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COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

ACFC/MR(2021)001

Meeting report

70th meeting (1-4 February 2021)

Approved by the Advisory Committee on 31 May 2021

Opening of the meeting

The Advisory Committee on the Framework Convention for the Protection of National Minorities held its 70th meeting from 1 to 4 February 2021 in Strasbourg and via video conference. Marie B. Hagsgård, acting President of the Advisory Committee, opened the meeting and welcomed the members of the Advisory Committee. As it was his first meeting, Alexei Avtonomov was invited to introduce himself.

Adoption of the Agenda and Order of Business

The Agenda and Order of Business, as reproduced in Appendix I, were adopted with a change.

Approval of the report of the 69th meeting of the Advisory Committee

Having examined the report of its 69th meeting, the Advisory Committee approved the final text of the report as reproduced in document ACFC/MR(2020)003.

Report from the Bureau

The acting President reported on the bureau's two meetings since the previous plenary of the Advisory Committee. She informed that the matters relating to follow-up meeting, the composition of working groups and planning for the 70th Meeting of the Advisory Committee were discussed.

The Advisory Committee approved the Outline for Follow-up Meetings (ACFC/DOC(2021)4) and its inclusion in the Guide for Members. The wish was expressed that follow-up meetings would become an integral part of the monitoring cycles.

The acting President updated the Committee on developments at the Committee of Ministers and its Rapporteur Group on Human Rights (GR-H), including the elections of additional members in respect of Georgia and Austria.

The acting President also reported that she presented the Advisory Committee's biennial activity report to the Committee of Ministers on 25 November, and on the subsequent exchange of views with the Deputies.

Elections

With Emilia Drumeva, as the longest serving member not being a candidate, in the chair, the Advisory Committee held elections in accordance with its Rules of Procedure, with software guaranteeing the secrecy of the ballot. Interested members were invited to present their candidacies, and a vote was subsequently held. Marie B. Hagsgård was elected President. Aliona Grossu was elected First Vice-President. Mikko Puumalainen was elected Second Vice-President.

Update by the Secretariat

The Secretariat informed the Advisory Committee about developments in the Committee of Ministers, including the state of negotiations of several country resolutions, state reports to be examined, visits and follow-up activities.

The Secretariat also provided information on the procedure relating to third party interventions before the European Court of Human Rights. It was asked to provide more information at the next plenary on the practice of third interventions by Council of Europe monitoring bodies and to further develop its contacts with the Registry of the Court, in view in particular of preparing a factsheet or guide on the Court's case-law on minority rights.

Emma Lantschner reported back on her participation, as member of the Advisory Committee, in the expert seminar organised in October 2020 by the OSCE High Commissioner on National Minorities on contested histories.

Exchange of Views

The Advisory Committee held an exchange of views with Pia Šlogar, Vice-President of Youth of European Nationalities (YEN) and Regina Jensdottir, Council of Europe Coordinator on the Rights of the Child. Pia Šlogar presented the work of YEN and spoke about how youth need to be active participants and not passive beneficiaries of policies affecting them. She emphasised that policies of non-exclusion by public authorities did not go far enough, underlining that active efforts towards the inclusion of youth were needed. Moreover, the effectiveness of participation was underlined. A pedestal of participatory privilege is no use if it does not yield results for youth, she reported. On the 'double-edged sword' of being Roma youth, Pia Šlogar underlined that Roma are the youngest minority in Europe, but too often the youth are left out of Roma-specific policies, or the Roma are left out of youth-specific policies.

Regina Jensdottir spoke about how children can be included in monitoring visits in the Council of Europe, and gave practical examples from the Lanzarote Convention experience on how this can be achieved.

The Advisory Committee raised a range of questions relating to youth, especially on how the Advisory Committee can do more to involve youth in its monitoring, what tools national minority youth organisations require to engage and participate, what the awareness among national minority youth of the Framework Convention is, and the effects of the pandemic on national minority youth and YEN.

Pia Šlogar reported that there was low awareness of the Framework Convention, and suggested a youth-friendly version of the Convention itself, as well as opinions or Committee of Ministers Resolutions. This was echoed by Regina Jensdottir, who suggested a child-friendly version of the Convention. Pia Šlogar noted that the changes made to the website recently help with outreach, but more active work needs to be done, including through meeting youth representatives and holding focus groups. She highlighted the challenges faced by youth organisation who simply stopped working during the pandemic, which YEN is preparing to assist with next steps. She emphasised that a whole generation of minority youth will need to be empowered, inspired and engaged all over again. Pia Šlogar mentioned the report of YEN on the state of play of minority youth issues in Europe which will be published at the end of February including a list of the member organisations of YEN which can be contacted before future monitoring visits.

