

1508th meeting, 25 September 2024

4 Human rights

4.1 Framework Convention for the Protection of National Minorities

b. Fourteenth activity report covering the period 1 June 2022 to 31 May 2024

¹ This document has been classified restricted until examination by the Committee of Ministers.

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



**14th activity report
covering the period
from 1 June 2022
to 31 May 2024**

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covering the period
1 June 2022
to 31 May 2024**

French edition:
*Comité consultatif de la Convention-cadre
pour la protection des minorités nationales
– Quatorzième rapport d'activités couvrant
la période du 1^{er} juin 2022 au 31 mai 2024*

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minorities.fcnm@coe.int
www.coe.int/minorities

Cover design and layout:
Documents and Publications Production
Department (SPDP), Council of Europe

Photos: Council of Europe

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Printed at the Council of Europe

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Bureau of the ACFC 2022-2023 – President Petra Roter with the First Vice-President Emma Lantschner (right) and Second Vice-President Nicolas Levrat

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

The Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) continues to guide states parties in their implementation of this unique and significant international treaty. With its monitoring assessments and recommendations, the ACFC has vigorously supported states in enabling the effective access of persons belonging to national minorities to rights enshrined in the Framework Convention for the Protection of National Minorities (Framework Convention), and thus in ensuring societal integration while recognising, respecting and promoting minority rights as an integral part of human rights. In the period covered by this activity report (1 June 2022 to 31 May 2024), the 4th monitoring cycle of the implementation of the Framework Convention was completed and the 5th monitoring cycle was completed for the vast majority of states parties, while the ACFC also started the 6th monitoring cycle. All this work and numerous meetings with the ACFC's interlocutors on the ground, as well as intensified communication and co-operation with states parties and their authorities at all levels, have allowed the ACFC to observe some notable changes in how diversity and minority-related issues are developing, and how they are viewed and addressed in European societies.

The ACFC, for its part, has worked tirelessly – and I am truly grateful to all the colleagues who voluntarily provide their independent expertise and to the excellent professional support of the secretariat – to provide the best advice to states on how to implement the Framework Convention so that individuals, including those who affiliate with national minorities, can enjoy equality and equal protection of human rights, including minority rights; that societies are able to embrace diversity and minorities as an integral and valued part; and that minority issues in inter-state relations can be issues of co-operation and good neighbourly relations, rather than being of a contested or even conflictual nature. Several methods used by the ACFC have been developed or strengthened with these goals in mind. Simultaneously, the monitoring process has now been fully transformed to comply with the new procedural rules as adopted by the Committee of Ministers, which include a two-tier process for the adoption of the ACFC's opinions with confidential dialogue with states parties being an essential part of this process. The ACFC has observed with great satisfaction the positive effects of this comprehensive process on the developments within the Committee of Ministers. At the same time, persons affiliating with national minorities and civil society in general are satisfied that they can look forward to the publication of the respective opinions according to the newly set time frame.

In 2023, we marked the 25th anniversary of the entry into force of the Framework Convention. We marked it with a series of events within the Council of Europe, with other international institutions and on the ground – with minorities, civil society organisations, scholars, experts and with the public interested in diversity management through minority rights. These events were, in addition to the ongoing efforts by the ACFC to raise the quality of its advice to states parties on how best to implement the Framework Convention, an opportunity to reflect on what has changed in practice so that minority rights can be effectively enjoyed, but also what old and new challenges continue to affect the implementation of the Framework Convention. These are both numerous and serious, and they require a strengthened commitment by everyone to address and overcome them. In the past two years, the ACFC has continued its thematic work and adopted, at its last plenary session in this composition, in May 2024, a revised Thematic Commentary on Education. This thematic commentary takes into account all the significant changes and challenges in the field of education since the adoption of the very first thematic commentary of the ACFC almost two decades ago. Focusing on how to ensure quality inclusive education that will benefit both persons affiliating with minorities and diverse societies, this has been done with the hope and expectation that the good seeds planted in education will grow into strong societies that will truly value diversity and minorities as a source of opportunities, ideas and possible solutions to the problems we face in terms of inequality, the climate crisis, lack of solidarity and lack of peace. We should always be reminded that European history has shown us that good minority rights policies and politics are essential for sustainable peace.

*Petra Roter,
President of the ACFC (2022-2024)*

Introduction

Having marked the 25th anniversary of its entry into force (in 2023) and also three decades since it was adopted by the Committee of Ministers in November 1994, the Framework Convention for the Protection of National Minorities remains the most comprehensive multilateral treaty designed to protect the rights of persons affiliating with national minorities in the international community. The Council of Europe thus continues to play a key role in providing common international legally binding principles and standards on managing diversity through the protection of minority rights within an inter-governmental international organisation. This important role played by the Council of Europe in protecting and promoting the rights of persons belonging to national minorities was underlined in the Reykjavik Declaration, adopted at the 4th Summit of the Heads of State and Government of the Council of Europe in May 2023. States parties to the Framework Convention thus assume a legal obligation to ensure the full and effective equality of persons affiliating with national minorities in all areas of economic, social, political and cultural life together with the conditions that will allow them to express, preserve and develop their cultures and identities. This free expression of difference as well as effective equality despite difference also require interaction across difference – all this with the goal of ensuring societal integration and cohesion. Such cohesion can only be achieved where there is a willingness by everyone, regardless of their national or ethnic, linguistic or religious affiliations, to participate in and contribute to society, as well as to accept diversity as an integral part of our societies, rather than viewing it as an anomaly that needs to be diminished or even eliminated. All this depends on individuals, communities, societies and the authorities at all levels, but also on international actors and their policies.

When there is peace, and when states co-operate in the spirit of good-neighbourliness and respect for fundamental principles of international law, the Framework Convention stands a better chance of being effectively implemented and thus of achieving the results for which it was adopted in the first place. Unfortunately, such conditions have not been present recently. Instead, Europe has faced violence: the aggression by the Russian Federation against Ukraine causing the loss of human lives, displacements of populations, internally and as refugees living in other states, and wide-spread destruction. In flagrant violation of the principles and goals of the Framework Convention, the Russian Federation used minority rights to justify this aggression and as a pretext for violating basic principles of international law. It should be underlined yet again that the Framework Convention, together with the ACFC's recommendations and the resolutions of the Committee of Ministers, cannot "be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States", as Article 21 of the Framework Convention undoubtedly reminds us. This is the legal context that the ACFC needed to refer to explicitly during the past two years, and it emphasises it again in this activity report, so that its findings and advice will be understood and followed in a correct manner.

During the period covered by this activity report, the ACFC followed the developments in and provided its recommendations to 39 states and Kosovo*. Following the Russian Federation's aggression against Ukraine in February 2022 and its expulsion from the Council of Europe in March 2022, the Russian Federation denounced the Framework Convention (with effect from August 2024), thus leaving millions of persons affiliating with national minorities in that state without the protection of their rights under the Framework Convention. Although unable to complete the 5th monitoring cycle in the Russian Federation, the ACFC has still observed several worrying developments in this state party over the past two years – from decreased opportunities to use and learn minority languages to inadequate opportunities for participation by persons affiliating with national minorities, including the indigenous peoples in the north, in a general environment marked by the curtailment of basic human rights and fundamental freedoms, displacements, as well as disproportionate levels of conscription of persons affiliating with national minorities into the army.

Recent developments, and in particular the Russian Federation's aggression against Ukraine, have had an impact on minority rights in general, and on the implementation of the Framework Convention in particular. As this creates some very serious dangers for how inclusive, fair, and hence stable and peaceful, our societies will be in the future, the ACFC is sharing its key observations on contemporary trends and challenges across states parties to the Framework Convention, and indeed across the Council of Europe's member states, including those where persons affiliating with national minorities cannot benefit from international legal protection of their minority rights as enshrined in the Framework Convention. The ACFC wishes to share all these observations and concerns through this biannual activity report with states and other actors, including civil society and non-governmental actors, persons who affiliate with minorities and those who affiliate with the majority communities in their respective states or those who have multiple affiliations or who do not wish to act and engage based on their ethnic, linguistic or religious affiliations. All this is shared with the hope of alerting everyone to how serious the situation is, and of just how much smart, inclusive and fair policies regarding diversity management through minority rights are needed in contemporary Europe – perhaps more so than at any time in the period since the adoption of the Framework Convention.

