

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 12 March 2020

ACFC/MR(2020)001

**67th meeting
Strasbourg, 17-21 February 2020**

***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 67th meeting from 17 to 21 February 2020 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 with two modifications. Both the item on the glossary and the item on the check list were postponed to the next plenary meeting.

Item 3: Approval of the report of the 66th meeting of the Advisory Committee

3. Having examined the report of its 66th meeting, the Advisory Committee adopted the final text of the report as reproduced in document ACFC/MR(2019)003, with one factual correction as to the title of item 3. Furthermore, the Secretariat was asked to follow-up with the Registry of the European Court of Human Rights whether a contact point has been appointed as indicated during the exchange with judges during the last meeting.

Item 4: Report from the Bureau

4. The President informed the Advisory Committee about the adoption on 11 December 2019 of Resolution [CM/Res\(2019\)49](#) on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities. He welcomed the new Resolution and said that the content would be presented and discussed later in the week.

5. Furthermore, the President informed the members of changes in the Secretariat structure as the secretariats of the Language Charter and the Framework Convention would be placed under one newly appointed Head of Division. He thanked Marco Leidekker for his work as Head of Secretariat of the Framework Convention. For further explanations the President referred to the exchange with Mr Schokkenbroek, Director of Anti-discrimination, and Mr Gorseth, Head of the Anti-discrimination Department.

6. The President also indicated that one decision based on Rule 10 of the Advisory Committee's Rules of Procedure had been taken by the Bureau since the last meeting. Following an exchange with the Slovak authorities, the Bureau decided to postpone both visit and opinion to Autumn 2020. Instead, it was decided that the same working group would start to work on the opinion on the Czech Republic, with a visit on 16-20 March 2020.

Item 5: Update by the Secretariat

5. 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 treated and upcoming Committee membership.

6. The Advisory Committee was further informed about the recruitment of Ms Isabelle Sudres, as a temporary assistant, and was introduced to Mr Joerg Horn, a longstanding member of the Secretariat of the Language Charter, who will assist the Advisory Committee in the drafting of the opinions on the Czech Republic and Germany.

Item 6: Follow-up events

7. Follow up events are scheduled in Lithuania (23 March 2020) and Portugal (16 April 2020). Poland and Serbia also expressed interest for follow-up events. On the contrary, there is still no information about a new date for the postponed follow-up to Slovenia, initially planned for 4 June 2019.

Item 7: Changes to the Secretariat Structures

8. Mr Schokkenbroek and Mr Gorseth informed the Advisory Committee that the Secretary General of the Council of Europe has decided to review the management structures in the Council of Europe, aiming to move away from 'silo mentality' and streamline the work of monitoring mechanisms. In that light she has decided, as per 1 May 2020, to place the secretariats of the Framework Convention and the Language Charter under the responsibility of one Head of Division, Ms Elise Cornu, enabling an allocation of staff and other resources according to need.

9. The Advisory Committee welcomed this decision. Some members expressed concern about the level of staffing of the combined secretariats, given the already existing understaffing in the FCNM. They were assured that the overall number of staff allocated to the two Committees will not change and that the abolishment of one post of Head of Division will lead to a reinforcement of the operational capacities of the combined secretariats.

Item 8: 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 decided during the November 2019 plenary to review 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. Reviewing the function of the new working method for the February 2020 plenary, the Advisory Committee observed that more written comments were submitted than before, at least on those opinions that were submitted about 2 weeks before the meeting.

The Advisory Committee requested the secretariat to develop a document for Advisory Committee members outlining members' obligations and the Committee's working methods, based on the checklist on country visits.

The Advisory Committee also decided that, when sending a draft opinion to other members for comments, a working group should flag the main points of concern. Upon reception of such comments, the working group concerned should inform the other members on which parts of the draft have raised the biggest number of comments as well as parts having not raised "substantial" comments.

Item 9: Adoption of the amended ACFC's Rules of Procedure

10. Following a presentation by the Secretariat on 19 February and a discussion in the Committee, on 21 February 2020, the Committee decided to amend and adopt its revised draft Rules of Procedure. The text will be sent to the Committee of Ministers for approval. In addition, the Committee asked the Secretariat to prepare the following documents:

- 1) A draft code of conduct for ACFC members;
- 2) A reflection paper on the confidential dialogue procedure, as governed by Rule 37 of Resolution CM/Res(2019)49;;
- 3) A reflection paper on the application of Rule 40 of Resolution CM/Res(2019)49;
- 4) A document on the use of electronic means by the Committee (Rule 36, ACFC Rules of Procedure).

