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33rd meeting of the Co-ordination Group between the Council of Europe and the OSCE (30 April 2021, 10.00 a.m. – 12.00 p.m., by video conference)

Joint reports by the Council of Europe and OSCE Focal Points on progress of co-operation in the protection of the rights of persons belonging to national minorities and in the promotion of tolerance and non-discrimination

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¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

Joint report on co-operation regarding the protection of the rights of persons belonging to national minorities

A. Overview of the development of co-operation

1. Throughout 2020, the Organization for Security and Co-operation in Europe (OSCE), in particular the OSCE High Commissioner on National Minorities (HCNM), and the Council of Europe continued to implement their respective mandates in a spirit of co-operation, especially with regard to minority protection issues. The closely interlinked thematic and geographic activities of the two organisations make such co-operation both essential and practical in order to ensure that their roles are complementary and to maintain consistency in the regional approaches to minority rights. For the OSCE HCNM, the protection of the rights of persons belonging to national minorities remains a key component of conflict prevention, while the Council of Europe monitors the implementation of minority rights and protection standards, in particular those contained in the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML) and assists states in their efforts to comply with these instruments.

2. Some of the originally planned in-person engagements between the HCNM and the Council of Europe had to be postponed due to the Covid-19 pandemic that was unfolding. This forced the two institutions to rethink and adjust the way in which they conduct work, which has traditionally relied heavily on travel and in-person meetings. Alternative online modalities of engagement were identified and have enabled to maintain channels of dialogue. Despite the challenges of making such fundamental changes to our ways of working, the two institutions have been able to continue carrying out their mandates effectively.

Country specific activities

3. Co-operation between the HCNM and the Council of Europe monitoring systems, in particular through the Advisory Committee on the Framework Convention (ACFC) and the Committee of Experts of the ECRML (COMEX), has been pursued in the context of Country specific activities. Not being a monitoring instrument itself, the HCNM benefits from the in-depth assessments and recommendations of the ACFC and COMEX on how to improve the implementation of minority rights and the protection of minority languages in the member States. At the same time, informal consultations with the HCNM are useful to the Council of Europe monitoring bodies when examining State reports and preparing country visits. In its engagement with the States concerned, the HCNM has regularly raised the issue of thorough implementation of commitments taken by states under the FCNM and pending post-accession commitments to the Council of Europe and urged the respective member States to sign and ratify the ECRML and other relevant instruments. In addition, both the HCNM and Council of Europe structures have benefited from a regular exchange of information on specific country issues. While the exchange of information is done routinely at staff level, between The Hague and Strasbourg as well as Council of Europe and OSCE field offices, high-level discussions with Council of Europe officials have also taken place.

Thematic work

4. The Council of Europe and the OSCE HCNM have continued to co-operate and consult each other closely in the context of their respective thematic work. Representatives of both institutions regularly participate in each other's relevant conferences, devoted to including specific issues of interest to minority communities such as education, language rights or integration of diverse societies.

5. In 2020, as a response to the Covid-19 situation the HCNM presented recommendations *Streamlining diversity: Covid-19 measures that support social cohesion* and in June organised the Webinar on the impact of Covid-19 in which ACFC experts participated. The HCNM also continued its thematic work on socio-economic participation of national minorities and invited Council of Europe experts to contribute to an online expert discussion in April. Lastly, in October, an ACFC expert participated in the online expert meeting organised by the HCNM on Contested Histories and Inter-Ethnic Relations.

6. The HCNM planned to participate in the Venice Commission Plenary session in March 2020. However, the visit did not take place due to travel restrictions. The President of the Venice Commission took part in the online High-Level Dialogue on autonomy as a strategy for inclusive governance co-organised by the OSCE HCNM and OSCE Parliamentary Assembly.

7. Besides reciprocal representation at each other's e between the HCNM, the ACFC, the European Commission for Democracy through Law (Venice Commission) on specific issues, including the situation in countries covered by the respective mandates.

B. Future co-operation

8. The Council of Europe and the HCNM will continue their well-established and constructive co-operation in the field of minority-related issues through various activities related to the protection and promotion of minority rights as well as the prevention of inter-ethnic conflicts. They will continue to closely co-operate in the discussion on the design and implementation of policies to successfully integrate multi-ethnic societies, while protecting and promoting minority rights.

9. Both organisations also intend to pursue their close co-operation in promoting minority rights, in particular by carrying out mutual consultations and regular exchanges of information on various issues, including country and thematic work. They will continue to develop their co-operation with a view to promoting implementations and further ratifications of the FCNM and the ECRML.

