



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

ACFC/MR (2023)4prov

20 November 2023

Meeting report

81st meeting

Approved by the Advisory Committee on 5 February 2024

Opening of the meeting

The Advisory Committee on the Framework Convention for the Protection of National Minorities held its 81st plenary meeting in hybrid format in Graz, Austria, from 9 to 13 October 2023.

Dr Peter Riedler, Rector of the University of Graz, welcomed the participants and recalled that Graz, the capital of the Austrian province of Styria, is a university town with more than 50 000 registered students, including approximately 16 000 attending this university.

Petra Roter, President of the Advisory Committee, opened the meeting and welcomed the members of the Advisory Committee. She also thanked the rector of the university for his hospitality, highlighting that this was the first time in 25 years that the Advisory Committee was holding a plenary meeting outside Strasbourg.

She excused Pedro Aguilera Cortés and Laura-Maria Crăciunean-Tatu and informed the Advisory Committee about Laura-Maria's election as President of the UN Committee on Economic, Social and Cultural Rights.

The President also informed participants that Emilia Drumeva and Mārtiņš Paparinskis would attend the meeting online and that two additional members would join for the readings of the draft Opinions on Georgia and Sweden, namely Besarion Bokhashvili (in person) and Marie B. Hagsgård (online).

The President informed participants that this was Mārtiņš Paparinskis' last plenary as he decided to resign from the Advisory Committee following his appointment as a member of the UN International Law Commission. She thanked him on behalf of all members of the Advisory Committee and the Secretariat for his contribution to the work of the Advisory Committee.

Adoption of the Agenda and Order of Business

The President invited members of the Advisory Committee to agree with the exceptional participation of three external persons at the 81st plenary, during the relevant parts of the plenary: Ivana Spirovska, the author of a paper on the concept of vulnerability (physical presence), as well as Eriha Bikakčić and Tara Beattie from the office of the Council of Europe Commissioner for Human Rights (online). This was accepted.

The Agenda and Order of Business, as reproduced in Appendix I, were adopted without amendments.

Approval of the report of the 80th meeting of the Advisory Committee

Having examined the report of its 80th plenary meeting, the Advisory Committee approved it as produced in document ACFC/MR (2023)3 without amendments.

Report from the Bureau

The President informed the Advisory Committee about her participation at meetings of the Rapporteur Group of the Committee of Ministers on Human Rights (GR-H) on 6 July 2023 (in person) and 7 September 2023 (online) respectively, where she highlighted challenges identified by the Advisory Committee in the field of minority protection. She shared her appreciation to mark the 25th anniversary of the entry into force of the Framework Convention with the GR-H on 6 July, and reported that about 15 delegations took the floor to support the work of the Advisory Committee.

Petra Roter also reported back about her participation at an OSCE High Commissioner on National Minorities (HCNM) meeting held in Vienna, Austria, on 7 July 2023 where she highlighted a reinforced co-operation with the Office of the OSCE HCNM and how both the Advisory Committee and the OSCE HCNM Office complement each other despite their different mandates, underlining the Advisory Committee's broader perspective in setting the contexts for effective access to minority rights.

Thirdly, she reported about her participation at an Advocacy Meeting on a Draft Treaty on International Minority Rights organised by the UN Special Rapporteur on Minority Issues in Budapest, Hungary, on 8 July 2023. As reported by

Petra Roter, this session, attended by many actors from minority organisations and civil society, was intended to ensure a better awareness of minority rights within the UN system and in co-operation with other actors. The UN Special Rapporteur Fernand de Varennes presented a draft treaty on national minorities, the President of the Advisory Committee shared the experience of the Advisory Committee with a legally binding instrument on protecting minority rights.

Referring to the Bureau meetings held on 23 September 2023 (online) and on 9 October 2023, the President shared with participants several suggestions from the Bureau concerning sixth-cycle opinions, which were all agreed by the Advisory Committee.

Update by the Secretariat

Elise Cornu, FCNM Executive Secretary, informed members of the Advisory Committee about the latest developments in the Committee of Ministers, including the state of play relating to the negotiation of resolutions, as well as about state reports received.

She also informed them that the Russian Federation has initiated the procedure to denounce the Framework Convention. She indicated that this denunciation will only enter into force six months after the Secretary General of the Council of Europe receives an official notification from the Russian authorities. The Advisory Committee adopted a statement that will be published once the denunciation is notified by the Secretary General of the Council of Europe.

Approval of draft opinions

In application of Rule 37 of Resolution CM/Res (2019)49, the Advisory Committee unanimously approved the following draft opinions:

- Bosnia and Herzegovina, on 12 October 2023;
- Georgia, on 12 October 2023;
- Denmark, on 13 October 2023.

