

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

ACFC/MR(2021)003final

Meeting report

72nd meeting

Approved by the Advisory Committee on 20 October 2021

Opening of the meeting

The Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) held its 72nd meeting in Strasbourg from 4-7 October 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.

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

Having examined the report of its 71st meeting, the Advisory Committee approved it as reproduced in document ACFC/MR(2021)002.

Report from the Bureau

The President reported on the bureau meeting held on 15 September 2021.

The President informed the Committee about her presentation to the Committee of Ministers' Rapporteur Group on Human Rights on the opinion on Croatia on 21 September 2021. She also referred to her participation, with Petter Wille, in the follow-up meeting held on 16 June 2021 in Serbia.

The Head of Division informed the Advisory Committee about the Council of Europe applicable rules regarding access to public documents and the different levels of classification of documents, as well as about the fact that the other Council of Europe monitoring bodies do not publish their meeting reports. Following a discussion, the Advisory Committee agreed to continue publishing its meeting reports, one of the reasons being that it contributes to the visibility of the work of the Advisory Committee. It was also agreed to include in the Guide for Members information regarding the classification of ACFC documents.

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

The Head of Division informed the Advisory Committee about developments in the Committee of Ministers, including the conclusion in July 2021 of the negotiations of the last outstanding country resolutions. She also informed the Committee about state reports received.

The President referred to her participation to the High-level Conference on "Council of Europe norms and standards on national minority rights: Results and challenges" organised by the Hungarian Presidency and the Council of Europe on 29 June 2021, in Strasbourg.

Alexei AVTONOMOV reported on his participation in the 3rd plenary meeting of the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CD-ADI) which considered and adopted the study on the active political participation of national minority youth in the Council of Europe member states. This study was presented in Budapest on 7 September 2021 at the conference on "The role of NGOs and research institutions in promoting Council of Europe norms and standards on national minority rights", co-organised by the secretariat and the Hungarian Presidency of the Committee of Ministers.

Approval of draft opinions

In application of Rule 37 of Resolution CM/Res(2019)49, the Advisory Committee approved the draft opinion on Estonia on 6 October 2021 (unanimously) and the draft opinion on Germany on 7 October 2021 (unanimously), and decided to communicate these draft opinions to the authorities concerned and to invite them to provide written observations by 15 December 2021.

Adoption of final opinions

In application of Rule 25 of Resolution CM/Res(2019)49, the Advisory Committee adopted the final opinion on San Marino (unanimously) and decided to communicate this final opinion to Sammarinese authorities and to invite them to provide written comments by 7 February 2022.

Exchange of views

On 6 October, the Advisory Committee held an exchange of views with the OSCE High Commissioner on National Minorities, Kairat ABDRAKHMANOV. The High Commissioner explained his mandate to prevent conflicts involving national minorities through early warning in case of tensions and confidential shuttle diplomacy. In addition to short-term immediate action, he also provides policy and legal advice as well as analysis to states to address long-term structural challenges, including by sharing best practices. Thematic recommendations and guidelines in fields such as education, language, effective participation, media, law enforcement and access to justice, as well as targeted programmes support the participating states in policy making for national minorities. Among the current thematic priorities are assistance to states in the fields of multilingual education, language policy, consultative mechanisms, gender equality, youth empowerment and the effects of the Covid-19 pandemic on national minorities.

The High Commissioner stressed the virtue of multilateralism and thanked for the fruitful and positive cooperation with the Council of Europe in the field of national minority protection, noting that both institutions complement each other. He suggested the updating of a publication issued in 2007 by the OSCE/Council of Europe (National Minority Standards – A compilation of OSCE and Council of Europe texts | OSCE) which contained the basic texts of the two organisations in the field of minority protection. This new edition could be prepared in view of the 30th anniversary of the institution of the High Commissioner and the 25th anniversary of the FCNM and ECRML, in 2023.

The President of the Advisory Committee thanked the High Commissioner for his detailed presentation, observing common approaches. She underlined that the Advisory Committee focuses on dialogue and, therefore, gives country visits and follow-up meetings involving representatives of national minorities and authorities particular importance. Replying to questions asked by members of the Advisory Committee, the High Commissioner emphasised the linkage between various facets of identity (ethnic, linguistic, religious), and the need for acknowledgement and respect of this linkage. He also drew attention to the accumulated wealth of good practices in a range of states, and the need for the High Commissioner and the Council of Europe to unite efforts in spreading knowledge of them. He also welcomed cooperation in the documentation of standards pertaining to national minorities, including from other institutions such as the Venice Commission.

Source Book

The Source Book working group informed the Committee about its work on streamlining and finalising the retrospective selection of principles over the past months. Members were invited to suggest extracts from the opinions approved at the Plenary and to submit to the working group any other comments they had on the Source Book. The next meeting of the working group will take place on 29 November 2021.

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

Working methods

In view of the annual meeting of the Secretary General of the Council of Europe with the chairs of monitoring bodies, scheduled on 25 October 2021, the Advisory Committee exchanged views and ideas on three topics to be discussed on this occasion and which will feed the report that the Secretary General is preparing on Council of Europe monitoring mechanisms for the next session of the Committee of Ministers in May 2022. The three topics were: 1) synergies and coordination between monitoring bodies and external partners; 2) increasing visibility of the monitoring work; 3) increasing efficiency through innovative working methods.

