

15 September 1999



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

ACTIVITY REPORT
covering the period from 1 June 1998
to 31 May 1999

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1. Introduction

1. On 10 November 1994 the Committee of Ministers of the Council of Europe adopted the Framework Convention for the Protection of National Minorities, which is the first ever legally binding multilateral instrument devoted to the protection of national minorities in general. Opened for signature on 1 February 1995, the Framework Convention entered into force, after the deposit of 12 ratifications, on 1 February 1998.
2. As at 3 August 1999, the Framework Convention has been signed by 36 member States, 26 of which have also ratified it. In addition, one non-member State, Armenia, has ratified the Framework Convention (see Appendix I).
3. The monitoring mechanism of the Framework Convention is based on Articles 24 - 26 of the Framework Convention for the Protection of National Minorities and on the Committee of Ministers' Resolution (97) 10. The evaluation of the adequacy of the implementation of the Framework Convention by the Parties is to be carried out by the Committee of Ministers, which shall be assisted by an Advisory Committee.
4. The Parties are required to submit a report containing full information on legislative and other measures taken to give effect to the principles of the Framework Convention within one year of the entry into force. These state reports are made public and examined by the Advisory Committee, which is to prepare an opinion on the measures taken by each reporting State. Having received the opinion of the Advisory Committee, the Committee of Ministers is called on to adopt conclusions and, where appropriate, recommendations in respect of the State Party concerned.
5. In accordance with Resolution (97) 10, the Advisory Committee is composed of up to 18 independent and impartial experts appointed by the Committee of Ministers. The first round of appointments was held in March 1998, and the Advisory Committee held its first meeting in June 1998. Following the latest round of appointments in March 1999, the Advisory Committee is now in its full composition of 18 members (see Appendix II). In addition, experts in respect of the Russian Federation and Moldova have been elected to the List of experts eligible to serve on the Advisory Committee.
6. The first state reports were submitted in February 1999, and the Advisory Committee subsequently began to examine these reports with a view to adopting opinions on them. By 3 August 1999, the Advisory Committee had received 13 state reports (see Appendix I).
7. The purpose of the present report is to provide the Committee of Ministers with an overview of the work carried out during the first year of the activities of the Advisory Committee. In Section II, the report outlines the main decisions taken during that first year (from the first meeting of the Advisory Committee on 29 June - 1 July 1998 to 31 May 1999) as well as some first general impressions concerning the initial state reports received so far. It further explains the efforts made by the Advisory Committee to make the Framework Convention known to the public at large. In Section III, the report addresses the principal organisational issues related to the work of the Advisory Committee, including the resources allocated to its work.

2. Activities during the reporting period

8. In the course of the reporting period, the Advisory Committee held four plenary meetings and one Bureau meeting:

- 1st plenary meeting: 29 June - 1 July 1998
- 2nd plenary meeting: 26-27 and 29 October 1998
- 3rd plenary meeting: 22-25 March 1999
- 4th plenary meeting: 25-28 May 1999
- 1st Bureau meeting: 20 November 1998

9. The first two plenary meetings concentrated on procedural matters and on working methods, whereas at its the 3th and 4th meeting the Committee, having received a number of state reports, was in a position to commence its monitoring activities proper. Various activities carried out and decisions taken at these meetings are detailed, in a non-exhaustive manner, below.

A. *Outline for state reports*

10. Following a request made by the Committee of Ministers, the Advisory Committee considered, at its first meeting on 29 June - 1 July 1998, the draft outline prepared by the Secretariat for the reports to be submitted pursuant to Article 25 of the Framework Convention. While approving the general approach adopted in the draft outline, the Advisory Committee put forth a number of proposals relating to the format and content of the draft outline. A revised draft outline, with the Advisory Committee's proposals integrated, was subsequently adopted by the Committee of Ministers on 30 September 1998, at the 642nd meeting of the Ministers' Deputies.

11. The Advisory Committee would like to emphasise that the adopted outline is designed for initial state reports only and that a separate outline may need to be drafted in the future for subsequent periodic state reports. Furthermore, the Advisory Committee takes the view that it should be possible to modify the outline for initial state reports in the future, if, for instance, it transpires that amendments could help to reduce the need for requests for additional information from reporting States.

B. *Exchange of views with government experts*

12. Following the adoption of the outline for state reports, the Advisory Committee organised an exchange of views on the reporting procedure with government experts responsible for preparing state reports. This exchange, which was held on 29 October 1998 in conjunction with the 2nd meeting of the Advisory Committee, was an opportunity for the Advisory Committee to stress that it will carry out its tasks in the spirit of co-operation and dialogue. During the exchange, the Advisory Committee and Government experts discussed, *inter alia*, different methods that can be employed for the drafting of state reports. In this connection, it was considered useful to involve non-governmental organisations (NGOs) and minority groups in the process leading to the preparation of state reports.

