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

**Replies to the questionnaire on Consultation Arrangements Concerning National Minorities
Réponses au questionnaire sur les dispositifs de consultation des minorités nationales**

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**2nd meeting
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**Human Rights Building, Strasbourg
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This document contains the replies of governments to the DH-MIN questionnaire on the consultation arrangements concerning national minorities, as they were submitted to the secretariat.

An analytical study of the replies to the questionnaire was prepared by Mr Marc Weller, Director of the European Center for Minority Issues (ECMI) and is contained in DH-MIN(2005)011.

Ce document inclut les réponses des gouvernements au questionnaire du DH-MIN sur les dispositifs de consultation des minorités nationales, telles que soumises au secrétariat.

Une étude analytique des réponses au questionnaire a été préparée par M. Marc Weller, Directeur du *European Centre for Minority Issues* (ECMI) et figure dans le document DH-MIN(2005)011.

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DH-MIN(2005)009

Strasbourg, 7 June 2005

QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

DH-MIN members are kindly invited to answer the following questions with regard to the consultation arrangements concerning national minorities and to submit their replies by e-mail to the Secretariat (stephanie.marsal@coe.int) by 5 September 2005.

- 1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?¹**
- 2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.**
- 3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?**
- 4. Please provide a critical assessment of the functioning of the consultation mechanisms/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?**
- 5. Please indicate any suggestions you may have concerning the ways in which intergovernmental co-operation could contribute to enhancing further consultation of persons belonging to national minorities?**

¹ Please list all relevant bodies and assign them abbreviations as follows :

A.1., A.2, etc. for bodies at the national level;

B.1., B.2, etc. for bodies at the sub-national levels (regional, provincial, *Länder*, etc. levels),

C.1., C.2, etc. for bodies at the local level.

Please use these abbreviations in your replies to this questionnaire.

APPENDIX 1

STATUS

- What is the legal basis for the consultation mechanism/ advisory body of national minorities (constitutional, ordinary law, other),
- What status does the consultation mechanism/advisory body have: NGO status/public body status/ personal autonomy arrangements with advisory functions, other status?
- If the advisory body is a public body, what is its relation to public authorities (is it independent and how is its independence ensured)?
- At what level do these consultation mechanisms/bodies operate: central level bodies/ local or regional bodies, both levels?

MANDATE/FUNCTIONS

Please specify the main functions of the consultative mechanism/advisory body, which may include some of the following:

- Taking initiatives and making proposals/recommendations,
- Possibility to request information,
- Monitoring the situation of persons belonging to national minorities, preparation of studies, conducting research,
- Increasing public awareness of problems related to the situation of national minorities,
- Consultation and participation in the preparation of public policies on national minorities: existence of an obligation to consult in the legislative process and other public policy decisions affecting national minorities, areas where consultation is foreseen (culture, education, language, social and economic participation, other areas),
- Coordination functions among different minorities, other coordination functions,
- Other specific tasks assigned, including distribution of resources directed to cultural activities.

MEMBERSHIP/MINORITIES INVOLVED

- Does the consultation mechanism/advisory body include all minorities or are there minority-specific bodies or forms of consultation?
- Is the advisory body composed of representatives of national minorities only or is it a mixed structure with representation of both national minorities and state officials?
- What is the role of state officials in the work of advisory body/consultation mechanism?
- How is the formal and/or factual influence of representatives of minority groups safeguarded?
- How are the minorities' representation and representativity (representation of numerically small minorities, representatives of minority NGOs, minority representatives from Parliament, political parties of minorities, others) ensured in the advisory body/within the consultation mechanism?
- Please describe the appointment procedure for participation in the advisory body/consultation mechanism: who proposes (national minorities, political parties, churches, others), who decides (Government, Parliament, others)?

FUNCTIONING/ WORKING METHODS

- Are there any procedural guidelines in place for consultation of persons belonging to national minorities/advisory bodies?
- What are the working methods used, including the forming of sub-bodies dealing with specific areas or specific consultation mechanisms for certain areas?
- What channels of co-operation exist between the advisory body/consultation mechanism and Parliament (including through the relevant Parliamentary committees) and the Government (including governmental offices for national minorities where relevant)?
- What is the situation with regard to the resources allocated to the advisory bodies/consultation mechanisms (finance, staff) and what is the source of funding (central/local authorities, mixed funding)?
- What links exist between the advisory bodies/consultation mechanisms at the different levels (local/central)?
- What channels of co-operation/links have been created between various advisory bodies working at the same level (if such bodies exist)
- Are the recommendations and/or the findings of the advisory bodies/consultation mechanisms publicised or otherwise communicated to a wider audience?
- Where can the public seek and find information about the mandate, composition and activities of the advisory body/consultation mechanism (for instance, does a specific website exist)?



Strasbourg, 7 juin 2005

QUESTIONNAIRE SUR LES DISPOSITIFS DE CONSULTATION DES MINORITES NATIONALES

Les membres du DH-MIN sont invités à répondre aux questions suivantes relatives aux modalités de consultation des minorités nationales et à soumettre leurs réponses au Secrétariat par e-mail (stephanie.marsal@coe.int) avant le 5 septembre 2005.

1. **Quelles sont les dispositifs institutionnels et autres existants pour consulter les personnes appartenant à des minorités nationales sur les questions les intéressant (organes consultatifs des minorités nationales ou autres mécanismes de consultation des minorités nationales)² ?**
2. **Veuillez fournir des informations sur le fondement juridique, le mandat/champ d'activité des mécanismes de consultation/organes consultatifs existants. Vous êtes invités à vous référer au tableau figurant en annexe 1 afin de structurer l'information donnée.**
3. **Veuillez indiquer quels sont les principaux facteurs ayant influencé la décision d'opter pour un mécanisme de consultation/organe consultatif particulier ?**
4. **Veuillez fournir une évaluation critique du fonctionnement des mécanismes de consultation/organes consultatifs existants ? Des propositions ont-elles été faites, au niveau national, afin d'améliorer leur statut, le mandat/champ d'activité et fonctionnement ? Des bonnes pratiques ont-elles été identifiées ?**
5. **Veuillez indiquer les propositions que vous souhaiteriez formuler, le cas échéant, s'agissant de la façon dont la coopération intergouvernementale pourrait contribuer à renforcer la consultation des personnes appartenant à des minorités nationales.**

² Veuillez énumérer l'ensemble des organes concernés et leur assigner les abréviations suivantes :

A.1, A.2, etc., pour les organes au niveau national ;

B 1, B2, etc., pour les organes au niveau infra-national (provinces, régions, *Länder*, etc.) ;

C1, C2, etc., pour les organes au niveau local.

Veuillez utiliser les abréviations ci-dessus dans vos réponses à ce questionnaire.

ANNEXE 1

STATUT

- Quel est le fondement juridique des organes consultatifs/mécanismes de consultation (droit constitutionnel, droit ordinaire, autre),
- De quel statut dispose l'organe consultatif/le mécanisme de consultation: statut d'ONG /statut d'organisme public / structures d'autonomie personnelle ayant des fonctions consultatives, autre statut?
- Si l'organe consultatif est un organe public, quels sont ses liens avec les autorités publiques (est-ce un organe indépendant et comment cette indépendance est-elle assurée) ?
- Quel est le niveau auquel les organes consultatifs/ mécanismes de consultation agissent: au niveau central /niveau local ou régional, aux deux niveaux?

MANDAT/FONCTIONS

Veillez préciser les fonctions principales de l'organe consultatif/mécanisme de consultation, lesquelles peuvent inclure les fonctions suivantes :

- Prise d'initiatives et formulation de propositions/recommandations,
- Possibilité de demander des informations,
- Suivi de la situation des personnes appartenant à des minorités nationales, préparation d'études, recherche,
- Sensibilisation de l'opinion publique aux problèmes liés à la situation des minorités nationales,
- Consultation et participation à l'élaboration des politiques publiques sur les minorités nationales : existence d'une obligation de consultation dans le processus législatif et dans le cadre d'autres décisions de politiques publiques concernant les minorités nationales, domaines où la consultation est prévue (culture, éducation, langue, participation sociale et économique, autres domaines),
- Rôle de coordination entre les différentes minorités, autres fonctions coordinatrices,
- Autres tâches, y compris la distribution des ressources destinées aux activités culturelles.

COMPOSITION/ MINORITES CONCERNEES

- L'organe consultatif/mécanisme de consultation rassemble-t-il des organisations représentant toutes les minorités ou une seule minorité?
- L'organe consultatif est-il composé uniquement de représentants des minorités nationales ou est-ce une structure mixte comprenant des minorités nationales et des représentants de l'Etat?
- Quel est le rôle des représentants de l'Etat dans les travaux de l'organe consultatif/mécanisme de consultation ?
- Comment l'influence formelle et/ou dans les faits des représentants des groupes minoritaires est-elle garantie?
- Comment la représentation et la représentativité des minorités sont-elles garanties (représentation des minorités numériquement faibles, représentants d'ONG de minorités, représentants des minorités au Parlement, des partis politiques des minorités, autres)?
- Veuillez décrire la procédure de désignation pour participer à l'organe consultatif/mécanisme de consultation: qui propose (minorités nationales, partis politiques, églises, autres), qui décide (gouvernement, parlement, autres)?

FUNCTIONNEMENT/METHODES DE TRAVAIL

- Existe-t-il des règles de procédure pour consulter les personnes appartenant à des minorités nationales/les organes consultatifs?
- Quelles sont les méthodes de travail, y compris la formation de sous-organes s'occupant de domaines précis ou des mécanismes de consultation spécifiques pour certains domaines?
- Quels sont, dans la pratique, les contacts et la coopération avec le parlement (notamment par le biais des commissions compétentes), avec le gouvernement (notamment les services gouvernementaux chargés des minorités nationales, le cas échéant) ?
- Quelle est la situation concernant les ressources allouées aux organes consultatifs (budget, personnel) et quelle est la source de financement (pouvoir central/pouvoirs locaux, financement mixte) ?
- Quels sont les liens entre les différents niveaux des organes/conseils consultatifs (local/central)
- Quels sont les voies de coopération et/ou liens qui ont été créés entre les différents organes consultatifs/mécanismes de consultation opérant au même niveau ?
- Est-ce que les observations et/ou recommandations des organes consultatifs/mécanismes de consultation sont publiées ou, sinon, sont-elles communiquées à un public plus large ?
- Où le public peut-il trouver des informations sur le mandat, la composition et les activités de l'organe consultatif/mécanisme de consultation (par exemple, un site internet spécifique existe-t-il ?).

Albanie/Albania

**REPLY TO THE QUESTIONNAIRE ON THE
CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES**

ALBANIA

- 1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?**

PARLIAMENTARY COMMITTEE ON LEGAL ISSUES, PUBLIC ADMINISTRATION AND HUMAN RIGHTS

OMBUDSMAN /PEOPLE'S ADVOCATE

OFFICE FOR MINORITIES MINISTRY OF FOREIGN AFFAIRS (A.1)

STATE COMMITTEE FOR MINORITIES (A1)

DIVISION FOR MINORITIES- MINISTRY OF INTERIOR (A 1)

AGENCY FOR MONITORING THE IMPLEMENTATION OF THE NATIONAL STRATEGY "ON THE IMPROVEMENT OF THE LIVING CONDITIONS OF THE ROMA MINORITY"- MINISTRY OF LABOR, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES (A.1)

DIRECTORATE FOR PRIMARY EDUCATION
MINISTRY OF EDUCATION AND SCIENCE (a.1)

- 2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.**

PARLIAMENTARY COMMITTEE ON LEGAL ISSUES, PUBLIC ADMINISTRATION AND HUMAN RIGHTS

This Parliamentary Committee is composed of members belonging to minorities, as well.

OMBUDSMAN /PEOPLE'S ADVOCATE

The official name in Albania for the ombudsperson for human rights is people's advocate. This office was established by the Assembly in February 2000 and started to work in June 2000.

The legal basis on which this Institution was established is the Law No. 8454, dated 04.02.1999 "On People's Advocate"

The People's Advocate is elected by three-fifths of all the members of the Assembly and shall remain in office for a 5-year period, with the right of re-election

OFFICE FOR MINORITIES

STATUS

The office was established in November 1993, first as a consultative body to the Prime Minister. After 1995 it was transformed into a one-man specialized governmental institution dealing with minority affairs. In January 2000, when the responsible person for this office was transferred to the Ministry of Foreign Affairs, routinely but not by a governmental decree, the Office followed him, of course not as an institutionalized and specialized body, inside the structure of this Ministry. With COM Decision No. 138 dated 31.05.2002 on the Approval of the structure of the Ministry of Foreign Affairs the Office for Minorities was included in the structure of the Ministry of Foreign Affairs. The Office for Minorities acts at national level.

The structure of this Office is composed of three persons: the Representative of the Office for Minorities and two experts on minority issues (state officials).

MISSION:

The Office for Minorities, in line with the domestic legislation, has as one of its primary functions to follow the implementation of international commitments of Albania in the field of the rights of minorities.

Other functions of this Office are as follow:

- to coordinate and follow the implementation of the Government policy towards recognition and exercise of the rights of persons belonging to national minorities, whilst respecting domestic legislation and international commitments;
- to maintain and develop an official dialogue with minority groups and organizations representing minorities in order to be permanently familiar with their demands and problems, particularly in respect of central and local bodies;
- to bring to the attention of the Government concrete problems or complaints raised by minority persons, groups or organization lobbying for minority rights;
- to support and promote the lawful activities of minority groups which aim to preserve and further develop their cultural, linguistic, religious and ethnic identity, as well as to facilitate the creation of a climate for a better inter-ethnic understanding in Albania
- to provide views on proposed governmental decisions that may directly or indirectly affect minorities.

FUNCTIONING/ WORKING METHODS

-day-by-day programmed or random contacts of the Office for Minorities with minority representatives in order to bring to the attention of the Government concrete problems or complaints raised by persons belonging to minorities

-receiving complaints and organizing meetings with representatives of local government or public administrations and minorities in areas where minorities are situated, seeking for the satisfaction of minority concerns

-chairing periodically, or when concerns arise, Round Tables of dialogue of the Office with minority representatives and elaborating strategies to address their concerns

- monitoring developments and preparing written reports concerning the situation of persons belonging to national minorities.

STATE COMMITTEE FOR MINORITIES

STATUS

The State Committee for Minorities was established with COM Decision no.127, "On the establishment of the State Committee for Minorities", dated 11.03.2004.

This Committee is a public central body, with judicial personality under the responsibility of the Prime Minister.

MANDATE

The State Committee for Minorities cooperates with the central and local government bodies, organizations and international institutions dealing with minority rights to improve the standards for the respect of minority rights in Albania.

The State Committee:

- raises issues to the government bodies on matters affecting minorities;
- proposes to the national and local government bodies possible measures for improving the situation of persons belonging to minorities wherever they live;
- gives opinions and proposes measures to further develop the effective participation of persons belonging to minorities in economic life and public affairs;

The State Committee has the possibility to request from central and local government bodies data and reports on matters related to minorities.

This Committee has also coordination functions among different minorities represented in it.

The State Committee and the other existing government bodies of national minorities are actively involved in the preparation of policies on issues affecting minorities.

MEMBERSHIP/MINORITIES INVOLVED

To ensure a constructive and active dialogue with the minority representatives, the Committee is composed of five members representing national and ethno-linguistic minorities in Albania.

The Prime Minister directly appoints the Chairperson of the Committee. The other members of the Committee are proposed from the Chairperson of the Committee in consultation with the representative of the minority associations and are appointed by the Prime Minister.

FUNCTIONING /WORKING METHODS

The status, composition and working methods of the State Committee are determined in the Decision of the Council of Ministers.

The State Committee for Minorities cooperates with the central and local government bodies to improve the standards for the respect of minority rights in Albania. The State Committee for Minorities cooperates with relevant organizations and institutions dealing with minority issues on different matters of interest to the persons belonging to minorities.

The Committee also cooperates with international institutions and proposes concrete measures for the economic, social and educational development of persons belonging to minorities, thus contributing to the improvement of their conditions, wherever they live.

Sub-bodies can be established with the proposal of the Governmental Office for Minorities and the State Committee for Minorities to deal with specific issues affecting minorities. (Interministerial group on the National Strategy on the Roma, Interministerial group for the review of the legislation on minorities)

The State Committee for Minorities has its own resources allocated from the state budget.

The information about the mandate, composition and activities of the State Committee and the Office for Minorities can be found at the following links:

<http://www.pad.gov.al/indexEng.aspx?tabID=4>

<http://www.mfa.gov.al/english/minoritetet.asp>

DIVISION FOR MINORITIES, MINISTRY OF INTERIOR (A 1)

A Sector for Minorities has also been established and operates since 1998 in the Ministry of Interior. Currently this sector is included in the Legal Affairs and Integration Department.

The functions of this sector are:

- To identify the situation and the problems of minorities trying to find solution in conformity with the legislation in force, in cooperation with ministries which are responsible in the respective fields.
- To have the necessary information regarding the situation of minorities, aiming to determine the politics regarding minorities
- To deal with issues related to the effective participation of the national minorities in the decision-making process, both at the level of local government and public administration.

AGENCY FOR MONITORING THE IMPLEMENTATION OF THE NATIONAL STRATEGY “ON THE IMPROVEMENT OF THE LIVING CONDITIONS OF THE ROMA MINORITY” . (A.1)

In the framework of the implementation of the National Strategy “On the Improvement of the Living Conditions of the Roma Minority”, an Agency for the monitoring of the implementation of this strategy was created in the Ministry of Labor, Social Affairs and Equal Opportunities.

This body monitors the implementation of the objectives and the priority measures of the strategy and cooperates with other competent institutions such as the Ministry of Finance, as well as international donors to provide the necessary resources for the implementation of the Strategy. It has also established contacts with associations of the Roma minority and other NGO-s, which are active in the area of protection of minority rights.

DIRECTORATE FOR PRIMARY EDUCATION (A.1) **MINISTRY OF EDUCATION AND SCIENCE**

One of the inspectors in the Directorate for Primary Education in the Ministry of Education and Science covers the problems of education of persons belonging to minorities.

The Ministry of Education and Science has appointed experts that deal with the problems of education, in all the districts that have ethnic minorities.

Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?

Given that, before the establishment of the State Committee for Minorities the structures in charge of minorities didn't include representatives of minorities and aiming at encouraging the effective participation of national minorities in the country's public affairs in March 2004, the

Council of Ministers decided to establish an advisory body composed exclusively by representatives of minorities. (The State Committee for Minorities – Decision No 127, 11.3 2004)

4. Please provide a critical assessment of the functioning of the consultation mechanisms/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?

Taking into consideration the short functioning time of the State Committee for minorities, there are undoubtedly a lot of issues that have to be more clearly defined regarding its rules of procedure.

In the framework of the on-going reform of the public administration in Albania, a review process on the status, mandate and working methods of this Committee is in process. This process aims to improve its effectiveness and also to provide conditions for a better coordinated work of the different bodies of minorities.

One of the shortcomings in the mechanisms of consultation of national minorities is the lack of co-ordination and complementarities between advisory bodies and central and local government bodies for national minorities, thus having a negative impact on their effectiveness.

In this respect, there are difficulties in the transmission of the information from the institutions of the local government to those of the central government, thus creating a lack of information about the concerns of the minorities in the areas where they are located.

A positive experience in this respect is the participation of the Office for Minorities in the seminars organized by the civil society, in the areas where minorities live. Often these seminars serve as a forum for debate from where the necessary information on the minority problems and concerns derives.

Special attention has been paid to the institutionalization of the dialogue between the competent administrative institutions and the organizations that represent minorities, as a very important element for the identification and the solution of their problems, especially in cases when they claim that violations of minority rights have occurred.

In this regard difficulties come across when faced with the unawareness of minority persons concerning their legal rights and their exercise.

Recently, to address this problem the local government bodies where minorities are situated have approved a Regulation on public awareness increase of minority rights. This regulation provides practical information on how minorities could access national institutions and provides realistic information on what minorities could expect from them. This way the persons belonging to minorities will become more demanding regarding their rights guaranteed by the legislation in force.

The variety of needs and aspirations of different types of minority groups requires identification and adoption of the most appropriate ways to provide conditions for effective participation in each case. In this context, despite the establishment of the State Committee as a body representing minorities, in order to meet the needs and aspirations of minorities it is of a particular importance to maintain a direct dialogue with organisations representing individual minorities.

Building and strengthening confidence of persons belonging to minorities in advisory bodies is the key to the effectiveness of these institutions. The effective functioning of these bodies also requires that they have adequate resources and be composed of minority representatives and others who can provide expertise.

5. Please indicate any suggestions you may have concerning the ways in which intergovernmental co-operation could contribute to enhancing further consultation of persons belonging to minorities

There are different experiences regarding minority issues within different countries related to specific historical, economic, social, political, geographic and other factors. Despite this reality, common problems affecting minority communities are similar in many countries.

In this framework, the protection of the rights of persons belonging to national minorities will be more successful when there is a free flow of information and ideas between all parties, contributing at the same time to the promotion of dialogue between States, and between States and persons belonging to national minorities.

As far as the intergovernmental co-operation is concerned traditional ways and methods of co-operation including free flow of information, regular exchange of views and experience on policies and good practices for the protection of national minorities are very important to find similar approaches to similar problems. In this context, minority inter-agency cooperation through consultation on issues involving minorities has to be developed. These consultations bringing together representatives of agencies and intergovernmental organizations active in the minority rights area provide an opportunity to exchange information and expertise on issues of importance to the promotion and protection of the rights of minorities.

Another aspect of how the intergovernmental cooperation can contribute to the protection of minority rights is indicated in its role as an effective instrument to establish key concepts and standards on issues pertaining to minorities and to promote ratification of relevant instruments of particular importance in the protection of minorities. It can also contribute to the strengthening of international action in favor of minorities by streamlining activities, pooling both financial and human resources, building networks and international movement on minority rights issues and supporting regional meetings to broaden and deepen the understanding on minority issues.

Intergovernmental cooperation can also help the co-ordination of the activities in the sphere of minority rights.

Taking into consideration the significant number of different international organizations working on related aspects of minority rights, there is a need for co-operation in order to avoid the unnecessary duplication of efforts.

Intergovernmental cooperation can also encourage the development of bilateral co-operation in the field of minorities in a way that is consistent and coordinated with the existing multilateral standards set up by international organizations.

The enhancement of a constructive co-operation between governments on questions relating to national minorities is of a particular importance in the promotion of mutual understanding and confidence, friendly and good-neighborly relations.

Positive results in this regard have been obtained by the conclusion of bilateral and multilateral agreements regarding national minorities. These agreements among states establish commitments regarding the protection of national minorities living in their territory, including in most of the treaties also the right to the participation in decision-making process of persons belonging to minorities.

In this context the Intergovernmental cooperation can play an important pro-active role to further develop the democratic participation of minorities in decision-making process and in enhancing consultation of persons belonging to minorities, as an important element of the effective participation of persons belonging to minorities in public affairs.

Azerbaïdjan/Azerbaijan

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

AZERBAIJAN

1. In 1991 the Service of Adviser on inter-nations relations was established under the President of the Republic of Azerbaijan. In 1993 the service has extended its mandate and became the Service of State Adviser on National Policy of the Republic of Azerbaijan. In 2005 the status of the Service of State Adviser on National Policy was examined and by the decree of the President of the Republic of Azerbaijan there was established the Service of State Adviser on the work with National Minorities and Religious Associations.

2. Status

- The Constitution of the Republic of Azerbaijan, the laws of the Republic of Azerbaijan and Decrees and Orders of the President of the Republic of Azerbaijan, international agreements, which Azerbaijan is part of and the Regulations of the Presidential Administration of the Republic of Azerbaijan serve as a legal basis for the Service of State Adviser on the work with National Minorities and Religious Associations.
- The Service of State Adviser on the work with National Minorities and Religious Associations has the status of a public body.
- The Service of State Adviser on the work with National Minorities and Religious Associations is a structural part of the Presidential Apparatus, which is responsible for forming and implementing the State policy in protection of the rights of national minorities, for promotion of their language and culture and coordinating the work of other State organs in protection of national minorities.
- The Service of State Adviser on the work with National Minorities and Religious Associations operate at central level.

Functions

- The main functions of the Service of State Adviser are the following:
 - Preparing draft documents and making proposals for implementation of state policy on national minority issues as well as working out and submitting to the President of the State the reports on the ethno-political situation within the country;
 - Coordinating and conducting the general monitoring of the work of central and local authorities in implementing the State policy on the national minorities;
 - Taking part in drafting and improving of national legislation on national minorities and religious freedom;
 - Monitoring the socio-political situation, ethnic-religious processes in the regions densely populated by national minorities, conducting analyses and prognoses and submitting it to the President of the State;
 - Examining the socio-economic situation, cultural, educational problems in the regions densely populated by national minorities and directing the activities of the appropriate State agencies towards the social protection and solving the problems of national minorities;
 - Providing control over the compliance of the activities of the State agencies to the provisions of the Constitution of the Republic of Azerbaijan, existing laws and the international documents which Azerbaijan is part of;
 - Taking part in the preparation of the reports concerning the implementation of the international documents on national and religious minorities which Azerbaijan is part of;

- Analyzing the ethno-demographic processes going on in Azerbaijan and submitting relevant reports, proposals and projects regarding existing problems in this field to the President of the State;
- Cooperating with the cultural centres, religious associations and other non-governmental organizations of national minorities and coordinating the work of these organizations within its competence;
- Submitting to the President of the Republic of Azerbaijan proposals and relevant action plans for the development of language and culture, as well as protection of traditions and ethnical peculiarities of national minorities and ensuring their implementation;
- Taking part in organization of different cultural and religious events of national minorities;
- Cooperating in the field of protection of national minorities with relevant structures and socio-political organizations of neighbouring countries;
- Cooperating with international organizations such as the UN, the Council of Europe and the OSCE regarding the protection of the rights of national minorities;
- Directing the issues of issuing of manuals and training tools in mother tongues as well as researches regarding language, culture, history, ethnography, folklore of national minorities and preparing proposals concerning provision State assistance to this field;
- Organizing the media coverage of issues relating to the protection of national minorities and awareness raising among population;
- Monitoring the activities regarding the protection of national minorities of central and local authorities as well as local self-government institutions and conducting investigations within its competence;
- Taking part in the international conferences and other events on the issues national and religious minorities;
- Establishing special targeted temporary institutions (council, commission, research groups, etc.).

Membership/Minorities involved

- The Service of State Adviser on the work with National Minorities and Religious Associations does not include any minority representatives. There is a Social Organization of solidarity of the people of Azerbaijan 'Sodrujestvo' (which means community), where all national minorities living in Azerbaijan are represented. The non-governmental organizations of the national minorities living in Azerbaijan are represented in the Azerbaijan National Federation of NGOs which has a National Minorities Sector. There are dozens of national-cultural centers functioning in Azerbaijan at present. They include "Commonwealth" society, Russian community, Slavic cultural center, Azerbaijani-Israeli community, Ukrainian community, Kurdish cultural center "Ronai", Lezgin national center "Samur", Azerbaijani-Slavic culture center, Tat cultural center, Azerbaijani-Tatar community, Tatar culture society "Tugan-tel", Tatar cultural center "Yashlyg", Crimean Tatars society "Crimea", Georgian community, humanitarian society of Azerbaijani Georgians, Ingiloyan community, Chechen cultural center, "Vatan" society of Akhyska-Turks, "Sona" society of the women of Akhyska-Turks, Talysh cultural center, Avar society, mountain Jews community, European Jews (Ashkenazi) community, Georgian Jews community, Jewish women humanitarian association, German cultural society "Karelhaus", Udi cultural center, Polish cultural center "Polonia", "Mada" International Talysh Association, "Avesta" Talysh Association, Udi "Orain" Cultural Center, "Budug" Cultural Center, Tsakhur Cultural Center. In areas with compact minority populations there are club-based amateur societies, national and state theatres, amateur associations and interest-focused clubs. The status of these organizations is non-governmental, they are all registered in the Ministry of Justice of the republic of Azerbaijan and function independently and follow the Constitution of the Republic of Azerbaijan. These organizations function at central and local levels; some of them have centres at regional level. Dozens of newspapers and magazines are published in the languages of minorities.

Radio and television programs in their languages are daily broadcasting. Many NGOs engaged in the issues of national minorities have their websites, which provides the awareness of the public;

- The Service of State Adviser on the work with National Minorities and Religious Associations does not include only state officials but with different origins;
- The state officials carry out of the State Service;
- The Service of State Adviser on the work with National Minorities and Religious Associations functions in close cooperation with representatives of national minorities and they are involved in decision-making process.

Functioning/Working methods

- State budget is the source of funding;
 - There are no local advisory bodies in Azerbaijan;
 - There are no advisory bodies at the same level;
 - The recommendations and the findings of the Service of State Adviser on the work with National Minorities and Religious Associations are published in state newspapers;
 - The public can seek and find information about the activities of the State Service from the print media.
3. The Service of State Adviser on the work with National Minorities and Religious Associations was established to take part in the preparation of unique State policy on providing the protection of national minorities and tolerance, to assist the development of language and culture of national minorities, to create conditions for providing tolerance.
 4. There is no functioning at domestic level.
 5. Azerbaijan is a multiethnic and multi-religious country where the national policy is planned and carried out in the spirit of traditional tolerance and harmonic coexistence of different ethnic and religious group. Such countries as Azerbaijan can share their experience and achievements in this field with member countries with the view of wide dissemination of best practices and knowledge which can effectively be used for consultation of national minorities.

Bosnie-Herzégovine/Bosnia and Herzegovina

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

BOSNIA AND HERZEGOVINA

By Law on Protection of Rights of National Minorities ("Official Gazette of BiH « no. 12/03) from 01-04-2003 17 national communities are recognized (Albanians, Montenegrins, Czech, Italians, Jews, Hungarians, Macedonians, Germans, Poles, Roma, Romanians, Russians, Ruthenians, Slovaks, Slovenians, Turks, Ukrainians) listed in the Article 3 of the same Law. The position of all minorities according to the law, without considering time before creating their statute, is mostly the same – there is not division on traditional and newly recognized. National minorities are mostly assembled within NGOs: the rule is that one national minority has up to two NGOs, interconnected, except Roma who are gathered in 42 NGOs in Bosnia and Herzegovina divided in two basic organisations Association of Roma NGOs of Republic Srpska and Council of Roma of BiH.

1. In the BiH legal system, two institutional forms of assembling of national minorities **are anticipated**, connected to governmental institutions:

- a) The Council of National Minorities of BiH, as separated advisory body within Parliamentary Assembly of BiH, is composed of one representative from each group of the national minorities (Albanians, Montenegrins, Czech, Italians, Jews, Hungarians, Macedonians, Germans, Poles, Roma, Romanians, Russians, Ruthenians, Slovaks, Slovenians, Turks, Ukrainians) listed in the Article 3 of the Law on Protection of National Minorities.
- b) The Council of Ministers Roma Advisory Board is other body in which minorities are assembled. This independent working body, with advisory character, was established in 2001 by the act of Council of Ministers, due to volume and large number of issues which burden Roma community. The Roma Advisory Board in BiH is consisted of 18 members: 3 members from the level of joint institutions of BiH, 3 members from the level of each entity and 9 appointed BiH Roma representatives.

2. The Council of National Minorities of BiH, **after being established**, will give its opinions, consultations and recommendations to Parliamentary Assembly of BiH about all issues related to rights, statute and interest of national minorities in BiH. The Council of National Minorities of BiH can nominate an expert in the work of the Constitutional-Legal Commission and the Commission for Human Rights of both Houses of the Parliamentary Assembly of BiH. Besides these obligations stipulated by the law, another obligation of this body is stipulated by the Action Plan on educational needs of Roma and other national minorities adopted by entity/cantonal Ministers of Education. With this document, certain rights are given to the Council of National Minorities of BiH to monitor the implementation of the Action Plan. The Parliament of the Federation of Bosnia and Herzegovina and National Assembly of Republic Srpska shall establish Councils of National Minorities of the Federation of BiH and Republic Srpska, as well as advisory bodies, whose scope and manner of work shall be regulated by entity regulations.

The Roma Advisory Board in BiH considers materials and acts from its competencies; it makes recommendations and gives opinion about issues concerning national minorities in BiH, particularly Roma. The Council can establish permanent or periodical commissions, working groups or expert teams for some issues and problems.

3. In this two institutional forms of assembling of national minorities, main factors that influenced the process of choosing members for consultative/advisory bodies are: The Council of National Minorities of BiH, after being establish, shall consist of representatives

from each national minority (Albanians, Montenegrins, Czech, Italians, Jews, Hungarians, Macedonians, Germans, Poles, Roma, Romanians, Russians, Ruthenians, Slovaks, Slovenians, Turks, Ukrainians) listed in the Article 3 of the Law on Protection of National Minorities. National Minorities in BiH shall have also the right to be represented in the bodies of public authorities and other civil services at all levels, proportionally to their share in the population in BiH in accordance with the last census (stipulated by the BiH/entity Election Law).

The Roma Advisory Board in BiH is consisted of 18 members (mixed structure of state representatives and representatives of Roma community in BiH): 3 members from the level of joint institutions of BiH, 3 members from the level of each entity and 9 appointed BiH Roma representatives. Representatives of joint institutions shall be nominated by the Council of Ministers on proposition of Ministry for Human Rights and Refugees, while the Governments of Federation of BiH and Republic Srpska shall nominate representatives from the Federation of BiH and Republic Srpska. Roma representatives are nominated at Assembly of Roma NGOs in BiH.

4. Considering that the Council of National Minorities of BiH working within the Parliamentary Assembly of BiH, is not established yet, we do not have experience related to critical assessment of functioning this consultative mechanism/ advisory body in practice.

Critical assessment and experience from the Council of Ministers Roma Advisory Board of BiH are more than three years old and there are significant observations and accomplishments which were subjects to analysis by governmental bodies as well as by Roma representatives from the Roma Advisory Board, Roma NGOs, OSCE and other international organisations and institutions. International institutions also put great effort and financial means in strengthening of capacities of Roma NGOs. The fact that we want to emphasise is that Roma NGOs and their representatives make their clear attitudes about some issues very hardly and they have some difficulties with reconciling requests towards governmental bodies about any issue.

5. The BiH experience in forms of cooperation of government and NGOs which assembly minority communities, particularly Roma, is different. The most minority communions, except Roma, are integrated in BiH society in complete, and their specific needs in the field of education, culture, maintenance of tradition and history, connection to kin states and other, are realised at the satisfactory level. With Roma population, there is obvious disproportion between total Roma needs and possibilities for their realisation. At first sight, everything concerning Roma community is problematic and hard to solve. We consider that significant results can be accomplished by having better commitment, cooperation and support of intergovernmental institutions/organisations and domestic governmental organs; particularly in the following fields:

- Organizing Roma associations, enlightenment of Roma and other national minorities and training of Roma for work in NGOs;
- How to connect persons belonging to national minorities that they could become respectable power using their number and joint attitude;
- Government obligation to organise social services, organs for inspection, statistical services for research of all social phenomena of national minorities, particularly Roma (civil registration, attending schools, financial sources for subsistence, health care and all other possibilities given by social care).
- Financial support to associations and organisations of national minorities (NGOs, associations of national minorities, Roma Advisory Board of BiH, the Council of Roma BiH etc.)

Bulgarie/Bulgaria

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

BULGARIA

- 1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?**

The institutional framework in Bulgaria includes the following structures:

- at national level (respectively, abbreviation "A", in accordance with the Questionnaire):

A.1.- National Council for Cooperation on Ethnic and Demographic Issues (NCCEDI) at the Council of Ministers (CM) supported by a special Directorate "Ethnic and Demographic Issues" within the CM administration;

A.2. – Commission on the Integration of Roma (within the NCCEDI);

A.3. – Center for Educational Integration of Children and Pupils Belonging to Ethnic Minorities (under the supervision of the Minister of Education and Science);

A.4. – Department for Spiritual Development and Cultural Integration (within the Directorate for Secondary Education at the Ministry for Education and Science);

A.5. – Public Council on Cultural Diversity (within the Ministry of Culture);

A.6. - Roma Public Council on Culture (within the Ministry of Culture);

A.7. – Commission on Human Rights, incl. the rights of persons belonging to ethnic minorities (within the National Police Service);

- at regional level (abbr. "B"):

B.1. – Regional Councils for Cooperation on Ethnic Issues (within 22 of the 28 regional administrations in the country);

B.2. – Regional Coordinators on Human Rights Protection (within the regional Police directorates);

- at local level (abbr. "C"):

C.1 – Municipal Councils for Cooperation on Ethnic Issues (within 135 of the 265 municipal administrations in the country; others have appointed municipal **experts** on ethnic and demographic issues).

2. Please provide information on the normative basis, mandate/scope of action functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.

2.1. Legal basis

A.1 and A.2. - The **NCCEDI and the Commission for the Integration of Roma** are established under Decree No. 333 /10.12.2004 issued by the Council of Ministers.

The NCCEDI is a successor to the National Council for Ethnic and Demographic Issues which also included in its framework a Commission on Roma Issues (CM Decree No. 449/1997). The NCEDI, in its turn, succeeded the National Council on Rehabilitation and Social Integration (CM Decree No. 112/1996.).

A.3. – The **Center for Educational Integration of Children and Pupils Belonging to Ethnic Minorities** is set up under the CM Decree No. 4 /11.01.2005;

A.4., A.5., A.6. A.7. – The structures are created under the CM Decrees adopting the Regulations of the relevant ministries.

2.2. Status

A.1., A.2, A.5. and A.6 - state-cum-public bodies
A.3., A.4. A.7 - governmental /departmental structures.

2.3. Levels of operation

The structures of the type “A” are central-level bodies, operating in network with the regional (type “B”) and municipal (type “C”) structures.

2.4. Functions

A.1, A.2., B1., C.1 - The **NCCEDI, the Commission for the Integration of Roma** and the network of **regional and municipal councils** perform consultative and coordinating functions, supporting the cooperation among the public authorities, the associations of Bulgarian citizens belonging to various ethnic minorities, and other associations, working in the area of inter-ethnic relations and/or demographic development (*Art. 1. Statute and Rules of Procedure of the NCCDI, adopted by the CM, Decree No 333/20.12.2004*. The full text is herewith attached as appendix 1.).

In summary, the **NCCEDI and the Commission for the Integration of Roma**:

- discuss and propose to the CM (respectively, to the regional and municipal councils) specific measures, draft strategies and programmes in the area of inter-ethnic relations and human rights protection, incl. the rights of persons belonging to ethnic minorities and their equal integration in the society,
- discuss and adopt statements on draft laws and other regulatory acts with relevance for the persons belonging to ethnic minorities,
- conduct surveys and analyses on specific issues of particular importance for the persons belonging to ethnic minorities, including situation and/or case-by case surveys; researches on the

traditions, history and culture of the ethnic minorities; assessment of the demographic processes in the country, etc.,

- monitor the situation of persons belonging to ethnic minorities, incl. the implementation of the adopted measures, strategies and programmes and the fulfilment of the international obligations of the Republic of Bulgaria regarding the protection of the rights of the Bulgarian citizens belonging to ethnic minorities,

- coordinate both horizontally (among the NCCEDI and the various ministries and governmental agencies) and vertically (among the NCCEDI, the state, regional and local structures and the bodies for self-government) the participation of the Republic of Bulgaria in projects and programmes for international cooperation in the area, incl. drafting international instruments on the protection of the rights of the persons belonging to ethnic minorities,

- organize working table, seminars, conferences and other fora for public consultation on the preparation of public policies on ethnic minorities,

- undertake, recommend and support various initiatives (both governmental and non-governmental) aimed at increasing public awareness of specific issues related to the situation of ethnic minorities,

- render opinion on the distribution of public resources directed to cultural activities, incl. support for relevant projects proposed by minority cultural and information centres, minority media, publishing companies, etc.

The obligation to provide financial assistance through the state budget for the activities of persons belonging to national minorities and of other non-profit associations, lies with the **Directorate "Ethnic and Demographic Issues"** within the CM administration, which, with staff of 20, supports organizationally and technically the NCCEDI and assists the Chairperson of the Council. The Secretary of the NCCEDI is a high-level civil servant at the Directorate.

The Directorate provides also methodical assistance to the regional governors, the regional and local councils and experts on ethnic and demographic issues.

2.5. Membership

A.1. - The **NCCEDI** consists of representatives of 14 ministries and 6 state agencies, of associations of Bulgarian citizens belonging to ethnic minorities, and of other non-profit organizations working in the area of inter-ethnic relations.

The *associations of persons belonging to ethnic minorities* which are willing to be represented at the Council submit a formal application with a court certificate of current status. The conditions for granting permission to become a Council member are:

- to be registered by the court under the Law on the Non-Profit Legal Persons,
- the objectives included in the Statute of the association to be in compliance with the objectives of the NCCEDI itself,
- to have performed at least for two years socially useful activities of national significance.

The representatives of the ethnic minorities are appointed by the associations of the respective ethnic groups at the beginning of each year.

The same goes for the other non-profit organizations willing to participate in the Council.

The Chairperson of the NCCDEI expresses its opinion on the application in one week after its submission.

The full list and the criteria for membership are contained in *Art.3. Rules of Procedure of the NCCEDI*.

A. 2 - The members of the NCCEDI, representing the public authorities, are also members of **the Commission for the integration of Roma** (except for the heads of the State Agency for the Bulgarians abroad and the State Agency for Refugees). The Commission also consists of representatives of the associations of persons, belonging to the Roma community who have accepted to be presented in the Council (*Art.5., Rules of Procedure of the NCCEDI*).

B.1., C. 1. - The composition and the criteria for membership of the **regional and municipal councils** are presented in *Art.7, Rules of Procedure of the NCCEDI*.

2.6. Working methods

A. 1. - The working methods utilized by the **NCCEDI** are set out in *Art.4 of its Rules of Procedure*:

- the Council meets at least once per 3 months, and the meeting is called by the Chairperson or upon a request of at least one third of its members,
- each member of the Council may introduce motivated proposals for changes in the agenda and the documents (which are sent at least 5 working days prior to the meeting);
- decisions are taken by voting (two-thirds majority of the members present at the meeting),
- the protocol of the meeting is signed by the Chairperson and the secretary and sent to the members of the Council within 5 days together with the adopted decisions and the reviewed documents.

A. 2. The **Commission on the integration of Roma** uses the same working methods.

Upon request by its members, the NCCEDI and the Commission may establish working groups do deal with specific issues (*Art. 5 para. 5, Rules of Procedure of the NCCEDI*). For example, there are several working groups within the Commission on education, health care, housing, protection against discrimination, culture, etc.

A. 1. - The **NCCEDI** submits an annual report in its activity to the CM (*Art.2, para. 1, point 5, Rules of Procedure*).

The NCCEDI is financed by the CM budget.

The publishing of the NCCEDI's periodical journal is organized by the Directorate "Ethnic and Demographic Issues" within the CM administration, which also maintains its Internet site.

3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?

The established institutional mechanism covers all levels of government with clearly defined responsibilities and powers.

It also provides for the equal participation of the persons belonging to ethnic minorities in the decision-making processes.

4. Please provide a critical assessment of the functioning of the consultation mechanisms / advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?

As evident from the information provided in Part 2, the functioning of the consultative mechanism underwent critical assessment on several occasions, and each decision to enhance its status and institutional position was a result from a prior open domestic discussion, taking into account the suggestions made by the non-governmental sector.

The most recent one is the CM Decree No. 333 /10.12.2004 which transforms the then existing National Council on Ethnic and Demographic Issues into the National Council for Cooperation on Ethnic and Demographic Issues; increases the statutory functions of the Council, creates the Directorate "Ethnic and Demographic Issues" and the specialized Commission on the Integration of Roma, and strengthens the role of the regional councils and experts on ethnic issues.

5. Please indicate any suggestions you may have concerning the ways in which intergovernmental co-operation could contribute to enhancing further consultation of persons belonging to national minorities?

- To provide for exchange of information and good practices in the context of the relevant international legal instruments on the protection of the rights of persons belonging to ethnic, religious, linguistic and other minorities,

- To stimulate the reflection of transversal issues relevant to the Participating States;

- To enhance the contacts among the various non-state actors, esp. with regards the development and implementation of appropriate projects and programmes fostering the protection against discrimination and the equal integration of the persons belonging to minorities into the respective societies.

Annex

DECREE N 333

of 10 December 2004

establishing the National Council for Cooperation on Ethnic and Demographic Issues at the Council of Ministers, and adopting Rules of Procedure for its activity

THE COUNCIL OF MINISTERS DECREED:

Article 1

The National Council for Cooperation on Ethnic and Demographic Issues is established at the Council of Ministers.

Article 2

The Rules of Procedure regarding the activity of the National Council for Cooperation on Ethnic and Demographic Issues, at the Council of Ministers (CM) shall be adopted, as referred to the Annex.

Final Provisions

§ 1. The following shall be repealed:

1. The Council of Ministers Decree N 449 /1997, establishing the National Council on Ethnic and Demographic Issues at the Council of Ministers, and adopting Rules of Procedure for its activity (State Gazette, N118/1997).
2. The Rules of Procedure and operation organisation of the National Council on Ethnic and Demographic Issues at the Council of Ministers, adopted with the CM Decree N449 of 1997 (Published, SG, N118/1997, amended N103/1999; N3 and 96/2000; and M118/2002).

§ 2. In Article 3, item 5 of the Rules of Procedure of the National Council on Rehabilitation and Social Integration, and its criteria of representation, adopted with a MC Decree N 112/1996 (Published, SG N46/1996; amended and supplemented by N96/2000, N109/2001, N79/2002, and N83/2003), the words “the National Council on Ethnic and Demographic Issues at the Council of Ministers” shall be replaced by: ”The National Council for Cooperation on Ethnic and Demographic Issues, at the Council of Ministers”.