The Advisory Committee also decided to communicate these draft opinions to the authorities concerned, and to invite the authorities of Bosnia and Herzegovina, Denmark and Georgia to provide their respective written observations by 18 December 2023.

Adoption of final opinions

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

- Sixth Opinion on Liechtenstein, on 9 October 2023;
- Fourth Opinion on Latvia, on 9 October 2023;
- Fifth Opinion on Sweden, on 11 October 2023.

The opinions will be sent to the states concerned for comments and be made public, at the latest, during the second half of February 2024.

Update by the standing working group on Ukraine

Members of the standing working group on Ukraine (Petra Roter, Mikko Puumalainen and Oliver Loode as a substitute member) and the Secretariat (Agnes von Maravić) reported back about a meeting with representatives of national minorities from Ukraine and Ukrainian authorities held in Krakow, Poland, on 26-27 September 2023, on the margins of the launching conference for a [Joint EU/CoE project on anti-discrimination and minority rights](#). At that meeting, the delegation reiterated the importance of the implementation of the Framework Convention in Ukraine and the need to ensure the effective participation of persons belonging to national minorities in the process.

The Advisory Committee took note of the will expressed by both representatives of national minorities from Ukraine and Ukrainian officials to have the Advisory Committee conducting a monitoring visit to Ukraine at the earliest possible time. It agreed to resume the fifth monitoring cycle in respect of Ukraine and tasked the Secretariat with requesting updated information from the Ukrainian authorities to complement the fifth state report received on 10 January 2022, with a view to organising a monitoring visit in 2024.

Thematic work and glossary

The Advisory Committee took note of a presentation by the Secretariat (Ben Freeman and Sandra Veloy-Mateu) on progress achieved in the revision of the Advisory Committee's thematic commentary on education, and on the timeline for the discussion of the revised commentary at its two forthcoming plenaries in 2024 with the present composition of the Advisory Committee.

The Secretariat (Michaël Guet) introduced two documents under finalisation: the first document provides an overview of the personal and territorial scope of application in each state party to the Framework Convention, quoting declarations submitted at the time of accession/ratification and relevant legislation and including information about definitions of a 'national minority' or criteria applied in domestic legislation for identification of (persons belonging to) national minorities able to enjoy access to minority rights. This document also provides a classification of cultural, ethnic, linguistic or religious minorities according to their status (formally recognised minority, *de facto* protected minority, community covered under a recognised minority, community requesting official recognition, communities not wishing to be recognised as a national minority, etc.). The second document – of restricted use – will be appended to the FCNM Glossary listing ethnic and linguistic terms used in Advisory Committee's opinions and will recommend a spelling in English and French with a view to harmonising various opinions and facilitating research in HUDOC.

It was concluded that the two documents will be circulated to members of the Advisory Committee, after an internal consultation, with a view to their examination at the next plenary.

Composition of Working Groups and planning of country visits

The Advisory Committee agreed on the composition of working groups and planning of visits as listed in ACFC/DOC (2023)10. The Advisory Committee also took note of the list of planned visits in the first quarter of 2024. The President asked the interested members to put themselves forward for the planned visits, including as backup members, and to seek to ensure gender diversity in working groups, as well as to take into account the end of the mandate of half of experts at the end of May 2024.

The Advisory Committee appointed Laura-Maria Crăciunean-Tatu as a new member of the thematic working group on the Source Book, replacing Mărtiș Paparinskis.

Exchanges of views

On 12 October 2023, Ivana Spirovskaja presented to the Advisory Committee the findings of her study on "Reevaluating the concept of vulnerability: to use or not to use the term 'vulnerable group' in the context of minorities?". She described the universalist and particularistic approaches to the concept of vulnerability. Highlighting that the Advisory Committee's opinions had not always been consistent on this matter, she emphasised the need to shift the focus from 'vulnerability as a status' to 'vulnerability as a situation'.

The Advisory Committee thanked Ivana Spirovskaja for her presentation and expressed an interest to receive a copy of her study once published. It also agreed to recommend in its Glossary the use of "persons (placed) in a vulnerable situation" instead of "vulnerable group/minority", whilst keeping a room of appreciation regarding the use of alternatives to "vulnerable" such as "marginalised" or "disadvantaged".

