



HUNGARIAN PRESIDENCY
Council of Europe
May – November 2021
PRÉSIDENCE HONGROISE
Conseil de l'Europe
Mai – Novembre 2021



High-level conference

Council of Europe norms and standards on national minority rights: Results and challenges

Strasbourg, 29 June 2021

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Synchronised monitoring

Finland is one of the parties that has **benefited from the synergy between the Framework Convention and the Charter**. Examples of this include the inclusion of the Russian-speaking and Karelian-speaking minorities in the scope of application of both treaties. The recommendations of the Advisory Committee and the Committee of Experts together have helped to broaden the Government's view of minorities. For example, a linguistic minority may have become a national minority to which new immigrants speaking the same language merge.

These synergies have helped to understand that national minorities with deep roots and traditions are not static, they may change over time and new national minorities may come into existence, too. **Synergies have also empowered minorities** to identify themselves as national minorities. I would like to echo the need to follow an overall inclusive and pragmatic approach with regard to the personal scope of application.

We warmly welcome **the recent monitoring reforms, the synchronization of periodic reporting and the five-year monitoring cycle for both treaties as well as other new**

measures to strengthen the monitoring process as introduced by Ambassador Böcker. Finland reports on the same minorities under both treaties, so synchronization will considerably facilitate the preparation of periodic reports as well as consulting minorities in this context. The reform also helps minorities that are often struggling with scarce resources to participate more effectively in the monitoring process.

Periodic reports

We encourage the Committees to be innovative and seek for new ways of doing things. We would like to see **an online platform for reporting.** This would allow the information to be available to all monitoring mechanisms at the Council of Europe and increase transparency. It would also make it easier to update the information.

Continuous dialogue

Continuous dialogue is at the heart of the monitoring of the implementation of both treaties. It is not always possible to agree fully with the Committees' views but the dialogue must be maintained. If the establishment of **a confidential dialogue mechanism,** which is part of the reform, improves the quality of communication between States parties and the Committees, its use is well justified. However, **transparency must remain at the heart of the monitoring process** - otherwise it is difficult to hold accountability.

Review in the absence of the report

Sometimes the Governments, including mine, face difficulties in reporting. However, the complete lack of reporting is unacceptable. If the State party has not submitted its overdue report particularly requested by the Committee, it is reasonable **to launch monitoring in the absence of a report.** If the Committees request a decision from the Committee of Ministers in this regard, we must assume our joint responsibility.

Country visits

The most valuable part of the monitoring procedure is the **in-depth dialogue** between the various actors and the Committees during country visits. It allows the Committees to put things better into a country context. Based on our experience, the wider the involvement at

national level, the better the implementation will proceed. All actors are more committed to the follow-up to the recommendations if they have been in direct interaction with the monitoring body. A country visit can provide a unique voice for representatives of minorities. This is a value as such.

Follow-up activities

The systematic follow-up and more developed grading systems, including concrete scorecards as introduced by some UN treaty bodies, are essential if we want to strengthen the implementation of our treaty obligations and the whole monitoring system.

An absolute plus to the new reporting procedure is the requirement to submit **an interim report**. It brings transparency, helps to assess the state of implementation and creates a natural framework for continuing dialogue with minorities, civil society organisations and national human rights institutions at the country level. Finland is one of those States parties, which has already submitted its first interim report under the Charter and received the Committee's assessment. This was a very good experience and helpful at the country level.

Ways and means should be found on how to turn the digital steps taken during the recent months into a permanent digital leap forward. **Digitalisation**, such as virtual follow-up meetings, would increase accessibility, efficiency, flexibility and transparency of the monitoring system.

This is, naturally, contextual - in some countries minorities can be reached more extensively on a virtual platform, in some cases it is best to make a follow-up visit. Whatever the format the Committees must have **discretionary powers and flexible working methods** to find a method suitable for each State party.

Gender-equality

It is of utmost importance and we strongly recommend that both the Advisory Committee and the Committee of Experts will mainstream **gender equality** into their monitoring work through all monitoring cycles. States parties would also benefit from a simple gender checklist to support implementation.

Cooperation between the monitoring bodies

The Finnish Government has invited the Advisory Committee, the Committee of Experts and ECRI to consider **the preparation of a joint thematic commentary or a general comment**. Such a joint message of three independent human rights bodies would have an exceptional weight. It would permit an analysis of thematic minority issues from three different perspectives and strengthen the message supporting minority rights.