

**ADVISORY COMMITTEE ON THE  
FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 28 January 2020

ACFC/MR(2019)003

**66th meeting  
Strasbourg, 4-8 November 2019**

***Council of Europe – Agora building  
Room G04***

**MEETING REPORT**

**Item 1: Opening of the meeting**

1. The Advisory Committee on the Framework Convention for the Protection of National Minorities held its 66th meeting on 4-8 November 2019 in Strasbourg. Mr Besarion Bokhashvili, President of the Advisory Committee, opened the meeting and welcomed the members of the Advisory Committee.

**Item 2: Adoption of the Order of Business**

2. The Order of Business, as reproduced in Annex II, was adopted without modifications.

**Item 3: Approval of the report of the 65<sup>th</sup> meeting of the Advisory Committee**

3. Having examined the report of its 65th meeting, the Advisory Committee adopted the final text of the report as reproduced in document ACFC/MR(2019)002.

**Item 4: Report from the Bureau**

4. The President indicated that no decisions based on Rule 10 of the ACFC's Rules of Procedure were taken by the ACFC's Bureau since the June 2019 plenary. Further, the President informed the Advisory Committee that he participated in a conference celebrating 25 years of ECRI in Paris on 27 September 2019, as well as the Anniversary Ceremony of 70 years Council of Europe in Strasbourg on 1 October 2019. Furthermore, the Committee was informed that a meeting of the ACFC's Bureau had taken place on 18 October 2019, to discuss *inter alia* the Working Group planning until May 2020 and the state of play of the FCNM reform.

**Item 5: Update by the Secretariat**

5. The Secretariat informed the Advisory Committee about developments in the Committee of Ministers (the state of negotiations of several country resolutions and the state of the FCNM reform following the GRH meeting of 20 June 2019).

6. As to staffing, the Advisory Committee was informed about the recruitment of Ms Zejnajda Zaimi, as a temporary agent who has been tasked with drafting a scoping paper on minority rights and religion.

**Item 6: Follow-up events**

7. For the immediate future, the date for the follow up to the opinion on Switzerland has been set on 27 November 2019. On the contrary, there is still no information about a new date for the postponed follow up to Slovenia. For 2020, there are promising contacts with several countries, including Ireland, Lithuania, Poland and Portugal.

**Item 7: Feedback on first discussions on trends and challenges' section of the ACFC's biennial report**

8. During the June 2019 plenary, the ACFC decided on "democracy" as the leading theme for the 'trends and challenges' section of the 2018-2020 biennial report, as well as the establishment of a drafting group. Mr Petter Wille presented the state of affairs after the kick-off meeting of the drafting group on 21 and 22 October 2019. Based on proposals by the drafting group, the Committee decided that in order for the 'trends and challenges' section to gain as wide a readership as possible, it shall be short (4 to 5 pages). Further, given its nature as a section on trends and challenges, it should be based on findings by the Committee over 2018-2020. As to its substance, it was decided that Article 15 FCNM would be the section's backbone ("effective participation in public affairs"). Other relevant FCNM provisions (notably Articles 6, 7 and 9) will be put in this context. The drafting group indicated its intention to present a first draft at the ACFC's February 2020 plenary, for final adoption in May 2020.

**Item 8: The ACFC's working methods**

9. In order for the draft opinions to benefit from the diversity of views and expertise available in the Advisory Committee, the Committee reviewed its working methods for more members to be in the position to provide, in time,

substantial comments on draft opinions. The Advisory Committee decided that for the plenaries of February and May 2020 members, while familiarising themselves with the full draft opinion, would concentrate their written comments on the FCNM provisions of their interest and expertise as indicated during the October 2018 plenary. To this end, the list of articles of interest, was updated. Further, the Advisory Committee asked the FCNM Secretariat to ensure that new members are from the outset fully aware of the obligations that result from ACFC membership, including by updating and strengthening the introductory text for new members.

#### **Item 9: Exchange of views with President and judges of the European Court of Human Rights**

10. Following a request by the President of the Court, Professor Dr Linos-Alexandre Sicilianos, on 7 November 2019, the Advisory Committee held an exchange of views with the Court's President and five judges on two main topics: Non-discrimination and minorities in the case-law of the European Court of Human Rights and the right to free self-identification. Other issues discussed concern *inter alia*, national definitions of national minority and the margin of appreciation and the absence of Courts jurisdiction on language issues. As a general point, the representatives of the Court remarks observe the absence of case law concerning minority rights and suggest that the ACFC makes minority representatives aware of the possibility of bringing cases to the Court.