On 13 October 2023, the Advisory Committee held an exchange of views on current challenges in the field of minority protection with Dunja Mijatović, Commissioner for Human Rights of the Council of Europe. The Commissioner first addressed the humanitarian situation in Karabakh, [expressing](#) concerns about the mass displacement of more than 100 000 Karabakh Armenians, whilst stressing Azerbaijani authorities' responsibility to safeguard human rights. She

referred to the importance of implementing the eight recommendations contained in her [memorandum from 8 November 2021](#) regarding the “humanitarian and human rights protection needed following the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh”. She also informed the Advisory Committee that she will be visiting Armenia and Azerbaijan, including the Karabakh region, from 16 to 23 October 2023, and will focus on the human rights situation of people affected by the conflict. Referring to her recent [report](#) on the human rights of Crimean Tatars, the Commissioner deplored that Crimean Tatars in Crimea, and especially those opposing Crimea’s illegal annexation or expressing dissent, are being subjected to numerous patterns of serious violations of human rights, persecution, discrimination and stigmatisation by the Russian occupying authorities. As regards the situation of Roma, whilst underlining the solidarity shown by numerous countries that hosted refugees from Ukraine, the Commissioner stressed that she received reports of [Roma fleeing the war in Ukraine](#) having been treated differently due to deep-seated prejudices against them, affecting opportunities to access housing, assistance and other facilities. In general, the situation of [Roma](#) in Europe remains a matter of concern to the Commissioner. She indicated that she encouraged the effective implementation of mechanisms which address and provide compensation to Roma women who have been victims of forced sterilisation, in both the Czech Republic and Slovakia, and that raising awareness of Roma history and culture is also key to preventing discriminatory attitudes and stereotypes. The Commissioner ended up her presentation by announcing a forthcoming publication on transitional justice in the Western Balkans.

Following an exchange with the members, the President thanked the Commissioner for her participation and underlined the relevance of the Commissioner’s work for the Advisory Committee’s monitoring visits and expressed interest in reinforcing the exchange of information, including at the level of the respective secretariats.

Reporting back on participation in external events

Emma Lantschner, First Vice-President of the Advisory Committee, reported back about her participation in the plenary meeting of the Council of Europe Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) held in Strasbourg on 27 June 2023, and informed the Advisory Committee about the adoption by the Committee of Ministers of [Recommendation CM/Rec\(2023\)9](#) to member States on the active political participation of national minority youth.

Mikko Puumalainen and Alexandra Castro, as members of the working group on the Slovak Republic, and Tomáš Hrustič, as the national member, reported about their participation at the [Follow Up meeting](#) on the recommendations in the Advisory Committee’s Fifth Opinion on the Slovak Republic, held in Bratislava on 28 June 2023.

Alexandra Castro reported about her participation at the Council of Europe training for gender equality rapporteurs held in Strasbourg on 28-29 September 2023. She underlined the already good practices applied in the Advisory Committee in terms of its focus on gender equality aspects in all aspects of its work. She regretted that gender equality rapporteurs participating in that training were essentially women and called for the nomination of two gender equality rapporteurs within the Advisory Committee, one man and one woman, since this would give a positive signal to other committees.

Concluding remarks and dates of next plenary meetings

On behalf of all members of the Advisory Committee, the President warmly thanked Klaus Poier and his team for the perfect organisation of the plenary in Graz, including all the logistics, technical equipment, hospitality, organisation of the public event and team-building activities, as well as Emma Lantschner for her contribution. She also thanked two members who will be leaving the Advisory Committee for their valuable contribution to its work, namely Nicolas Levrat whom she congratulated for his nomination as the UN Special Rapporteur on Minority Issues and Jørgen Møllekær after he had announced his resignation for personal reasons. Finally, she warmly thanked Agnes von Maravić who will be working in another sector of the Council of Europe as of 1 November 2023 for all her invaluable contribution over the past seven years as the Secretariat member and wished her success in her new professional environment.

The president also announced the dates of the next plenary meetings: the 82nd plenary will be held from 5 to 9 February 2024; the 83rd plenary from 27 to 31 May 2024; and the 84th plenary from 14 to 18 October 2024, all in Strasbourg.

Public event

On 12 October 2023, a public debate was organised at the Law Faculty of the University of Graz. This event was attended *inter alia* by professors and students from the University of Graz, by members of the Advisory Committee, as well as by Jürgen Pirker, expert of the Committee of Experts of the European Charter for Regional or Minority Languages elected in respect of Austria, and Sarah Breslin, Executive Director of the European Centre for Modern Languages based in Graz.

This public event was opened by Mireille van Poppel, the Vice Rector of the University of Graz who welcomed guests and the audience. The event was moderated by Emma Lantschner, associate professor at the Centre for Southeast European Studies (CSEES) at the University of Graz, and the First Vice-President of the Advisory Committee. Four panellists contributed to the discussion, namely Joseph Marko, former dean of the Law Faculty at the University of Graz and former member of the Advisory Committee; Petra Roter, President of the Advisory Committee and professor of international relations at the University of Ljubljana; Elise Cornu, Head of the National Minorities and Minority Languages Division of the Council of Europe and Executive Secretary of the Framework Convention; and Lea Vouk, a youth representative of the Slovene minority in Carinthia, Austria, working for the Institute of Law at the University of Natural Resources and Life Sciences in Vienna.