C. Rules of Procedure and working methods

13. In accordance with Rule 37 of Resolution (97) 10, the Advisory Committee commenced, at its first meeting, the drafting of its Rules of Procedure and finalised the text at its 2nd meeting on 26-27 and 29 October 1998. The Rules of Procedure, as adopted by the Advisory Committee, were subsequently approved by the Committee of Ministers on 16 December 1998, at the 653rd meeting of the Ministers' Deputies.

14. In addition to drafting the Rules of Procedure, the Advisory Committee agreed on a number of working methods at its first two meetings. In particular, it decided to establish, in accordance with Rule 35 of the Rules of Procedure, country-specific and thematic working groups. The first country-specific working group meetings were held during the 3rd meeting of the Advisory Committee, on 22-25 March 1999.

D. Examination of state reports

15. During the period covered by the present activity report, the Advisory Committee received initial reports from the following States Parties: Croatia, Cyprus, the Czech Republic, Denmark, Finland, Hungary, Italy, Liechtenstein, San Marino and the Slovak Republic. Malta, Romania and the United Kingdom have subsequently submitted their initial reports.

16. The Advisory Committee welcomes the timely submission of reports by a number of States. However, the Committee regrets the fact that a number of States Parties did not finalise their reports by the deadline foreseen in Article 25 of the Framework Convention. In order to avoid further reporting delays, the President of the Advisory Committee, Professor Rainer HOFMANN, addressed, on 9 March 1999, a letter to the representatives of those States that had not reported by that date, drawing their attention to the applicable deadline. In cases where a State is not able to submit a report in due time, the Advisory Committee - while not being in a position to authorise any formal extensions of the reporting times provided by the Framework Convention - would appreciate being informed about the reason for the delay, as well as receiving an indication of the expected submission date.

17. While the length of the reports received varies greatly, in almost all the cases where the Advisory Committee has commenced the detailed examination of a report, the Committee has concluded that additional information would need to be sought from the State Party concerned. In particular, the Advisory Committee has repeatedly found that, whereas the relevant legislative framework is often described in detail, further information is needed on the implementation of relevant norms in practice. In some cases, a request for further information, under Rule 29 of Resolution (97) 10, has already been sent to the Government concerned and in other cases such a request is being formulated. The Advisory Committee wishes to emphasise that requests for additional information should not be regarded as criticism of the Parties concerned. Rather, such requests are to be considered as forming part of the constructive dialogue between the Advisory Committee and the States Parties.

18. At its third meeting, the Advisory Committee concluded that, in order to carry out its task effectively and in a balanced and consistent way, it may also need to seek information from sources other than the reporting States. Such information could complement and clarify information contained in initial state reports. Therefore, the Advisory Committee decided to notify the Committee of Ministers, in accordance with Rule 31 of Resolution (97) 10, of its

intention to invite information from International Organisations, Ombudsmen and National Institutions for the Promotion and Protection of Human Rights as well as from representatives of civil society and non-governmental organisations. The Committee of Ministers took note of this intention on 19-20 May 1999, at the 671st meeting of the Ministers' Deputies.

19. In addition to written procedures, the Advisory Committee may, under Rule 32 of Resolution (97) 10, hold *meetings* in order to seek further information. The preparation of a first meeting of this type began on 23 March 1999 when the Advisory Committee received a letter from the Government of Finland, referring to the submission of the initial report by Finland on 16 February 1999 and requesting a meeting with the Advisory Committee. The Government further proposed that the meeting be held in Finland. The Advisory Committee subsequently decided that this meeting would be the responsibility of the working group on Finland. It was further decided, in consultation with the Government of Finland, that this meeting would take place in Helsinki on 23-24 August 1999. The Advisory Committee feels that such meetings with representatives of reporting States should become a customary element of the monitoring procedure.

20. At its 4th meeting, held from 25 to 28 May 1999, the Advisory Committee agreed that it would be useful for its representatives, in the course of their visit to Helsinki, to meet also with the Ombudsman, relevant non-governmental organisations and other independent bodies/institutions in Finland in order to learn their views concerning the implementation of the Framework Convention. The Advisory Committee therefore decided to request from the Committee of Ministers a mandate for such a meeting in accordance with Rule 32, paragraph 2, of Resolution (97) 10. The meeting was subsequently authorised at the 676th meeting of the Ministers' Deputies on 1-2 and 7 July 1999.