The Advisory Committee agreed that a continued focus on youth was vital for the future of its monitoring work, and committed to engaging with youth representatives during monitoring visits, in cooperation with YEN.

Gender Equality Rapporteurs

The Advisory Committee held an exchange on improving gender mainstreaming in its work, prepared by the Rapporteurs on Gender Equality, Evis Alimehmeti and Antonija Petričušić. The exchange was preceded by the presentation by the Rapporteurs of a background paper introducing the concept of gender equality as applied to national minorities, suggesting ways of working on gender equality within the Advisory Committee, and discussing possible amendments to the existing Checklist on equality (2017). The Committee welcomed the document, thanked the Rapporteurs for their work and acknowledged the need for a greater effort to better address gender equality in the Advisory Committee. Different points of view were expressed, underlining the sensitive nature of the gender dimension with regard to national minorities. The definition of the concept of "intersectionality" and its interpretation by the Advisory Committee in the context of the Council of Europe also led to a constructive dialogue. Also the question of transgender from the point of view of (national) minorities was raised. The Committee agreed to mandate the Rapporteurs on Gender Equality to work further on a revised Checklist, expanding it to reflect the discussions held during the exchange of views and in line with the current Council of Europe Strategy for Equality between Women and Men. The Advisory Committee agreed that issues related to gender equality in relation to national minorities should be carefully prepared and examined during future monitoring visits.

Working methods

Harald Scheu emphasized the importance of Rule 13 of the Rules of Procedure in connection with the use of official languages during the plenary. The Advisory Committee agreed that members of the Advisory Committee who wish to speak French at a forthcoming plenary should inform the Secretariat in writing at least one month before the plenary takes place, in order to allow sufficient time for such interpretation to be organised.

Approval of draft opinions

In application of Rule 37 of Resolution CM/Res(2019)49, the Advisory Committee approved unanimously the 5th opinion on Czech Republic on 4th February 2021.

The Advisory Committee also decided to communicate this draft opinion to the Czech authorities, and to invite them, in the framework of the confidential dialogue, to provide written observations by 15 April 2021.

Adoption of final opinions

In application of Rule 25 of Resolution CM/Res(2019)49, the Advisory Committee adopted the following final opinions:

- 5th opinion on Liechtenstein on 1st February 2021 (unanimously);
- 5th opinion on Croatia on 1st February 2021 (unanimously).

Composition of Working Groups/Planning of visits

The Advisory Committee agreed on the composition of the working groups as produced in document ACFC/DOC(2021)3rev, for Norway, the Slovak Republic, Germany, Estonia, Slovenia, Italy, North Macedonia and Armenia. The Advisory Committee took note of the list of planned visits in 2021, and the thematic working groups and list of rapporteurs. It noted that both dates and, to an extent, compositions of the working groups might change, depending on the evolution of the pandemic and related travel restrictions.

The Advisory Committee took note that the Working Group on the FCNM Glossary has concluded its work with the adoption of the Glossary by written procedure. The members of the Working Group expressed their readiness to continue supporting the update of the Glossary as may be necessary, with the secretariat member in charge.

Alexei Avtonomov was appointed to be the Advisory Committee representative to the Steering Committee on Anti-Discrimination, Diversity and Inclusion.

Thematic Work

Source Book

The Advisory Committee will inform the Secretariat about paragraphs on opinions on Croatia, Liechtenstein and Czech Republic that they would like to propose for the Source Book, once they receive the proofread version of the draft opinions.

The members of the Source Book working group, Goran Bašić, Aliona Grossu, Emma Lantschner and Mikko Puumalainen, recalled the objectives and structure of the Source Book (ACFC/DOC(2021)1) and reported on progress made since the last plenary meeting. Issues raised in the discussion included comparability across states parties, coherence with the Glossary, and cross-cutting issues such as the impact of the COVID-19 pandemic. Members suggested that, where applicable, the working group may add additional contextual information e.g. on the evolution of jurisprudence.

Glossary

The Working Group on the FCNM Glossary, composed of Alexandra Castro, Emilia Drumeva, Aliona Grossu and Harald Scheu, presented the previous work on a glossary, and its work done so far. It emphasised that the Glossary should be bilingual, for internal use, to assist in drafting and translation of opinions, by explaining why certain words should be selected over others. It should be a living tool which would require regular updates. The Working Group

explained the contents of the Glossary, and the challenges the work had presented to them. The Advisory Committee agreed to approve the Glossary by written procedure by the end of February, to be used as of 1 March.