10. As some legislative amendments pertaining to minority protection are under consideration in some member States this year, the Council of Europe (Venice Commission and DG Democracy/Anti-discrimination) and the HCNM will continue their co-operation through consultations. Such co-operation is key to maintaining consistency in the interpretation of relevant international human and minority rights standards. In so doing, they will draw from their past co-operation on reviewing issues of non-citizens and minority rights, dual voting rights and the treatment of national minorities abroad.

11. Lastly, the OSCE HCNM, Mr Kairat Abdrakhmanov, the Council of Europe Commissioner for Human Rights, Ms Dunja Mijatović, and the Parliamentar views on matters of mutual concern and to discuss how to address these concerns most effectively.

**Summary of past, current and forthcoming activities
related to the protection of persons belonging to national minorities**

Past and current activities

Regular exchange of information and expertise regarding both thematic and country-specific matters in relation to questions concerning national minorities and the integration of diverse societies.

OSCE HCNM Online Expert consultations on Socio-Economic Participation (30 April 2020)

OSCE HCNM Webinar on the “ I m p a c t o f c o v i d - 1 9 o n M i n o r i t i e s : E m e r g i n g L e s s o n s a b o u t R i s k s a n d G o o d P r a c t i c e s ” (2 9 J u n e 2 0 2 0)

OSCE HCNM High Level Dialogue on Autonomy as a strategy for inclusive governance (29 September 2020)

OSCE HCNM Online Expert meeting on Contested Histories and Inter-Ethnic Relations (29-30 October 2020)

Forthcoming activities

Continued co-operation on a country-by-country basis to consider the recommendations of the relevant Council of Europe monitoring bodies and promote further ratifications of the FCNM and ECRML.

HCNM visit to Strasbourg and consultations with Council of Europe counterparts.

Exchange of views between the HCNM and the Advisory Committee on the FCNM.

Participation of the HCNM in events organised by the Hungarian Presidency of the Committee of Ministers (May-November 2021).

Joint report by the Council of Europe and OSCE Focal Points on progress of co-operation in the promotion of tolerance and non-discrimination

A. Overview of co-operation

Hate Speech and Hate Crime

1. The European Commission against Racism and Intolerance (ECRI) and the Office for Democratic Institutions and Human Rights (ODIHR) continue to work closely on improving state and civil society responses to hate crime; an area of common interest also in the context of ECRI's sixth monitoring cycle which focuses *inter alia* on hate speech and racist violence. The two bodies co-operate and benefit from each other's expertise and initiatives in this area. ODIHR uses ECRI's country reports and General Policy Recommendations and uses them in its capacity building work. ECRI uses ODIHR's hate crime data in all its country monitoring reports.
2. ODIHR and ECRI are active members of the Working Group on *Hate Crime recording, data collection and encouraging reporting*, established as part of the European Commission (HLG) on Combating Racism, Xenophobia and Other Forms of Intolerance and led by EU Fundamental Rights Agency (FRA). As the mission of the Working Group is to develop common principles for hate crime recording and reporting and prepare practical tools and guides to assist in their national implementation, it is an important forum for information and coordination of the respective approach in the area of Hate Crime.
3. ODIHR and CoE participate in the Working Group on *hate crime training and capacity building for national law enforcement*, newly established as part of the HLG and led by EU Agency for Law Enforcement Training (CEPOL). The Working Group works to map training practices and develop methodologies for hate crime training.
4. ECRI and ODIHR continued efforts to align on concepts and definitions of hate crime and hate speech. Despite different mandates, ODIHR and ECRI often work on hate crime and hate speech issues with the same national stakeholders, making conceptual clarity a priority. All ECRI sixth monitoring cycle reports make now reference to the notion of hate crime as described by ODIHR.
5. ODIHR is regularly attending and contributing to the work of the Council of Europe Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI), in particular to its Committee of Experts tasked with preparing a draft Recommendation on a comprehensive approach to addressing hate speech within a Human Rights Framework.
6. ODIHR contributed two webinars on data collection, in the framework of the project "Strengthening judicial redress mechanisms for victims of non-discrimination, hate crime and hate speech in Eastern Europe and the Balkans". ODIHR took part in the panel discussion on how to improve data collection, with international institutions and monitoring bodies working on collecting data at the national level.
7. ECRI participated in the Tirana Conference on Combating Anti-Semitism in the OSCE region, which was organised under the Albanian Chairmanship of the OSCE on 3-5 February.
8. ECRI, FRA, ODIHR and the United Nations Committee for the Elimination of Racial Discrimination (CERD) issued a joint press statement on the occasion of the International Day for the Elimination of Racial Discrimination (21 March), calling upon states to [respect human rights to rebuild our societies in all their diversity](#).
9. ECRI's Chair participated as a keynote speaker in the Meeting (SHDM) I on Addressing All Forms of Intolerance and Discrimination, which took place online on 25 and 26 May.