21. The Advisory Committee wishes to be in a position to complete the examination of at least one or two state reports by the end of 1999. The resulting opinion(s) would, however, remain, for some time, "provisional", since the Committee does not plan to submit its first opinions to the Committee of Ministers immediately upon their completion. Rather, the Advisory Committee would like to ensure the consistency in its approach by completing the work on several state reports before the final adoption of opinions on them. In accordance with this approach, the Advisory Committee expects to submit the first *set of opinions* to the Committee of Ministers in early 2000. Also from the point of view of efficiency, this approach is expected to be more advantageous than the separate submission of single opinions. As regards the consideration of these opinions by the Committee of Ministers and the subsequent adoption of conclusions and possible recommendations, the Advisory Committee would welcome the opportunity to be involved in this exercise in an appropriate manner. This could entail, for example, the presence of representatives of the Advisory Committee during certain stages of the consideration so that the Advisory Committee could provide the Committee of Ministers with further clarification on issues related to the opinion concerned.

E. Information activities

22. In order to make the Framework Convention better known among experts and the public at large, several events were organised during the reporting period. A seminar entitled "From Paper to Practice - Implementing Framework Convention for the Protection of National Minorities" was organised in Strasbourg on 28 October 1998 in conjunction with the 2nd meeting of the Advisory Committee to mark the entry into force of the Framework Convention and the

launching of its monitoring mechanism. The seminar brought together members of the Advisory Committee, Government officials, representatives of non-governmental organisations and other experts to discuss the ways in which the Framework Convention could be effectively implemented and monitored. During the same week, a training seminar on the Framework Convention and its monitoring was organised for NGOs active in this field by the NGO *Minority Rights Group*, in co-operation with the Council of Europe. As a follow-up to this seminar, an NGO manual on the implementation and monitoring of the Framework Convention is currently being prepared.

23. The Advisory Committee was also represented at several international events organised on related themes in the course of the reporting period. These included the following: the Colloquy "In our hands; The effectiveness of human rights protection 50 years after the Universal Declaration" (Strasbourg, 2-4 September 1998), the 6th Round Table with European Ombudsmen (Malta, 7-9 October 1998) and the Conference on the European Charter for Regional or Minority Languages (Innsbruck, 14-15 December 1998), all of which were organised or co-organised by the Council of Europe.

24. The entry into force of the Framework Convention has increased the demand for materials related to this treaty. This concerns not only state reports, which are made public upon receipt from a State Party, but other relevant documentation as well. Therefore, a compilation of the basic texts concerning the Framework Convention and its monitoring was published in May 1999. In addition, a short briefing note on the Framework Convention has been regularly updated and distributed to Government experts, representatives of non-governmental organisations and other interested persons.

25. The Advisory Committee believes that, in order to serve the public better and more efficiently, it needs to make relevant materials, including state reports that have been submitted in electronic format, regularly accessible via the Internet. So far, this process has been hampered, in particular, by a lack of resources (see below section 3, sub-section B), but the Advisory Committee expects that progress will soon be achieved.

3. Organisational issues

A. Membership

26. As a result of appointments by the Committee of Ministers, made between March 1998 and March 1999, the Advisory Committee is now in its full composition of 18 ordinary members. The terms of office of all current ordinary members expire on 1 June 2002. However, by virtue of the operation of Rule 16 of Resolution (97) 10, the mandate of half the ordinary members as it stands on 1 June 2000 shall be extended by two years.

27. The Committee of Ministers also elected, in March 1999 and May 1999, experts in respect of the Russian Federation and Moldova to the List of experts eligible to serve on the Advisory Committee. Since the Advisory Committee already had, by then, the maximum number of 18 ordinary members, the appointment to the Advisory Committee of the experts entered onto the List in respect of these countries will be considered at a later stage, in accordance with the rotation system provided in Rule 15 of Resolution (97) 10. In the meantime, these experts will be invited to sit - in an advisory capacity - as additional members when the report submitted by the country in respect of which they were elected is being considered.

28. The Advisory Committee welcomes the fact that the Committee of Ministers has emphasised the independence and impartiality requirement of the candidates for the Advisory Committee, as stipulated in Rule 6 of Resolution (97) 10. The Advisory Committee would like to encourage the Committee of Ministers to continue to pay careful attention to these requirements in the course of future elections to the List of experts eligible to serve on the Advisory Committee. Furthermore, the Advisory Committee would like to encourage the Committee of Ministers to ensure that the composition of the Advisory Committee continues to have presence of a variety of experiences and expertise, bearing in mind the wide-ranging character of the Framework Convention. In future elections, due regard should also be paid to the gender balance of the Advisory Committee, keeping in mind that, at present, only 5 out of 18 ordinary members are women. The Advisory Committee stands ready to assist the Committee of Ministers on these matters should the Committee of Ministers decide to request such assistance in the context of future elections.

