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Working document

Compilation of Opinions of the Advisory Committee relating to Article 5 of the Framework Convention  
for the Protection of National Minorities (4<sup>th</sup> cycle)

"Article 5

1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.
2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation."

Note: this document was produced as a working document only and does not contain footnotes. For publication purposes, please refer to the original opinions.

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As of 18 September 2017, the Advisory Committee on the Framework Convention for the Protection of National Minorities had adopted a total of 24 opinions, among which 17 opinions on Article 5 of which 17 are public.

NOTE

Based on the information currently at its disposal, the Advisory Committee considers that implementation of certain articles does not give rise to any specific observations.

This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. On the contrary, the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may be considered acceptable at one stage but that need not necessarily be so in further cycles of monitoring. It may also be the case that issues that appear at one stage of the monitoring to be of relatively minor concern prove over time to have been underestimated.

Armenia

*Adopted on 26 May 2016*

#### Article 5 of the Framework Convention

##### Conditions enabling minorities to maintain and develop their culture

The Advisory Committee notes that in the last five years the legislative framework and government policies with regard to support for cultural activities of national minorities remained unchanged. The Law on Fundamentals of Cultural Legislation (2002) remains the cornerstone regulating the principles and aims of cultural policy, state policies to promote the diversity of cultural expressions and support to be given to the cultures of national minorities. The three fundamental principles underpinning cultural policy in respect of national minorities are: preservation of national identity and development of ethnic culture, full integration of national minorities within the cultural life of Armenia and prevention of discrimination on ethnic grounds. In this context, the Advisory Committee recalls its view expressed in the “Thematic commentary No. 4 on the scope of application of the Framework Convention” that integration is a give-and-take process and affects society as a whole. In particular, it considers that integration efforts cannot be expected only from people belonging to minority communities but they must also be made by members of the majority population.

The activities of all national institutions in the field of intercultural dialogue and cultural manifestations of national minorities fall within the competence of the ministry of culture which is responsible for providing adequate financial and other material support necessary for their implementation. The principal efforts aimed at supporting national minorities within the cultural sphere are aimed at preservation and promotion of their cultures through the publication of books, production of documentary films about the history and contribution to Armenian society of various minority groups (such as *Assyrians in Armenia*), organisation of art festivals and rehabilitation of historical and cultural monuments, including cemeteries and places of worship. One such notable project involved the partial reconstruction of the Jewish settlement and the area around the medieval cemetery in Yeghegis.

In 2011 a number of initiatives were launched, including the “Armenia is my home” festival, where all national minorities present in Armenia were encouraged to set up stalls and present their culture, folklore, cuisine and music. An extensive collection of books in Greek, Kurdish, Russian and other minority languages is kept at the national library and other educational institutions. The works of national minority authors are published in collections of the national authors’ club known as the “Literary Armavir”. These initiatives, although praiseworthy in themselves, have the unfortunate effect of presenting a folkloristic picture of national minorities.

The Advisory Committee further notes that, according to the state report, starting with 2012, the annual grant allocated by the authorities to support national minorities was doubled from 10 million Drams to 20 million Drams. Half of this amount is disbursed by the co-ordinating council to finance the most important initiatives and programmes focused on the development of minority cultures and the preservation of languages and identities of national minority communities (see further comment under Article 15). According to a number of interlocutors, additional funding is provided by embassies of respective kin states. The Advisory Committee notes nonetheless that, generally, the authorities display a rather passive approach towards cultural projects of national minorities. Given that a number of national minority groups are relatively small, lacking both organisational and human resource capacity to initiate cultural undertakings, these groups are not in a position to articulate their needs in the

cultural sphere and require more proactive support (for figures on national minorities refer to paragraph 25).

#### *Recommendations*

The Advisory Committee calls on the authorities to pursue and strengthen their efforts to provide adequate financial support, in particular by making it more accessible to national minorities, including the numerically smaller ones and those without kin-state support, for their cultural initiatives and museums.

The authorities should adopt a more proactive approach towards cultural expressions of national minorities and promote also a wider array of manifestations, not just those confined to folklore.

Austria

*Adopted on 13 October 2016*

### **Article 5 of the Framework Convention**

Support for the preservation and  
development of national minority identities and cultures

#### *Present situation*

The system for the allocation of cultural support for the associations of national minorities has not changed significantly since 1995, despite repeated and joint requests by national minority representatives as well as the Advisory Committee in its three previous opinions. The overall budget remains at 3.8 million EUR which, given the increase in the consumer price index by some 40% since 1995, constitutes an actual decrease in real terms. While the authorities have maintained over the years that their commitment to the preservation of national minority cultures is proven by the fact that the budget – contrary to other budgets – has not been cut despite economic difficulties, the Advisory Committee notes with concern the sense of frustration and consternation among persons belonging to national minorities, who observe budgets for a variety of societal interests being increased every year, while the budget for cultural preservation of the autochthonous groups is stagnating in their view. As a result, they remain dependent on the additional support from other public entities, such as local and regional authorities or the Ministry of Education, which varies and has indeed diminished in recent years in line with new priorities. Where possible, associations of national minorities have also sought support from neighbouring governments, which in the case of Slovenia, is reportedly essential in order to maintain a visible presence of the Slovenian minority culture. The Advisory Committee regrets in this context that the continued existence of *Glasbena šola*, the Slovene music school in Carinthia, had to be negotiated as part of a broader political compromise (see Article 6), rather than being ensured through the allocation of cultural funds in line with Article 5 of the Framework Convention.

The Advisory Committee is deeply concerned by the common perception of national minority representatives that their identities and cultures are becoming increasingly threatened by assimilation, as they are unable to maintain visibility for their specific characteristics. In addition

to the concern about the insufficiency of funds, representatives of national minorities deplore the inefficiency and difficulty of the process itself. Each year, the National Minority Advisory Councils (see further Article 15) must submit their applications for funding to the Federal Chancellery by 15 March. While their proposals are reportedly followed in most cases, the formal funding agreement is often received much later, sometimes only in November or December. This situation makes it exceedingly difficult for the associations to plan their activities, particularly since these must be implemented exactly in line with the funding agreement. As a result, national minority associations have accepted the fact that they have to bridge the gap with private means, often without being reimbursed, which is not possible for all of them. Moreover, some associations have been asked five years after completing a project to submit the original bills for their activities in minute detail or reimburse the allocation with accrued interest, which they consider an undignified procedure. The Advisory Committee encountered the unanimous view among all representatives of national minorities whom it met that the allocation process, which appears to be administered by a rather small team, requires a significant boost in efficiency and organisation to remain a worthwhile investment of the associations' time and resources.

The Advisory Committee further notes that the comparatively low budget allocated to national minority associations is supposed to cover not just cultural projects but, due to a lack of alternative funding opportunities, also other important activities, such as in the area of education and the media. The Czech minority, for instance, devotes 80% of its cultural funds to the maintenance of the Komenský School (see further Article 13). Conversely, a Hungarian language periodical which received support from the Federal Chancellery, due to lack of alternative funding opportunities, was subsequently questioned over the content of its articles, as these covered broader issues of regional concern rather than focusing only on the cultural traditions of the Hungarian minority in Austria. The Advisory Committee is further concerned by reports from national minority representatives that their requests for additional funding for teaching materials in minority languages (see Article 12) or for press subsidies (see further Article 9) are regularly refused with the argument that they have special funds to turn to and therefore do not require another source of support. The Advisory Committee deeply regrets this apparent reduction of minority concerns to those related to traditional culture. It stresses that persons belonging to national minorities must have access to all publicly available funding opportunities, in addition to the special support for the preservation and development of their identities and cultures, as provided for in Article 5 of the Framework Convention.

### *Recommendations*

The Advisory Committee reiterates its urgent call on the authorities to increase significantly the funds, including baseline funding, made available to national minority associations in order to enable them to preserve and develop their distinct identities effectively as an integral part of the cultural diversity of Austria. Support for activities in other spheres, such as education or the media, must be made available through separate funding options, as they serve an equally important but different purpose.

The Advisory Committee further reiterates its urgent call to simplify and accelerate the process leading to the actual disbursement of funds to enable the associations to plan and implement their activities in an efficient and cost-effective manner.

Croatia

*Adopted on 18 November 2015*

Article 5 of the Framework Convention

Support for the preservation and  
development of national minority identities and cultures

*Present situation*

Cultural support continues to be provided mainly via the Council for National Minorities, an advisory body established in line with the Constitutional Act on the Rights of National Minorities (see further comments on Article 15) and tasked to distribute state budget funds on a yearly basis amongst the cultural associations of the various national minorities. Despite the economic crisis, a yearly budget of approximately 4.5 million EUR has been disbursed in favour of national minorities. National minority representatives consider overall, however, that the allocated funds are insufficient to allow for the preservation of the distinct features of their cultures. In addition, the Council is viewed by some minority representatives as having a tendency to favour the associations that co-operate with the elected representatives and that too little attention is paid to ensure that less well connected associations in remote parts of the country, who often have limited project management experience, or those representing youth or wishing to develop less traditional cultural activities, enjoy equal access to the funds. The availability of suitable premises where cultural activities may be organised continues to be problematic, in particular for representatives of numerically smaller minorities, as national minority libraries or cultural centres do not exist for all groups. It is noteworthy, however, that in addition to the allocations made by the Council for National Minorities, substantial sums are also made available at local level, particularly in urban centres, for various cultural projects that are organised by and with national minority associations.

The Advisory Committee is further concerned by the impression shared widely among national minority organisations that the general approach towards national minorities within the cultural policy is driven by a "folklore-orientation" where their cultures and traditions are portrayed as static without paying attention to the diversity within them and the evolution that has taken place over time. Minority representatives consider that many persons belonging to national minorities, in particular the younger generation, do not feel adequately represented in the reflections of their cultures, often through folk dances or other events that emphasise traditions over modern cultural expressions. In addition, national minority representatives report that their requests for cultural support according to the Law on Financing of Public Needs in Culture, which in principle is open to any organisation in Croatia, have been rejected by the Council for National Minorities with the argument that their cultural activities are considered separately. The Advisory Committee regrets that in this context priority is given to traditional preservation activities such as the printing of books, the publication of small-edition newsletters, or the organisation of festivals, which *de facto* results in the marginalisation of national minority cultures as separate and foreign. It considers the promotion of inter-cultural events that mark minority cultures as an integral part of Croatia's diverse society as a timely opportunity for Croatia to create dialogue platforms which also draw on cultural activities to promote a sense of cohesion in society.

As regards the Roma, the Advisory Committee welcomes the variety of support provided to their cultural activities, both by the Office for Human Rights and the Rights of National Minorities and the Council for National Minorities. It notes, however, that the awareness of the distinct Roma identities and cultures, including the vast diversity within them, and their history in Croatia (see further on Article 12) is still very low amongst society. Indeed, the focus in public discourse surrounding Roma appears to be almost exclusively on socio-economic issues or security challenges, with few positive images being portrayed and disseminated to the public, including to Roma themselves. While efforts in 2012 towards the recognition and promotion of Roma traditions and languages spoken by Roma in Croatia, including the introduction of courses of Romani language, literature and culture at the Humanities and Social Sciences Department of the University of Zagreb are welcome, equal attention must be paid also to other languages and dialects used by the various Roma communities.