§ 3. The Rules of Procedure of the Council of Ministers and its administration, adopted by CM Decree N209/1999, (Published SG. N103/1999; amended and supplemented by N4 and N26/2002; amended N27/2000; amended and supplemented by N 44, 74, 87/2001; N81/2002; N20 and 75/2003, and N21, 24, 33, and 97/2004) is amended as follows:

1. In Article 88, Paragraph 1, the figure “391” shall be replaced by “406”.
2. In Article 99, Paragraph 2, new item 11 shall be added:

11. Directorate "*Ethnic and Demographic Issues*".

3. In Article 107b, Paragraph 1, after the words "The National Council for Trilateral Cooperation", the coma is replaced by: "and of", while the words: "and of the National Council of Ethnic and Demographic Issues, at the Council of Ministers" shall be deleted.
4. In Article 107b, Paragraph 2, the words: "and of", before the words: "the secretary of the Security Council", shall be replaced by a coma, and after the words: "The Security Council at the Council of Ministers", shall be added: "and of the Secretary of the National Council for Cooperation on Ethnic and Demographic Issues at the Council of Ministers".
5. Article 107c shall be created:

"Article 107c. *The Directorate "Ethnic and Demographic Issues"* shall:

1. provide information and analyses about the conditions of the interethnic relations and demographic processes in the country;
2. provide strategy drafting and programmes on conducting the governmental policy in relations to the demographic development, as well as in the area of the inter-ethnic relations, protection of rights of persons, belonging to ethnic minorities and their integration in society;
3. participate in preparing drafts of regulative acts, relating to the interethnic relations, protection of rights of persons, belonging to ethnic minorities, and their integration in society;
4. participate in drafting, implementation and coordination of international projects and programmes, including projects funded by the EU Pre-Accession and Structural funds and programmes, referring to the interethnic relations and integration of persons, belonging to the ethnic minorities, in the society and demographic development;
5. perform coordination and current control on the implementation of the Framework Programme for Equal Integration of the Roma People in the Bulgarian Society and of other programmes, directed to equal integration in society of persons, who are in unequal position, belonging to the ethnic minorities;
6. provide organisationally and technically the operation of the National Council for Cooperation on Ethnic and Demographic Issues, by assisting the Chairperson of the Council in reference to his/her competences;
7. assist for the cooperation and coordination between the non-profit associations of Bulgarian nationals, belonging to the ethnic minorities, other non-profit associations, which work in the area of the interethnic relations, and/or of demographic development, and the state bodies;
8. assist the activities of non-profit associations of Bulgarian nationals, belonging to ethnic minorities, as well as of other non-profit associations while conducting projects in the area of interethnic relations, and, relating to preserving and development of the original culture of the ethnic minorities;
9. prepare statements on documents and drafts of acts, introduced to the Council of Ministers, relating to the demographic processes, as well as to the interethnic relations, protection of rights of persons, belonging to the ethnic minorities, and their integration in society;
10. provide methodical assistance to the regional governors, to the Regional Councils for Cooperation on Ethnic and Demographic Issues, to the experts in the regional administrations, which have the tasks to work on the ethnic and demographic issues, and to the municipality mayors and their administrations in the area of the ethnic and demographic issues cooperation;
11. perform contacts and coordination connection with analogical administrative units, as well as with international organisations, which deal with demographic processes, and with protection of persons, belonging to ethnic, religious and language minorities, and interethnic relations;

12. organise the publishing of a periodical journal of the National Council for Cooperation on Ethnic and Demographic Issues, and maintain an internet site;
6. The Annex to Article 88, Paragraph 2, contains the following amendments:
 - a) in the line of: "*Specialised Administration*", the figure "142" is replaced with "157";
 - b) in the line of: "*Advisory Administration Directorate*, at the Council of Ministers", the figure "14" is replaced with "9", and the following new line is added:

The *Directorate "Ethnic and Demographic Issues"* - 20";

- c) in the line of: "Total number of employees in the Council of Ministers Administration", the figure "391" is replaced by "406".

§4. The Decree is adopted in reference to Article 21 of the Law on the Administration.

Prime Minister:
Simeon Saxe-Coburg Gotha

General Secretary of the Council of Ministers:
Sevdalin Mavrov

ANNEX TO ARTICLE 2**RULES OF PROCEDURE**

of the National Council for Cooperation on Ethnic and Demographic Issues at the Council of Ministers

Article 1

- (1) The National Council for Cooperation on Ethnic and Demographic Issues at the Council of Ministers (hereinafter called "the Council") shall be a consultative and coordinating body, which shall support the Council of Ministers to perform the state policy in respect to the ethnic and demographic issues.
- (2) The Council shall support cooperation and coordination between the public authorities and associations of Bulgarian nationals from different ethnic minorities and other associations, working in the area of interethnic relations and/or demographic development, which are registered under the Law on the Non-profit Legal Persons.

Article 2

- (1) The Council shall discuss and propose to the Council of Ministers, and after approval, shall monitor, analyse and coordinate the adopted measures focused on:
 1. ensuring the right of human development;
 2. protecting and strengthening ethnic tolerance and understanding;
 3. establishing and developing conditions, which are necessary for the Bulgarian nationals, belonging to ethnic minorities to keep and develop their culture, and to preserve the most important elements of their identity – religion, language, traditions and cultural heritage;
 4. establishing complete and effective equality between Bulgarian nationals, belonging to ethnic minorities and those from the majority of the population in all areas of the economic, social, political and cultural life;
 5. regulation of the demographic processes in the Republic of Bulgaria to attain sustainable and harmonises demographic development on the basis of strategies and programmes adopted by the government;
 6. ensuring interrelation and coordination between the policy for the population and policy for sustainable development in the area of healthcare, education and science, culture, sport, protection of the Bulgarian spiritual space, economy, employment, social assistance, regional development and welfare, environment, development of human resources, child protection, family protection, ensuring gender equality, young people promotion, disadvantaged people, belonging to ethnic minorities integration, etc.;
 7. observing the obligations of the Republic of Bulgaria in respect to the rights of the Bulgarian nationals, belonging to ethnic minorities deriving from international legal acts to which Bulgaria is a party;
 8. implementing the objectives of the Action Programme adopted in Cairo on 13 of September 1994 by the International Conference on Population and Development, and approved by the UN General Assembly on 19 of December 1994;
 9. implementing the Framework Programme for Equal Integration of Roma People in the Bulgarian Society and of other public bodies programme documents in the area of interethnic relations and ethnic minorities;
 10. conducting researches for the ethnic minorities history, traditions, culture and specific problems and surveys of the ethnic minorities current situation;
 11. conducting surveys, analyses and assessment of the demographic processes;
 12. participation of the Republic of Bulgaria in international projects and programmes on sustainable and harmonised demographic development, as well as on ensuring equal

- participation in the society of people, belonging to ethnic minorities, including projects funded by the Pre-Accession and Structural funds, and EU programmes;
- 13. participation of the Republic of Bulgaria in international cooperation in the area of demographic development;
- 14. participation of the Republic of Bulgaria in international cooperation in the area of protection of rights of people from national or ethnic, religious, or language minorities, including in drafting international treaties, declarations and other instruments;
- 15. participation in drafting reports on fulfilling the obligations of the Republic of Bulgaria in these areas.
- (2) Performing its functions the Council shall work together with:
 - 1. Regional Councils for Ethnic and Demographic Issues Cooperation, local governance bodies, non-profit legal persons, high schools, scientific institutes and other independent units;
 - 2. similar foreign and international agencies public bodies.
- (3) The Council shall:
 - 1. discuss and propose draft strategies and programmes in the area of the demographic development and interethnic relations, protection of the rights of people, belonging to ethnic minorities and their integration in the society;
 - 2. discuss and adopt statements on drafts of laws and other regulatory acts in relation to its activity;
 - 3. discuss other issues in relation to demographic processes, as well as to interethnic relations, protection of rights of Bulgarian nationals, belonging to ethnic minorities and their integration in the society;
 - 4. discuss and adopt decisions on current issues from mutual interest for its members;
 - 5. submit annual report on its activity to the Council of Ministers.

Article 3

- (1) The Council shall consist of Chairperson and members.
- (2) The Chairperson of the Council shall be the Minister without Portfolio.
- (3) The members of the Council shall be:
 - 1. one Deputy Minister of: Labour and Social Policy; Economy; Regional Development and Welfare; Defence; Interior; Finance; Foreign Affairs; Justice; Agriculture and Forestry; Education and Science; Health; Culture; Environment and Water; Youth and Sport; as well as Heads of National Statistical Institute, State Agency for Child Protection, State Agency for Bulgarians Abroad, State Agency for the Refugees, National Employment Agency and the Agency for Social Assistance;
 - 2. one representative of the Bulgarian Academy of Science and national Association of the Municipalities in the Republic of Bulgaria;
 - 3. representatives of associations of Bulgarian nationals, belonging to ethnic minorities, which are registered under the Law on the Non-profit Legal Persons, which have statute objectives, and at least two years implemented socially useful activity with national importance complying with the objectives under Article 2, Paragraph 1, and, which have approved to be represented in the Council after permission by the Chairperson of the Council;
 - 4. representatives of other non-profit legal persons, registered as socially useful under the Law on the Non-profit Legal Persons which have statute objectives, and at least two years implemented socially useful activity with national importance complying with the objectives under Article 2, Paragraph 1, and, which have approved to be represented in the Council after permission by the Chairperson of the Council;
- (1) The Deputy ministers under Paragraph 3, point 1 shall be appointed by the respective ministers.

- (2) Two persons per each ethnic minority shall represent the associations under Paragraph 3, point 3 in the Council. The respective for each ethnic minority associations shall reach an agreement at the beginning of each calendar year to appoint the two representatives and one deputy representative for the term of one year.
- (3) Three persons shall represent the legal persons under Paragraph 3, point 4 in the Council. They shall reach an agreement in the beginning of each calendar year to appoint the three representatives and one deputy representative for the term of one year.
- (4) Representatives and deputy representatives under Paragraphs 5 and 6 may be only adult Bulgarian nationals who have been convicted.
- (5) The associations under Paragraph 3, points 3 and 4, which are willing to be represented in the Council, shall submit to its Chairperson formal application, approved by the Chairperson with court certificate of current status. The Chairperson shall pronounce upon the application in one-week term after its submission.
- (6) A high level civil servant from Directorate "Ethnic and Demographic Issues" at the Council of Ministers shall act as a Secretary of the Council.

Article 4

- (1) The Council shall meet at least once per 3 months called by the Chairperson or upon a request of at least one third of its members.
- (2) The agenda proposal and the documents for the meeting shall be sent to the members at least 5 working days before the date of the meeting. Each member of the Council may introduce motivated proposals for changes in the agenda not later than 3 working days before the meeting. The Council members shall vote the agenda at the respective meeting.
- (3) The meetings shall be deemed regular if half of its members are present. Decisions shall be taken with majority of two thirds of the members present.
- (4) A protocol shall be recorded for every meeting of the Council. The Chairperson and the Secretary shall sign the protocol, and a copy shall be sent to the members within 5 days. The decisions taken shall be recorded in the protocol and the reviewed documents shall be attached to the copy.

Article 5

- (1) A Commission for integration of the Roma people, called hereinafter "The Commission" shall be established under the Council, which shall consult the Council on issues, related to the formulation and conducting the state policy for equal integration of the Roma people in the Bulgarian society.
- (2) Chairperson of the Commission shall be the Minister without a Portfolio.
- (3) Members of the Commission shall be:
 1. the members of the Council, as per Article 3, Paragraph 3, points 1 and 2, but not the heads of the state Agency for the Bulgarians abroad, and the State Agency for Refugees;
 2. representatives of the associations of persons, belonging to the Roma minority, who have been accepted to be represented in the Council with a decision of the Council Chairperson, under Article 3, Paragraph 3, point 3.
- (4) The functions of the Commission Secretary shall be performed by a civil servant in the Directorate "Ethnic and Demographic Issues" at the Council of Ministers.
- (5) Other commissions and work groups may be established under the Council.

Article 6

- (1) The Chairperson of the Council shall:
 1. represent the Council;
 2. appoint and chair the meetings and run the Council work;
 3. control the implementation of the Council decisions;

4. introduce for discussion to the Council of Ministers the proposals and statements, adopted by the Council;
5. invite for participation in the Council work representatives and other state bodies, regional councils for cooperation in the ethnic and demographic issues, local governmental bodies and other organisations, not included in its staff, but having relation to the Council's activity.
 - (2) The chairperson's functions in his/her absence shall be performed by Council members, assigned by him/her.
 - (3) The Council members shall:
 1. participate in the Council meetings and introduce for inclusion into the agenda discussion issues, related to the subject of its activity;
 2. provide the Council with the information and expert assistance, needed for its activity, on concrete issues, which are of their competence.
 - (4) The Directorate "Ethnic and Demographic Issues" at the Council of Ministers shall:
 1. organise the preparation and holding the Council meetings;
 2. prepare the Council meetings records;
 3. account for the Council statements and decisions;
 4. organise and coordinate the implementation of the Council decisions and the needed exchange of information between the interested parties;
 5. assist the Council chairperson at his/her work;
 6. keep the Council documents;
 7. organise the work of the Commission for integration of the Roma people, and of the other commissions and work groups, established under the Council.

Article 7

- (1) Under the regional administrations, regional councils shall be established for cooperation in the ethnic and demographic issues, called hereinafter "the regional councils", which shall perform the activities under Article 2, Paragraph 1, items from 1-11 on the territory of the relevant region. The regional councils shall adopt their rules of procedure, which shall be approved by the regional governors, and shall adopt and coordinate the implementation of the regional strategies and programmes on the ethnic and demographic issues.
- (2) Chairperson of the regional council shall be the regional governor, or a deputy regional governor, assigned by him/her, and the secretary of the council shall be an expert in the regional administration, who has been assigned to work on the ethnic and demographic issues.
- (3) Members of the regional council shall be the deputy mayors in charge of the ethnic and demographic issues in the municipalities on the region territory and are representing: the association of Bulgarian nationals, belonging to the ethnic minorities, registered on the Law on the Non-profit Legal Persons, which have statute objectives and have had at least two years actively worked for the public, in reference to their objectives, pointed out in Article 2, Paragraph 1, and which have been accepted for members of the regional council with a decision by the chairperson of the regional council; of cultural centres; of the regional inspectorate of education; the regional health centre; the regional environment and water inspectorate; the regional directorate of national construction control, the regional employment office; the regional social assistance office; the territorial statistic office; the regional interior directorate; the regional "Agriculture and forests" directorate, and other institutions having relation with the municipality activity.

Croatie/Croatia

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

CROATIA

- 1. What are the current institutional and other arrangements, if any, of consultation of person belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?**

At the national level, the Council for National Minorities (*Savjet za nacionalne manjine*) of the Republic of Croatia was established.

In units of regional and local self-government, national minority councils (*vijeća nacionalnih manjina*) are elected for the area of a county, town or municipality. Ten members belonging to national minorities are elected to the national minority council of a municipality, 15 members to the national minority council of a town and 25 members to the national minority council of a county. When at least 100 members of a national minority live in the area of a self-government unit, a minority representative is elected for the area of this self-government unit.

- 2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (Appendix 1), where relevant, as a reference for structuring the information you will provide.**

The Council for National Minorities was established to ensure the participation of national minorities in the public life of the Republic of Croatia and, in particular, to examine and propose the arrangements and solutions for the issues related to the exercise and protection of rights and freedoms of national minorities.

The Council for National Minorities has the right to:

- propose to the bodies of state authorities to discuss specific issues of importance for a national minority, in particular those relating to the implementation of the Constitutional Law and special laws governing minority rights and freedoms;
- propose to the bodies of state authorities measures to improve the position of a national minority in the state or in an area of the state.

With a view to improving, preserving and protecting the position of national minorities in the society, members of national minorities elect their representatives in accordance with the Constitutional Law, who take part in the public life and management of local affairs.

National minority councils are formalised bodies of minority self-government through which representatives of minorities decide by themselves about the issues of interest for them.

- 3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?**

Some new arrangements were introduced by the Constitutional Law on the Protection of National Minorities to make it possible for national minorities to get involved in the decision-making process to the maximum possible extent, to be consulted about all the issues relevant for members of national minorities and to voice their opinions, proposals and comments.

Members of national minority councils and representatives of national minorities are elected directly, by secret ballot, for a period of four years.

Members of the Council for National Minorities are appointed by the Government of the Republic of Croatia for a period of four years and they include:

- seven members of national minorities, from among the persons proposed by national minority councils,
- five members of national minorities, from among the persons proposed by minority councils,
- members of the Council also include representatives of national minorities in the Croatian Parliament.

4. Please provide a critical assessment of the functioning of the consultation mechanism/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?

The Office for National Minorities, in conjunction with the Council for National Minorities at State level, has so far organised 18 seminars with a total of 36 workshops aimed at providing assistance to newly established councils and at the same time discussing the difficulties encountered by them. In the course of these seminars efforts were made, through discussions with local and regional authorities, to remove all the difficulties referred to by the councils, such as the lack of premises and means of work, untimely arrival of materials for discussion, and similar.

We would like to mention good co-operation between the Roma National Minority Council for the City of Zagreb and representatives of local government and self-government aimed at solving the problems faced by the Roma national minority. Another example of good practice involving co-operation between councils and local authorities is the acceptance of the proposal by the Serb National Minority Council in Gorski Kotar to build a road leading to the winter resort in Bjelolasica, which is conducive both to the development of the minority community and to the development of the tourist industry in the area. Good co-operation has also been achieved in Međimurska County with Roma councils.

Next month, the Office for National Minorities and the Council for National Minorities will organise three regional seminars for representatives of authorities and national minority councils to make a thorough evaluation of the developments so far.

5. Please indicate any suggestions you may concerning the ways in which intergovernmental co-operation could contribute to enhancing further consultation of persons belonging to national minorities?

We would like to mention, for example, the inter-governmental Commission for the Implementation of the National Programme for the Roma, whose members include representatives of Roma councils and associations.

Our general opinion is that representatives of national minorities should be consulted about all the issues of interest for them.

APPENDIX 1

STATUS

- What is the legal basis for the consultation mechanism/advisory body national minorities (consultational, ordinary law, other)?

Advisory bodies are established on the basis of the Constitutional Law.

- What status does the consultation mechanism/advisory body have: NGO status/public body status/personal autonomy arrangements with advisory functions, other status?

National minority councils are not-for-profit legal persons. They acquire the status of a legal person by registration in the Register of National Minority Councils.

The Council for National Minorities at state level is an independent body, which has its own statute. The statute contains detailed provisions on the scope of activities and organisation of work of the Council.

- If the advisory body is a public body, what is its relation to public authorities (is it independent and how is its independence ensured)?

Relations with public authorities are governed by the Constitutional Law, which prescribes that local and regional authorities should provide conditions of work for the councils, as well as materials for discussion.

Members of national minorities elect a national minority council directly. The candidates for members of national minority councils and the candidates for minority representatives may be proposed by the associations of national minorities or by at least 20 members of national minorities from the area of a municipality, 30 members from the area of a town or 50 members from the area of a county.

- At what level do these consultation mechanism/bodies operate: central level bodies/ local or regional bodies, both levels?

The Council for National Minorities operates at the central level, whereas national minority councils operate at local, town and county levels. It is possible to establish a co-ordinating body for councils at all levels, including at the level of the entire state, both for members of one minority and for members of several minorities.

MANDATE/FUNCTIONS

Please specify the main functions of the consultative mechanism/advisory body:

The Council for National Minorities at State level is an advisory body.

Members of the Council are appointed by the Government of the Republic of Croatia for a period of four years. Seven members belonging to national minorities are appointed from among the persons proposed by national minority councils, whereas five members belonging to national minorities are appointed from among distinguished cultural, scientific, expert, religious employees, proposed by minority associations and other minority organisations, religious communities, legal persons and citizens who are members of national minorities.

The Council for National Minorities has the right to:

- propose to the bodies of state authorities to discuss specific issues of importance for a national minority, in particular those relating to the implementation of this Constitutional Law and special laws governing minority rights and freedoms;
- propose to the bodies of state authorities measures to improve the position of a national minority in the state or in an area of the state;
- provide opinions and proposals about the programmes of public radio stations and public television intended for national minorities and about the manner in which minority issues are being treated in the programmes of public radio stations and public television and other media;
- propose the undertaking of economic, social and other measures in the areas that are traditionally or in a significant number inhabited by members of national minorities in order to preserve their existence in those areas.
- request and receive from the bodies of state authorities and bodies of local and regional self-government the information and reports required for discussing the issues from its scope of activities;
- invite and request the presence of representatives of bodies of state authorities and bodies of local and regional self-government, responsible for the issues from the scope of activities of the Council, as established by this Constitutional Law and the Statute of the Council.

When it comes to the issues of interest for national minorities in the Republic of Croatia, the Council for National Minorities co-operates with the competent bodies of international organisations and institutions dealing with minority issues, as well as with the competent bodies of parent countries of members of national minorities in the Republic of Croatia.

National minority councils in a self-government unit are also advisory bodies and have the right to:

- propose to the bodies of the self-government unit the measures for the improvement of the position of a national minority in the state or in an area of the state, including by submitting proposals of general acts governing the issues of importance for a national minority to the bodies which are in charge of their adoption;
- propose candidates for duties in state administration bodies and bodies of self-government units;
- be informed about each issue relating to the position of a national minority, to be discussed by the working bodies of the representative body of a self-government unit;
- provide opinions and proposals with regard to the programmes of radio and television stations at local and regional levels intended for national minorities or programmes covering minority issues.

- Other specific tasks assigned, including distribution of resources directed to cultural activities.

The Council for National Minorities at State level adopts decisions on the distribution of funds provided from the state budget for the needs of national minorities.

The acts by the Council for National Minorities, as well as decisions on the distribution of funds for the programmes of national minorities, are published in *Narodne novine* ("Official Gazette").

MEMBERSHIP/MINORITIES INVOLVED

- Does the consultation mechanism/advisory body include all minorities or are there minority-specific bodies or forms consultation?

All the minorities may participate in the election of a national minority council, provided that they meet the requirements relating to their number in a specific area (see previous answers).

- Is the advisory body composed of representatives of national minorities only or is it a mixed structure with representation of both national minorities and state officials?

Only of members of national minorities.

- What is the role of state officials in the work of advisory body/consultation mechanism?

They provide assistance in the work of national minority councils.

- How is the formal and/or factual influence of representatives of minority groups safeguarded?

National minority councils and the Council are independent bodies.

When members of the Council for National Minorities are elected, account is taken of the shares of particular national minorities in the total population of the Republic of Croatia.

- How are the minorities representation and representativity (representation of numerically small minorities, representatives of minority NGOs, minority representatives from Parliament, political parties of minorities, others) ensured in the advisory body/within the consultation mechanism?

In accordance with the Constitutional Law, elections are organised at local and regional levels for national minority councils and representatives of national minorities, whereas members of the Council for National Minorities are appointed by the Government of the Republic of Croatia. All the representatives of national minorities in the Parliament are members of the Council by virtue of their function.

- Please describe the appointment procedure for participation in the advisory body/consultation mechanism: who proposes (national minorities, political parties, churches, others), who decides (Government, Parliament, others)?

At the national level, members of the Council are appointed by the Government of the Republic of Croatia, on the proposal of national minority councils at local and regional levels (7 members), and associations, institutions and members of national minorities (5 members).

When it comes to the local and regional levels, members of national minority councils are elected directly by members of national minorities at elections.

FUNCTIONING/WORKING METHODS

- Are there any procedural guidelines in place for consultation of persons belonging to national minorities/advisory bodies?

- What are working methods used, including the forming of sub-bodies dealing with specific areas or specific consultation mechanism for certain areas?

The Council for National Minorities adopts its statute (see the previous answer). The Council informs the Government of the Republic of Croatia and the Croatian Parliament about the

expenditure of funds provided in the state budget of the Republic of Croatia for the needs of national minorities.

National minority councils act independently.

- What channels of co-operation exist between the advisory body/consultation mechanism and Parliament (including through the relevant Parliamentary committees) and the Government (including governmental offices for national minorities where relevant)?

As members of the Council include MPs representing national minorities, this means that direct co-operation is ensured. The President of the Council regularly attends sessions of the relevant parliamentary committee.

The Council co-operates with the Office for National Minorities of the Government of the Republic of Croatia and with the Committee for Human Rights and Rights of National Minorities of the Croatian Parliament. It regularly attends sessions of this Committee.

- What is the situation with regard to the resources allocated to the advisory bodies/consultation mechanisms (finance, staff) and what is the source of funding (central/local authorities, mixed funding)?

The resources for the work of the Council at State level are provided by the Government, whereas the resources for the work of bodies at local and regional levels are provided by local and regional government and self-government units. The resources for the work of national minority councils are provided by the units of local self-government and they include both the funds for the performance of administrative work and the funds for the implementation of activities set out in the programmes of work of national minority councils.

- What links exist between the advisory bodies/consultation mechanisms at the different levels (local/central)?

There are co-ordinating bodies for national minority councils.

- What channels of co-operation/links have been created between various advisory bodies working at the same level (if such bodies exist)?

Two or more national minority councils established in the same or different units of local and regional self-government may establish a co-ordinating body for national minority councils, to align and promote their mutual interests. Co-ordinating bodies have so far been established for the Serb, Hungarian, Ukrainian, Macedonian, Bosniac and Montenegrin national minorities. There is also the Co-ordinating Body for National Minorities of the City of Zagreb.

- Are the recommendations and/or the findings of the advisory bodies/consultation mechanisms publicised or otherwise communicated to a wider audience?

Sessions of the Council for National Minorities are open to the public.

- Where can the public seek and find information about the mandate, composition and activities of the advisory body/consultation mechanism (for instance, does a specific website exist)?

The Council for National Minorities uses the website of the independent agency STINA for this purpose.

Chypre/Cyprus

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

CYPRUS

A. CONSTITUTIONAL BACKGROUND

The Constitution of the Republic of Cyprus recognizes as a religious group (the Constitutional reference is not “minorities” or “national minorities”) “a group of persons ordinarily resident in Cyprus professing the same religion and either belonging to the same rite or being subject to the same jurisdiction thereof the number of whom, on the date of the coming into operation of this Constitution, exceeds one thousand out of which at least five hundred become on such date citizens of the Republic”.

Such religious groups are the Maronites, the Armenians and the Latins. Under Constitutional provisions, (Article 2.3) the aforementioned groups were given the option of belonging to one of the two Communities of Cyprus, that is, the Greek or Turkish Community. All three groups opted to belong to the Greek Community. Their membership to one of the two Communities in Cyprus ensures that all constitutional provisions and electoral laws governing participation and the right to vote and be elected in the national parliament (“The House of Representatives”) and in local elections, (municipal and communal elections) are applicable to the members of religious groups in the same way they apply to all other members of the Greek Community. They can be candidates and vote for candidates in all such elections.

In addition, each religious group has the right to elect one representative among the group’s members in order to represent the group in the national parliament. There are therefore three elected representatives in the House of Representatives, one for each group. The elected representatives of the groups in the House attend as observers and have an advisory role on religious, educational and family matters concerning their group.

This additional right of representation and participation of religious groups in the House emanates from Constitutional provisions (Articles 86 and 87). These Constitutional provisions gave the right to two Communal Chambers elected by the Greek Community and the Turkish Community, separately, to exercise legislative and executive powers in relation to religious, educational and family matters concerning their Community. The religious groups had the right under the Constitution, (Article 109) to be represented in the Communal Chamber of the Community to which they opted to belong, by a representative of the group elected among its members. Having opted to belong to the Greek Community, religious groups have a right to be represented in the Greek Communal Chamber. Owing to the abnormal situation there are no Communal Chambers to exercise powers as above, and the legislative functions of the Greek Communal Chamber are exercised by the House, with the religious groups retaining the right to elect their own representative to the House instead of to the Greek Communal Chamber.

In accordance with the above, the answers to the questions are the following:

B. QUESTIONS and ANSWERS

- 1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?**

The Permanent Secretary of the Ministry of the Interior acts as Co-ordinator of the various Ministries involved with matters concerning the religious groups. The basic task of the Permanent Secretary of the Ministry of Interior, in this capacity, is to examine all issues on a case by case basis and to facilitate their implementation.

- 2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanism/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.**

The Permanent Secretary of the Ministry of Interior acts as the Co-ordinator. A Senior Officer acts as Deputy Co-ordinator and an Administrative Officer as Secretary. Matters of concern to the religious groups are discussed thoroughly in meetings chaired by the Co-ordinator and sometimes by the Minister of Interior, in the presence of representatives from all relevant Ministries, with a view to promote and effectively deal with them.

The Ministry of Interior, being the competent Ministry for the protection of the religious groups, has demonstrated sensitivity on the subject and continues to do so by subsidising, monitoring and supporting matters of concern to the religious groups.

The consultation mechanism deals, among other, with the following issues:

- the implementation of relevant Conventions, such as the Framework Convention for the Protection of National Minorities;
- the competences of the Representatives of the religious groups;
- the preservation of the social cohesion of the religious groups;
- the maintenance and restoration of monasteries, churches and other monuments of the religious groups;
- the fair participation of members of the religious group in the Public Service and Public Corporations;
- the subsidization of students of religious groups (tuition subsidies for primary and secondary education and purchase of books);
- the granting of Government land for cemeteries;
- payment of priests' salaries;
- Government financial assistance to farmers, members of the Maronite religious group, living in the occupied territory of Cyprus;
- special measures to facilitate links between Cypriot Maronites living in the Government controlled territory and those living in the occupied territory of Cyprus (i.e. free transportation twice a week, free housing in the Government Refugee Housing Estates, free food supplies once a week, government aid for the repairs of houses, Maronite churches, cemeteries in the occupied territory as well as for the repair of roads and water supply in Kormakites) ;
- co-ordination of efforts for better utilization of the grants given by the various Ministries.

3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?

In 2003 it was decided that, since most of the issues fall within the competence of the Ministry of Interior (as well as the Ministry of Education and Culture and the Ministry of Finance), a Co-ordinator within the Ministry of Interior would better serve the handling of issues of concern to the religious groups, which usually fall within the competence of two or more Ministries. Thus, with the consent of the Representatives of the three religious groups, the competence of co-ordination was assigned to the Ministry of Interior by the President of the Republic.

4. Please provide a critical assessment of the functioning of the consultation mechanism/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?

The Representatives of the religious groups consider that there is an excellent cooperation between the Permanent Secretary of the Ministry of Interior and the Maronite, Armenian and Latin Representative on issues relating to their respective religious group. The Government of Cyprus, up to now, has not considered the matter of setting up any other body or forum for this purpose, as it has never been raised officially or appeared as necessary.

5. Please indicate any suggestions you may have concerning the ways in which intergovernmental co-operation could contribute to enhancing further consultation of persons belonging to national minorities?

Please see answer to Question 4.

République tchèque/Czech Republic

QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

CZECH REPUBLIC

- 1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?**

At the state administration level:

- A.1.1 Government Council for National Minorities;
- A.1.2 Council of the Government of the Czech Republic for Roma Community Affairs;
- A.2.1 Advisory Board of the Minister of Culture, Advisory Board of the Minister of Education, Youth and Sports;
- A.2.2 Grants Commissions of the Ministry of Culture:
 - Commission for the Programme of Support of Dissemination and Receipt of Information in Languages of National Minorities,
 - Commission for the Programme of Support of Cultural Activities of Members of National Minorities,
 - Commission for the Programme of Support of the Integration of the Roma Community
- Grants Commission of the Ministry of Education, Youth and Sports for the Programme of Support of Education in Languages of National Minorities and Multicultural Education.

At the regional level:

- B.1. Regional Committee for National Minorities, established by the regional council (established in 4 of 14 regions: South Moravia, Liberec, Moravia-Silesia, Ústí)
- B.2. Regional Roma Coordinator (in all 14 regions)

At the local level:

- C.1. Committee for National Minorities, established by the community council (established in 35 communities, particularly in the Region of Moravia-Silesia, where the polish minority lives).
- C.2. Roma advisors at the local authorities.

- 2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.**

See appendix below

- 3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?**

A.1.1. The Government Council for National Minorities (hereinafter the "Council") was established in 2001 by the government pursuant to Act No. 273/2001 Coll., on Rights of Members of National Minorities and Amendment to Certain Acts, as amended. The Council for Nationalities, which was an advisory body to the government, was established on 1970 under the resolution of the then Czech Government No. 20 of 18 February 1970, under Act No. 144/1968 Coll., on Status of Nationalities in the Czechoslovak Socialist Republic, which is no longer in force. The operations of this Council were subject to the communist political establishment and its activities were very formal. The Council for Nationalities got a new shape in the 1990s with a radical change of the political situation, when the rights of national minorities and their involvement in the decision making process on matters concerning them were taken into account within the meaning of Act No. 2/1993 Coll., on Promulgation of the Charter of Rights and

Freedoms as Part of the Constitutional Legislation of the Czech Republic. A new statute of the Council for Nationalities was approved by the government resolution No. 72 of 13 March 1991, which was amended several times during the 1990s; however, all these amendments paid proper attention to the participation of representatives of national minorities in the Council. Due to the long-term tradition of such institutional safeguard of rights of national minorities, irrespective of its actual functioning before 1990, it can be said that the factor that played the principal role in the selection of the form of the advisory body was the long-term experience with this time-tested mechanism.

A.1.2. The Council of the Government of the Czech Republic for Roma Community Affairs was established by the government resolution No. 581 of 17 September 1997 on the establishment of the Inter-ministerial Commission for Roma Community Affairs. The principal aim of the Council is to promote integration of the Roma community into the society. The Council was established to cope with the urgent need to find, on the national level, conceptual solutions to specific problems of the Roma community.

A.2.1 The Advisory Board to the Minister of Culture, the Advisory Body to the Minister of Education, Youth and Sports.

The duty to establish these advisory boards is not explicitly prescribed by any law. These boards were established as a result of a review of needs of members of national minorities and efforts of the relevant ministries to provide assistance in safeguarding their rights. Among the main tasks resolved by the advisory board at the Ministry of Education were the issues relating to teaching in the Polish language.

A.2.2 Grants selection commissions are established under Government Regulation No. 98/2002 Coll., which stipulates that, while appointing members of a grants commission, the provider takes into account nominations of the Council. The representatives of national minorities, nominated by the the Council, must be represented in each grants selection commission that assesses projects focusing on activities carried out by or in favour of members of national minorities.

B.1 The committee is established by the regional council in accordance with Section 78(2) of Act No. 129/2001 Coll., on Regions (Regional Establishment), as amended, which stipulates that the committee is established by the region in whose territorial district there live, according to the last census, at least 5 % of citizens declaring other than Czech ethnic origin

B.2 Pursuant to Section 6(7) of Act No. 273/2001 Coll., on Rights of Members of National Minorities and Amendment to Certain Acts, regional authorities manage and coordinate in their territorial districts, *inter alia*, the performance of the state policy tasks assisting in the integration of Roma community members into the society. In this sense, regional authorities establish the posts of coordinators of Roma advisors.

C.1 Committees for national minorities are established by community councils in accordance with Section 117(3) of Act No. 128/2001 Coll., on Communities (Local Government), as amended. This Act stipulates that the committee is established by the community in whose territorial district there live, according to the last census, at least 10 % of citizens declaring other than Czech national identity.

C.2 According to Section 8 of Act No. 273/2001 Coll., on Rights of Members of National Minorities, the post of Roma advisor is established by the Local Authority with Enlarged

Competencies³, which is to perform in its administrative district tasks helping the exercise of rights of Roma community members and integration of Roma community members into the society.

4. Please provide a critical assessment of the functioning of the consultation mechanisms/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?

A.1.1 Government Council for National Minorities

The activities of the Council were seriously affected by three changes of the government that took place in the last two years. Based on the wording of the statute of the Council, which is no longer in force and which set the office term of Council members as identical with the office term of the government, the Council had to be reconstructed several times, which limited significantly its activities and continuity of its acting. Only three meetings of the Council were held in 2004. The items that were on the agenda of these meetings included, for instance, the preparation of the Euromosaic III questionnaire for the Research Centre on Multilingualism (Katholieke Universiteit, Brussels), drafting of the Second Periodical Report on the Fulfilment of Obligations Set by the Framework Convention for the Protection of National Minorities, the monitoring visit of the Advisory Committee of the Council of Europe for this Convention and the Report on the Situation of the National Minorities in the Czech Republic in 2003. The fulfilment of tasks arising from the Council meetings is administrated by its secretariat.

Two meetings of the Council have been held to date in 2005, which issued, *inter alia*, recommendations to the ministries of education and culture to consider, in grant proceedings, specifics of associations of national minorities and opinions of the Council on these issues. The Council recommended to the Ministry of Culture and the Ministry of Education, Youth and Sports to consider, in particular, the percentage of financial participation of associations of national minorities (applicants) in the total costs of projects, particularly those relating to publication of minority press. The Council further recommended to these ministries to specify, after consultations with representatives of national minorities, detailed terms for applications and settlement of grants designated for issue of periodicals in languages of national minorities and for cultural and educational projects, and not to change these conditions during the implementation of individual projects. At the same time, the Council suggested to increase the budget item designated for the Support Programme of dissemination and receipt of information in languages of national minorities and Support Programme of cultural activities of members of national minorities.

The effectiveness of the Council can be viewed from two aspects. The first one is the importance of the Council for representatives of national minorities, to whom it provides an opportunity to make use of a larger forum and the participation of politician and representatives of ministries to ask questions and express opinions on issues they consider important for the life of national minorities in the Czech Republic. Discussions in the Council do not mean that all suggestions and proposals are submitted to the government; however, representatives of national minorities in the Council evaluate positively the function of this advisory body to the government and acknowledge that it plays an irreplaceable role in preventing deeper problems in the minority policy. Another aspect is the actual influence upon government decision, exercised by the Council as an advisory body to the government. This role is more disputable (for instance, the efforts of the Council to achieve an increase of the amount allocation for the Programme of support of receipt and publication of information in languages of national minorities have been unsuccessful

³ Local Authority with Enlarged Competencies is in charge of specific agenda concerning the state administration; these municipalities are stipulated by law No. 314/2002 Coll.

in the past several years). No proposals for improvement of the statute of the Council are currently under review.

A.1.2. The Council of the Government of the Czech Republic for Roma Community Affairs fulfils a similar function with a special focus on the Roma community. Its competences have been expanded by the administration of three grant titles of the state budget for integration of members of the Roma Community (see below). The task of the Council is not easy and despite a significant financial support provided by the state and the conceptual changes to which the Council has significantly contributed, the integration of the Roma community is still a key target of criticism of the Czech Republic by international observers.

A.2.1. Advisory Board of the Minister of Culture, Advisory Board of the Minister of Education, Youth and Sports Activities of the advisory bodies are currently very limited, even though there exists a considerable space for expert recommendations concerning concepts of educational programmes focusing on national minorities, particularly in the field of education.

A. 2.2. Grants commissions

Grants commissions are functional; their membership consists of representatives of national minorities, of the relevant ministries and of the Council secretariat. They meet according to grand schedules of ministries, at least once in a year. The outputs of these meetings are recommendations for decisions taken by ministers on allocation of grants to projects within the relevant grant programme.

B.1 and C.1 Regional and community committees for national minorities

According to the response of the regional and community authorities, Act No. 273/2001 Coll., on Rights of Members of National Minorities and Amendment to Certain Acts does not stipulate any specific competencies and guidelines for performance of activities stipulated by it. Due to the foregoing, an amendment to this Act was being prepared in 2004, which was to provide a more detailed regulation of the competencies of regional authorities and of local authorities with Enlarged Competencies relating to integration of Roma community members into the society, including guidelines for the execution of state administration in this area. However, this legislative task was cancelled in 2005. Thus, it is at the discretion of the communities and regions and of the officials who are involved in the resolution of these issues what specific steps to take during the performance of this obligation.

5. Please indicate any suggestions you may have concerning the ways in which intergovernmental co-operation could contribute to enhancing further consultation of persons belonging to national minorities?

We would consider it useful to review, at the international level, the following topics, which, we believe, are controversial not only in the Czech Republic:

1. Communication with representation of national minorities
2. The communication with representatives of national minorities (of individual minority organizations) is problematic. This is due to the large number of civic associations of members of national minorities or of organizations working in their favour. According to the register maintained by the Ministry of the Interior, there are nearly 550 such organizations. Although only one third of them are active, there are significant differences in priorities they determine. A new civic association – the Association of National Minority Organizations of the Czech Republic, was founded in 1999 as a platform for resolution of current issues of national minorities and for communication with public administration authorities. However, this association is now inactive and has failed until now, due to the large number of these organizations and their diverse interests, to act as an umbrella organization of national

minorities. - The degree of state support to the activities of national minorities. Minority organizations in the Czech Republic publish nearly 20 periodicals (newspapers, weeklies, monthlies), a number of non-periodical publications and organize cultural events at regional and national levels. Although these activities receive significant support from the state subsidy policy, representatives of national minorities consider the amount of this support as insufficient. Due to the fact that a number of these events have an international significance, they expect that these programmes will also be funded out of the European structural funds.

3. Ethno-business – there appear tendencies to misuse the “national minority” issue.
4. Migration and new minorities in EU.
In the Czech Republic, this applies specifically to a numerous Vietnamese community and economic migration from Ukraine.
5. International co-operation
Focusing on support of regional and minority languages (publication of textbooks, information bulletins, etc).

APPENDIX 1

STATUS

Due to the situation of the organization placed in category D, which is described above, no details about this category are provided in the Appendix.

- **What is the legal basis for the consultation mechanism/ advisory body of national minorities (constitutional, ordinary law, other)?**

At the state administration level:

- A.1.1 Government Council for National Minorities (established under Section 6(3) of Act No. 273/2001 Coll., on Rights of Members of National Minorities and Amendment to Certain Acts).
- A.1.2 Government Council for Roma Community Affairs (established by government resolution No. 581 of 17 September 1997 concerning the establishment of the Inter-ministerial Commission for Roma Community Affairs).
- A.2.1 Advisory Board to the Minister of Culture and Advisory Board to the Minister of Education, Youth and Sports (established by an internal regulation of each of these ministries).
- A.2.2 Grants commissions of the relevant ministries (established by an internal regulation of the Ministry of Education, Youth and Sports and of the Ministry of Culture in accordance with Government Resolution No. 98/2002 Coll., which determines conditions and ways of providing grants from the state budget for activities of members of national minorities and for the support of integration of members of Roma communities).

At the regional level:

- B.1 Regional Committee for National Minorities (established under Section 78(2) of Act No. 129/2000 Coll., on Regions (Regional Establishment)).
- B.2 Regional Roma coordination (established under Section 6(7) of Act No. 273/2001 Coll., on Rights of Members of National Minorities and Amendment to Certain Acts).

At the local level:

- C.1. Committee for National Minorities (established under Section 117(3) of Act No. 128/2000 Coll., on Communities (Local Government), as amended, and Section 78(2) of Act No. 131/2000 Coll., on the Capital City Prague, as amended.
- C.2. The post of Roma advisor (established under Section 6(8) of Act No. 273/2001 Coll., on Rights of Members of National Minorities and Amendment to Certain Acts).

- **What status does the consultation mechanism/advisory body have: NGO status/public body status/ personal autonomy arrangements with advisory functions, other status?**

All of the foregoing authorities, whether state or local, hold the status of an advisory body to the relevant authority and have no executive or legislative powers.

- **If the advisory body is a public body, what is its relation to public authorities (is it independent and how is its independence ensured)?**

The advisory bodies for affairs of national minorities (ad category A, B and C) are established within the public administration, which decides by itself how to use the recommendations of these bodies. The independence of most of these advisory bodies is ensured, to a certain extent, by its membership, when at least one half of members consists of independent persons from outside the state administration – representatives of national minorities. The independence of these bodies is manifested, *inter alia*, by the fact that they may propose, freely and at their own discretion, various measures based on their own monitoring of the situation of national minorities.

- **At what level do these consultation mechanisms/bodies operate: central level bodies/ local or regional bodies, both levels?**

It appears from the foregoing that these consultation mechanisms operate at the central, regional and local levels.

MANDATE/FUNCTIONS

Please specify the main functions of the consultative mechanism/advisory body, which may include some of the following:

Evaluation of main functions of the advisory bodies by categories A-C:

- **Taking initiatives and making proposals/recommendations:**

A.1.1 – The Government Council for National Minorities fulfils these tasks. In the past years, this was represented, for instance by a proposal to establish a National Minorities House in Prague a proposal to resolve the situation of Russian migrants in the territory of the Czech Republic (based on an incentive of the representative of the Russian minority), a proposal to allocate a larger space to minority broadcasting in mass media of communication, etc. The Council plays an active role in the preparation of new legislative measures concerning national minorities; this included, in 2005, the preparation of ratification of the European Charter of Regional or Minority Languages, an amendment to the Act on Communities relating to the conditions for the introduction of bilingual signs of administrative buildings, names of streets and communities, etc.

A.1.2 These tasks are fulfilled to a similar extent by the Government Council for Roma Community Affairs. Its main proposals presented last year included a proposal of institutional safeguards of coordination of activities and funding designated for the implementation of policy of support to the integration of the Roma community; however, this proposal was not accepted.

The Council is also the main organizer and initiator of activities carried out within the international initiative - Decade of Roma Inclusion.

B.1 a C.1 – At the regional and community level, these tasks fall within the competencies of advisory bodies. As noted above, due to the absence of detailed guidelines for the work of these bodies, any practical proposals and recommendations depend on the activities of members of the relevant body. Information about these activities is regularly gathered by the secretariat of the Council and published in annual reports on the situation of national minorities.

- **Possibility to request information:**

A, B, C: The duty to provide information results, *inter alia*, from Act No. 106/1999 Coll., on Free Access to Information. Pursuant to Section 2 of this Act, subjects that are obliged to provide information relating to their competencies include state and local and regional authorities and public institutions managing public funds and also subjects that have been granted by the law the right to decide on rights, interests protected by the law or on duties of natural persons or legal entities in the public administration area, and solely within the scope of these decision-making activities carried out by them. Based on the foregoing, bodies in category A, B and C – like anyone else – have the right to request information. The only exception is the information that has the nature of personal data, which are protected by Act No. 101/2000 Coll., on Protection of Personal Data and Amendment to Certain Acts.

- **Monitoring the situation of persons belonging to national minorities, preparation of studies, conducting research:**

A, B, C: Monitoring the situation of national minorities is a part of every annual *Report on the Situation of National Minorities*, prepared by the secretariat of the Council. The secretariat co-operates during the preparation of this report with bodies at all state administration levels, which carry out partial monitoring within the scope of their competencies. Thus, the competency applies again to all categories. The Council also monitors the exercise of rights of national minorities with regard to international conventions that are binding for the Czech Republic – the Framework Convention for the Protection of National Minorities.

- **Increasing public awareness of problems related to the situation of national minorities:**

A.: Public awareness is increased through annual *Reports on the Situation of National Minorities*, which are published both in printed form and on the Internet. The secretariat also issues other informative publications (collections of contributions from seminars, information about performance of international agreements, publication on national minority policy, etc.). The publication activities of the Government Council for Roma Community Affairs are similar and are also presented on the Internet.

B, C: Public awareness is indirectly assisted by support of cultural events organized by associations of national minorities, which thus gain room for their presentation. Awareness committees organize lectures and conferences focusing on national minority issues.

- **Consultation and participation in the preparation of public policies on national minorities: existence of an obligation to consult in the legislative process and other public policy decisions affecting national minorities, areas where consultation is foreseen (culture, education, language, social and economic participation, other areas):**

A: The Council is an official place for presentation of comments on government materials concerning issues of national minorities. Consultations also take place at the Council level, whose membership includes also representatives of the relevant ministries. At this level, representatives

of national minorities have an opportunity to affect political decisions. Consulting bodies at the Ministry of Culture and the Ministry of Education are the grants commissions and advisory boards to ministers. It can be said, however, that the activities of these boards are now rather formal.

B, C: Regions and communities involve representatives of national minorities in decisions on minority policies through committees and by way of participation in grants commissions at the regional and local level.

- **Coordination functions among different minorities, other coordination functions:**

A: Both Councils represent communication and coordination platforms for representatives of various national minorities.

B, C: This task depends at the regional and local level on own incentives of committee members. An example of good practices is the committee of the Region of Southern Moravia, which coordinated in 2005 a joint event organized by all national minorities.

- **Other specific tasks assigned, including distribution of resources directed to cultural activities:**

A.1.1: The competencies of the Council do not include distribution of funds; however, it is within the powers of one of its committees (Committee for Grants Policy) to propose every year a binding specific coefficient for individual grant programmes that have been taken into account in the relevant chapters of ministries in the State Budget for the following year. Moreover, representatives of national minorities in the Council and persons recommended by them are members of grants commissions of the Ministry of Culture and of the Ministry of Education.

A. 1.2: The Council for Roma Community Affairs administers, *inter alia*, three grant programmes – Prevention of Social Exclusion in Roma Communities and Removal of Its Consequences, Field Social Work Programme and Support of Projects of Integration of the Roma Community.

B, C: Grant selection procedures at the regional and local level are announced in a way similar to the way used at the central level. Mechanisms of re-distribution of funds and participation of representatives of national minorities depend on the decision of the relevant council.

MEMBERSHIP/MINORITIES INVOLVED

- **Does the consultation mechanism/advisory body include all minorities or are there minority-specific bodies or forms of consultation?**

A.1.1 Government Council for National Minorities

The Statute of the Council stipulates that its membership consists of representatives of twelve national minorities: Bulgarian, Croatian, Hungarian, German, Polish, Roma, Ruthenian, Russian, Greek, Slovak, Serbian and Ukrainian.