This 14th activity report offers an overview of developments relating to the Framework Convention and the work of the ACFC between 1 June 2022 and 31 May 2024. Before outlining challenges and obstacles to the effective implementation of the Framework Convention – not merely to its provisions and the individual rights it enshrines, but also to some of its goals and core objectives – and before presenting in detail the activities that the ACFC has engaged in over these two years, this report will first focus on some of the notable achievements the ACFC has observed on the ground. Good practice is something the ACFC wishes to stress and to share – both as a way of demonstrating how the

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

commitment and willingness to implement the Framework Convention can produce good solutions that will help not only persons affiliating with national minorities but diverse societies in their entirety, and as a way of sharing possible ideas that others can use to find solutions tailored to the needs and interests of their societies, communities and persons affiliating with them.

All documents and information relevant to the two-year period covered by this report can be found at: www.coe.int/en/web/minorities/advisory-committee.



The ACFC in Graz (Austria) for their 81st plenary meeting, October 2023

Part I

Trends and challenges for minority protection in Europe

As the implementation of international treaties such as the Framework Convention is an ongoing process that is never really completed and that needs to take account of rapid and often notable societal changes, positive achievements are often overlooked when general assessments are made. This is not helpful, as such omissions may lead to erroneous assumptions that nothing a state party to the Framework Convention does is ever good enough or even that nothing can be done to realise the goals and aims of the Framework Convention. In order to dispel these misconceptions, this activity report first highlights the positive developments and good practices observed by the ACFC over the past two years with respect to the norms of the Framework Convention and all its substantive articles specifying a number of rights and principles (Articles 3-18).

The ACFC has been very satisfied to see several states parties adopt a more flexible and open approach to the scope of application of the Framework Convention, which means that more individuals can enjoy access to rights,¹ some of which are based on the so-called article-by-article approach (namely, rights that are particularly relevant for their situation and that meet their needs and interests). A very positive development in some states parties is regular and comprehensive data collection, including on multiple ethnic and linguistic affiliations. Such disaggregated data can then be analysed and used for carefully designed and targeted policy making. Furthermore, the ACFC has been pleased to see access to minority language education extended to minority children from other states; the adoption and implementation, backed by sufficient funds, of meaningful strategies for combating inequalities faced by persons affiliating with different minority communities and for ensuring effective equality; the inclusion and participation of those persons in decision-making processes at all levels, from local to national; the strengthening of anti-discrimination legislative frameworks and ensuring their effective implementation in practice; sustainable support for the preservation and development of minority identities, including measures for language revitalisation;² property restitution; and promotion of minority cultures in all their forms and as an integral part of the cultural wealth of diverse societies.

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1. This extends also to individuals without citizenship, often persons affiliating with different Roma communities, for which such an open approach is particularly beneficial as they often face difficulties with obtaining documents, permits and also citizenship.
 2. This is particularly important where there is a need (which is the case in many states) and where a language was lost due to policies of forced assimilation of persons belonging to minorities.

As our societies are becoming more complex and more diverse, also as a result of internal and international migration motivated by various factors and causes, there is a growing need for the purposeful encouragement of “a spirit of tolerance and intercultural dialogue”, backed by “effective measures to promote mutual respect and understanding and co-operation among all persons” living in the territory of a state party, as spelled out in Article 6 of the Framework Convention. This provision has the broadest scope of application and applies to all persons living in a state, thus setting the required overall context for acceptance of diversity, minorities and persons who affiliate with them as an integral and valued part of society. It is not surprising that the analysis and recommendations of the ACFC under Article 6 are extensive, include a number of different issues depending on the specific context and identify obstacles that exist in individual states parties. The ACFC has also been able to note with satisfaction a number of good practices in this area, including strategies on societal integration; strategies on the prevention of and the fight against online and offline racism, xenophobia, hatred, radicalisation, hate speech and hate crime; the promotion of intercultural dialogue and intercultural communication; systematic pre- and in-service training of law-enforcement officers; and strengthening the judiciary, to name but a few. In the field of education, inclusive policies and special measures such as scholarships, high-quality educational materials, including on history, well-trained teachers and good co-operation between schools, parents and other caregivers, children and youth, minority communities, including through school mediators and teaching assistants, and the authorities have all produced notable positive results, as expected under Article 12 of the Framework Convention.

Whereas some new challenges regarding religious freedoms will require active work to produce solutions that are acceptable for all, many matters concerning religious minorities have been resolved, including access to religious sites and religious services in minority languages or for persons belonging to minority religious communities and facilitation of registration procedures for religious organisations. Similarly, the media landscape has changed so dramatically that new approaches to the implementation of Article 9 are needed, although they will still need to be based on sufficient media content for, by and on minorities and persons affiliating with them. Online media outlets have a much broader potential outreach, but they will not always satisfy the needs of all segments of minority communities. Hence a good combination, as seen in practice, of online media content complemented by a printed (weekly or monthly) publication may cater for minority needs in all age segments. Digital media production and video archiving, as well as on-demand media services, have made the broadcasts for persons affiliating with minorities more accessible as the timing of broadcasting and the length of the programmes can now be adjusted individually. Still, information on minorities and persons who affiliate with them needs to be available to the general public.

The use of minority languages, including minority language education, has been the subject of increasing instrumentalisation for political ends by authorities and negative attitudes among the majority population. For these reasons, the area of minority languages and the language rights enshrined in the Framework Convention have been negatively affected by a number of very worrying trends, as analysed in detail below. What can be shared first, however, is that some good practices have

confirmed that how forward-looking the drafters were in including language rights in the Framework Convention, thereby recognising the importance of language as an expression of individual and collective identity and as a means of communication. All these functions of languages, including minority languages, explain why it is so important to implement the language provisions of the Framework Convention, with all the obligations they entail. The ACFC has, for instance, observed the availability of bilingual administrative forms, including online and outside of traditional minority settlements; the promotion of minority languages in politics; simultaneous interpretation in minority languages; (equal) use of minority languages with local and administrative authorities; the setting up of linguistic helpdesks; (more) bilingual and multilingual topographical and other signs; teaching in and learning of minority languages also outside of traditional areas of minority settlement, particularly in big urban centres; concrete efforts to revitalise small minority languages; the production of quality educational materials for minority language education; activities in minority languages; the reduction of thresholds used for assessment of demand for the use of minority languages, for example in education, and many other positive developments. All these have helped persons identifying with minorities to express their identities freely and thus develop the trust that they are perceived and viewed as an integral part of society. None of these measures and good practices have been carried out at the expense of or in contrast to the learning and use of official language(s).³

Over the past two years, the ACFC has also observed several new ways of ensuring the effective participation of persons belonging to national minorities in all aspects of life, including in areas such as housing, employment and access to healthcare, where a number of strategies and action plans have produced positive results in many states parties. New bodies such as advisory councils have been set up, or existing ones have been expanded in terms of their membership as new minority representatives have been invited to join. Importantly, many minorities have themselves accepted the value of diverse minority representation in such bodies and of the need to have minority women, minority youth, the elderly, among others, with specific needs and interests actively involved in consultation and decision-making processes. Where diversity within minorities has been overlooked in the process of effective participation, the ACFC has provided advice to the authorities to help address the issue. Such recommendations have directly stemmed from the ACFC's meetings, during country visits, with different persons identifying with individual minorities and in particular with minority youth. Young people in general have been facing a number of specific challenges, not least those linked to the Covid-19 pandemic, the consequences of which have not disappeared to this day. It has been of utmost importance for the ACFC to meet and listen to such voices, and diverse voices in general, so that states parties receive the best possible recommendations based on the ongoing needs and interests of persons affiliating with national minorities and living in specific social, economic and political circumstances.

Finally, the bilateral level of minority protection, envisaged in the Framework Convention (Articles 17 and 18) as a complement to the multilateral framework of

3. The evolving thinking of the ACFC on the field of education, including a reflection on good practice as well as challenges, is summarised in the revised Thematic Commentary on Education.

substantive rights and principles, extending in particular to free cross-border contacts, to the conclusion of bilateral and multilateral agreements with other states and to measures on transfrontier co-operation, has produced many opportunities for the implementation of minority rights. Minority language education and cultural production have in particular benefitted from such co-operation, although many long-established contacts and forms of co-operation have suffered as a result of border closures (due to the pandemic or the Russian Federation's aggression against Ukraine and the accompanying security concerns across the continent) or as a result of the reintroduction of border regimes that have replaced the open borders between some states parties (members of the European Union's Schengen Agreement). But the impact of inter-state relations on minorities and persons affiliating with them, minority rights and human rights more generally, as well as on diverse societies in general, does not end here.

