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Contribution of the Council of Europe

**COUNCIL OF EUROPE ACTIVITIES IN THE FIELD OF PROTECTION OF
NATIONAL MINORITIES**

Introductory Remarks

The protection of national minorities became a priority concern for the Council of Europe during the early 1990s with the collapse of the communist regimes and the rise of extreme nationalism in certain parts of Europe. The outbreak of inter-ethnic violence and hostility in former Yugoslavia and former Soviet Union made it all too clear that the protection of national minorities is not only a crucial element of human rights but also essential for stability, security and peace in Europe. The Heads of State and Government of the Council of Europe responded to these developments at their first Summit Meeting, held in Vienna in October 1993, by launching both standard-setting and cooperation activities aimed at protecting national minorities and combating racism, xenophobia, anti-semitism and intolerance.

The increased attention given to minority issues within the Council of Europe resulted in a range of concrete achievements during the 1990s, including the adoption of unique legal standards, namely, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, with effective monitoring mechanisms coupled with targeted co-operation activities. At their Second Council of Europe Summit Meeting, held in Strasbourg on 10-11 October 1997, the Heads of State and Government of the member States reiterated their determination to step up co-operation in respect of the protection of all persons belonging to national minorities. As part of the action plan adopted at the Summit, they resolved to complement the Council of Europe standard setting achievements in this field through practical initiatives, such as confidence-building measures and enhanced co-operation, involving both governments and civil society.

In the Budapest Declaration, adopted on 7 May 1999 on the occasion of the 50th anniversary of the Council of Europe, the Foreign Ministers of the Council of Europe's Member States committed themselves to combat the divisive factors constituted by racism and xenophobia, intolerance and discrimination against minorities. They expressed their determination to continue, in the 21st century, to contribute to building democratic stability and co-operation in Europe. They also undertook to seek political and legal solutions to promote peaceful coexistence of

nations and minorities; in this spirit, reference was made to the implementation of the Council of Europe's contribution to the stability programme for South East Europe.

The decision to continue prioritising minority issues was reconfirmed in the action plan adopted at the Warsaw Summit on 16-17 May 2005, where the Heads of State and Government of the Council of Europe member states called on the Council of Europe "to continue its activities to protect minorities, particularly through the Framework Convention for the Protection of National Minorities and to protect regional languages through the European Charter for Regional or Minority Languages."

Council of Europe Action

Council of Europe action in the field of protection of minorities and integrating diversity is based on the principle that the protection of minorities is part of the universal protection of human rights.

Action includes standard setting, intergovernmental co-operation, activities for the development and consolidation of democratic stability and confidence building measures in civil society. It extends to many related policy fields and involves, in addition to intergovernmental co-operation, the Parliamentary Assembly and the Congress of Local and Regional Authorities of Europe as well as specialised bodies.

The activities organised in the field of minority protection are continuously evolving.

Legal Instruments

The European Convention on Human Rights, which is the centre piece of the Council of Europe's normative "*aquis*", is of relevance for the protection of minorities because its universally applicable individual rights can also be claimed, individually or collectively, by persons belonging to national minorities. Relevant provisions include the freedom of thought, conscience and religion, the freedom of expression, the freedom of assembly and association. The non-discrimination provision of the Convention (Article 14) is of a limited kind because it only prohibits discrimination in the enjoyment of the rights guaranteed by the Convention. These guarantees were strengthened, however, on 1 April 2005, when Protocol No. 12 to the Convention came into force, providing a general prohibition against discrimination. By introducing improved guarantees against discrimination, Protocol No. 12 strengthens the protection afforded under the Convention to individuals belonging to national minorities. The Council of Europe continues to work for the widest possible acceptance of this Protocol amongst all Council of Europe member states (currently 20 states have signed and 17 states have ratified Protocol No. 12).

Since the mid-1990s, an increasing number of cases concerning the situation of minorities have come before the European Court of Human Rights. In some cases concerning Roma, the Court held that there had been a violation of Article 14 on non-discrimination alongside other substantive provisions of the Convention.¹ The fact that Protocol No. 12 of the Convention is in force, the number of cases coming before the Court concerning persons belonging to minorities is likely to increase further.

¹ Nachova and Others v. Bulgaria, Application No. 43577/98, Grand Chamber Judgment, 6 July 2005; Moldovan and Others v. Romania (no.2), Application Nos. 41138/98 and 64320/01, Chamber Judgment, 12 July 2005; and D.H. and Others v. the Czech Republic, Application No. 57325/00, Grand Chamber Judgment, 13 November 2007.

The Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages are the two international conventions on the question of minorities and of regional or minority languages elaborated by the Council of Europe.

Framework Convention for the Protection of National Minorities

The Framework Convention for the Protection of National Minorities of 1994 entered into force on 1 February 1998. Thirty-nine States are currently Party.²

Although not the only instrument to be developed within the Council of Europe relevant to the protection of national minorities, the Framework Convention for the Protection of National Minorities is certainly the most comprehensive document in this area. Indeed, it is the first ever legally binding multilateral instrument devoted to the protection of national minorities in general.

Content

The Framework Convention sets out principles to be respected as well as goals to be achieved by the Contracting Parties, in order to ensure the protection of persons belonging to national minorities, whilst fully respecting the principles of territorial integrity and political independence of States. The principles contained in the Framework Convention have to be implemented through national legislation and appropriate governmental policies. It is also envisaged that these provisions can be implemented through bilateral and multilateral treaties.

The main operative part of the Framework Convention is section II, containing specific principles on a wide range of issues, *inter alia* :

- non-discrimination;
- promotion of effective equality;
- promotion of the conditions regarding the preservation and development of the culture and preservation of religion, language and traditions;
- freedoms of assembly, association, expression, thought, conscience and religion;
- access to and use of media;
- linguistic freedoms:
- use of the minority language in private and in public as well as its use before administrative authorities;
- use of one's own name;
- display of information of a private nature;
- topographical names in the minority language;
- education;
- learning of and instruction in the minority language;
- freedom to set up educational institutions;
- transfrontier contacts;
- international and transfrontier co-operation;
- participation in economic, cultural and social life;

² Parties to the Framework Convention: Albania, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Malta, Moldova, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, San Marino, Serbia and Montenegro, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Ukraine and the United Kingdom. Belgium, Greece, Iceland, and Luxembourg are signatories to the Framework Convention.

- participation in public life;
- prohibition of forced assimilation.

Monitoring of the implementation of the Framework Convention

Introduction

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 as well as other relevant decisions. The evaluation of the adequacy of the implementation of the Framework Convention by the State Parties is carried out by the Committee of Ministers, which is assisted by the Advisory Committee. The Advisory Committee is composed of 18 independent and impartial experts appointed by the Committee of Ministers.

Every five years, State 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. These State reports are made public and are examined by the Advisory Committee, which prepares an Opinion on the measures taken by each reporting State. Having received the Opinion of the Advisory Committee and the subsequent comments from the respective State, the Committee of Ministers is called on to adopt Resolutions and, where appropriate, recommendations in respect of the State Party concerned.

Where do we stand?

The first cycle of monitoring started in 1998 and, as of September 2009, the Advisory Committee has adopted 39 first cycle Opinions and the Committee of Ministers has adopted 36 corresponding Resolutions (see www.coe.int/minorities for a presentation of the results of the monitoring country-by-country).

The second cycle of monitoring started in February 2004 with the receipt of the second State Reports: to date, 35 such reports have been received. As of September 2009, the Advisory Committee has adopted 33 second cycle Opinions, 30 of which have been made public (for a list of these Opinions, see www.coe.int/minorities).

The third cycle of monitoring started in 2009 with the adoption of the Opinion on Moldova in June 2009. A number of third cycle country visits will be carried out in the near future. Seven third cycle State reports have been received to date and fourteen are due by the end of 2009.

On 25 November 2005, following an agreement reached between the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Council of Europe, the Advisory Committee adopted a specific Opinion on the implementation of the Framework Convention in UNMIK-governed Kosovo.³ The Committee of Ministers issued its corresponding Resolution on 21 June 2006. This set an important international precedent in terms of enhancing the accountability and legitimacy of such *sui generis* governing structures. Following the submission of the Progress Report by UNMIK in July 2008, the Advisory Committee carried out its second visit to Kosovo in April 2009 with a view to assessing the progress made in the implementation of the

³ 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.

Framework Convention. In this respect, it is envisaged that the Advisory Committee adopts its second Opinion on Kosovo in November 2009. The results of the monitoring process in Kosovo can be found on www.coe.int/minorities.

Country-visits

An important step in setting up the procedure for monitoring the implementation of the Framework Convention was the introduction of country-visits by the relevant working groups of the Advisory Committee. The Advisory Committee visited almost all the countries under review during the first and second cycle of monitoring. Since Autumn 2008, six visits were organized: Georgia, Kosovo, Moldova, the Netherlands, Poland and Serbia. Opinions were adopted in respect of the following countries: Bosnia and Herzegovina, Georgia, Latvia, Liechtenstein, Moldova, the Netherlands, Poland, San Marino and Serbia. The practice of visits, following an invitation by the country concerned, will be pursued in the third cycle of monitoring.