A.1.2 A specific status is held by the Roma national minority, whose affairs are simultaneously administered mostly by the Council of the Government of the Czech Republic for Roma Community Affairs. These issues are also dealt with by specialized departments at the Ministry of Labour and Social Affairs, the Ministry of Education, Youth and Sports and the Ministry of the Interior. Parts of institutional safeguards at the local level are Roma advisors, or employees charged with tasks relating to the integration of members of Roma communities and assistants in communities, as well as coordinators of Roma advisors at regional authorities. In a broader sense of the word, institutional safeguards also include other professionals employed by the state or local and regional authorities, i.e. teacher's assistants at schools and Roma social field workers in communities.

The status of minorities other than national minorities is dealt with, for instance, by the Government Board for the People with Disabilities, etc.

B, C: Membership of committees at the regional and local levels always includes representatives of those national minorities whose percentage in the relevant community or region reaches the levels stipulated by the law.

- **Is the advisory body composed of representatives of national minorities only or is it a mixed structure with representation of both national minorities and state officials?**

A.1.1 Government Council for National Minorities

According to the Statute, membership of the Council also includes representatives of state administration authorities. The Council has 31 members, i.e. the Chairperson, two Deputy Chairpersons and the members. At least the half of the total number of members of the Council are the representatives of national minorities who were nominated by the associations of members of national minorities

2) The members of the Council are

a) the representatives of national minorities (19 members), one to three members per minority in proportion to the total number of members of a minority and its historical and contemporary position; specifically, there are representatives of these minorities: Bulgarian (1), Croatian (1), Hungarian (1), German (2), Polish (3), Roma (3), Ruthenian (1), Russian (1), Greek (1), Slovak (3), Serbian (1), Ukrainian (1);

b) the representatives of the bodies of public authority (12 members including the chairperson of the Council); specifically, there are representatives of:

Ministry of Finance, Ministry of Culture, Ministry of Education, Youth and Sports, Ministry of Labour and Social Affairs, Ministry of the Interior, Ministry of Justice and Ministry of Foreign Affairs - at the level of deputy ministers; Deputy of member of the Government - Chairperson of the Council for National Minorities; a representative of the Office of the President; a representative of the Office of the Public Defender of Rights; the Government Commissioner for Human Rights.

A.1.2: Council of the Government of the Czech Republic for Roma Community Affairs

According to the Statute, the Council has 28 members, i.e. the Chairperson, two Deputy Chairpersons and other members. The Chairperson of the Council is appointed and recalled by the government; he is a member of the cabinet. The First Deputy Chairperson is the Government Commissioner for Human Rights; the Second Chairperson is one of the 14 representatives of the Roma community (para 5(b)), who is appointed and recalled by the Chairperson of the Council. Members of the Council are appointed and recalled by the Chairperson of the Council after consultations with the Head of the Council's Office and regional coordinators.

Appointment is not required if the membership in the Council arises from a function. Other members of the Council are: Deputy Minister of Labour and Social Affairs, Managing Director of the Employment Services Administration, Deputy Ministers of Finance, Culture, Regional Development, Defence, Industry and Trade, Justice, Education, Youth and Sports, Interior, Foreign Affairs, Health and representatives of the Roma community (one per each region). The office term of members of the Council is two years. The number of repeated appointments is not limited.

B.1: Regional Committee for National Minorities

The composition of this committee is set by Act No. 129/2000 Coll., on Regions (Regional Establishment), as amended. Section 78(2) of this Act stipulates that membership of the committee also includes representatives of national minorities if delegated by a union established under special law; however, members of national minorities must represent at least one half of all members of the committee.

C.1: Committee for National Minorities

The composition of this committee is set by Act No. 128/2001 Coll., on Communities (Local Government, as amended. Section 117(3) of this Act stipulates that membership of the committee also includes representatives of national minorities if delegated by a union established under special law (Act No. 83/1990 Coll., on the Association of Citizens, as amended); however, members of national minorities must represent at all times at least one half of all members of the committee.

- **What is the role of state officials in the work of advisory body/consultation mechanism?**

State officials in the Council (employees of the Council's secretariat) organize the activities of the Council, its committees and working groups; draft documents and concepts that are submitted to the representatives in the Council for comments; present the activities of the Council at international forums, organize visits of experts of international bodies to the Czech Republic; organize monitoring of the situation of national minorities in relation to the fulfilment of the minority policy of the government and of international obligations stipulated, for instance, by the Framework Convention for the Protection of National Minorities. They publish information about activities of the Council and about national minority policies in general, both in the printed form and on the Council's website.

- **How is the formal and/or factual influence of representatives of minority groups safeguarded?**

The influence of representatives of minority groups is safeguarded by the mechanism of functioning of the Council (see above). Resolutions of the Council are approved by voting and are communicated to the relevant public administration authorities involved.

- **How are the minorities' representation and representativity (representation of numerically small minorities, representatives of minority NGOs, minority representatives from Parliament, political parties of minorities, others) ensured in the advisory body/within the consultation mechanism?**

Representation of minorities in the Council takes into account also small national minorities. Details are set out above.

Political parties promoting the interests of national minorities include the political movement Coexistentia (Coexistence), whose representatives act mostly as the political representation of the Polish national minority. However, due to the limited membership base, the activities of this political subject on the national political stage are not significant and this movement is not represented in the Parliament. The situation at the local level is, however, different, namely in the Těšín region in Moravia-Silesia region, which has a larger concentration of the Polish national minority and where the Polish representatives of the political movement Coexistentia-Wspólnota won dozens of mandates in local elections held in 2002.

At the same time, there are Roma political parties and movements with a significantly variable stage participating in the political life. The only more active among approximately ten formal Roma political parties and movements founded in the past years is Roma Civic Initiative. The civic association "Parliament of the Roma" launched its activities in 2004 and a new political entity, Roma Democratic Social Party, was registered in March 2005. Other national minorities do not currently have any ambitions to be represented as political entities in public life.

Some representatives of national minorities consider as negative the absence of their official representatives in the Parliament of the Czech Republic. Even though the representatives may declare other than the Czech nationality, their mandate results from their membership in the relevant political parties.

- **Please describe the appointment procedure for participation in the advisory body/consultation mechanism: who proposes (national minorities, political parties, churches, others), who decides (Government, Parliament, others)?**

A.1.1: The appointment procedure of representatives of the advisory body is determined by the Statute of the Council. The Chairperson of the Council is appointed and recalled by the government based on the proposal of Prime Minister. The Chairperson of the Council is a member of the government, usually a Deputy Prime Minister (nowadays Minister of Justice). Members of the Council are appointed and recalled by the government based on the proposal of the Chairperson of the Council or, in the case of members of national minorities, based on the proposals of associations of members of national minorities, which submit to the government lists of their nominated candidates or a proposal for their recalling. Representatives of the relevant ministries are appointed upon the proposal of the government member charged with the management of the relevant ministry. A member of the Council can be recalled from his office due to, *inter alia*, the termination of his employment/service at the relevant ministry. A similar procedure is applied in the appointment of other representatives of state administration authorities, who are appointed at all times by the head of the relevant authority.

A.1.2: The Chairperson of the Council, who is a member of the government, is appointed and recalled by the government. The First Deputy Chairperson of the Council is the Government Commissioner for Human Rights, the Second Deputy Chairperson is one of the 14 representatives of the Roma Community, who is appointed and recalled by the Chairperson of the Council. Members of the Council are appointed and recalled by the Chairperson of the Council after consultations with the Head of the Council's Office and regional coordinators. Appointment is not required if the membership in the Council arises from a function.

A.2: Appointment of members in advisory bodies and grants commissions is based on internal instructions of the relevant ministries. Members of these bodies are appointed by the Minister.

B.1 a C.1: Members of the committee are appointed by the local or regional council.

FUNCTIONING/ WORKING METHODS

- **Are there any procedural guidelines in place for consultation of persons belonging to national minorities/advisory bodies?**

There are no procedural guidelines in the very meaning of the word; however, there are publications informing about the situation of national minorities at various levels of public life, good practices and could be inspiring.

- **What are the working methods used, including the forming of sub-bodies dealing with specific areas or specific consultation mechanisms for certain areas?**

A.1.1 In accordance with its Statute, the Council establishes, as needed, permanent committees and temporary working groups. Membership in these committees and groups may include not only members of the Council, but also invited experts. The Council has currently two committees. The Committee for Grants Policy, which prepares, in particular, a proposal of the specific coefficient for determination of the amounts of grants for national minority programmes, which are to be included in the State Budget chapter allocated for the relevant ministries. The Committee for Co-operation with Local and Regional Authorities has a coordinating and

informative function. Furthermore, the Council has established a working group for issues of TV broadcasting of national minorities. The committees and working groups submit their proposals to the Council for review. The activities of the committees and working groups are organized by the Council's secretariat.

A 1.2 The Council for Roma Community Affairs uses a similar procedure in the establishment of committees and working groups, including the Grants Committee, Committee for Concept Updates, Committee for the Decade, Committee for Co-operation with Local and Regional Authorities, Working Group of the Ministry of the Interior of the Czech Republic, Working Group of the Social Field Work

- **What channels of co-operation exist between the advisory body/consultation mechanism and Parliament (including through the relevant Parliamentary committees) and the Government (including governmental offices for national minorities where relevant)?**

Ad hoc co-operation, employees of the Council's secretariat and representatives of national minorities – members of the Council – are invited on various occasions at the meetings of the Sub-committee for National Minorities of the Petition Committee of the Chamber of Deputies of the Parliament of the Czech Republic, which review current issues.

- **What is the situation with regard to the resources allocated to the advisory bodies/consultation mechanisms (finance, staff) and what is the source of funding (central/local authorities, mixed funding)?**

State administration authorities (A) are funded from the relevant chapters of the State Budget; authorities sub B and C are funded from public budgets.

A1.1 According to the Statute of the Council, costs of the activity of the Council and its bodies are expended from the budget of the Office of the Government. The meetings of the Council, its committees and temporary working groups are held usually in premises provided by the Office of the Government. The members of the Council can claim the remuneration of provable travel costs expended on the activity of the Council, committees or temporary working groups in accordance with applicable. Business trips are to be approved by the executive head of the Secretariat of the Council. The Members of the Council cannot claim to wages for the discharge of their office as members of the Council, committees or temporary working groups. In accordance with applicable laws, the remuneration appertains to the members of the Council who are not employees of the state or public administration for work which they perform for the Council provably to order (i.e. as a service) or on the basis of the agreement on work out of employment (for example the agreement to complete a job or the agreement to perform work). The amount of remuneration is proposed by the Chairperson of the Council and approved by the chief of the Office of the Government of the Czech Republic.

Upon a proposal of the Chairperson of the Council the remuneration of travel costs and/or performed work appertains even to an expert who co-operates with the Council.

B, C: The method of remuneration of members of the committee – representatives of national minorities – is not regulated by the law. The decision on the remuneration is issued by the relevant council.

- **What links exist between the advisory bodies/consultation mechanisms at the different levels (local/central)?**

Publication of information is ensured by the secretariat of the Council either in writing (in the form of a publication) or on the website. Communication across the state administration should be ensured, *inter alia*, by the Committee for Co-operation with Local and Regional Authorities. Representatives of the Council's secretariat are invited on an ad hoc basis to meetings of local or regional authorities focusing on issues of national minorities.

- **What channels of co-operation/links have been created between various advisory bodies working at the same level (if such bodies exist)?**

At the central level, both Councils exchange information about current tasks or their resolution, or co-operate in their resolution (e.g. the amendment of Act No. 273/2001 Coll., in 2004). The co-operation between bodies at the local level depends on the decisions of the relevant councils. It can be said that there are still factors to be improved in this field and the information about these activities is not sufficiently monitored at the central level (except for annual reports on the situation of national minorities). Co-operation between communities is assisted, *inter alia*, by bodies at the regional level, which provide for exchange of information. Co-operation among regional coordinators for resolution of Roma community affairs, including advisors or assistants operating at local levels, is more active.

- **Are the recommendations and/or the findings of the advisory bodies/consultation mechanisms publicised or otherwise communicated to a wider audience?**

This information is published in informative brochures, the Council's website or in periodicals.

- **Where can the public seek and find information about the mandate, composition and activities of the advisory body/consultation mechanism (for instance, does a specific website exist)?**

Information about the activities of the advisory bodies is published on the website www.vlada.cz (advisory and working bodies); limited information is also provided by ministries and other state administration authorities. There is not specific website that would provide summary information about all advisory bodies. However, such information can be also found on websites of regional and local authorities or of various civic associations focusing on national minority issues. A list of these websites forms part of every annual report on the situation of national minorities in the Czech Republic.

Danemark/Denmark

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

DENMARK

1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities?)

The German minority has a lot of influence through various channels at the national level. The most important channels are:

The Liaison Committee concerning the German Minority (A1),

A working group appointed in connection with the work of the Council of Europe's Language Charter (A2),

The German Minority's Secretariat in Copenhagen (A3).

Beyond this the German minority has one seat on the county council of South Jutland. On the local level the minority is represented on 5 municipal councils with a total of 7 seats. Furthermore the minority is represented in contact groups in 5 other municipalities in South Jutland in which the minority is not represented in the municipal councils.

The answers below are concentrated at arrangements at the national level.

2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies.

Status:

In 1965 it was decided to set up A1 to assure the German minority contact with the Danish Government and Parliament. The task of the Committee is to negotiate political and cultural affairs of interests to the minority, regardless of whether such affairs concern a community of persons or individual persons. The setting up of A1 rests on a political decision.

A1 is a public body with advisory functions. A1 is not competent to make resolutions. A1 operates at the national level.

A2 was set up in 2001 pursuant to the Council of Europe's Language Charter. The field of activity of the working group is, however, wider than the Language Charter. A2 is a public body with advisory functions. A2 is not competent to make resolutions. A2 operates at the national level.

A3 was set up in 1983 and is a supplement to A1. The secretariat is under the provisions of the Budget.

A3 acts in the interest of the German Minority and is led by a member of the minority.

Mandate/Functions

The main function of A1 is to assure the German minority contact with the Danish Government and Parliament. In this forum, representatives of the German minority together with the Danish Government and members of the political parties represented in Parliament negotiate domestic policy affairs of interest to the minority.

The German minority often involves A1 in the preparation of public policies and law by proposing it an item of the agenda. There is no legal obligation to consult A1 in the legislative process and other public policy decisions affecting national minorities, but A1 is involved if the minority wishes so.

A2 is an informal group with no actual decision-making powers. The work of the group facilitates continuous follow-up and discussion of the implementation both of the Framework Convention and the Language Charter, thus enhancing the coordination of the ongoing work of implementing the two conventions in the best possible manner.

A3 acts through lobbying and meetings with politicians and Government officials.

Membership/Minorities involved

The German minority is the only recognized minority in Denmark. A1 therefore only includes the German minority.

The Minister of the Interior and Health chairs the Committee. The Minister of Education is Deputy Chairman. Furthermore, the Committee is made up of a representative of every party represented in Parliament and three representatives of the German minority who are appointed on the recommendation of the minority's political organisation, "Bund deutscher Nordschleswiger" (Federation of German North Schleswigers). Finally, the head of the German Minority's Secretariat in Copenhagen is a member, whereas the Secretary General of the German minority attends the meetings without being a member.

The Minister of the Interior and Health makes secretarial assistance available to the Committee. In practice the state officials of the secretariat handle a lot of issues and requests which the German minority otherwise would present to A1.

The agenda of the meetings of the Liaison Committee has traditionally been established in collaboration with the German Minority's Secretariat in Copenhagen and is based on the proposals for subjects of discussion put forward by the German minority.

Meetings are held as required, but at least once in every parliamentary session and, in addition, at the request of three members. Last session there was an extra meeting on the request of the German Minority because the minority wanted a deeper debate about the impacts of the structural reform in relation to the German minority.

A2 is made up of representatives from a number of ministries and the German minority.

The Minister of the Interior and Health makes secretarial assistance available to the working group.

The agenda of the working group is established in collaboration with the German Minority's Secretariat in Copenhagen and is based on the proposals for subjects of discussion put forward by the German minority.

Meetings are held as required, but at least once every year.

A3 is led by a member of the German minority who performs the task of the secretariat, supplemented by a secretary.

Functioning/working methods

As mentioned, A1 carries out its function through at least one yearly plenary meeting. The secretariat elucidates the items on the agenda and calls in officials from relevant ministries if necessary. At the meetings the items are debated and if the minority points out problems in relation to central authorities the secretariat contacts the authority in question after the meeting in order to find a solution. Usually the minority introduces the problems to the secretariat before the meeting which means that solutions are often found prior to the meetings.

At the meetings the chairman of the Bund deutscher Nordschleswiger presents a report on the events of the previous year from the standpoint of the German minority, and the minority usually submits a report on the German minority's education system. Any specific questions or problems the reports may bring up are then discussed.

The subjects discussed so far have been, for example, the minority's political representation and subsidy schemes in connection with the structural reform. The celebration of the 50th anniversary in March 2005 of the Copenhagen-Bonn Declarations is another example.

The results of the debates are not published but are communicated to the members, i. e., to a representative of every party represented in Parliament, the relevant central authorities and the

German minority. The public can find information about A1 on the website of the Ministry of the Interior and Health.

The composition of A1 ensures in itself that there is a co-operation between the minority, Parliament and the Government which is the main purpose of A1.

Any expenditure incurred in connection with the Committee's activities is borne by the Treasury. A2 carries out its function through at least one yearly meeting. The secretariat elucidates the items on the agenda. At the meetings the items are debated and if the minority points out problems in relation to a certain ministry the representative of the ministry in question either illuminates the case during the meeting or returns to the minority after the meeting.

The subjects discussed so far have been, for example, the initial report on Denmark concerning the Language Charter from The Committee of Ministers. The results of the debates are not published but are communicated to the relevant central authorities. The public has the right of access to the documents of the working group according to the rules of access to documents.

The composition of A2 ensures in itself that there is a co-operation between the minority, the Government and the central administration.

Any expenditure incurred in connection with the working group's activities is borne by the Treasury.

The duties of A3 include, amongst others, the ongoing observation of parliamentary work, both plenary and committee meetings, contact with Parliament, the Government and ministries as well as representation of the minority's interests.

The German minority's Secretariat in Copenhagen is engaged in close co-operation with the Ministry of the Interior and Health's secretariat to the Liaison Committee concerning the German Minority. As mentioned, the head of the German Minority's Secretariat in Copenhagen is a member of the Liaison Committee.

The Danish Government bears about half of the expenses connected with the operation of A3.

3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?

A1 was set up in 1965 in consequence of the fact that the German minority lost its representation in the Parliament in 1964.

A2 was set up in 2001 in accordance with the Council of Europe's Language Charter.

A3 was set up in 1983 in order to strengthen the German minority even more.

4. Please provide a critical assessment of the functioning of consultation mechanisms/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning. Have good practices been identified.

The German minority is very satisfied with the functioning of A1-3 and the minority has not suggested any improvements of their functioning.

A1-3 make altogether a very good platform for the minority to cultivate its interests. In this connection it should be mentioned that especially the members of A1 (politicians) are very sympathetic with the minority's wishes.

It should also be mentioned that the set up of A2 has been such a success that Germany has decided to set up a similar secretariat for the national minorities in Germany.

Estonie/Estonia

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

ESTONIA

1. Current Arrangements Of Consultation Of Persons Belonging To National Minorities

A.1. The Presidential Roundtable on National Minorities

B.1. The Roundtable of National Cultural Societies under Ida-Virumaa County Governor

C.1. Consultative Council of National Minorities of the City of Tallinn

2. Status

A.1. The Presidential Roundtable was convened by the President of the Republic. The Roundtable operates pursuant to the Statute of the Presidential Roundtable on National Minorities. The first statute was adopted on 11 February 1998 at the Roundtable meeting and approved by the President. The new statute was adopted in 2002 and approved by the President on 23 May 2002.

The Presidential Roundtable was originally set up in 1993 as a standing conference of representatives of ethnic minorities and of political parties for dialogue on matters concerning minority groups. Later its functions have been reviewed for several times and according to the statute adopted in 2002, the Roundtable today is a permanent body with advisory capacity operating under the auspices of the President of the Republic. The Roundtable comprises an expert body and a chamber of representatives of national minorities.

The members of the Presidential Roundtable are nominated by the President but they are independent in their activities.

B.1. The Ida-Virumaa Roundtable of National Cultural Societies was convened in 1995 by a order of Ida-Virumaa County Governor.

C.1. The Consultative Council of National Minorities of the City of Tallinn was established by City Government decree on 12 January 2005 as a standing committee of the City Government.

Mandate/Functions

A.1. According to the statute, the aim of the Presidential Roundtable is to discuss issues of state and society, including ethnic, economic and socio-political issues and the objective of the Roundtable is to work out recommendations and proposals concerning:

- 1) the formation of a stable and democratic society in Estonia, as well as the integration into Estonian society of all people who have linked their lives to Estonia or wish to do so;
- 2) the social-economic, cultural and legal problems of aliens residing in Estonia as well as of ethnic minorities;
- 3) support for persons seeking Estonian citizenship;
- 4) the questions related to the learning and use of the Estonian language;
- 5) the preservation of the cultural and ethnic identity of ethnic minorities residing in Estonia;
- 6) the opportunities and conditions for voluntary remigration of persons born outside Estonia to their historical homeland or their migration to third countries.

B.1. The aim of convening the Ida-Virumaa Roundtable of National Cultural Societies was to support and foster the integration of different nationalities living in Ida-Virumaa into Estonian society. The Roundtable

meets regularly to discuss various matters affecting the educational and cultural life of national minorities in Ida-Viru County and to work out recommendations and proposals to public authorities both at regional and national level.

C.1. The Consultative Council of National Minorities of the City of Tallinn has a capacity of advisory committee in specific issues related to national minorities. Its task is to analyse the situation of national minorities in Tallinn and to propose ways of improving it.

Membership

A.1. The expert body of the Presidential Roundtable comprises 23 people, including representatives of all political parties represented in the *Riigikogu* (the Estonian parliament), larger umbrella organisations uniting national cultural societies of national minorities and different experts dealing with the issues of national minorities.

Members of the chamber of representatives of national minorities include representatives of all organisations of national minorities who have expressed a wish to be represented. The chamber comprises approximately 140 representatives of cultural and educational societies of national minorities.

B.1. The members of the Ida-Virumaa Roundtable of National Cultural Societies are appointed by the Cultural Societies. The County Governor participates personally at the meetings or nominates his/her representative.

C.1. The members of the Consultative Council of National Minorities are appointed by the City Government.

Functioning/Working Methods

The sessions of the expert body of the Presidential Roundtable shall be held at least once every three months. Extraordinary sessions may be convened too.

Members of the Roundtable may invite specialists and observers to attend the sessions after consulting with the President's plenipotentiary.

The Roundtable may form working groups, whose suggestions and recommendations shall be submitted to the Roundtable for discussion.

The plenipotentiary of the President of the Republic may enlist the services of specialists and observers in the work of the Roundtable.

The proposals, recommendations and statements of the Roundtable concerning matters of political and public life shall be forwarded to the President of the Republic.

The Plenipotentiary of the President of the Republic shall forward the proposals and recommendations of the Roundtable to the *Riigikogu* and to the Government of the Republic, as well as to the individual commissions of the *Riigikogu* concerning those draft laws which are under their review.

The public shall be informed of the activities of the Roundtable. Only approved documents shall be released for publication. The information is available on the web page of the President of the Republic.

The Presidential Roundtable has worked together both with committees of the *Riigikogu* and the Office of the Minister of Population and Ethnic Affairs. The Roundtable has made a major contribution to drafting of legislation with analysis of problems and specific proposals. Within international cooperation conferences and seminars have been held, the topics of which have been of interest both in Estonia and abroad.

The chamber of representatives of national minorities meets once or twice a year at plenary sessions. The chamber of representatives makes proposals to the expert body of the Roundtable for solving issues of state and society. Materials for the plenary sessions are prepared by the expert body. The chamber's proposals, recommendations and statements are considered as adopted when at least 2/3 of the members of the Roundtable attending the meeting vote in favour. The chamber of representatives also informs the public about its activities.

The expenses connected with the operations of the Roundtable are covered by the Office of the President of the Republic, which will use for this purpose resources allocated by the Government of the Republic, contributions from other countries and from domestic and international organizations, as well as donations from individuals, intended for the Roundtable.

3. After the restoration of independence of Estonia the need for dialogue with national minorities was acknowledged by public authorities. In summer 1993 President Lennart Meri took the initiative and decided to convene a roundtable – a standing convention of representatives of nationalities and ethnic minorities and political parties to discuss various issues in the life of the state and society and to develop stability and mutual understanding between groups of population in Estonia.

4. During the first years of its existence, the Roundtable proved to be an appropriate and efficient forum for discussing various issues related to national minorities and for bringing the opinions of minorities to public authorities. The Roundtable has made a major contribution to drafting of legislation with analysis of problems and specific proposals.

Since the major national policies and programmes affecting the interests of national minorities have been adopted (for example State Integration Programme), the role of the Presidential Roundtable has changed. The expert body is usually summoned to discuss and evaluate a concrete draft law or interim reports of implementation of certain programme etc.

According to the information from the office of the President ideas of reforming the Roundtable and improving its functioning are currently being gathered and evaluated. Further information on this matter shall be available in the future.

Finlande/Finland

QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

FINLAND

- 1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?**

There are several consultation arrangements that are based on legislation, such as the obligation to negotiate with the Saami Parliament. There are also several consultative bodies as well as joint projects and boards that include members of the government, other authorities as well as minority representation. In addition, there are many local level consultation arrangements, which might not be mentioned in the current replies.

The Tatars normally are represented by the Islamic Congregation in Finland, the Jews by the Jewish Congregation in Helsinki, the Old Russians and other Russian-speaking population by the Union of Finland's Russian-Speaking Societies and the Swedish-speaking Finns by the Swedish Assembly (Svenska Finlands Folkting).

While preparing periodic reports to CoE or UN monitoring bodies, the Government regularly seeks opinions and statements from all the relevant linguistic, ethnic or religious minority groups. The groups are also being invited to participate in an open public hearing where the draft report is being discussed before its finalisation. This has proved to be effective method and many groups participate regularly and actively in the preparation. Similar consultation method is being used on a national level when new legislation is being prepared. Even groups that are not directly invited to participate due to their size or the fact that their existence is not known to the persons preparing a report or a document, have the possibility to participate in the process.

The consultation arrangements base on the objective of meeting the requirements of good governance and securing the rights of minorities and also on the effort to be able to arrive at political solutions, which are feasible and correspond to the needs of different groups of citizens. An appropriate implementation of such arrangements requires that the skills and specific knowledge of minorities are utilised. The selected consultations arrangements have turned out to be effective and suitable for their purposes.

The following consultation arrangements are introduced and explained in more detail:

1. The Advisory Board For Human Rights
2. The Advisory Board On Language Affairs
3. The Advisory Board For Minority Issues
4. The Advisory Board For Ethnic Relations
5. The Advisory Board For Sami Affairs
6. The Advisory Board On Romani Affairs
7. The Sami Parliament/Assembly
8. The Association Of Finnish Local And Regional Authorities
9. The Evangelical-Lutheran Church Of Finland
10. The Orthodox Church In Finland
11. The Police Department Of The Ministry Of The Interior

1. THE ADVISORY BOARD FOR HUMAN RIGHTS

- 1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?**

The Advisory Board for Human Rights has since 1988 functioned as a consultative advisory body of the Ministry for Foreign Affairs in human rights questions. The current mandate of the Advisory Board started in October 2003 until February 2007.

- 2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.**

Status

The normative basis for the Advisory Board is a decision of the Government. The Advisory Board has the status of a public body that in practice functions as an independent and consultative advisory body of the Ministry for Foreign Affairs.

Mandate

The Advisory Board provides an important channel for contacts between the Ministry and NGOs and the political parties. It promotes discussion on human rights and follows national and international human rights questions. The Advisory Board has closely monitored the Government's human rights policy and actively contributes to its formulation by expressing its opinion on the most important policy issues in human rights as well as legislative reforms and the periodic draft reports to international human rights monitoring bodies. The Advisory Board promotes research and education in human rights questions by, for example, organizing and participating in seminars and conferences on topical human rights issues, both independently and in cooperation with the Ministry. In addition, the Advisory Board aims to increase awareness of problems related to the situation of different minorities.

The Advisory Board's working committee (chair person, vice chairpersons and experts) decides on its own initiative the topics and the means for actions of the Advisory Board. Although there exists no formal obligation to consult, in practice the Advisory Board is always consulted about the main human rights policy questions. The advisory Board may also request information and it constantly uses this possibility to do so.

Membership

The members of the Advisory Board for Human Rights are appointed by the government from the proposal of organizations upon the request of the Ministry for Foreign Affairs. The Group has currently 17 members representing both non-governmental organisations working in the field of human rights and political parties. A chairman and two vice-chairmen are chosen from among the members. In addition the Advisory Board has 17 deputy members, 4 experts from the academic human rights institutes and a secretary. The Ministry for Foreign Affairs appoints the experts and the secretary for the advisory body. Representatives of different units of the Ministry for Foreign Affairs observe the meetings of the Advisory Board.

The members of the Advisory Board represent the following NGO's and political parties:

Sexual Equality, Minority Rights Group Finland (MRG), Amnesty International, Save the Children, Finland's Red Cross, PEN Finland, The Refugee Advice Centre, The Finnish UN Association, Finland's Helsinki Committee, The Coalition of Finnish Women's Associations, Finnish League for

Human Rights, National Centre Party, The Finnish Social Democratic Party, The National Coalition Party, Green League, Left Alliance and The Swedish Peoples Party

The experts are from the following academic human rights institutes:

Eric Castrén Institute of International Law and Human Rights (ECI), University of Helsinki Northern Institute for Environmental and Minority Law (NIEM), University of Lapland Institute of Human Rights, Åbo Akademi and Unit for Human Rights Policy, Ministry for Foreign Affairs

The Advisory Board however, is not a minority-rights specific group. Instead the representatives aim to bring a strong human rights based approach to those social and current human rights issues that it manages. The rights of minorities - one of Finland's priorities in the field of human rights - are mainstreamed into all of the advisory body's recommendations and actions although it does not consult minorities specifically. Some minorities as such are represented in the body as the Advisory Board has representatives from various NGO's representing sexual, ideological, religious and lingual minorities and children as well as refugees. In addition, the scope of expertise of the members of the advisory body on issues concerning minorities is extensive.

Functioning / working methods

The Advisory Board for Human Rights meets approximately once a month to discuss current human rights topics. Each meeting includes an introductive part on one or various specific issue followed by open discussion on both the subject and the possible measures to be taken concerning the topic.

The recommendations of the Advisory Board are not publicised to a wider audience in a systematic way. The benefit of the group is more focused on inserting the view of the civil society, including its minorities, to the decision making of the government. Public may seek and find information on the advisory group, its mandate, its composition and activities on the homepage of the Ministry for Foreign Affairs, under human rights issues. The advisory body does not have a specific website of its own.

The channels of co-operation between different advisory bodies working are unofficial. The co-operation between the Advisory board and the Ministry for Foreign Affairs is close as the secretarial services are provided by the Ministry. Co-operation with the parliament is also close as a result of the membership of representatives of political parties in the Advisory Board.

3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?

The factors that affected the decision to opt for the particular form of the Advisory Body on Human Rights, include its relatively informal working methods and flexibility. The form of the Advisory Board enables a simple way of communication between the Ministry for Foreign Affairs, NGO's and political parties. In addition the Advisory Board does not require significant resources to function, as the secretary of the meetings is provided by the Ministry for Foreign Affairs.

4. Please provide a critical assessment of the functioning of the consultation mechanisms/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?

The lack of a strong normative basis as well as not having a secretariat or a permanent secretary are circumstances that hinder the Advisory Boards capacity to work efficiently. Therefore its

functioning and scope of action can not be broadened. This would be necessary to improve its topicality and capability to intervene, contribute and make use of its expertise in a more broad scope of national and international human rights questions. The Advisory Board itself has brought up these defects it faces.

Currently there is an on-going debate about the possibility to establish a national human rights institution in Finland that would fulfil the so called Paris principles. This would enable an even more independent human rights institute that would combine research, follow-up and reinforced legality control. Some studies have been conducted to evaluate the necessity of such an institution and to draft the possible basis, mandate and scope for the institute. The Ministry for Foreign Affairs is currently re-activating these preparations.

2. THE ADVISORY BOARD ON LANGUAGE AFFAIRS

1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?

According to the Constitution of Finland the national languages of Finland are Finnish and Swedish. The Finnish population consists of 91,89 % Finnish-speaking and 5,5 % Swedish-speaking people (situation at the end of year 2004, Statistics Finland).

Swedish is a *national language* (comparable to the notion of an *official language*) of Finland and therefore it is not considered to be a minority language although it is spoken as a mother tongue by a numerical minority of the Finnish people. However, the Swedish-speaking population is *de facto* minority and therefore it is important to ensure that their linguistic rights are secured.

The new Language Act (423/2003), that concerns the use of Finnish and Swedish in greater detail, entered into force on 1 January 2004. The purpose of the Language Act is to ensure the constitutional right of every person to use his or her own language, either Finnish or Swedish, before courts and other authorities. The goal is to ensure the right of everyone to a fair trial and good administration irrespective of language and to secure the linguistic rights of an individual person without him or her needing specifically to refer to these rights.

According to the Language Act the Ministry of Justice monitors the implementation and application of the Language Act. It also issues recommendations on questions concerning legislation on the national languages. This statutory task involves permanent and long-term activities to improve the conditions for using both the Finnish and Swedish language. The Ministry of Justice answers to questions posed by individual citizens and authorities concerning the interpretation and implementation of the Language Act and other language legislation.

According to the Government Decree on the Implementation of the Language Act (433/2004) there shall be an Advisory Board on Language Affairs in connection with the Ministry of Justice. The first Advisory Board on Language Affairs has been set up for the period from 15 June 2004 to 31 December 2007. The Advisory Board is an expert body that assists the Ministry of Justice in its tasks. It does not give advice or consultation to individual citizens nor does it solve individual cases or act as an instance for appeal.

According to the Language Act an authority shall ensure in its activity and on its own initiative that the linguistic rights of private individuals are secured in practice.

The Government reports to the Parliament each electoral period on the application of language legislation and on the securing of linguistic rights and, as necessary, on other linguistic conditions. The Government report is prepared by the Ministry of Justice.

According to the Constitution the Chancellor of Justice of the Government and the Parliamentary Ombudsman have a duty in supervision of legality. They shall i.a. monitor the implementation of basic rights and liberties and human rights, including linguistic rights and minority rights.

2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.

According to the Government Decree of the Implementation of the Language Act the Advisory Board on Language Affairs is appointed by the Government for period of four years.

The Advisory Board is a permanent expert and drafting body. It consists of expert representatives from different sectors of society where the implementation of linguistic rights is particularly important, such as the judicial system, social welfare and the health care and education. There are also two permanent consultants, a representative of the office of the Ombudsman of Minorities and a representative of the Swedish Assembly of Finland (an NGO to support the Swedish language in Finland). When the Advisory Board deals questions concerning Sámi population, a permanent representative of the Sámi Parliament is present. When needed, also other consultants can be heard.

The tasks of the Advisory Board are stipulated in the Government Decree of the Implementation of the Language Act. According to the Decree, the Advisory Board shall

- assist the Ministry of Justice in monitoring the enforcement and application of Language Act and other language legislation
- draft proposals for measures – other than legislative – to support the implementation of the Language Act in order to promote the use and status of the national languages
- assist the Government in the preparation of the report to the Parliament on the application of language legislation and on the securing of linguistic rights
- prepare recommendations for authorities concerning information about and education of the Language Act and other language legislation
- on request of the Ministry of Justice give statements to authorities and other institutions regarding questions concerning linguistic rights

The Advisory Board can also

- take part in monitoring and drafting of legislation concerning languages other than Finnish and Swedish
- monitor international development and co-operation in order to promote the status of the national languages
- by its own initiative prepare recommendations in questions related to language legislation and its enforcement for the use of the Ministry of Justice
- take initiatives to advance the linguistic rights and to secure equality

Three civil servants of the Ministry of Justice act as secretaries of the Advisory Board and prepare their meetings and draft materials. Meetings are held approximately 4-6 times a year.

3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?

The linguistic rights of the Swedish-speaking population, although fundamental rights according to the Constitution, have been vastly neglected over many decades. Therefore a more systematic follow-up mechanism was deemed necessary as the new Language Act was drafted. As linguistic rights are an integral part of the catalogue of fundamental rights, a separate Ombudsman function did not seem to fit to the Finnish system.

The Ministry of Justice is responsible for the language legislation and a new unit consisting of three civil servants was created within the Ministry in order to monitor the implementation of the Language Act and linguistic rights. These civil servants also answer to questions from both individual citizens and authorities regarding the language legislation and its implementation.

The Advisory Board for Language Affairs was opted for in order to create a permanent forum for discussion and development concerning language issues. The Board represents expertise from several important sectors of society and thus assists the Ministry of Justice by contributing with information – regarding the realisation of linguistic rights – from i.a. jurisprudence and the social and health care sector.

4. Please provide a critical assessment of the functioning of the consultation mechanisms/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?

As the Advisory Board on Language Affairs has functioned only just over one year, its work has not yet been evaluated.

3. THE ADVISORY BOARD FOR MINORITY ISSUES

2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.

Legal basis

The legal basis for The Advisory Board for Minority Issues (later the Board) is the Act on the Ombudsman for Minorities and the Discrimination Board and the Government Decree on the Ombudsman for Minorities.

Act on the Ombudsman for Minorities and the Discrimination Board
(660/2001; amendments up to 22/2004 included)

Section 5 - Advisory Board

The Advisory Board for Minority Issues shall assist the Ombudsman for Minorities in promoting issues concerned with the prevention, monitoring and surveillance of ethnic discrimination and in enhancing cooperation between the different authorities. Further provisions on the duties, composition and work of the Advisory Board shall be laid down by Government decree.

Government Decree on the Ombudsman for Minorities (687/2001)

Section 3 - Advisory Board

The duty of the Advisory Board for Minority Issues shall be:

- 1) to formulate proposals and issue opinions on development of the surveillance and monitoring of non-discrimination of ethnic minorities and safeguarding the status and rights of foreigners; and
- 2) to improve cooperation among the authorities and organizations in the surveillance and monitoring of non-discrimination and in issues concerning prevention of discrimination.

Section 4 - Composition of the Advisory Board

- 1) The Advisory Board shall comprise a chairman, vice-chairman and at least 14 other members, each of whom shall also have a personal deputy. The chairman, vice-chairman and other members and deputies shall be appointed by the Government for a term of three years at a time.
- 2) The Advisory Board's members and deputies must represent at least the following: the administrative sectors of the Ministry of Labour, the Ministry of the Interior, the Ministry of Social Affairs and Health, the Ministry of Justice and the Ministry of Education; the social partners; the Directorate of Immigration; the Association of Finnish Local and Regional Authorities; and a minimum of five organizations related to the sphere of activity of the Advisory Board. The Ombudsman for Equality is entitled to participate in the work of the Advisory Board.
- 3) If the chairman, vice-chairman or another member or deputy of the Advisory Board resigns during tenure, the Ministry of Labour shall appoint a new member or deputy from the same authority or organization as replacement for the remainder of the term.

Section 5 - The Advisory Board's work

- 1) The Advisory Board shall have a part-time secretary employed by the Ministry of Labour.
- 2) The Advisory Board shall convene at the invitation of the chairman or the Ombudsman for Minorities.
- 3) The Advisory Board may set up investigatory and working groups and invite experts to its meetings.
- 4) The Advisory Board shall otherwise be subject to the provisions applying to Government committees.

Mandate/scope of action and functioning

The Advisory Board is an independent public body, which does not make legally binding decisions. Its main task is to assist the Ombudsman for Minorities by providing opinions. The Board operates on national level. The Advisory Board focuses particularly on the monitoring of ethnic discrimination, but it does not investigate individual discrimination claims.

The Board was set up for a term of 1 April 2005 until March 31st 2008. The Board consists of chairman, vice-chairman and 14 other members. Members are state officials, social partners and representatives of national minorities and other human rights NGO's. Board members are appointed by the Government based on the proposals of their organisations. Every member of the Board, except chairmen, has a personal deputy. The Ombudsman for Equality is also entitled to participate in the work of the Advisory Board.

Activities and expenses of the Advisory Body are financed by the state. Necessary resources are reserved in the budget and in the administrative sector of the Ministry of Labour.

4. THE ADVISORY BOARD FOR ETHNIC RELATIONS

- 2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.**

Normative basis

The Advisory Board for Ethnic Relations (ETNO) is an expert body appointed by the Government for a three-year term to promote interaction between authorities, non-governmental organisations, immigrants and ethnic minorities. The activities of the Advisory Board are based on the Government Decree on the Advisory Board for Ethnic Relations (96/2005).

Status

ETNO comprises a national Advisory Board, encompassing the entire Finland, and three regional Advisory Boards working in the provinces of Lapland, Oulu, Western Finland and Eastern Finland. After the ongoing three-year term of the Advisory Board it will be reviewed whether the division into regions should be changed or whether new regional Advisory Boards should be set up.

Mandate/Functions

The purpose of the Advisory Board is to develop interaction between authorities, non-governmental organisations and parties represented in Parliament and immigrants and ethnic minorities at the national, regional and local level. As an expert in immigration policy, the Advisory Board shall assist the ministries in the development of society towards ethnic equality and diversity.

The activities of the Advisory Board involve both immigrant organisations and old national minorities, excluding however Roma and Sami people, who have advisory boards of their own. The secretariat of the Advisory Board cooperates regularly with the secretariat of the Advisory Board for Romani Affairs, in particular.

The Advisory Board for Ethnic Relations, in practice:

- (1) promotes the relations between minorities and the majority population as well as between different minority groups by creating positive interaction;
- (2) acts as an advisory body to state administration by providing statements on issues under preparation;
- (3) promotes NGO activities of ethnic minorities by e.g. organising seminars on issues including the founding of an umbrella organisation;
- (4) publicises the importance of immigration policies and minority issues through media events and other communications.

The Advisory Board performs its tasks by, inter alia, arranging separate training for the regional Advisory Boards and organisations representing ethnic minorities and immigrants. This training deals with issues handled by the Advisory Board and, in respect of organisations, organisational activities. Further, it issues statements and makes initiatives and proposals. In its statements, the Advisory Board has to emphasise especially the viewpoint of immigrants and ethnic minorities, as well as the regional and local viewpoints. The statements are issued at the stage of preparation by officials, and also Parliament often hears the Advisory Board as an expert.

The tasks of the regional Advisory Boards for Ethnic Relations are:

- 1) to promote good ethnic relations at regional and local levels and to promote interaction between different actors and organisational activities of ethnic minorities in the same manner as the national Advisory Board;
- 2) to submit initiatives on measures to promote good ethnic relations and equality at regional and local levels;
- 3) to represent regional and local viewpoints in the activities of the Work Division and the national Advisory Board;
- 4) to provide information in order to publicise, at regional and local levels, immigration policy and the objective of ethnic equality and ethnic diversity as a resource of society;
- 5) to perform other possible tasks assigned to it by the Advisory Board.

The action plan of the Advisory Board for 2005- 2006 focuses on promotion of interaction between different actors, expertise, promotion of organisational activities and information. The content priorities of the activities are self-organisation by immigrants and ethnic minorities and supporting it, contents of the two-way direction of integration, development of good ethnic relations in working life, the position of young minority people and attention to the special features of Southern Finland (where most immigrants live). Moreover, account is taken of special issues that are topical at each particular time. For dialogue between religious communities, the Advisory Board will set up a separate temporary expert group.

Membership/minorities involved

The Advisory Board has a chairman, two vice-chairmen and a maximum of 29 other members and their personal deputies, of which at least ten of each represent immigrants or ethnic minorities. The chairman is the Permanent Secretary of the Ministry of Labour, the vice-chairmen are the Permanent Secretary of the Ministry of the Interior and a representative of immigrants. The members represent different ministries and other authorities, associations of immigrants and ethnic minorities, labour market organisations and other non-governmental organisations, parties represented in the Finnish Parliament and the Association of Finnish Local and Regional Authorities. The chairman or vice-chairman of a regional Advisory Board must represent immigrants or ethnic minorities, and at least half of the members or deputies of the regional Advisory Boards must represent these groups.

In all 51 officially registered associations, with a total of nearly 5.000 members, are represented in the Advisory Board for Ethnic Relations, either directly or through organisations. When the associations were chosen, a key criterion was their ability to represent immigrants (inter alia, the number of members, contacts with the represented groups), their opportunities and ability to support the Advisory Board's objectives, the size of the represented groups regionally and nationally, the represented group's grounds for immigrating into Finland, the risk of the represented group to encounter discrimination because of its ethnic origin, the possible other channels of influence of the represented group, the organisational know-how of the association and the possible other grounds that the applicant association wanted to present. Thus, the Advisory Board came to involve not only major immigrant organisations but also organisations which represent, inter alia, particularly vulnerable groups.

Parties represented in Parliament have in all 8 members and 8 deputies in the Advisory Board, and 4 of these have an immigrant background.

Functioning/working methods

The Advisory Board for Ethnic Relations has a Work Division, which is responsible for coordination, preparation and drafting of statements and documents. Where necessary, the Advisory Board may also set up temporary working groups or divisions for the preparation of matters and examinations. These bodies may also involve experts from outside the Advisory Board. Additionally, the Advisory Board may hear

external experts. Also the regional Advisory Boards may submit proposals to the national Advisory Board for the preparation of special issues, or vice versa. All members of the Advisory Board act on an equal footing in the Advisory Board. However, according to the Advisory Board's action plan, immigrant and ethnic minority organisations are trained especially in order to develop for instance consultation processes.

Although parties represented in Parliament are represented in the Advisory Board, the working method of the Committees of Parliament includes hearing of experts in all issues under consideration. In this case, the experts are organisations of immigrants and ethnic minorities and/or a representative/representatives of the Advisory Board for Ethnic Relations. The viewpoints presented by the representative of the Advisory Board are prepared by the Advisory Board's Work Division.

The Advisory Board works in connection with the Ministry of Labour. The work of the regional Advisory Boards is coordinated by regional Employment and Economic Development Centres, appointed to this task as representatives of regional administration.

In the budget of the Ministry of Labour for 2005, an appropriation of 30.000 euro is allocated to the Advisory Board for Ethnic Relations. Of this sum, 15.000 euro are reserved for the regional Advisory Boards. In 2005 an additional total sum of 6.000 euro has been available for starting the activities of the new regional Advisory Boards.

The Advisory Board for Ethnic Relations has worked only a short time in its current form. It has a website of its own under the website of the Ministry of Labour. According to the action plan, the Advisory Board will be provided with a separate information strategy. Further, topical issues of ethnic relations will be made visible by arranging forums for ethnic relations.

3. Please Provide Information As To The Main Factors That Affected The Decision To Opt For A Particular Form Of Consultation Mechanism/Advisory Body?

The Advisory Board for Ethnic Relations was preceded by the Advisory Board for Immigrant Affairs, later the Advisory Board for Refugee Affairs, and since 1992 the Advisory Board for Refugee and Immigrant Affairs, which was a combination of the two first mentioned Boards. However, the tasks of these Advisory Boards did not yet include interaction with ethnic minorities and immigrants, although they were heard during the preparation of matters. In 1998 the Advisory Board for Refugee and Immigrant Affairs was renamed as the Advisory Board for Ethnic Relations (ETNO), and acting as a channel of participation and influence for immigrant groups and traditional ethnic minorities became its main task.