The trends the ACFC has observed over the last two years are unfortunately not only positive and do not only move in the direction of progressively achieving the goals of the Framework Convention. Indeed, there are overarching and very worrying trends that the ACFC wishes to highlight openly and directly: a trend against minority rights, a trend against diversity being accepted as an integral part of our societies and a trend against minority individuals being part and parcel of societies. Instead, the expression of minority affiliations is in many contexts viewed as a sign of disloyalty to the state. National minorities and persons affiliating with them are again increasingly viewed in many contexts as a security threat, as destabilising elements that threaten the sovereignty, independence and territorial integrity of individual states on one hand, and peace and security on the other. These views and, in many parts of Europe, very real perceptions are nurtured by a narrative of mistreatment of minorities that has been used as political justification for an act of aggression against a neighbouring state. They are also evidence of how minority issues and minorities can be manipulated and instrumentalised by political leaders and states in pursuit of other goals, including ones that are illegal and illegitimate. This constitutes not just a violation of the Framework Convention (see Article 21), but also an abuse of common European norms and values, and international legal obligations with all their procedures. It is now crucial that these abusive practices and these egregious violations of international norms must not be allowed to strengthen the existing tendency, visible in some member states of the Council of Europe, towards an erosion of minority rights⁴ and the rise of a more essentialist and hence fundamental objection to (some) minority rights.

This is a very worrying development which is part of two more general detrimental trends towards the backsliding in human rights on the one hand and the shrinking, or in some cases completely absent, support for multilateralism on the other hand. This development is primarily the result of fears of insecurity: the insecurity that is closely linked to if not worsened by the existence of a particular minority, which is understood as providing a possible pretext for intervention by a neighbouring state; the understanding of identities and affiliations by states and dominant national

4. This was already observed by the ACFC a few years ago. See the 11th Activity Report of the Advisory Committee, 2016-2018.

communities (nations) in a largely exclusive and homogenising manner and the inability to distinguish individuals living in a state and who have a minority ethnic affiliation (identity) and speak a minority language as their first language from individuals who support aggressive nationalist foreign regimes and their policies. In some states parties, minority rights have become subordinate to perceived security concerns. This has led persons affiliating with national minorities to be overly cautious in expressing their minority affiliation, claiming access to minority rights or questioning limitations on their rights by the authorities, due to a fear of being stigmatised as disloyal in a fragile security situation. History teaches us that exclusive nation-building aiming at homogenising societies and exacerbating divisions along ethnic, linguistic and/or religious lines between “us” and “them”, with “them” not being accepted as an integral part of “our” nations and societies or even being viewed as a “problem”, are the problem. They are a problem that in the mid-1990s, namely in the midst of the wars in the former Yugoslavia, was to be addressed in a new, carefully and purposefully chosen manner laid out in detail in the Framework Convention.

According to this unique and forward-looking multilateral treaty, societal integration and ultimately peace and stability are to be secured by protecting minority rights as human rights of all persons belonging to minorities. Effective access to minority rights, not a denial of them, has been accepted as the best guarantee that diversity is part and parcel of our societies. This will not change, on the contrary, all European societies have experienced and continue to experience emigration of their citizens, immigration of other citizens and intra-state migrations, typically to big urban centres. Sadly, large-scale involuntary migrations have also occurred over the past two years in the Council of Europe area as a result of aggression, conscription orders in the Russian Federation, and out of fears for personal safety in the context of re-establishment of sovereignty by another state within internationally recognised borders. Diversity will continue to exist, and it is likely to increase. As a result, European states must further enhance their ability to manage diversity in a way that makes it an integral, valued and welcome aspect of society, rather than a threat and a problem. Re-securitisation of diversity and of national minorities and persons affiliating with them is a very worrying trend the ACFC has observed in its monitoring work. It is particularly upsetting as this is precisely what the Framework Convention was designed to overcome in response to a very painful part of European history. The assertion of universal minority rights as an essential part of human rights was the purposeful answer to the previous particularistic approach – often unfair and based on double standards – of treating certain minorities as a security concern. This turning point and the reasons behind it cannot and should not be forgotten.

To reiterate, in contrast to how diversity was viewed and dealt with in the international community before the 1990s, the Framework Convention was the result of the vision of the drafters from member states of the Council of Europe, of their courage and of their interest in ensuring “the protection of national minorities” as “essential to stability, democratic security and peace in this continent” (preamble). They understood “that a pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity” (preamble). With all this in mind, they

affirmed that minority rights are an integral part of human rights, as universal rights. As such persons affiliating with national minorities are entitled to these rights, states are responsible for providing the conditions for these persons to be able to access them. They agreed that the prime responsibility to protect minorities by ensuring effective access to minority rights lies with the states where minorities live. This means that state obligations need to be fulfilled first at home within the rule of law, and then through international co-operation, as a matter of joint international concern, while respecting the territorial integrity and sovereignty of states. Politicisation or instrumentalisation of minority rights for other foreign policy goals thus runs counter to the spirit and purpose of the Framework Convention. If a state expresses specific expectations in the field of minority rights with regard to another state but does not back this up with its own domestic legislative and policy measures aiming at implementing the Framework Convention in an inclusive manner, this raises serious concerns, as minority rights should not be a means of reaching other goals. Instead, they are a benefit for everyone: persons who affiliate with minorities, persons who live in diverse societies, these societies and states, as well as the international community.

The drafters of the Framework Convention also agreed that the concrete substance of minority rights – for example in relation to maintaining and developing minority cultures or access to the media and quality education, including minority language education – is to be determined in co-operation with the persons concerned, who themselves may have various needs and interests. Therefore, the effective participation of persons affiliating with national minorities, taking into account their intra-minority diversity and upholding the concept of intersectionality, is both a right and a principle that guides the implementation of minority rights in practice. Further, the drafters envisaged the Framework Convention not as a treaty only for minorities and persons affiliating with them, but also for our diverse societies. This is why several provisions of the Framework Convention have a broad(er) scope of application and apply to all individuals in diverse societies.⁵ Only in this way will diversity and the existence of minorities and persons affiliating with them become a source of enrichment, as the drafters wrote in the preamble.

All these ideas, goals and specific norms or rights and freedoms enshrined in the Framework Convention are as valid and relevant now as they were three decades ago. The ACFC has been very vocal in explaining that the problems in our societies that stem from diversity are not caused by too many rights, but rather by the denial of access to rights. The latter causes frustration, exclusion and a lack of trust in effective access to equal opportunities. The lack of rights and exclusion of individuals based on their ethnic, linguistic and/or religious affiliations are bound to lead to alienation and ultimately to societal disintegration. This is also deeply insulting as it questions one's identity and hence one's value as a person. The scapegoating and exclusion of individuals based on their ethnic affiliations are therefore not a path to societal integration and cohesion. On the contrary, there is a need for more opportunities for persons affiliating with national minorities to be informed in a minority language, to have access to media in this language, to be able to use this language, to be able to learn or be educated in this language and so on. This is the first step to effectively

5. See the Fourth Thematic Commentary of the Advisory Committee, 2016.

addressing information campaigns and provocative claims by other states, and to countering misinformation and politically motivated non-democratic messages coming from abroad. In the absence of high-quality domestic media production that caters for the needs and interests, including language-related ones, of persons affiliating with minorities, foreign-produced media consumption will be high. This is just one concrete example of how minority rights can effectively counter the deliberate actions of individual states that seek to disintegrate societies and foster individuals' loyalty to foreign states rather than their own.

One challenge to the effective implementation of the Framework Convention, and thus a serious obstacle to reaching the goals of this treaty, that requires immediate attention is the need to ensure societal cohesion or integration on the one hand, and free expression and the preservation and development of minority identities on the other. Societal integration refers to the entirety of diverse societies; it is not an expectation for persons belonging to minorities to assimilate, to hide or give up their languages, their cultures, their identities, their interests and needs so that they will be accepted as full members of a society and finally viewed as loyal citizens of their state. Societal integration applies to everyone, all individuals living in a diverse society. It is a process of mutual adaptation, accommodation and adjustment. We all contribute to the society in which we live, and we all have rights and responsibilities. Only such an inclusive society will be fully appreciated by everyone. Equal opportunities and effective access to minority rights, including the possibility to express one's ethnic, linguistic, religious and cultural identities in a state in which one lives, are the best means to put an end to the abuse of minority issues by other states. This first step needs to be taken by the state where the minority lives.