29. At its first meeting, on 29 June - 1 July 1998, the Advisory Committee elected, by secret ballot, the members of its Bureau. Mr Rainer HOFMANN (Professor of International Law at the University of Kiel, Germany) was elected as President for a term of two years. Mr Alan PHILLIPS (Executive Director of the NGO *Minority Rights Group*, London, UK) and Mr Gáspár BÍRÓ (Lecturer at Eötvös Loránd University in Budapest, Hungary) were elected as First and Second Vice-President respectively, both for a term of two years.

B. Resources

30. In order to ensure the effective functioning of the monitoring mechanism of the Framework Convention, adequate resources must be allocated for the work of the Advisory Committee. In this connection, the Advisory Committee wishes to emphasise that, while the rapid increase in the number of States Parties is a most welcome development, it also has a real impact on the workload of the Advisory Committee and its Secretariat.

31. From the outset of its activity, the Committee has found that the resources allocated to its work do not reflect the importance or volume of the work of the Committee or the status of its members as independent and impartial experts of a human rights treaty body. These concerns were expressed in a letter, dated 15 April 1999, from the President of the Advisory Committee to the Chairman of the Committee of Ministers' Deputies, calling for improvements as concerns the staffing and the daily allowances of the Advisory Committee.

32. As far as the staffing situation is concerned, the Committee welcomes the limited additional resources committed recently. Nevertheless, the Committee believes that the small Secretariat of the Advisory Committee - which currently consists of 3 A2/A3 posts - will need to be considerably strengthened if it is to be able to cope with the increasing workload in a satisfactory manner in the very near future.

33. As regards the daily allowances of the members of the Advisory Committee, the Committee finds it imperative that it be treated on an equal basis with other independent human rights treaty bodies of the Council of Europe. The Advisory Committee trusts that the on-going efforts of the Committee of Ministers to design a fair system of daily allowances will secure this result.

4. Concluding remarks

34. The Advisory Committee is, in general, satisfied with the results of the first year of its activities. The Committee has been able to formulate basic rules governing its work, and the monitoring proper has also started in a promising manner.

35. As regards procedural issues, the Advisory Committee has much appreciated the support it has received from the Committee of Ministers during the period covered by the present report. The Advisory Committee is confident that this spirit of trust and co-operation will continue to guide the relations between the two bodies as they proceed further with the actual monitoring work.

36. Given the prominence of minority issues in today's Europe and the key role of the Framework Convention in this sphere, the Advisory Committee is confident that there is the political will to overcome the current shortcomings - including inadequate resources and reporting delays - relating to the monitoring mechanism, so as to ensure the proper functioning of the monitoring mechanism and thus the full implementation of the Framework Convention in the States Parties.

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*APPENDIX I / ANNEXE I***CHART OF SIGNATURES AND RATIFICATIONS OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES AND SUBMISSION OF INITIAL STATE REPORTS**