In 2003, following the study entitled *Etnisten suhteiden neuvottelukunnan toiminnasta "Vallan syrjässä"* ("On the Edge of Power", the activities of the Advisory Board were delimited and focused and the Regional Advisory Boards were set up to supplement the national Advisory Board. Further, it was decided that the representatives of immigrants and ethnic minorities would be selected on the basis of associations' applications and that also parties represented in Parliament would be invited to nominate representatives to the Advisory Board.

4. Please provide a critical assessment of the functioning of the consultation mechanisms/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?

In respect of the Advisory Board for Ethnic Relations appointed in 1998, it was new that it had representatives of ethnic minorities and immigrants as members. However, the members were selected on the basis of their language, and this was considered problematic. Also the Academy of Finland's

study established that close contacts between the Advisory Board and the immigrant and ethnic minority organisations is crucial for the Board's effectiveness. When it comes to interaction and influence in policy contents, it was established that the Advisory Board works more reactively than proactively, and this was against the expectations of many members. They also found that the policy dealt with was too narrow and wished influence in all policy sectors of wellbeing and quality of life. The study served as the basis for establishing the Advisory Board that was appointed and started work in 2005. During its three-year term, it focuses on the empowerment of immigrant and ethnic minority organisations by means of, inter alia, a training project. At the end of the term, the structures, activities and effectiveness of the Advisory Board will be reviewed.

5. Please indicate any suggestions you may have concerning the ways in which intergovernmental co-operation could contribute to enhancing further consultation of persons belonging to national minorities?

In addition to the present forms of activities it would be fruitful to exchange experiences and good practices of the dialogue between governments and minorities and of the mechanisms to consult with minorities. At the level of the Council of Europe, such an exchange could take place for instance at seminars or conferences. At the EU level it is important to hear organisations representing minorities when minority programmes are being planned and implemented.

5. THE ADVISORY BOARD FOR SAMI AFFAIRS

2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.

The Advisory Board for Sami Affairs was established in 1960 by a governmental degree for the purpose of the reconciliation and consistent preparation of issues concerning the Sami in Finland. It is a public body which functions under the jurisdiction of the Ministry of Justice with an independent status in relation to the Ministry and other authorities and which operates in central level.

It is enacted in a Governmental Degree that there is a chairman and 12 other members in the Board. The chairman of the Board is the Governor of the Lapland County. Half (6) of the other members represent the Sami and the other half relevant ministries (i.e. the Ministry of Justice, the Ministry of Interior, the Ministry of Education, the Ministry of Agriculture, the Ministry of Social Affairs and Health, the Ministry of Environment). The representatives of the Sami are nominated by the Sami Parliament. The whole body is appointed by the Government, for four years at a time. Each member has similar status (one vote/one person).

The Board may take initiatives, make proposals and give statements in these issues to the Government, ministries and other authorities, but it is not a consultative body. Its main task is to follow the development of circumstances with regard to legal, economical, social and health issues and employment of the Sami and how the goals of regional politics has been implemented in the Sami Homeland. The Sami Homeland consists of the three northernmost municipalities (Enontekiö, Inari, Utsjoki) in Finland and the northern part of the forth (Sodankylä).

The Board meets approximately once or twice a year to handle different kind of issues with great importance to the Sami or with dimensions to the Sami in the Sami Homeland (land rights, traditional means of livelihood, linguistic or cultural issues etc). The Board has heard experts, given statements and made initiatives in issues relating to the Sami.

3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?

The Board was established in 1960 for the purpose of the reconciliation and consistent preparation of issues concerning the Sami. The Board has always been a mixed body with the Governor of Lapland County as the chairman and with equal representation of the Sami and state officials. Before the Sami Parliament was first established in 1973 as the Sami Delegation by a Governmental Degree the representatives for the Sami was nominated by Sami associations.

4. Please provide a critical assessment of the functioning of the consultation mechanisms/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?

The authorities have a statutory obligation to negotiate with the Sami Parliament, which diminishes the importance of the Board. Yet, the Board is a good place for the representatives of the Sami and the relevant ministries to meet each other and exchange views in actual questions of Sami issues.

6. THE ADVISORY BOARD ON ROMANI AFFAIRS

1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?

The Advisory Board on Romani Affairs (later the Roma Board) was founded in 1956 – at first under the name Advisory Board on Gypsy Affairs – with the task of promoting the equal opportunities of the Roma population to participate in society as well as their economic and social position and their culture.

2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.

The Government-appointed Advisory Board on Romani Affairs (Gov. dec.1019/2003) is linked administratively to the Department for Family and Social Affairs of the Ministry of Social Affairs and Health. The General Secretary of the Board is a civil servant employed at the Ministry. The Government appoints the National Advisory Board for three years at a time. The Advisory Board convenes approximately every other month. Furthermore, its work section convenes to prepare matters to be brought up at meetings. The Advisory Board also has working groups on various objectives and themes, currently e.g. a festival committee that is preparing its 50th anniversary in 2006. The Advisory Board aims to organise 1 – 2 seminars annually, to which both authorities and representatives of the Roma population are invited.

The task of the Advisory Board on Romani Affairs is to:

- 1) monitor the development of the social participation and living conditions of the Roma in order to promote equality, and to issue statements to authorities on these issues;
- 2) by taking initiative and making proposals, improve the social and economic position and promote the education, culture and employment of the Roma population;
- 3) work to eliminate all forms of racial discrimination;

- 4) promote the Romani language and culture;
- 5) take part in Nordic and other international cooperation in order to improve the circumstances and position of the Roma;

The Roma Board functions as a co-operation body between the Roma and authorities. It is an advisory and expert body by nature and it does not issue decisions. The Roma Board includes a chairperson, a vice-chairperson and a maximum of 16 other members. Half of the members represent the Roma population; the other half represents the administrative sectors of the Ministry of Social Affairs and Health, Ministry for Foreign Affairs, Ministry of the Interior, Ministry of Education, Ministry of Labour, Ministry of the Environment, and the Association of Finnish Local and Regional Authorities.

The Advisory Board is consulted as an expert body in Parliament when it deals with Romani affairs. The appropriation for its activities is included in the State budget under the main title of the Ministry of Social Affairs and Health. The Advisory Board produces, in co-operation with various bodies, publications and other material. It has its own www-pages www.romani.fi.

The Advisory Board's focus of work is on domestic activities. In recent years, the international co-operation and related issues have increased in particular. The development of both the international and domestic legislation on human rights, minorities and discrimination has brought about new tasks. The Advisory Board receives a great number of requests for statements and investigations regarding the position of the Roma from various bodies. The Board's activities cover a wide area of issues, including provision of statements and publications, national seminars and meetings as well as their own meetings and the work of its sections.

From the point of view of management of Romani affairs there has been favourable development since the beginning of 2004 when the Government set up the Regional Advisory Boards on Romani Affairs in conjunction with four State Provincial Offices. The tasks of these Advisory Boards include functioning as a co-operation and expert body in their provinces. The Advisory Boards have in practice promoted the position of the Roma within their areas by providing information and education and by contributing to the start of EU-funded employment projects for the Roma. The Regional Advisory Boards are also represented in the National Advisory Board on Romani Affairs.

3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?

The Roma in Finland have all through their history been met with prejudices and discrimination. The government has tried to assimilate them into the majority population, but the Roma have always stressed that their integration into Finnish society must take place with respect for their own linguistic and cultural heritage. After the World War II Roma activists began to demand that they must be consulted in societal decision-making. At that time several Romani NGOs were established and they started to advocate the need to strengthen this population group's position in society. The Advisory Board on Gypsy Affairs (the present Advisory Board on Romani Affairs) was established in 1956 and has included representatives of the Roma since the start. It defined as one of its central tasks to improve the participation of the Roma in societal decision-making and to change Finnish legislation so that also the rights of the Roma are secured.

4. Please provide a critical assessment of the functioning of the consultation mechanisms/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?

A factor that hampers the work of the Regional Advisory Boards on Romani Affairs is that they have not been granted appropriations for employing full-time personnel and proper organisation of their activities. Improving the position of the Roma should be considered so important that these Advisory Boards are allocated adequate resources.

According to the report of the administrative working group on Romani affairs it is important to establish contact person activities in support of the local population in areas with a large Roma population. The best possible operational model from the point of view of the Roma would be to integrate the contact person activities supporting local authorities into the work of Provincial Advisory Boards. Arranging the contact person activities through the Provincial Advisory Boards could be justified even from the point of view of the Roma's cultural heritage. The Provincial Advisory Boards consider it necessary to focus on developing the contact person networks and linking the activities with the work in the Advisory Boards, but owing to the inadequate resources the opportunities for that are not very good.

The opinions of the Roma population have increasingly been heard at the stage when legislation is being prepared and debated in the committees of Parliament. This consultation has taken place in various ways, but most often through the National Advisory Board. The Roma have no national representative administration system, such as an umbrella organisation which could represent the Roma in its relations vis-à-vis the Finnish state and international organisations.

5. Please indicate any suggestions you may have concerning the ways in which intergovernmental co-operation could contribute to enhancing further consultation of persons belonging to national minorities?

Finland has worked actively for the founding of the European Roma Forum (ERF). The aim is to promote the Roma's opportunities to influence and take part in decision-making and the purpose is that the Forum will be an advisory body to the Council of Europe. The National Advisory Board on Romani Affairs has approved the rules of the European Roma and Travellers Forum and promised to organise the first general election. The Advisory Board further conveys information to the national level. A plenary session of the Forum, to which Romani representatives are to be chosen, has not been arranged yet, however. In the view of the Advisory Board the Roma population has high expectations of the Forum and it is sincerely hoped that its work will be started.

7. THE SAMI PARLIAMENT/ASSEMBLY

2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.

The status of the Sami as an indigenous people has been recognised in the Constitution of Finland from 1995 on. According to section 17.3 in the Constitution the Sami, as an indigenous people (as well as the Roma and other groups), have the right to maintain and develop their own language and culture. Provisions on the right of the Sami to use the Sami language before the authorities are laid down by an Act.

It has been enacted in the Constitution (section 121.4) furthermore that in their native region (in the Sami Homeland), the Sami have linguistic and cultural self-government, as provided by an Act, i.e. the Act on the Sami Parliament/Assembly. The Sami Homeland consists of the three northernmost municipalities (Enontekiö, Inari, Utsjoki) of Finland and the northern part of the forth (Sodankylä). It is estimated that there is approximately 7 500-8 000 Sami in Finland. About half of them live in the Sami Homeland.

The purpose of the Act on the Sami Parliament is to guarantee the Sami as an indigenous people a linguistic and cultural self-government in the Sami Homeland Area. For the tasks belonging to this self-government the Sami shall choose a Sami Parliament from among themselves at an election.

The legal basis for the Sami Parliament (the former Sami Delegation) was a governmental decree from 1973 to 1995 and the Constitution with an ordinary law from 1996 on. The Sami Parliament is a public body, nowadays with an autonomous status. It is independent in relation to public authorities. Its independence is ensured by the Constitution and the above named Act.

The Sami Parliament is the official representative body of the Sami in Finland. At the same time it is also an advisory body, and a consultative body. In addition, it distributes resources directed to cultural activities of the Sami and to some other activities (producing learning material of and in Sami languages for schools), too. The advisory and consultation mechanisms operate in central, regional and local levels and may also include international dimensions.

The task of the Sami Parliament is to look after the Sami language and culture, as well as to take care of matters relating to status of the Sami as an indigenous people. In matters pertaining to its tasks, the Sami Parliament may make initiatives and proposals to the authorities, as well as statements. In the pursuance of these matters the Sami Parliament shall furthermore use the powers prescribed in the above named Act or elsewhere in the law.

The authorities have an obligation to negotiate with the Sami Parliament in certain issues. According to section 9 in the Act the authorities shall negotiate with the Sami Parliament in all far-reaching and important measures which may directly and in a specific way affect the status of the Sami as an indigenous people and which concern the following matters in the Sami Homeland:

- 1) community planning;
- 2) the management, use, leasing and assignment of state lands, conservation areas and wilderness areas;
- 3) application for licences to stake mineral mine claims or file mining patents;
- 4) legislative or administrative changes to the means of livelihood belonging to the Sami form of culture;
- 5) the development of the teaching of and in the Sami languages in schools, as well as the social and health service; or
- 6) any other matters affecting the Sami language and culture or the status of the Sami as an indigenous people.

It has been enacted in the Rules of Procedure of the Parliament of Finland (section 32) that government proposals and other matters and decisions subjected to parliamentary scrutiny shall be prepared in Committee before they are taken up for a decision in plenary session. It is enacted furthermore (section 37) that a Committee may hear expert opinions. When a legislative proposal or another matter specifically involving the Sami is being considered, the Committee shall reserve the representatives of the Sami an opportunity to be heard, unless there are special reasons for the contrary.

The Act on the Sami Parliament includes provisions on the definition of a Sami, the right to vote in election for the Sami Parliament, the eligibility for office, the procedure of election and the administration the office of the Sami Parliament. The Sami Parliament is the official representative body of the Sami in Finland, chosen by the Sami among the Sami in an election. There is no person in the capacity of a state official in the administration of the Sami Parliament, but a Sami may be a state official and a member of the Sami Parliament at the same time.

The consultations with the Sami Parliament can be done in form of statements, direct negotiations with the Sami Parliament and in mixed committees with representatives of relevant parties and the Sami. The Sami Parliament may also be an initiator.

In the State Budget there are appropriations for the Sami purposes: a joint appropriation under the Ministry of Justice for the maintenance of the Sami Parliament (premises, staff, other expenses) and for the support of use of the three Sami languages spoken in Finland (Northern Sami, Skolt Sami, Enare Sami). Under the Ministry of Education there are two appropriations, one to be distributed by the Sami Parliament to the cultural activities of the Sami and another to be distributed to the production of learning materials of and in the Sami languages.

3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?

The main factor to the establishment of the Sami Parliament was to improve the status of the Sami in Finland.

8. THE ASSOCIATION OF FINNISH LOCAL AND REGIONAL AUTHORITIES

1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?

The Swedish-speaking Finns are not an official national minority. Despite this, as the number of inhabitants having registered Swedish as their mother tongue is about 5.5%, many of the solutions that are applicable on sustaining services in Swedish are also applicable to other minorities. The Swedish-speaking population is concentrated in the southern and western parts of the country, and many municipalities are bilingual, some of them having a Swedish-speaking majority. Therefore, in some parts of the country, Finnish-speaking people are in fact living as local minorities. Hence also the Language Act is language-neutral, as speakers of either national language may be in a minority position, depending on location.

According to the Constitution, an individual has the right to use his or her own language, Finnish or Swedish, before authorities. The public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis. The Constitution and the Language Act lay the basis for consulting the Swedish-speaking population, but as mentioned above, these laws are in fact relevant for both Finnish- and Swedish-speaking local minorities.

Advisory Boards

The Association of Finnish Local and Regional Authorities presents viewpoints of Finnish municipalities in the work of the following advisory boards: *The Advisory Board for Romani Affairs*, *The Advisory Board for Ethnic Relations*, *The Advisory Board for Minority Issues* as well as the *Advisory Board for Language Affairs*.

Consultation of non-governmental organisations in public administration – an examination of a cooperation group model (SAG Working Group).

The Ministry of Finance has set up a task force to examine whether the consultation of different groups of non-governmental organisations could be promoted in the public administration by means of a cooperation group model. Such groups might be, for instance, Swedish-speaking NGOs and women's organisations in Finland. The project aims, inter alia, to find out how a cooperation group of Swedish-speaking NGOs and the public administration could be started as a pilot project, and how this project could be used for promoting the consultation of other groups of NGOs.

The Swedish Delegation at the Association of Finnish Local and Regional Authorities

The Association of Finnish Local and Regional Authorities has a Swedish Delegation which represents the position of Swedish-speaking and bilingual municipalities by issuing proposals and recommendations concerning, inter alia, the production of services in Swedish. The members of the Delegation are municipal council representatives from Swedish-speaking municipalities in the whole Finland representing different political parties.

Local level of consultation

Some major municipalities and cities have appointed delegations or working groups on multiculturalism, where the national minorities are represented through their organisations or associations. The delegations deal with many issues concerning ethnic and linguistic minorities, educational and employment issues often being the most important. The national minorities are taken into account in multicultural programmes and their issues are also included in municipal equality plans. In smaller municipalities consultation takes place when necessary.

Examples:

1. In the city of Espoo, the local Romani association has been invited to the municipal delegation on multiculturalism, and the association has chosen its representative for the delegation. There are only few Sami people in Espoo, and they are not represented separately in the delegation. National minorities are not consulted separately; instead, the consultation takes place through individual contacts. At schools, teachers of languages and culture have an important role as intermediaries.
2. In the city of Vantaa, the local Romani association is represented in the non-discrimination working group acting under the municipal delegation on multiculturalism. The city arranges teaching in Romani languages. Currently, 86 pupils are being taught in Romani languages. When necessary, schools arrange teaching in Sami languages.
3. In the city of Rovaniemi, consultation of national minorities takes place when necessary, in matters submitted by clients. In municipalities of northern Finland, different administrative actors provide services for Sami people.

Good practices on local level:

Since January 2005, the city of Helsinki has guaranteed availability of social welfare services in Swedish by concentrating these services in a Swedish-speaking division. The health care services provided by the public health centres in Swedish are being developed on the basis of a decision made by the municipal board of health in November 2004.

The Language Charter Project.

A local/regional level project for creating Language Charters for inhabitants of municipalities and hospital district customers. The local and joint authorities involved in the project drew up one or more language charters, depending on the size and needs of the municipality, and with the following content:

- A general part describing the linguistic rights of the individual guaranteed in the Constitution, the Language Act and special laws;
- A political commitment manifested in the local or joint authority's plan of action or other similar document;
- A list of what the authority has to offer in terms of linguistic services to their minority;
- Complaint procedures and related timeframes;
- Sanctions, i.e. what happens in the case of "a breach of contract": service as compensation/other form of compensation;
- Monitoring – the number and nature of complaints and a continuous use of the Language Barometer as the results become available.

This model is based on the British Citizen's Charter model and is applicable to services for a wide variety of minorities.

The Vantaa sub-project of the JOIN project (Joint Promotion of Anti-discrimination at Local Level) developed good operating models for the prevention of ethnic conflicts. Among others the police and the local Romani association participated in the development of the operating models.

2. **Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.**

Normative basis, national level:

The municipalities and authorities are divided into monolingual and bilingual municipalities. The obligations of bilingual municipalities and municipal federations differ from each other. A monolingual municipality uses, as a rule, the language of the municipality as the language of meetings, proceedings, protocols and information. In bilingual municipalities, the services must be provided both in Finnish and in Swedish. The Language Act is a general act, and many special acts contain separate provisions on the linguistic rights of clients. Among others, acts on social welfare and health care and also educational legislation contain special provisions. According to section 16 of the Local Government Act, a separate organ shall be set up in the education administration for each language group in a bilingual local authority, or then a joint organ with separate divisions for the language groups. According to the Act on Specialized Medical Care, any hospital district which includes municipalities with different languages and bilingual municipalities shall have a committee assigned to develop and integrate specialized medical care provision and training of health care personnel in the minority language.

9. THE EVANGELICAL-LUTHERAN CHURCH OF FINLAND

1. **What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?**

The Evangelical-Lutheran Church of Finland, which has full autonomy in church matters, is strongly in favour of all kinds of cooperation with, including consultation of, national minorities.

The Swedish-speaking population

The Evangelical-Lutheran Church of Finland is bilingual as the Swedish language is the second official language in Finland, having an official status protected by the Language Act.

The Swedish-speaking population has its own diocese, the diocese of Porvoo, to which all Swedish-speaking and bilingual parishes having a majority of Swedish-speaking members belong. The diocese of Porvoo is considerably smaller than the other 7 dioceses in Finland and has a geographically scattered population. The Swedish-speaking parishes and the diocese of Porvoo function under the same conditions as the Finnish-speaking parishes and dioceses. All church books exist in both national languages.

As a bilingual authority, the Church Council provides information and guidance in both Finnish and Swedish. A separate Centre for Swedish-speaking work, which is responsible for Swedish-speaking functional work on the national level, was founded as an integral unit within the Church Council from the beginning of this year. The Centre took over certain tasks previously dealt with by the Council of the diocese of Porvoo, and one of its aims is to cover functional issues in a more comprehensive manner, thus extending its work also to those bilingual parishes where Swedish is a minority language.

The diocese of Porvoo nominates, in accordance with the Church Code, its own members to the synod and the plenary of the Church Council. Since 1974, The Åland Islands also have their own representative in the synod.

The Sami population

In the diocese of Oulu and in those parishes belonging to the native locality of the Sami people, the Sami language Act apply. Church services and religious ceremonies are offered in the Sami language, and Church books have been written and edited in the Sami language.

The Sami have since January 2000 had their own member in the synod, elected by the Sami Assembly. Since 2004, a representative of the Sami also has a right to vote in the elections of the bishop in the diocese of Oulu and of the archbishop.

In 1994, a Roma-Church Working Group was established within the Church Council.

An Advisory Board on Human Rights Issues has been functioning within the Church Council since 1999.

2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.

The Roma-Church Working Group was set up by the Committee of the Unit for Diaconia and Social Responsibility.

The main functions of the Working Group are to advance relations between the Church and Roma population and thereby to prevent racism and discrimination. The Working Group monitors the situation of Roma especially in Church related issues. It has published a guide for church employees and elected officials (in 1999). The revised and updated version of the "Roma and Church" guide was published in May 2005. The purpose of the guide is to provide tools for involving Roma people in parish work on more regular and inclusive basis. The Working Group also organizes Roma language services on request. Information on the work with Roma and on Roma culture has been distributed e.g. on biannual Church Days and other major events of the Church. Church service texts have also been translated into the Roma language.

The Advisory Board on Human Rights Issues is an expert body appointed by the plenary of the church council. the main tasks of the Advisory Board are to act as an expert body of the Church on human rights issues, to co-operate with other churches, NGOs and relevant state authorities to promote human rights and peace issues and to monitor and discuss different human rights issues with the aim of increasing public

awareness of human rights issues and to take initiatives on questions relating to human rights and peace. The Advisory Board deals with questions related to national minorities and ethnic relations on regular basis.

A Working group for work among Migrants and Refugees has been appointed by the Church Council on a national level. Three out of ten of the appointed members of the Working Group are migrants. When necessary, other migrants or refugees are invited to the working group and consulted in matters concerning them and their communities. The group has an advisory role in the main issues concerning church work among refugees and migrants, for example church services for migrants and refugees, advocacy for refugees, human rights issues and guidelines and training for parishes who work among migrants and refugees.

3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?

The initiative to establish the Roma-Church Working Group was taken by Roma themselves, as it was felt important that the Roma should have direct and regular contacts with Church representatives. Half of the eight members represent Roma, while the other half are Church officials and employees. The Working Group is appointed by the Committee on Diaconia and Social Responsibility for two years at a time. During the appointment procedure Roma organisations are asked to propose candidates, and the Advisory Board on Romani Affairs is also represented in the Working Group. The head of the Unit for Diaconia and Social Responsibility acts as chairperson while the secretary is Roma.

The Advisory Board on Human Rights is appointed for four years at a time by the Church Council. The maximum nine-member board is currently composed of academics, state officials, one MP, and church officials and employees. One member represents the Swedish speaking minority.

4. Please provide a critical assessment of the functioning of the consultation mechanisms/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?

A clear mandate and definition of the scope of action together with adequate, long-term funding and human resources are essential for the effective functioning of the bodies.

10. THE ORTHODOX CHURCH IN FINLAND

1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?

The Orthodox Church in Finland works in favour of cooperation concerning all national and linguistic minorities. The Orthodox Church of Finland covers the whole country and has some 60.000 members. The Church is regionally divided into three dioceses, and these in turn are divided into 24 parishes.

According to the Act on the Orthodox Church (521/1919), the official language of the Church is Finnish. Anyone has the right to obtain certificates based on parish registers and related documents in his or her own language, either in Finnish or Swedish. The language of public religious services is Finnish. Subject to

instructions from the bishop of each diocese, public religious services may, to the extent possible, be conducted also in other languages.

Swedish-speaking minorities

The Orthodox Church of Finland has a small Swedish-speaking minority, which lives mainly in the district of the Diocese of Helsinki. The majority of this minority lives in the Helsinki metropolitan area, which belongs to the Parish of Helsinki. (Helsinki 560 members, Turku 68 members, Vaasa 49 members)

The Orthodox Parish of Helsinki arranges regularly religious services and other parish activities in Swedish. The ministers and precentors of the Parish have a sufficient knowledge of Swedish. Most texts of Orthodox services are translated into Swedish. The Finnish Broadcasting Company transmits religious services and hours of worship in Swedish. The Orthodox Parish of Helsinki publishes a journal entitled *Ortodoksiviesti* ("The Orthodox Message"), which contains news and articles in Swedish.

The Sami-speaking minority

The Orthodox Church of Finland has a Sami-speaking minority of 300–400 people, which lives mainly in the municipality of Inari. This minority speaks Skolt Sami. The Skolts belong to the Diocese of Oulu and the Orthodox Parish of Lapland, which has its seat in Rovaniemi, but an itinerant minister and a Skolt Sami-speaking precentor have been placed in Inari to provide spiritual services to Skolts.

The Orthodox Ecclesiastical Board has supported and participated in translating ecclesiastical literature into Skolt Sami. Religious services are normally conducted in Finnish, but the ministers, precentors and choirs have also used Skolt Sami.

The Russian-speaking minority

The Orthodox Church of Finland has traditionally had a Russian-speaking minority, which lives mainly in the district of the Diocese of Helsinki. The majority of this minority lives in the Helsinki metropolitan area, which belongs to the Parish of Helsinki. During the last few years, a great number of Russians have immigrated into Finland and many of them have joined the Orthodox Church of Finland. Religious services in Church Slavonic are conducted regularly in Helsinki, and occasionally also in some other towns. Russian-speaking ministers have provided pastoral care to Russian-speaking parishioners. A great amount of literature for religious services in Church Slavonic is available in Finland. The aforementioned *Ortodoksiviesti* journal contains regularly news and articles written in Russian.

Immigrants

During the last decade, a great number of people from Orthodox countries (the former Soviet Union, the Balkan countries and some African countries) have immigrated into Finland.

The Assistant Bishop of the Orthodox Church of Finland is particularly responsible for work among immigrants. The Orthodox Ecclesiastical Board has set up a working group to coordinate work among immigrants. The Orthodox Ecclesiastical Board has established a position of a Russian-speaking minister. The minister, living in Lahti, works especially among Russian-speaking immigrants. A community named St. Isaac of Niniveh the International Orthodox Community of Helsinki Parish works with immigrants within the Orthodox Church of Finland, in good cooperation with the Orthodox Ecclesiastical Board and the Parish of Helsinki.

- 2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.**

The Ministry of Education has, at the proposal of the Orthodox Ecclesiastical Board, assigned districts for the itinerary ministers. The Archbishop has ordered the Assistant Bishop to work among immigrants. The Orthodox Ecclesiastical Board has appointed a working group on immigrants and established a position of a Russian-speaking minister in the Orthodox Church. The minister is guided in his work by the Metropolitan of Helsinki. In other respects, the rights of minorities are based on law and the democracy of the Orthodox Church and the parishes. The Orthodox Church and the administrative bodies of the parishes have no separate quotas.

- 3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?**

The decision to place an itinerant minister in the district of Inari was influenced by the inclination of the Orthodox Church to serve the minority in question, which is spiritually active.

- 4. Please provide a critical assessment of the functioning of the consultation mechanisms/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?**

The Orthodox Ecclesiastical Board considers the system satisfactory in the prevailing circumstances. The legislation on the Orthodox Church of Finland is undergoing a revision, and in that connection at least the linguistic questions will be clarified. The Orthodox Church has appointed a Committee for Long Term Planning, which will also take account of minority rights in its work.

11. THE POLICE DEPARTMENT OF THE MINISTRY OF THE INTERIOR

- 1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?**

The Finnish police participate in the cooperation by participating in the work of several minority boards. The Police department of the Ministry of the Interior has a member in the following national boards: Advisory Board on Ethnic Relations, which is coordinated by the Ministry of Labour, National Advisory Board on Roma Issues, which is coordinated by the Ministry of Social Affairs and Health and National Advisory Board on Minority Issues, which is coordinated by the Ministry of Labour.

The Police department has good cooperation with several NGOs which handle minority affairs in Finland, as e.g. Finnish League for Human Rights, Refugee Advice Centre, International Organization for Migration.

The Police department has named a member to STOP-project (*Finland forward without discrimination*), which is coordinated by the Ministry of Labour and which also has both governmental and non-governmental members.

According to the Aliens Act (301/2004) the Finnish police have to contact the Minority Ombudsman in many issues and matters concerning aliens. Official and unofficial contacts are taken in several other matters as well.

Section 208 – *Notifying the Ombudsman for Minorities*

The Ombudsman for Minorities shall be notified of any decision under this Act on issuing a residence permit on the basis of international or temporary protection or on refusing an alien entry or deporting an alien. The Ombudsman for Minorities shall also be notified without delay of any decisions on placing an alien in detention. At the request of the Ombudsman for Minorities, the Ombudsman shall also be notified of any other decisions under this Act.

Provisions on the right of the Ombudsman for Minorities to be notified are laid down in section 7 of the Act on the Ombudsman for Minorities and the Discrimination Board (660/2001).

Section 209 – *Providing the Ombudsman for Minorities with an opportunity to be heard*

At the request of the Ombudsman for Minorities, the Ombudsman has the right to be heard in an individual matter concerning an asylum applicant or deportation of an alien. The authorities deciding on the matter may, on a case-by-case basis, set a reasonable deadline for the issue of an opinion by the Ombudsman for Minorities.

Common principles on human rights are implemented in the Aliens Act. There is a specific section about children and consultation:

Section 122 – *Holding a minor in detention*

Before a person under 18 years of age is placed in detention, the representative of social welfare authorities shall be heard.

According to the sections 14 and 15 in the Administrative Procedure Act the municipal social authority has to be given a chance to be represented at the asylum investigation in cases of children as asylum seekers.

2. **Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.**

The normative bases for consultation with the Minority Ombudsman are the sections 208 and 209 in the Aliens act (see point 1.).

3. **Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?**

The police cooperates often with NGOs, especially with the Refugee Advice Centre and International Organization for Migration (IOM), in matter concerning asylum, returning aliens from Finland, and also when placing aliens in detention (taking into custody).

5. Please indicate any suggestions you may have concerning the ways in which intergovernmental co-operation could contribute to enhancing further consultation of persons belonging to national minorities?

Each of these cooperative boards, groups and NGOs have the aim to give facts, documents, statistics and other possible knowledge to the governmental representatives to take into account at national and international level.

The Finnish police is participating in many international groups and meetings on minority issues and matters, such as Policing and Human Rights group of CoE and the European Platform for Policing and Human Rights. Both of these groups have annual meetings and conferences, and besides of discussing policing and human rights, they discuss minority issues.

The Finnish police has also contacts in Roma rights issues with organisations such as European Roma Rights Centre (ERRC), Centre on Housing Rights and Evictions (COHRE), European Roma Information Office (ERIO), Life Together (Vzajemne souziti) and the International Helsinki Federation for Human Rights (IHF).

Allemagne/Germany

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

GERMANY

1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?

A 1 Consultative Committee on Issues concerning the Danish Minority at the Federal Ministry of the Interior

A 2 Consultative Committee on Issues concerning the Sorbian People at the Federal Ministry of the Interior

A 3 Consultative Committee on Issues concerning the Frisian ethnic group at the Federal Ministry of the Interior

A 4 Implementation conferences on the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages

A 5 German Bundestag working group on national minorities

B 1 Council for Sorbian (Wendish) Affairs at the state parliament (*Landtag*) of Brandenburg (hereafter: Sorbian Council)

B 2 Council for Sorbian Affairs elected by the state parliament (*Landtag*) of Saxony

B 3 Advisory body for issues concerning the Frisian ethnic group in the *Land* of Schleswig-Holstein (Frisian advisory body)

B 4 Commissioner of the Minister-President of the *Land* of Schleswig-Holstein for Minorities and Culture.

2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.

See Appendix 1

3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?

A 1 The Committee was founded in 1965 after a similar committee was founded in Denmark because the German minority there no longer gained a seat in the Folketing.

A 2 – A 3 These committees were formed on the model of A 1.

A 4 These conferences arose in connection with the German ratification of the Framework Convention and the Language Charter in order to facilitate regular meetings with the national minorities.

- A 5 The German Bundestag set up this working group in response to the desire of the national minorities for a direct dialogue with the parliament.
- B 1 The constitution of the Land of Brandenburg states that Sorbian representatives are to have a role in Sorbian affairs, in particular legislation (Art. 25 para. 5). The Sorbian Council was created to satisfy this constitutional requirement.
- B 2 The council was elected after the Act on the Sorbs' Rights in the Free State of Saxony (Sächsisches Sorbengesetz) of 31 March 1999 went into effect.
- B 3 At the request of the SPD and CDU parliamentary groups and the SSW member of the Schleswig-Holstein state parliament (Landtag), it was agreed on 7 September 1988 by unanimous vote to create a state parliamentary body for the Frisian ethnic group.
- B 4 The office of a Commissioner of the Minister-President of Schleswig-Holstein for Minorities and Culture was created in 1988 by then Minister-President Björn Engholm. Until 2000, the office was called "Borderland Commissioner". The Commissioner for Minorities is supposed to advise the Minister-President on issues and policy related to national minorities.

4. Please provide a critical assessment of the functioning of the consultation mechanisms/ advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?

A 1 – A 3 According to their rules of procedure, the consultative committees are to convene without delay at the request of any of their members. As a result, any incidents of belated or insufficient participation would be soon be obvious. Another indication that no such incidents have occurred in the Federal Republic of Germany is that although the organizations of national minorities in Germany have criticized the lack of adequate attention to their recommendations in isolated cases, they have never complained of insufficient participation in their comments on the national reports on the above-mentioned conventions.

B 1 The Sorbian Council has proved itself to be an appropriate consultative body in which representatives of the Sorbian people, members of the state parliament and state government and personnel from the relevant ministries and administrative agencies can discuss issues related to the Sorbian (Wendish) people on a regular basis.

No fundamental changes in status are currently under consideration. However, assessment is under way to determine whether the composition of the Sorbian Council should be altered. As of now, the members of the Sorbian Council are recommended by the Sorbian associations and elected by the state parliament; possible alternatives are being examined. This is still under discussion.

- B 2 In affairs concerning the rights of the Sorbian population, the Saxony state parliament and government are to consult the Council. In general, this functions very well. In isolated cases there are problems of determining who is responsible for what, as the affairs on which the Council is to be consulted are not defined in detail. The Council works on a voluntary basis and should therefore not be overloaded with excessive details; however, it should be consulted at least on affairs of a fundamental nature.
- B 3 The Frisian advisory body has proved to be a useful advisory body. Its composition (see Question 2) has proved to be appropriate.

B 4 There is general agreement that the office of Commissioner for Minorities has proved to be useful.

5. Please indicate any suggestions you may have concerning the ways in which intergovernmental co-operation could contribute to enhancing further consultation of persons belonging to national minorities.

The Federal Republic of Germany regularly conducts government talks/consultations with numerous countries which have German minorities. In these talks, bilateral minority issues may be discussed at the request of either side. For multilateral consultations on minority issues, it was very helpful to create the DH-MIN expert working group within the Council of Europe, especially since there are already some international forums for minorities and the committees responsible for assessing the implementation of the above-mentioned Council of Europe convention consist exclusively of outside experts.

APPENDIX 1

STATUS

- What is the legal basis for the consultation mechanism/ advisory body of national minorities (constitutional, ordinary law, other)?

A 1 – A 3 The legal basis for each of the above-mentioned Consultative Committees is rules of procedure drafted by the Federal Ministry of the Interior in consultation with the organizations of the persons affected.

A 4 The implementation conferences are based on administrative praxis.

A 5 The rules of procedure are currently being drafted.

B 1 The basis for creating the Sorbian Council was Art. 25 para. 5 of the constitution of Brandenburg of 20 August 1992. Section 5 of the Brandenburg Act on the Specification of the Rights of the Sorbs (Wends) of 7 July 1994 specifies this constitutional provision in greater detail. Details regarding the composition and functioning of the body are governed by the rules of procedure of the Brandenburg state parliament.

B 2 The legal basis is Section 6 of the Act on the Sorbs' Rights in the Free State of Saxony of 31 March 1999.

B 3 The basis for the creation of the Frisian advisory body is a decision of the Schleswig-Holstein state parliament.

B 4 The office of Commissioner for Minorities is based on a decision of the Minister-President.

- What status does the consultation mechanism/advisory body have: NGO status/public body status/ personal autonomy arrangements with advisory functions, other status?

A 1 – A 5 These are advisory bodies in which parliamentary and government representatives meet with representatives of the minorities' NGOs.

B 1 The Sorbian Council is a body under public law.

B 2 It is an advisory body elected by the Saxony state parliament; Sorbian associations and communities in the Sorbian settlement area have the right to propose candidates.

B 3 The Frisian advisory body has an advisory status.

B 4 The Commissioner for Minorities is an honorary office whose holder is chosen by the Minister-President.

- **If the advisory body is a public body, what is its relation to public authorities (is it independent and how is its independence ensured)?**

A 1 – A 5 Government representatives to these bodies may be bound by instructions issued by the agency they represent; dependence is thus unavoidable and also intended.

B 1 The Sorbian Council and its members are independent. The members are elected for the same legislative term as the state parliament.

B 2 By its nature, the Council is independent. It is elected by the Saxony state parliament.

B 3

B 4 The Minister-President chooses a Commissioner for Minorities to advise him/her on minority affairs. The status of the office is based on this fact. It is not part of the state administration but works with it on minority issues.

- **At what level do these consultation mechanisms/bodies operate: central level bodies/ local or regional bodies, both levels?**

A 1 – A 5 The bodies operate at the central federal level. Representatives of the state governments are also involved in A 1 – A 4.

B 1 This body operates at the central level.

B 2 The Council operates at the central state level.

B 3 The Frisian advisory body operates at the level of the state parliament (Landtag).

B 4 The Commissioner for Minorities operates at the central state level (Minister-President's office).

MANDATE/FUNCTIONS

Please specify the main functions of the consultative mechanism/advisory body, which may include some of the following:

- Taking initiatives and making proposals/recommendations,
- Possibility to request information,
- Monitoring the situation of persons belonging to national minorities, preparation of studies, conducting research,

- Increasing public awareness of problems related to the situation of national minorities,
- Consultation and participation in the preparation of public policies on national minorities: existence of an obligation to consult in the legislative process and other public policy decisions affecting national minorities, areas where consultation is foreseen (culture, education, language, social and economic participation, other areas),
- Coordination functions among different minorities, other coordination functions,
- Other specific tasks assigned, including distribution of resources directed to cultural activities.

A 1 – A 5 Within the framework of their task of ensuring that minority affairs receive proper consideration, these bodies are free to choose subject areas and activities.

B 1 The Sorbian Council is to have access to the parliament's advisory materials. Members of the Sorbian Council have the right to take part in meetings of parliamentary committees in an advisory capacity if the committees are discussing decisions concerning the protection, preservation and promotion of the national identity and settlement area of the Sorbs (Wends). Comments of the Sorbian Council regarding draft legislation, petitions or proposed resolutions are to be placed on the agenda of the relevant committee.

Members of the state parliament and state government and personnel from the relevant ministries and administrative agencies regularly take part in meetings of the Sorbian Council. This ensures comprehensive information-sharing already at an early stage, which is reflected in the results of activity by the institutions concerned.

B 2 Within the framework of its task, the council is free to choose subject areas and activities.

B 3 The task of the Frisian advisory body is to regularly discuss all issues concerning the Frisian ethnic group in Schleswig-Holstein with the aim of preserving and promoting the Frisian language, culture and education.

B 4 The Commissioner for Minorities advises the Minister-President on concerns related to minority policy. The Commissioner is a member of the Frisian advisory body and represents Schleswig-Holstein in the Consultative Committees of the Federal Ministry of the Interior (see Question 1, nos. 1 and 3).

MEMBERSHIP/MINORITIES INVOLVED

- **Does the consultation mechanism/advisory body include all minorities or are there minority-specific bodies or forms of consultation?**

A 1 – A 3 are minority-specific as indicated by their names; A 4 and 5 include all minorities.

B 1 is specific to the Sorbian (Wendish) minority.

B 2 is specific to the Sorbian people.

B 3 The Frisian advisory group is specific to the Frisian ethnic group in the state of Schleswig-Holstein.

B 4 The Commissioner for Minorities is responsible for all national minorities and ethnic groups in the state of Schleswig-Holstein: the Danish minority, the Frisian ethnic group and the German Sinti and Roma.

- **Is the advisory body composed of representatives of national minorities only or is it a mixed structure with representation of both national minorities and state officials?**

A 1 – A 3 and A 5 Composed of minority, government and parliamentary representatives.

A 4 Composed of government and minority representatives.

B 1 The members of the Sorbian Council are supposed to be members of the Sorbian people. Members of parliament, ministers and administrative personnel take part in Sorbian Council meetings in an advisory capacity.

B 2 In accordance with the right of proposing candidates, the Council is usually composed of representatives of the national minority. However, other representatives, such as area specialists, could also be proposed as candidates.

B 3 The advisory body is made up of members of the parliamentary groups and the SSW, members of the Bundestag (usually those from the region), the Minister-President's Commissioner for Minorities, a representative of the state government and representatives of the Frisian Council, North Section. The president of the state parliament is the chair. The state parliament division for minorities is responsible for managing the operations of the advisory body.

B 4 The Commissioner for Minorities is one individual.

- **What is the role of state officials in the work of advisory body/consultation mechanism?**

A 1 – A 5 Government officials are supposed to represent the perspective resulting from their responsibility in discussions in the relevant Consultative Committee.

B 1 Government officials represent the state government's perspective within the Sorbian Council discussions and take back with them the Sorbian Council's suggestions, which they take into account in their work.

B2 Government representatives are invited as necessary, usually to provide expert information within their area of responsibility and offer their perspective on topics to be discussed.

B 3 The representative of the state government represents the state government's position in discussions and responds in turn to recommendations of the Frisian advisory body. The representative is responsible for administrative implementation as needed.

- **How is the formal and/or factual influence of representatives of minority groups safeguarded?**

A 1 - A 5 The rights of government representatives and members of parliament do not take priority (this causes no problems because the bodies have no executive authority but rather have an exclusively advisory function).

B 1 Because the Sorbian Council has been composed exclusively of members of the Sorbian people since its founding, the question of minority influence is irrelevant.

B 2 By the composition of the Council.

B 3 Representatives of the Frisian Council, North Section, reg'd society, the North Frisian umbrella organization, belong to the Frisian advisory body.

B 4 The task of the Commissioner for Minorities is grounded in competence and trust. The Commissioner's work entails constant interaction with national minorities.

- **How are the minorities' representation and representativity (representation of numerically small minorities, representatives of minority NGOs, minority representatives from Parliament, political parties of minorities, others) ensured in the advisory body/within the consultation mechanism?**

A 1 – A 3 One minority is represented in each body.

A 4 The same number of representatives are invited from each national minority in Germany.

A 5 The four national minorities are to have the same number of representatives.

B 1 see above

B2 Represents only one minority.

B3 Represents only the Frisian ethnic group.

B 4 not applicable.

- **Please describe the appointment procedure for participation in the advisory body/consultation mechanism: who proposes (national minorities, political parties, churches, others), who decides (Government, Parliament, others)?**

A 1 – A 3 The number of representatives of minorities, governments and parliamentary groups is defined in the rules of procedure. Each group chooses its own representatives.

A 4 The federal and state governments and minority organizations each choose their own representatives.

A 5 The rules of procedure, which are currently being drafted, will provide for the same number of representatives for the minorities and the Bundestag. The minorities will also choose their own representatives.

B 1 Under the current rules, the Sorbian associations propose candidates for the Sorbian Council and the state parliament elects the members.

B 2 Defined in the above-mentioned law.

B3 The parliamentary groups in the state parliament and the Bundestag choose their representatives; the Frisian ethnic group chooses its own representatives.

FUNCTIONING/ WORKING METHODS

- **Are there any procedural guidelines in place for consultation of persons belonging to national minorities/advisory bodies?**

A 1 – A 3 Each body's rules of procedure

A 4 no

A 5 future rules of procedure

B 1 not applicable

B 2 Decision of the presidium of the Saxony state parliament on "Activity and procedures of the Council for Sorbian Affairs".

B 3 Rules of procedure

B 4 not applicable

- **What are the working methods used, including the forming of sub-bodies dealing with specific areas or specific consultation mechanisms for certain areas?**

A 1 – A 5 Current issues are discussed in these bodies on the basis of an agenda compiled by the participants and decisions taken as needed on the principle of consensus.

B 1 The Sorbian Council functions mainly according to the same principles as a state parliamentary committee.

B3 As a rule, the Frisian advisory body meets twice a year: once in Kiel (state parliament) and once in Nordfriesland. Meeting invitations are in writing and include an agenda drafted on the basis of current issues and need for discussion.

- **What channels of co-operation exist between the advisory body/consultation mechanism and Parliament (including through the relevant Parliamentary committees) and the Government (including governmental offices for national minorities where relevant)?**

A 1 – A 3, A 5 The Bundestag parliamentary groups are represented in these bodies.

B 1 The Sorbian Council is based at the state parliament.

B 2 Are derived from the law and the above-mentioned decision of the presidium. Further, the Council office (representative of the State Ministry of Research and Art, which is responsible for Sorbian affairs) is a guest at every meeting and takes minutes.

B3 The Frisian advisory body is a state parliamentary body. Bundestag members are represented in the body.

- **What is the situation with regard to the resources allocated to the advisory bodies/consultation mechanisms (finance, staff) and what is the source of funding (central/local authorities, mixed funding)?**

A 1 – A 3 The Federal Ministry of the Interior provides a secretariat for the Consultative Committees and reimburses the travel expenses of representatives of the minority organizations and institutions according to the regulations which apply to official travel by federal employees.

A 4 The Federal Ministry of the Interior organizes the conferences and reimburses the travel expenses for those minority organizations that do not receive public funding.

A 5 The details will be specified in the future rules of procedure.

B 1 The members of the Sorbian Council are unpaid; they receive a compensation allowance.

The state parliament administration provides support for the Sorbian Council (Section 90 of the Rules of Procedure of the Brandenburg state parliament of 31 January 2005).

B 2 Council members receive compensation from the State Ministry of Research and Art.

B3 ask Schleswig-Holstein state parliament as appropriate

B4 The Commissioner for Minorities is unpaid and receives a compensation allowance paid from the state government's budget.

- **What links exist between the advisory bodies/consultation mechanisms at the different levels (local/central)?**

There are no formal links between the individual bodies. However, some of the same persons represent the various sides in more than one body.

B 1 The Sorbian Council has no institutional links to other advisory bodies. However, some of the same persons serve in advisory bodies at federal and local level, and the Sorbian Council pursues contacts with other bodies at its own initiative and discretion.

- **What channels of co-operation/links have been created between various advisory bodies working at the same level (if such bodies exist)**

Due to the federal structure of the Federal Republic of Germany, information about the various activities is gathered mainly in the above-mentioned implementation conferences.

- **Are the recommendations and/or the findings of the advisory bodies/consultation mechanisms publicised or otherwise communicated to a wider audience?**

All minority-related information is published in the national reports of the Federal Republic of Germany on the two Council of Europe conventions mentioned above.