The ACFC also finds it important to direct the attention of states parties and other member states of the Council of Europe to the trend of reinterpreting some key terms in a worrying way. The ACFC has observed that the term "integration" (or "cohesion") is used by some states to justify homogenisation of the society through exclusive nation-building policies. This frequently happens in the approach towards the use of language(s). Instead of enabling the conditions in which persons affiliating with minorities could learn the official language(s) and their minority language, which is possible as evidenced by many examples of good practice across the states parties, they limit or even entirely eliminate opportunities for children, starting already in kindergarten and continuing in pre-school education, primary education and later, to learn their first minority language or be educated in that language. Not only is this contrary to the provisions on language rights in the Framework Convention (Article 14), but it is the core aspect of the trend against diversity and against minorities being accepted as an integral part of a society. Societal integration cannot occur by simply expecting segments of ethnically and/or linguistically distinct populations to hide their affiliations in public or to live with no opportunities to ensure these identities will be transmitted to children without the fear of facing exclusion, if not discrimination. The results of past policies of (forced) assimilation of many indigenous peoples in Europe are evident to this day. No revitalisation project, public apology or compensation, as needed as they are, will make amends for the personal and community stress, fears and lost opportunities.

This understanding of societal integration that is not based on accepting and promoting minority identities seems to have strengthened over the past two years. It is also reflected in the term “minority” being increasingly viewed as pejorative in some contexts. It is being replaced by the term “vulnerable group” as if only vulnerability justifies special attention and the protection of minority rights. The ACFC has consistently emphasised that there is a need to think about vulnerability not as an essential element of a particular community and persons who affiliate with it, but rather as a context or a situation in which those individuals have been placed, often for generations, and which does not allow them to enjoy effective equality. This shifts the focus from individuals and communities to the authorities and broader societies that need to change those conditions so that individuals can enjoy equality in all aspects of life.

The challenges are many and include the questioning of minorities and minority rights, securitisation and disproportionate effects of real and legitimate security concerns on access to minority rights or on attitudes towards persons affiliating with (particularly some) national minorities, a shift away from multilateralism and a return to increased bilateralisation, with the accompanying politicisation and instrumentalisation of minority rights, as well as the interpretation of terms in a way that runs contrary to how those terms are meant to refer to under the Framework Convention. All this makes it very difficult for persons affiliating with national minorities to be free from fear when they self-identify, express themselves and develop their identities. In such a context, it is very difficult for them to develop agency and formulate and communicate their own needs and interests through established mechanisms that enable them to effectively participate in all aspects of life. And, lastly, all these trends have been felt also by civil society organisations promoting minority rights and by independent experts on minority rights who are increasingly subject to offline and online hatred.

However, the challenges to the implementation of the Framework Convention are not solely of a political nature and do not solely stem from foreign policies, domestic intolerance towards “them”, or exclusive domestic approaches to nation-building. In addition to these largely political challenges, which also have rather straightforward political solutions, there are a number of challenges that are the result of economic inequalities that affect everyone, but often disproportionately those affiliating with minorities, inter-generational social marginalisation and exclusion and purposeful policies of assimilation. These challenges are exacerbated in many parts of Europe by the effects of the climate crisis, which is threatening traditional ways of life and hence the very essence of the identities of individuals and communities as it multiplies their exposure to discrimination and poverty.⁶ The challenges also risk further marginalising individuals and entire communities if they are not addressed through comprehensive, inclusive and adequately financed policies. Often, the individuals and communities in question are already in a highly vulnerable situation. Urgent and renewed efforts, sometimes different policies, are needed to effectively eliminate such inequalities, multiple forms of discrimination and marginalisation. The ACFC finds it truly regrettable that a quarter of a century after the entry into force of the

6. See the 13th Activity Report of the Advisory Committee, 2020-2022.

Framework Convention it still needs to formulate recommendations to require respect for the basic human rights of persons in conditions so precarious that they live in cardboard houses or old wagons because their houses were destroyed to make way for new development, they have no access to drinking water or electricity and their children cannot enjoy the right to quality education, thus making it impossible to break the cycle of poverty and exclusion.

These trends are not new; some have been strengthened. And this is what is particularly worrying and what the ACFC wishes to alert states parties about with this activity report. These trends need to be reversed urgently and systematically. The ACFC stands ready to continue to provide the best possible knowledge and expertise in the form of its advice and recommendations. It is also ready to continue supporting states parties in follow-up activities so that good practices can be shared and concrete solutions put in place.



5th visit of the Advisory Committee to Romania, June 2022

Part II

Country-specific monitoring by the ACFC

The implementation of the Framework Convention is monitored by the Committee of Ministers of the Council of Europe, with the assistance of the ACFC. Composed of 18 independent experts appointed by the Committee of Ministers, the ACFC is entrusted with monitoring the implementation by all states parties of the rights guaranteed by the Framework Convention.

The monitoring procedure⁷ set up under the Framework Convention requires each state party to submit a first report within one year of entry into force of the Framework Convention and, thereafter, a report every five years. Having examined the periodical state report and visited the country in order to gather further information during meetings with the authorities, minority representatives, civil society representatives, human rights and minority rights experts and other interlocutors, the ACFC adopts its opinion on the implementation of the Framework Convention in the respective state party. Since the adoption of Resolution CM/Res(2019)49 on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities, a confidential dialogue between the state party concerned and the ACFC takes place before an opinion is adopted. The final opinion is then sent to the authorities concerned for final comments to be published together with the opinion as adopted by the ACFC. A state party may consent to publication of the ACFC's opinion upon its adoption. Otherwise, the opinion will be made public when comments are received from the state party, but no later than four months after its transmission, with a maximum two-month extension. Based on the ACFC's opinion, the Committee of Ministers adopts a resolution containing conclusions and recommendations in respect of the state concerned (see flow chart in Appendix 4). The organisation of follow-up meetings to present and exchange on the ACFC recommendations with the authorities, minority representatives and civil society is encouraged by the ACFC as an integral part of the monitoring cycle. These meetings not only complete the monitoring cycle and ensure effective implementation of recommendations, but also help to establish a dialogue both in the country concerned and with the ACFC.

7. For a description of the changes made to the monitoring procedure in 2019, see the 12th Activity Report, 2018-2020. See also Resolution CM/Res(2019)49.

In the two years covered by this report, the ACFC received 21 state reports and adopted 19 opinions during a total of eight plenary sessions held in Strasbourg and one in Graz, Austria (81st plenary session). Two opinions were also approved (prior to the confidential dialogue phase). Members of the ACFC's working groups took part in 16 country visits. In addition, six follow-up activities were organised in close partnership with the authorities concerned. Over the same period, the Committee of Ministers adopted 17 resolutions in respect of states parties to the Framework Convention.

Periodical state reports

With the receipt of 13 state reports since March 2023, the 6th monitoring cycle is well under way. In addition, six 5th monitoring cycle reports were received during the reporting period along with two reports from the 4th monitoring cycle, thereby completing the 4th monitoring cycle for all states parties. In total, the following 21 state reports were received between 1 June 2022 and 31 May 2024:

6th monitoring cycle

- ▶ Liechtenstein, received on 1 March 2023;
- ▶ Finland, received on 27 March 2023;
- ▶ Czech Republic, received on 29 March 2023;
- ▶ Denmark, received on 30 March 2023;
- ▶ Croatia, received on 15 June 2023;
- ▶ Slovenia, received on 25 July 2023;
- ▶ Hungary, received on 31 August 2023;
- ▶ Germany, received on 18 December 2023;
- ▶ Slovak Republic, received on 11 January 2024;
- ▶ Spain, received on 12 January 2024;
- ▶ Cyprus, received on 1 February 2024;
- ▶ Italy, received on 14 March 2024;
- ▶ United Kingdom, received on 7 May 2024;

5th monitoring cycle

- ▶ Bosnia and Herzegovina, received on 31 August 2022;
- ▶ Serbia, received on 1 September 2022;
- ▶ Azerbaijan, received on 17 October 2022;
- ▶ Poland, received on 7 March 2023;
- ▶ Ireland, received on 12 July 2023;
- ▶ Portugal, received on 13 May 2024;

4th monitoring cycle

- ▶ Georgia, received on 31 July 2022;
- ▶ Montenegro, received on 8 December 2022.

The ACFC welcomes the fact that state reports are generally thorough and informative, presenting the relevant disaggregated data and information on legislation, policies and other activities and developments, as well as assessing the actual implementation of the ACFC's and the Committee of Ministers' recommendations. It also appreciates the fact that in many states parties, civil society stakeholders – national minority organisations, human rights non-governmental organisations (NGOs) and national independent experts – are widely involved in the preparatory and drafting process, with minority representative organisations often being able to add their own assessment to the respective state report. The ACFC invites those states parties that are not yet following such good practice to consider doing so in the 5th and 6th monitoring cycles. Furthermore, the ACFC considers that the inclusion of the views of civil society representatives in the final version of the report is of added value and sends a positive signal of good co-operation within states parties with regards to the implementation of the Framework Convention.