Publicity of the Opinions

Until recently, the opinions of the Advisory Committee were made public at the same time as the the Committee of Ministers' Resolution, together with any Comments the Contracting Party may have submitted in respect of the Opinion delivered by the Advisory Committee.

However, States had the possibility of making both the Opinion of the Advisory Committee and the Comments of the State concerned public at an earlier date, thereby helping to ensure transparency in the monitoring process. During the first and second cycles of monitoring, over 50% of the State Parties agreed to early publication. In the last year, opinions on Albania, Bosnia and Herzegovina, Montenegro and Serbia were made public early, with the opinion on Azerbaijan published at the same time as the Committee of Ministers' Resolution.

After ten years of the operation of the Framework Convention, the Committee of Ministers agreed that certain procedural modifications were needed as regards the earlier publication of the Advisory Committee's Opinions. The Resolution adopted by the Committee of Ministers in April 2009 aims to enhance the transparency of the monitoring process.⁴ It provides *inter alia* for the publication of the Opinion within four months after its transmission to the State Party concerned unless that State Party submits a reasoned objection to the Secretariat.

Follow-up to the monitoring

The Advisory Committee is pleased to note that most of the countries concerned welcome the Opinions of the Advisory Committee and provide constructive comments on them, in many cases indicating that the Opinion has already prompted increased action to address specific shortcomings in the implementation of the Framework Convention. The Opinions appear to stimulate fresh rounds of interdepartmental discussions within governments and in some cases have prompted an immediate dialogue with national minorities on the issues raised.

States are encouraged to translate the Advisory Committee Opinions into the local language together with the government comments. In practice, the Committee of Ministers' Resolution is also translated in anticipation of a follow-up visit. So far, a

⁴ See the Resolution CM/Res(2009)3 amending Resolution (97)10 on the monitoring arrangements under Article 24-26 of the Framework Convention for the Protection of National Minorities.

number of States have already done this, but there remains scope for improvement in this respect. Existing translations are available on line.

In all resolutions adopted so far on the implementation of the Framework Convention, the Committee of Ministers has asked the country concerned to “continue the dialogue in progress” with the Advisory Committee and to keep the Advisory Committee regularly informed of the measures taken in response to the Resolutions and Recommendations of the Committee of Ministers.

In particular, a number of State Parties have taken the initiative to organise, in co-operation with the Council of Europe, so-called “follow-up seminars”, bringing together governmental representatives, experts from the national side, representatives from civil society and members of the Advisory Committee, to discuss the implementation of the first results of the monitoring of the Framework Convention in the country concerned. While follow-up seminars have become a standard feature of the Advisory Committee’s work, a number of State Parties have shown reluctance to convene follow-up seminars in spite of civil society expectations. In many cases follow-up events are the only opportunity for all parties concerned to discuss the findings of the monitoring and they provide an incentive to translate Opinions and Resolutions. Only 14 follow-up seminars have been organised so far in the second monitoring cycle (Armenia, Croatia, the Czech Republic, Estonia, Germany, Finland, Hungary, Moldova, Norway, Romania, the Slovak Republic, Slovenia, Sweden, “the former Yugoslav Republic of Macedonia).

Impact of the monitoring mechanism

The monitoring mechanism of the Framework Convention has, in many cases, been a central catalyst for improved dialogue between governmental agencies and national minorities and for concrete improvements in legislation and practice in diverse subjects. It has also prompted the adoption of new laws devoted to the protection of national minorities and encouraged States to improve their non-discrimination legislation and practice. The impact of the Framework Convention was analysed at an international conference held in October 2008 in Strasbourg. Presentations from the Conference are available on line.

The Framework Convention and the Opinions of the Advisory Committee have emerged as a central reference in the work of other international bodies, including the OSCE High Commissioner on National Minorities and the European Commission, which relies heavily on the Framework Convention when it examines the implementation of the Copenhagen criteria on national minorities in candidate countries.

Thematic work

While the adoption of country-specific opinions forms the backbone of the Advisory Committee’s work, participants of the fifth anniversary conference held in October 2003 encouraged the Advisory Committee to launch thematic analyses. The first results of this thematic reflection appeared in March 2006, with the publication of the Advisory Committee’s commentary on the Framework Convention’s provisions relating to education. This commentary formed the basis of an international conference on 18 October 2006 in Strasbourg entitled “International Legal Guarantees for the Protection of National Minorities and Problems in their Implementation, with a special focus on minority education”.