#### *Recommendations*

The Advisory Committee encourages the authorities to continue and expand the provision of financial support for the cultural activities of national minorities while ensuring that the diversity within minority communities is duly taken into account in the decision-making processes. Particular attention should be paid to enhance the visibility and prestige of Roma cultures and traditions in Croatia.

It further calls on them to integrate the promotion of minority cultures into the general cultural policy as an integral and valued part of Croatia's diverse heritage. National minority associations should not be excluded from accessing general funding opportunities in the field of culture because of the earmarked funds that are intended for the preservation of their distinct identities.

Cyprus

*Adopted on 18 March 2015*

#### Article 5 of the Framework Convention

Support for the preservation and development of national minority identities and cultures

#### *Present situation*

The Advisory Committee welcomes the continued support provided by the authorities, mainly through the Ministry of Interior and the Ministry of Education and Culture, to some of the cultural projects organised by the various minority groups (see also under Article 9). It notes, however, that the economic situation has led to a further decrease in the already limited budgets. The difficult climate is also acknowledged amongst the minority communities and there is considerable self-financing by the representatives to maintain at least some of their activities, such as the publication of print material and the maintenance of a website to provide updated information to members of the Maronite community, including those residing outside the government-controlled area. The Advisory Committee considers that given the fact that the various groups had only limited support even prior to the crisis the additional cuts may be affecting them disproportionately. In addition, it appears that no methods have been introduced to enhance the transparency and predictability of allocations to ensure that representatives have an effective opportunity to plan and prioritise their activities according to their own decisions.

According to government and minority representatives alike, the main focus in terms of support for the minority cultures and identities is provided in the area of education (see comments on Articles 12 and

14). As a result, the communities maintain contact and gather largely around pre-school or school events. While the Latins, due to their Catholic faith and their close connection to Caritas and other international organisations present in Cyprus, have access to a number of premises to organise cultural or other activities for young adults and adults who have no link to the respective schools, there are no such opportunities for the Armenians and Maronites. The Advisory Committee regrets that no locations for cultural centres have been identified despite the fact that negotiations have been ongoing for years. While a number of options appear to have been discussed, including a possible site that could serve as joint premises for both or all three groups, it understands that the identified location should be centrally located and easily accessible in order to serve its purpose of constituting a well-functioning meeting place for the respective communities, enabling them effectively to preserve and develop their culture, as well as of raising the visibility of the various groups amongst the majority population.

While efforts continue among minority communities to raise their level of activity and organise events, including charitable events, which increase their visibility in public life, broader awareness amongst the majority population of the minority communities and their distinct history, culture and traditions continues to be very scarce. The Advisory Committee welcomes in this context the agreement of the Commissioner to the Presidency for Humanitarian Affairs and Overseas Cypriots, who since 2013 also functions as Advisor to the President on issues pertaining to the religious groups, to host an exhibition in the Presidential Palace on the particular cultures, identities and history of the Armenians, Latins and Maronites in Cyprus. It is further pleased to note the publication of three booklets containing information on the cultural identity, history and presence of the Armenians, Latins and Maronites in Cyprus by the Public Information Office in 2012, which, according to representatives, is highly appreciated by members of the communities. In this context it regrets, however, that no efforts have been made vis-à-vis the Roma in Cyprus, whether towards the preservation of their cultural identity or in terms of efforts to raise awareness and respect for their distinct identity and culture amongst society. Given the almost exclusive focus on socio-economic challenges and poverty in the public discourse related to Roma, the Advisory Committee considers it particularly important that positive images of Roma traditions and customs are portrayed to the public and that their specific status as a minority with distinct cultural heritage is not ignored.

The Advisory Committee welcomes the continued support by the authorities for the preservation of the cultural identity of the Maronites living in villages outside the Government-controlled area, as well as for the maintenance of contacts of the community throughout the island. It is pleased to note in particular that the summer camp for Maronite children in the traditional village of Kormakitis continues to be organised on a yearly basis. Visits of religious sites located outside the Government-controlled area are also organised, such as the visit of the Armenian Monastery organised in November 2013, and the Advisory Committee notes with interest that the bi-communal Technical Committee operating under the auspices of the United Nations is engaged in conservation and renovation activities of the Maronite Saint George Old Church in Kormakitis.

Furthermore, progress continues to be made regarding the preservation of Cypriot Maronite Arabic (CMA) as a minority language of Cyprus. Implementation of the Action Plan for the Revitalisation and Empowerment of CMA has commenced, albeit in a reduced way owing to financial constraints. The Advisory Committee understands that the first phase of the Plan, i.e., the recording of native speakers in order to “store” the language in its original form has been completed at the end of 2014 and efforts are underway to establish writing conventions with the aim of developing teaching material for use in schools (see further comments on Article 14). While the Advisory Committee highly appreciates this important engagement by the University of Cyprus to preserve the distinct cultural and linguistic



heritage of the Maronites, it notes the concerns of representatives of the group that efforts are focussed more on the scientific benefits of archiving the language than on the interests of the speakers themselves to revitalise CMA as a crucial element of the Maronite identity in current day Cyprus (see also comments on Article 10). It reiterates in this context that the rights contained in Article 5 of the Framework Convention do not only apply to traditional elements of minority cultures but also to their modern expressions, which must equally be supported to promote their development and evolution in line with the concerns and wishes of representatives.

#### *Recommendations*

The Advisory Committee strongly encourages the authorities to increase their support for the cultural activities of minority communities and to ensure that the views and interests of the representatives are effectively taken into account in all planning and decision-making.

The Advisory Committee further calls on the authorities to identify without delay and in close consultation with minority representatives suitable premises that can serve as cultural centres for the relevant groups.

The Advisory Committee encourages the authorities to reinforce their efforts towards the preservation of CMA while ensuring that the views and concerns of the speakers are adequately taken into account at all stages of the process.

Czech Republic

*Adopted on 16 November 2015*

#### Article 5 of the Framework Convention

##### Support for the cultural activities of persons belonging to national minorities

#### *Present situation*

The main body responsible for implementing cultural policy is the Ministry of Culture. The three programmes which have been developed to support cultural activities are: the Programme of Support for Disseminating and Receiving Information in Languages of National Minorities – support for periodical press, radio and television broadcasting, Programme of Support for Cultural Activities of National Minority Members – support for artistic, cultural and educational activities, research and analysis of national culture and folk traditions, documentation of national cultures, editorial activity, and multi-ethnic cultural events aiming to combat intolerance and xenophobia, and the Programme of Support for the Roma Community Integration which focuses on creating equal conditions for members of the Roma community, especially support for social and cultural activities carried out by Roma community organisations.

Financial support for the organisation and promotion of cultural activities is provided to national minorities by municipal, regional and central authorities and this has included funding for the performing arts such as festivals and theatres, museums and publications. The House of National Minorities established under the auspices of the Prague City Hall provides offices for national minority organisations as well as an exhibition space and a performance area.

The Advisory Committee notes with interest that, in addition, the Ministry of Culture provides subsidies on an annual basis for national minority activities under the programme “Library of the 21st Century”, targeting libraries holding collections in languages of national minorities and grants aimed at supporting multi-cultural activities, which promote cultural dialogue within society.

The Museum of Roma Culture in Brno and the Jewish Museum in Prague, subsidised by the Ministry of Culture provide invaluable information on the history, traditions and culture of the Roma and Jews respectively and serve as a focal point for cultural and awareness-raising projects reaching a wide audience, beyond the minorities concerned. The Ministry of Culture also supports Terežín Memorial, which carries out research and educational activities on the Holocaust. The Advisory Committee is pleased to note that, in 2014, the Ministry provided funding to purchase a suitable building in Jevišovka which will house a Croat museum dedicated to preserve the culture of Croats in southern Moravia.

According to the State Report, funding for cultural projects has been decreasing every year in the period under consideration (2009 – 2013) and amounted to 6,3 million Kč in 2013 (latest available figures). While noting that state funding is substantially supplemented at the regional and municipal levels, the Advisory Committee regrets this trend which has also been deplored by the representatives of national minorities. In this context, the Advisory Committee notes that various interlocutors raised concern, not only about the scarcity of funds, but also about the procedure according to which the budgets are allocated on an annual basis which does not allow the organisations of national minorities to draw up long-term plans. The Advisory Committee agrees with many of its interlocutors that moving towards pluri-annual budgetary plans would resolve this issue. In addition, the fact that subsidies are paid upon presentation of proof of expenditure creates difficulties in particular for small organisations which find it difficult to advance the necessary financial resources.

#### *Recommendation*

The Advisory Committee calls on the authorities to pursue and strengthen their efforts to provide adequate financial support, in particular by making it more accessible to national minorities, including the numerically smaller ones, for their cultural initiatives and museums.

Denmark

*Adopted on 20 May 2014*

#### Article 5 of the Framework Convention

##### Preservation of culture of persons belonging to national minorities

The Advisory Committee notes with satisfaction that according to information provided in the State Report, regional authorities in South Jutland support a number of cross-border cultural projects, the most important being the *Interreg project Kultur-Dialog* (cultural dialogue) where associations and artists from the whole region, including artists identifying with the German national minority, can obtain financing. It has to be noted, however, that these small-scale projects lack a long-term perspective that would guarantee continuity and sustainability within a comprehensive framework aiming to recognize and promote minority cultures.

The German national minority in South Jutland also takes an active part in activities organized in the framework of the cross-border cultural region “*Kulturregion Sønderjylland-Schleswig*” such as the Schleswig Holstein Music Festival.

The authorities have shown sensitivity to minority cultural sites by designating the main synagogue in Copenhagen as a protected building and thus as a site of national interest. The Advisory Committee notes however, that some cultural sites important for the German minority have not been adequately promoted as cultural heritage by the authorities, resulting in the refusal to approve bilingual topographical signs (see Article 11 below for further comments).

In this context the Advisory Committee draws the attention of the authorities to the fact that protecting cultural heritage is not only an essential aspect of the preservation of the identity of persons belonging to the majority but also to persons belonging to the minorities.

#### *Recommendation*

The Advisory Committee invites the authorities to take an active role in facilitating the expansion of the official list of cultural heritage sites with a view to promote cultural diversity in the Danish society. The authorities should also ensure continuity and sustainability of measures designed to support minority cultures.

Estonia

*Adopted on 19 March 2015*

#### Article 5 of the Framework Convention

##### Support for national minority cultures

#### *Present situation*

The Advisory Committee notes that the Ministry of Culture, the Ministry of Education and Research, the Integration and Migration Foundation “Our People”, the Folk Culture Centre, the Cultural Endowment of Estonia and local authorities provide some support to cultural activities of national minorities. It notes however that the Department of Cultural Diversity at the Ministry of Culture, which is the principal interlocutor of national minorities in cultural matters, employs 6 staff members, and that its share of the Ministry’s total budget is 2.2 per cent.

Following a two-year consultation period during which national minority NGOs and co-operation partners were consulted at six seminars in Tallinn, Tartu and Ida-Viru County, a new policy document on “Fundamentals of Cultural Policy up to 2020” was approved by the government in November 2013. The document establishes the principles governing the country’s cultural policy as well as priorities in all relevant areas, including among others: performance art, cinematography, music, literature and publishing, fine arts, cultural diversity, protection of national heritage, museums, libraries and folk culture. The Advisory Committee notes however that this document has not yet received the final approval of the Parliament.