The compliance with due dates for the submission of state reports remains a cause for concern in some states parties. Timely submission is more than just a matter of compliance with treaty obligations. It allows the ACFC to better plan its work, which in turn facilitates the task of the state party concerned. Moreover, late submission in a previous cycle does not extend the due date in the following cycle. The ACFC therefore appreciates that many states parties have managed to submit their reports without significant delays or in time. It also hopes that the new outline for the 6th cycle state reports will provide useful guidance to the states parties in the preparation of their reports.⁸

Country visits

During the 2022-2024 biennium, priority was given to the organisation of country visits. Between 1 June 2022 and 31 May 2024, ACFC delegations carried out 16 visits, three of which were co-ordinated with the Committee of Experts of the European Charter for Regional or Minority Languages (COMEX) and one with the European Commission against Racism and Intolerance (ECRI):

6th monitoring cycle

- ▶ Denmark, in June 2023, co-ordinated with the COMEX;
- ▶ Finland, in April 2024;

8. Outline for state reports to be submitted under the 6th monitoring cycle of the Framework Convention for the Protection of National Minorities, approved by the Advisory Committee on the Framework Convention on 19 May 2022 at its 75th plenary meeting and approved by the Committee of Ministers of the Council of Europe at their 1439th meeting on 6 July 2022.

5th monitoring cycle

- ▶ Romania, in June-July 2022;
- ▶ Republic of Moldova, in September 2022;
- ▶ Austria, in October 2022, co-ordinated with the COMEX;
- ▶ Albania, in November 2022;
- ▶ Sweden, in March 2023;
- ▶ Bosnia and Herzegovina, in April 2023;
- ▶ Ireland, in September 2023;
- ▶ Azerbaijan, in October 2023;
- ▶ Bulgaria, in November 2023;
- ▶ Lithuania, in November-December 2023, co-ordinated with ECRI;

4th monitoring cycle

- ▶ Netherlands, in June-July 2022, co-ordinated with the COMEX;
- ▶ Latvia, in February-March 2023;
- ▶ Georgia, in May 2023;
- ▶ Montenegro, in November 2023.



5th visit of the ACFC to Bosnia and Herzegovina, April 2023

Country visits form an indispensable part of the monitoring process. By meeting with minority representatives and persons affiliating with national minorities and reflecting a diversity within minorities, including gender, age and other personal circumstances; authorities at the central, regional and local levels; representatives of parliaments and other relevant institutions, including ombudspersons and equality bodies; as well as civil society organisations and independent experts, the ACFC gains a deeper insight into the country's situation as well as an understanding of the needs and interests of different stakeholders. Visits also offer a possibility of establishing a dialogue with the authorities, minority organisations and independent experts, which goes beyond the time frame of the visit itself. To this end, the ACFC visits not only the capital city of each country but also areas populated by persons belonging to national minorities, which is crucial to evaluate the situation on the ground.

Country-specific opinions

Between 1 June 2022 and 31 May 2024, the ACFC adopted a total of 19 opinions and it approved two opinions (to be adopted after the confidential dialogue with the respective states parties):

6th monitoring cycle

- ▶ Liechtenstein, on 9 October 2023;
- ▶ Denmark, on 7 February 2024;

5th monitoring cycle

- ▶ Armenia, on 5 October 2022;
- ▶ Italy, on 5 October 2022;
- ▶ United Kingdom, on 8 December 2022;
- ▶ Switzerland, on 13 February 2023;
- ▶ Kosovo*, on 16 February 2023;
- ▶ Romania, on 3 April 2023;
- ▶ Albania, on 6 June 2023;
- ▶ Republic of Moldova, on 7 June 2023;
- ▶ Austria, on 8 June 2023;
- ▶ Sweden, on 11 October 2023;
- ▶ Bosnia and Herzegovina, on 8 February 2024;
- ▶ Bulgaria, on 29 May 2024;
- ▶ Ireland (approved), on 29 May 2024;
- ▶ Azerbaijan, on 30 May 2024;
- ▶ Lithuania (approved), on 30 May 2024;

4th monitoring cycle

- ▶ Netherlands, on 3 April 2023;
- ▶ Latvia, on 9 October 2023;
- ▶ Georgia, on 7 February 2024;
- ▶ Montenegro, on 30 May 2024.

Confidential dialogue has become part of the monitoring process. The ACFC considers that it has contributed to deepening its dialogue with states parties and remains confident that this will serve to further improve the quality and impact of its monitoring work. However, this new phase in the monitoring process has also generated additional work for the ACFC, with two sets of readings, at two plenary sessions, of the opinions instead of one set at one plenary session. In this respect, the ACFC considers it essential that the states parties strictly limit their observations to inaccuracies of a factual nature or elements requiring clarification, as provided for by Rule 37 of Resolution CM/Res(2019)49, and refrain from making comments of a substantial nature at this stage of the procedure.

The ACFC has maintained its practice regarding the formulation of recommendations in the 5th cycle: recommendations for immediate action should be given priority in the sense that they require urgent action; nevertheless, other recommendations are equally important, especially in the mid- and long term. An encouragement may well become a recommendation for immediate action in a subsequent opinion. This arrangement is intended to indicate to the state party where the priority for action should lie, but also what serious problems can still be anticipated and dealt with in time. The ACFC keeps track of measures implemented as a result of its recommendations and adapts its language to express increasing levels of urgency in cases where a recommendation is repeatedly not followed up.

In 2023, after reflecting on its practice, the ACFC decided to adopt a different approach for the 6th cycle opinions, no longer distinguishing between “recommendations for immediate action” and “further recommendations”. Ten priority recommendations will be selected by the ACFC. These will be the recommendations on which the ACFC considers that states parties should focus in order to achieve the objectives of the Framework Convention at national level. The 6th Opinion on Denmark, which will be public in June 2024, is the first opinion to implement this new approach.

Resolutions of the Committee of Ministers

Between 1 June 2022 and 31 May 2024, the Committee of Ministers adopted a total of 17 resolutions:

6th monitoring cycle

- ▶ Liechtenstein, on 13 December 2023;

5th monitoring cycle

- ▶ Norway, on 6 July 2022;
- ▶ Germany, on 27 September 2022;

- ▶ Slovak Republic, on 3 November 2022;
- ▶ Slovenia, on 30 November 2022;
- ▶ North Macedonia, on 8 February 2023;
- ▶ Estonia, on 5 April 2023;
- ▶ Italy, on 5 April 2023;
- ▶ Armenia, on 28 June 2023;
- ▶ Switzerland, on 14 September 2023;
- ▶ Romania, on 31 October 2023;
- ▶ Kosovo*, on 31 October 2023;
- ▶ Albania, on 13 December 2023;
- ▶ Austria, 13 December 2023;
- ▶ Republic of Moldova, on 10 January 2024;
- ▶ Sweden, on 5 April 2024;

4th monitoring cycle

- ▶ Netherlands, on 31 October 2023.

The adoption of a resolution by the Committee of Ministers formally completes a given monitoring cycle. It is based on the opinion adopted by the ACFC and should therefore be read in conjunction with the opinion. It is worth noting that the time needed to adopt resolutions prepared in accordance with the procedural changes introduced by the 2019 reform has significantly decreased. The ACFC welcomes this positive development which contributes to the efficiency and relevance of its monitoring work.

The ACFC and the Committee of Ministers pursued fruitful dialogue. The ACFC values in particular its constructive working relations with the Committee of Ministers Rapporteur Group Human Rights (GR-H). The President of the ACFC presents country-specific opinions to the GR-H, which provides an opportunity to exchange information on all issues of importance to the Framework Convention and its monitoring mechanism. This practice also reiterates the multilateral dimension of the monitoring mechanism, transcending the scope of bilateral or inter-state relations.

The ACFC

At its 76th meeting in October 2022, the ACFC elected a new bureau: Petra Roter (member in respect of Slovenia) as President, Emma Lantschner (member in respect of Italy) as First Vice-President and Nicolas Levrat (member in respect of Switzerland) as Second Vice-President. Following the resignation of Nicolas Levrat from the ACFC after his election as UN Special Rapporteur on minority issues, David Smith (member in respect of the United Kingdom) was elected as Second Vice-President at the 82nd meeting of the ACFC in February 2024.