The Advisory Committee further decided to observe the functioning of the new procedures as well as of the new secretariat structure and after one year, if need be, to present recommendations as to possible improvement to the Secretariat.

Item 10: FCNM Reform

11. On 20 February 2020, Ambassador Roeland Böcker, Chair of the GR-H, and Mr Jeroen Schokkenbroek, Director of Anti-Discrimination, informed the Advisory Committee about the content of Resolution CM/Res(2019)49 on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities. The Advisory Committee asked for clarifications on several matters, including the rapid response mechanism contained in Rule 40 of Resolution CM/Res(2019)49 (see document to be developed, item 9).

Item 11: Feedback on the first draft on trends and challenges' section of the ACFC's biennial report

12. 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. On 21 February 2020, Mr Petter Wille presented for information the first draft of the text on trends and challenges to the Committee and recalled that the Committee had agreed on short, empirical text (4 to 5 pages) that had Article 15 FCNM as its backbone for final adoption in May 2020. The Committee agreed on the approach taken and was given one additional week to present comments and observations on the text.

Item 12: Examination of draft opinions and their adoption

13. The Advisory Committee examined the draft 4th cycle opinion on Bulgaria. During the plenary session, it decided on 19 February 2020, in the light of the final version of the draft opinion, to vote on the text. The voting was organised in accordance with Rule 37 of Resolution CM/Res(2019)49 read in conjunction with Rule 34 of the Advisory Committee's Rules of Procedure, requiring that opinions should be approved by a majority of ordinary Advisory Committee members. The 5th cycle opinion on Bulgaria was approved unanimously on 19 February 2020.

14. The Advisory Committee examined the draft 5th cycle opinion on Spain. During the plenary session, it decided on 20 February 2020, in the light of the final version of the draft opinion, to vote on the text. The voting was organised in accordance with Rule 37 of Resolution CM/Res(2019)49 read in conjunction with Rule 34 of the Advisory Committee's Rules of Procedure, requiring that opinions should be approved by a majority of ordinary Advisory Committee members. The 5th cycle opinion on Spain was approved unanimously on 20 February 2020.

15. The Advisory Committee examined the draft 5th cycle opinion on Hungary. During the plenary session, it decided on 20 February 2020 in the light of the final version of the draft opinion, to vote on the text. The voting was organised in accordance with Rule 37 of Resolution CM/Res (2019)49 read in conjunction with Rule 34 of the Advisory Committee's Rules of Procedure, requiring that opinions should be approved by a majority of ordinary Advisory Committee members. The 5th cycle opinion on Hungary was approved unanimously on 20 February 2020.

15. The Committee decided, in accordance with Rule 37 of Resolution CM/Res(2019)49, that the authorities of Bulgaria, Hungary and Spain should be invited to provide written observations to the Committee within two calendar months as from the day the respective draft opinion will be communicated to them.

Item 13: Source Book

16. The Committee agreed to inform the Secretariat about paragraphs on draft opinions on Bulgaria, Hungary and Spain they would like to propose for the Source Book, once they receive the proofread version of the draft opinions.

Item 14: Composition of Working Groups/Planning of visits

17. The Advisory Committee agreed to conduct visits to Estonia and the Germany and agreed on the composition of the working groups and visit dates (both on 8 to 12 June 2020).

Item 15: Appointment of Gender Rapporteur

18. The Advisory Committee decided to appoint Ms Alimehmeti and Ms Petričušić jointly as gender equality rapporteurs.

Item 16: appointment of members to the working group on the ACFC's Sourcebook

19. The Advisory Committee decided to nominate Mr Basic and Ms Grossu to the Working group on the Advisory Committee's source book.

Item 17: Any other business

20. Regarding a potential thematic commentary on religion, the Advisory Committee decided that a working group composed of Advisory Committee members would meet before the next plenary meeting to prepare a document on religious rights under the FCNM. On the basis of this document, the Advisory Committee would decide at its next plenary meeting how to proceed further.

28. The Advisory Committee agreed that an induction meeting for new members be organised on Friday 29 May, which all members of the current composition will be invited to attend as well.

21. The Advisory Committee confirmed the dates of the 68th and 69th plenary meetings (25-29 May 2020 and 5 to 9 October 2020 respectively). It further decided on the following dates for 2021 and 2022:

- 70th plenary from 1 to 5 February 2021
- 71st plenary from 31 May to 4 June 2021
- 72nd plenary from 4 to 8 October 2021
- 73rd plenary from 31 January to 4 February 2022
- 74th plenary from 23 May to 27 May 2022