- **Where can the public seek and find information about the mandate, composition and activities of the advisory body/consultation mechanism (for instance, does a specific website exist)?**

A 1 – A 5 In order to preserve the advisory function for the Federal Government and indirectly for the state governments and to maintain an informal atmosphere for discussion between the participants, no regular or comprehensive reporting on the matter of meetings by the bodies is provided for. If the work of the committees leads to concrete steps taken by the executive or to legislative proposals, this is reported in the national reports mentioned above. Otherwise, the national minorities' press organs publish information on the meetings.

B 1 The composition, tasks and areas of concentration chosen by the Sorbian Council for the current term are published on the state parliament website at www.landtag.brandenburg.de.

B 2 As a rule, the council publishes information for the press. The council reported to the state parliament on its last term of activity (2000-2004) in the public state parliamentary document LT-Drs. 3/1109).

B 3 The secretariat of the Frisian advisory body keeps minutes of meetings and distributes them to the members.

Hongrie/Hungary

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

HUNGARY

- 1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?**

A1 – A13

National self-governments of the national and ethnic minorities living in Hungary (Armenian, Bulgarian, Croatian, German, Greek, Polish, Roma, Romanian, Ruthenian, Serbian, Slovak, Slovenian and Ukrainian minorities). Every minority has its own national minority self-government composed only of representatives of the given minority.

A14

Inter-ministerial Committee on Roma Issues – mixed structure with state officials and Roma representatives, affecting only the Roma minority

A15

Council for Roma Issues – mixed structure with experts and Roma representatives, affecting only the Roma minority

A16 – A18

Sectorial bodies: Minorities' advisory bodies set up for co-operation and consultation with some ministries (National Minorities Committee in the Ministry of Education, Cultural Council of Minorities in the Ministry of National Cultural Heritage, College of Minorities in the Ministry of Informatics and Communication) – mixed structures with state officials involving the representatives of all minorities.

B level:

No uniform or standardized solution for consultation exists on the medium (sub-national, county) level. See also remarks contained in Point 2.

C1-C (appr.) 1800

Local self-governments of the national and ethnic minorities enumerated above. All minorities have their own local minority self-governments (their number is approximately 1,800 all over the country) composed only of representatives of the given minority.

- 2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.**

Ad A1 - A13 and C1 – C1800 (minority self-governments)

The legal background of the minority self-government system is laid down in the Constitution of the Republic of Hungary, Article 68, and in the Act No LXXVII of year 1993 on the rights of national and ethnic minorities (hereinafter: Minorities Act).

Article 68 of the Constitution states that the Republic of Hungary shall provide for the protection of national and ethnic minorities and ensure their collective participation in public affairs.; the laws of the Republic of Hungary shall ensure representation for the national and ethnic minorities living within the country and that national and ethnic minorities have the right to establish local and national self-governments.

In 1993 Parliament passed the Minorities Act, which establishes individual and collective minority rights in the areas of self-government, use of language, public education and culture. Among collective rights, the act states that the minorities have the right to form local and national self-governments.

Minority self-governments are elected bodies the fundamental task of which is to ensure the protection and the representation of the interests of minority communities at settlement and national level.

Minority self-governments have rights enshrined in law allowing them to make decisions in their own spheres of authority on the foundation, taking over and maintenance of institutions, particularly in the areas of local education, the local printed and electronic media, the safeguarding and the development of their traditions and culture. The objective is that minority self-governments become fully responsible for minority educational and cultural institutions and get all conditions necessary for this purpose.

Minority self-governments are legal entities. They do not have the powers of authorities, and the local municipal governments are not allowed to grant any regulatory competencies to minority self-governments.

The national minority self-governments represent the given minority at national level: as partners of legislative and state administrative bodies, they are consulted in issues concerning the minorities they represent. National minority self-governments have consultation rights in draft legislation whenever minorities are concerned. They have the right of veto in legislation concerning the protection and the preservation of traditional historical minority settlements and architectural monuments as well as concerning the core teaching material used in minority public education.

Article 38 of the Act states that:

- (1) The national self-government may
 - (a) state its opinion on bills concerning the minority represented by it, including regulations issued by the general assemblies of counties and the capital city;
 - (b) seek information from public administrative bodies with relation to issues concerning minority groups, may make proposals to them, and may initiate measures in cases within their authority;
 - (c) co-operate with public bodies with the necessary authority and competence in the professional supervision of the primary, secondary and higher education of the minorities it represents.*
- (3) In the course of legislation on the preservation and conservation of the historical settlements and architectural monuments of minorities, the national self-government - and also the local minority self-government if municipal government provisions on such matters are being enacted - has the right to agree. In the absence of a local minority self-government it is the spokesperson of the minority, and in the absence of such a person, it is the local association of the given minority which has the right of expressing its opinion.*
- (4) In developing the core curriculum of minority education - except for higher education - the national self-government concerned has the right of agreement.*

As regards local minority self-governments, they have extensive consultation rights in all issues affecting the local minority community and also the right of consent (veto right) in the adoption of all local municipal decisions affecting the minority community in the area of local public education (including the appointment of a school principal), local media, the preservation of cultural heritage and the collective use of the mother tongue.

The text of the law is as follows:

Article 26

- (1) *A local minority self-government may approach the head of the board of the appropriate public body with the necessary authority and competence with a request concerning any issue affecting the minority, and may*
 - a) *ask for information;*
 - b) *make a proposal;*
 - c) *initiate measures;*
 - d) *object to a practice or decision related to the operation of institutions which violates the rights of the minority, and may initiate the amendment or withdrawal of the decision.*
- (2) *The head of the appropriate board with the necessary authority and competence - in cases defined in par (1) - is obliged to provide a material response to the request within 30 days.*
- (3) *If the subject of the request does not fall within the authority or competence of the head of the board, s/he is obliged to transfer the request to the person with appropriate authority and competence within 3 days after the request.*

Article 28

The mayor's office, established by the municipal government - as defined under the terms of its organisational and operational statutes - is obliged to help the work of local minority self-governments.

Article 29

- (1) *Concerning the issues of local basic education, local media, the promotion of local traditions and culture, and the collective usage of the language, any municipal government decree affecting the minority population in their capacity as such may be made by the board of representatives only with the approval of the minority self-government representing this population.*
- (2) *The appointment of heads of minority institutions as well as the decisions of the municipal government concerning the education of people belonging to minorities, require the approval of the local minority self-governments affected. In the absence of such a minority self-government, the opinion of the spokesperson for the minority, or in the absence of a spokesperson, the opinion of the local association of the given minority is necessary.*

Ad A14:

The Inter-ministerial Committee on Roma Issues was established by Government Decree 1048/1999 (V.5.) with the aim of promoting the social inclusion of the Roma and facilitating the co-ordinated implementation of the medium-term governmental measures aimed at improving the living conditions and the social status of the Roma population. The President of the Committee is the Minister of Youth, Family and Social Affairs and Equal Opportunities. The committee is to meet at least for times a year and the representatives

of the ministries are bound to report on the fulfilment of their obligations. The president of the National Roma Self-government is invited as a permanent guest to the sessions of the committee, where s/he can voice his/her opinion on the measures and their implementation. Upon invitation, representatives of Roma civil organisations may also attend the sessions with consultative rights.

Ad A15:

The Council for Roma Issues was established by Government Decree 1140/2002 (VIII.12.) with the aim of improving the enforcement of Roma interests in governmental activities. The Council is a consultative body entitled to voice opinions, to give advice and to put forward proposals concerning legal regulations and measures directly affecting the living conditions and the social status of the Roma population. It participates in the development of the governmental Roma strategy. The Council is headed by the Prime Minister. Approximately half of its twenty-one members are Roma politicians, activists, NGO-leaders.

Ad A16-18

These sectorial bodies were created as consultation forums between line ministries and minority leaders. Only the National Minorities Committee of the Ministry of Education has been operating on a normative basis: its legal framework has been stipulated in Act No LXXIX of year 1993 on Public education. In order to ensure the direct involvement of minorities in the elaboration of legal provisions concerning education, the act stipulates the setting-up of the National Minorities Committee, which is the advisory body of the Minister of Education in all issues related to minority education. Its members are delegated by the national minority self-governments. The Ministry is obliged to consult the committee before any book compiled for minority educational purposes is officially qualified as a school-book.

The Cultural Council of Minorities in the Ministry of National Cultural Heritage and the College of Minorities in the Ministry of Informatics and Communication have been assisting the relevant ministries in distributing support provided to minority activities. The respective laws in force do not allow for a Ministry to hand over its scope of authority to other administrative bodies. Therefore the Cultural Council of Minorities established by a ministerial order, is only entitled to pass a resolution if the different departments of the respective Ministry and the representatives of the minorities share the same standpoint on the given issue. The dissenting points of views are stated in a declaration and have no effect on the preparatory process of decision-making. In other words, the minority representatives in the Council do not have the right of consent.

All thirteen minorities are represented in both bodies (delegated by the national minority self-governments), and the co-chair respectively the co-vice-president of the body is also a minority leader.

Ad B level:

In most counties the county assembly has set up a Standing Committee for National and Ethnic Minorities. In several countries there exists a Consultative Council of Nationalities or a Council for Roma Issues. Representatives of minorities are members of these bodies. Leaders of county-level minority civil organisations are the permanent guests of the sessions of county assemblies in order to have the standpoint of minorities taken into account during the decision-making process. However, the lack of a medium-level representation in the minority self-government system results in problems connected to the scope of authorities. This is why the amendment of the Minorities Act adopted in June 2005 (currently before the Constitutional Court) makes the establishment of county-level minority self-governments possible.

3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?

The most important consultation mechanism is the system of minority self-governments. Hungary opted for this solution – among others – for the important reason of legitimacy. It is important to note that due to the fact that they are nation-wide democratically and legitimately elected bodies, minority self-governments - unlike organisations operating in an associative form - represent not only their membership but also the entire minority community of a settlement, and through the electoral system, that of the whole country. This greatly facilitates the communication between public administration and minorities, whose self-governments become the legitimate partners of central and local authorities.

4. Please provide a critical assessment of the functioning of the consultation mechanisms/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?

Examples of abuse raised concerns during the 1998 and 2002 elections of minority self-governments and provoked – together with other factors – the need for the amendment of the Minorities Act. Accordingly, after the coming into force of the new provisions adopted in June 2005, minority voters' registers will guarantee at a higher level the minority affiliation of the voters and the candidates as well. The aim of the registration of minority voters is to ensure that no one can intentionally misuse the system and minority self-governments be elected by, and composed of, people who really belong to national minority communities and feel genuine commitment to this cause. This will also ensure greater transparency and greater independence.

The last ten years have clearly justified the existence of the minority self-government system. The system is an efficient form of interest representation allowing broad minority participation in matters that concern them both at local and national level.

Both the Constitution and Act No. LXXVII of 1993 on the Rights of National and Ethnic Minorities provide, in general terms, for the possibility of minorities to be represented in the Parliament. However, the creation of a mechanism allowing for the representation of minorities in the Parliament still lies ahead. As envisaged by leading government officials, the issue will be put on the agenda after the entry into force of the Bill on the election of minority self-government representatives as well as on the amendment of some acts concerning national and ethnic minorities.

5. Please indicate any suggestions you may have concerning the ways in which intergovernmental co-operation could contribute to enhancing further consultation of persons belonging to national minorities?

- Compilation of the questionnaires into a comprehensive overview of consultation mechanisms. The overview should be commented and evaluated by well-known and acknowledged experts.
- Organisation of study tours to countries that have developed the most innovative and the most effective mechanisms and/or their detailed presentation in the framework of one or several international conferences.

Italie/Italy

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

ITALY

- 1) There are no institutions allowing the consultation of people belonging to national minorities about the issues involving them. However there is a Non Government Organization called Comitato Federativo Nazionale Minoranze D'Italia (Confemili) National Federative Committee of Minorities in Italy that represents the different Associations of linguistic minorities historically present in Italy and it has, among its tasks, the continuous consultation with minorities communities (A1).
- 2) The above said Confemili is a N.G.O. and it works both on a central level and a local one. The principal functions are as follows:
 - it takes initiatives and it makes proposals about the protection and the development of minorities;
 - it asks for information;
 - it monitors the situation of people belonging to national minorities, it prepares studies, it carries out research;
 - it increases the public awareness about the issues concerning the situation of national minorities;
 - it takes part in the groundwork of public politics about national minorities;
 - it connects the different minorities, it works together with Europe, it works together central and local institutions.
- 3) There is no information about the principal elements that have defined the choice about the consultation.
- 4) There is no information to provide with, because of the above said reason.
- 5) Negative.

WORKING/FUNCTIONING METHODS

- There are not guide-lines of procedure.
- There are not consultation methods, either under-bodies dealing with specific areas.
- There is a cooperation channel between the N.G.O. and the Government corresponding to the participation and to the representativeness within the technical Committee under the law n.482/99, established to the Presidency of Council of Ministers – Regional Affair Department. Further cooperation channels are present to the Ministry of the Interior and the Ministry of Education, University and Research.
- The N.G.O has not public financial support.
- The existence of only one Institution excludes cooperation links.
- Website of N.G.O. is reorganizing.

Lituanie/Lithuania

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

LITHUANIA

STATUS

The Council of National Communities functioning under the authority of the Department of National Minorities and Lithuanians Living Abroad to the Government of the Republic of Lithuania (henceforth, the DNMLLA) is the major advisory body implementing the state policy on the issues of national minorities. Under the order of the Director General of the DNMLLA, the Council of National Communities was established in June 19, 2003 pursuant the regulations of the DNMLLA. The Council of National Communities is a public institution that possesses no juridical status. A consultative function being implemented by the members of the Council of National Communities is performed at central administration level.

MANDATE/FUNCTIONS

The following functions are being enshrined in the provisions of the Council of National Communities:

- To execute the role of an expert and an adviser solving strategic issues on culture and politics of national minorities;
- To safeguard protection of national minority identity, within their competence to observe legal acts related to protection of the rights and freedoms of national minorities and their implementation in the Republic of Lithuania;
- To cultivate national tolerance, intolerance to the incitement to national hatred, to combat racial and xenophobic manifestations, to induce open discussions and debates on these issues in the public;
- To seek that persons belonging to national minorities who are citizens of the Republic of Lithuania participated and get integrated into the public and cultural life of the country;
- To analyze draft laws and other legal acts related to the national minority policy, to put forward recommendations and proposals concerning the improvement of national relationship to the Seimas (Paliamentary) Committee of the Republic of Lithuania, The President of the Republic of Lithuania, the Government of the Republic of Lithuania, the Department of National Minorities and Lithuanians Living Abroad to the Government of the Republic of Lithuania (DNMLLA), counties, municipalities and other institutions;
- To form and put forward recommendations concerning the improvement of the activities of the DNMLLA;
- To encourage and support constructive initiatives and undertakings of national minority organizations for contributing themselves to a common coordination of activities in this field;
- To propose to the DNMLLA fundamental principals, priorities and mechanism of funding for rendering support for target programs submitted by national minority organizations and national communities;
- To execute in the role of a mediator in disputable situations arising within national communities and organizations;

The Council of National Communities, implementing the aforementioned objectives, is entitled to execute the following rights:

- To request and obtain information from the DNMLLA about its activities;
- To address to governmental and non-governmental institutions, counties, municipalities in requesting information related to implementation of the Law on Ethnic Minorities and to gain necessary solution to other disputable issues related with national minorities;

- To form working groups dealing with specific questions and problems;
- To take part in DNMLLA in discussing the allocation of financial support for the target programmes of national minority organizations;
- To invite representatives of governmental and municipality administrations to the meetings of the Council of National Communities to consider the issues that are fully in line with their competence, on the other hand, to take part in the meetings held in governmental and municipality institutions targeted on the issues of national minority culture and education respectively;
- To put forward proposals of the candidacy for the national and state awards of Merit for people who pay particular contribution to fostering cultural identity and promoting education of national minorities;
- To delegate a representative to the meetings held in the Government and Ministries of the Republic of Lithuania when the issues related to the interests of national communities is a matter of concern.

MEMBERSHIP/MINORITIES INVOLVED

The Council of National Communities is currently composed of representatives of all officially registered national minority organizations in Lithuania that actively participate in consultation processes.

At present, Poles is the most numeric national minority in Lithuania. In 2000 under the order of the Director General of the DNMLLA a Consultative group of representatives of Polish non-governmental organizations was established. The group meets on regular basis on specific topics foreseen in advance, where representatives of institutions implementing the policy related to the acute problems of Polish national minority take part within their competence.

It is significant to note that both the members of the Council of National Communities as well as a Consultative group of representatives of Polish non-governmental organizations are persons belonging to national minorities. Participation of representatives of state law enforcements is not foreseen in the composition of the above mentioned bodies.

The Council of National Communities invites official representatives of state institutions to take part in their meetings to acquaint them with the utmost important problems revealed by the members of the Council. In regard to the nature and complexity of the question being discussed, either the final solution to the problem is found or it is postponed to further analysis. The Council of National Communities submits an urgent problem or question to any state institution in a written form. Within its competence the state institution presents a reply in a written form accordingly. In case a question requires certain law amendments to be made a consultation is betaken with members of the Parliament, generally with members of a particular Parliamentary Committee. Seeking to find a solution to the question being discussed, a competent state institution launches an initiative to form a working group, a commission or other body the member of which is (are) a representative(s) of the Council of National Communities. This body prepares a draft document, submits it for further analysis to the Council. There are cases when state institutions addresses to the members of the Council requesting to delegate their representatives to specific working groups, commissions or other bodies to prepare and submit draft laws or to find solutions related to the interests of national minorities.

Due to the efficient work of the current advisory body acute problems related to national minority policy are brought up at a state level and the state institutions are informed about the necessity to find a solution to certain problems in time.

The seats in the Council are allocated according to the size of the minority: minority communities of 100.000 members or more are given three seats (this is the case for Poles and Russians), communities with 10.000 -100.000 are given 2 seats (this is the case for Byelorussians and Ukrainians) and communities

with less than 10.000 members are given 1 seat, this is among others the case for Armenians, Azerbaijanis, Tartars, Jews, Karaims, Uzbeks, Tadjiks, Greeks, Germans, Bulgarians, Romanians, Georgians, Hungarians, Latvians, Estonians and Lebanese. The composition of the Council of National Communities has been adopted under the order of Director General of the Department of National Minorities and Lithuanians Living Abroad to the Government of the Republic of Lithuania. All in all there are representatives of 26 national minority non-governmental organizations. Any representative of national minority is entitled the right to raise a question urgent to his/her community during the meetings of the Council of National Communities.

Currently there are two mandates won by the Polish political party "Election Action of the Lithuanian Poles in the Seimas (Parliament) of the Republic of Lithuania. National minority representatives – one Jew and Byelorussian and five Russians have been elected to the Seimas from other political parties. The members of the Parliament who belong to national minorities actively work in various Parliamentary Committees such as the Committee on Budget and Finance, the Committee on Economics, the Committee on European Affairs, the Committee on Foreign Affairs, the Committee on State Administration and Local Authorities.

Representatives of national minorities who won the mandate to the Parliament do not participate in the Council of National Communities; however, under the regulations of the Council any member of a political party is entitled the right to be elected into the Council of National Minorities.

FUNCTIONING/ WORKING METHODS

There are no detailed procedural guidelines for consultation foreseen in the activities of the Council of National Communities and a Consultative group of representatives of Polish non-governmental organizations.

Currently there are three working groups established in the Council of National Communities that encompass three specific areas of interest: education, culture and protection of rights of national minorities. The latter groups investigate related issues and submit conclusions to the Council. No separate consultation mechanism, however, has been foreseen among those working groups.

There is no special source of funding for the functioning of the Council of National Communities and a Consultative group of representatives of Polish non-governmental organizations. The members of the above mentioned bodies are employed on the voluntary basis, thus, they get no remuneration for their work.

The Council of National Communities has been hosted in the House of National Communities established in Vilnius – a public institution financed from the state budget. The Council of National Communities executes the right to express its position in decision-making on issues relating to protection of the rights, culture and education of national minorities publicly in mass media.

All the information concerning the composition, regulations and activities of the Council of National Communities could be found in the following website of the Department of National Minorities and Lithuanians Living Abroad to the Government of the Republic of Lithuania www.tmid.lt.

Moldova

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

MOLDOVA

I.

The law of Republic Of Moldova (nr. 382-XV of 19 April 2002) "About the rights of the persons, belonging to national minorities and the juridical status of their organization" has strengthened the status of public organizations the national minorities. In particular, the Articles 22 and 25 of the Law obliges the government, ministries and departments, bodies of local public authorities at formation and realization of policy in the field of culture and education of the national minorities to consult with ethno-cultural organizations.

The Coordinating Council of the public ethno-cultural organizations (A 1) under the Bureau of Interethnic Relations (hereafter – the Council) is one of those mechanisms of consultation with the representatives of national minorities. The Bureau of Interethnic Relations is the central administrative authority, under the aegis of the Government of the Republic of Moldova, which promotes the state policy in the field of national minorities and functioning of languages.

II.

The Coordinating Council of the public ethno-cultural organizations (A 1) under the Bureau of Interethnic Relations is a non-governmental branch organ, which consists of the leaders of the public ethno-cultural organizations of national minorities from the Republic of Moldova.

The Council is public consultative organ, which promotes its activity in accordance with the general principles of the state policy concerning interethnic relations, based on the Constitution of the Republic of Moldova, other legislative acts in force in respect of ethno-cultural and linguistic preservation, promotion and expression.

The statute of the Council is stipulated in both the Article 25 para 2 of the Law concerning the rights of the persons, belonging to national minorities and the juridical status of their organization, and the Charter of the Council, approved by the Bureau of Interethnic Relations.

The Council consists of the following:

- *head-coordinators/leaders* or leaders deputies (no more that one person) of the public organizations of national minorities with republican statute, registered in accordance with the legislation in force, accredited under the Bureau;
- *general director* and other representatives of the Bureau.

According to the latest data of 01.01.2005, there are 85 republican ethno-cultural organizations of the national minorities under the Bureau of Interethnic Relations, registered by the Ministry of Justice. In this way, their leaders attend the Council's activity.

Within the Council, there are representatives of 21 national minorities as: Ukrainians, Russians, Bulgarians, Gagauzian, Jews, Belarusian, Gypsies, Poles, Germans, Italians, Armenians, Georgians, Central Asia's ethnics, Latvians, Lithuanians, Greeks, and Koreans.

The Council has the following main functions:

- advance the initiatives and proposals/recommendations;

- possibility for requiring the information;
- monitor the situation of the persons belonging to national minorities, preparing for studies and researches;
- highlight the public consciousness of issues regarding the situation of national minorities;
- consultation and participation in preparing for public policies concerning national minorities: self-engagement in giving consultation through legislative process and other decisions of public policy in respect of national minorities, concerning consultative spheres (culture, education, language, social and economic involvement and others);
- coordination of tasks among different minorities, other coordination actions.

The Council consists of the representatives of public organizations, regardless of their ethnicity. There are small numbered national minorities, which comprise no more than 0,1 % of the whole population of the Republic of Moldova, as Tartars, Armenians, Azerbaijani, Uzbeks, Latvians, Lithuanians, Greeks, Koreans, Italians, Georgians, Chuvashes, Ossetins and Udmurts. The persons belonging to these minorities, mentioned above (13), have their own public organizations of the republican level; their heads are plenipotentiary members of the Council.

The Council consists of two head-coordinators:

- general director of the Bureau of Interethnic Relations;
- one representative from a public organization, chosen annually.

The secretary of the Council, appointed from the office workers of the Bureau, for the effectiveness of the activities, session arrangements and carry out the secretary workings of the Council. The ruling Committee consists of 17 persons and is the elective working body of the Council.

The Bureau of Interethnic Relations organizes the sessions of the Council, sets up the necessary acts, fulfils the approved decisions. Also, offers meeting rooms and methodic-informational aid for the Council's sessions, meetings and festivities.

The Council represents interests of national minorities; it's a mediator between national minorities and state bodies responsible for making decisions concerning national minorities. Within the Council's sessions, there were discussed many important issues, including cultural and educational domains. During the years, there have been adopted recommendations on different issues and acts, as it follows:

- draft Law of the Republic of Moldova "About the rights of the persons, belonging to national minorities and the juridical status of their organization";
- the issue about the annulment on testifying the knowledge of state language;
- the issue about the protection of minorities language in the Republic of Moldova in accordance with the European Charter on regional or minority languages;
- the issue concerning the special territorial administrative statute conferred for Taraclia region, dense inhabited by Bulgarians (in present time - Taraclia district), within the process of territorial administrative reform;

- the issue on performing education for national minorities in their mother tongue;
- the issue on promoting national minorities broadcasts in their own languages;
- the issue about the activity of “Sunday schools” as a public teaching and educational body acting within the framework of the additional extracurricular education;
- draft of National Policy Concept of the Republic of Moldova;
- the process of implementing the Framework Convention on protection of national minorities, and others.

There were becoming traditionally the meetings between members of the Council and state officials, parliamentary and governmental representatives; in the discussion of the most important issues, ideas and recommendations in respect of strengthening the integrity of the Republic of Moldova. Within these meetings, the leaders of the public organizations put forward the most important issues concerning national minorities and make up necessary ways of their solution.

The Council involves the representatives of national minorities in the process of making decisions concerning their interests and those of other minority ethnics.

The acts on the Council’s activity, the recommendations and approved decisions, the information on passed meetings and the speeches of head-coordinators in the serial publication of the Bureau of Interethnic Relations (Chisinau, 2003) and periodical publications have been published.

There are registered and worked near 70 ethno-cultural public organizations of national minorities at the local and regional level, being active within all state districts.

The consultative structures (B 1) work under the both district and municipal public authorities (Chisinau, Balti, Soroca). The Bureau of Interethnic Relations elaborated a Charter/Code regarding the local ethno-cultural organizations of the Coordinating council in order to provide them methodical assistance/support. Their assignment is to maintain the collaboration with the public organizations of national minorities in the regions dense inhabited by minorities.

III.

Monitor the activity of the ethno-cultural organizations of national minorities in the Republic of Moldova and their experience in participation within workings of the Coordinating Council (A 1) allows identifying the following main factors, which influence upon the decision in express the opinion through the consultative mechanism:

- yearning for draw the attention of state organs on issues concerning the national and cultural development of national minorities;
- need in forming the mechanism for collaboration with the state legislative and executive bodies, the representatives of the international structures accredited in the Republic of Moldova;
- tendency in participation to the forming processes of the civil society in the Republic of Moldova;
- tendency in participation to the process of decision-making concerning the cultural and social condition/situation of the national minorities;

- willing of leaders of public organizations of national minorities to increase their authority among the representatives of its ethnic pertain in protecting their interests.

IV.

The Bureau of Interethnic Relations regularly monitors the activity of the Council (A 1), and discusses the results at the College's Sessions of the Bureau, annually.

The common College's sessions of the Bureau of Interethnic Relations together with the representatives of the Council are organized in order to assess its activity during a certain period, approved recommendations and the efficiency of the obtaining results.

In the republic regions, the common College's sessions of the Bureau of Interethnic Relations with the representatives of the Council are organized in order to assess the activity of the regional similar councils (B 1) as consultative mechanism for national minorities.

At the Council's sessions is examined the way of improving the organization structure during the process of elections of the head-coordinator from the list of the leaders of ethno-cultural organizations. The Council examines and approves the CHARTER of its activity, annual activity programmes and other ruling documentation, which are presented for approving to the general director of the Bureau of Interethnic Relations.

V.

According to the methods of the intergovernmental collaboration and the broadening of the consultation with the national minorities, there are the following suggestions/recommendations:

- promoting the practice of signing the bilateral agreements inter alias between member states of the Council of Europe in respect of protection of persons belonging to national minorities. That's will allow to realize the consultation with the ethnic minorities at the both initial and negotiation stages of such agreements during the process of fulfilment and monitor their/its execution;
- involving the representatives of national minorities in the activity of bilateral consultative commissions inter alias on issues concerning national minorities;
- organizing the cycle of studying visits for representatives of state authorities from new member states of the CoE, in different European states, which have more effective practice of consultation with the national minorities;
- organizing the cycle of both regional and international seminars and trainings for the representatives of state authorities in respect of assurance and development of the consultative mechanism with national minorities under the aegis of the Committee of Experts on the Protection of National Minorities (DH-MIN) of the Council of Europe.

Pays-Bas/Netherlands

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

NETHERLANDS

- 1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?**

There are two advisory bodies on Frisian language policy: the Consultative Committee on the Frisian Language and the Berie foar it Frysk.

Bodies at national level

A.1 The Consultative Committee on the Frisian Language

The first body advises the Dutch government on all matters concerning the Frisian language by reporting to the Minister of the Interior and Kingdom Relations on needs and demands to do with the Frisian language and culture.

Bodies at regional level

B.1 The Berie foar it Frysk

The second body, the Berie foar it Frysk (the provincial advisory body on Frisian language policy), advises the Provincial Executive of Fryslân on general policy developments and social trends that may affect the province's language policies.

Bodies at local level

There are no comparable advisory bodies or consultation mechanisms at local level.

- 2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.**

STATUS

Legal basis

A.1 The Consultative Committee on the Frisian Language

This body was established on 15 January 1998 under article 7, paragraph 4, of the European Charter for Regional or Minority Languages by order of the State Secretary for the Interior (*Government Gazette* 1998, 33). The order was amended on 14 March 2002 (*Government Gazette* 2002, 62). In 2002 it was decided to increase the number of members from three to five and admit observers. One of the staff members of the Berie foar it Frysk – see below – also serves as secretary of the Consultative Committee.

B.1 The Berie foar it Frysk

The Berie foar it Frysk was established in 1986 by decision of the Provincial Council of Fryslân and reorganised under a later Council decision. Pursuant to the first decision, the Berie consists of ten members, a chairperson and one or more observers. The secretariat has a staff of four.

Status

Both the Consultative Committee and the Berie have independent public body status.

Relation to public authorities

Both committees have an independent status.

A.1 The Consultative Committee on the Frisian Language

Although not explicitly stated in the order establishing the Committee, members of independent public advisory bodies in the Netherlands may neither be civil servants in the employ of the ministries nor members of parliament.

B.1 The Berie foar it Frysk

Although not explicitly stated in the provincial decision establishing the Berie, members of independent public advisory bodies in the Netherlands may neither be civil servants in the employ of the province of Fryslân, nor may they be members of the Provincial Council of Fryslân.

At what level do these consultation mechanisms/advisory bodies operate?

A.1 The Consultative Committee on the Frisian Language

This advisory committee functions as a central-level advisory body.

B.1 The Berie foar it Frysk

This advisory committee functions as a regional-level advisory body.

MANDATE/FUNCTIONS

The main functions of the consultative mechanism/advisory body are

A.1 The Consultative Committee on the Frisian Language

- Making proposals and recommendations on needs and demands to do with the Frisian language
- Producing advisory reports, by request or on its own initiative, on preparing and implementing central government policy on Frisian and the Frisians
- Organising study groups and conducting hearings

B.1 The Berie foar it Frysk

- Making proposals and recommendations on provincial language policy
- Producing advisory reports, by request or on its own initiative, on preparing and implementing provincial policy on the Frisian language
- Organising study groups and hearings
- Distributing questionnaires to municipalities in Fryslân and institutions and organisations that regularly come in contact with the Frisian language
- Preparing and supervising research studies

MEMBERSHIP/MINORITIES INVOLVED

A.1 The Consultative Committee on the Frisian Language

The committee is a minority-specific advisory body. It does not include representatives of organisations dedicated to promoting the Frisian language. Members are appointed by virtue of their expertise. In

selecting members for the committee, an effort is made to find experts in those policy areas that are most important from the standpoint of the European Charter for Regional Languages.

Officially the committee may admit observers to its meetings. The Consultative Committee makes use of this power by inviting a central-government official and a provincial official to attend its meetings. NGOs concerned with promoting the Frisian language and culture have no observer status on the Consultative Committee.

The chair and members of the committee were appointed by the Minister of the Interior and Kingdom Relations, on the recommendation of the province. In the event of a vacancy, the province of Fryslân and the Consultative Committee are invited by the Ministry of the Interior and Kingdom Relations to propose suitable candidates to the Minister, who is formally responsible for filling the vacancy.

B.1 The Berie foar it Frysk

In selecting members for the committee, an effort is made to find experts in the use of Frisian in all domains targeted by provincial Frisian language policy: public administration and the courts, education, social policy (especially hospitals and care institutions), the media and the business sector.

Under the provincial decision establishing the body, the committee may admit observers to its meetings. The Berie makes use of this power by inviting a provincial official to attend its meetings as an observer. The inspector for primary education, who is specifically responsible for Frisian language and culture in education, also attends Berie meetings as an observer. Neither Frisian organisations nor individual Frisians have observer status in the Berie foar it Frysk.

In the event of a vacancy, advertisements are placed in the provincial newspapers inviting interested parties to apply for the position. A selection committee consisting of Berie members then advises the provincial authority of Fryslân on which candidate is the most suitable. Though the Provincial Executive of Fryslân is formally responsible for the appointment, it generally follows the Berie's recommendations.

FUNCTIONING/WORKING METHODS

Procedural guidelines

A.1 The Consultative Committee on the Frisian Language

Pursuant to article 2, paragraphs 1 and 3 of the order establishing the body, the Consultative Committee periodically – in practice, at least once every two years – reports to the Minister of the Interior and Kingdom Relations on needs and demands to do with the Frisian language and culture with reference to the European Charter for Regional or Minority Languages.

In 2001, in order to implement measures promoting the Frisian language and culture, central government and the provincial authority of Fryslân adopted the third Covenant on the Frisian Language and Culture.⁴ Since 2002, the committee's responsibilities have included advising the Minister of the Interior and Kingdom Relations on the implementation of the 2001 Covenant and the associated implementation covenants with reference to the European Charter for Regional or Minority Languages. The 1998 order establishing the Consultative Committee was amended by ministerial order of 19 February 2002 in that a new second paragraph was added to article 2 (*Government Gazette* 2002, 62), specifying these new responsibilities.

⁴ The first Covenant on the Frisian Language and Culture was signed on 4 July 1989, the second on 8 November 1993. The Dutch text of the covenants can be found in the *Government Gazette* (see *Government Gazette* 1989, 133; 1993, 237 and 2001, 125). The 2005 associated implementation covenant was published in both Frisian and Dutch in the *Government Gazette* (2005, 58).

B.1 The Berie foar it Frysk

According to article 2 of the decision establishing the body, the purpose of the Berie is to advise the provincial executive of Fryslân on policy for integrating the Frisian language into the social and institutional life of Fryslân on an equal footing with Dutch. The establishment of the Berie was the result of a 1985 Provincial Council decision following a discussion of the 1983 final report of the provincial working party on the use of Frisian in official matters, entitled 'Fan geunst nei rjocht' (From favour to right).

Working methods

A.1 The Consultative Committee on the Frisian Language

As stated above, the Consultative Committee periodically – in practice, at least once every two years – reports to the Minister of the Interior and Kingdom Relations on the needs and demands to do with the Frisian language and culture with reference to the European Charter for Regional or Minority Languages. The Committee also produces interim reports for the Minister, either in response to specific requests or on its own initiative. The Committee's other duties include holding a hearing once every three years to which representatives of all Frisian-language organisations are invited. This hearing is part of the on-the-spot monitoring visits by the Committee of Experts constituted in accordance with article 17 of the Charter for Regional or Minority Languages. These monitoring visits also take place once every three years.

The committee has no subcommittees or consultation mechanism for dealing with specific areas. That said, in selecting committee members, an effort was made to find experts in the policy areas distinguished by the Charter: education, law, public administration and public services, media and culture, and economic and social life. The secretariat has expertise in international exchanges within Europe.

B.1 The Berie foar it Frysk

The working methods of the Berie foar it Frysk are set down, in part, in the Provincial Council decision establishing the body. The Berie's task is to advise the Provincial Executive of Fryslân, by request or on its own initiative, on provincial language policy. The Berie also advises the provincial authority on the relationship between provincial language policy and that of the Frisian municipalities and central government. This is done to ensure that provincial language policy is not isolated from provincial policy in other areas, the policies of other government bodies, social trends and issues requiring further study and research.

One of the Berie's activities is organising workshops, like the afternoon workshop for Frisian municipal officials on 22 May 2001. Before that, on 12 October 2000, the Berie (together with the Association of Frisian Municipalities) held a workshop for Frisian municipal officials, which examined ways in which municipalities can give fresh impetus to policies on the Frisian language and culture with reference to the European Charter for Regional or Minority Languages. The Berie also makes use of questionnaires, for example in order to learn more about the policy of various municipalities on the use of Frisian in specific policy areas. Finally, the Berie issues preliminary studies and background studies, which are published as 'Berie reports'. A total of 23 Berie reports were issued between 1986 and 2004. The titles of the reports can be found on the Berie's website, www.berie.nl.

The Berie foar it Frysk has three subcommittees, which are responsible for:

- the Frisian language and the government
- the Frisian language in society and education
- the Frisian language in business and the media

The research projects and sectoral recommendations are prepared in the sub-committees (task forces). The recommendations are then agreed upon in a plenary session of the Berie.

Cooperation with parliament and the government and advisory bodies at different levels (local/central)

A.1 The Consultative Committee on the Frisian Language

The Committee periodically invites Frisian members of parliament to consider issues related to Frisian language policy in the various areas mentioned in the Charter, particularly education. Its relationship to central government is set out in the order establishing the body: the Committee is to report on needs and aspirations to do with the Frisian language and culture, as stated above.

B.1 The Berie foar it Frysk

The Berie periodically invites members of the Provincial Council of Fryslân to consider issues related to Frisian language policy. The body takes note of the suggestions of the Council's members with a view to drawing up and implementing a work programme. The relationship with the provincial authorities is set out in the Council decision establishing the body, as explained above under 'procedural guidelines'.

Allocation of the resources to the advisory bodies/consultation mechanisms (finance and staff) and source of funding

A.1 The Consultative Committee on the Frisian Language

The members of the Committee are given an allowance. Necessary travel expenses are reimbursed in accordance with established government guidelines. Expenses incurred by the chair and members (five in total) and the secretariat (0.5 FTE) of the Consultative Committee are paid by the Ministry of the Interior and Kingdom Relations.

B.1 The Berie foar it Frysk

The members of the Berie are given an allowance. Necessary travel expenses are reimbursed in accordance with established provincial guidelines. Expenses incurred by the chair and members (11 in total) and the secretariat (1.65 FTE) of the Consultative Committee are paid by the province of Fryslân.

Links between the advisory bodies at the different levels of government

Since one member of the Berie foar it Frysk also serves as secretary of the Consultative Committee on the Frisian Language, the two advisory bodies maintain close contacts.

Channels of cooperation/links between various advisory bodies working at the same level

There are no comparable advisory bodies at the same administrative level, either nationally or provincially.

Communication of recommendations and findings

Reports and recommendations from the Consultative Committee and the Berie are public documents. The secretariat communicates the results to the media through press releases.

Information about the mandate, composition and activities of the advisory body/consultation mechanism

A.1 The Consultative Committee on the Frisian Language

Information about the mandate and composition of the Consultative Committee can be found in the *Government Gazette*. This information is available on the Dutch government's website (www.overheid.nl/op) and can also be obtained from the committee's secretariat. The secretariat is also the best source for information about the committee's activities, as the committee does not have a website of its own.

B.1 The Berie foar it Frysk

Information about the mandate of the Berie foar it Frysk can be found in the Provincial Bulletin of Fryslân. This information is available on the province's website (www.fryslan.nl) and can also be obtained from the

Berie's secretariat. The main sources of information about the composition and activities of the Berie are its secretariat and website, www.berie.nl.

3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body.

A.1 The Consultative Committee on the Frisian Language

The most important factor behind the creation and organisation of the Consultative Committee was the decision by the Dutch government and parliament to ratify the European Charter for Regional or Minority Languages in 1996. This was cause for the Dutch government to implement article 7, paragraph 4, of the Charter.

B.1 The Berie foar it Frysk

The creation of the Berie was the result of a 1985 Provincial Council decision to re-assess provincial language policy in the wake of the 1983 final report by the provincial working party on the use of Frisian in official matters, entitled 'Fan geunst nei rjocht' (From favour to right).

4. Please provide a critical assessment of the functioning of the consultation mechanisms/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?

A.1 The Consultative Committee on the Frisian Language

Initially the Consultative Committee consisted of three members and a secretary. In 2001 it was decided that with such a limited number of members, the Committee lacked the expertise in certain policy areas deemed important by the Charter. For that reason the body was enlarged in 2002. That same year it was given a wider range of responsibilities, including an advisory role on the Covenant on the Frisian Language and Culture.

The Ministry of the Interior and Kingdom Relations has commissioned an external evaluation of the Consultative Committee, to take place later this year. This evaluation could lead to changes in the mandate/scope of action and working methods.

B.1 The Berie foar it Frysk

In 1989 the Provincial Council of Fryslân decided to combine the two existing provincial advisory bodies for Frisian language policy (one of which was more general in scope and the other more specific, devoted to Frisian in education) into a single new body. Since that time, the composition, mandate and structure of the committee have remained unchanged.

In the past few years, the Berie has made an important contribution to policy development, for example with respect to the European Charter for Regional or Minority Languages. Now that there is a greater emphasis on implementing language policy and the Province of Fryslân itself has opted for a more sectoral approach, the Berie is, more than ever before, expected to play a general advisory role. In the policy memorandum 'Language Policy, 2003-2007', the Province announced that henceforth it would confer more closely with the Berie about its function and duties. The Province plans to involve the Berie foar it Frysk in evaluating provincial language policy.

5. Please indicate any suggestions you may have concerning the ways in which intergovernmental cooperation could contribute to enhancing further consultation of persons belonging to national minorities.

At present, members and staff of the Consultative Committee and the Berie foar it Frysk already belong to various international networks. This bottom-up partnership has proven to be effective and a benefit to all parties with respect to their advisory tasks vis-à-vis the central and provincial governments. This regularly leads to working visits to other regions where minority languages are spoken. Whenever possible, local politicians and public officials take part in these visits.

The Netherlands has a marked preference for this approach, which was initiated by advisory bodies and civil society. It would be very useful if the Council of Europe had a public database containing the following information:

- a. legislation on protection for national minorities and languages of national minorities
- b. an overview of advisory bodies and consultation mechanisms for national minorities (and their languages) in the various member states.

With a knowledge base like this in place, governments could profit from other members states' expertise on issues of national minorities.

Norvège/Norway

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

NORWAY

We will in this document provide information about the Saami people, who have status as indigenous people, and the Jews, Kvens, Rom (gypsies), Romani (travelers/tater) and the Skogfinns who are defined as national minorities.

1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?

A1. Norway ratified ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989) in June 1990. Under Article 6 of the Convention, the Saami people are entitled to be consulted whenever consideration is being given to legislative or administrative measures which may affect them directly. To ensure that work on matters that may affect the Saami people directly is carried out in a satisfactory manner, the Government and the Saami Parliament have agreed on normative procedures for consultations between central government authorities and the Saami Parliament. The procedures were signed by the President of the Saami Parliament and the Minister for Local Government and Regional Development on 11 May 2005.

The consultation procedures are based on the following principles:

- The Saami Parliament must be given exhaustive information on matters relevant to the case in question as early as possible, and at all stages in the processing of a case.
- The Saami Parliament must be given time to consider relevant issues and to make comments. Comments on proposals must be given within specified deadlines.
- Steps must be taken to ensure that consultation processes are not concluded as long as the Saami Parliament and the Government consider that it is possible to reach agreement on the matter.
- The goal is to reach agreement on legislation and measures that may have a direct effect on the Saami people.

A2. Dialog between the government and the national minorities take part through the *Kontaktforum* (Contact Forum) for national minorities and the authorities. The last meeting of the Contact Forum was held on 16 December 2004. The topic was language and culture. Meetings of the Contact Forum are chaired by the State Secretary for Saami and Minority Affairs. Due to the nature of the topic discussed at the meeting on 16 December 2004, a State Secretary from the Ministry of Culture and Church Affairs also attended the meeting.

In addition to the meetings of the Contact Forum, both the Ministry of Local Government and Regional Development, as the coordinating ministry, and the other ministries have individual responsibility for entering into dialogue with and including national minorities in affairs affecting them. This principle also applies to regional and local authorities. Practice varies and there is still a need to make both central and local authorities aware of their responsibility. In several cases, the Ministry of Local Government and Regional Development has promoted contact between the national minorities and the relevant authorities at the request of the national minorities. The authorities have gradually taken over direct contacts with national minorities. One example is the education sector.

2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.

- A1.** The consultation procedures between the Government and Saami Parliament, are a signed agreement between the two parts, and are confirmed by the Government through a Royal Decree.
- A2.** *The Contact Forum* and other means of consultation with the national minorities are established by decision by the Ministry of Local Government and Regional Development.

MEMBERSHIP

A2 At times it may be unclear who is to be regarded as a representative of the various groups. The Romani people in particular have many organizations and there has been some debate of their representativeness in relation to the authorities. The Ministry of Local Government and Regional Development has stipulated that contacts between the central authorities and the various groups and organizations must be based on democratic principles, cf. *Report No. 13 to the Storting (2000-2001) National Minorities in Norway* and *Report No. 27 to the Storting (1996-1997) on the state's relationship with non-governmental organizations*.

On this basis, the Ministry of Local Government and Regional Development has developed criteria for which organisations the central authorities will negotiate with in various contexts. In formal contacts with national minorities, the Ministry will primarily cooperate with organizations that can document/provide reasonable evidence of their membership and document that their board has been elected on the basis of democratic principles. These organizations participate in the Contact Forum for national minorities and the authorities. At the same time, the Ministry of Local Government and Regional Development conforms to the principle that it may have bilateral meetings with anyone who wants them, regardless of what type of organization they belong to.

3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?

A1. The consultation agreement with the Saami parliament is a result of the experiences from the process leading to the Finnmark Act, concerning land right in the Finnmark County, and a part of the implementation of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

A2. *The Contact Forum* is a part of the implementation of the ratification of the Framework Convention.

4. Please provide a critical assessment of the functioning of the consultation mechanisms/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?

A1. The Consultation Procedures were confirmed by a Royal Decree July 1st 2005, and no assessment can yet be made of their implementation and function.

A2. *The Contact Forum* is a supplement to the bilateral dialogue with the organizations. The national minorities in Norway have different concerns and face different challenges, and inviting all the NGOs in the same forum may not always be the most productive approach. The Ministry therefore will consider having meetings for each minority group more frequently. The Contact Forum will still be in function, discussing matters relevant to all national minorities.

Roumanie/Romania

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

ROMANIA

1. Institutional arrangements

- **1993 - Council for National Minorities**

The Council for National Minorities (CNM) was the first consultation structure created by the Government of Romania on issues related to the national minorities (Governmental Decision 137, April 1993). The Council was including the representative minority NGOs and decision makers from different ministries and departments of the central administration (mixed body). The Council was co-ordinated by the Secretary General of the Government and was helped by a small Secretariat.

- **1997 - Council of National Minorities**

In 1997, after the set up of the first specialized institution/ governmental office for minorities (the former Department for the Protection of National Minorities), the Council for National Minorities was restructured as an independent NGO alliance - the Council of National Minorities.

- **2001 - Council of National Minorities**

After the 2000 general elections, the Council of National Minorities (CNM) saw its statute reconfirmed and its structure reconfigured. Thus, the Government Decision no. 589/2001 stated that the Council of National Minorities maintained its status of advisory body of the Government, coordinated by the Ministry of Public Information. The bill rules that the issues concerning national minorities are forwarded to the minister to be discussed in government meetings. In this way, the participation in the decision-making process of the organizations of citizens belonging to national minorities is ensured at the level of the government.