The ACFC works as a collegial body, and its opinions and thematic commentaries, adopted at its plenary sessions, are the outcome of extensive discussions and exchanges. As stipulated in the Framework Convention and Resolution CM/Res(2019)49, independence, impartiality, experience, availability and expertise on minority issues are prerequisites for appointment as an ACFC member. In addition, a range of expertise is necessary for the ACFC to work efficiently, ranging from the legal field, political science and international relations to history and anthropology, linguistics and sociology. Experts affiliating with minority and majority communities, with experience in academia, civil society or the judiciary, serve on the ACFC and contribute to its collective expertise. Proficiency in at least one of the Council of Europe's official languages (English and French) is a prerequisite, and other factors such as gender balance are of importance. These considerations need to be consistently taken into account in the selection of candidates and elections to the list of experts eligible to serve on the ACFC.

The ACFC welcomes the election of a number of experts to the list of additional members of the ACFC in the period covered by the present activity report. This allows the ACFC to examine the implementation of the Framework Convention in most states parties in a composition including an independent expert appointed as an ACFC member in respect of the state party concerned. The ACFC encourages states parties to the Framework Convention to nominate experts for election to the list of experts eligible to serve on the ACFC, if they have not yet done so, in a timely manner.



83rd plenary meeting of the ACFC, Strasbourg, May 2024

Part III

Transparency of the process and dialogue

Publication of the opinions

Between 1 June 2022 and 31 May 2024, a total of 18 ACFC opinions were made public:

6th monitoring cycle

- ▶ Liechtenstein, on 13 November 2023;

5th monitoring cycle

- ▶ Estonia, on 9 June 2022;
- ▶ Germany, on 14 June 2022;
- ▶ Slovak Republic, on 15 June 2022;
- ▶ North Macedonia, on 21 September 2022;
- ▶ Slovenia, on 22 September 2022;
- ▶ Armenia, on 13 February 2023;
- ▶ Italy, on 13 February 2023;
- ▶ United Kingdom, on 25 May 2023;
- ▶ Kosovo*, on 26 May 2023;
- ▶ Switzerland, on 29 June 2023;
- ▶ Romania, on 5 September 2023;
- ▶ Austria, on 16 October 2023;
- ▶ Republic of Moldova, on 18 October 2023;
- ▶ Albania, on 19 October 2023;
- ▶ Sweden, on 19 February 2024;

4th monitoring cycle

- ▶ Netherlands, on 24 August 2023;
- ▶ Latvia, on 22 February 2024.

The adoption of Resolution CM/Res(2019)49 changed the existing rules governing the publication of ACFC opinions. A state party may still consent to publication upon adoption of the opinion. Otherwise, the opinion will be made public when comments are received from the state party, but no later than four months after its transmission to the state party concerned. The ACFC shall take into account a reasoned request submitted in writing by the state party concerned to postpone the publication of the opinion, if necessary, but in any event for no longer than two months. The resolution also provides that the comments of the state party concerned in relation to the opinion of the ACFC as well as the conclusions and recommendations of the Committee of Ministers shall be made public.

During the period covered by this activity report, a summary of the main findings of the ACFC opinions has been systematically translated into the official languages of the states parties. Thanks to these translations, the results of the monitoring process have become more widely known and better understood by the persons affiliating with national minorities, minority organisations and the public at large. This is an important means of promoting dialogue at national level on effective access to minority rights, all while enhancing and fostering the implementation of the recommendations.

The governments' final comments on the ACFC's opinion are an important part of the monitoring process as they continue the dialogue with the authorities that begins as a preparation to the visit and intensifies during and after the visit. They provide answers to some of the ACFC's findings, point out factual changes, which may have occurred since the adoption of the opinion, and address any other relevant issues. The timely publication of opinions and government comments ensures that the findings and recommendations are not outdated when published and enables the authorities at all levels to quickly get down to work on implementing the recommendations.

Follow-up activities

Between 1 June 2022 and 31 May 2024, six follow-up events were held in co-operation with the ACFC, two being co-ordinated with the COMEX:

5th monitoring cycle

- ▶ Norway, on 24 November 2022, co-ordinated with the COMEX;
- ▶ Slovenia, on 28-29 November 2022;
- ▶ North Macedonia, on 22 May 2023;
- ▶ Slovak Republic, on 28 June 2023;
- ▶ Scotland, United Kingdom, on 14 December 2023, co-ordinated with the COMEX;
- ▶ Sweden, on 19 April 2024.

The ACFC considers monitoring as an ongoing process where each cycle builds on the previous one and which does not end with the adoption of an opinion or a resolution of the Committee of Ministers. The ACFC has always encouraged states

parties to organise follow-up activities in between cycles. Follow-up activities are an integral part of the monitoring cycles and provide a platform for dialogue between the ACFC and a multitude of stakeholders in the state party concerned. They offer an opportunity to discuss recommendations and to identify the most efficient ways of practically implementing them, and for the ACFC, to share good practices from its monitoring work in all states parties and expertise on managing diversity through minority rights. Follow-up meetings can also, where necessary, be an opportunity for the ACFC to clarify its recommendations and its assessment of the situation and for the national authorities to report on progress already achieved in the implementation of the recommendations. Finally, they can serve to raise awareness about the principles and the provisions of the Framework Convention and the functioning of its monitoring mechanism, including the possibility to provide alternative reports to the ACFC by non-governmental actors.

The follow-up events organised between 1 June 2022 and 31 May 2024 confirmed the value of such activities as a platform for open exchange between authorities, national minorities and other stakeholders. The ACFC will continue to seek support for organising them and encourage states parties to hold such events on a regular basis as an essential step in the monitoring process in each cycle.

Outreach and media presence

ACFC members, with the help of the secretariat, continued to promote the ACFC's monitoring work among the general and specialised public. Throughout the reporting period, the Framework Convention for the Protection of National Minorities (FCNM) website was regularly updated with news items, events and documents.



Visual from the #WhichMinority X campaign

In 2023, the Council of Europe marked the 25th anniversary of the entry into force of the Framework Convention. For the occasion a special webpage was launched jointly with the European Charter for Regional or Minority Languages (ECRML), which also celebrated its 25th anniversary in 2023. In line with the motto “25 years of making diversity matter” the anniversary webpage features statements by the President of the ACFC and the Chair of the COMEX, facts and figures about both treaties, the milestones in their 25 years of existence, success stories from the different states parties and a quiz.

To increase outreach through social media, regular posts were sent via the Council of Europe @Antidiscr X account announcing events, visits and the publication of opinions, generating notable visibility.

In parallel, the biannual FCNM newsletter “Minority rights in Europe” was distributed to a growing number of subscribers with four editions between June 2022 and May 2024.

Finally, the FCNM leaflet entitled “Questions & Answers”, an information flyer designed for the general public, was translated into 14 more languages during the reporting period: Azerbaijani, Bosnian, Bulgarian, Czech, Danish, Finnish, Georgian, Latvian, Lithuanian, Montenegrin, North Sami, Romani, Romanian and Swedish. In total, the leaflet is now available in 23 languages.



Visual from the #WhichMinority X campaign

Part IV

Other developments and activities

The revised Thematic Commentary on Education

In May 2024, the ACFC adopted the revised Thematic Commentary on Education, which replaces the First Thematic Commentary on Education of 2006. This revision examines how the monitoring practice of the ACFC has reflected new developments and trends in the field of education and provides guidance to states parties on fulfilling their obligations under the Framework Convention in relation to education. This revised Thematic Commentary on Education, drafted in consultation with a large range of stakeholders, looks at education in three perspectives: education and the integration of society as a whole; education and equal opportunities; education and minority languages. It will be published during the second semester of 2024 and states parties are welcome to translate it into other languages.

Gender mainstreaming in the work of the ACFC

The ACFC continued developing its work on gender mainstreaming through the updated gender equality checklist from 2021. This checklist, together with the ACFC's thematic commentaries, are important tools that show how the Framework Convention can be best applied in practice, including by highlighting gender equality and the need to pay particular attention to multiple discrimination against minority women and girls. In addition, the ACFC took note of an information document prepared by the secretariat, which, based on the relevant jurisprudence, aims at identifying the challenges which women and girls belonging to national minorities face. This information document proposes ways of addressing these challenges in line with the Council of Europe Gender Equality Strategy (2024-2029), adopted by the Committee of Ministers on 6 March 2024. The ACFC also paid particular attention to the situation of Roma women and girls, as well as to the harmful practices faced by women and girls belonging to national minorities in some states parties, and to the difficult access of women and girls to sexual and reproductive health, in particular when they affiliate with a national minority and live in underdeveloped and remote areas.