The support offered by the Ministry of Culture and local authorities to cultural activities of national minorities continues to be project-driven and consists of indirect support to amateur cultural groups and non-profit organisations. The outreach and impact of cultural projects offered by these non-professional players remain however limited, given their small size and lack of long-term financial stability. On the

positive side, the Russian Drama Theatre, whose performances are shown with Estonian subtitles, and the yearly Slavonic Song Festival reach out beyond the Russian-speaking minorities and increase awareness among the majority population of the existing cultural diversity of the country.

An exhibition entitled "We, the Roma" prepared jointly by the Estonian National Museum and Roma civil society representatives opened in October 2013 at the Valga County Museum and travelled in 2014 to locations all over Estonia. The exhibition aimed to highlight the uniqueness of the Roma, their rich cultural diversity and to dispel stereotypical views within society.

The Advisory Committee notes that the Law on Cultural Autonomy of National Minorities of 1993 provides for the establishment of Cultural Autonomy Bodies to be elected by citizens who have registered as belonging to the relevant minority group, provided that the population of that minority is over 3,000 persons. The law further specifies that such national minority cultural autonomy may be established by persons belonging to German, Russian, Swedish and Jewish minorities. Implementing legislation adopted in 2003 extended the applicability of the Law to the Ingrian-Finnish minority. The Advisory Committee notes that only two groups covered by this legislation, namely the Swedish and the Ingrian-Finnish established such Cultural Councils and receive some funding from the Ministry of Culture. More than 20 years after its adoption, the Act which, in the absence of any other genuine consultative bodies involving national minorities at national level (see also below Article 15), contains the only provisions allowing for national minorities to have their interests represented in officially recognised structures by democratically elected representatives, remains a dead letter. The German, Swedish and Jewish minorities no longer meet the numerical criteria, whereas the Belarusian and Ukrainian minorities were never covered by the Law in spite of meeting the numerical criteria.

The situation is most preoccupying as regards the Russian minority. Numerous attempts were made in the last 18 years to establish the Russian Cultural Council. The NGO *Vene Kultuuriautonomoomia* (Russian Cultural Autonomy) applied to the Ministry of Culture in March 2006 to initiate the process of creation of the Russian Cultural Council. This application was dismissed and court proceedings appealing this decision have been on-going since then. As no final binding decision has been made on the initial application, which has been pending since 2010 before the Supreme Court, another application by the NGO Foundation Endowment for Russian Culture submitted to the Ministry of Culture in 2009 has been put on hold. The Advisory Committee finds unconvincing the argument advanced by the Estonian authorities, for example contained in the Directive of the Minister of Culture N° 69/2009 that the applicant NGO *Vene Kultuuriautonomoomia* does not represent the Russian minority. The fact that the executive organs have failed to facilitate the creation of the Russian Cultural Council, in line with the legislation, points to the lack of political will, which is aggravated by the failure of the judicial system to rule on the case. This is incompatible with Article 5 of the Framework Convention.

The Advisory Committee also notes with regret that an inter-ministerial working group consisting of representatives of the Ministry of Justice, the Ministry of Culture and representatives of the Riigikogu (Estonian Parliament), established in 2011 to propose amendments to the Law on Cultural Autonomy of National Minorities with a view to eliminating practical obstacles to the functioning of cultural autonomies, has thus far failed to make proposals.

### *Recommendations*

The Advisory Committee calls on the authorities to facilitate the process of the establishment of Cultural Councils by all the relevant minority groups, in particular the Russian minority, and to proceed with the review of the existing legislation with a view to covering all relevant groups, clarifying the functions of the Councils and making the procedure to establish a Cultural Council fast and transparent.

The Advisory Committee also asks the authorities to ensure the involvement of minority representatives in the decision-making processes on the allocation of funds to cultural projects, and to ensure that all relevant groups are provided with the necessary funds to maintain the essential elements of their culture.

Finland

*Adopted on 24 February 2016*

#### Article 5 of the Framework Convention

Support for the preservation and development of national minority identities and cultures

##### *Present situation*

##### The Sámi

The Advisory Committee acknowledges that, during the reporting period, an extensive and constructive dialogue had begun with the Sámi Parliament to find legal and policy solutions to the most relevant pending issues concerning the Sámi. In its 2010-2015 programme, the government committed to strengthening the cultural and institutional autonomy of the Sámi people, clarifying the legislation relating to land use, and ratifying the ILO Convention No. 169 on Indigenous and Tribal Peoples, provided that a common understanding on the definition of Sámi people was reached. The Advisory Committee notes that significant progress was achieved on some issues (see comments under Articles 10 and 14 for the language revitalisation process), in agreement with the Sámi Parliament, but the legal and political process concerning Sámi autonomy through the amendment of the Sámi Parliament Act (see comments under Article 3), access to land and water rights and use, and the ILO Convention ratification came to a halt in Parliament in 2015. The Advisory Committee also notes that there is no comprehensive policy addressing Sámi rights outside the Homeland.

Two government Bills, one concerning the ratification of ILO Convention No. 169 on Indigenous and Tribal Peoples (HE 264/2014), and one proposing amendments to the Finnish Forest and Park Service Act respectively, aimed at bringing a solution to the long-time pending issues of access to land and water rights relevant to the Sámi people. The Bill on the ratification of ILO Convention No. 169, which is still pending, contains a Declaration, agreed with the Sámi Parliament, which clarifies the question of land rights and use in the Homeland for the purpose of the application of Article 14 of the ILO Convention in Finland, taking into consideration that 90% of the territory in the Homeland is state owned. The Advisory Committee commends the understanding between the government and the Sámi Parliament, which provides that the government will not interfere with the rights to own, possess, or use the lands and waters in the Sámi Homeland, but it will guarantee the Sámi people's right to effectively participate in decision making as regards the planning and use of state-owned land and water areas in order to safeguard their rights as an indigenous people. Similar wording had been introduced in an earlier draft of the Finnish Forest and Park Service Act, but it has been subsequently deleted in a new version submitted to Parliament on 3 December 2015 (HE 132/2015).

The Advisory Committee appreciates that the government decided not to withdraw Bill HE 264/2014, but instead commissioned a study on the definition of indigenous people and their land rights. In the Advisory Committee's view, the "reflection time" provided by the decision to carry out these studies can be beneficial to the renewal of the dialogue, with a possibility to look into new legal and political solutions for land-related issues, and appreciates from this perspective the recent visit of the Ministry of Justice to Inari to meet with the Sámi Parliament representatives.

Land use is also regulated by other pieces of legislation adopted during the period of reference, such as the Water Act (587/2011) and the Mining Act (621/2011), which guarantee the right of the Sámi to be involved, via consultation and appeal procedures, in the management of land and water areas. These acts include a "prohibition of regression" clause, which aims at preventing projects impairing considerably on Sámi livelihoods, a clause which Sámi interlocutors did not consider to have improved protection of their interests. Nonetheless, interlocutors informed the Advisory Committee that, in practice, good co-operation has been established with the *Metsähallitus*, the state agency managing state-owned lands, *inter alia* within the Sámi Homeland. All stakeholders are involved in a dialogue for a co-operative use of state land and water areas and voluntary principles, developed on the basis of the so-called *Akwé:Kon* guidelines are implemented to secure the involvement of the Sámi in the preparation of projects and plans, the assessment of their impact and in the related decision-making process.

Notwithstanding this positive practice of engaging the Sámi people, the Advisory Committee observes that Sámi interlocutors still deem new legislation necessary to consolidate it. This is why the Advisory Committee finds particularly regretful that the provisions included in the earlier draft Finnish Forest and Park Service Act (Acts 587 and 621/2011), which were similar to those contained in the Bill on the ratification of ILO Convention No.169, had been deleted from the most recent version of the draft legislation on Forest and Park Service (HE 132/2015). It also highlights the fact that the limited opportunities the Sámi have to take part in the decision-making process relating to their traditional livelihoods is contrary to Article 19 of the UN Declaration of the Rights of Indigenous Peoples which Finland has endorsed. The Advisory Committee gathered the impression during its visit that the current situation is quite tense and risks ending in a stalemate unless all parties concerned strive to keep a constructive dialogue going.

Sámi cultural autonomy is guaranteed by the Constitution and the legislation in force and the Advisory Committee appreciates the government commitment in 2014, to strengthen this objective by pursuing the Action Plan for the revival of the Sámi languages by 2025 (see Article 10). The government also continues to support the Sámi Cultural Centre Sajos in Inari, opened in 2012, and the new creative production arising from the Sámi tradition. Alongside access to the general subsidies, the Sámi Parliament receives a special annual appropriation for enhancing Sámi languages and culture and it is responsible for its allocation. The Advisory Committee notes that a portion of this appropriation was earmarked by the government for artistic and cultural activities at Sajos which plays the role of a cultural hub for the minority besides being the headquarters of the Sámi Parliament and other Sámi institutions. It also notes that discussions are ongoing for the opening of a Skolt Sámi languages and cultural centre in Sevettijärvi.

#### *Recommendation*

In view of the importance that access to land and water rights and use represent for the Sámi people to preserve their identity and culture, the Advisory Committee urges the authorities to continue showing

commitment to a dialogue in solving this issue both in national legislation and through the ratification of the ILO Convention No. 169 on Indigenous and Tribal Peoples.

#### Other minority groups

The Advisory Committee welcomes the continued support given by the Ministry of Education and Culture through discretionary grants to cultural activities organised by national minorities. They are accessible to Roma, Tatars, Russians, Karelian speakers, and Sámi for projects targeted at preserving language and culture. The National Policy on Roma has provided the framework to launch activities for the revival of the Romani language through the financial support of the Ministry of Education and Culture (see Article 10). Several initiatives are taken at local level to support and enhance living arts and cultural activities for Roma youth as a tool for societal integration. A Russian library and the Cultura Foundation, aimed at supporting the linguistic and cultural identity of Russian speakers, have been established. Finally, support to cultural activities to revitalise the Karelian language, as well as for the standardisation of its written form, have been launched. The Advisory Committee notes that authorities are considering developing the cultural policy not only in terms of access, but also pluralism. The latter entails the enhancement of the participation of minorities in the decision-making process. The Advisory Committee recalls that it considers essential that persons belonging to national minorities have an effective opportunity to participate in the decision-making process surrounding the allocation of funds geared towards cultural initiatives. Such participation is considered essential for the preservation of minorities' cultural identity.

#### *Recommendation*

The Advisory Committee calls on the authorities to ensure the continued support for cultural activities of all minorities and the improvement of procedures so that representatives of the national minorities participate in the decision making on the allocation of grants.

Germany

*Adopted on 19 March 2015*

#### Article 5 of the Framework Convention

Preservation and promotion of the culture of persons belonging to national minorities

#### *Present situation*

The Advisory Committee notes with satisfaction that the authorities at various levels have continued to support the preservation and development of national minority languages and cultures. It notes with interest the information provided by the federal authorities that, in the absence of reliable figures on the number of persons belonging to any given national minority (see above, Article 3), funding provided to support national minorities is based on the needs expressed by the latter in their requests for institutional or project-based support. The authorities consider that this method of working has proved satisfactory to date. However, it notes that there are wide disparities in the funding arrangements applied and in the amounts of funding provided to each minority, meaning that the system of support overall lacks transparency.