The Advisory Committee adopted its second thematic commentary in February 2009 on the effective participation of persons belonging to national minorities in socio-economic and cultural life and in public affairs, following consultation with national minorities and non-governmental organisations in October 2007 in Bolzano, Italy.

Reflection on the third theme was carried out in the period concerned, including at the aforementioned conference held in October 2008. After consultation with organisations of national minorities, the Advisory Committee decided to start working on the topic relating to the linguistic rights of persons belonging to national minorities.

Intergovernmental co-operation in the field of the protection of persons belonging to national minorities

Issues of particular importance for national minorities are also discussed in the Committee of Experts on Issues Relating to the Protection of National Minorities (DH-MIN), which brings together representatives of government offices for national minorities or persons responsible for minority issues within the governmental structure. The DH-MIN members have discussed a broad range of issues, including ethnic data collection, minority access to the media, distribution of public financial support for projects concerning persons belonging to national minorities and their associations and promotion of the use of languages of persons belonging to national minorities in minority communities. The discussions have resulted in the publication of the report on the “Electoral systems, party law and the protection of national minorities” (doc.ref.: DH-MIN(2006)013). Further information relating to the work of the DH-MIN can be found on www.coe.int/minorities.

Co-operation activities concerning the protection of persons belonging to national minorities

A range of activities pertaining to the protection of national minorities have been implemented in the framework of the Council of Europe co-operation and assistance programmes with the aim of facilitating the implementation of the Framework Convention. Training seminars on the drafting of ‘shadow reports’ prepared by non-governmental organisations are organised with a view to increasing the effectiveness of the supervisory mechanism of the Framework Convention,. Several NGO training sessions entitled ‘the Framework Convention as an advocacy tool’ were organised by the Council of Europe and Minority Rights Group International. A first training session on the Framework Convention for UN minority fellows was organised in June 2009 in Strasbourg.

Efforts to increase the dissemination of information on the Framework Convention have continued, notably, with the development of a new web site and related graphic line as well as with the translation of a brochure on the Framework Convention into many languages.

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European Charter for Regional or Minority Languages

The European Charter for Regional or Minority Languages was opened for signature in November 1992 and entered into force on 1 March 1998. It has been ratified so far by Armenia, Austria, Croatia, Cyprus, the Czech Republic, Denmark, Finland, Germany, Hungary, Liechtenstein, Luxembourg, Montenegro, the Netherlands, Norway, Poland, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine and the United Kingdom. A further ten States signed the Charter⁵. Seven States have committed themselves to ratification when joining the Council of Europe but have not yet done so (Albania, Azerbaijan, Bosnia and Herzegovina, Georgia, Moldova, "the former Yugoslav Republic of Macedonia", Russian Federation).

The purpose of the Charter is to protect and promote the various regional and minority languages spoken in the different countries of Europe, thereby preserving the cultural wealth of our continent. The Charter provides for a definition of the languages covered by this treaty (Article 1): these are the languages which have been traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population and are different from the official language(s) of that State. The definition explicitly excludes the languages of migrants and the dialects of the official language(s) of the State. The protection of regional or minority languages must respect the territorial integrity of each State without interfering with the development of the official language(s) of that State.

Part II of the Charter lays down the aims and principles for all the languages spoken on a given territory which are to be the States' long term policy targets. These aims and principles include, *inter alia*, the recognition of the regional or minority language as an expression of cultural wealth, the respect for the geographical area in which each language is spoken, the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life, and the teaching and study of these languages at all the appropriate stages. In addition, States are required to eliminate discrimination in respect of the use of regional or minority languages. Although the Charter is principally concerned with languages which are historically identified with a particular territory of the State, it was considered necessary to grant "non-territorial languages" protection as far as possible, and they are therefore subject to the protection under Part II of the Charter.

Part III contains more specific provisions for the languages identified thereunder by the States at the time of ratification. The undertakings entered into by the States under Part III require the latter to adopt concrete positive measures for the protection and promotion of regional or minority languages in several fields: education, justice, dealings with the administrative authorities and public services, media, cultural activities and facilities, economic and social life and transfrontier co-operation. However, the extent of the protection can vary according to the situation of each language (e.g. the number of speakers) provided that the State applies at least 35 paragraphs or sub-paragraphs of the Charter to each language that it has selected under Part III. This contributes to a minimum standard of protection. It should, however, be emphasised that the Charter does not, as such, establish any individual or collective rights for the speakers of regional or minority languages.