The Gender Equality Rapporteur, Alexandra Castro (Portugal), represented the ACFC in the event “Intersectionality of Gender and National Minorities”, organised by the Organization for Security and Co-operation in Europe (OSCE) High Commissioner on National Minorities in March 2023. She shared the experience of the ACFC in the field of women’s access to social and economic rights. She highlighted the standards of the ACFC in this field and the working tools developed by the ACFC, in particular the gender equality checklist, the role of the Gender Equality Rapporteur and the attention paid to the composition and representation of the ACFC in its monitoring work.

In September 2023, the Gender Equality Rapporteur participated in a training session organised by the Council of Europe Gender Equality Division, which provided a good forum to discuss practices and experiences with other Council of Europe Gender Equality Rapporteurs. In June 2022, the members of the secretariat were the first team to be trained on gender mainstreaming in monitoring activities at the Council of Europe.

Part V

Co-operation with other bodies

The ACFC believes that co-operation with civil society and academia as well as with Council of Europe and other international institutions and bodies active in the field of minority rights is of the utmost importance (see Appendix 5).

Co-operation activities within the Council of Europe

On 17 January 2023, the President of the ACFC participated in the Secretary General's annual informal meeting of the heads of Council of Europe monitoring and advisory bodies. These meetings aim at supporting the work of these bodies, strengthening co-operation and ensuring that effective follow-up is given to their findings.

The ACFC also continues its co-operation with ECRI, as well as with the COMEX. Three co-ordinated visits were organised with the COMEX during this biennium: in the Netherlands, Austria and Denmark, and one with ECRI in Lithuania. In addition, two co-ordinated follow-up meetings involving members of the ACFC and the COMEX took place in Norway and in Scotland, United Kingdom, in November 2022 and December 2023, respectively.

On 23 March 2023, the President of the ACFC participated in the Parliamentary Assembly Committee on Equality and Non-Discrimination session to mark the 25th anniversary of the entry into force of the Framework Convention. During its 80th plenary meeting in June 2023, the ACFC held an exchange of views with Aurora Alincai, Executive Director of the Council of Europe's Observatory on History Teaching in Europe. During the exchange, experts underlined the relevance of the work done by the Observatory for the ACFC's upcoming monitoring visits and expressed interest in collecting data on national minorities in history teaching. In addition, during its 81st plenary meeting in October 2023, the ACFC held an exchange of views on current challenges in the field of minority protection with Dunja Mijatović, Commissioner for Human Rights of the Council of Europe. The relevance of the Commissioner's work for the ACFC's monitoring visits was underlined as well as the mutual interest in reinforcing the exchange of information, including at the level of the respective secretariats.

On 4 October 2023, the Committee of Ministers adopted its Recommendation CM/Rec(2023)9 on the active political participation of national minority youth. The recommendation builds on the findings of the "Study on the active political participation of national minority youth in Council of Europe member states", carried out by the Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI). The ACFC actively contributed to this work through its representative to the CDADI, Emma Lantschner.



The OSCE High Commissioner on National Minorities with the ACFC, Strasbourg, June 2023

Co-operation with other international institutions

The ACFC continued to regularly engage with other international institutions involved in minority rights protection, in particular the Office of the High Commissioner on National Minorities (HCNM) of the Organization for Security and Co-operation in Europe (OSCE).

On 7 June 2023, the Council of Europe Secretary General, Marija Pejčinović Burić, and the OSCE High Commissioner on National Minorities, Kairat Abdrakhmanov, officially launched the joint webpage “Collection of Council of Europe and OSCE National Minority Standards” to mark the 25th anniversary of the entry into force of the FCNM and the ECRML, as well as the 30th anniversary of the opening of the office of the OSCE High Commissioner on National Minorities in The Hague. The webpage illustrates the long-standing and strong co-operation between, and complementarity of, the two institutions. It is featured in a dedicated section of the FCNM and ECRML websites and is meant as a reference resource for civil society actors, government representatives, media and the general public.

Representatives of the Council of Europe and the OSCE High Commissioner on National Minorities regularly participate in each other's relevant events, which allows for close consultation in the context of their respective thematic work. During his visit to the Council of Europe in June 2023, the OSCE High Commissioner on National Minorities also exchanged views with the ACFC. On 23 and 24 October 2023, the President and the Executive Secretary of the ACFC participated in the OSCE HCNM High-Level Event on the 30th anniversary of the establishment of the OSCE HCNM in The Hague, Netherlands. On this occasion, the HCNM Recommendations on the Effective Participation of National Minorities in Social and Economic Life, to which members of the ACFC contributed, were presented.

Co-operation with civil society and academic research institutions

Co-operation with civil society organisations remains a key priority for the ACFC. The monitoring process provides an opportunity to widely engage with minority associations and human rights NGOs (country visits and follow-up seminars, submission of alternative/shadow reports, replies to the ACFC's specific questions, etc.).

Furthermore, the ACFC considers the alternative reports provided by civil society organisations as essential sources of information to gain an overview of the national situation as well as insight into specific areas of concern. The ACFC welcomes the contributions received and encourages civil society organisations to continue providing as much information as possible on the state of implementation of the Framework Convention in states parties.

Contacts with universities were also developed to mark the 25th anniversary of the entry into force of the Framework Convention. The ACFC held its first plenary meeting outside Strasbourg, in October 2023, in Graz, Austria, on the premises of the University of Graz. It met with researchers and held a public event on 12 October 2023 entitled “Twenty-five years of the Framework Convention for the Protection of National Minorities: Achievements and Current Challenges”. The President, several experts (current and former) and the Executive Secretary also participated in a conference co-organised with the Institute of Social Science of Belgrade, Serbia, on 6-8 December 2023, entitled “Challenges of monitoring in the European multicultural environment”. The University of Glasgow also co-funded and organised the follow-up dialogue meeting in Scotland on 14 December 2023, which included a separate public awareness-raising event at the university on the work of the ACFC and COMEX and their respective treaties on 13 December 2023. Finally, on 23 January 2024, the Executive Secretary presented the Framework Convention and the challenges pertaining to its implementation at the University of Strasbourg.



Public event organised with the University of Graz, Austria, October 2023



Albania visit



Azerbaijan visit



Ireland visit



Latvia visit



Montenegro visit



Romania visit



Sweden visit

Appendix 1

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

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

Opening for signature

Place: Strasbourg

Date: 1/2/1995

Entry into force

Conditions: 12 Ratifications.

Date: 1/2/1998

Status as of 31 May 2024

Member states of the Council of Europe

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

	Signature	Ratification	Entry into force	Denunciation	Denunciation – Entry into force	Notes	R.	D.	A.	T.	C.	O.
Liechtenstein	1/2/1995	18/11/1997	1/3/1998					X				
Lithuania	1/2/1995	23/3/2000	1/7/2000									
Luxembourg	20/7/1995							X				
Malta	11/5/1995	10/2/1998	1/6/1998				X	X				
Republic of Moldova	13/7/1995	20/11/1996	1/2/1998									
Monaco												
Montenegro		11/5/2001 a	6/6/2006			*						
Netherlands	1/2/1995	16/2/2005	1/6/2005					X		X		
North Macedonia	25/7/1996	10/4/1997	1/2/1998					X				
Norway	1/2/1995	17/3/1999	1/7/1999									
Poland	1/2/1995	20/12/2000	1/4/2001					X				
Portugal	1/2/1995	7/5/2002	1/9/2002									
Romania	1/2/1995	11/5/1995	1/2/1998									
San Marino	11/5/1995	5/12/1996	1/2/1998									
Serbia		11/5/2001 a	1/9/2001			*						
Slovak Republic	1/2/1995	14/9/1995	1/2/1998									
Slovenia	1/2/1995	25/3/1998	1/7/1998					X				
Spain	1/2/1995	1/9/1995	1/2/1998								X	
Sweden	1/2/1995	9/2/2000	1/6/2000					X				
Switzerland	1/2/1995	21/10/1998	1/2/1999					X				
Türkiye												
Ukraine	15/9/1995	26/1/1998	1/5/1998									
United Kingdom	1/2/1995	15/1/1998	1/5/1998									
Non-Members of the Council of Europe												
Russian Federation	28/2/1996	21/8/1998	1/12/1998	3/1/2024	1/8/2024			X				

Total number of signatures not followed by ratifications: 4

Total number of ratifications/accessions: 38

Notes:

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

a: accession; s: signature without reservation as to ratification; su: succession; r: signature “ad referendum”. R.: reservations; D.: declarations; A.: authorities; T.: territorial application; C.: communication; O.: objection

Source: Treaty Office on www.coe.int/en/web/conventions/home.

Kosovo* is subject to a specific monitoring arrangement in conformity with the 2004 Agreement between the UNMIK and the Council of Europe.