Until 2013, support to the Sorbian minority was provided through grants made to the Foundation for the Sorbian People and redistributed by this Foundation to various Sorbian associations, on the basis of the agreement reached in 2009 between the federal authorities and the *Länder* of Saxony and Brandenburg. The Advisory Committee understands that since 2013, the mechanism and guaranteed funding have been tacitly renewed on a year-to-year basis with additional funding being awarded in the course of the year to take account notably of inflation. This has created certain management difficulties, due to the short-term nature of the funding and uncertainty as to the final amount concerned. The Advisory Committee notes with interest that a new agreement is to be negotiated for the 2016-2020 period.

As regards Frisians, the Advisory Committee notes that North Frisians receive support for the preservation and promotion of their culture from the *Land* of Schleswig-Holstein, and notes with interest the agreement reached with the authorities of Schleswig-Holstein for longer-term funding awarded to the North Frisian Institute from 2013, for several years. Sater Frisians receive support from the *Land* of Lower Saxony and local authorities. The federal authorities also provide support for the preservation and promotion of the culture of North and Sater Frisians. The Advisory Committee notes that much of the funding in support of Sater Frisian culture has been used towards creating a bilingual Sater Frisian-German dictionary, a project that is important for Sater Frisians but that they consider should not be conducted to the exclusion of other measures in support of their culture. Advisory Committee also notes that there have been longstanding differences of view between representatives of Frisians and the federal authorities regarding the overall amount of federal funding provided in support of the preservation and promotion of the various forms of Frisian culture present in Germany, in particular as regards possibilities for supporting East Frisian culture. It hopes that these issues can be rapidly addressed, and notes with interest in this context recent positive signs on the part of the federal authorities of openness to increased co-operation with Frisians.

The Advisory Committee notes with interest that the agreements signed between the authorities of Baden-Württemberg (in 2013) and Hesse (in 2014) with regional associations of Sinti and Roma increased the funding available for their work and placed it on a more secure footing. The Advisory Committee also welcomes the continued support given by the federal and some *Länder* authorities to certain Sinti and Roma organisations that play a significant role on behalf of these communities, and trusts that such support will continue. However, it emphasises once more the importance of recognising, including through arrangements for financial support to Sinti and Roma organisations, the diversity that exists within this minority, and ensuring that such diversity is not perceived as a barrier to the development of policies for the support of the minority as a whole. It also emphasises the important role played by local and regional Sinti and Roma organisations. In this context, the Advisory Committee notes with interest that in addition to the framework agreement signed by the Rhineland-Palatinate authorities with the relevant regional association of German Sinti and Roma in 2005, the government of this *Land* has since 2009 also been providing support to projects carried out by the regional branch of the Sinti Alliance. It also welcomes the long-awaited establishment in early 2015 of a federal Consultative Committee on Issues concerning German Sinti and Roma, involving both of the national umbrella organisations of Sinti and Roma (see further below, Article 15).

The Advisory Committee observes that the support provided to the preservation and promotion of the cultures of the four recognised national minorities in Germany covers widely varying structures, institutions and needs; is distributed via different mechanisms and comes from different federal ministries depending on the minority in question. The Advisory Committee welcomes the fact that the authorities take an essentially needs-based approach, responding to the needs expressed by the different minorities as regards the preservation and promotion of their cultures. However, it underlines



the importance of ensuring transparency as regards the way in which such needs are assessed. Moreover, it observes that the capacity of minorities to express their needs depends to some extent on the structures and institutional links that they are able to maintain and the degree to which their resources are consumed by the obligation to apply regularly for project-based funding. In addition, it underlines that where project funding is delivered after a considerable delay, this hampers the implementation of the projects concerned, and considers that minority organisations should not be penalised for diminished outcomes that result from such delays. The Advisory Committee welcomes in this context the fact that institutional funding to some minority structures has increased in the past few years, and, bearing in mind that the preservation and promotion of minority cultures is necessarily a long-term affair, hopes that this trend may be further strengthened in future.

#### *Recommendations*

The Advisory Committee encourages the authorities to continue supporting the preservation and promotion of national minority cultures, in close co-operation with the representatives of these minorities. It calls on them to pay particular attention in this context to the long-term needs of persons belonging to national minorities and to ensure that funding arrangements, in particular in support of Sorbian and Frisian culture, allow for sustainable action to be taken. It further invites the authorities to seek means to make the funding process more transparent.

The Advisory Committee strongly encourages the authorities at all levels to ensure that public funding arrangements for the preservation and promotion of the Sinti and Roma culture take due account of the diversity within this minority and of the importance of supporting organisations at local level.

#### Impact of lignite mining on the preservation of Sorbian language and culture

##### *Present situation*

The Advisory Committee understands that it is planned to continue developing further open-cut lignite-mining operations in Germany in coming years, including in areas traditionally inhabited by Sorbs. It again notes the conflicts of interest that this prospect entails, as the need to ensure Germany's energy supply and economic interests are set against the risk of weakening or losing the linguistic, cultural and historical heritage of the Sorbian minority, in particular where relocations of entire villages in the heart of the traditional settlement area of the Sorbian minority are involved. The concerns of the Sorbian minority are moreover heightened at present by the announcement that the mining company currently operating the relevant mines is planning to sell these operations in the near future, generating additional uncertainty about the continued applicability of agreements reached with the current operator.

The Advisory Committee notes that the authorities consider that the legal framework in place is sufficient to mitigate effectively the impact on the preservation of Sorbian language and culture of new relocations of villages due to lignite mining, including if the mining operations are sold to a different company. It welcomes the information provided by the authorities that the same rules would apply to a new operator as the current one, and that a new operator would be bound to honour agreements signed by its predecessor. It shares nonetheless the concerns expressed by the Sorbian minority as regards the preservation of their language, culture and in particular history in a context where parts of their traditional settlement area are to be bulldozed in order to allow for the expansion of open-cut mining operations. It emphasises that Sorbs subject to relocation measures are confronted with particular difficulties due to the fact that their access to minority rights is contingent on their remaining

within their traditional settlement area: this makes relocation an even more complex matter for persons belonging to the Sorbian minority than for the majority. It draws attention to the special duty of the authorities to play their role as guarantors of the rights of national minorities effectively in such a context, in particular in protecting them against assimilation. It also underlines the particular difficulties that may be faced by a minority seeking to preserve its collective history, language and culture in a context where households are required to negotiate individually and separately with a mining company and where the standard terms of agreements reached require them to refrain from disclosing to other parties engaged in similar negotiations the details of such agreements.

*Recommendation*

The Advisory Committee strongly urges the authorities to pay close attention to the interests of persons belonging to the Sorbian minority in all matters related to possible relocations of the population. Such relocations should be contemplated only where no other viable alternative exists and the individuals concerned must be closely involved from the earliest stage in preparing for such relocations and identifying effective solutions in order to safeguard the history, language and culture of the Sorbian minority in the affected areas.

Hungary

*Adopted on 25 February 2016*

Article 5 of the Framework Convention

Conditions enabling minorities to maintain and develop their culture

*Present situation*

The Advisory Committee notes the continued efforts of the authorities to maintain and revive the cultural expressions of national minorities. The doubling in the last two years of the funding for cultural projects of national minorities, reported by national minority “nationality advocates”, is much appreciated. In particular, the Advisory Committee notes that the budget for 2016 earmarks 330 million HUF for cultural activities of national minorities, 270 million HUF for linguistic children’s camps, and 330 million HUF for support to national minorities’ NGOs.

The main state organs responsible for supporting minority cultures are the State Secretariat for Culture, which is responsible for public collections and theatres, and the State Secretariat for Religious, Nationality and Civil Social Relations, responsible for supporting cultural events of national minorities, both of which are located within the Ministry of Human Capacities. Further tasks related to support for national minorities’ cultural events are performed by the Fund Manager for Human Resources. In addition, the State Secretariat for Regional Administration of the Ministry of Public Administration and Justice supervises the work of the nationality self-governments, which are key players in implementing cultural activities locally. Bearing in mind this complicated, fragmented and multilayered structure, the authorities have undertaken to draft a Nationality Policy Strategy 2014-2020, one of the aims of which is to clarify the respective fields of responsibility and to eliminate possible overlapping. The Advisory Committee regrets to note that this Strategy had not been finalised at the time of the adoption of its Opinion in February 2016.

In addition to state structures supporting cultural projects of national minorities, a number of other institutions have been established with that aim. The National Institute for Community Culture is responsible for nurturing relationships between the national cultural organisations and institutions of national minorities and similar institutions of the majority. Under the aegis of the Institute, the Nationality Cultural Expert Council co-ordinates co-operation between the National Institute for Community Culture and national minority cultural organisations, and serves as an intermediary in finding solutions to demands and interests related to their cultural activities.

National minority self-governments play a major role in implementing minority-related cultural projects. The Advisory Committee notes in this respect that task-based budgetary support for the self-governments in 2014 amounted to over 1 billion HUF corresponding to two-thirds of the total 1.52 billion HUF allocated in the state budget to the functioning of these bodies. Furthermore, those national minority self-governments which took over the operation of public educational institutions (the Research Institute of Slovaks in Hungary, the Research Institute of Greeks in Hungary, the Scientific Institution of Croats in Hungary, the Serb Institute, the Research Institute of Romanians in Hungary, the ELTE Research and the Teacher Training Centre of Germans in Hungary) receive additional funding equivalent to the support which was provided to these institutions prior to the takeover. In this context, the Advisory Committee is pleased to note that support for institutions operated by national minority self-governments rose from 444.5 million HUF in 2010 to 586 million HUF in 2013.

An outstanding feature of the national minorities' cultural landscape in Hungary is the existence of theatrical groups. In fact, each national minority has set up its theatre and drama group performing in their minority language and for most part having at their disposal a building for that purpose. All such ethnic theatres and official drama groups have been financially supported with funding earmarked in the state budget. Multi-ethnic theatre festivals have been likewise regularly organised. In 2013, the Ministry of Human Capacities provided over 100 million HUF to support nine drama groups: the Croat Theatre in Pécs, the Hungarian Serb Theatre, the Cervinus Teátrum, the Cinka Panna Gypsy Theatre, the Alternative Arts Foundation, the Vertigo Slovak Theatre, the Karaván Arts Foundation, the Hókirálynő Association, and the Romano Teatro Cultural Association. Every year, the Ministry also funds "cultural days" or "cultural months" of specific minorities, for example the Month of Serbian Culture or Ukrainian Cultural Days.

To promote the visibility of national minority cultures, a *Pro Cultura Minoritatum Hungariae Award* has been established and is awarded on a yearly basis for an outstanding activity promoting minority language-based cultural heritage and thus contributing to the coexistence based on tolerance and mutual respect of peoples in the Carpathian basin. Furthermore, the Nationality Gala Eve has also been regularly organised and well attended.