Status as at 3 August 1999 / Etat au 3 août 1999

MEMBER STATES / ETATS MEMBRES	Date of signature / Date de signature	Date of ratificatio n/Date de ratificatio n	Date of entry into force / Date d'entrée en vigueur	First report due/ Premier rapport attendu	First report received/ Premier rapport reçu*
ALBANIA / ALBANIE	29/06/95				
AUSTRIA / AUTRICHE	01/02/95	31/03/98	01/07/1998	01/07/1999	
BULGARIA / BULGARIE	09/10/97	07/05/99	01/09/1999	01/09/2000	
CROATIA / CROATIE	06/11/96	11/10/97	01/02/1998	01/02/1999	16/03/1999
CYPRUS / CHYPRE	01/02/95	04/06/96	01/02/1998	01/02/1999	12/02/1999
CZECH REPUBLIC / REPUBLIQUE TCHEQUE	28/04/95	18/12/97	01/04/1998	01/04/1999	01/04/1999
DENMARK / DANEMARK	01/02/95	22/09/97	01/02/1998	01/02/1999	06/05/1999
ESTONIA / ESTONIE	02/02/95	06/01/97	01/02/1998	01/02/1999	
FINLAND / FINLANDE	01/02/95	03/10/97	01/02/1998	01/02/1999	16/02/1999
GERMANY / ALLEMAGNE	11/05/95	10/09/97	01/02/1998	01/02/1999	
GREECE / GRECE	22/09/97				
HUNGARY / HONGRIE	01/02/95	25/09/95	01/02/1998	01/02/1999	21/05/1999
ICELAND / ISLANDE	01/02/95				
IRELAND / IRLANDE	01/02/95	07/05/99	01/09/1999	01/09/2000	
ITALY / ITALIE	01/02/95	03/11/97	01/03/1998	01/03/1999	03/05/1999
LATVIA / LETTONIE	11/05/95				
LIECHTENSTEIN	01/02/95	18/11/97	01/03/1998	01/03/1999	03/03/1999
LITHUANIA / LITUANIE	01/02/95				
LUXEMBOURG	20/07/95				
MALTA / MALTE	11/05/95	10/02/98	01/06/1998	01/06/1999	27/07/1999
MOLDOVA	13/07/95	20/11/96	01/02/1998	01/02/1999	
NETHERLANDS / PAYS-BAS	01/02/95				
NORWAY / NORVEGE	01/02/95	17/03/99	01/07/1999	01/07/2000	
POLAND / POLOGNE	01/02/95				
PORTUGAL	01/02/95				
ROMANIA / ROUMANIE	01/02/95	11/05/95	01/02/1998	01/02/1999	24/06/1999
RUSSIAN FEDERATION / FEDERATION DE RUSSIE	28/02/96	21/08/98	01/12/1998	01/12/1999	
SAN MARINO / SAINT- MARIN	11/05/95	05/12/96	01/02/1998	01/02/1999	03/02/1999
SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE	01/02/95	14/09/95	01/02/1998	01/02/1999	04/05/1999
SLOVENIA / SLOVENIE	01/02/95	25/03/98	01/07/1998	01/07/1999	
SPAIN / ESPAGNE	01/02/95	01/09/95	01/02/1998	01/02/1999	
SWEDEN / SUEDE	01/02/95				
SWITZERLAND / SUISSE	01/02/95	21/10/98	01/02/1999	01/02/2000	
“the former Yugoslav Republic of Macedonia” / “l'ex-République yougoslave de Macédoine”	25/07/96	10/04/97	01/02/1998	01/02/1999	
UKRAINE	15/09/95	26/01/98	01/05/1998	01/05/1999	
UNITED KINGDOM / ROYAUME UNI	01/02/95	15/01/98	01/05/1998	01/05/1999	26/07/1999
NON-MEMBER STATE / ETAT NON-MEMBRE					
ARMENIA / ARMENIE	25/07/97	20/07/98	01/11/1998	01/11/1999	

* The dates below refer to the submission of reports in one of the official languages of the Council of Europe. This is without prejudice to a possible earlier submission in the original language.

*APPENDIX II / ANNEXE II***ORDINARY MEMBERS OF THE ADVISORY COMMITTEE*
MEMBRES ORDINAIRES DU COMITE CONSULTATIF**

Mr. S. BARTOLE (Italy/Italie) ;

Mr. G. BÍRÓ (Hungary/Hongrie, Second Vice-President/Second Vice-président) ;

Mr. N. BUTTIGIEG SCICLUNA (Malta/Malte) ;

Mrs. M. DOMINI (Croatia/Croatie) ;

Mr. D. GELEV (« the former Yugoslav Republic of Macedonia » / « l'ex-République yougoslave de Macédoine ») ;

Mr. F. HAJOS (Slovenia/Slovénie) ;

M. M. A. HERNÁNDEZ-RUIGOMEZ (Spain/Espagne) ;

Mr. R. HOFMANN (Germany/Allemagne, President/Président) ;

Mr. A. JACOVIDES (Cyprus/Chypre) ;

Mr. D. JILEK (Czech Republic/République tchèque) ;

Mrs. M. LAURISTIN (Estonia/Estonie) ;

Mr. J. MARKO (Austria/Autriche) ;

Mr. V. MITSIK (Ukraine/Ukraine) ;

Mme. I. MOTOC (Romania/Roumanie) ;

Mr. A. PHILLIPS (United Kingdom/Royaume-Uni, First Vice-President/Premier Vice-président) ;

M. J. SIVÁK (Slovakia/Slovaquie) ;

Mrs. E. SMITH-ASMUSSEN (Denmark/Danemark) ;

Mrs. E. TIGERSTEDT-TÄHTELÄ (Finland/Finlande).

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* Country in parenthesis indicates the State Party in respect of which the member concerned has been appointed.