10. ECRI's Secretary General participated as a keynote speaker in an International Network for Hate Studies' Conference on Hate, ~~hosted by the OSCE/ODIHR and Human Rights~~ University of Plymouth (United Kingdom) on 2-3 December.

11. ODIHR has collaborated with CoE's HELP programme, ~~with~~ (Prosecutors and Hate Crime Training) programme in Armenia in 2021, using other tools.

Freedom of religion or belief, freedom of association and assembly

12. As in previous years, ODIHR has continued to co-operate closely with the Council of Europe Commission for Democracy through Law of the Council of Europe (Venice Commission) for the preparation of joint legal reviews and guidelines on freedom of peaceful assembly, political party regulation and freedom of religion or belief.² The plenary of the Venice Commission adopted the Joint ODIHR - Venice Commission Legal Opinion on the Draft Law on Freedom of Conscience and Religious Organisations of Uzbekistan in October 2020. The Venice Commission adopted the second [edition of the Joint Guidelines of the Venice Commission and OSCE/ODIHR on Political Party Regulation](#) in December 2020. ODIHR has also continued to participate in the regular Venice Commission opinions and guidelines are discussed and adopted.

Roma, Sinti and Travellers

13. ODIHR's Contact Point for Roma and Sinti Issues (CPRSI) set up a [data base](#) on awareness raising and teaching of the Roma Holocaust. The database is constantly updated with relevant information and events.³ The co-operation entails, exchanging information about experience of Roma and Sinti people during the Holocaust and supporting participating States in including history and culture in educational texts, with particular consideration given to the Roma and Sinti.

14. The CoE Roma and Travellers Team and ODIHR/CPRSI strengthened their co-operation related to training of law enforcement officials. The CoE and the ODIHR/CPRSI training course for police officers constitutes a common on-line training course to be available in 2021.

15. ODIHR's Contact Point for Roma and Sinti Issues (CPRSI) participated in the 2nd meeting of the new Committee of Experts on Roma and Traveller Issues (ADI-ROM), held online on 8-9 October 2020, where he presented the Roma-related findings of the ODIHR report "OSCE Human Dimension Commitments and State Responses to the Covid-19 Pandemic".

Gender Equality, Women's Political Participation, and Violence against Women

16. ODIHR regularly collaborates with Council of Europe on political participation and addressing violence against women. In February 2021, ODIHR collaborated with CoE PACE Rapporteur Eglantina Gjermeni, providing input to her [Report on Enhancing Participation of Women from Under-Represented Groups in Political and Public Decision-Making](#). On 17 March 2021, Ambassador Nina Nordstrom, the Chair of the Committee of the Parties to the Istanbul Convention, contributed to ODIHR/UN Women High-Level Side Event on Violence against Women in Politics, organised on the margins of 65th Commission on the Status of Women.

² In 2019, the following opinion on freedom of peaceful assembly was prepared jointly with the Venice Commission: *Joint Opinion on the Legal Framework on Governing the Freedom of Assembly in Bosnia and Herzegovina, in its Two Entities and the Brcko District* (9 December 2019), which included a joint country visit to Bosnia and Herzegovina. The third edition of the joint *Guidelines on Freedom of Peaceful Assembly* was adopted by the Venice Commission on 21 June 2019 (still subject to editorial revisions). Work on updating the second edition of the joint *Guidelines on Political Party Regulation* continued throughout 2019, with a view to publishing the second edition in 2020. In October 2020, ODIHR and the Venice Commission jointly published a Legal Opinion on the Draft Law on Freedom of Conscience and Religious Organisations of Uzbekistan.