Religion

The Reflection Group on religious minorities and the religious rights of national minorities, comprising Evis Alimehmeti, Nebojša Vučinić and Petter Wille brought the Committee up to date on its reflections. It introduced several ideas which it wished to pursue. Foremost among these was a 'Drafting Guide' or checklist, of which the Reflection Group presented some examples. The guide should be a practical tool for the Advisory Committee and Secretariat to use when planning visits and drafting opinions. It would proceed, issue-by-issue, to include basic principles from the Advisory Committee jurisprudence, followed by relevant questions to ask of these issues, and also examples of European Court of Human Rights case law, where relevant. Other ideas included inviting an external expert for an exchange of views with the Reflection Group or the Advisory Committee at a later stage, a seminar or 'Day of Religion' involving different stakeholders.

Members of the Advisory Committee discussed the relevance and importance of the Advisory Committee's contribution in this area, which is especially relevant when minority and religious identity coalesce, but tended to agree that it was still too early to consider the drafting of a thematic commentary on religion. Further work would need to be done on collecting the information and analysing it in opinions. In that spirit, the Reflection Group agreed to present the guide at the next plenary of the Advisory Committee for approval.

Teymur Malik-Aslanov was invited to join the Reflection Group.

Any other business

The Advisory Committee adopted the dates of the following plenary meetings:

- 70th plenary: 1-5 February 2021;
- 71st plenary: 31 May-4 June 2021;
- 72nd plenary: 4-8 October 2021;
- 73rd plenary: 31 January-4 February 2022;
- 74th plenary: 16-20 May 2022
- 75th Plenary: 3-7 October 2022

Aliona Grossu suggested that the Advisory Committee members be kept informed of developments relating to their access to the up-to-date versions of the documents, including the draft versions of those designed by the thematic working groups, via the Council of Europe's Document Management System.

Appendix I – Agenda

Monday 1 February 2021

- 10.30 – 12.30 Introductory words and adoption of the 69th meeting report
 Adoption of the agenda
 Report from the Bureau
 Update by the Secretariat
- 12.30 – 14.00 Break
- 14.00 – 14.15 Monitoring: Adoption of the final opinion on Liechtenstein
- 14.15 – 16.30 Monitoring: Adoption of the final opinion on Croatia
- 16.30 – 18.00 Thematic Work & Working Methods: Gender Equality Rapporteurs

Tuesday 2 February 2021

- 9.00 – 12.30 First reading of the draft opinion on Czech Republic
- 12.30 – 14.00 Break
- 14.00 – 18.00 Monitoring (cont.): First reading of the draft opinion on Czech Republic

Wednesday 3 February 2021

- 9.00 – 9.45 Elections: Presentation of candidates
- 10.00 – 12.30 Thematic Work & Working Methods – Source Book; Working Group on Glossary; Reflection Group on Religion
- 12.30 – 14.00 Break
- 14.00 – 15.30 Exchange of Views with Pia Šlogar, vice-president of Youth of European Nationalities, and Regina Jensdottir, Council of Europe Coordinator for the Rights of the Child
- 16.00 – 18.00 Elections: Voting

Thursday 4 February 2021

- 9.00 – 12.30 Monitoring: Second reading of the draft opinion on Czech Republic
- 12.30 – 14.00 Break
- 14.00 – 16.00 Monitoring (cont.): Second Reading of the draft opinion on Czech Republic
- 16.00 – 16.30 Thematic Work & Working Methods – Approval of Composition of country and thematic working groups
- 16.30 – 17.00 Any Other Business, list of decisions and Closing words.

Appendix II – List of participants

Evis ALIMEHMETI (Albania)
 Alexei AVTONOMOV (Russian Federation)
 Goran BAŠIĆ (Serbia)
 Alexandra CASTRO (Portugal)
 Martin COLLINS (Ireland)
 Emilia DRUMEVA (Bulgaria)
 Melina GRIZO (North Macedonia)
 Aliona GROSSU (Moldova, Republic of) – First Vice-President
 Marie B. HAGSGÅRD (Sweden) - President
 Emma LANTSCHNER (Italy)
 Teymur MALIK-ASLANOV (Azerbaijan)
 Arayik NAVOYAN (Armenia)
 Antonija PETRIČUŠIĆ (Croatia)
 Mikko PUUMALAINEN (Finland) – Second Vice-President
 Harald Christian SCHEU (Czech Republic)
 Nebojša VUČINIĆ (Montenegro)
 Petter WILLE (Norway)

Excused

Oliver LOODE (Estonia)

► Guests

- Pia ŠLOGAR, Vice-President, Youth of European Nationalities

► Secretariat

Executive Secretary and Head of the National Minorities and Minority Languages Division

- Elise CORNU

Administrators

- Michaël GUET
- Jörg HORN
- Agnes Von MARAVIĆ

Senior Project Officer

- Ben FREEMAN

Administrative Assistants

- Kristina DEDAJ
- Katharina FOUQUET
- Brigitte ZWICKERT

Trainee

- Meyeti PAYET

Council of Europe Coordinator for the Rights of the Child

- Regina JENSDOTTIR