The Advisory Committee notes that the Nationality Act of 2011 allows for the transfer of ownership of any national minority cultural institution to the national minority self-government (provided that at least 75% of its activities are national minority related). A number of such institutions has in fact been taken over and is managed by national minority self-governments. By way of example one can name the National Roma Museum Collection and Gallery, the Library, the Archives and Document Library, the Cultural and Media Centre, the Polish Cultural Centre, the Slovenian Village House, and the Kűhár Memorial House. In this context, the Advisory Committee regrets to note that funding necessary for maintaining such institutions is at times not transferred in a timely way, causing significant difficulties for the establishments concerned. For example, according to minority representatives, funding for national minority theatres for 2015 was transferred only in September 2015, effectively paralysing them

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as they were unable to cover even basic expenditure and salaries. Furthermore, the current system of funding based on yearly grants, as opposed to a running subsidy, is considered by many representatives of national minorities to be bureaucratic and unnecessarily time- and labour-consuming.

### *Recommendations*

The Advisory Committee calls on the authorities to pursue and strengthen their efforts to provide in a timely manner, adequate and sustainable financial support for minority cultural initiatives, theatres and museums.

The transfer of ownership of national minority cultural institutions should be accompanied by adequate safeguards which would guarantee financial stability allowing them to function without any interruption or hindrance.

When developing the Nationality Policy Strategy 2014-2020, ensure that responsibilities of administrative entities are clearly defined with the view to eliminating any possible overlap.

## Italy

*Adopted on 19 November 2015*

### Article 5 of the Framework Convention

#### Support for the cultural activities of persons belonging to national minorities

##### *Present situation*

The Advisory Committee notes that there have been no fundamental changes in the system of support for cultural activities of national minorities. The Minister for Regional Affairs, who is in charge of coordinating policies affecting national minorities, is responsible for disbursement of funding for maintaining and developing minority languages and the historical and cultural heritage of these minorities. He is assisted in this task by the Technical Committee set up to implement Law No. 482/1999 which is composed of representatives of government departments directly involved in the implementation of minority policies, representatives of the National Association of Italian Municipalities (ANCI), the Union of Italian provinces (UPI), the Conference of Regions and Autonomous Provinces, the Federative Committee of Linguistic Minorities in Italy (CONFEMILI), and five experts appointed by the Minister, one of whom acts as coordinator of the Committee.

Additional funding for cultural activities is made available to the recognised linguistic minorities by the regional and local authorities. The Advisory Committee welcomes in particular the high level of protection enjoyed by persons belonging to linguistic minorities in areas such as the Autonomous Province of Bolzano/Bozen and the Autonomous Regions of Friuli Venezia Giulia and of Valle d'Aosta/Vallée d'Aoste. It recalls in this context that, in a number of regions, such as the autonomous province of Trento, the Piedmont region and the Friuli Venezia Giulia region, laws aiming to enhance the protection of linguistic minorities have been adopted.

The Advisory Committee regrets the lack of information in the State Report on specific measures taken to support contemporary cultural activities of national minorities. It notes that funding disbursed under Law No.°482/1999, in line with existing legislative provisions, is channelled exclusively to municipal authorities. Associations and other civil society organisations are not entitled to any direct financial

support, which has a particularly detrimental effect on their ability to engage in cultural projects. Grants for such projects are provided by regions and municipalities, however – according to representatives of national minorities, the current level of funding is far from sufficient, and all minority interlocutors of the Advisory Committee concurred that the situation is the worst it has been in the last ten years. The Advisory Committee recalls that already in its previous Opinion it observed that the cuts in the funding announced at that time by the authorities made the outlook for the next few years worrying. Regrettably, according to minority representatives, the funding available under Law N° 482/1999 is currently ten times smaller than it was in the first few years following its adoption.

Regrettably, this negative scenario has indeed materialised in the past few years. For example, according to national minority representatives, funding for the Albanian Cultural Association in Campobasso (*Albanese Molise*) which is active in four municipalities (Campomarino, Portocannone, Ururi and Montecilfone) inhabited by persons belonging to the Albanian national minority, functioned well until 2010. In the last five years however there has been a progressive drop in funding, until no funding whatsoever was given in 2015. Support for other less-numerous minorities, such as the Occitan-, Greek- and German-language speakers residing in Alpine enclaves outside Trentino-Alto Adige/Südtirol region, has been, according to their representatives, equally insufficient.

Against this rather alarming situation affecting support for the culture of numerically smaller minorities, the Advisory Committee notes that in several regions or provinces, such as the autonomous province of Trento, the autonomous region of Valle d'Aosta/Vallée d'Aoste, the Piedmont region and the Friuli Venezia Giulia region, which are all inhabited by numerically larger linguistic minorities the situation is better. In the Piedmont region for example, the regional authorities allocate yearly over 600,000 Euros to support the cultural heritage of the French and Franco-Provençal linguistic minorities, as well as scientific research and regional culture and history as provided for in Regional Law No.°58/1978.

This very mixed picture demonstrates that minority rights are protected and implemented in a very asymmetric way in the Italian territory and not all minorities have equally benefited from the rights laid down in the Framework Convention. Whereas in the autonomous provinces and regions, inhabited by large minority groups, such as Slovenian-anguage speakers in Friuli Venezia Giulia, German- and Ladin-language speakers in Trentino-Alto Adige/Südtirol and French-language speakers in Valle d'Aosta/Vallée d'Aoste, the situation seems to be satisfactory, in other parts of Italy, inhabited by smaller minority groups, whose numbers do not make them an electoral force capable of influencing the regional political agenda, the situation has significantly worsened in the past few years. In this context, the Advisory Committee wishes to reiterate its view that the central government remains fully responsible for the respect of its international obligations in this field, including those contained in the Framework Convention. In particular, it is essential to ensure that all the conditions – regulatory, financial, staffing, etc. - are in place for the competent authorities to fulfil their responsibilities efficiently and implement effectively the rights of persons belonging to minorities at different levels.

With regard to the Roma, Sinti and Caminanti, the Advisory Committee notes with regret that the National Strategy for the Inclusion of Roma, Sinti and Caminanti Communities 2012-2020 pays very little attention to promoting their culture and heritage, which are essential elements of the identity of persons belonging to these groups. In fact, it lists only one specific project, namely a publication starting in the school year 2012-2013 by the Department of Equal Opportunity, of a series of editorial tools (books and DVDs) to promote an understanding of Roma culture, its history, the genocide suffered in the concentration camps (*Porrajmos*) and the current difficulties of inclusion. At the same time, the Advisory Committee is pleased to note that the Council of Europe "DOSTA" campaign; which was launched in 2010, has been turned into a permanent activity implemented by UNAR, extended to the entire national territory as from 2013.

*Recommendations*

The Advisory Committee urges the authorities to increase the funds available for the cultural activities of national minorities so as to ensure the preservation of their cultural and linguistic identity, including in areas outside their traditional settlement. Funds must be made available for the longer-term and must be paid out in a timely manner so that cultural initiatives can be planned and implemented effectively. Particular attention must be paid to the actual needs in the field of culture of persons belonging to the numerically smaller minorities.

The Advisory Committee asks the authorities to further develop and more thoroughly implement the Strategy to promote the Roma, Sinti and Caminanti identities and to allocate adequate financial resources for their cultural initiatives.

Moldova, Republic of  
*Adopted on 25 May 2016*

Article 5 of the Framework Convention

Support for the preservation and  
development of national minority identities and cultures

*Present situation*

A number of cultural associations and projects such as the organisation of festivals and the printing of books, continue to receive financial support from the Ministry of Culture and some local authorities. The Advisory Committee takes note of reports, however, that the available funding is widely considered to be insufficient to maintain and develop the various minority cultures, particularly with respect to the numerically smaller minorities. There is no established procedure for the allocation of funds to minority cultural associations within the Ministry of Culture and no specific budget line set aside for that purpose, as all applications for cultural projects go through the same process. The rules regarding these procedures, however, are reportedly not available in minority languages or in Russian, which hinders access to information and is particularly disadvantageous for newly formed associations, which do not have long-standing experience with local or central level decision-making procedures regarding the allocation of cultural support. As a result, the available support mechanisms appear to concentrate on the preservation of traditional music or folklore and the translation of books about the adaptation of newer and more contemporary expressions of minority cultures, which contributes to the perception of minority cultures as stagnating and marginalised rather than as integral parts of present-day Moldovan society. The Advisory Committee is concerned by the fears expressed in particular by representatives of numerically smaller minorities regarding the growing assimilation with dominant languages and cultures amongst their communities (see also Article 10).

The Bureau for Interethnic Relations further provides some support to national minority cultural associations by making the House of Nationalities, located at its premises in *Chisinau*, available for the organisation of events. However, the premises are reportedly unsuitable for larger or regular gatherings, including of youth, which has resulted in a loss of interest amongst some communities.

In addition, representatives of national minorities report that the requests for the registration of their non-governmental organisations with names indicating languages other than the state language or Russian, have been rejected. Despite the co-official status of the Gagauz language, associations in

Gagauzia have reportedly been asked to change their Gagauz names into either Russian or the state language in order to be registered.

The Advisory Committee further notes that the restitution of expropriated communal property of cultural heritage sites is not comprehensively legislated, which remains of particular concern to persons belonging to the Jewish and Armenian communities. According to their representatives, private efforts to restore and protect heritage sites have not received public support but instead, on the contrary, have been obstructed by various layers of bureaucracy, thus remaining unsolved. Requests for the restitution of property to religious communities other than the Moldovan Orthodox Church have reportedly not been answered, with one case being submitted to the European Court of Human Rights by the Catholic Church in 2012 concerning the restitution of a cathedral and other church properties. The case remains pending in 2016.

The Advisory Committee welcomes the reference to the fact that cultural diversity is prioritised in the strategy implemented by the Ministry of Culture. It notes with regret, however, reports of some resistance exhibited by the ministry to promoting multicultural projects or making the various cultural schemes and events available to diverse audiences through, for instance, the use of subtitles. Attempts by representatives of national minorities to have their traditions and cultures reflected in national holidays have not been successful amid a perceived tendency to give precedence to the promotional activities of only one cultural identity in Moldova. Indeed, the Advisory Committee notes that the website of the Ministry of Culture is accessible only in the state language and in English, which appears to disregard the cultural interests of a significant part of the population with diverse language backgrounds. It considers that a more active appreciation and promotion of the wide cultural and linguistic diversity in Moldova, including the many numerically smaller minorities, could meaningfully contribute to the development of a sense of civic identity amongst all citizens as integral elements of one diverse society and may help in overcoming the existing divisions (see Article 6).

#### *Recommendations*

The Advisory Committee calls on the authorities to increase the available support for the cultural activities of persons belonging to national minorities and to ensure equal access to resources for representatives of all groups, including numerically smaller minorities, the rural population, women and youth. An additional and specific budget line should be made available for the preservation and development of minority cultures and heritage, and representatives closely involved in relevant decision-making processes on the allocation of funding.

It further calls on the authorities to prioritise, in consultation with national minority representatives, the promotion of minority cultures as valued and integral parts of Moldovan diversity and to demonstrate their commitment to the formation of an open and inclusive society through the adoption of a corresponding cultural policy.