³ <https://www.coe.int/en/web/roma-genocide>

**Summary of past, current and forthcoming activities related to
the promotion of tolerance and non-discrimination**

| Past activities (2020) | |
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| Council of Europe | OSCE |
| 1 st meeting of the Committee of Experts on Roma and Traveller Issues (ADI-ROM), Strasbourg, 20-21 February 2020 | Conference on Combating Anti-Semitism in the OSCE region organised under the Albanian Chairmanship of the OSCE on 3-5 February 2020 in Tirana. |
| ODIHR, ECRI, and FRA joint press statement on the International Day for the Elimination of Racial Discrimination, 21 March 2020. | |
| 31 st Meeting of the Coordination group between the Council of Europe and the OSCE - 12 May 2020. | |
| CoE conference on women and children in the context of returning FTFs and family members in the first week of June. | Informal Contact Group on Roma of the Intergovernmental Organisations Meeting, on 15 May 2020 (online). |
| CDCT meeting in the last week of May (either ODIHR or OSCE Transnational Threats Department/Anti-Terrorism Unit participation as observer). | OSCE Supplementary Human Dimension Meeting (SHDM) I on Addressing All Forms of Intolerance and Discrimination, on 25 and 26 May 2020 (online). |
| 1 st meeting of the Steering Committee on Anti-Discrimination, Diversity and Inclusion, CDADI, Strasbourg, France, 8-10 September 2020 | |
| 1 st meeting of the Committee of Experts on Combating Hate Speech ADI/MSI-DIS, Strasbourg, France, 29-30 September 2020 | |
| 2 nd meeting of the Committee of Experts on Roma and Traveller Issues (ADI-ROM), online, 8-9 October 2020 | |
| Publication of the Joint ODIHR - Venice Commission Legal Opinion on the Draft Law on Freedom of Conscience and Religious Organisations of Uzbekistan, 12 October 2020 | |
| 9 th meeting of the Council of Europe Dialogue with Roma and Traveller civil society, online, 29-30 October 2020 "The Council Plan for Roma and Traveller Inclusion (2020-2025). Presentation – Implementation – Follow-up | OSCE Supplementary Human Dimension Meeting (SHDM) III on Freedom of Religion or Belief: The Role of Digital Technologies and Civil Society Actors in Advancing This Human Right for All, 9-10 November 2020 (online) |
| Panel discussion with international organisations working on collecting data: how to improve data collection (involving ECRI, FRA, ODIHR, CERD, and EU DG NEAR) 26 November 2020 (online) | International Network for Hate, Democracy and Human Rights, co-hosted by the OSCE/ODIHR and the University of Plymouth (United Kingdom) on 2-3 December 2020 (online) |
| 10 th meeting of the Council of Europe Dialogue with Roma and Traveller civil society, online, 26-27 November 2020, "Combating hate against Roma and Travellers. Prevalence – Characteristics – Measures" | |
| 2 nd meeting of the Committee of Experts on Combating Hate Speech ADI/MSI-DIS, Strasbourg, France 15-16 December 2020 | |

| Current and forthcoming activities (2021) | |
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| 2 nd Working Group on Hate Crime recording, data collection and encouraging reporting, 18 January 2021 (online) | |
| ODIHR, ECRI, FRA and CERD joint press statement on the International Day for the Elimination of Racial Discrimination (21 March 2021). | |
| 1 st Working Group on hate crime training and capacity building for national law enforcement, 24-25 March 2021 (online) | |
| 33 rd Meeting of the Coordination group between the Council of Europe and the OSCE, 30 April 2021 | |
| Council of Europe | OSCE |
| | Expert meeting on Semitism in the OSCE region, organised by the 2021 Swedish OSCE Chairpersonship in consultation with ODIHR, 1-2 February 2021 (online) |
| 2 nd Meeting of the Steering Committee on Anti-Discrimination, Diversity and Inclusion, CDADI, Strasbourg, 2-4 February 2021 | ODIHR & OSR/CTHB Survey to address the vulnerability of persons belonging to national minorities to trafficking in human beings (pending) |
| 3 rd meeting of the Committee of Experts on Roma and Traveller Issues (ADI-ROM), online, 16-17 March 2021 | ODIHR/UN Women High-Level Side Event on Violence against Women in Politics, organised on the margins of 65 th Commission on the Status of Women, held on 17 March 2021 |
| 3 rd meeting of the Committee of Experts on Combating Hate Speech (ADI/MSI-DIS), Strasbourg, 11-12 April 2021 | OSCE Human Dimension Implementation Meeting, 27 September – 8 October 2021 (TBC) |
| Seminar on the role of Roma history, including Roma Holocaust, in the participation and inclusion of young Roma today, online, 7-9 April 2021, under the aegis of the German Presidency of the Committee of Ministers | |
| 11 th meeting of the Council of Europe Dialogue with Roma and Traveller civil society, online, 29-30 April 2021, "Combating anti-gypsyism" | |
| 3 rd Meeting of the Steering Committee on Anti-Discrimination, Diversity and Inclusion, CDADI, Strasbourg, 15-17 June 2021 | |
| 8 th International Roma Women "Protecting and promoting dignity of Roma and Traveller women in times of crises", Skopje, 17 September 2021 | |
| 4 th meeting of the Committee of Experts on Combating Hate Speech (ADI/MSI-DIS), Strasbourg, 21-22 September 2021 | |
| 4 th meeting of the Committee of Experts on Roma and Traveller Issues (ADI-ROM), October 2021 | |
| 12 th meeting of the Council of Europe Dialogue with Roma and Traveller civil society, Strasbourg, France, October 2021 | |
| 4 th Meeting of the Steering Committee on Anti-Discrimination, Diversity and Inclusion, CDADI, Strasbourg, 7-9 December 2021 | |