The Council of National Minorities has resumed its activity in plenum – as a rule, once every three months – and in work commissions. In November 2001, the department initiated – at the minority representatives' request – a new decision which added to the bill of organization and functioning of the CNM in the direction of enlarging its powers.

Consequently, at present the following structures are at work: the Commission for legislation, the Commission for social and economical problems, the Commission for culture, cults and mass-media, the Commission on education and youth issues, the Commission for relations with domestic and international institutions and organizations, and the Commission for financial issues.

2. Normative basis and functioning

STATUS

Governmental Decision No. 589/ 2001 on the establishment of the Council of National Minorities (Official Gazette No. 365/ July 2001):

On the basis of the provisions of Art. 107 of the Constitution of Romania, and of Art. 12, Paragraph (1) of Law 90/2001 on the organization and functioning of the Government of Romania and of the ministries, the Government of Romania adopts the present decision.

Art. 1.

The National Minorities Council is established as a consultative body of the Government, without juridical personality, coordinated by the Ministry of Public Information. The National Minorities Council is established with a view to ensure the relations with legal established organizations of the citizens belonging to the national minorities.

MANDATE/ FUNCTIONS

Art. 2.

The National Minorities Council is formed of 3 representatives of each of the organizations of the citizens belonging to the national minorities, represented within the Parliament of Romania.

Art. 3.

The National Minorities Council, subsequently named the Council, discharges the following functions:

- a) coordinating and supporting the activity of the organizations of the citizens belonging to the national minorities;
- b) submitting to the Ministry of Public Information, with a view to being approved, the repartition of the funds allotted in the state budget for supporting the organizations of the citizens belonging to the national minorities;
- c) making proposals with a view to improving legislative framework in the national minorities domain;
- d) submitting to the Ministry of Public Information proposals on adopting certain administrative and financial measures with a view to more efficiently solving, in accordance with the law, the issues concerning the National Minorities Council.

MEMBERSHIP/ MINORITIES INVOLVED

In 2005, the CNM comprises 19 member organizations, all represented in the Romanian Parliament :

- The Association « The League of the Albanians » from Romania,
- The Union of the Armenians from Romania
- The Bulgarian Union from Banat - Romania
- The Union of the Croats from Romania
- The Hellenic Union from Romania
- The Federation of Jewish Communities from Romania
- The German Democratic Forum of Romania
- The Association of the Italians from Romania Ro.As.IT.
- The Democratic Hungarian Union of Romania
- "Dom Polski" Polish Union from Romania
- The Community of Lipovan Russians from Romania
- The Roma Social democratic Party
- The Union of the Serbs from Romania
- The Democratic Union of the Slovaks and Czechs from Romania
- The Democratic Union of the Turkish-muslim Tartars from Romania
- The Turkish Democratic Union from Romania
- The Union of the Ukrainians from Romania
- The Association of the Macedonians from Romania
- The Cultural Union of the Ruthenians from Romania.

The latest two organizations represent the new national minorities revealed by the 2000 and 2004 elections.

FUNCTIONING/ WORKING METHODS

Art. 4.

- (1) The Council carries out its activity in plenum as well as organized on specialized Committees.
- (2) The Ministry of Public Information provides the secretariat works of the Council.

Art. 5.

- (1) The Council shall gather in plenum, in ordinary meeting, quarterly. The Council shall be convoked in extraordinary meeting whenever necessary, at the well grounded request of at least a third of the number of the Council members. The request shall be submitted to the Secretary of State for Interethnic Relations the Council.
- (2) The Council carries out its activity by gathering at least a half plus one of its members.
- (3) The decisions are adopted with the simple majority of the present members.
- (4) Each organization of the citizens belonging to the national minorities represented within the Council has the right to a vote only.
- (5) The agenda of the meeting of the plenum of the Council is settled at least 7 days before the date of the carrying out of the respective meeting, by the proposal of the presidents of the Committees, and it shall be transmitted to the organizations of the citizens belonging to the national minorities that are members of the Council.
- (6) Generally-related issues that imply all national minorities, debated in the plenum of the Council, shall be the objects of a report that shall be debated within the Government's meeting.

Art. 6.

- (1) The Minister of Public Information and the Secretary of State for Interethnic Relations usually participate in the meeting of the plenum of the Council.
- (2) In the absence of the persons stipulated in Paragraph (1) the respective persons may delegate a representative.

Art. 7.

- (1) The specialized Committees of the Council are the following:
 - a) The Committee on Legislation;
 - b) The Committee on Social and Economic-Financial Issues;
 - c) The Committee on Culture, Denominations and Mass Media;
- (2) The Committees usually gather once a month. At the well grounded request of at least a third of its members, the respective Committee may gather in an extraordinary meeting whenever necessary.

Art. 8.

- (1) The Committees are formed of the representatives within the Council, of the organizations belonging to the national minorities.
- (2) The criterion of distributing in the Committees the representatives, within the Council, of the organizations of the citizens belonging to the national minorities is established by the functioning regulations of the Council.

Art. 9.

In 15 days' time since the date of enforcing the present decision, the Council shall analyse and adopt the internal functioning regulations of the Council, which shall be endorsed by the Minister of Public Information's order.

The document above was amended by the **Governmental Decision no. 1175/ 21 November 2001** (published in the Official Gazette no. 789/ 2001), that mentioned - among others - six working commissions of the CNM:

- the Commission for legislation
- the Commission for social and economical issues
- the Commission for culture, cults and mass-media
- the Commission on education and youth issues
- the Commission for relations with civil society and international bodies
- the Commission for financial issues.

State support

In order to operate and exert their activities aimed to the preservation of their own language, traditions and culture, the 19 organizations part of the CNM continued to be provided with **state funding**, as follows:

1999 – 31,6 billion ROL
 2000 – 62,6 billion ROL
 2001 – 90 billion lei ROL
 2002 – 126,5 billion ROL
 2003 – 190 billion ROL
 2004 – 240 billion ROL
 2005 - 264,5 billion ROL

Budget allocated

to the minority organizations in 2005 according to the Governmental Decision 80/ 2005.

| Nr. crt | Organization | Billion ROL |
|---------|--------------------------------------------------------------|-------------|
| 1. | The Armenian Union from Romania | 11,5 |
| 2. | The Democratic Union of the Slovaks and Czechs from Romania | 9,3 |
| 3. | The Union of the Ukrainians from Romania | 21,7 |
| 4. | The Democratic Forum of the Germans from Romania | 21,1 |
| 5. | The Community of the Russians Lippovans from Romania | 14,6 |
| 6. | The Hellenic Union from Romania | 10 |
| 7. | The Union of the Serbs from Romania | 10,4 |
| 8. | The Social-Democratic Party of Roma | 39 |
| 9. | The Democratic Turkish Union from Romania | 8,5 |
| 10. | The “Dom Polski” Union of the Polish from Romania | 6 |
| 11. | The Association of the Italians from Romania | 5 |
| 12. | The Federation of the Jewish Communities from Romania | 8,7 |
| 13. | The Association “The League of the Albanians from Romania” | 5 |
| 14. | The Bulgarian Community from Banat - Romania | 9,3 |
| 15. | The Union of Croats from Romania | 6,5 |
| 16. | The Democratic Union of the Turk-Muslim Tartars from Romania | 10,7 |
| 17. | Hungarian Democratic Union from Romania | 58,5 |
| 18. | The Association of the Macedonians from Romania | 5 |
| 19. | The Cultural Union of Rutheniens from Romania | 3 |
| | TOTAL | 264,5 |

Links with the Parliament: All the parliamentarians of the national minorities and 3 parliamentarians of the Hungarian Union are members of the CNM, so the collaboration is permanent.

Central/ local level: The CNM facilitates the dialogue at central level; every member organization represents the voice of all its subsequent/ local bodies. There are no formal advisory local bodies but in fact the regional offices of the Department for Inter - Ethnic Relations collaborate with all the minority NGOs, associations, representatives in their area.

Audience: The recommendations and opinions of the CNM are publicized by the Department for Inter - Ethnic Relations through its website www.gov.ro and the Press Office of the Government.

Information: On the website of the Department for Inter - Ethnic Relations, www.dri.gov.ro

3. Option, political decision

Between 1993-1997 the Council for National Minorities was a mixed body, including both minority NGOs and state institutions. The political factors prevailed in taking this decision. The idea was to create direct links between the national minorities and the public bodies in order to solve different problems in a short delay.

Since 1997 the Council of National Minorities is an independent body (NGO alliance), representing the most important working partner of the Department for Inter - Ethnic Relations of the Government. The national minorities themselves opted for this structure.

4. Critical assessment

The structure and functioning of the CNM are highly influenced by the political life/ cycles. Discussions took place in several plenary sessions of the CNM aiming at creating a stable status of the body, a long term vision in the partnership with the state authorities.

Debates on the advisory role of the Council, on the efficiency of the working commissions took place very often.

Many good practices exist and could be improved - the permanent activity of the working commissions, the partnership with the Department for Interethnic Relations, with the Ministry of Education, the negotiating system aiming at establishing the yearly budget, the concrete cultural or educational projects that were organized in partnership etc.

5. Contribution of intergovernmental co-operation

The intergovernmental co-operation could stimulate and facilitate the dissemination of good practices in many areas of interest/ action, such as:

- legal status and links with the legislative/ institutional framework;
- financing of the minority organisations/ programmes;
- training of the leaders (advocacy, conflict management, project management, fundraising, lobbying etc)
- training of the young leaders and women to stimulate their participation in public life.

The instruments to put in practice these initiatives could be very diverse and adapted to every model/ country interested to participate (conferences, seminars, training sessions, books, studies, websites, exchange of experience sessions, study visits, exchange of groups, contests, fairs etc).

Serbie-Monténégro/Serbia and Montenegro

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

SERBIA AND MONTENEGRO

1. **What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?**

In Serbia and Montenegro there are a number of institutional arrangements through which persons belonging to national minorities are consulted on issues affecting national minorities. Relevant institutional mechanisms exist and are active at all levels of organization of public authorities in Serbia and Montenegro. At the national level, there are **national councils of national minorities (A1)**, whereas in the member states there are **the Council of the Republic of Serbia for National Minorities (B1)** and **the Republican Council for Protection of Rights of Persons Belonging to National and Ethnic Groups of the Republic of Montenegro (B2)**. In the Republic of Serbia, at the local level, in ethnically mixed local self-government units, the existence of the **council for inter-ethnic relations (C1)** is also envisaged.

2. **Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.**

The normative basis, mandate/scope of action and functioning of the existing bodies vary.

Status

The legal basis for the creation of national councils of national minorities (A1) was first provided by the Law on Protection of Rights and Freedoms of National Minorities of FR Yugoslavia, adopted at the federal level in 2002. Under Article 19 of this Law, persons belonging to national minorities may elect national councils for the purposes of exercising their rights to self-government regarding the official use of language and script, education, information and culture. The constitutional reconstruction of FR Yugoslavia and the creation of Serbia and Montenegro constitutionalised the right of persons belonging to national minorities to elect their national councils. The Charter on Human and Minority Rights and Fundamental Freedoms, which is an act of constitutional rank at the state union level, envisages that for the purposes of exercising their rights to self-government regarding culture, education, information and the official use of language and script, persons belonging to national minorities may elect their national councils, in accordance with the law (Article 47 paragraph 4 of the Charter). The National Councils are financed from the budget and from donations, and the Register of the national councils is kept by the Ministry of Human and Minority Rights. In view of the mentioned provisions of the Law, it can be stated that the national councils of national minorities are focal points of cultural autonomy of national minorities with an advisory function and elements of public legal status. Independence of the national councils of national minorities from public authorities is assured by the special form of free election for the national councils. The national councils have an advisory function at all levels of authority where decisions are taken on issues affecting national minorities.

The normative base for establishing the Council of the Republic of Serbia for National Minorities (B1) is the Decree of the Government of the Republic of Serbia. The Council of the Republic of Serbia for National Minorities is a public body of the Government of the Republic of Serbia with mainly advisory functions. The Council of the Republic of Serbia for National Minorities is not independent from public authorities but rather, as a body of the Government of the Republic of Serbia, constitutes a part of the

public authorities. In addition to representatives of the national councils of national minorities, its membership also includes representatives of the Government of the Republic of Serbia.

The normative base for establishing the Republican Council for Protection of Rights of National and Ethnic Groups of the Republic of Montenegro (B2) is the Constitution of the Republic of Montenegro. Under Article 76 paragraph 2 of the Constitution of the Republic of Montenegro, the Republican Council for the Protection of Rights of National and Ethnic Groups of the Republic of Montenegro is headed by the President of Montenegro, whereas under paragraph 3 the composition and mandate of the Republican Council are established by the Assembly of the Republic of Montenegro. In view of the mentioned constitutional provisions, it is clear that the National Council for Protection of Rights of National and Ethnic Groups is a public body.

The existence of the councils for inter-ethnic relations at the local level in the Republic of Serbia, in ethnically mixed local self-government units, is envisaged by the Law on Local Self-Government of the Republic of Serbia. The Council for Inter-Ethnic Relations has a status of public body with advisory functions. The Law on Local Self-Government of the Republic of Serbia has created a normative framework for the existence of special bodies at the local level, but has not specified the relationship between these public bodies and local self-government bodies. The Law includes a reference norm stating that the scope of action, composition and method of work of the council shall be regulated by the decision of the assembly of the local self-government unit. In view of the said legal provision, no simple answer can be given about the relationship between the council for inter-ethnic relations and public authorities at the local level.

Mandate/functions

Under the Law on Protection of Rights and Fundamental Freedoms of National Minorities, the national council of national minority (A1) represents the national minority in the fields of the official use of language and script, education, information in the national minority language and culture, participates in the decision taking process or takes decisions on issues regarding the said fields. When decisions are taken relating to the official use of language and script, education, information in the national minority language or culture, the state authorities, territorial autonomy or local self-government authorities are obliged to request the opinion of the national council of national minority. Moreover, under Article 19 paragraph 10 of the Law on Protection of Rights and Freedoms of National Minorities, a part of the powers in the specified fields of social life may be delegated to the national councils of national minorities. Apart from the said arrangements, the national councils of national minorities submit initiatives for taking steps for improving the position of national minorities. Under the Law on Protection of Rights and Freedoms of National Minorities, the national council of national minority may address the public authorities in connection with all issues relating to social life in which the council represents a minority, affecting the rights and the position of the minority. Also, in view of the fact that they are partly financed from the state budget, certain national councils of national minorities use the funds allocated to them for their functioning to financially support cultural events (without the obligation to do so, considering that cultural events of national minorities are financed separately).

Under the Decree of the Government of the Republic of Serbia, the Council of the Republic of Serbia for National Minorities (B1) verifies the national symbols, signs and holidays of national minorities at the proposal of the national councils of national minorities; examines draft laws and other regulations affecting the exercise of rights of national minorities and submits its relevant opinion to the Government; monitors and discusses the situation regarding the exercise of rights of national minorities in the Republic of Serbia and the situation in inter-ethnic relations in the Republic of Serbia; proposes measures for promoting full and effective equality of persons belonging to national minorities and examines measures proposed to that effect by other authorities and bodies; monitors the implementation of cooperation of the

national councils with competent authorities of the Republic of Serbia, autonomous provinces and bodies of the state union of Serbia and Montenegro and municipalities, towns and the city of Belgrade; cooperates with the competent authorities and bodies of the state union of Serbia and Montenegro and the other member state; discusses operational conditions of the national councils; discusses the exercise of international obligations relating to the exercise of rights of persons belonging to national minorities in the Republic of Serbia and international cooperation of the national councils; performs other activities stipulated by the law.

The Council for Inter-Ethnic Relations (C1) examines the issues relating to the exercise, protection and improvement of national/ethnic equality in local self-government units in accordance with the law and statute of the local self-government unit. Under Article 63 of the Law on Local Self-Government of the Republic of Serbia, the Council submits the information on its positions and proposals to the Assembly of the local self-government unit, which is obliged to provide its opinion about them not later than within 30 days. The Assembly of the local self-government unit is obliged to previously submit proposals of all decisions affecting the rights of national minorities to the council for inter-ethnic relations, requesting its opinion.

Composition

The national councils of national minorities (A1) are established for all national minorities. A national minority for the purpose of the Law on Protection of Rights and Freedoms of National Minorities is understood to mean any group of citizens numerically sufficiently representative and, although representing a minority, belonging to a population group having a long-term and firm bond with the state territory and having characteristics such as language, culture, national or ethnic affiliation, origin or confession, differentiating them from the majority population and whose members are distinguished by care to collectively nurture their common identity, including their culture, tradition, language or religion. The national councils are established under the principle of voluntary association, election, proportionality and democracy. Under the Law on Protection of Rights and Freedoms of National Minorities, regulations on the election of the national councils will be stipulated by the law, but in the meantime, until the law is adopted, a provisional solution will be used, namely the mechanism of election for the national councils under which the national councils of national minorities are elected by electors' assemblies of national minorities. Electors who have the right to participate in the assembly for the election of the national council of national minority are federal deputies (MPs), deputies in the assemblies of the members states and deputies in the assembly of the autonomous province who were elected as persons belonging to a national minority or because they declared themselves as persons belonging to the national minority and who speak the language of the minority whose council is being elected; deputies in the assemblies of local self-government units belonging to national minorities who were elected in the local self-government units in which the minority language is in official use; any citizen who declares himself or herself as a person belonging to the national minority whose candidacy is supported by the minimum of 100 persons belonging to the national minority who have voting rights, or who is nominated as a candidate by a national/ethnic organization or association of the national minority. In view of the mentioned legal provision, the electors for the election of the national council are clearly persons who declare themselves as persons belonging to the national minority whose council is being elected. The Law does not contain any provision that would explicitly envisage that members of the national councils of the national minorities have to be persons belonging to the national minority. Therefore, the electors' assembly for the election of a national council is free to elect into the national council of national minority also persons who do not belong to that national minority, but this rarely happens in practice. Public servants may be elected, but are not ex officio involved in the national councils' work. The election of national councils is carried out by the Ministry of Human and Minority Rights, which also keeps the Register of the elected national councils. The Ministry's officers do not participate in the work of the councils but do supervise the legality of the national councils' election procedure. Electors' Assemblies for the election of national councils elect the national

councils under the proportionate electoral system. Political representatives of national minorities (e.g. deputies in the parliaments of the state union and its member states) may be elected into the national councils of national minorities. The election procedure for the national councils of national minorities is regulated so as to enable and assure articulation of interests of political representatives of minorities and representatives of minority NGOs in the consultative mechanism that is implemented through the national councils of national minorities.

The Council of the Republic of Serbia for National Minorities (B1) comprises the Prime Minister of the Republic of Serbia, the minister for state administration and local self-government, the minister of culture, the minister for education and sports, the minister of religions, the minister of justice and the minister of the interior, as well as representatives of the Government and chairmen of the national councils established in accordance with the Law on Protection of Rights and Freedoms of National Minorities. Therefore, the Council of the Republic of Serbia for National Minorities is a mixed body comprising representatives of all established national councils and representatives of the state authorities. The Prime Minister of Serbia is President of the Council. The Council of the Republic of Serbia for National Minorities is the body that provides the framework for direct cooperation and implementation of the mechanism of consultations between legitimate representatives of national minorities and highest representative of the state authorities. The state representatives involved in the work of the Council of the Republic of Serbia for National Minorities lead the departments of importance for the exercise of rights and improvement of position of national minorities. The state officials and chairmen of the national councils of national minorities have equal positions in the work of the Council for National Minorities of the Republic of Serbia. According to the Decree under which the Council is established, the Council takes decisions by the majority of votes of all representatives of the Government of the Republic of Serbia and the majority of votes of all chairmen of the national councils. The Council meets as required, at least twice a year. At the request of the chairmen of two thirds of the national councils, the President of the Council is obliged to convene a Council session. The Council adopts its Rules of Procedure. The Government appoints the Secretary of the Council, who prepares the Council sessions. The Secretary of the Council is, therefore, an officer of the Government of the Republic of Serbia who implements cooperation with the chairmen of the national councils on national minorities for the purposes of preparing the Council sessions. Technical and other conditions for the Council's work are provided by the General Secretariat of the Government of the Republic of Serbia.

The composition of the Council for Inter-Ethnic Relations in ethnically mixed municipalities in the Republic of Serbia (C3) is regulated by the decision of the assembly of the local self-government unit. Considering that some ethnically mixed municipalities in the Republic of Serbia have not yet taken decisions on the composition of these bodies, additional information on the composition and scope of action of the council for international relations will be submitted subsequently.

3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?

The main factor that affected the decision to opt for the current forms of consultation mechanisms are the need to create consultative mechanisms that will include legitimate representatives of national minorities in the process of taking decisions that affect national minorities and to harmonize the activity of such consultative mechanisms with the complex state system characterised by the existence of several levels of organization of public authority.

The national councils of national minorities (A1) are bodies that are formed through the election process so that the advisory role on behalf of the minority is exercised by legitimate representatives of the national minority. In view of the fact that immediately prior to and after the democratic changes in our country there was an inflation of non-governmental organisations, especially minority ones, by establishing

the national councils as legitimate representatives of national minorities the state avoided arbitration relating to the issue of legitimacy of partners to be consulted in connection with decisions affecting national minorities. The national councils of national minorities are established and registered at the level of the state union, considering the fact that national minorities live in both member states and that the state union has constitutionalised minority rights and, as an international legal entity, the state union guarantees the fulfilment of international legal obligations relating to national minorities. The electoral activities for electing the national councils are performed by the Ministry for Human and Minority Rights of the state union, which is also responsible for keeping the Register of the elected national councils.

Considering that according to the constitutional division of competences between the state union and the member states, the fields of social life affecting national minorities (culture, education, information and the official use of language and script) are the legislative responsibility of the member states, a new form of consultative mechanism has been created at the level of the Republic of Serbia – the Council of the Republic of Serbia for National Minorities (B1). The factor that decisively impacted the creation of such a form of consultative mechanism at the level of the Republic of Serbia is the need for the consultative role of the national councils of national minorities to be performed at the highest level, in direct contacts between representatives of the national councils and ministers in the Government of the Republic of Serbia heading the ministries of importance for national minorities.

The main factor that motivated the legislator to envisage by the Law on Local Self-Government the existence of the council for inter-ethnic relations in ethnically mixed municipalities in the Republic of Serbia (C3) is the experience gained so far, according to which good inter-ethnic relations are best developed and protected in local communities and the exercise of minority rights and improvement of the position of national minorities are closely connected with improvement of inter-ethnic relations and development of the spirit of mutual appreciation and tolerance of representatives of different ethnicities.

4. Please provide a critical assessment of the functioning of the consultation mechanisms/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?

Critical assessments of the functioning of institutional arrangements through which consultations are held with persons belonging to national minorities on issues affecting national minorities come both from representative of public authorities and from representatives of national minorities and the non-governmental sector.

The main objection expressed by representatives of minorities against the current institutional arrangements is that the mandate of the national councils of national minorities is not clearly defined and that in practice there may be a difference in the factual position of certain national councils at different levels of organization of public authorities at which they have an advisory function. The minorities also point out that the state has not transferred public legal powers to the national councils and that sometimes legal regulations on certain fields of social life in which the national councils of national minorities represent national minorities do not stipulate their precise roles, which partly results from insufficiently clear division of responsibilities of different levels of organization of public authorities. Non-governmental organizations often indicate that the existing legal and by-law arrangements that regulate the institutional mechanism through which representatives of national minorities are consulted are insufficiently mutually harmonized, so what may happen in practice is overlapping of activities or insufficiently clear arrangements on manpower and relationships between various forms of consultation mechanisms (e.g. the relationship between the national councils of national minorities and the council for inter-ethnic relations at the local level). Representatives of public authorities point out that the national councils are financed in the Republic of Serbia although the councils are registered at the state union level, as well as that budgetary resources

earmarked for the work of the national councils are allocated to the national councils without any precise criteria for their spending. Moreover, considering that the national councils are financed from various public sources (in addition to the budget of the Republic of Serbia and the provincial budget, and some national councils also from municipal budgets), what may happen in practice are different financial capacities of the national councils of national minorities. In view of the said objections, the competent authorities are debating the future legal arrangements that would accurately and in detail regulate the mandate, election and financing of the national councils. Nevertheless, despite the critical remarks, there is noticeably a good practice of the functioning of institutional arrangements through which representatives of national minorities are consulted. The national councils of national minorities are accepted by persons belonging to national minorities as a framework for exercise of cultural autonomy and during their work to date, in cooperation with the competent institutions important measures were planned and implemented in order to improve the position of persons belonging to national minorities (if required, a list may be submitted of measures and activities that were implemented in cooperation with the national councils of national minorities).

5. Please indicate any suggestions you may have concerning the ways in which intergovernmental co-operation could contribute to enhancing consultation of persons belonging to national minorities?

The authorities of Serbia and Montenegro are of a position that international cooperation may contribute to the enhancement and improvement of the functioning of institutional arrangements through which representatives of national minorities are consulted. In its bilateral agreements on the protection of national minorities concluded with the neighbouring states, Serbia and Montenegro insisted on the provisions that will guarantee that representatives of national minorities will also be included in inter-governmental joint commissions for monitoring the implementation of the agreements. Should other countries envisage the existence of similar advisory bodies as proponents of cultural autonomy of national minorities, the inter-governmental joint commission could be a new form of institutional arrangements for consultations with representatives of minorities and a new form of engaging minority cultural autonomies. Also, the authorities of Serbia and Montenegro are of a position that under the auspices of relevant international organizations, the Council of Europe in particular, a permanent body could be established, comprising representative of national consultation mechanisms/advisory bodies.

République slovaque/Slovak Republic

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

SLOVAK REPUBLIC

1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?

- A.1. The Committee of the National Council of the Slovak Republic on Human Rights, Minorities and Status of Women (Výbor NR SR pre ľudské práva, národnosti a postavenie žien)
- A.2. The Council of the Government of the Slovak Republic on National Minorities and Ethnic Groups (Rada vlády SR pre národnostné menšiny a etnické skupiny)
- A.3. The Commissions of the Grant System of the Ministry of Culture (Komisie grantového systému Ministerstva kultúry SR)
- A.4. The Advisor of the Minister of the Interior for Minority Issues (Poradca ministra vnútra pre menšinovú problematiku)
- A.5. The Council of the Government of the Slovak Republic on Non-governmental Organisations (Rada vlády SR pre mimovládne organizácie)
- A.6. The Office of the Government of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities (Úrad splnomocnenkyne vlády SR pre rómske komunity)
- A.7. The Team of Experts of the Ministry of Education for education of Roma (Tím expertov Ministerstva školstva SR pre výchovu a vzdelávanie Rómov)
- A.8. The CSF (Community Support Framework) Working Commission on Roma Communities Development (Pracovná skupina CSF pre rozvoj rómskych komunít)
- B.1. The Advisor of the Head of the Regional Offices for solving problems of Roma community (Poradca prednostu krajského úradu na riešenie problémov rómskej komunity)
- C.1. Social field workers and teachers' assistants

2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.

- A.1. The Committee is composed of MPs. At present, 2 MPs representing the Hungarian minority are members of the Committee. Furthermore, the Committee invites representatives of national minorities to attend the meetings of the Committee when discussing legislative measures affecting them.
- A.2. Information is provided in appendix 1.

A.3. The Commissions of the Grant System of the Ministry of Culture are operating under the Minority Cultures Section of the Ministry. The Commissions are advisory bodies of the Minister of Culture with regard to the distribution of grants under the Programme “The Culture of National Minorities” of the Grant System. There are 12 commissions, one for each national minority. The Commissions have at least 5 and at most 9 members appointed by the Minister upon a proposal of the Director General of the Minority Cultures Section. The Commission consists of representatives of the national minority, civil and public servants of the Ministry of Culture and its organisations and also state servants of other ministries. The Commission reviews and recommends the allocation of grants for the cultural projects to be supported from the Grant System. The Commissions review applications in accordance with established procedures and methodology.

A.4. The post of advisor has been created on 1 August 2001 and Mr. Ladislav Fízík, Head of the NGO “Roma Parliament”, has become the Advisor. The advisor has mainly a preventive role – to identify sources of possible ethnic tensions and their causes and to propose possible solutions. His task is to solve difficult relations within the Roma communities, between the Roma and Police Corps and between the Roma and majority population with the aim to prevent mutual assaults. He may directly intervene in the case of inadequate Police intervention towards the Roma community, he may directly co-operate with relevant state authorities, Police Corps officials and adopt together with them decisions to solve conflict situations.

A.5. The Council of the Government of the Slovak Republic on Non-governmental Organisations is an advisory and initiating body of the Government in the field of support for the non-governmental non-profit organisations activities. The Council fulfils its initiating and consultative tasks by reviewing conceptual materials, arrangements and legislative initiatives affecting the activities of NGOs.

The Deputy Prime Minister for European Affairs, Human Rights and Minorities is the Chairperson of the Council. Members of the Council are appointed by the Chairperson after the approval of the Government. The Council consists of state officials (17 members) and representatives of non-governmental organisations (22 members). Roma NGOs have 2 representatives in the Council. Expenses related to the functioning of the Council are covered through the budget of the Government Office.

A.6. The Office of the Government of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities is headed by the Plenipotentiary, who is consultative body of the Government on Roma issues. The Plenipotentiary is appointed by the Government upon the proposal of the Deputy Prime Minister for European Affairs, Human Rights and Minorities. The Plenipotentiary’s activities are reflecting the need to co-ordinate the policy and activities of the relevant ministries with regard to Roma communities. Expenses related to the activities of the Plenipotentiary and the Office are covered through the budget of the Government Office. The Office of the Plenipotentiary has 5 regional offices monitoring the situation in the regions, providing expert counselling, creating the platform for co-operation with regional partners and initiating the establishment of regional advisory boards. The regional offices have 2 officers and 1 administrator, 70 per cent of them are Roma with university education.

Roma are also members of the Language Commission, Grant Commission and Consultative Board for the Decade operating within the structure of the Office of the Plenipotentiary.

A.7. The Team of Experts of the Ministry of Education for education of the Roma has been established by the Minister of Education on the basis of the Conception of the Roma children and young people integrated education including secondary and university education development. The Conception has been approved by the Government on 26 May 2004. The Team consists of representatives of the Ministry of Education, its organisations and non-governmental organisations. The Team is responsible for detailed elaboration, monitoring and continuous assessment of the Conception; co-ordination of the co-operation between state authorities, founders of schools and school facilities and Office of the Plenipotentiary for Roma Communities. On the basis of analysis it may recommend to the Minister measures to improve education of the Roma.

Members of the Team are appointed and recalled by the Minister of Education upon the proposals submitted by Director General of the Section of Regional Education of the Ministry of Education. The Chairperson and Vice-Chairperson are elected and recalled by the Team. Expenses related to the activities of the Team are covered through the budget of the Ministry of Education. There are 5 members of the Team representing Roma national minority.

A.8. The CSF (Community Support Framework) Working Commission on Roma Communities Development has been established on the basis of the initiative of the management department for CSF of the Ministry of Construction and Regional Development. It co-ordinates and monitors effective allocation of the finances from Structural Funds. The Commission works on the basis of a partnership co-operation of the ministries involved and in accordance with the Position of the Slovak Republic to the Negotiation Mandate of the European Commission on National Development plan/Community Support Framework.

The Working Commission consists of 31 permanent members, including Chairperson and 3 Vice-Chairpersons. The State-Secretary of the Ministry of Construction and Regional Development is the Chairperson. The Chairperson appoints and recalls other permanent members upon the proposals of state authorities and self-government authorities. The reports and findings of the Commission are submitted to the Minister of Construction and Regional Development.

The Working Commission consists of Directors General of the ministry departments responsible for the implementation of Structural Funds, 2 representatives of the Office of the Plenipotentiary for Roma Communities, representatives of self-government authorities and representatives of non-governmental organisations active in Roma affairs.

B.1. The Advisors of the Heads of the Regional Offices for solving problems of Roma Community are employees of Regional Offices (state administration bodies). These posts are created in all 8 regions of Slovakia, some of the advisors are Roma. The tasks of the advisors differ according to the region and issues addressed.

C.1. Social field workers are employees of the local self-government authorities. They are working with persons in need of special assistance, especially with the Roma national minority in the region. Attention is given, in the first place, to Roma settlement dwellers, but the follow-up programmes involve the entire population of the municipality. The long-term objective of social field-work is to change the situation in municipalities so as to give all its inhabitants equal access to all advantages and activities that are normally offered in the municipalities.

There are about 200 teachers' assistants in kindergartens and primary schools. They are members of pedagogical staff of the school and they are working with children and pupils coming from insufficiently stimulated social and educational environment (often Roma children and pupils).

3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?

A.2. According to the Slovak legislation, the Government may establish its advisory bodies for a particular field of its activities. The Council on National Minorities and Ethnic Groups is such an advisory body in the field of state national minority policy.

A.3. The Commissions have been created to enable representatives of national minorities to participate in the decision-making process regarding the use of finances allocated for the support of cultural activities of national minorities.

A.4. The post of Advisor has been created following a complicated situation regarding relations between the Roma and majority population and negative attitudes between Roma and Police Corps.

A.5. – C.1. These advisory bodies have been established with the view to include representatives of the Roma national minority into the process of adoption and implementation of decisions affecting them; to increase the effects of the activities and finances allocated, to identify areas and projects for the improvements.

4. Please provide a critical assessment of the functioning of the consultation mechanisms/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?

The possibilities of the advisory bodies to influence the decision-making depend on their status. They have more influence on decision-making and implementation of the adopted decisions when they are employees of ministries or other institutions. As advisors without political influence, their impact on decision-making is lower and they are fulfilling mainly monitoring and advisory functions.

APPENDIX 1

A.2. The Council of the Government of the Slovak Republic on National Minorities and Ethnic Groups

STATUS

- What is the legal basis for the consultation mechanism/ advisory body of national minorities (constitutional, ordinary law, other),

Resolution of the Government of the Slovak Republic No. 292/1999 of 14 April 1999 as amended by Resolution No.419//2000 of 7 June 2000 and Resolution No. 410/2005 of 31 May 2005.

- What status does the consultation mechanism/advisory body have: NGO status/public body status/ personal autonomy arrangements with advisory functions, other status?

The Council is the advisory, initiative and coordinating body of the Government of the Slovak Republic in the field of state national minority policy.

If the advisory body is a public body, what is its relation to public authorities (is it independent and how is its independence ensured)?

The Council is one of advisory bodies of the Government. Its independence from state authorities is assured by the composition of the Council – out of 18 members, 15 members represent national minorities and ethnic groups living within the territory of the Slovak Republic.

At what level do these consultation mechanisms/bodies operate: central level bodies/ local or regional bodies, both levels?

The Council operates at the central level.

MANDATE/FUNCTIONS

Please specify the main functions of the consultative mechanism/advisory body, which may include some of the following:

- *coordinate the tasks concerning persons belonging to national minorities and ethnic groups which follow from the Constitution of the Slovak republic and from legally binding international treaties,*
- *actively participate in the preparation of government measures focused on securing and safeguarding the rights and equal living conditions of citizens belonging to national minorities and ethnic groups,*
- *prepare, discuss and present reports to the Government on the situation and conditions created for citizens belonging to national minorities and ethnic groups, on preservation of their identity, especially in the field of the development of their culture and in the field of the education in their mother tongue and present and recommend improvements,*
- *provide the Government with the comments to draft laws and government's resolutions concerning citizens belonging to national minorities and ethnic groups prior to their discussion in the Government,*
- *initiate the drafting of scientific analyses, studies and expertises by institutions and experts concerning national minorities and ethnic groups,*
- *discuss and propose to the Government the allocation of the finances set in the law on the state budget for the national minorities and ethnic groups culture and afterwards comment on the report on the use of the assigned finances,*
- *cooperate, in particular, with ministries, local state authorities, authorities of local self-government, civic associations of national minorities and ethnic groups, scientific institutional and citizens.*

MEMBERSHIP/MINORITIES INVOLVED

- Does the consultation mechanism/advisory body include all minorities or are there minority-specific bodies or forms of consultation?

All twelve national minorities are represented in the Council – the Bulgarian, Croatian, Czech, German, Hungarian, Jewish, Moravian, Polish, Russian, Roma, Ruthenian and Ukrainian minority.

- Is the advisory body composed of representatives of national minorities only or is it a mixed structure with representation of both national minorities and state officials?

Besides the above-mentioned representatives of twelve national minorities, the Council consists also of three state officials – Deputy Prime Minister in charge of national minorities serves as the Council's Chairperson, Minister of Culture serves as its Vice-Chairperson and Director General of the Human Rights and Minorities Section of the Slovak Republic Government serves as its Secretary. Representatives of other state institutions are invited to attend meetings of the Council. They include one MP (member of the Committee of Human Rights, Minorities and Status of Women who belongs to a national minority or ethnic group – currently the Chair of the Committee is Mr. László Nagy), Plenipotentiary of the Government for Roma Communities and one representative of each of the following ministries: Ministry of Labour, Social Affairs and Family, Ministry of Education, Ministry of Culture, Ministry of the Interior, Ministry of Foreign Affairs.

What is the role of state officials in the work of advisory body/consultation mechanism?

Two state officials are members of the Council with the right to vote – Deputy Prime Minister in charge of national minorities as a Chairperson and Minister of Culture as a Vice-Chairperson. Other state officials are invited to attend meetings of the Council without the right to vote.

- How is the formal and/or factual influence of representatives of minority groups safeguarded?

The Council adopts decisions by simple majority. Out of 18 members of the Council, 15 members represent national minorities. Moreover, it is not allowed to resolve issues concerning particular national minority without the presence of its representative.

- How are the minorities' representation and representativity (representation of numerically small minorities, representatives of minority NGOs, minority representatives from Parliament, political parties of minorities, others) ensured in the advisory body/within the consultation mechanism?

The representatives of national minorities and ethnic groups are nominated by civic associations, federations and unions set out in the Statute of the Council. Hungarian minority as the largest national minority is represented by 3 members, Roma minority as the second largest national minority has 2 representatives and other national minorities are represented by 1 member each.

Please describe the appointment procedure for participation in the advisory body/consultation mechanism : who proposes (national minorities, political parties, churches, others), who decides (Government, Parliament, others) ?

The representatives of national minorities and ethnic groups are nominated by civic associations, federations and unions set out in the Statute of the Council. All changes of the Statute are proposed by the Council and approved by the Government.

FUNCTIONING/ WORKING METHODS

- Are there any procedural guidelines in place for consultation of persons belonging to national minorities/advisory bodies?

According to the Rules of Procedure of the Government of the Slovak Republic documents presented for the discussion and/or decision of the Government shall be discussed in advance by the advisory body established in the particular field of activities.

What are the working methods used, including the forming of sub-bodies dealing with specific areas or specific consultation mechanisms for certain areas?

The Council's use of working methods depends on the issues under consideration. In the most cases, i.e. when discussing legislative proposals or other government measures, the Council members submit comments in writing or, in the case of materials of high importance, discuss materials at a meeting of the Council.

- What channels of co-operation exist between the advisory body/consultation mechanism and Parliament (including through the relevant Parliamentary committees) and the Government (including governmental offices for national minorities where relevant) ?

The cooperation between the Council and the Parliament is secured through the participation of Mr. László Nagy, the Chair of the Parliament's Committee of Human Rights, Minorities and Status of Women, in the work of the Council.

The cooperation between the Advisory Council and the Government is secured through the active participation of representatives of the relevant Government institutions (Office of the Government Plenipotentiary for Roma Communities, Section of Minority Culture at the Ministry of Culture as well as Ministry of Labour, Social Affairs and Family, Ministry of Education, Ministry of the Interior and Ministry of Foreign Affairs) in the work of the Council.

- What is the situation with regard to the resources allocated to the advisory bodies/consultation mechanisms (finance, staff) and what is the source of funding (central/local authorities, mixed funding)?

The Section of Human Rights and Minorities of the Slovak Republic Government Office is responsible for the organizational, administrative and other technical aspects of the functioning of the Council. Expenses related to the functioning of the Council are covered through the budget of the Slovak Republic Government Office.

What links exist between the advisory bodies/consultation mechanisms at the different levels (local/central)?

What channels of co-operation/links have been created between various advisory bodies working at the same level (if such bodies exist)

There is an effective cooperation between the Ministry of Culture and the Council in the field of minority culture financing through a special Grant system of the Ministry of Culture.

- Are the recommendations and/or the findings of the advisory bodies/consultation mechanisms publicised or otherwise communicated to a wider audience?

Recommendations or decisions of the Council are usually addressed to the Government. In specific cases, involving a broader public dialogue, the Council's recommendations can also be addressed to the wider public.

Where can the public seek and find information about the mandate, composition and activities of the advisory body/consultation mechanism (for instance, does a specific website exist)?

Information on the work of the Council can be found on its website located on the website of the Slovak Republic Government Office. (<http://www.vlada.gov.sk/vlada/poradneorgany>).

All interested in the work of the Council can also contact the Section of Human Rights and Minorities of the Slovak Republic Government Office, which serves as the Secretariat of the Council.

Slovénie/Slovenia

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

SLOVENIA

1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country (advisory body of national minorities or other mechanisms of consultation of national minorities)?

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|----------------------------------------|
| a) BODIES AT THE NATIONAL LEVEL |
|----------------------------------------|

- A.1:** Representatives of the National Minorities in the National Assembly of the Republic of Slovenia.
- A.2:** Governmental Office for National Minorities.
- A.3:** Different ministries, governmental offices and state institutions with public authority that deal with minority issues.
- A.4:**
1. Commission of the National Assembly of the Republic of Slovenia for National Communities;
 2. Government Commission for National Communities;
 3. Government Commission for the Protection of Roma ethnic Community.
- A.5:** Umbrella organizations of the Italian and Hungarian national minority and Roma ethnic community.
- A.6:** Human Rights Ombudsman.

| |
|-------------------------------------|
| b) BODIES AT THE LOCAL LEVEL |
|-------------------------------------|

C.1:

Italian national minority:

1. councillors in municipal councils;
2. Commission for minority issues as a permanent commission of the municipal councils.

Hungarian national minority:

1. councillors in municipal councils;
2. Commission for minority issues as a permanent commission of the municipal councils.

Roma ethnic community:

1. Roma councillors;
2. Roma societies;
3. Forum of Roma councillors;
4. commissions for Roma issues established at municipalities.

2. **Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/ advisory bodies. Please use the attached table (appendix 1), where relevant, as a reference for structuring the information you will provide.**

a) NORMATIVE BASIS

Italian and Hungarian national minority:

1. **Article 64** of the Constitution of the Republic of Slovenia⁵;
2. **Self-Governing Ethnic Communities Act** (Official Gazette, No. 65/1994) and many others sector-specific laws (e.g. Public Media Act, Act on the Establishment of Voting Districts for Elections of Deputies to the National Assembly, State Prosecutor Act, Voting Rights Register Act, Financing of Municipalities Act, Local Self-Government Act, Local Elections Act, Organization and Financing of Education Act, Radiotelevizija Slovenija Act, Act Regulating the Use of Funds Arising from the Proceeds Based on the Transformation of Company Ownership Act, etc.);

⁵ **Article 64** of the Constitution of the Republic of Slovenia (Official Gazette, No. 33I/1991-I, 42/1997, 66/2000, 24/2003, 69/2004, 69/2004, 69/2004)

(Special Rights of the Autochthonous Italian and Hungarian National Communities in Slovenia)

"The autochthonous Italian and Hungarian national communities and their members shall be guaranteed the right to use their national symbols freely and, in order to preserve their national identity, the right to establish organisations and develop economic, cultural, scientific and research activities, as well as activities in the field of public media and publishing. In accordance with laws, these two national communities and their members have the right to education and schooling in their own languages, as well as the right to establish and develop such education and schooling. The geographic areas in which bilingual schools are compulsory shall be established by law. These national communities and their members shall be guaranteed the right to foster relations with their nations of origin and their respective countries. The state shall provide material and moral support for the exercise of these rights.

In order to exercise their rights, the members of these communities shall establish their own self-governing communities in the geographic areas where they live. On the proposal of these self-governing national communities, the state may authorise them to perform certain functions under national jurisdiction, and shall provide funds for the performing of such functions.

The two national communities shall be directly represented in representative bodies of local self-government and in the National Assembly.

The position of the Italian and Hungarian national communities and the manner in which their rights are exercised in the geographic areas where they live, the obligations of the self-governing local communities for the exercise of these rights, and those rights which the members of these national communities exercise also outside these areas, shall all be regulated by law. The rights of both national communities and their members shall be guaranteed irrespective of the number of members of these communities.

Laws, regulations and other general acts that concern the exercise of the constitutionally provided rights and the position of the national communities exclusively, may not be adopted without the consent of representatives of these national communities."

3. **Statutes** of the municipalities in the ethnically mixed areas (municipalities Izola, Koper, Piran, Lendava, Dobrovnik, Šalovci, Moravske Toplice, Hodoš).

Roma ethnic community:

1. **Article 65** of the Constitution of the Republic of Slovenia⁶;
2. **nine sector-specific laws** (Law on Local Self-Government, Act Amending the Local Elections Act, Voting Rights Register Act, Organization and Financing of Education Act, Pre-school Institutions Act, Elementary School Act, Mass Media Act, Librarianship Act, Exercising of the Public Interest in Culture Act);
3. **Government's Programme of Measures for Assisting Roma (1995) and Decisions of the Government of the Republic of Slovenia (1999 and 2004)**,
4. **Statutes** of the municipalities where Roma reside autochthonously.

b) DETAILED INFORMATION

Ad A.1:

Representatives of the National Minorities in the National Assembly of the Republic of Slovenia

- Representative (deputy) of the Italian national minority: Roberto Battelli;
- Representative (deputy) of the Hungarian national minority: Maria Pozsonec.

In addition to universal voting right, members of the Italian and Hungarian community also have a special voting right: they elect their own representative – deputy to the National Assembly of the Republic of Slovenia (Article 80, Paragraph 3, of the Constitution of the Republic of Slovenia)⁷.

Ad A.2:

⁶ **Article 65** of the Constitution of the Republic of Slovenia (Official Gazette RS, No. 33I/1991-I, 42/1997, 66/2000, 24/2003, 69/2004, 69/2004, 69/2004)

(Status and Special Rights of the Romany Community in Slovenia)

"The status and special rights of the Romany community living in Slovenia shall be regulated by law."

⁷ **Article 80** of the Constitution of the Republic of Slovenia (Official Gazette RS, No. 33I/1991-I, 42/1997, 66/2000, 24/2003, 69/2004, 69/2004, 69/2004)

(Composition and Election)

"The National Assembly is composed of deputies of the citizens of Slovenia and comprises ninety deputies.

Deputies are elected by universal, equal, direct and secret voting.

One deputy of the Italian and one deputy of the Hungarian national communities shall always be elected to the National Assembly.

The electoral system shall be regulated by a law passed by the National Assembly by a two-thirds majority vote of all deputies.

Deputies, **except for the deputies of the national communities**, are elected according to the principle of proportional representation with a four-percent threshold required for election to the National Assembly, with due consideration that voters have a decisive influence on the allocation of seats to the candidates."

Governmental Office for National Minorities (established in 1959):

This Office is an independent Government office. The basic provisions on the protection of national communities are set out in the Constitution, whilst more detailed provisions are included in the legislation from various areas, which in any way relate to the position of the national communities and the Roma ethnic community. The relevant ministries are responsible for carrying out the provisions. With such a division of responsibilities, the main duty of this Office is global supervision of the realisation of the provisions of the law on the protection of nationalities, monitoring the practical effects, drawing attention to problem areas, preparing suggestions and initiatives for the Government and other state bodies and preparing analyses and reports on the wider issues of the protection of nationalities, together with the relevant ministries.