Norway

*Adopted on 13 October 2016*

### **Article 5 of the Framework Convention**

Support for the preservation and development of national minority identities and cultures

#### *Present situation*

Support for the development of the languages and cultures of persons belonging to national minorities is provided annually through funds allocated to projects selected via an application procedure by the Ministry for Local Government and Modernisation, as well as through earmarked budgets by other ministries (e.g. Culture, Education). Applications are submitted by organisations considered to represent a national minority if they have more than 100 members, which appears to be non-problematic for certain smaller minorities (e. g. Jews) and problematic for others (in particular the Tater/Romani who are less organised). Furthermore, organisations representing the Kven minority were of the opinion that the annual procedure did not ensure regular funding and therefore the sustainability of projects. For instance, the Kven Institute stressed that the lack of earmarked, regular funding is endangering the continuation of kindergarten education in the Kven language, notwithstanding a very successful pilot project in the Porsanger municipality (see Article 14). Furthermore, the Advisory Committee's interlocutors criticised the fact that a large proportion of the funding is directed towards the promotion of the history of national minorities, in particular through museums and exhibitions, rather than the promotion of more contemporary aspects of their culture. In addition, the Advisory Committee notes with concern that the minorities themselves are not involved in decision-making process concerning the fund allocations and that the budgets, as the authorities indicated, are sometimes not even disbursed in their entirety.

More particularly as regards the Kven minority, the Advisory Committee notes the efforts made so far by the central and local authorities to revitalise the Kven language: standardisation of the language, support for full-immersion Kven language early day care (so called language nests), the teaching of Kven in kindergartens, the creation of the Storfjord Language Centre and the Halti Kven Cultural Centre, financial support for the activities of cultural events such as the Paaskiviikko and the Kippari festivals (see also Articles 10 and 14). These activities are supported by the 4.5 million NOK (around 500 000 euros) dedicated to projects and managed by the Ministry for Local Government and Modernisation, as well as by the budgets of the Ministry of Education and the Ministry of Culture and by municipalities' budgets. However, several of the Advisory Committee's interlocutors representing Kven organisations criticized the lack of financial support to make the language revitalisation possible in practice. In particular, they claimed that the funds available for the language nests were too limited and only one such nest in Porsanger is currently functioning, that Kven language education is not widespread (see Article 14), and that Kven is seldom visible in public places (see Articles 10 and 11). The National Kven Association (*Norske Kveners Forbund*) has asked the government to shed light on past



abuses against the minority which led to forced assimilation, *inter alia* through restrictive land rights and education policies banning the use of Kven in schools until the 1960s.

The Advisory Committee understands that the priorities of the Forest Finns include the building of a new museum (combining the existing structures) and the reopening of a Finnish language school in the Skog area. On both issues, their representatives indicated to the Advisory Committee that discussions with the authorities were difficult. As regards the museum, discussions are further complicated by diverging views as to the status of the museum. Contrary to the opinion of the authorities, the minority representatives wish the museum to remain organisationally independent from other similar regional institutions.

### *Recommendation*

The authorities should ensure that the existing support at the local, regional and national level for cultural activities of persons belonging to national minorities is administered in a way which allows for sustainability of minority institutions and of projects. All decisions on the local, regional and national level should be taken in close consultation with minority representatives thus taking into consideration their priorities, such as the museum project proposed by the Forest Finns.

### Tater/Romani

Positive steps have been taken by the government since the Advisory Committee's Third Opinion in 2011 taking responsibility for the past policy of assimilation towards the Tater/Romani minority. The government officially apologised in 2015 on the occasion of the public presentation of the report titled "Assimilation and Resistance: Norwegian policies towards Tater/Romani people from 1850 to the present". The report complemented previous measures, such as financial compensation for past abuses, and the recognition of this group as a national minority in 1999. It also contributes to the ongoing reconciliation process. The report was prepared by an ad hoc Committee established in 2011, composed of independent experts and representatives of the Tater/Romani community. It exposed heavy-handed assimilation policies during the 1890-1970 period aiming to change the group's lifestyle by forced placement of children in foster care, forced settlement of families in labour camps and forced sterilisation of women. The policies were mainly implemented by a private religious organisation, the Norwegian Mission for the Homeless, under the direction of the authorities.

The report on the Tater/Romani also examined the present situation and highlighted the long-term negative consequences these policies have inflicted on individuals and the minority as a group, such as broken families, loss of language and culture, high mortality and lower levels of education and employment. It highlights on the one hand, how these policies produced among the Tater/Romani, a heightened distrust and even fear of the authorities and, on the other hand, prejudice and ignorance among the majority of the population, noticeable even today. For instance, discrimination and mistrust hinders access to the job market and public services, and creates difficulties in dealing with certain institutions such as child welfare. The report

recommends that the government adopts robust implementation measures in order to achieve reconciliation and to build trust through improving knowledge about the Tater/Romani. It also asks the authorities to facilitate the participation of this minority in public life, ensure equal access to education and welfare services, offer support for reporting discrimination and for obtaining redress, as well as the revision of the existing compensatory schemes, which are deemed by some to be unfair.

The Advisory Committee welcomes the constructive initiative taken by the government following the presentation of the report to organise public hearings in order to gather a maximum number of opinions on how to proceed further in the process of both reconciliation and rebuilding trust between the minority group on the one hand and public institutions and society at large on the other hand. While welcoming the reconciliation process, representatives of Tater/Romani organisations alerted the Advisory Committee about certain shortcomings in this process, such as an insufficient public apology from both the church and health institutions for past abuse and the fact that the report did not examine in detail the policies of the last 30 years. They also highlighted the need to strengthen organisations representing the community, as well as the need to protect the Romanes language, which is considered to be the characteristic of this minority. The Advisory Committee shares the opinion of several of its interlocutors that the reconciliation process has revealed deep cleavages in the community between those who wish public recognition including redress and those who do not wish to be singled out from the majority for fear of being stigmatised. The Advisory Committee recognises that the government is facing a difficult challenge to strike a delicate balance between the needs of both parts of the community and the aim of promoting an integrated society where persons belonging to the minority enjoy access to rights.

The Advisory Committee notes that during the reference period the Tater/Romani People's Cultural Fund, established in 2008 as part of the compensation scheme, carried out several activities to promote and preserve the culture, language and history of the minority. Furthermore, it provided advice and guidance to those who suffered abuse from the previous assimilation policies. In 2014, the fund created a 'centre of competence' in order to develop training in language and craft traditions. In that year the fund, originally amounting to 75 million NOK (about 8 million euros), was transformed into an ordinary annual grant of about 5 million NOK (about 540 000 euros). Nevertheless, it appears that for the years 2015 and 2016, no disbursements were made. The Advisory Committee understands from minority representatives and other interlocutors that, currently, the situation of the fund is complicated as the allocation of financial resources and the structure of the fund itself are disputed. Nonetheless, financial support continues to be disbursed to Tatar/Romani organisations other than through the fund. The representatives of the Tater/Romani organisations who met the Advisory Committee stressed that the financial questions surrounding the fund compound the mistrust towards the government.

### *Recommendations*

The Advisory Committee calls on the authorities to address adequately and without delay the problems identified in the ad hoc Committee's 2015 report on assimilation policies towards the Tater/Romani minority in close consultation with persons belonging to minority groups. To this goal they should take effective measures to rebuild trust, including by broadening awareness of the recognition of public responsibility, to expand knowledge about this minority and to encourage dialogue within the community, with the authorities and society at large.

It also calls on the authorities to acknowledge the trans-generational effects of past traumatising policies of assimilation and to improve the understanding of discriminatory patterns still affecting the Tater/Romani minority. Access of persons belonging to the Tater/Romani minority to the existing redress mechanism, such as the Equality and Anti-Discrimination Ombudsperson, and smooth management of the Tater/Romani People's Cultural Fund, as a means of promoting the minority culture and language, should be improved.

### Norwegian Roma

The Advisory Committee acknowledges the positive steps taken by the government towards the Norwegian Roma since the adoption of its Third Opinion, in particular the publication of the report on past abuse suffered by this national minority, which led to the public apology by the authorities in April 2015. The government recognised its responsibility for past exclusion policies, such as the stripping of nationality, before and in the aftermath of the Second World War and for the tragic consequences Norwegian Roma had to endure during the Holocaust due to this policy. The so-called 'Gipsy clause', introduced in the Aliens Act in 1927, which prevented them from re-entering Norway before and after the war, was abolished only in 1956 and their nationality was reinstated only in the 1970s. The Advisory Committee understands from the minority representatives that reparation for past abuse has taken the form of individual and collective compensation. Roma organisations decided in dialogue with the Ministry of Local Government and Modernisation to use the funds of the collective reparation to establish and operate a Roma cultural centre in Oslo, which is due to open in 2017. The centre will promote Roma culture and history, provide a meeting place for persons belonging to this minority and also be a venue where Norwegian society can become better acquainted with Roma culture.

Roma organisations reiterated to the Advisory Committee their concerns regarding discrimination in access to campsites and services, education (see Article 12), housing and employment (see Article 15), as well as ill-treatment by the police (see Article 6). In its follow-up to the 2009 City of Oslo Action Plan for Roma, the City of Oslo municipality is addressing some of these concerns (see Article 4). With respect to access to campsites, the Advisory Committee notes that Roma organisations pointed out that the remedies available, such as the complaint procedure before the Equality and Anti-Discrimination Ombudsperson, have not led to the effective results and that discriminatory attitudes towards the travelling lifestyle of this minority continue to put at risk the preservation of the cultural identity of Roma.

These concerns were expressed even more substantially both by Roma organisations and by independent bodies as regards the disproportionate number of Roma children placed with the child welfare services, in particular in foster-care families. While acknowledging that decisions are taken on the basis of the best interest of the child and because of serious situations of distress (violence, drugs, physical abuse), interlocutors expressed a disagreement with the imposed restrictions in contacts with the family of origin and moreover questioned the cultural appropriateness of the placement in non-Roma families. By severing ties and not providing adequate cultural support to help children to preserve and develop their Roma identities, opportunities for later inclusion in the community are deemed to be very low. The Advisory Committee understands from the City of Oslo municipality that there have been initiatives to improve the protection of the cultural identity of children in foster care. Nevertheless, many of the Advisory Committee's interlocutors, including ombudspersons and Roma organisations were of the opinion that the child welfare services did not make sufficient efforts to put in place alternative measures before taking children into care. Moreover, when foster care was the retained option, placement only exceptionally occurred in Roma families. Placement of children in non-Roma families has adversely affected the development of their cultural identities, the continuation of family ties and language acquisition and use.

#### *Recommendations*

The Advisory Committee calls on the authorities to make efforts to ensure that Roma cultural identity is preserved and developed by facilitating their travelling lifestyle, for instance with respect to access to campsites.

As regards Roma children, the authorities should step up efforts to ensure that alternative measures to placing children into care are put in place whenever possible, that adequate support is provided to families during the process and that child welfare services remain a measure of last resort. When placement in foster families occurs, the authorities should aim to preserve to the maximum extent possible family ties and cultural identities of the children, including through the recruitment of foster families belonging to the respective minority. Finally, a broad understanding of Roma culture should be promoted among child welfare services.

Slovak Republic

*Adopted on 3 December 2014*

Article 5 of the Framework Convention

Support for the preservation and development of national minority identities and cultures

#### *Present situation*

The Advisory Committee welcomes the continued allocation of support to all 13 recognised national minorities during the reporting period, both through the provision of support to cultural activities

organised by national minorities themselves and through the organisation of inter-cultural projects. It notes that the overall amount has been slightly decreased each year after an increase in 2012 and a number of national minorities, particularly the numerically smaller ones, consider that the available support is barely enough to preserve their cultures and identities, especially when they do not have their own premises. National minority representatives further contend that the reduction in available funds is also a result of the passing of the subsidy programme from the Ministry of Culture to the Government Office of the Slovak Republic in 2011 as there no longer is an independent ministerial budget attached to it. Representatives of the numerically larger minorities have criticised that the per capita support to persons belonging to their national minorities is much smaller than that provided to persons belonging to numerically smaller minorities. The Advisory Committee notes that the support given to numerically smaller minorities is higher on a per capita basis in keeping with the need of numerically smaller minorities for particular assistance to be made visible and present in society.

