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COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

ACFC/MR(2021)002

Meeting report

71st meeting (31 May-1 June 2021)

Approved by the Advisory Committee on 4 October 2021

Opening of the meeting

The Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) held its 71th meeting in Strasbourg from 31 May to 1 June 2021. Marie B. HAGSGÅRD, President of the Advisory Committee, opened the meeting and welcomed the members of the Committee.

Adoption of the Agenda and Order of Business

The Agenda and Order of Business, as reproduced in Appendix II, were adopted. The Advisory Committee agreed that the Head of Department and of ECRI secretariat follow the exchange of views to be held with the President and Bureau members of ECRI in the afternoon.

Approval of the report of the 70th meeting of the Advisory Committee

Having examined the report of its 70th meeting, the Advisory Committee adopted the final text of the report as reproduced in document ACFC/MR(2021)001.

Report from the Bureau

The President reported on the bureau meeting held on 12 May 2021.

She informed the Advisory Committee about the decisions adopted by the Committee of Ministers on 11 May 2021 on the human rights situation in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)¹ inviting “the relevant Council of Europe human rights bodies, including the Commissioner for Human Rights, to consider assessing on a regular basis the human rights situation in Crimea, in line with their respective mandates and according to principles and norms of international law, with full respect for the sovereignty, independence and territorial integrity of Ukraine, taking due account of the Ukrainian legislation and the status of Crimea as a temporarily occupied territory of Ukraine.”

Recent developments: update by the Secretariat and report back by members on their participation in external events

The Secretariat informed the Advisory Committee about developments in the Committee of Ministers, including the state of negotiations of several country resolutions, as well as about state reports received or delayed. It informed the Committee that a follow-up meeting would be organised in Belgrade on 16 June 2021 to present and discuss the ACFC 4th opinion on Serbia and the related Committee of Ministers’ resolution.

The Head of Division reported on her meeting with the OSCE High Commissioner on National Minorities, on 31 March 2021 in Strasbourg. The Advisory Committee agreed to invite him for an exchange of views at its next plenary meeting (4-8 October 2021).

The President reported on her participation in the webinar “Working together for Roma Rights - online conference on Roma equality, inclusion and participation in the EU” organised by Portugal’s Presidency of the Council of the European Union (15 April). Alexei Avtonomov informed the committee about the webinar he attended on “Covid -19 and Children’s Rights – overcoming education challenges”, organised by the Council of Europe Children Rights Committee of Experts (22 March) and Martin Collins on his participation in the Council of Europe 11th Dialogue meeting with Roma and Traveller civil society (29 April). Alexandra Castro informed the committee about her participation in Portugal’s Working Group to prevent and combat racism and discrimination, related to a future independent Observatory on hatred, racism and xenophobia, as well as on increasing independence of the Commission for Equality and Against Racial Discrimination (CICDR) following the recommendations by the Advisory Committee.

The Advisory Committee was further informed about the recruitment of Meyeti PAYET as a temporary project officer.

¹ https://search.coe.int/cm/pages/result_details.aspx?ObjectId=0900001680a2471d

Approval of draft opinions

In application of Rule 37 of Resolution CM/Res(2019)49, the Advisory Committee approved the draft opinion on San Marino on 1 June 2021 (unanimously), decided to communicate this draft opinion to the authorities concerned and to invite them to provide written observations by 30 August 2021.

Adoption of final opinions

In application of Rule 25 of Resolution CM/Res(2019)49, the Advisory Committee adopted the final opinion on the Czech Republic on 31 May 2021 (unanimously).

Exchange of views

The Advisory Committee held an exchange of views with Maria Daniella MAROUDA, Chair of the European Commission against Racism and Intolerance (ECRI), with the participation of Domenica GHIDEI BILDU, First Vice-Chair, Michael FARRELL, Second Vice-Chair, Cristian JURA, Tena ŠIMONOVIĆ EINWALTER, Reetta TOIVANEN and Michael WHINE, Bureau members.

The Chair of ECRI informed the Advisory Committee about their recent activities and the topics that ECRI has decided to address during their 6th monitoring cycle: effective equality, inclusive education, hate speech and violence, and inclusion of disadvantaged groups. She also referred to their statement of March 2021 on preventing and combating ultra-nationalistic and racist hate speech and violence in relation to confrontations and unresolved conflicts in Europe. The Chair of ECRI underlined the complementarity of ECRI and the Advisory Committee, and stressed that, while united in their goals, they are distinct in their roles.

During the exchange which followed, topics of common interest and working methods were discussed and some proposals to enhance complementarity and co-operation were made, such as more systematic cross-references in ECRI and ACFC respective texts, joint statements or follow-up meetings. The forthcoming visit to Estonia was also mentioned as an example of coordination. However, the feasibility and practical aspects of such coordinated visits would need to be assessed. The advantages/difficulties of the joint visit to Estonia should be assessed after the visit.

The Advisory Committee thanked the Chair of ECRI and the other members of ECRI's Bureau for their participation in this exchange, underlining the importance of maintaining dialogue with ECRI to ensure mutual reinforcement of their monitoring work.