During the discussion, several members welcomed the co-operation with other monitoring bodies and external partners, but were in favour of a more result-oriented approach when organising exchanges of views. More regular contacts, at expert level, with their counterparts in relevant monitoring bodies could be useful, in particular during the preparation of monitoring visits. The value of in-person monitoring visits was also stressed. The organisation of coordinated visits, for instance with ECRI and the Committee of Experts of the ECRML, should however be carefully thought through to ensure that it brings added value for the two bodies and does not create an extra administrative burden on the secretariat. As regards visibility of monitoring work, follow-up meetings were mentioned as a good means to promote the work of the Advisory Committee and raise awareness on its findings and recommendations. Another way of making monitoring work more visible could be through making the publication of new opinions more widely known by using social media and by making sure that working group members are more available to spread information about the opinions. Online meetings with NGOs could be held outside visits to improve knowledge of the Advisory Committee work and ways for NGOs to contribute to it.

Emma LANTSCHNER presented her concept note on the setting up of a database on legislation and other texts relating to minority rights. Three steps would need to be undertaken: collection of the available texts, co-operation with partners to complement this collection, and regular update of the data. Researchers, institutions and state authorities would benefit from this database, which would also show the evolution of the legislation in the field of minority protection. This could encourage states to improve their legal framework. A sustainable funding of such a project would be crucial to ensure its viability and regular update. The role of experts in keeping the database up to date would need to be more clearly defined and researchers among the experts might be better placed to contribute to this task as compared to experts in other positions. It was suggested that the database should make it possible to access and search monitoring results of all Council of Europe bodies by country and it could be a first step before putting in place a database on legislation. Experts were invited to come back to Emma LANTSCHNER with further feedback and ideas for funding.

Lastly, as regards the working methods, it was agreed to review in February 2022 the operation of the restricted shared space in order to facilitate its access by experts of the Advisory Committee and to add new types of documents.

Composition of Working Groups/Planning of visits

The Advisory Committee agreed on the composition of the working group on the preparation of the ACFC 13th Activity Report (2020-2022) and exchanged views on the content of the substantive part of this report. It agreed that the working group would present an outline at the plenary meeting of February 2022. It was noted that the adoption of the Activity Report would take place at the May 2022 plenary meeting.

The Secretariat called on members to express their interest in joining the working groups on Austria, Kosovo*, the Republic of Moldova, Romania, the Russian Federation and Sweden.

Any other business

On a proposal made by Olivier LOODE, the Advisory Committee agreed to establish contacts with UN representatives on issues relating to indigenous people in view of a possible exchange of views at one of its next plenary meetings.

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

- 73rd plenary: 20 and 22 October 2021 (by videoconference);
- 74th plenary: 31 January-4 February 2022;
- 75th plenary: 16-20 May 2022;
- 76th plenary: 3-7 October 2022.

* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

Appendix I – 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)
Oliver LOODE (Estonia)
Teymur MALIK-ASLANOV (Azerbaijan)
Antonija PETRIČUŠIĆ (Croatia)
Mikko PUUMALAINEN (Finland) – Second Vice-President
Harald Christian SCHEU (Czech Republic)
Nebošja VUČINIĆ (Montenegro)
Petter WILLE (Norway)

Excused: Arayik NAVOYAN (Armenia)

► Guest

Kairat ABDRAKHMANOV, OSCE High Commissioner on National Minorities

► Office of the OSCE High Commissioner on National Minorities

Christophe KAMP, Director
Iryna ULASIUK, Head of Section/Senior Adviser

► Secretariat of the Council of Europe

Elise CORNU, Executive Secretary and Head of the National Minorities and Minority Languages Division
Ben FREEMAN, Senior Project Officer
Michaël GUET, Administrator, Policy Adviser
Jörg HORN, Administrator, Policy Adviser
Meyeti PAYET, Project Officer
Agnes Von MARAVIĆ, Administrator, Policy Adviser
Kristina DEDAJ, Administrative Assistant
Katharina FOUQUET, Administrative Assistant
Brigitte ZWICKERT, Administrative Assistant
Shamil FARKHUTDINOV, Trainee

Appendix II – Agenda

Monday 4 October 2021

9.30 – 10.15	Introductory words Adoption of the agenda Approval of the 71st meeting report Report from the Bureau Recent developments
10.15 – 10.45	Monitoring: Adoption of the final opinion on San Marino
10.45 – 11.00	Break

11.00 – 12.30 Monitoring: First reading of the draft opinion on Estonia
12.30 – 14.00 Break
14.00 – 17.30 Monitoring: First reading of the draft opinion on Estonia (cont'd)

Tuesday 5 October 2021
9.30 – 12.30 Monitoring: First reading of the draft opinion on Germany
12.30 – 14.30 Break
14.30 – 18.00 Monitoring: First reading of the draft opinion on Germany (cont'd)

Wednesday 6 October 2021
9.00 – 10.00 Thematic work: Composition of Working groups and Source book
10.00 – 12.00 Exchange of views with the OSCE High Commissioner on National Minorities
12.00 – 14.00 Break
14.00 – 17.00 Monitoring: Second reading and possible approval of the draft opinion on Estonia

Thursday 7 October 2021
9.30 – 12.30 Monitoring: Second reading and possible approval of the draft opinion on Germany
12.30 – 14.00 Break
14.00 – 15.30 Exchange of views on the Committee of Ministers' Report on "Council of Europe monitoring – strengthening cohesion and synergies": contribution by the ACFC to the 2022 Secretary General report on enhancing the coordination, effectiveness and impact of monitoring
Any other business
Closing words