In November 2013, the Sub-Committee for National Minorities and Ethnic Groups, which among others provides recommendations related to the allocation of funding to cultural activities, amended its voting system. While numerically larger minorities maintain a higher number of seats, each minority now has only one vote. The Advisory Committee understands that new allocation rules were adopted under the new voting procedure, however, based on criteria that had been developed previously. The amount of subsidy provided to each national minority is decided according to a mathematical key that takes into account the particularities of each group, such as size, number of speakers of the language, and availability of support from other states. Decisions on individual projects to be funded are taken by the Government Office, based on recommendations provided by separate assessment committees for each minority with participation of national minority representatives. The Advisory Committee understands that the current system, while being welcomed in particular by the numerically smaller minorities who reportedly often felt outvoted before, has raised concerns among some of the numerically larger minorities. It considers that constructive dialogue should be pursued with and among all national minority representatives and some flexibility should be maintained so as to avoid further friction among them and ensure that their views continue to be effectively represented in relevant consultation mechanisms (see further comments on Article 15).

The Advisory Committee appreciates that endeavours are made to take into account the results from regular statistical surveys and those stemming from independent research, in particular the Roma ATLAS, for relevant budget allocations. It further welcomes that the procedure for the actual disbursement of funds was accelerated in 2013. Problems are, however, still reported where funds are received only towards the end of the year, forcing minority associations to pre-finance their ongoing yearly activities, which is difficult in particular for the numerically smaller ones. The Advisory Committee further notes that the publication in the minority language of magazines or brochures in small editions is a common effort among national minority associations to preserve their language and provide their often aging readership with literature. It finds that such endeavours may be considered as cultural rather than commercially oriented and that consequently no restrictions related to their possible distortionary effect on competition should be applied.

The Advisory Committee welcomes the fact that the Ministry of Culture continues to support eight national minority museums, subordinate to the Slovak National Museum, which play an important role in promoting awareness of national minority cultures and histories in Slovakia, particularly as regards the numerically smaller minorities. In this context, it wishes to underline the importance of presenting national minority cultures not only in their traditional customs but also reflecting on more recent history and expressions of modern identities. As regards the Museum of Roma Culture, it is particularly

significant that the distinct Roma identities and cultures, including the vast diversity within them, are adequately portrayed and presented, as the focus in public discourse appears to be almost exclusively on socio-economic issues or, even worse, on security challenges related to Roma, thereby ignoring the very specific status of Roma as national minority with distinct cultural heritage. The Advisory Committee considers that more efforts should be made to ensure that positive images of Roma identities and cultures are portrayed to the public, including to Roma themselves. It notes with regret in this context that a festival with the participation of Roma and non-Roma musicians to emphasise tolerance and inter-cultural understanding near the settlement of Budulovská, long-planned for early September 2014, was cancelled at the end of August by the local council and with the support of the Ministry of Interior, reportedly because of security concerns.

The Advisory Committee welcomes the fact that amendments made to the State Language Act in 2011 abolish the requirement to provide full translations into the state language of cultural print matters such as catalogues or programmes of cultural events organised in national minority languages. It regrets, however, that the use of minority languages in related publications and advertisements still creates tension in some localities, mainly in southern Slovakia, and considers that government and minority representatives should engage in a constructive dialogue to find flexible and pragmatic solutions to the diverging interests of minority and majority populations within the established legal framework (see also comments on Article 10).

#### *Recommendations*

The Advisory Committee encourages the authorities to maintain their regular support to national minority cultural activities, to promote the effective participation of national minority representatives in relevant decision-making, and to continue efforts to facilitate speedy allocation and disbursement procedures.

The Advisory Committee further encourages the authorities to continue and expand their support to national minority museums to promote the dissemination of positive images of national minority identities and their contributions to Slovakian society in the broader public.

Spain

*Adopted on 3 December 2014*

Article 5 of the Framework Convention

#### Preservation and promotion of the Roma culture

The Advisory Committee welcomes the continuing support provided by the authorities, through the Ministry of Education, Culture and Sport, to the Institute of Roma Culture, a public foundation that aims to develop and promote Roma history, culture and language and increase public knowledge and recognition thereof. It notes with interest that the Institute has continued to organise cultural events and exhibitions aiming to give greater visibility to Roma culture, such as the annual *O Dikhipen* Roma film cycle at the Spanish Film Institute and the Romani Lives travelling exhibition, as well as to support activities focusing on equality for Roma women. Work towards the opening of a documentation centre on Roma culture, to be housed at the University of Alcalá de Henares, is on-going. In addition, the Advisory Committee welcomes the introduction of the “Roma in Spain: History and Culture” subject at the University of Alcalá de Henares, which has been running since 2011, and the organisation of cycles of conferences on similar themes in several other universities.

Some regional authorities provide funding for the preservation and promotion of Roma culture, such as the continued support of the Andalusian authorities to the Andalusian Centre of Roma Culture and its Roma library. However, it appears that overall, little public support is available for other Roma cultural initiatives. A number of representatives of Roma have also expressed indignation that public support to certain NGO initiatives such as the publication of *O Tchatchipen*, a quarterly magazine on the current situation, history and culture of Roma that has been published since 1993, has recently ceased. In addition, the Advisory Committee notes with regret that, aside from a summer course in basic Romani run by the University of Alcalá de Henares and isolated local or NGO initiatives, for example in Barcelona, opportunities to learn the Romani and *caló* languages remain scarce. The Advisory Committee again underlines that the promotion of the Romani and *caló* languages should form part of the broader efforts to promote recognition of and respect for Roma culture (see also observations under Article 14, below, as regards the teaching of these languages in schools).

#### *Recommendations*

The Advisory Committee encourages the authorities to continue to provide adequate support to the Institute of Roma Culture so as to enable it to pursue effectively and independently its work to promote Roma culture. The authorities at all levels should furthermore ensure that sufficient funding is allocated to support other projects and programmes aimed at preserving and promoting Roma culture, in order to ensure that information and courses on Roma culture are broadly available, and that Roma culture is recognised as an essential element of the Spanish society.

The Advisory Committee again calls on the authorities to identify the needs and demands of the Roma with regard to studying the Romani and *caló* languages. It invites the authorities to continue to support non-governmental projects in this field where they exist and to develop additional means and structures for supporting the study of these languages.

“The former Yugoslav Republic of Macedonia”  
*Adopted on 24 February 2016*

Article 5 of the Framework Convention

Support for the preservation and development of national minority identities and cultures

*Present situation*

The Advisory Committee notes with concern the apparent absence of comprehensive efforts to promote respect for diversity through an inclusive cultural policy that enhances appreciation for the country's multicultural history. An intensive nation-building process vividly carried out through the 'Skopje 2014' projects appears to endorse mainly one ethno-cultural identity. Abundant funds continue to be allocated to the construction of monuments in the centre of the city that celebrate the dominant culture and history, while the main symbols and features of Albanian culture are separately portrayed in another part of the city. The cultural policy therefore appears to reflect the key divisions in society rather than giving adequate space to the diversity in Skopje and beyond over centuries. The Advisory Committee observes with regret that this has contributed to an increasing sense of estrangement between the two numerically largest groups, demonstrated by parallel and unrelated cultural projects that are frequently located far from one another. It further notes that the lack of appreciation for the role of numerically smaller groups in the formation of the country's rich and diverse culture, prevents the development of a sense of civic identity amongst all citizens which could unite the country and encourage representatives of the numerically smaller minorities to develop their specific cultures and traditions as valued and integral elements of a diverse society (see also Article 6). The Advisory Committee notes with concern that, as a result, fear of assimilation is widespread among representatives of the numerically smaller groups. They regret in particular that the Agency for the Exercise of Community Rights does not have the funds or the competency to allocate support for projects aimed at the preservation of their cultures. While the Secretariat for the Implementation of the OFA between 2011 and 2014 reportedly supported 140 cultural projects of associations and foundations directed at various activities for the preservation of non-majority communities' cultures and interethnic cohabitation (see Article 6), only nine of them were projects representing associations and communities that constitute less than 20% of the population.

Various forms of assistance continue to be provided to national minority associations at central and local levels. There is no special procedure or fund, however, to ensure that non-majority communities are enabled to preserve their specific identities and cultures. Generally, all applications for funding of cultural projects to the Ministry of Culture are dealt with in the same procedure and using the same criteria. The Advisory Committee was informed that a list of “technical criteria” must be met by all applicants, irrespective of the size of the applying association or the project, without any consideration to the exclusive dependency of non-commercially viable projects on external support and without appreciation for their unique contribution to the pluralist cultural heritage of the country. According to the representatives of minority communities, the fact that their applications are assessed with the same standard as all other cultural projects effectively disqualifies many of them. An application to publish a small Croatian language dictionary, for instance, was reportedly unsuccessful because the applicants lacked a regular yearly income with a sizeable turnover of funds and could not demonstrate the employment of full-time staff or the availability of official premises for the project.



A special Directorate for the affirmation and promotion of the cultures of members of communities has been established within the Ministry of Culture, tasked with assisting representatives of communities who form less than 20% of the population with their applications for cultural funding. However, the exact outcome of these efforts is unclear and no information could be provided to the Advisory Committee in terms of the actual number of applications dealt with or the amounts of funds provided to such projects as a result. The Advisory Committee notes with concern that the Directorate does not have an earmarked budget to support numerically smaller minorities and it does not appear to have a say in developing the criteria that are applied to the selection of projects. This absence of an effectively accessible mechanism and transparent decision-making processes for the allocation of funding makes it difficult for minority communities to engage in longer-term planning and activism, which however is necessary in particular for the numerically smaller groups to promote their cultural identity sustainably and comprehensively. Representatives of numerically very small communities, including the Polish or Armenian, regret in particular the absence of any premises where they could gather and organise cultural events, possibly in a House of Cultures that could benefit all representatives of smaller communities together.

The Advisory Committee further notes that even those communities that have received funding, report that the overall amounts have decreased over the years and are vastly insufficient to maintain their cultural activities effectively. In addition, representatives of a number of national minorities appear unaware of the availability of the various funding opportunities for cultural activities, as information about the application procedures, preconditions, and decision-making processes at central and local levels is neither readily available nor available in minority languages. The Advisory Committee notes that public tenders for cultural projects on the website of the Ministry of Culture are only advertised in the Macedonian language which appears contrary to the Law on the Use of Languages (see Article 10). Public tenders for cultural projects are also advertised in two daily newspapers, one in the Macedonian language (*Utrinski vesnik*) and one in Albanian (*Koxa*). No further efforts seem to have been made to reach out to representatives of smaller communities in order to encourage them to apply for funding.

#### *Recommendations*

The Advisory Committee calls on the authorities to develop an inclusive cultural policy in co-operation with national minority representatives that aims at protecting and promoting diversity as a valued and integral part of the country's cultural heritage.