Source Book

Members of the source book working group updated the committee on its work done since the last Plenary. Members were invited to send written comments on the source book by 31 July 2021.

The Committee took note of the current version of the Sourcebook.

Thematic Work

Drafting Guide on Religion

Members of the Reflection Group on religious minorities and freedom of religion of persons belonging to national minorities presented the provisional Drafting Guide on Religion (ACFC/DOC(2021)6). They explained the background to the work, and the aims and application of the Guide. Members of the Advisory Committee thanked the Reflection Group for their work, and especially the extensive reflection on the European Court of Human Rights case law in the Guide. Members were encouraged to make use of the Guide and especially the questions during the upcoming country visits. The Guide was unanimously approved, and the Advisory Committee agreed to return to the Guide to review its application and the development of Advisory Committee jurisprudence on religion at its winter meeting in 2022.

Gender Equality Checklist

The gender equality rapporteurs presented the concepts of intersectionality and substantive equality, which inform their proposed revision of the gender equality checklist originally developed in 2017. Members were encouraged to make use of the Guide during the upcoming country visits and to send possible questions and comments to the rapporteurs and the secretariat.

The Advisory Committee approved the revised gender equality checklist and committed to using it during its country monitoring in the future. It was also agreed to assess at the next plenary meeting how this checklist has been used during visits carried out until then.

Working methods

The Secretariat presented the new shared working space, which will be accessible by all ACFC members. It will in the short term replace the exchange of documents by email.

The Advisory Committee welcomed the Secretariat proposal to add a new webpage on the FCNM website containing a selection of ECHR judgments relating to minority issues.

Composition of Working Groups/Planning of visits

The Advisory Committee agreed on the composition of the working groups as reproduced in document ACFC/DOC(2021)7rev. The Secretariat called on members to express their interest in joining the working groups on Albania, the Netherlands, Romania and the Russian Federation.

Nebojša Vučinić was appointed by the Advisory Committee reference person for relations with the European Court of Human Rights. A new guide of the ECHR case-law concerning minority rights is currently prepared in the Registry of the Court and is expected to be made public in the beginning of 2022.

Any other business

Emma Lantschner presented a proposal to set up a database, similar to the MIRIS database,² on legislation and case-law on minority protection, which could be supported by several stakeholders, in particular universities and specialised research institutes. Several members expressed their support to this proposal which could also offer a platform to disseminate more widely the ACFC monitoring work. It was agreed to resume the discussion on the basis of a briefing paper that Emma Lantschner would prepare on the background and purposes of such a database.

The Advisory Committee agreed to hold extra meeting days on 20 and 22 October 2021 (by videoconference) and confirmed the dates of the following plenary meetings:

- 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.

² [MIRIS - Minority Rights Information System \(eurac.edu\)](http://miris.eurac.edu)

Appendix I – Agenda

Monday 31 May 2021

- 9.30 – 10.30 Introductory words
 Adoption of the agenda
 Approval of the 70th meeting report
 Report from the Bureau
 Recent developments
- 10.30 – 12.30 Monitoring: First reading of the draft opinion on San Marino
- 12.30 – 14.00 Break
- 14.00 – 14.45 Monitoring: Adoption of the final opinion on the Czech Republic
- 14.45 – 15.30 Thematic Work: Religious minorities
- 15.30 – 16.00 Break
- 16.00 – 18.00 Exchange of views with the Chair and Bureau members of the European Commission against Racism and Intolerance

Tuesday 1 June 2021

- 9.30 – 10.30 Working methods and compositions of Working groups
- 10.30 – 10.45 Break
- 10.45 – 12.00 Monitoring: Second reading and possible approval of the draft opinion on San Marino
- 12.00 – 14.00 Break
- 14.00 – 15.00 Thematic work: Gender Equality Rapporteurs, Source Book, plenary meeting days
 Any other business, list of decisions, Closing words

Appendix II – List of participants

Evis ALIMEHMETI (Albania)
 Alexei AVTONOMOV (Russian Federation)
 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 LANT SCHNER (Italy)
 Oliver LOODE (Estonia)
 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: Goran BAŠIĆ (Serbia)

ECRI Bureau members

Michael FARRELL – Second Vice-Chair
 Domenica GHIDEI BIIDU – First Vice-Chair
 Cristian JURA
 Maria Daniella MAROUDA – Chair
 Tena ŠIMONVIĆ EINWALTER
 Reetta TOIVANEN
 Michael WHINE

Secretariat

Head of Anti-Discrimination Department
Hallvard GORSETH

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

Executive Secretary of the European Commission against Racism and Intolerance (ECRI)
Johan FRIESTEDT

FCNM Secretariat

Kristina DEDAJ
Katharina FOUQUET
Ben FREEMAN
Michaël GUET
Jörg HORN
Agnes Von MARAVIĆ
Meyeti PAYET
Brigitte ZWICKERT

ECRI Secretariat

Paula ECK-WALTERS
Rhiannon ERDAL
Robert RUSTEM
Zeynep USAL-KANZLER
Stefano VALENTI