In his contribution, Joseph Marko traced the path that the Framework Convention has taken over the last 25 years, namely from protection strictly focused on (persons belonging to) national minorities to the governance of diversity. During his term on the Advisory Committee, the dialogue with governments was usually fruitful, but there were also repeated attempts to make open discussions more difficult with certain minorities. Petra Roter emphasized that the Framework Convention is the right instrument, especially in these conflict-ridden times, to guarantee effective equality of everyone, societal integration and peace and stability. However, diversity management through minority rights also faces several newer challenges at present, including an understanding of the term 'minority' in a derogatory sense. Elise Cornu discussed the events surrounding the exclusion of the Russian Federation from the Council of Europe. The panel ended with the intervention by Lea Vouk, who highlighted the challenges pertaining to the rights of persons belonging to national minorities in Austria and stressed that a lack of progress leads to a feeling of frustration, especially among minority youth.

Appendix I – Agenda

Monday 9 October 2023

- 9.30 – 10.00 Opening of the meeting
Adoption of the Agenda & Order of Business
Approval of the 80th meeting report
Report from the Bureau
Update by the Secretariat
- 10.00 – 11.15 Monitoring: Reading and final adoption of the draft Sixth Opinion on Liechtenstein and draft Fourth Opinion on Latvia
- 11.15 – 11.30 Break
- 11.30 – 12.00 Monitoring: First reading of the draft Fifth Opinion on Bosnia and Herzegovina
- 13.30 – 14.00 Break
- 14.00 – 18.30 Monitoring: First reading of the draft Fifth Opinion on Bosnia and Herzegovina (cont'd)

Tuesday 10 October 2023

- 9.00 – 12.30 Monitoring: First reading of the draft Fourth Opinion on Georgia
- 12.30 – 14.00 Break
- 14.00 – 16.00 Monitoring: First reading of the draft Fourth Opinion on Georgia (cont'd)
- 16.00 – 16.15 Break
- 16.15 – 17.30 Update by the standing working group on Ukraine

Wednesday 11 October 2023

- 9.00 – 12.30 Monitoring: First reading of the draft Sixth Opinion on Denmark
- 12.30 – 14.30 Break
- 14.30 – 16.30 Monitoring: First reading of the draft Sixth Opinion on Denmark (cont'd)
- 16.30 – 17.00 Thematic work: Update by the working group on the revision of the thematic commentary on education
- 17.00 – 17.30 Monitoring: Reading and final adoption of the draft Fifth Opinion on Sweden
- 17.30 – 18.00 Composition of Working groups/Planning of visits

Thursday 12 October 2023

- 9.00 – 12.00 Monitoring: Second reading and possible approval of the draft Fifth Opinion on Bosnia and Herzegovina (cont'd)
- 12.00 – 12.30 Thematic work: Exchange on the document on the concept of vulnerability
- 12.30 – 14.00 Break
- 14.00 – 14.30 Thematic work: Presentation and endorsement of updated Glossary and its appendix on ethno-linguistic terminology
- 14.30 – 17.30 Monitoring: Second reading and possible approval of the draft Fourth Opinion on Georgia (cont'd)
- 18.00 – 19.30 Public event: Roundtable with guest speakers on “Twenty-five years of the Framework Convention for the Protection of National Minorities: Achievements and Current Challenges”

Friday 13 October 2023

- 9.00 – 11.00 Monitoring: Second reading and possible approval of the draft Sixth Opinion on Denmark (cont'd)
- 11.00 – 11.15 Break
- 11.15 – 12.00 Exchange with Dunja Mijatović, Commissioner for Human Rights of the Council of Europe
- 12.00 – 12.45 Update by members and reporting back on participation in external events
Exchange about upcoming visits
Any other business
List of decisions

Appendix II – List of participants

- Ordinary members:

Alexandra CASTRO (Portugal)
Tomáš HRUSTIČ (Slovak Republic)
Emma LANTSCHNER (Italy) – First Vice-President
Nicolas LEVRAT (Switzerland) – Second Vice-President
Oliver LOODE (Estonia)
Teymur MALIK-ASLANOV (Azerbaijan)
Jørgen MØLLEKÆR (Denmark)
Mārtiņš PAPARINSKIS (Latvia)
Egly PANTELAKIS (Cyprus)
Klaus POIER (Austria)
Mikko PUUMALAINEN (Finland)
Petra ROTER (Slovenia) – President
Harald Christian SCHEU (Czech Republic)
David SMITH (United Kingdom)
Nebojša VUČINIĆ (Montenegro)

- Additional members:

Besarion BOKHASHVILI (Georgia)
Marie B. HAGSGÅRD (Sweden)

- Excused

Pedro AGUILERA CORTÉS (Spain)
Laura-Maria CRACIUNEAN-TATU (Romania)
Emilia DRUMEVA (Bulgaria)