It further urges them to establish an effective and transparent mechanism for the allocation of support for the preservation and development of minority cultures that is appropriately designed to meet the needs of all national minority communities, including the numerically smaller and "other" ones, and equipped with an adequate budget. Further efforts must be made to involve minority representatives in decision-making processes that must be based on appropriate selection criteria.

United Kingdom

*Adopted on 25 May 2016*

Article 5 of the Framework Convention

Support for the preservation and development of  
national minority identities and cultures

*Present situation*

Interlocutors indicated to the Advisory Committee that budgetary cuts have had an impact on government funding for activities meant to maintain and promote the culture and languages of national and ethnic minorities. Interlocutors in Northern Ireland emphasised that the Minority Ethnic Development Fund continues to function, but the rather limited funds (£1 million in 2016-2017) are disbursed for the two main communities rather than for smaller minorities across the board. The same attitude seems to prevail in local councils. Moreover, across the country there seems to be no specific mechanism to involve national and ethnic minorities' representatives in decisions about the allocation of public support for activities and projects. The Advisory Committee recalls that it considers it essential that persons belonging to national minorities have an effective opportunity to participate in the decision-making process surrounding the allocation of funds geared towards cultural initiatives. Such participation is considered essential for the preservation of minorities' cultural identity.

The Advisory Committee notes that efforts to ensure minority languages' protection and enhancement, which are dealt with in detail under articles 10 and 14, differ in various parts of the UK. Support for and progress on the Scots and Gaelic languages are visible in Scotland, mainly as regards education, culture and media. Serious efforts are also being made in Wales, to develop the use of Welsh in the administration and in schools, while gridlock appears to best describe the situation of the Irish and Ulster Scots languages in Northern Ireland.

*Recommendation*

The Advisory Committee calls on the authorities to ensure that support for cultural activities of all national and ethnic minorities is increased across the country and procedures improved, so that their representatives may participate in decision making on the allocation of grants.

*Cornwall*

The Advisory Committee appreciates the efforts made so far by the central government, Cornwall Council and the Cornish people to ensure revival of Cornish language, culture and heritage. The status of the Cornish language and culture as officially recognised by the UK Government since 2014 is a step forward in UK obligations under the Framework Convention. The Advisory Committee considers it important that the government now implements relevant policies to improve access to these rights for persons belonging to the minority. The Cornish language is generally seen as central to the sense of Cornish identity as expressed by the newly conferred status (for language revitalisation, see Article 10).

The Advisory Committee notes that, so far, funding for the Cornish language has come from a combination of the UK Government (£150 000) and Cornwall Council (£30 000). One of the main problems facing those tasked with revitalisation of the language has been the annual basis of funding from the UK Government. Cornish representatives were vocal in stressing how this arrangement made it difficult to plan for the long-term recovery and wider use of the Cornish language and how a regular stream of funding was necessary to ensure the viability of language activities. It also expressed the opinion that the central and local funding level for the promotion of Cornish was insufficient to ensure a realistic programme of revitalisation for the language.

The Advisory Committee was disconcerted to learn that the UK Government decided in April 2016 to cut all funding for the Cornish language with immediate effect. The Committee strongly regrets a decision which is considered to have a major impact on the continued revitalisation of the language and the educational activities carried out so far with public funding. The Advisory Committee recalls that, as a signatory of the Framework Convention, the United Kingdom has undertaken to promote under Article 5 the conditions necessary for persons belonging to national and ethnic minorities to, *inter alia*, preserve the essential elements of their identity, including language. When access to other public financial resources is limited due to the constitutional set-up, public support remains necessary.

Cultural events and festivals, such as St Piran's Day on 5 March, are developing an increasingly high profile and give prominence to the Cornish language and culture throughout the year. However, subsidies for cultural projects are considered not to be enough and have recently been reduced in the Cornwall Council budget by 50%. The Advisory Committee also understands from its interlocutors that the way Cornish culture is currently approached by the English Heritage Trust fails to appreciate its distinctiveness and shifts between "culture in Cornwall" and "Cornish culture". Several small museums deal with Cornish history and culture, but they are scattered and there is no overall agreement yet with the English Heritage Trust on how to portray Cornish culture and heritage, though consultations are ongoing. Similarly, it is felt that Cornish history is distorted, and worries are high that the UNESCO Cornish Mining World Heritage Site could lose its status owing to new building at the site.

#### *Recommendations*

The authorities should reconsider their decision to cut all funding for the Cornish language in view of the disproportionate impact such a measure can have on the delicate process of revitalisation of a minority language when access to other public financial resources is limited.

The Advisory Committee also calls on the authorities to engage in a dialogue with representatives of the Cornish minority to ensure that cultural policy is developed in a way respectful of the traditions and identity of the minority.

#### Permanent and temporary sites for Gypsies and Travellers

The Advisory Committee acknowledges that, during the period under examination, several legislative and policy measures have been taken across the country to address the issue of sites for Gypsies and Travellers in line with their traditional lifestyle. However, it observes that overall, despite the efforts, the insufficient supply of suitable permanent or temporary sites continues to be a very serious concern for persons belonging to the minority, which in turn affects access to education and health services.

#### *England*

The assessment of needs and the relative duty, which are now entrusted to local authorities, remain problematic, in particular in England. The 2011 census indicated that in England and Wales 24% of Gypsies and Travellers continued to live in caravans or other mobile structures. According to the latest bi-annual count of traveller caravans in July 2015, there were 21 084 such caravans, of which 85% were on authorised sites and 15% (about 3 000) on unauthorised sites due to a shortage of authorised sites nationwide. Unauthorised sites include public land and privately-owned land, including land owned by Gypsies and Travellers but without planning permission (this is required even for a single caravan).

The Advisory Committee notes that, in England, the adoption of the Localism Act 2011, coupled with changes introduced in the 2012 Planning Policy for traveller sites, entrusted local authorities with the task of assessing need and providing sites for Gypsies and Travellers. According to data provided by the government, between 2011 and 2015 the Traveller Pitch Funding programme spent £42 million to deliver 499 new pitches and 332 refurbished pitches in England. The application of the Mobile Homes

Act 1983 to Gypsies and traveller sites in 2011 affords security of tenure in authorised camps and better protection from eviction. The Advisory Committee also understands that there are examples of good practice at certain sites which meet at the same time the demands of the nomadic lifestyle of Gypsies and Travellers and of the local population, as in Leeds.

Gypsy and Traveller representatives, however, as well as the EHRC, expressed the opinion that the situation has strongly deteriorated following the legislative changes, with an increase in site overcrowding and roadside halts. In their view, local councils are sometimes unwilling to provide new sites. Moreover, the persisting lack of pitches, a deficit estimated by the EHRC in 2011 to be around 5 800, forces many members of the community to resort to unauthorised roadside encampments. This results in repeated eviction procedures.

While the transfer of competences in this matter to local authorities was part of a broader administrative reform (see above), the Advisory Committee understands that, with a few exceptions, local authorities struggle to comply with their duties in practice. Although the government organised a training programme to raise awareness among local councillors of their leadership role in relation to traveller site provision and site planning applications, and introduced financial incentives (the New Home Bonus), the reality on the ground is starker, with examples of local authorities acting in a rather counterproductive way, coupled with widespread opposition by residents to site development. The Advisory Committee was informed by the government that local authorities are subject to supervision by independent inspectors, but that central authorities have no real enforcement power if local authorities do not comply with their duties.

The Advisory Committee notes that the situation is further complicated by the lower rate of grants of planning permission and by further changes introduced by the 2015 Planning Policy for Traveller Sites in England with respect to the definition of Gypsy status. According to this policy, if Gypsies or Travellers stop travelling due to ill health or old age, they will no longer be considered within the planning definition of Gypsy or Traveller. Hence, it is the fact of being 'mobile' which counts. This provision was vocally contested at the time of its adoption by Gypsies and Travellers' representatives, as well as by the EHRC, since it is considered to seriously affect their nomadic style of life. Finally, the Advisory Committee is concerned by the Housing and Planning Bill pending in the UK Parliament, which could, once again, worsen the process by removing all reference to Gypsies and Travellers, with only a reference to "consider the needs of the people" residing or resorting to the district for provision of sites. It is the opinion of some interlocutors and stakeholders that these changes, coupled with the challenges described above and the offer of alternative brick-and-mortar housing by local authorities, would be part and parcel of an alleged move to eradicate the living style of the Gypsy and Traveller communities.

#### *Scotland, Wales and Northern Ireland*

In Scotland, local authorities have a legal responsibility to identify the accommodation needs of those in their area, including Gypsies and Travellers, and to consider in their Local Housing Strategies how best to meet those needs. During the period under examination, the Scottish Government acknowledged Gypsies and Travellers to be one of the most discriminated against and disenfranchised communities in Scotland. It established the Gypsy/Traveller Site Working Group, bringing together representatives of the police, local authorities and those with close links to the Gypsy and Traveller community, to address that community's needs, and published a series of relevant guidance notes to this purpose. However, the Advisory Committee notes that the decision on whether or not to provide a Gypsy/Traveller site remains with the relevant local authorities and there is no requirement for them to act. The Scottish Government also issued guidelines on managing unauthorised sites, which are taken care of by local

authorities as regards access to health, education and other services. Prosecutions for trespassing are seldom carried out.

The Advisory Committee welcomes the positive steps taken by the Welsh Government to ensure the provision of sites for Gypsies and Travellers. The new statutory duty of the Housing (Wales) Act 2014 and the policy document “Travelling to a better future” require local authorities to undertake assessment and include a duty to provide sites when the need is identified. Further the Welsh Government has the power to compel local authorities to meet the needs identified. The Welsh Government has increased funding to local authorities for refurbishment and creation of new sites from 75% to 100% and improved the security of tenure in authorised sites through the Mobile Homes (Wales) Act 2013. The funding for new site development addresses the shortfall in available pitches and should help over time to reduce unauthorised encampments across Wales.

The Advisory Committee is concerned by reports that Irish Travellers remain broadly discriminated against in Northern Ireland with respect to sites lacking adequate conditions and basic amenities. The Northern Ireland Housing Executive carried out the Traveller Accommodation Needs Assessment in 2014, but no real progress appears to have occurred in practice, although authorities consider that it is rather a problem of matching the wishes of families than a shortage of sites. Cumbersome planning permissions considerably delay access to sites; and existing far-reaching legislation on eviction from unauthorised camps, although seldom used, contributes to a climate of insecurity. Interlocutors of the Advisory Committee highlighted the need for a multi-agency Taskforce on Traveller sites to direct and co-ordinate the various authorities involved in the development and maintenance of sites if conditions were to improve. The Advisory Committee also notes that there is a commitment in the Racial Equality Strategy to develop specific programmes to address the vulnerabilities of Irish Travellers, but no distinct strategy is envisaged at this stage.

#### *Recommendations*

The authorities in England should revert to previous legislation addressing specifically the provision of permanent and temporary sites for the Gypsies and Travellers minority, and reinstate a duty on local authorities to provide these sites when the need has been identified in order to ensure an adequate supply; and expand good practices such as the negotiated stopping policy in Leeds.

It also calls on the Scottish authorities to reintroduce a compliance duty for local authorities in respect of the provision of sites, and set-up a multi-agency Taskforce on Traveller accommodation in Northern Ireland to cater for the needs of Irish Travellers.