No 12	European Social Charter / Charte sociale européenne	European Social Charter (Revised) / Charte sociale européenne (révisée)	Additional Protocol to the European Social Charter Providing for a System of Collective Complaints / Protocole additionnel à la Charte sociale européenne prévoyant un système de réclamations collectives	European Convention on Nationality / Convention européenne sur la nationalité	MEMBER STATES / ETATS MEMBRES
DENMARK / DANEMARK	22/09/1997	08/09/2000	-	03/03/1965	-	-	24/07/2002	DENMARK / DANEMARK
ESTONIA / ESTONIE	06/01/1997	-	-	-	11/09/2000	-	-	ESTONIA / ESTONIE
FINLAND / FINLANDE	03/10/1997	09/11/1994	17/12/2004	29/04/1991	21/06/2002	17/07/1998	-	FINLAND / FINLANDE
FRANCE	-	-	-	09/03/1973	07/05/1999	07/05/1999	-	FRANCE
GEORGIA / GEORGIE	-	-	15/06/2001	-	-	-	-	GEORGIA / GEORGIE
GERMANY / ALLEMAGNE	10/09/1997	16/09/1998	-	27/01/1965	-	-	-	GERMANY / ALLEMAGNE
GREECE / GRECE	-	-	-	06/06/1984	-	18/06/1998	-	GREECE / GRECE
HUNGARY / HONGRIE	25/09/1995	26/04/1995	-	08/07/1999	-	-	21/11/2001	HUNGARY / HONGRIE
ICELAND / ISLANDE	-	-	-	15/01/1976	-	-	26/03/2003	ICELAND / ISLANDE
IRELAND / IRLANDE	07/05/1999	-	-	07/10/1964	04/11/2000	04/11/2000	-	IRELAND / IRLANDE
ITALY / ITALIE	03/11/1997	-	-	22/10/1965	05/07/1999	03/11/1997	-	ITALY / ITALIE
LATVIA / LETTONIE	-	-	-	31/01/2002	-	-	-	LATVIA / LETTONIE
LIECHTENSTEIN	18/11/1997	18/11/1997	-	-	-	-	-	LIECHTENSTEIN
LITHUANIA / LITUANIE	23/03/2000	-	-	-	29/06/2001	-	-	LITHUANIA / LITUANIE
LUXEMBOURG	-	-	-	10/10/1991	-	-	-	LUXEMBOURG
MALTA / MALTE	10/02/1998	-	-	04/10/1998	-	-	-	MALTA / MALTE
MOLDOVA	20/11/1996	-	-	-	08/11/2001	-	30/11/1999	MOLDOVA
MONACO	-	-	-	-	-	-	-	MONACO
NETHERLANDS / PAYS-BAS	16/02/2005	02/05/1996	28/07/2004	22/04/1980	-	-	21/03/2001	NETHERLANDS / PAYS-BAS
NORWAY / NORVEGE	17/03/1999	10/11/1993	-	26/10/1962	07/05/2001	20/03/1997 S	-	NORWAY / NORVEGE
POLAND / POLOGNE	20/12/2000	-	-	25/06/1997	-	-	-	POLAND / POLOGNE

S: Signature without reservation as to ratification / Signature sans réserve de ratification

MEMBER STATES / ETATS MEMBRES	Framework Convention for the Protection of National Minorities / Convention-cadre pour la protection des minorités nationales	European Charter for Regional or Minority Languages / Charte européenne des langues régionales ou minoritaires	Protocol N°12 / Protocole N°12	European Social Charter / Charte sociale européenne	European Social Charter (Revised) / Charte sociale européenne (révisée)	Additional Protocol to the European Social Charter Providing for a System of Collective Complaints / Protocole additionnel à la Charte sociale européenne prévoyant un système de réclamations collectives	European Convention on Nationality / Convention européenne sur la nationalité	MEMBER STATES / ETATS MEMBRES
PORTUGAL	07/05/2002	-	-	30/09/1991	30/05/2002	20/03/1998	15/10/2001	PORTUGAL
ROMANIA / ROUMANIE	11/05/1995	-	-	-	07/05/1999	-	20/01/2005	ROMANIA / ROUMANIE
RUSSIAN FEDERATION / FEDERATION DE RUSSIE	21/08/1998	-	-	-	-	-	-	RUSSIAN FEDERATION / FEDERATION DE RUSSIE
SAN MARINO / SAINT-MARIN	05/12/1996	-	25/04/2003	-	-	-	-	SAN MARINO / SAINT-MARIN
SERBIA AND MONTENEGRO / SERBIE-MONTENEGRO	Accession / adhésion 11/05/2001	-	03/03/2004	-	-	-	-	SERBIA AND MONTENEGRO / SERBIE-MONTENEGRO
SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE	14/09/1995	05/09/2001	-	22/06/1998	-	-	27/05/1998	SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE
SLOVENIA / SLOVENIE	25/03/1998	04/10/2000	-	-	07/05/1999	*	-	SLOVENIA / SLOVENIE
SPAIN / ESPAGNE	01/09/1995	09/04/2001	-	06/05/1980	-	-	-	SPAIN / ESPAGNE
SWEDEN / SUEDE	09/02/2000	09/02/2000	-	17/12/1962	29/05/1998	29/05/1998	28/06/2001	SWEDEN / SUEDE
SWITZERLAND / SUISSE	21/10/1998	23/12/1997	-	-	-	-	-	SWITZERLAND / SUISSE
"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / "L'EX-REPUBLIQUE YUGOSLAVE DE MACEDOINE"	10/04/1997	-	13/07/2004	-	-	-	03/06/2003	"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / "L'EX-REPUBLIQUE YUGOSLAVE DE MACEDOINE"
TURKEY / TURQUIE	-	-	-	24/11/1989	-	-	-	TURKEY / TURQUIE
UKRAINE	26/01/1998	-	-	-	-	-	-	UKRAINE
UNITED KINGDOM / ROYAUME UNI	15/01/1998	27/03/2001	-	11/07/1962	-	-	-	UNITED KINGDOM / ROYAUME UNI

* Declaration contained in a Note Verbale handed to the Secretary General at the time of deposit of the instrument of ratification, on 7 May 1999; accordance with Part IV, Article D, paragraph 2, of the Revised European Social Charter, the Republic of Slovenia accepts the supervision of its obligations under this Charter following the procedure provided in the Additional Protocol to the European Social Charter providing for a system of collective complaints of 9 November 1995 / Déclaration consignée dans une Note Verbale remise au Secrétaire Général lors du dépôt de l'instrument de ratification, le 7 mai 1999 : Conformément à l'article D, paragraphe 2, de la Partie IV de la Charte sociale européenne (révisée), la République de Slovénie déclare qu'elle accepte le contrôle de ses obligations au titre de cette Charte selon la procédure prévue par le Protocole additionnel à la Charte sociale européenne prévoyant un système de réclamations collectives, du 9 novembre 1995.