The direct duties of the Office are those which are not included in the duties of other state bodies:

- monitoring the realisation of constitutional and legal provisions relating to the special rights of those belonging to the Italian and Hungarian national communities and monitoring and looking after the special rights of the Roma community living in Slovenia, when this does not fall within the jurisdiction of other state or local community bodies;
- co-ordinating the work of state agencies and local community bodies relating to the special rights of the national communities, the Roma community and the national minorities in Slovenia;
- carrying out activities related to the position, rights, obligations and developmental opportunities of the national communities, the Roma community and national minorities, required for the realisation of the responsibilities and obligations on the part of the Slovenian Government as derived from the Constitution, as well as the regulations and policy on nationalities adopted on the basis of these;
- in relation to issues pertaining to the realisation of the special rights of the Italian national community in Slovenia the Office also co-operates with the competent bodies in the Republic of Croatia;
- co-operating with Government bodies, research and other organisations dealing with issues pertaining to the national communities, with self-governing national communities and with other organisations belonging to nationalities;
- dealing with topical issues in the realisation of the special rights of the Italian and the Hungarian national communities and the Roma community;
- preparing analyses, material, initiatives and proposals for the sessions of the Government, Government bodies and other state agencies, as well as monitoring the effectiveness of the adopted decisions related to the two national communities and the Roma community;
- overseeing the implementation of the Government's decisions pertaining to the national communities, the Roma community and the national minorities in Slovenia;
- carrying out expert, administrative and organisational tasks for the Government Commission for the two national communities and the Government Commission for the protection of the Roma ethnic community;
- co-operating with the National Assembly commission for the national communities;
- taking part at international and other conferences, consultations and seminars in the area of ethnic minority rights and other related human rights, co-operating with the Council of Europe and the EU and their bodies, as well as with similar associations and bodies in other countries;
- co-operating with the relevant working bodies of other departments, with research institutions and other organisations founded or co-founded by the Government, which deal with the status, rights and obligations of or research into the national communities, the Roma community and national minorities in Slovenia;
- carrying out other activities in the area of nationalities and issues relating to the Roma in line with the Constitution and the current legislation.

Ad A.3:**Different ministries, governmental offices and state institutions with public authority that deal with minority issues:**

Ministry of Education and Sport, Ministry of Culture, Ministry of Finance, Ministry of Environment and Spatial Planning, Ministry of Labour, Family and Social Affairs, Ministry of the Economy, Ministry of Higher Education, Science and Technology, Ministry of Foreign Affairs, Ministry of Transport, Office for Local Self-Government and Regional Policy, Public Fund of the Republic of Slovenia for Regional Development and Preservation of the Settlement of Slovene Rural Areas, Radio-television Slovenia, etc.

Ministries and other above listed institutions are responsible for carrying out the provisions and other regulations regarding minority issues.

Ad A.4:

- 1. Commission of the National Assembly of the Republic of Slovenia for National Communities** (chair: Maria Pozsonec (representative of the Hungarian national minority); deputy chair: Roberto Battelli (representative of the Italian national minority) and four members of different political parties (at the moment: one member of the Slovenian Democratic Party (SDS), one member of the Liberal Democracy of Slovenia (LDS), one member of the Social Democrats (SD), one member of the New Slovenia – Christian Peoples Party (Nsi)).

Commission for National Communities presents issues that refer to legislation related to Italian and Hungarian national minority.

Chair of the Commission is always a representative of the minority; members of different political parties are always, irrespective of their political option, in favour of minority issues.

- 2. Government Commission for National Communities**

(chair: dr. Vasko Simoniti, Minister of culture, and fourteen (14) members (representatives of different ministries and governmental offices, one representative of the Hungarian and one of the Italian national minority));

- 3. Government Commission for the Protection of the Roma ethnic Community**

(chair: dr. Milan Zver, Minister of education and sport, and eighteen (18) members (representatives of different ministries and governmental offices, municipalities, where the Roma Community autochthonously (traditionally) resides, representative of the umbrella organization of the Roma Community)).

Ad A.5:**Umbrella organizations of the Italian and Hungarian national minority and the Roma ethnic community:**

- 1. Coastal Italian Self-governing Community / Obalna samoupravna narodna skupnosti italijanske narodnosti** (umbrella organization of the Italian national minority);
- 2. Pomurje Hungarian Self-Governing National Community / Pomurska madžarska samoupravna narodna skupnost** (umbrella organization of the Hungarian national minority);
- 3. Slovene Romany Association / Zveza Romov Slovenije** (umbrella organization of the Roma ethnic community).

All three organizations communicate with state authorities.

Ad A.6:

Human Rights Ombudsman

The basis for the foundation of the institution of Human Rights Ombudsman in the Republic of Slovenia is found in the Constitution of the Republic of Slovenia, that was adopted on 23 December 1991. Article 159 of the Constitution prescribes that the institution of ombudsman for human rights and basic freedoms should be founded in relation to various state bodies, local self-management bodies and bodies in which public authority is invested.

Ad C.1:

Italian national minority:

In each of three coastal municipalities (Izola, Koper, Piran) where Italians autochthonously live, the Italian national community is organized in **municipal Italian self-governing communities** that are linked with the umbrella organization through their delegates, i.e. **elected members**, and represent a form of political representation at the local level (i.e. the municipal level).

Council of the Coastal Italian Self-Governing Community has nine members; each of three municipal self-governing communities is represented in the council by three members.

In each of three coastal municipalities where Italians autochthonously live, the applicable statutes stipulate that **one of the deputy mayors has to be a member of the Italian national community**. Members of the Italian national community also have **councillors in municipal councils**, who are elected by members of the Italian community themselves.

One of the permanent commissions of the municipal councils is also the **Commission for minority issues**.

Hungarian national minority

The Hungarian national community has **municipal Hungarian self-governing national communities** in the following municipalities: Lendava, Dobrovnik, Moravske Toplice, Šalovci and Hodoš. Every municipal Hungarian self-governing national community is represented by the council as the highest form of organization in a municipality. These municipal organizations are linked with the umbrella organization through their delegates, i.e. **elected members**. Members of the Hungarian national community also have **councillors in municipal councils**, who are elected by members of the Hungarian community themselves.

One of the permanent commissions of the municipal councils is also the **Commission for minority issues**.

Roma ethnic community

As far as political participation of the Roma community in the Republic of Slovenia at the local level is concerned, before the local elections on 10 November 2002 only Murska Sobota municipality had a **Roma councillor** for two terms (on the basis of Article 39, paragraph 5 of then valid Local Government Act (Official Gazette RS, No. 70/2000)). On the basis of the Constitutional Court's decision, Act Amending the Local Government Act (Official Gazette RS, No. 51/2002) determined 20 municipalities that have to elect a special Roma councillor on the first local elections following the decision. These municipalities are: Beltinci, Cankova, Črešnovci, Črnomelj, Dobrovnik, Grosuplje, Kočevje, Krško, Kuzma, Lendava, Metlika, Murska Sobota, Novo Mesto, Puconci, Rogašovci, Semič, Šentjernej, Tišina, Trebnje and Turnišče.

Representation of Roma ethnic community in the local self-government means that:

- a) the Roma councillor brings the Roma community issues to the municipal council, which takes appropriate measures,
- b) 23 Roma societies (they are linked with the umbrella organization – Slovene Romany Association) help Roma councillors with their work,
- c) a forum of the Roma councillors (a working body of the Slovene Romany Association) coordinates work of Roma councillors in the territory of the Republic of Slovenia.

Commissions for Roma issues are also established at the municipalities, where Roma live autochthonously.

3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanisms /advisory body?

Consultation mechanism/advisory bodies are result of different international and other treaties, agreement and decisions ratified or adopted by the Republic of Slovenia.

Italian national minority:

- 1. Special Statute annexed to the London Memorandum of 1954,
- 2. Treaty of Osimo 1977,
- 3. Act notifying succession to agreements between the former Yugoslavia and the Italian Republic (Official Gazette RS, No. 40/1992),
- 4. Framework Convention for the Protection of National Minorities (Official Gazette RS, No. 20/1998),
- 5. European Charter on regional or minority languages of the Council of Europe (Official Gazette RS, No. 69/2000),
- 6. International Covenant on Civil and Political Rights (Official Gazette SFRY – International Treaties No. 7/1971),
- 7. International Covenant on Economic, Social and Cultural Rights (Official Gazette SFRY – International Treaties No. 6/1967)

Hungarian national minority:

- 1. Agreement on Guaranteeing Special Rights of the Slovenian Minority Living in the Republic of Hungary and the Hungarian National Community in the Republic of Slovenia (Official Gazette RS, No. 23/1993),
- 2. Framework Convention for the Protection of National Minorities (Official Gazette RS, No. 20/1998),
- 3. European Charter on regional or minority languages of the Council of Europe (Official Gazette RS, No. 69/2000),
- 4. International Covenant on Civil and Political Rights (Official Gazette SFRY – International Treaties No. 7/1971),
- 5. International Covenant on Economic, Social and Cultural Rights (Official Gazette SFRY – International Treaties No. 6/1967).

Roma ethnic community:

- 1. Government's Programme of Measures for Assisting Roma (1995),
- 2. Decisions of the Government of the Republic of Slovenia (1999),
- 3. Decisions of the Government of the Republic of Slovenia (2004),

4. Framework Convention for the Protection of National Minorities (Official Gazette RS, No. 20/1998),
5. European Charter on regional or minority languages of the Council of Europe (Official Gazette RS, No. 69/2000),
6. International Covenant on Civil and Political Rights (Official Gazette SFRY – International Treaties No. 7/1971),
7. International Covenant on Economic, Social and Cultural Rights (Official Gazette SFRY – International Treaties No. 6/1967).

4. **Please provide a critical assessment of the functioning of the consultation mechanism/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?**

All these consultation mechanism / advisory bodies are appropriate. Members of the Italian and Hungarian national minority and Roma ethnic community support work and positive results of these bodies, because on the basis of these bodies they can exercise their minority rights (over 60 laws and other regulations).

All three commissions (Commission of the National Assembly of the Republic of Slovenia for National Communities, Government Commission for National Communities, Government Commission for the Protection of the Roma Ethnic Community) constantly examine exercising of minority rights and give suggestions or instructions to the executive organs (at the state and the local levels).

5. **Please indicate any suggestions you may have concerning the ways in which intergovernmental co-operation could contribute to enhancing further consultation of persons belonging to national minorities?**

Exchange of the experiences of different states could contribute to enhancing further consultation (good practices).

Example:

On the basis of the Agreement on Guaranteeing Special Rights of the Slovenian Minority Living in the Republic of Hungary and the Hungarian National Community in the Republic of Slovenia (Official Gazette RS, No. 23/1993), a mixed Slovenian-Hungarian commission was established with the aim of monitoring the fulfillment of obligations arising from the Agreement, proposing and recommending the manner and contents of resolving open issues.

Suède/Sweden

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

SWEDEN

The basis of the policy on national minorities in Sweden is set out in Government bill 1998/99:143-National minorities in Sweden. The proposals in the bill were adopted by the Riksdag (Swedish parliament) in 1999 (Committee Report 1999/2000:KU6; Riksdag Communication 1999/2000:69). The Government subsequently ratified the Council of Europe's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

The Government and the Riksdag's policy decisions on minorities recognise five national minorities in Sweden. These are the Sami, the Swedish Finns, the Tornedalers, the Roma and the Jews. Since the Sami are an indigenous population, Sweden also has a specific Sami policy.

1. What are the current institutional and other arrangements, if any, of consultation of persons belonging to national minorities on issues affecting them in your country?

An important element of the Swedish political decision making process is the system of committees and consultancy procedures. Through this system, organisations get an insight in and are invited to present their standpoints on political decisions. The national organisations of the national minorities are consultative bodies to which the government submits proposals of legislation and other measures for consideration, when these concern issues affecting the national minorities.

Special measures have been implemented to support the opportunities of national minorities to have an influence on the national level.

Special funds have been allocated to organisations that represent national minorities in order to increase their opportunities to influence matters concerning them.

Regular consultative meetings are also held between representatives of the Government, including the responsible Minister, and the organisations of the national minorities.

The Sami Parliament is a national administrative authority and, at the same time, a representative popular elected organ that represents the Sami. The Sami Parliament was formed 1993 and can decide about their cultural and also, to some extent, commercial development.

A Council on Roma Issues was established 2002 as an advisory body to the Government. The Council has a broad representation from Roma organisations representing the Roma groups in Sweden. The Chairman of the Council is the Minister responsible for the national minority policy.

2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies.

The Sami Parliament has the task of protecting the interests of the Sami as regards Sami culture, Sami business and the work with the Sami language. Those Sami who are listed in the Sami electoral register are entitled to vote in elections to the Sami Parliament. The decisionmaking assembly comprises 31 popular elected members who represent parties with various interests and groups.

According to the Sami Parliament Act, the Sami Parliament shall allocate the funds that have been appropriated by the national budget for Sami culture and also funds for Sami culture and Sami organisations that are payable from the Sami Fund. The Sami Parliament is also the authority responsible for the payment of compensation for damage caused by predatory animals to the Sami villages as regards damage caused by wolves etc.

The formation of the Council on Roma Issues was a decision by the Government. The task for the Council is broad and the status is consultative. The Council shall promote the situation of the Roma in Swedish society and develop measures to implement the rights given in the Framework Convention for the Protection of National Minorities and the Charter for Regional and Minority Languages.

3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?

Consultation processes are a fundamental part of the "Swedish model" where organisations in the civil society, among them organisations of the national minorities, play an important role. The activities and forms of consultation develop continuously. The consultation of national minorities is a developing process.

The Sami are a national minority but also an indigenous people which explains the opt for the Sami Parliament with a special status as elected assembly and administrative authority.

The formation of the Council of Roma Issues was a development and formalisation of an earlier working group within the Ministry set up 1996 with Roma representatives and representatives of the Government. The basis of that working group was that work to improve the situation of the Roma must take place together with Roma. The Swedish adoption of a minority policy since the ratification of the Framework Convention for the Protection of National Minorities and the Charter for Regional and Minority Languages influenced the formalisation of the Council.

4. Please provide a critical assessment of the functioning of the consultation mechanism/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning?

Yearly consultative meetings have been held with the representatives of the Government, including the responsible Minister, and the organisations of all the national minorities. From next year there will be regular meetings with all national minorities together but also separate consultative meetings with each group.

The Sami Parliament implements a new organisational structure 2005 after a review by the Swedish National Financial Management Authority. The new organisation shall make the roles of the administrative and the elected organ clearer.

Building on the experience from the work of the Council for Roma Issues so far, the forms of the Council are currently being developed.

5. Please indicate any suggestions you may have concerning the ways in which intergovernmental co-operation could contribute to enhancing further consultation of persons belonging to national minorities?

One role could be to identify good practices and to exchange experiences. There is also a need of a model/system for evaluation of consultation processes.

Suisse/Switzerland

**REPONSES DU GOUVERNEMENT SUISSE AU QUESTIONNAIRE
SUR LES DISPOSITIFS DE CONSULTATION DES MINORITES NATIONALES**
(Version originale – français)

Remarques introductives

A titre préliminaire, il convient de rappeler que, compte tenu de la déclaration interprétative faite par la Suisse au moment de la ratification de la Convention-cadre pour la protection des minorités nationales, sont considérées comme telles en Suisse les minorités linguistiques nationales, au niveau fédéral et cantonal, de même que les gens du voyage et les personnes appartenant à la communauté juive. Pour plus d'informations relatives à ces minorités - notamment quant à leur composition et d'un point de vue statistique -, ainsi que concernant la structure politique et les institutions suisses, prière de se référer au "Rapport initial du Gouvernement suisse sur la mise en œuvre de la Convention-cadre pour la protection des minorités nationales", ainsi qu'aux "Informations visant à compléter le Rapport initial".

S'agissant de la participation aux affaires publiques, il faut rappeler qu'en Suisse, celle-ci peut s'exercer en premier lieu par le biais du droit de vote, ainsi que par l'utilisation des instruments de la démocratie directe. L'initiative populaire, le référendum, voire la motion populaire dans certains cantons permettent ainsi aux groupements d'intérêts extraparlimentaires d'intégrer dans le processus politique des propositions de réforme. Il faut également mentionner qu'au niveau fédéral, les travaux préparatoires relatifs aux modifications de la Constitution, à des projets de lois et à certains traités internationaux sont soumis à une procédure de consultation qui implique les cantons, les partis politiques et les milieux intéressés, dont les organisations concernées par le domaine en cause. Des consultations peuvent également être organisées sur d'autres projets, notamment ceux ayant une grande portée politique, financière, économique, écologique, sociale ou culturelle⁸.

1. Quels sont les dispositifs institutionnels et autres existants pour consulter les personnes appartenant à des minorités nationales sur les questions les intéressant (organes consultatifs des minorités nationales ou autres mécanismes de consultation des minorités nationales)?

A.1 Gens du voyage

La promotion des intérêts et conditions de vie des gens du voyage suisses, ainsi que leurs relations avec les autorités des différents niveaux de l'organisation politique suisse sont assurées essentiellement par les organisations suivantes:

- *"L'Association des gens du voyage" ("Radgenossenschaft der Landstrasse")* (association faîtière) (= ci-après: "A.1.a")
- *La Fondation "Assurer l'avenir des gens du voyage suisses"* (= ci-après: "A.1.b")

A noter qu'au niveau fédéral, lorsqu'une consultation est organisée sur un sujet qui les concerne directement, il se peut que d'autres organisations représentant les gens du voyage soient également consultées à titre individuel. Ainsi, l'Association "Action Sinti et Jenish Suisses", la Fondation "Naschet Jenishe", la "Mission évangélique tsigane suisse - Vie et Lumière" et la "Rroma Foundation" participent à la procédure de consultation actuellement en cours concernant un projet de rapport du Conseil fédéral sur la situation des gens du voyage en Suisse.

⁸ Cf. Loi fédérale sur la procédure de consultation (Loi sur la consultation) du 18 mars 2005.

A./B./C.2 Membres de la communauté juive

La sauvegarde et la promotion des intérêts communs des personnes juives de Suisse sont principalement assurées par la *Fédération suisse des communautés israélites* ("FSCI"), association faîtière de droit suisse qui regroupe une très large majorité des communautés juives régionales ou locales de Suisse (= ci-après: "A./B./C.2"). Avec la Plate-forme des communautés israélites libérales, avec laquelle elle coopère étroitement, elle représente ainsi 80% des Juifs de Suisse.

Sur le plan politique, la FSCI représente les personnes juives pour toutes les questions qui sont du ressort de l'Etat fédéral ou, du moins, qui ont une importance nationale.

En général, les diverses communautés juives régionales ou locales interviennent individuellement ou de concert entre celles qui se trouvent au même lieu lorsqu'il s'agit de questions qui sont du ressort des cantons et des communes. Parfois, elles sont appuyées en cela par la FSCI.

A.3 Minorités linguistiques au niveau national

Au plan fédéral, contrairement à ce qui est prévu dans certains cantons plurilingues, il n'existe pas, à proprement parler, de structures spécifiques de consultation des minorités linguistiques. Toutefois, lorsque sont mis en consultation des projets de lois ou autres travaux préparatoires touchant la question des langues, outre les cantons - dont les cantons plurilingues - diverses organisations qui favorisent la défense des langues minoritaires ou le dialogue entre les communautés linguistiques peuvent être intégrées à la procédure. Parmi ces associations ou fondations de droit privé, dont certaines reçoivent des subventions de la Confédération, on peut par exemple citer:

- *La Lia Rumantscha* (cf. ég. *infra* ad B/C.4 au sujet du canton des Grisons)
- *La Pro Grigioni Italiano* (*idem*)
- *L'Association Helvetia latina* fondée pour veiller au maintien de la représentation des minorités linguistiques latines au sein de l'administration et des entreprises fédérales
- Le groupe d'étude et d'information pour la cohésion nationale «*Rencontres Suisses/Treffpunkt Schweiz*»
- *Le Forum du bilinguisme*, qui a pour objet la promotion du bilinguisme
- *La Fondation Langues et Cultures*, qui édite une revue plurilingue consacrée à l'enseignement et à l'apprentissage des langues

Pour ce qui est de la langue française, on peut également mentionner que, dès le 1^{er} janvier 2006, sera constituée une nouvelle alliance politique des six cantons francophones et du canton bilingue de Berne, qui sera pilotée par la Conférence des Gouvernements de Suisse occidentale (projet de région «Western Switzerland»). Ses missions seront notamment la promotion des intérêts de ses membres en Suisse, dont au Parlement fédéral, et la défense de projets communs.

B.1 Minorité francophone du canton de Berne⁹

Les organes/mécanismes institutionnels créés pour la défense des intérêts de la minorité francophone du Jura bernois¹⁰ et de la minorité francophone résidant dans le district de Bienne sont les suivants:

- *La Députation* (= ci-après: "B.1.a");
- *Le Conseil régional*, lequel sera remplacé dès le 1^{er} juin 2006 par le Conseil du Jura bernois et le Conseil des affaires francophones du district de Bienne (= après: "B.1.b");
- *La Conférence des maires du Jura bernois et du district de Bienne* (= ci-après: "B.1.c")
- *L'Assemblée interjurassienne* (= ci-après "B.1.d");

⁹ Elle représente 7,8 % de la population cantonale.

¹⁰ Entité infra-cantonale composée de trois districts francophones.

- *La Délégation du Conseil-exécutif (= gouvernement cantonal) aux affaires jurassiennes (= ci-après: "B.1.e");*
- *La Fondation "Mémoires d'ici" (= ci-après: "B.1.f").*

En outre, il faut signaler les règles constitutionnelles suivantes:

- *Un siège (sur sept) au sein du Conseil-exécutif (gouvernement cantonal) est garanti au Jura bernois (francophone).*
- *Le chancelier ou un des deux vice-chanceliers¹¹ doit être de langue maternelle française.*

B.2 Minorité germanophone du canton de Fribourg

Actuellement, dans le canton bilingue de Fribourg (français/allemand), il n'existe aucun organe ou dispositif institutionnel spécialement créé pour la consultation des personnes appartenant à la minorité germanophone sur les questions les concernant. Un équilibre a été trouvé à ce sujet par le biais des instruments démocratiques existants et des garanties légales en matière d'utilisation des langues minoritaires.

En ce qui concerne la participation aux affaires publiques, il faut relever que tous les actes officiels de portée cantonale doivent être rédigés en français et en allemand. En particulier, toutes les consultations cantonales portant sur des projets législatifs sont rédigées en français et en allemand. En outre, pour faire entendre ses revendications et faire valoir ses intérêts, la minorité germanophone peut s'adresser aux autorités cantonales en allemand, soit directement par les instruments de l'initiative populaire¹², de la pétition ou, prochainement, de la motion populaire¹³, soit indirectement par le biais des interventions parlementaires.

B.3. Minorité germanophone du canton du Valais

Dans le canton bilingue du Valais (français/allemand), la participation politique de la minorité germanophone est d'abord assurée par sa représentation au sein du Grand Conseil (Parlement cantonal). En outre, comme c'est le cas également dans le canton de Fribourg, les consultations sur les projets législatifs se font dans les deux langues officielles du canton, le français et l'allemand, auprès des communes, des partis politiques, des associations et divers groupes d'intérêt, etc., selon le sujet de la consultation.

La Constitution cantonale prévoit l'égalité de traitement dans la législation et l'administration entre le français et l'allemand. En application de cette règle, l'administration cantonale est tenue d'adresser les communications et les réponses dans la langue du destinataire.

B./C.4 Minorités romanche et italophone du canton des Grisons

Dans le canton trilingue des Grisons¹⁴, les organes/mécanismes de consultation des minorités linguistiques romanche et italophone concernant les questions linguistiques sont les suivants:

- *"Fracziun Rumantscha" (= ci-après: "B.4.a");*
- *"Lia Rumantscha" (= ci-après: "B.4.b");*
- *"Pro Grigioni Italiano" (= ci-après: "B.4.c");*
- *Les différents districts, arrondissements, communes et organisations régionales de langue romanche et italienne (= ci-après: "C.4.a");*

¹¹ La Chancellerie cantonale sert d'état-major au parlement et à l'exécutif cantonaux et assure les rapports entre les deux autorités.

¹² L'initiative populaire, qui doit être appuyée par 6'000 citoyens actifs, peut avoir pour objet la révision de la Constitution cantonale ou l'adoption, la modification ou l'abrogation d'une loi.

¹³ La motion populaire permettra aux citoyens qui réunissent 300 signatures d'adresser une proposition au Grand Conseil (Parlement cantonal), qui devra la traiter comme une motion émanant d'un parlementaire.

¹⁴ Les trois langues officielles du canton des Grisons sont l'allemand, le romanche et l'italien.

- *Les trois conférences scolaires rhéto-romanes Engadin/Val Müstair, Mittelbünden, Surselva* (= ci-après: "C.4.b").

Parmi les institutions de promotion de la langue romanche qui peuvent, selon les cas, être consultées, on peut également citer *l'Agentura da Novitads Rumantscha*. Il s'agit d'une agence de presse indépendante chargée de soutenir les rédactions des médias romanches. Elle est subventionnée par le canton des Grisons et la Confédération suisse¹⁵.

En outre, il convient de rappeler que, pour la défense de leurs intérêts, les membres des minorités linguistiques peuvent utiliser les instruments démocratiques dont disposent les autres citoyens du canton, à savoir principalement le droit de vote, l'initiative populaire et le référendum.

2. Veuillez fournir des informations sur le fondement juridique, le mandat/champ d'activité des mécanismes de consultation/organes consultatifs existants

A.1. Gens du voyage

A.1.a:

"L'Association des gens du voyage" (*"Radgenossenschaft der Landstrasse"*) est la seule association faîtière des gens du voyage suisses de souche Jenish, le groupe majoritaire en Suisse. L'Association fonctionne selon un système coopératif et sert d'intermédiaire entre les gens du voyage et les autorités. Elle s'engage en faveur de l'amélioration des conditions de vie des gens du voyage. Notamment, elle cherche à développer des solutions satisfaisantes en matière de création d'aires de stationnement et de transit, ainsi qu'en ce qui concerne la scolarisation des enfants nomades. Elle offre également ses conseils aux gens du voyage dans de nombreux domaines tels l'assistance judiciaire ou l'aide sociale. Enfin, la sensibilisation de l'opinion publique et une meilleure compréhension mutuelle entre les gens du voyage et la population sédentaire est une tâche importante de l'Association. Ainsi, l'Association a ouvert fin 2003 un Centre de documentation consacré au mode de vie des gens du voyage et à leur histoire, elle organise des séminaires et des expositions, favorise les rencontres entre Yéniches et journalistes, écoliers ou étudiants.

Le public peut trouver des informations sur son organisation, ses activités, ainsi que les publications qu'elle propose à l'adresse suivante: www.radgenossenschaft.ch.

A.1.b:

La Fondation de droit privé *"Assurer l'avenir des gens du voyage suisses"* a été créée en 1997 par la Confédération suisse, qui la finance. Elle a pour mission de contribuer à l'amélioration des conditions d'existence de la population nomade, ainsi qu'à la sauvegarde de son identité culturelle. La Fondation est avant tout conçue comme un forum au sein duquel des représentants des gens du voyage, des communes, des cantons et de la Confédération cherchent ensemble à résoudre certains problèmes auxquels est confrontée la population nomade. Elle joue également le rôle d'intermédiaire lorsqu'il s'agit de résoudre des problèmes concrets. Enfin, elle a pour tâche de sensibiliser le public aux besoins spécifiques des gens du voyage, à la faveur de projets divers.

Le conseil de fondation est composé de cinq représentants des gens du voyage, deux représentants de l'association des communes suisses, deux représentants des cantons et deux représentants de l'administration fédérale. La Fondation travaille en étroite collaboration avec les organisations des gens du voyage, en particulier l'Association des gens du voyage susmentionnée.

¹⁵ Cf. l'Ordonnance sur les aides financières pour la sauvegarde et la promotion de la langue et de la culture romanches et italiennes du 26 juin 1996, RS 441.31, art. 4.

A./B./C.2 Membres de la communauté juive

Statut:

La *Fédération suisse des communautés israélites* ("FSCI") est une association de droit privé qui ne jouit d'aucun autre statut juridique particulier. Les communautés juives qui agissent au niveau régional et local ont aussi ce statut.

Mandat/fonctions:

La FSCI (et sur le plan cantonal/local la plupart de communautés concernées) exercent en principe les fonctions suivantes:

- participation aux procédures de consultation (cf. ci-dessous);
- demande de renseignements et propositions;
- sensibilisation de l'opinion publique aux problèmes concernant les Juifs ou les minorités en général, coopération avec les organes représentatifs d'autres religions/minorités/groupes d'intérêt;
- rôle de coordination avec les communautés et institutions juives;
- dans des cas particuliers, suivi de la situation de personnes individuelles.

Pour ce qui est en particulier des activités liées aux procédures de consultation:

- *au niveau fédéral*, la FSCI est en général consultée concernant les projets de lois susceptibles de toucher plus particulièrement la minorité juive ou les minorités en général. Elle décide dans chaque cas si elle souhaite prendre position et, selon les cas, consulte à son tour les communautés membres ou d'autres institutions ou personnes juives actives dans le domaine en question. Lorsqu'elle n'est pas consultée, la FSCI intervient de sa propre initiative si elle l'estime utile.
- *au niveau cantonal et communal*, la procédure de consultation est plus ou moins développée selon les sujets et les cantons/communes concernés. Les pouvoirs politiques s'adressent en général aux principales communautés juives du canton/lieu concerné. Ces dernières interviennent spontanément lorsqu'il est question de sujets qui les concernent directement. La FSCI intervient parfois là où il n'y a pas de communauté juive locale.

En dehors de la procédure de consultation, il n'existe pas de mécanisme institutionnel de consultation. Des plates-formes ou tables rondes sont parfois constituées, lorsqu'il s'agit de sujets qui intéressent aussi d'autres groupes d'intérêts. Par ailleurs, les Juifs entretiennent des contacts ponctuels avec d'autres groupes d'intérêts (minoritaires ou non) qui oeuvrent dans le même sens (p. ex. œuvres d'entraide, églises, musulmans, associations luttant contre le racisme, etc.).

Composition:

La FSCI ne regroupe que la minorité juive. Elle ne comprend pas de représentants de l'Etat. Le contact avec les représentants de l'Etat se fait lors de rencontres, procédures de consultation, échanges de correspondances, participation à des réunions et tables rondes, etc.

L'influence formelle de la minorité juive n'est pas garantie; certains droits de la minorité juive sont garantis juridiquement, notamment par le biais de la protection constitutionnelle de la liberté de conscience et de croyance.

La FSCI dispose d'un exécutif (Comité directeur) élu lors de ses assemblées générales et d'un législatif dont les représentants sont désignés par les communautés membres.

Fonctionnement/méthodes de travail:

En dehors de la procédure de consultation dans le processus législatif décrite ci-dessus, il n'y a pas de règles de procédure.

La coopération avec les autorités parlementaires se fait par le biais de députés avec lesquels la FSCI et les communautés concernées entretiennent des rapports privilégiés. La coopération avec le gouvernement se

fait souvent directement avec les conseillers fédéraux concernés ou leurs collaborateurs pour les sensibiliser aux demandes de la minorité juive.

Sauf exceptions (qui n'ont pas de rapport avec leur statut de minorité), ni la FSCI ni les communautés ou associations juives ne reçoivent de fonds ou subventions publiques.

La FSCI est relativement bien connue et reconnue en tant que représentante de la minorité juive et ceci tant sur le plan interne, politique et médiatique. Des informations peuvent être trouvées sur le site de la FSCI: www.swissjews.org.

B. Minorité francophone du canton de Berne

B.1.a:

La Députation est un organe parlementaire, au sein du Grand Conseil (parlement cantonal), formé par les députés du Jura bernois et les députés francophones du district de Bienne. Elle défend au Grand Conseil les intérêts du Jura bernois et de la population francophone du district de Bienne dans les affaires qui les concernent spécifiquement. Elle a le pouvoir de demander le vote séparé dans le sens où, si la décision de l'ensemble du Grand Conseil s'oppose à l'avis majoritaire exprimé par la Députation, l'affaire est renvoyée au Conseil-exécutif, afin qu'une nouvelle réglementation soit soumise au vote. La Députation se réunit en séance ordinaire avant chaque session du Grand Conseil pour préparer les affaires soumises à celui-ci.

B.1.b:

Le Conseil régional a pour vocation d'assurer la participation politique de la population du Jura bernois et de la population francophone du district de Bienne, au stade de la préparation de tout projet susceptible de les concerner spécifiquement. Il se compose des députés du Jura bernois au Grand Conseil, des députés francophones du district de Bienne, ainsi que des préfets¹⁶ des districts concernés. Il sera remplacé dès le 1^{er} juin 2006 par *le Conseil du Jura bernois* et par *le Conseil des affaires francophones du district de Bienne*.

Le Conseil du Jura bernois est l'organe régional qui représentera le Jura bernois. Il sera composé de 24 membres élus au scrutin proportionnel pour quatre ans. Il aura notamment des compétences d'octroi de subventions cantonales à des activités culturelles, de coordination scolaire avec les autres cantons francophones, de représentation dans les contacts avec les autorités d'autres cantons ou de régions voisines. Du point de vue de la participation politique, il aura le droit de donner son avis et d'émettre des propositions sur des affaires telles la modification de la Constitution cantonale, les actes législatifs qui font l'objet d'une procédure de consultation ou concernent spécifiquement le Jura bernois, les arrêtés du Grand Conseil portant sur une autorisation de dépense ou l'octroi d'une concession qui concernent spécifiquement le Jura bernois. En outre, il pourra formuler de sa propre initiative des propositions sur toute affaire d'intérêt général concernant le Jura bernois.

Le Conseil des affaires francophones du district de Bienne sera composé de 14 membres au plus élus pour quatre ans. Outre une compétence de coordination scolaire comparable à celle du Conseil du Jura bernois, il disposera d'un droit de participation politique analogue à celui de ce dernier, dans les affaires qui concernent spécifiquement la population francophone du district bilingue de Bienne.

B.1.c:

La Conférence des maires du Jura bernois et du district de Bienne a notamment pour vocation d'assurer la liaison entre les communes concernées et le Conseil régional (dès 2006: le Conseil du Jura bernois et le Conseil des affaires francophones du district de Bienne) et de développer la collaboration entre elles.

¹⁶ autorités administratives infra-cantonales.

B.1.d:

L'Assemblée interjurassienne a été créée par l'Accord du 25 mars 1994 entre le Conseil fédéral suisse et les gouvernements du canton de Berne et du canton du Jura¹⁷. Elle a pour mandat de promouvoir, dans divers cercles et milieux du canton du Jura et du Jura bernois, le dialogue sur l'avenir de la communauté jurassienne et de proposer une collaboration renforcée entre le canton du Jura et le Jura bernois dans des dossiers déterminés et des projets concrets.

B.1.e:

La Délégation du Conseil-exécutif aux affaires jurassiennes est une cellule de réflexion composée de trois membres du Conseil-exécutif qui a pour mission de préparer les dossiers en rapport avec les affaires jurassiennes soumis à la décision du collège. Elle ne dispose pas d'un pouvoir de décision propre. La Délégation peut inviter des agents de l'administration, ainsi que des tiers, à participer à ses délibérations.

B.1.f.:

La Fondation "Mémoires d'ici", créée en novembre 2000, a pour fonction de contribuer à la préservation de l'identité du Jura bernois. Il s'agit d'un centre régional d'archives, de recherche et de documentation de l'histoire du Jura bernois (événements historiques, sociaux ou politiques, démographie, économie, science et technique, littérature, culture populaire, beaux-arts, photographie).

B./C.4 Minorités romanche et italophone du canton des GrisonsB.4.a:

La "*Fracziun Rumantscha*" est le groupement des élus de langue romanche au Grand Conseil du canton des Grisons (Parlement cantonal). Cette fraction a pour vocation la défense des intérêts de la minorité rhéto-romane au plan politique cantonal.

B.4.b:

La "*Lia Rumantscha*" est une organisation qui assume des tâches suprarégionales de sauvegarde et de promotion de la langue et de la culture romanches. Il s'agit d'une association au sein de laquelle le pouvoir de décision central appartient à l'assemblée des délégués des différentes régions linguistiques rhéto-romanes. Elle est subventionnée par le canton des Grisons et la Confédération suisse¹⁸. Elle exerce ses tâches de promotion de la manière suivante: en fédérant et soutenant les organisations romanches, en réalisant et encourageant des projets dans le domaine de la langue et de la culture romanches, en se penchant sur les questions de politique des langues et en représentant la communauté linguistique romanche en dehors de son aire traditionnelle. Concrètement, son programme comprend les activités suivantes: linguistique, traductions, publications, confection de manuels, information, documentation, relations publiques.

B.4.c:

"Pro Grigioni Italiano" est une organisation qui assume des tâches suprarégionales de sauvegarde et de promotion de la langue et de la culture italiennes. Elle est subventionnée par le canton des Grisons et est aussi reconnue et financée par la Confédération suisse selon l'Ordonnance sur les aides financières pour la sauvegarde et la promotion de la langue et de la culture romanches et italiennes (art. 2). Il s'agit d'une association qui fonctionne également avec une assemblée de délégués, laquelle détient le pouvoir de décision. Elle compte neuf sections hors des vallées italiennes des Grisons (Bâle, Berne, Chiasso, Coire, Davos, Lugano, Suisse romande, Sopraceneri et Zurich). Elle encourage la présence des Grisons italiens et

¹⁷ Canton voisin du canton de Berne dont la langue officielle est le français.

¹⁸ Cf. Ordonnance sur les aides financières pour la sauvegarde et la promotion de la langue et de la culture romanches et italiennes du 26 juin 1996. Selon l'article 2 de l'Ordonnance, la Lia Rumantscha est reconnue comme une organisation assumant des tâches suprarégionales de sauvegarde et de promotion de la langue et de la culture romanches et, à ce titre, soutenue financièrement par la Confédération.

visé à améliorer le climat culturel, ainsi que les conditions d'existence de la population italophone des Grisons. Elle organise des conférences, des expositions, des concerts et des cours et publie plusieurs périodiques. En outre, elle soutient des activités destinées à sauvegarder et répandre l'italien aux Grisons, ainsi que des recherches historiques, linguistiques, économiques et sociales.

C.4.a:

Les différents districts, arrondissements, communes et autres organisations régionales de langue romanche et italienne sont des corporations de droit public qui disposent d'une large autonomie. Le projet de loi sur les langues du canton des Grisons, actuellement en consultation auprès des différents acteurs intéressés¹⁹, prévoit expressément la collaboration de ces entités avec les autorités cantonales dans le domaine linguistique, en particulier en ce qui concerne la détermination de la langue officielle et de la langue scolaire.

C.4.b:

Les trois conférences scolaires rhéto-romanes Engadin/Val Müstair, Mittelbünden et Surselva sont des associations qui regroupent les corps enseignants locaux et disposent à ce titre d'un pouvoir de décision. Elles ont pour tâches la préservation de la langue romanche en tant que langue scolaire.

3. Veuillez indiquer quels sont les principaux facteurs ayant influencé la décision d'opter pour un mécanisme de consultation/organe consultatif particulier ?

A.1. Gens du voyage

L'Association des gens du voyage a été fondée en 1975 en tant qu'organisation d'entraide. Avec les années, elle a acquis une importance nationale et, depuis 1986, reçoit une contribution annuelle forfaitaire de la Confédération suisse, avec pour mandat de fournir des services aux gens du voyage qui demandent de l'aide et de coopérer avec les autres organisations de nomades. En soutenant cet Association, la Confédération défend les intérêts d'une minorité culturelle suisse, grâce à une organisation indépendante de l'Etat, gérée par les gens du voyage eux-mêmes.

La Fondation Assurer l'avenir des gens du voyage suisses créée en 1997 par la Confédération et financée par elle permet de contribuer à l'amélioration des conditions de vie des gens du voyage sur le plan de la politique interne.

A./B./C.2 Membres de la communauté juive

La Fédération suisse des communautés israélites existe depuis plus de 100 ans (1904) sous la même forme juridique. Son organisation a été influencée par le fait que les Juifs de Suisse étaient et sont relativement bien organisés et regroupés au sein des diverses communautés locales et qu'il s'agit d'une minorité relativement petite. Compte tenu du cadre juridique suisse, seule la forme juridique d'une association de droit privé est appropriée.

B.1 Minorité francophone du canton de Berne

La population francophone constitue une petite minorité de 7,8 % de la population cantonale, à laquelle le canton doit par conséquent accorder un statut spécial afin de garantir le maintien de son identité. Selon l'article 4 de la Constitution cantonale ("Minorités"), il doit être tenu compte des besoins des minorités linguistiques, culturelles et régionales et, à cet effet, des compétences particulières peuvent leur être attribuées. Quant à l'article 5 de la Constitution cantonale ("Jura bernois"), il reconnaît un statut particulier

¹⁹ Dont précisément les communes, les arrondissements, les organisations linguistiques.

au Jura bernois, afin de lui permettre de préserver son identité, de conserver sa particularité linguistique et culturelle et de participer activement à la vie politique cantonale.

B./C.4 Minorités romanche et italophone du canton des Grisons

Dans le canton des Grisons, les différents organes/mécanismes de consultation des minorités linguistiques trouvent leur source dans une culture politique fortement marquée par l'autonomie communale. De cette forme d'organisation résulte un haut degré d'efficacité pour la résolution de problèmes à l'échelle régionale ou communale.

4. Veuillez fournir une évaluation critique du fonctionnement des mécanismes de consultation/organes consultatifs existants ? Des propositions ont-elles été faites afin d'améliorer leur statut, le mandat/champ d'activité et fonctionnement ? Des bonnes pratiques ont-elles été identifiées ?

A./B./C.2 Membres de la communauté juive

Le fonctionnement des dispositifs de consultation existants dépend dans une très large mesure de l'initiative prise par la FSCI et les communautés membres, ainsi que de leur connaissance des mécanismes et de leur capacité de s'organiser. Bien que la FSCI est actuellement reconnue dans les faits comme interlocutrice représentant les Juifs et qu'elle jouit d'une certaine bienveillance, elle ne bénéficie, de même que ses communautés membres et les autres associations juives en Suisse, d'aucunes facilités, que cela soit au plan financier, organisationnel ou fiscal. A ce sujet, la FSCI n'étant pas reconnue d'utilité publique, elle ne dispose pas des exemptions correspondantes.

(évaluation par la FSCI)

B.1 Minorité francophone du canton de Berne

Les mécanismes de consultation introduits en 1994 sous forme de droits de participation politique (notamment par le biais du Conseil régional), et améliorés depuis lors à l'usage, ont donné satisfaction. C'est pourquoi ils sont repris tels quels dans la loi qui entrera en vigueur en 2006²⁰ et instituera le Conseil du Jura bernois et le Conseil des affaires francophones du district de Bienne. Les compétences nouvelles qui s'ajouteront dès 2006 amélioreront encore la situation de la minorité linguistique francophone. En outre, il convient de signaler que le Jura bernois continuera à disposer de 12 sièges au Grand Conseil, quand bien même le nombre total de députés sera réduit de 200 à 160, et que la minorité francophone du futur cercle électoral de Bienne-Seeland aura la garantie d'une représentation proportionnelle. Enfin, dans le projet de remplacer les 26 districts actuels du canton de Berne par 8 entités régionales, il est prévu que la région Bienne-Seeland (et non plus seulement le district de Bienne) sera bilingue.

(évaluation par le canton de Berne)

B.2 Minorité germanophone du canton de Fribourg

En matière de langues officielles, de nouvelles dispositions constitutionnelles, plus détaillées que les précédentes, ont été acceptées en votation populaire en mai 2004, après des discussions nourries. En particulier, au sujet du principe de la territorialité des langues, la nouvelle Constitution prévoit la prise en considération des minorités linguistiques autochtones. Des dispositions d'application devront être élaborées pour mettre en œuvre ces nouveaux éléments. Des études supplémentaires sur la question pourraient également s'avérer nécessaires. Il n'est pas exclu que, dans le cadre de ces travaux, des organismes locaux soient créés pour la promotion ou la défense de l'usage de la langue germanophone minoritaire.

(évaluation par le canton de Fribourg)

²⁰ Loi sur le statut particulier du Jura bernois et sur la minorité francophone du district bilingue de Bienne (Loi sur le statut particulier, LStP).

B./C.4 Minorités romanche et italophone du canton des Grisons

Un projet de loi cantonale sur les langues est actuellement en consultation auprès des milieux intéressés. Cette nouvelle législation met en application l'article sur les langues (article 3) de la nouvelle Constitution des Grisons entrée en vigueur le 1^{er} janvier 2004. Selon l'alinéa 3 de cette disposition, «les communes et les arrondissements définissent leurs langues officielles et scolaires dans le cadre de leurs compétences et en coopération avec le canton. Ce faisant, ils doivent veiller à la répartition territoriale traditionnelle des langues et prendre en considération les minorités linguistiques autochtones». Le projet de loi sur les langues prévoit un engagement renforcé du canton du point de vue du maintien des régions originaires des langues minoritaires. (*évaluation par le canton des Grisons*)

- 5. Veuillez indiquer les propositions que vous souhaiteriez formuler, le cas échéant, s'agissant de la façon dont la coopération intergouvernementale pourrait contribuer à renforcer la consultation des personnes appartenant à des minorités nationales.**

A./B./C.2 Membres de la communauté juive

Le statut des organisations représentant les minorités devrait être reconnu sans qu'il soit pour cela nécessaire ou souhaitable de les transformer en organes publics. Elles devraient bénéficier de certaines facilités. Par ailleurs, l'information sur les autres organisations représentatives de minorités devrait être améliorée et des plates-formes devraient être créées dans les domaines actuels d'importance. Enfin, une aide particulière devrait être apportée aux minorités récentes pour les aider à s'organiser. (*propositions de la FSCI*)

B.1 Minorité francophone du canton de Berne

Dans ce cas, c'est plutôt la coopération intercantonale qui pourrait renforcer la consultation des personnes appartenant à la minorité. Il convient à cet égard de souligner que le statut particulier qui entrera en vigueur en 2006 donne au Conseil du Jura bernois la compétence de traiter directement avec les unités administratives des cantons et des régions voisins, pour autant qu'il s'agisse d'affaires linguistiques ou culturelles. (*propositions du canton de Berne*)

B./C.4 Minorités romanche et italophone du canton des Grisons

La Suisse et le canton des Grisons en particulier connaissent une longue tradition de cohabitation pacifique des différentes minorités nationales. Une forme de contribution intergouvernementale au renforcement de la consultation des personnes appartenant à des minorités nationales pourrait être de mettre ces expériences à disposition des autres Etats intéressés. L'engagement de la Suisse - notamment du canton des Grisons - en faveur des minorités nationales profiterait également d'un tel échange d'informations. (*propositions du canton des Grisons*)

Translation :

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

SWITZERLAND

Introductory comments

It should first be said that, in view of the interpretative declaration made when Switzerland ratified the Framework Convention for the Protection of National Minorities, the groups considered as such in Switzerland are the national linguistic minorities at federal and cantonal level, Travellers and the Jewish community. For further information on these minorities - including their composition and statistics - and on the country's political structure and institutions, please refer to the Swiss government's Initial Report on Implementation of the Framework Convention for the Protection of National Minorities and the information supplementing that report.