Appendix 2

Geographical scope of application of the Framework Convention

States parties to the Framework Convention

Albania	Estonia	Malta	San Marino
Armenia	Finland	Republic of Moldova	Serbia
Austria	Georgia	Montenegro	Slovak Republic
Azerbaijan	Germany	Netherlands	Slovenia
Bosnia and Herzegovina	Hungary	North Macedonia	Spain
Bulgaria	Ireland	Norway	Sweden
Croatia	Italy	Poland	Switzerland
Cyprus	Latvia	Portugal	Ukraine
Czech Republic	Liechtenstein	Romania	United Kingdom
Denmark	Lithuania	Russian Federation ⁹	

States having signed but not ratified the Framework Convention

Belgium	Iceland
Greece	Luxembourg

States having neither signed nor ratified the Framework Convention

Andorra	Monaco
France	Türkiye

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

9. The Russian Federation denounced the Framework Convention on 3 January 2024, with effect as of 1 August 2024.

Appendix 3

Composition of the ACFC between 1 June 2022 and 31 May 2024

Petra ROTER (Slovenia) – **President**

Emma LANTSCHNER (Italy) – **First Vice-President**

Nicolas LEVRAT (Switzerland) who resigned in October 2023, and was replaced by David SMITH (United Kingdom) as from February 2024 – **Second Vice-President**

Pedro AGUILERA CORTÉS (Spain)

Alexey AVTONOMOV (Russian Federation), until September 2022¹⁰

Alexandra CASTRO (Portugal)

Laura-Maria CRACIUNEAN-TATU (Romania), as from November 2022

Emilia DRUMIEVA (Bulgaria)

Tomáš HRUSTIČ (Slovak Republic)

Oliver LOODE (Estonia)

Teymur MALIK-ASLANOV (Azerbaijan)

Jørgen MØLLEKÆR (Denmark) who resigned and was replaced by Tove HANSEN MALLOY (Denmark) in March 2024

Egly PANTELAKIS (Cyprus)

Mārtiņš PĀPARINSKIS (Latvia) who resigned in October 2023

Klaus POIER (Austria)

Mikko PUUMALAINEN (Finland)

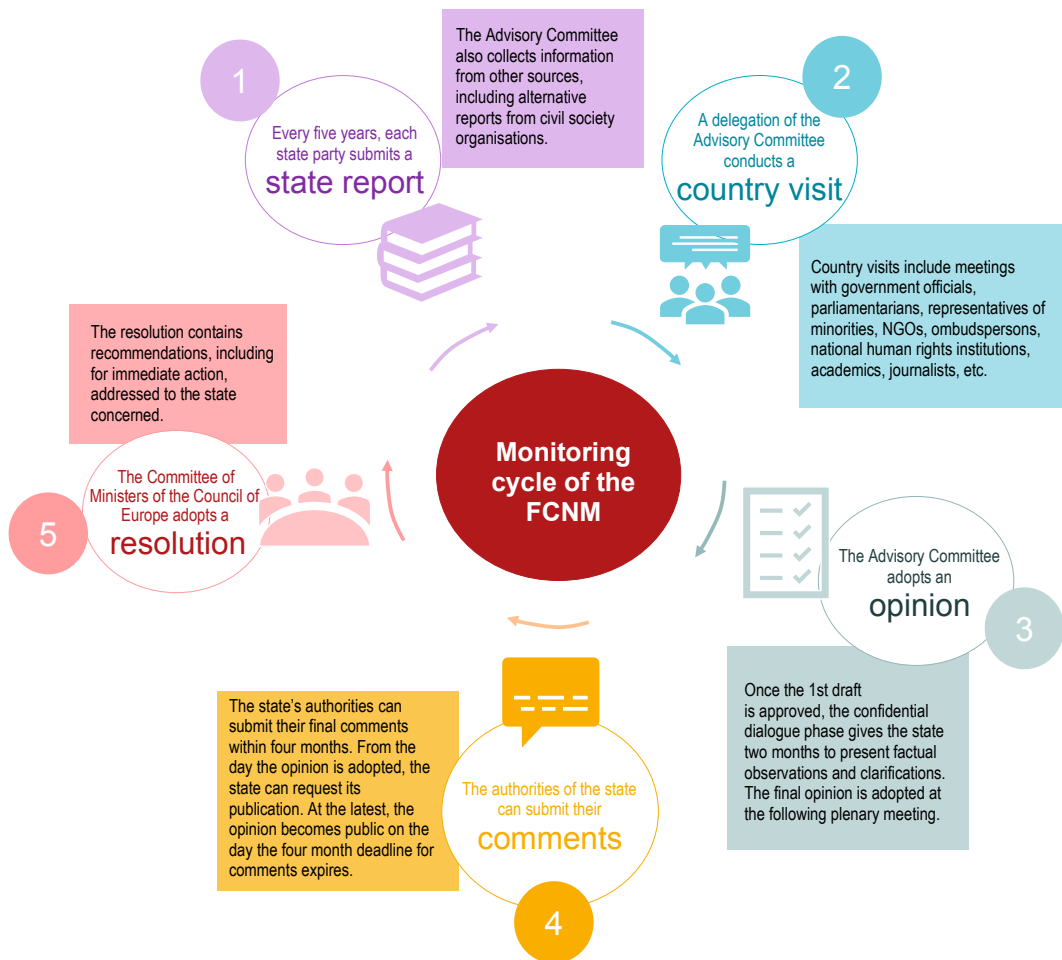
Harald SCHEU (Czech Republic)

Nebojsa VUČINIĆ (Montenegro)

10. In accordance with Rules 16 and 45 of Committee of Ministers Resolution CM/Res(2019)49 on the revised monitoring arrangements under Articles 24 and 26 of the Framework Convention for the Protection of National Minorities, as amended on 27 September 2022 at the 1444th meeting of the Ministers' Deputies.

Appendix 4

Monitoring arrangements under the Framework Convention



Appendix 5

Participation in events related to the protection of minority rights (1 June 2022-31 May 2024)

Conference – “Let’s act against the decline of linguistic rights in the EU” organised by the European Parliament Intergroup for Traditional Minorities, National Communities and Languages, Brussels, 7 September 2022

6th plenary of the Council of Europe Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI), Strasbourg, 30 November 2022

Conference – “The first twenty years of the Constitutional Law on the Rights of National Minorities”, Zagreb, 1-2 December 2022

15th session of the United Nations Forum on Minority Issues, Geneva, 1-2 December 2022

10th Annual meeting of the Council of Europe Secretary General with the Heads of Monitoring and Advisory Bodies, Strasbourg, 17 January 2023

OSCE High Commissioner on National Minorities event “Intersectionality of Gender and National Minorities”, Vienna, 28 March 2023

Exchange of views on the occasion of the 25th anniversary of the FCNM with the Committee on Equality and Non-Discrimination of the Parliamentary Assembly of the Council of Europe, Strasbourg, 20 June 2023

7th plenary meeting of the Council of Europe Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI), Strasbourg, 27 June 2023

Conference – “High Commissioner on National Minorities at 30: Lessons Learned and New Challenges – building long-term social cohesion in South-Eastern Europe”, organised by the OSCE High Commissioner on National Minorities in co-operation with the Permanent Delegation of the Republic of North Macedonia to the OSCE, Vienna, 7 July 2023

Advocacy Meeting on a Draft Treaty on International Minority Rights, organised by the UN Special Rapporteur on minority issues, Budapest, 8 July 2023

Launch event of the EU–Council of Europe project “Support for implementing European standards relating to anti-discrimination and rights of national minorities”, Krakow, 26-27 September 2023

Council of Europe training for gender equality rapporteurs, Strasbourg, 28-29 September 2023

Conference marking the 30th anniversary of the Office of the OSCE High Commissioner on National Minorities, The Hague, 23 October 2023

16th session of the United Nations Forum on Minority Issues, Geneva, 30 November-1 December 2023

International scientific conference – “Challenges of monitoring in the European multicultural environment”, organised on the occasion of the 25th anniversary of the Framework Convention for the Protection of National Minorities, Belgrade, 6-8 December 2023

9th meeting of the Council of Europe Committee of Experts on Roma and Travellers (ADI-ROM), Strasbourg, 15-16 May 2024

The protection of national minorities is a core issue for the Council of Europe, and one of the major achievements in this field is the Framework Convention for the Protection of National Minorities. The entry into force of the Framework Convention on 1 February 1998 was indeed an event of universal stature, for it is the first ever legally binding multilateral instrument devoted to the protection of national minorities in general.



www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.