11. Following the discussion with the Advisory Committee, the Court decided to: appoint a focal point for the FCNM within the Registry, as well as the drafting of an enhanced fact sheet on the Court's case-law on national minorities available on the Court's website.

#### **Item 10: FCNM Reform**

12. On 4 November 2019, Ambassador Roeland Böcker, Chair of the GR-H, and Mr Jeroen Schokkenbroek, Director of Anti-Discrimination, updated the Advisory Committee on the state of play of FCNM Reform package under discussion in the Committee of Ministers. The Advisory Committee asked for clarifications on several matters, including about the nature of the confidential dialogue, the country visits and the staff resources available to the Committee.

#### **Item 11: ACFC Lexicon/glossary**

13. The Advisory Committee was informed about the state of play of the revision of the glossary and designated among its members a member who would be during the examination of future opinions in charge of identifying any new terms that might require a new entry or further explanation in the glossary. An exchange on an updated glossary was postponed to the next plenary.

#### **Item 12: Source Book**

14. The latest version of the Source Book, a synthesis of extracts from ACFC opinions and thematic commentaries reflecting the Advisory Committee's "jurisprudence", was presented to the Committee. The Committee was informed about the working methods of the respective working group, which consists of (a) a two-stage retrospective selection of extracts from the last four cycles, and (b) the parallel selection of extracts from each newly adopted opinion. The retrospective selection so far includes Articles 3 to 9 and the working group aims at finishing all Articles before summer 2020. At the end of the meeting, the Committee suggested a number of extracts for inclusion into the Source Book from the newly adopted opinions on Cyprus, Denmark, and Poland.

#### **Item 13: Examination of draft opinions and their adoption**

15. The Advisory Committee examined the draft 5th cycle opinion on Cyprus. During the plenary session, it decided on 7 November 2019, in the light of the final version of the draft opinion, to vote on the text.

16. The voting was organised in accordance with Rule 34 of the Advisory Committee's Rules of Procedure, stipulating that opinions should be adopted by a majority of ordinary Advisory Committee members.

17. The 5th cycle opinion on Cyprus was adopted unanimously on 7 November 2019.

18. The Advisory Committee examined the draft 5th cycle opinion on Denmark. During the plenary session, it decided on 7 November 2019 in the light of the final version of the draft opinion, to vote on the text.

19. The voting was organised in accordance with Rule 34 of the Advisory Committee's Rules of Procedure, stipulating that opinions should be adopted by a majority of ordinary Advisory Committee members.

20. The 5<sup>th</sup> cycle opinion on Denmark was adopted unanimously on 7 November 2019.

21. The Advisory Committee examined the draft 4th cycle opinion on Poland. During the plenary session, it decided on 6 November 2019, in the light of the final version of the draft opinion, to vote on the text.

22. The voting was organised in accordance with Rule 34 of the Advisory Committee's Rules of Procedure, stipulating that opinions should be adopted by a majority of ordinary Advisory Committee members.

23. The 4th cycle opinion on Poland was adopted unanimously on 6 November 2019.

#### **Item 14: Composition of Working Groups/Planning of visits**

24. The Advisory Committee agreed to conduct visits to Croatia and the Slovak Republic and to examine the state report on Malta, as well as agreed on the composition of the working groups membership regarding the three above states parties. The secretariat explains that, so far, the states parties have not yet been contacted and that therefore changes may still occur.

#### **Item 15: Religious rights and how to proceed**

25. The Advisory Committee decided on the following procedure: a scoping paper to be drafted by the secretariat will be presented to the group of members who have shown an interest in comments and observations. Depending on the observations and comments, following steps could be devised.

#### **Item 16: Any Other business**

26. In response to a request by the Serbian authorities, the Advisory Committee decided not to change the names of some of the geographic locations in the 4th cycle opinion on Serbia adopted during the last plenary meeting.

27. The Advisory Committee confirmed the dates of the 67<sup>th</sup> and 68<sup>th</sup> plenary meetings (17-21 February 2020 and 25-29 May 2020 respectively) and decided to hold its 69<sup>th</sup> plenary meeting from 5 to 9 October 2020.