⁵ Azerbaijan, Bosnia and Herzegovina, France, Iceland, Italy, Malta, Moldova, Romania, Russian Federation and "the former Yugoslav Republic of Macedonia".

Although the Charter is not concerned with minorities as such, it may be expected to help, in a measured and realistic fashion, to assuage the problem of minorities whose language is their distinguishing feature by enabling them to feel at ease in the State in which history has placed them.

The Charter foresees a system of monitoring its implementation by an independent Committee of Experts. Each Party is required to present a first report within the year following the entry into force of the Charter with respect to it, in which the Party states its policy and measures taken in order to fulfil its obligations under the Charter. Other periodical reports are to be presented thereafter at three yearly intervals. These reports are made public by the State Party. The Committee of Experts, established in accordance with the Charter's provisions, has already started considering the third periodical reports presented by the longest-standing States Parties.

After a first examination of the State report, the Committee of Experts may decide to visit the relevant State in order to meet with representatives of the users of the various regional or minority languages and to consult with the authorities on the contents of the information that the Committee of Experts has received.

In the context of the fact-finding process, the Committee of Experts can be approached by bodies or associations legally established in the respective State Party wishing to supply additional information or to give their views on specific situations relating to the implementation of the Charter. The Charter itself does not pose any limitations as to the nature of these bodies or associations, other than the requirement that they have to be established in the State concerned in accordance with national legislation. Accordingly, they can be cultural, political bodies, or any other association which has an interest in the promotion of regional or minority languages in their country.

After this process of information gathering, the Committee of Experts adopts a report which is then sent to the Committee of Ministers of the Council of Europe together with proposals for the recommendations to be addressed by the Committee of Ministers to the State concerned.

Additionally, the Secretary General of the Council of Europe is required to report every two years to the Parliamentary Assembly concerning the implementation of the Charter.

The Charter being a rather complex instrument for States to ratify and implement, information seminars are regularly organised by the Secretariat in those States which are approaching ratification or are facing difficulties in the implementation of the Charter and the recommendations made by the Committee of Ministers and the Committee of Experts.

Non-governmental organisations and local, regional and national authorities are usually also involved in such seminars. In particular, non-governmental organisations have the important role of assisting the authorities in identifying the needs of the languages as to which kind and level of protection is adequate. They also have the role of providing the Committee of Experts with information, after ratification and during the monitoring process, on how the Charter is applied in practice. Local and regional authorities are often the authorities which are in practice confronted with implementing the obligations arising from the Charter, for example in pre-school education, in local and regional assemblies and administration.

The OSCE High Commissioner on National Minorities continues to make reference to the Charter as the legal frame of reference for the protection and promotion of minority languages. In this context, the secretariats of the Charter and the

Roma and Travellers

1. Committee of Experts on Roma and Travellers (MG-S-ROM)

In 1995, the Committee of Ministers set up a committee, the Specialist Group on Roma, Gypsies and Travellers (MG-S-ROM). In July 2006, **the MG-S-ROM was renamed “Committee of Experts on Roma and Travellers”**.

The Committee of Experts is **open to all member states, including states with observer status with the Council of Europe**. As of today **27 member states actively participate in the work of the Committee**⁶. The Parliamentary Assembly of the Council of Europe, the Congress of Local and Regional Authorities of the Council of Europe, the Office of the Council of Europe Commissioner for Human Rights, the European Commission against Racism and Intolerance (ECRI), the Council of Europe Development Bank (CEB), the Conference of INGOs of the Council of Europe, as well as representatives of various Council of Europe monitoring bodies (e.g. the European Social Charter, the Framework Convention for the Protection of National Minorities, and the European Charter for Regional or Minority Languages) are invited to take part in the meetings of the Committee. In addition, international organisations/institutions such as the European Commission, the European Parliament, the FRA, the OSCE-ODIHR/Contact Point for Roma and Sinti Issues, the IOM, the UNDP, the UNHCR and the World Bank regularly take part in these meetings. A number of international non-governmental organisations have been granted an observer status. This includes the European Roma Information Office (ERIO), the European Roma Rights Center (ERRC), the European Roma and Travellers Forum (ERTF), the Open Society Institute (OSI), the Project on Ethnic Relations (PER), and since 2009 the Decade of Roma Inclusion Secretariat Foundation, the Forum of European Roma Young People (FERYP) and the Roma Education Fund (REF). Five Roma and Travellers NGOs and/or independent experts, including one designated by the European Roma and Travellers Forum, are invited to participate in the work of the Committee pending the items on the agenda.