It should also be recalled that in Switzerland the primary means of participation in public affairs are exercise of the right to vote and use of the instruments of direct democracy. The popular initiative, the referendum and in certain cantons the popular motion, allow non-parliamentary interest groups to have their reform proposals included in the political process. Mention must also be made of the fact that at federal level the preparatory work on amendments to the Constitution, proposed legislation and certain international treaties entails a consultation process involving the cantons, the political parties and interested circles, including organisations concerned by the matters at issue. Consultations can also be organised regarding other proposals, particularly those with major political, financial, economic, ecological, social or cultural implications.²¹

1. What are the current institutional and other arrangements in your country, if any, for consultation of persons belonging to national minorities on issues affecting them (advisory bodies of national minorities or other consultation mechanisms)?

A.1 Travellers

The following are the main organisations which ensure that the interests and living conditions of Swiss Travellers are safeguarded and which deal on their behalf with the Swiss political authorities at various levels:

- *"L'Association des gens du voyage"* (*"Radgenossenschaft der Landstrasse"*) (an umbrella association) ("A.1.a" below)
- the foundation *"Assurer l'avenir des gens du voyage suisses"* ("A.1.b" below)

It should be noted that in consultations organised at federal level on subjects directly affecting them other Traveller organisations may also be consulted in an individual capacity. For instance, the association *"Action Sinti et Jenish Suisses"*, the foundation *"Naschet Jenishe"*, the Swiss Gypsy Evangelical Mission - *Vie et Lumière* and the *"Roma Foundation"* are participating in the consultation process currently taking place concerning a draft report by the Federal Council on the situation of Travellers in Switzerland.

A./B./C.2 Members of the Jewish community

Safeguarding and promoting the common interests of Swiss Jews is mainly the task of the *Fédération suisse des communautés israélites* ("FSCI") (Swiss Federation of Jewish Communities), an umbrella association under Swiss law to which the vast majority of regional or local Jewish communities in

²¹ Cf. the federal law on the consultation procedure (Consultation Act) of 18 March 2005

Switzerland belong ("A./B./C.2" below). The FSCI and the "*Plate-forme des communautés israélites libérales*", which work closely together, represent some 80% of the Jewish population in Switzerland.

At a political level, the FSCI represents the Jewish community in all matters under federal jurisdiction or at least of national importance.

In matters coming under cantonal or municipal jurisdiction the various regional or local Jewish communities usually take action individually or jointly with other communities in their area, sometimes with the support of the FSCI.

A.3 Linguistic minorities at national level

At federal level, unlike in certain multilingual cantons, there are no specific consultation arrangements proper for linguistic minorities. However, when a consultation is launched regarding proposed legislation or other preparatory work on legal instruments raising language-related issues, apart from the cantons, including those which are multilingual, various organisations for the defence of minority languages or the promotion of dialogue between the linguistic communities can be integrated in the process. Examples of these private-law associations or foundations, some of which receive grants from the Confederation, are:

- *Lia Rumantscha* (also see B/C.4 below on the subject of the Canton of Graubünden)
- *Pro Grigioni Italiano* (*idem*)
- the *Association Helvetia latina* set up to ensure the permanent representation of the Romance linguistic minorities within federal agencies and enterprises
- the study and information group for national cohesion "*Rencontres Suisses/Treffpunkt Schweiz*"
- the *Forum du bilinguisme*, which aims to promote bilingualism
- the *Fondation Langues et Cultures*, which publishes a multilingual periodical on language teaching and learning.

As regards the French language, it can also be noted that, as from 1 January 2006, a new political alliance will come into being between the six French-speaking cantons and the bilingual canton of Bern, under the aegis of the Conference of Governments of Western Switzerland (*Conférence des Gouvernements de Suisse occidentale*) (this is a project of the Western Switzerland region). Its role will include promoting the interests of its members in Switzerland, including within the federal parliament, and defending joint projects.

B.1 The French-speaking minority in the Canton of Bern²²

The bodies/institutional mechanisms established to safeguard the interests of the French-speaking minorities in the Bernese Jura²³ and the district of Biel/Bienne are:

- the *Députation* ("B.1.a" below);
- the *Conseil régional* (Regional Council), which will be replaced as from 1 June 2006 by the Council of the Bernese Jura and the Council for French-speakers' Affairs of the District of Biel/Bienne ("B.1.b" below);
- the *Conférence des maires du Jura bernois et du district de Bienne* (Conference of Mayors of the Bernese Jura and the District of Biel/Bienne) ("B.1.c" below)
- the *Assemblée interjurassienne* ("B.1.d" below);

²² 7.8% of the canton's population

²³ An entity below cantonal level made up of three French-speaking districts

- the *Délégation du Conseil-exécutif aux affaires jurassiennes*, a body of the cantonal government ("B.1.e" below);
- the foundation "*Mémoires d'ici*" ("B.1.f" below).

In addition, attention should be drawn to the following constitutional provisions:

- the (French-speaking) Bernese Jura is guaranteed one seat (out of seven) in the Executive Council (cantonal government);
- the Chancellor or one of the two Vice-Chancellors²⁴ must be of French mother tongue.

B.2 The German-speaking minority in the Canton of Fribourg

The bilingual (French and German speaking) canton of Fribourg currently has no body or institutional mechanism specifically set up for the purpose of consulting members of the German-speaking minority on matters affecting them. A balance has been struck in this area by means of the existing democratic instruments and through legal guarantees regarding use of minority languages.

As regards participation in public affairs, it should be noted that all official documents of cantonal significance must be drawn up in both French and German. In particular, all cantonal consultations on proposed legislation are issued in both languages. Furthermore, when they wish to lodge claims or to assert their interests, the German-speaking minority may address the cantonal authorities in German, either directly, via a popular initiative,²⁵ a petition or, in the near future, a popular motion,²⁶ or indirectly, via parliamentary questions.

B.3 The German-speaking minority in the Canton of Valais

In the bilingual (French and German speaking) canton of Valais political participation by the German-speaking minority is guaranteed firstly by its representation within the Grand Conseil (cantonal parliament). In addition, as in the Canton of Fribourg, consultations on proposed legislation are carried out in the canton's two official languages, French and German, within the municipalities, political parties, associations and various interest groups, depending on the subject-matter.

The cantonal constitution also provides for equal treatment of French and German in the legislation and administration. Pursuant to this provision, the cantonal authorities are required to communicate in the addressee's mother tongue.

B./C.4 The Romanche and Italian-speaking minorities in the Canton of Graubünden

In the trilingual canton of Graubünden²⁷ the bodies/mechanisms for consultation of the Romanche and Italian-speaking minorities in linguistic matters are:

- "*Fracziun Rumantscha*" ("B.4.a" below);
- "*Lia Rumantscha*" ("B.4.b" below);
- "*Pro Grigioni Italiano*" ("B.4.c" below);

²⁴ The Chancellery serves as the central administration of the cantonal legislature and executive and as a link between these two authorities.

²⁵ A popular initiative, which must be supported by 6,000 active citizens, may concern a revision of the cantonal constitution or the adoption, amendment or repeal of a law.

²⁶ The popular motion will allow citizens having gathered a minimum of 300 signatures to submit a proposal to the Grand Conseil (cantonal parliament), which must treat it as a motion tabled by a member of parliament.

²⁷ The three official languages of the Canton of Graubünden are German, Romanche and Italian.

- the various Romanche or Italian speaking districts, *arrondissements*, municipalities and regional organisations ("C.4.a" below);
- the three Rhaeto-Romanic educational conferences - *Engadin/Val Müstair, Mittelbünden, Surselva* ("C.4.b" below).

The organisations for the promotion of the Romanche language which may also be consulted as and when appropriate include the *Agentura da Novitads Rumantscha*. This is an independent press agency which provides support for the editorial staff of the Romanche media. It is subsidised by the Canton of Graubünden and the Swiss Confederation.²⁸

It should also be noted that, in defending their interests, the members of the linguistic minorities may avail themselves of the democratic instruments available to the cantonal population at large, mainly the right to vote, the popular initiative and the referendum.

2. Please provide information on the normative basis, mandate/scope of action and functioning of the existing consultation mechanisms/advisory bodies

A.1. Travellers

A.1.a:

The "*Association des gens du voyage*" ("*Radgenossenschaft der Landstrasse*") is the sole umbrella association representing Swiss Travellers of Jenish origin, the majority group in Switzerland. The association functions according to a co-operative system and serves as intermediary between the Traveller community and the authorities. It is active in improving Travellers' living conditions, in particular by seeking satisfactory solutions for the establishment of campsites and transit areas and for the education of nomadic families' children. It also offers counselling services to Travellers in many fields, such as legal or social assistance. Another key activity area is heightening public awareness of Travellers' needs and problems and enhancing mutual understanding between Travellers and the sedentary population. In late 2003 the association opened a documentation centre on the Travellers' way of life and history. It also organises seminars and exhibitions and provides opportunities for journalists, school pupils and students to meet members of the Jenish community.

Information on the organisation, its activities and its publications are available to the public on the web-site www.radgenossenschaft.ch.

A.1.b:

The private-law foundation "*Assurer l'avenir des gens du voyage suisses*" was set up in 1997 by the Confederation, which provides them with funding. Its role is to help to improve the nomadic population's living conditions and safeguard its cultural identity. The foundation is primarily conceived as a forum in which representatives of the Traveller community, municipalities, cantons and the Confederation together seek solutions to a number of problems encountered by the nomadic population. It also serves as an intermediary when particular problems have to be solved. Lastly, it has the task of raising public awareness of the specific needs of Travellers through a number of projects.

The foundation's council comprises five Traveller representatives, two representatives of the association of Swiss municipalities, two cantonal representatives and two representatives of the federal authorities. The foundation works closely with Traveller organisations, in particular with the above-mentioned association.

²⁸ See the Ordinance on financial assistance for the protection and promotion of the Romanche and Italian languages and cultures of 26 June 1996, RS 441.31, Art. 4.

A./B./C.2 The Jewish community

Legal form

The *Fédération suisse des communautés israélites* ("FSCI") is a private-law association with no special legal status. The Jewish communities active at regional and local level have the same status.

Role/activities

The FSCI (and at cantonal/local level the majority of communities concerned) in principle performs the following role:

- participation in consultation procedures (see below);
- seeking information and making proposals;
- raising public awareness of the problems encountered by the Jewish community and minorities in general; co-operating with the representative bodies of other religions, minorities and interest groups;
- co-ordination with Jewish communities and institutions;
- in specific cases, dealing with personal situations.

On the specific subject of activities linked to consultation procedures:

- *At federal level*, the FSCI is usually consulted regarding proposed legislation likely to affect the Jewish minority in particular or minorities in general. It decides, on a case-by-case basis, whether to adopt an official position and may in turn consult its member communities or other Jewish institutions or individuals active in the field concerned. In matters on which it has not been consulted the FSCI may intervene on its own initiative where it deems necessary.
- *At cantonal and municipal level*, the extent of the consultation procedure depends on the subject-matter and the cantons/municipalities concerned. The political authorities usually contact the main Jewish communities in the canton or municipality in question. The latter may intervene spontaneously where the matters raised affect them directly. The FSCI sometimes intervenes in cases where there is no organised local Jewish community.

Apart from the consultation procedure, there is no institutional consultation mechanism. Forums and discussion groups are sometimes established on subjects also of concern to other interest groups. The Jewish minority also maintains ad hoc contacts with other interest groups (which may or may not be minorities) pursuing similar goals (examples are community self-help organisations, churches, the Muslim community and anti-racism associations).

Membership

The FSCI is made up solely of members of the Jewish minority, with no state representatives. Contact with the latter takes place at meetings, during consultation procedures, through the exchange of correspondence and through participation in forums, panel discussions, etc.

The Jewish minority is not guaranteed any official influence, although certain of its rights are guaranteed by law, notably through the constitutional provisions on freedom of conscience and religion.

The FSCI has an executive (Board of Directors), members of which are elected at its general meetings, and a legislative body, made up of representatives of the member communities.

Functioning/working methods

Apart from participation in the consultation procedure in legislative matters, as described above, the federation has no rules of procedure.

Co-operation with the parliamentary authorities takes place through the special relations maintained by the FSCI and the communities concerned with certain members of parliament. Co-operation with the government often involves direct contact with the relevant members of the Federal Council or their staff, to make them aware of the Jewish minority's position.

Save exceptions (not linked to their minority status) neither the FSCI nor the Jewish communities or associations receive public funds or grants.

The FSCI is relatively well known and recognised as the Jewish minority's representative body within the Jewish community itself, in political circles and in the media. Further information can be found on the FSCI web-site: www.swissjews.org.

B.1 The French-speaking minority in the Canton of Bern

B.1.a:

The *Députation* is a parliamentary body within the *Grand Conseil* (cantonal parliament), made up of the MPs for the Bernese Jura and the French-speaking MPs for the district of Biel/ Bienne. It defends the interests of the inhabitants of the Bernese Jura and the French-speaking population of Biel/Bienne in matters of specific relevance to them. It is empowered to force a separate vote, in so far as, where a decision of the *Grand Conseil* as a whole goes against the *Députation's* majority opinion, the matter is referred back to the Executive Council so that new legislation can be put to the vote. The *Députation* holds an ordinary session prior to each session of the *Grand Conseil* with a view to preparing its position on matters before the latter.

B.1.b:

The Regional Council's role is to ensure the political participation of the population of the Bernese Jura and the French-speaking population of the district of Biel/ Bienne in the preparatory work on any proposal likely to affect them directly. It is made up of the members of the *Grand Conseil* for the Bernese Jura, the French-speaking members for the district of Biel/Bienne and the Prefects²⁹ of the districts concerned. As from 1 June 2006 it will be replaced by the Council of the Bernese Jura and the Council for French-speakers' Affairs of the District of Biel/Bienne.

The Council of the Bernese Jura is the regional body that will represent that geographical entity. It will have 24 members elected by proportional representation for a four-year term. It will have jurisdiction, inter alia, for approving cantonal subsidies for cultural activities, educational coordination with the other French-speaking cantons and representation of the region in contacts with the authorities of neighbouring cantons or regions. From the standpoint of political participation, it will be entitled to give its opinion and issue proposals in matters such as amendment of the cantonal constitution, legislation subject to a consultation procedure or specifically concerning the Bernese Jura and decisions of the *Grand Conseil* concerning expenditure authorisations or the granting of licences of specific relevance to the Bernese Jura. The *Grand Conseil* may also of its own initiative submit proposals on any matter of public interest concerning the Bernese Jura.

The Council for French-speakers' Affairs of the District of Biel/Bienne will have not more than 14 members elected for a four-year term. In addition to jurisdiction for educational co-ordination, comparable to that enjoyed by the Council of the Bernese Jura, The Council for French-speakers' Affairs of the District of Biel/Bienne will have a right of political participation similar to the one of Bernese Jura in matters specifically concerning the French-speaking population of the district of Biel/Bienne.

B.1.c:

The role of the Conference of Mayors of the Bernese Jura and the District of Biel/Bienne is, inter alia, to ensure the relation between the Regional Council (as from 2006 the Council of the Bernese Jura and the Council for French-speakers' Affairs of the District of Biel/Bienne) and the municipalities concerned and to foster co-operation between those bodies.

²⁹ Administrative authorities below cantonal level

B.1.d:

The *Assemblée interjurassienne* was set up under an Agreement of 25 March 1994 between the Swiss Federal Council and the governments of the cantons of Bern and Jura.³⁰ Its role is to promote dialogue on the future of the Jura community within various circles in the Canton of Jura and the Bernese Jura and to make proposals for enhanced co-operation between the Canton of Jura and the Bernese Jura on specific projects.

B.1.e:

The *Délégation du Conseil-exécutif aux affaires jurassiennes* is a think-tank made up of three members of the Executive Council, whose role is to draw up proposals on Jura-related affairs, which are subject to decision-making by the council as a whole. It accordingly does not have own decision-making powers. The Delegation may invite public officials and third parties to participate in its discussions.

B.1.f:

The role of the Foundation "*Mémoires d'ici*", which was set up in November 2000, is to help preserve the Bernese Jura's identity. It is a regional records, research and documentation centre on the history of the Bernese Jura (historical, social or political events, demography, economy, science and technology, literature, popular culture, the arts, photography).

B./C.4 The Romanche and Italian-speaking minorities in the Canton of GraubündenB.4.a:

"*Fracziun Rumantscha*" is the grouping of the Romanche-speaking MPs elected to the *Grand Conseil* (cantonal parliament) of the Canton of Graubünden. Its role is to defend the interests of the Rhaeto-Romanic minority in cantonal political affairs.

B.4.b:

"*Lia Rumantscha*" is an organisation active at supra-regional level in safeguarding and promoting the Romanche language and culture. It is an association in which central decision-making power is vested in an assembly of representatives of the various Rhaeto-Romanic linguistic regions. It is subsidised by the Canton of Graubünden and the Swiss Confederation.³¹ It performs its promotional activities by federating and supporting Romanche organisations, implementing and fostering projects in the field of Romanche language and culture, dealing with language policy related issues and representing the Romanche linguistic community outside its traditional sphere. In concrete terms, the activities included in its programme are: linguistic activities, translation, publication, production of textbooks, information, documentation, public relations.

B.4.c:

"*Pro Grigioni Italiano*" is an organisation active at supra-regional level in safeguarding and promoting the Italian language and culture. It is subsidised by the Canton of Graubünden and has also been recognised by the Swiss Confederation, which finances it under Article 2 of the Ordinance on financial assistance for the protection and promotion of the Romanche and Italian languages and cultures. It is an association which also functions with an assembly of representatives having decision-making authority. It has nine sections outside the Italian-speaking valleys of Graubünden (in Basel, Bern, Chiasso, Chur, Davos, Lugano, French-speaking Switzerland, Sopraceneri and Zurich). It encourages the presence of Italian-speakers in

³⁰ A neighbouring canton of the Canton of Bern where French is the official language.

³¹ Cf. the Ordinance on financial assistance for the protection and promotion of the Romanche and Italian languages and cultures of 26 June 1996. Under Article 2 Lia Rumantscha is recognised as an organisation performing supra-regional activities for the protection and promotion of the Romanche language and culture and, in that capacity, receives financial support from the Confederation.

Graubünden and aims to improve the cultural climate and the living conditions of the Italian-speaking population. It organises conferences, exhibitions, concerts and training courses and publishes a number of periodicals. It also supports activities aimed at safeguarding and disseminating the Italian language in Graubünden and historical, linguistic, economic and social research.

C.4.a:

The various Romanche or Italian speaking districts, *arrondissements*, municipalities and regional organisations are bodies under public law which enjoy considerable autonomy. The proposed cantonal legislation on languages, for which the consultation process is currently taking place with various interested parties,³² expressly provides for co-operation between these entities and the cantonal authorities in linguistic matters, in particular with regard to determination of the official language and the language of education.

C.4.b:

The three Rhaeto-Romanic educational conferences, *Engadin/Val Müstair*, *Mittelbünden* and *Surselva*, are local teachers' associations, which have decision-making powers in that capacity. Their role is to ensure the preservation of the Romanche language as a language of education.

3. Please provide information as to the main factors that affected the decision to opt for a particular form of consultation mechanism/advisory body?

A.1. Travellers

The *Association des gens du voyage* (*The Association of Travellers*) was set up in 1975 as a community self-help organisation. Over the years it has taken on national significance and since 1986 has received an annual flat-rate contribution from the Swiss Confederation. Its mandate is to provide services to members of the Traveller community seeking assistance and to co-operate with other organisations of nomads. By supporting the association, the Confederation defends the interests of a Swiss cultural minority through an organisation independent of the state, which is run by the Travellers themselves.

The foundation '*Assurer l'avenir des gens du voyage suisses*' (*To ensure the future of Swiss Travellers*), established in 1997 by the Confederation and funded by it, makes it possible to help improve the living conditions of Travellers through domestic policy measures.

A./B./C.2 The Jewish community

The *Fédération suisse des communautés israélites* has been in existence for over 100 years (since 1904) with the same legal form. One of the underlying reasons for the decision to form a federation was that Swiss Jews were, and are, relatively well organised and grouped together within various local communities and at the same time constitute a fairly small minority. In view of the Swiss legislation in force the only appropriate legal form is a private-law association.

B.1 The French-speaking minority in the Canton of Bern

The French-speaking population constitutes a small minority (7.8%) within the canton, to which the canton must grant special status so as to guarantee the preservation of its identity. Article 4 of the canton's constitution ("Minorities") stipulates that account must be taken of the needs of linguistic, cultural and regional minorities and, to that end, they can be granted special powers. Article 5 of the canton's constitution, entitled "Bernese Jura", recognises the special status of the Bernese Jura, so as to allow it to

³² Including the municipalities, the *arrondissements* and linguistic organisations

preserve its identity, maintain its linguistic and cultural particularity and play an active role in political affairs at cantonal level.

B./C.4 The Romanche and Italian speaking minorities in the Canton of Graubünden

The bodies/mechanisms for the consultation of linguistic minorities in the Canton of Graubünden have their origin in its strong political culture of municipal self-government. This organisational solution makes for very effective problem-solving at the regional and municipal levels.

- 4. Please provide a critical assessment of the functioning of the consultation mechanisms/advisory bodies in place. Are there any suggestions debated at domestic level to improve their status, mandate/scope of action and functioning? Have good practices been identified?**

A./B./C.2 The Jewish community

The functioning of the existing consultation arrangements largely depends on initiatives taken by the FSCI and its member communities, their knowledge of the mechanisms and their capacity to organise themselves. Although the FSCI currently enjoys de facto recognition as the body speaking for the Jewish community and is fairly well-regarded, neither the federation itself nor its member communities, or other Jewish associations in Switzerland, benefit from any financial, organisational or tax facilities. In this connection, since the FSCI is not recognised as being in the public interest, it does not qualify for the corresponding exemptions. (assessment by the FSCI)

B.1 The French-speaking minority in the Canton of Bern

The consultation mechanisms introduced in 1994 in the form of political participation rights (notably through the Regional Council), which have been improved over time, have proved satisfactory. They are accordingly left unchanged by the law setting up the Council of the Bernese Jura and the Council for French-speakers' Affairs of the District of Biel/Bienne that will come into force in 2006.³³ The additional powers conferred as from 2006 will further improve the situation of the French-speaking linguistic minority. It should also be pointed out that the Bernese Jura will continue to have 12 seats in the Grand Conseil, although the total number of MPs will be reduced from 200 to 160, and that the French-speaking minority of the future electoral zone of Biel/Bienne-Seeland will be guaranteed proportional representation. Lastly, under the plans to replace the 26 districts currently composing the Canton of Bern with eight regional entities, the entire region of Biel/Bienne-Seeland (and no longer just the district of Biel/Bienne) will be considered bilingual. (assessment by the Canton of Bern)

B.2 The German-speaking minority in the Canton of Fribourg

In May 2004, following sustained debate, the people voted in favour of new, more detailed constitutional provisions on official languages. In particular, as regards the linguistic territoriality principle, the new constitution provides for consideration of the indigenous linguistic minorities. Application measures must now be devised in order to implement these new provisions. Further studies on this subject may also prove to be necessary. As part of this process the establishment of local bodies for the promotion and defence of use of the German-speaking minorities is not ruled out. (assessment by the Canton of Fribourg)

³³ Law on the specific status of the Bernese Jura and on the French-speaking minority of the bilingual district of Biel/Bienne (*Loi sur le statut particulier*, LStP).

B./C.4 The Romanche and Italian speaking minorities in the Canton of Graubünden

The interested parties are currently being consulted regarding proposed cantonal legislation on languages. This new legislation implements Article 3 (on languages) of the new Constitution of the Canton of Graubünden, which came into force on 1 January 2004. Paragraph 3 of that article provides "The municipalities and *arrondissements* shall determine their official languages and languages of education in accordance with their attributes and in co-operation with the canton. In doing so, they shall uphold the traditional territorial distribution of languages and take into consideration the indigenous linguistic minorities." The proposed legislation on languages provides for a greater commitment by the canton to preserve the minority languages' home regions. (assessment by the Canton of Graubünden)

- 5. Please indicate any suggestions you may have concerning the ways in which intergovernmental co-operation could contribute to enhancing further consultation of persons belonging to national minorities.**

A./B./C.2 The Jewish community

Minorities' representative organisations should be given a recognised status but without that necessitating their transformation into public bodies. They should benefit from certain facilities. The information on other organisations representing minorities should also be improved, and the opportunities should be provided to discuss the topical issues. Lastly, recent minorities should be given special assistance in setting up organisations. (proposals by the FSCI)

B.1 The French-speaking minority in the Canton of Bern

In this instance, it is rather through inter-cantonal co-operation that consultation of members of the minority community could be enhanced. In this connection, it can be noted that the special status entering into force in 2006 empowers the Council of the Bernese Jura to deal directly with administrative bodies of neighbouring cantons and regions in so far as the matters concerned are of a linguistic or cultural nature. (proposals by the Canton of Bern)

B./C.4 The Romanche and Italian speaking minorities of the Canton of Graubünden

Switzerland, and the Canton of Graubünden in particular, has a longstanding tradition of peaceful coexistence between the various national minorities. One way in which intergovernmental co-operation could contribute to enhanced consultation of members of national minorities would be pooling of experience between the member states concerned. Such exchange of information would also be beneficial for Switzerland's (and in particular the Canton of Graubünden's) action in favour of national minorities. (proposals by the Canton of Graubünden)

« l'ex-République yougoslave de Macédoine » /
“the former Yugoslav Republic of Macedonia”

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”

The Ministry of Foreign Affairs of the Republic of Macedonia believes that the approach to this issue should be country-specific. Namely the format of consultative bodies should depend on a number of factors including participation of minorities in public and political life and their effective participation of minorities in decision-making on issues affecting them.

The decision making process on central level (parliament) and local level in the Republic of Macedonia on issues affecting members of communities is based on the principle of double majority as explained in the Initial Report on the implementation of the FCNM.

Following are the bodies dealing with inter-ethnic issues in the Republic of Macedonia:

1. Committee for Inter-Community Relations

Amendment XII to the Constitution adopted in 2001 (Article 78) introduces a Committee for Inter-Community Relations. According to Article 78 of the Constitution, the Committee consists of 19 Members of whom seven members each from the ranks of the Macedonian and Albanian representatives, one from among the Turks, Vlachs, Roma, Serbs and Bosniacs respectively. If some of the communities are not represented, the People's Attorney, after consultation with relevant representatives of these communities, shall propose the remaining members of the Committee.

The Assembly elects the Members of the Committee.

The Committee considers issues of inter-community relations in the Republic and makes appraisals and proposals for their solution.

The Assembly is obliged to take into consideration the appraisals and proposals of the Committee and to make decisions regarding them.

2. The Committee for Inter-Ethnic Relations of the Assembly of the Republic of Macedonia is composed of a President, 10 Members parliamentarians and 4 Members from the ranks of scientists and other professionals.

The Commission reviews issues relating to the legal regulation of rights of members of the communities set down in the Constitution, in particular:

- provision of the right to use the language and alphabet of the communities;
- provision of the right to instruction in the languages of nationalities in the sphere of bringing-up and education;
- guaranteeing of the protection of ethnic, cultural, linguistic and religious identity of members of the communities;
- provision of information, cultural and other activities for the purpose of expressing identity and ethnic features;
- other issues pertaining to the realisation of rights of communities as set down in the Constitution.

All **Governments** in the Republic of Macedonia since independence have been coalition governments including political parties of ethnic communities, in particular the Albanian community. In the current Government, one of the coalition partners is also the party of the Albanian community. One of them is a Deputy Prime Minister. Smaller ethnic parties are part of the Coalition led by the Social Democrat Party named For Macedonia Together. The same applies for the opposition camp. The institutional set-up for the implementation of the Ohrid Framework Agreement is explained in the Initial Report and the additional answers.

Royaume-Uni/United Kingdom

REPLY TO THE QUESTIONNAIRE ON THE CONSULTATION ARRANGEMENTS CONCERNING NATIONAL MINORITIES

UNITED KINGDOM

The United Kingdom does not have any legally designated national minorities, but there are many individuals who identify themselves as members as ethnic minority groups (around 9% of the population, according to the 2001 census).

It is customary for government departments in the United Kingdom to consult widely when developing legislation or policies and so members of ethnic minorities are an important part of the population which must be included in such consultations. The UK has a large and active non-governmental sector, including among the UK's ethnic and faith minority communities. NGOs tend to be the focus of such consultations, but of course many individuals respond to such consultations as well.

Public bodies have a legal duty to have due regard to the need to eliminate unlawful racial discrimination, promote equality of opportunity and good race relations. To do this, they must assess the impact of their policies on race equality. Consultation is an important means of achieving this.

There are numerous consultative bodies and panels established by public bodies, some of which may focus on minority communities in particular and other which may include minority communities.

In these circumstances, it is not possible to answer the DH-MIN questionnaire in the way in which it is set out as the answer will vary according to which consultative body is under consideration.

The attached paper therefore gives details of 7 consultative bodies concerned with ethnic minorities, established by the Home Office, plus the Northern Ireland Race Equality Forum.

We hope that the Committee will find the information useful.

A. HOME OFFICE

Overview of Home Office consultations panels

The majority of panels are concerned with specific areas of policy and delivery (drugs, stop and search, integration of migrants etc). The Race Equality Advisory Panel (REAP) is an over-arching expert panel drawn upon, as necessary, to inform the development of overall Home Office policy and advise on particular initiatives. It has no regular cycle of meetings and functions more as a resource of expert advisers.

There is some overlap in membership between them. For example, just under a third of the 25 REAP members are involved in other panels. There is also some overlap of terms of reference, for example between REAP and the Lawrence Steering Group (though these panels have only three members in common). Both are intended to provide links to Black and minority ethnic (BME) communities and offer advice on race equality issues, strategy and policy.

Details of Home Office consultation panels

Race Equality Advisory Panel (REAP)

Terms of Reference

REAP was launched in June 2003 to provide a resource of helpful and impartial advice on the impact of race on the Home Office's work. REAP:

- Helps develop the HO strategy on race equality
- Provides ad hoc advice on specific topics/projects
- Links and build relationships between Government and communities.
- Advises on implementing and delivery of existing policies and programmes

REAP members help bring greater transparency to the policy making process and assist the creation of effective, representative and suitable policies and services. The members of REAP are drawn from BME communities and are independent of the Home Office. As an ad hoc advisory group their purpose is to provide assistance only. The responsibility for developing and implementing a Home Office service or policy remains with Home Office policy advisors regardless of any REAP contribution.

Meeting frequency

REAP does not function as a collective body, rather it is a resource of expert consultants who provide individual and independent advice to Home Office officials. REAP engagements are project based i.e. related to the need to deliver advice on a particular area of policy. Engagement can involve informal/ad hoc meetings between the Home Office policy leads and usually 2/3 REAP members or emailed correspondence. There are no pre-arranged meetings of the panel and any activities occur at the request of Home Office colleagues. Three general meetings for all panel members were arranged last year. This is in addition to the project based meetings, on average one a month, involving smaller groups or individual REAP members.

Membership

| | |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mr Rumman Ahmed | Community Relations Adviser, Royal Borough of Kensington and Chelsea |
| Revd Dr Inderjit Bhogal | Methodist Minister and Theologian |
| Mr Thomas Chan | Management Consultant |
| Ms Naznin Coker | Chair, St George's NHS Trust |
| Mr Lincoln Crawford OBE | Barrister |
| Lord Navnit Dholakia OBE JP | President of the Liberal Democrats |
| Mr Abi Ekoku | Director, Andorra Group |
| Mr Peter Herbert | Barrister |
| Mr Lee Jasper | Policy Director for Equalities and Policing, GLA |
| Professor Gus John | Chair and Chief Executive, The Gus John Partnership |
| Mr Keith Kerr | Managing Director, Bournemouth Airport |
| Mr Clive Lawton | Magistrate, Haringey Bench, Chair of North Middlesex Hospital NHS Trust, Lecturer at the School of Oriental and African Studies, Community Development Trainer, European Centre for Leadership Development |
| Mr Gerard Lemos CMG | Partner, Lemos and Crane |
| Dr Haseena Lockhat | Child Clinical Psychologist, North Warwickshire PCT |

| | |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Ms Zahida Manzoor CBE | The Legal Services Ombudsman for England and Wales |
| Ms Gloria Mills MBE | Director of Equal Opportunities, UNISON |
| Mrs Pauline Minter | Policy Officer (Equalities) Bournemouth Borough Council |
| Dr Dwain Neil | Director, Leriko & Associates |
| Lord Herman Ouesley | Managing Director, Different Realities Partnership Ltd. |
| Ms Shushila Patel | Independent Consultant |
| Mr Anis Rahman JP | Barrister and Magistrate |
| Sir Iqbal A K M Sacranie OBE | Secretary General, The Muslim Council of Britain |
| Mr Ranjit Sondhi CBE | Senior Lecturer, Community and Youth Studies; Chairman, Heart of Birmingham Primary Care Trust; BBC Governor |
| Dr Richard Stone | President, Jewish Council for Racial Equality, Vice-Chair of the Runnymede Trust, Chair of the Runnymede Islamophobia Commission. |
| Mrs Sukhvinder Kaur Stubbs | Chief Executive, Barrow Cadbury Trust |

2. Lawrence Steering Group (LSG)

Terms of Reference

- To advise Ministers on policies to improve the confidence of BME groups in the criminal justice system, education and other systems within the scope of the Stephen Lawrence Inquiry report,
- To oversee the implementation and evaluation of the Stephen Lawrence Inquiry Report recommendations so that they bring about lasting change to peoples lives
- To offer advice to the Home Secretary on other race equality issues
- Advise on priorities for future work and review progress
- Review and provide views on research findings
- Promote engagement with the BME community

Meeting Frequency Quarterly

Membership

| | |
|------------------------|---------------------------------------------------------------------------------------|
| Charles Clarke (Chair) | Home Secretary |
| Hazel Blears | Minister of State, Home Office |
| Derek Twigg | Parliamentary Under Secretary of State, Department for Education and Skills |
| Trevor Phillips | Chair, Commission for Racial Equality |
| Paul Stephenson | Deputy Commissioner, Met Police |
| Steve Allen | Commander, Met Police Diversity Directorate |
| Jan Berry | Chair, Police Federation of England and Wales |
| Ken MacDonald | Director of Public Prosecutions |
| Mark Carroll | Home Office Race Equality Adviser |
| Ray Powell | President, National Black Police Association |
| Robin Field-Smith | Her Majesty's Inspectorate of Constabulary |
| Ruth Henig | Chair, Association of Police Authorities |
| Rick Naylor | President, Police Superintendents' Association |
| Peter Fahy | Association of Chief Police Authorities Community and Race Relations portfolio holder |
| Nick Smedley | Department for Constitutional Affairs |
| John Roberts | Metropolitan Police Authority |

Independent members

| | |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Maqsood Ahmad | - currently Director of Diversity for the National Probation Service (London). Previously worked for HMIC where he specialised in race and diversity issues. |
| Sarri Bater | - Youth Representative |
| Iqbal Bhana | - Head of Equal Opportunities, Wakefield Metropolitan District Council |
| Aminah Bhatti | - Youth representative |
| Judy Clements | - Commissioner at the Independent Police Complaints Commission, formerly head of Equality and Diversity for HM Prison Service. |
| Lincoln Crawford | - Barrister. |
| Baroness Howells | - an adviser to the Lawrence family, and member of the House of Lords. |
| Sukhvinder Kaur-Stubbs | - Chief Executive of the Barrow Cadbury Trust |
| Keith Kerr | - a director of Bournemouth Airport. |
| Doreen Lawrence | - Stephen Lawrence Trust. |
| R David Muir | - formerly the Deputy Chair of the Metropolitan Police Authority. |
| Gil Robinson | - Lecturer, London Metropolitan University |
| Beverley Thompson | - Head of the Diversity and Equality Directorate in HM Prison Service. |

3. National Local Criminal Justice Board Race Forum

Terms of Reference

Part of the remit of the Home Office's Criminal Justice System Race Unit is to draw together good practice and disseminate the lessons across the CJS. With this in mind the Unit has set up the LCJB National Race Forum. The LCJB National Race Forum will work to the following terms of reference:

- i) To provide a forum for local boards and experts within the field of race and criminal justice to;
- ii) share advice on all matters pertaining to race, diversity and community engagement;
- iii) examine how Local Criminal Justice Boards across the country are progressing in this area;
- iv) assess how to cross-reference proposals to tackle racism and inequalities both centrally and with other Boards;
- v) establish how to learn from and disseminate good practice; and
- vi) bring consistency to how race and diversity issues are dealt with across the Local Criminal Justice Boards.

Meeting frequency Quarterly

Membership

| | |
|--------------------|-------------------------------------------------------------|
| Ahmad, Maqsood | - London Probation Area, Strategic Director |
| Appleton, Geoffrey | - Merseyside Criminal Justice Board |
| Baderin, Diane | - National Probation Directorate, Diversity Manager |
| Bowling, Ben | - King's College |
| Brigginshaw, Liam | - Essex Criminal Justice Board |
| Cavadino, Paul | - NACRO Chief Executive |
| Cross, Robert | - Merseyside Criminal Justice Board |
| Foley, Dick | - Lincolnshire Criminal Justice Board, Chief Superintendent |
| Footer, Bob | - Cambridgeshire Criminal Justice Board |

| | |
|-----------------------|-----------------------------------------------------------------|
| Gupta, Rakesh | - Youth Justice Board |
| Hume, Christopher | - Youth Justice Board Director, Practice and Performance |
| Jasper, Lee | - Greater London Authority, Policy Director on Equalities |
| Jones, Chris | - Dyfed Powys Criminal Justice Board |
| Long, Carol | - Northumbria Criminal Justice Board |
| Mackey, Craig | - Gloucestershire Police, Assistant Chief Constable |
| Marshall, Gerry | - Thames Valley Criminal Justice Board, Chief Probation Officer |
| Milani, Denise | - Diversity Advisor, Met Police |
| Sacranie, Iqbal A K M | - Muslim Council of Britain, Secretary General |
| Scott, David | - Hampshire Criminal Justice Board, Chair |
| Stone, Richard | - The Runnymede Trust, Trustee |
| Taylor, Seamus | - CPS, Head of Equality and Diversity |
| Thompson, Beverley | - HM Prison Service, Race and Equalities Advisor |
| Waller, Valerie | - DCA, Head of Corporate Diversity |
| Williams, Alessandra | - King's College London |
| Witt, Catherine | - Lancashire Criminal Justice Board |
| Yule, Chris | - Suffolk Criminal Justice Board |

4. Community Panel

Terms of Reference

- i) To provide advice to Stop and Search Action Team (SSAT) and the Delivery Board on the race and community impact of the SSAT work programme;
- ii) To scrutinise the work of SSAT;
- iii) Provide a 'reality check' on the work of SSAT and the Delivery Board;
- iv) Identify issues for consideration by the Panel or by the Delivery Board;
- v) To promulgate the outputs from the SSAT work programme where appropriate;
- vi) To contribute to reports to ministers on progress against the SSAT work programme.

Membership

CHAIR

Lord Victor Adebawale CBE Turning Point

| | |
|----------------------|--------------------------------------------------------|
| Doreen Lawrence | The Stephen Lawrence Charitable Trust |
| The Baroness Uddin | House of Lords |
| Massoud Shadjareh | Islamic Human Rights Commission |
| Ben Bowling | Academic - King's College |
| Iqbal Bhana | Independent |
| Ken Barnes | 100 Black Men of London |
| Reverend Nims Obunge | The Peace Alliance |
| Desmond Lewis | The Black Londoners Forum |
| Thomas Chan | Home Office Race Equality Advisory Panel |
| Karen Chouhan | 1990 Trust |
| Andy Hamflett | Lambeth Youth Council |
| Lee Jasper | Equalities and policing, Mayor's Office, GLA |
| Kuwayne Cain | Executive and Professional Network |
| Sadiq Khan | Muslim Council of Britain |
| Erinma Bell | Community Alliance for Renewal, Inner South Manchester |
| Raymond Bell | Community Alliance for Renewal, Inner South Manchester |

5. Advisory Board on Naturalisation and Integration (ABNI)

Terms of Reference

ABNI is an independent advisory board and was set up in November 2004 to:

- i) advise on the implementation and processes of initial and final assessment of understanding of language and of civic structures as required by the Nationality Immigration and Asylum Act 2002;
- ii) advise on ways in which language and citizenship education resources and support services both in the public and in the voluntary might be developed and better co-ordinated;
- iii) advise on future development of the programme of studies and suggest changes in light of feedback from early participants;
- iv) publish an annual report on the administration of the learning and teaching processes involved in naturalisation on the integration of immigrants and on immigration law and procedures and educational regulations that directly affect assessment for naturalisation.

Meeting frequency Quarterly

Membership

Sir Bernard Crick. Chair
Ms. Mary Coussey Vice-chair
Ms. Celine Castelino
Ms. Sally Daghlian
Sir Robert Dowling
Ms. Samina Khan
Mrs. Janet Luff
Ms. Adeeba Malik
Professor Elizabeth Meehan
Dr. David R. Muir
Sir Gulam Noon
Mr. Ashok Ohri
Ms. Maeve Sherlock
Mrs. Jean Wilson
Mr. Patrick Wintour
Ms. Annette Zera

6. Race Advisory Group for the Drugs Strategy

Terms of Reference

The Group has oversight of the development and implementation of the Drug Strategy from a BME perspective.

- i) To advise on how the National Drug Strategy should be implemented in respect of their impact on BME communities.
- ii) To advise on how the National Drug Strategy might best meet the needs of BME communities and identify new and different ways of reducing the harm associated with crack in BME communities.
- iii) To advise on the impact and effectiveness of the National Drug Strategy in improving the quality of life experienced by BME communities.

This group supersedes the Crack Race Advisory Group, established to consider progress against the National Crack Plan and the Crack Delivery Groups' implementation plan, and their impact on BME communities. In September 2004 it was agreed that the remit of the Group be expanded to encompass the National Drugs Strategy in its entirety. This brings the benefits of scrutiny from a race dimension to the whole of the strategy, including the response to crack.

Meeting Frequency Quarterly

Membership

Membership is drawn from Government departments and agencies involved in delivery of the Drug Strategy, such as the Drug Strategy Directorate, National Treatment Agency and Police forces and BME associations. The Federation of Black Drugs Workers, community groups and treatment agencies are also represented.

| | |
|---------------------|--------------------------|
| Adebowale Lord | Turning Point |
| Bennett Terena | Com Drug Ed Project |
| Carrol Mark | HO DSD |
| Chan Eddie | Chinese Healthy Living |
| Chan-Steele Circle | Chinese Healthy Living |
| Crook Trevor | HO DSD |
| Dale-Perera Annette | Nat Treatment Agency |
| Gill Bruce | Race Equality Unit |
| Hasan Sherife | HO DSD |
| Hogg Vic | HO DSD |
| Khnum Osiris | Com Engage Manager |
| Laura Juett | Greater London Authority |
| Murray Mike | HO DSD |
| Patricia Lamour | Fed Black Drug Workers |
| Obunge Nims Rev. | Peace Alliance |
| Otter Steve | ACPO |
| Patel Kamlesh | Uni Central Lancs |
| Powell Bevan | Black Police Off Assoc. |
| Rose Pat | Nilaari - Bristol |
| Seabridge Ian | Gtr Manchester Police |
| Ward Maria | BUILD - Nottingham |
| Jagdeep Passan | Touchstone |
| Sean Larkins | Youth Justice Board |

7. Race Advisory Group

Policy Area Prison service

Terms of Reference

The Race Advisory Group was established, under the Chair of the Prison Service Race Equality Adviser, to act as an advisory/consultation body supporting the Prison Service Management Board. The Groups has a specific remit to consider any potential adverse impact of policies/practices on BME groups.

Aims of the Advisory Group

- To provide oversight of progress of the Commission for Racial Equality Action Plan

- For individual members to provide an independent oversight of positive projects/work streams
- To provide regular progress reports
- To set realistic timescales for the review of projects
- To agree project reports to Prison Service Management Board and the Commission for Racial Equality
- To act as a catalyst for active change in local establishments, through links with Race Relations Liaison Officers.

Meeting frequency Quarterly

Membership

| Name | Job role /Organisation |
|--------------------|---------------------------------------------|
| Beverley Thompson | Prison Service Race Advisor (Chair) |
| Rob Mitchell | Race & Equalities Action Group |
| Nick Pascoe | Area Manager (Thames Valley) |
| Olga Heaven | Hibiscus |
| Jackie Worrall | NACRO (Race Unit) |
| Mehrunnisa Lalani | The Law Society |
| Paul Haughton | RESPECT |
| Yvonne MacNamara | BIAS |
| Steve Mason | Detention Advice Service |
| Colin Moses | POA |
| Abi Pointing | NACRO |
| Eric Smellie | Race Advisor |
| William Simpson | PSTUS |
| Bob Rollings | PSTUS |
| Sharon Bleasdale | PSTUS |
| Soraya Cotwal | RRLO, HMP Lewes |
| Elizabeth Lovell | Children's Society |
| Ahtsham Ali | Muslim Advisor |
| Pam Farmer | BT |
| Kulwant Selhi | Sikh Minister |
| Inder Singh Chawla | Sikh Minister |
| Farida Anderson | Chief Executive, Partners of Prisoners |
| Flo Herbert | Deputy Governor, Brockhill |
| Fletcher Phiri | Naz Project |
| Leroy Richards | Race on the Agenda |
| Charles Bushell | Prison Governors Association |
| Charlotte Sweeney | Barclays Bank |
| Alpa Kapasi | London Development Centre for Mental Health |
| David Sallah | University of Wolverhampton |
| Pete Allen | GALIPS |
| Claire Cooper | CRE |

B. NORTHERN IRELAND

1. Northern Ireland Race Equality Forum

The Northern Ireland Racial Equality Forum was created on 25 February 2003 to support and oversee the implementation of the NI Racial Equality Strategy and to discuss matters of importance to minority ethnic people in NI.

The Racial Equality Strategy for Northern Ireland was published in June 2005. The strategy covers the full range of policy issues which impact on the daily lives of citizens from minority ethnic communities in Northern Ireland, and will last initially for five years. It also covers racial equality issues in respect of migrant workers.

An implementation action plan for the strategy will be drawn up in conjunction with the Northern Ireland Racial Equality Forum and will have inputs from all Northern Ireland Departments and the NIO. A finalised plan will be in place by April 2006.

The Forum has representatives from all NI departments, NIO, Home Office, community/voluntary sector, local councils as well as representatives of minority ethnic communities.

The Forum provides a platform for community and voluntary organisations – especially those representing the minority ethnic communities – to play a full part in developing and implementing the Racial Equality Strategy and advising Government on issues relating to minority ethnic people.

The Race Forum will oversee the implementation of the Action Plan for the Racial Equality Strategy. The Northern Ireland Race Forum also operates through thematic groups created to examine specific issues in more detail.

Thematic groups have been established to deal with Travellers' issues, language issues, and the issue of combating racism and racial incidents.

Section 75 of the Northern Ireland Act 1998 places a statutory obligation on public authorities (Northern Ireland departments, most non-departmental public bodies, District Councils and other bodies including UK departments designated by the Secretary of State) to carry out their functions relating to Northern Ireland with due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation, between men and women generally; between persons with a disability and persons without, and between persons with dependants and persons without.

In addition, without prejudice to this obligation, public authorities must have regard to the desirability of promoting good relations between persons of different religious belief, political opinion, or racial group.

Within Section 75 there is a statutory duty to promote equality of opportunity when developing policies and programmes that relate to Northern Ireland. Consultation forms part of the equality screening and equality impact assessment processes. During the period of public consultation on a draft Race Equality Strategy for Northern Ireland, the Racial Equality Unit in OFMDFM worked very closely in partnership with minority ethnic community representatives and organisations. To ensure the widest possible engagement the consultation included focused seminars with minority ethnic communities (facilitated by minority ethnic voluntary organisations) as well as commissioning various minority ethnic representative organisations to undertake a number of culturally specific consultation events with members of minority ethnic communities.