The Committee has a mandate to **study, analyse and evaluate the implementation of policies (national programmes and/or action plans) and practices** of member states concerning Roma and Travellers at domestic level, and **act as a forum for the exchange of information**, views and experience on policies, good practice and issues relating to Roma and Travellers. It **keeps under review the situation of Roma and Travellers in member states** in compliance with relevant international instruments, including those of the Council of Europe, and can issue Opinions on specific issues of concern (e.g. the creation of a European Solidarity Fund, the situation of Kosovar Roma refugees, returnees and IDPs, the housing situation of Roma). The Committee **draws up draft recommendations** for the improvement of the access of these populations to human and social rights, (employment, health, housing, culture and education), the situation of women and children and other issues of daily life. These recommendations are adopted by the

⁶ Regular participating countries are : Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Sweden, “the former Yugoslav Republic of Macedonia”, Turkey, Ukraine and United Kingdom. A more regular participation from Belgium, Estonia, Latvia, Moldova and Switzerland is under consideration.

Committee of Ministers, systematically translated by the Council of Europe into Romani, and sometimes in some national languages by member states.

The Council of Europe's Committee of Ministers has so far adopted **seven specific Roma and Travellers-related recommendations**: on the education of Roma children [Rec. (2000)4], on employment [Rec. (2001)17], on the movement and encampment of Travellers [Rec. (2004)14], on housing [Rec. (2005)4], on access to health care [Rec. (2006)10], on policies for Roma and/or Travellers [Rec.(2008)5] and, a few months ago, on the education of Roma and Travellers [Rec. (2009)4]. These recommendations serve as **reference documents for model strategy for member states wishing to engage in policy-making on Roma and/or Travellers or in monitoring of policy implementation, as well as for other international organisations/institutions wishing to develop a European Roma policy (re. EU Roma Platform)**.

In 2009, the MG-S-ROM also adopted an explanatory memorandum of Rec. (2006)10 on access to health care, which includes examples of good practices. An explanatory memorandum of Rec. (2009)4 on the education of Roma and Travellers has also been recently adopted by the Steering Committee for Education (CD-ED).

One of the main priorities of the Committee is **to encourage member states to adopt comprehensive national programmes for Roma and/or Travellers following a participatory consultation process with Roma civil society**. Such programmes or national action plans have now been adopted in 22 European countries. Finland and Sweden are in the process of adopting such national strategies, while the Ukraine is considering adopting a new Plan of Action on Roma with the assistance of the Council of Europe.

The Committee encourages other European states having even a small Roma, Sinti or Traveller population to develop such national comprehensive programmes at national level. This was one of the recommendations addressed by the MG-S-ROM to the Dutch authorities on the occasion of the public hearing organised in The Hague in November 2008. Such public hearings with state and local authorities and local NGOs are organised when the Committee meets in a CoE member state (i.e. once a year). In March 2009, the Committee was invited by the Spanish authorities to hold its 27th meeting in Seville. In the autumn 2010, the Committee should meet in Poland.

Their implementation, especially at the local level, is now a major concern for the Organisation. This is why the Committee is currently seeking to **reinforce its cooperation with the Congress for Local and Regional Authorities of the Council of Europe**. The latter has decided, in March 2009, to nominate a special rapporteur on Roma and Traveller issues who will now attend MG-S-ROM meetings and ensure better coordination between the two bodies. Municipalities which demonstrate good examples of integration of Roma can receive a **Prize for Municipalities, a joint project between the Dosta! campaign and the Congress**. A new Prize competition should be launched in 2010.

2. Intergovernmental activities run by Directorate General of Social Cohesion/ Roma and Travellers Division

Within the framework of the Council of Europe programme of assistance and cooperation with member States, activities have been undertaken to assess the present situation of Roma and/or Traveller communities.

In addition to the Ordinary budget of the Council of Europe, regular **financial**

contributions are made by **Finland to DG3 Special Account on Roma** since 1996. Other recent ad hoc contributors included **Norway** (activities related to youth and migration, women, anti-trafficking and Roma health mediators) and **Sweden** (Romani women's conference). These contributions have made it possible to develop a comprehensive programme of activities to assist governments seeking to develop policies towards Roma and Travellers, as well as to ensure the participation of Roma in various activities at national and international levels.

The thematic programme of activities of the Council of Europe Roma and Travellers Division has included since the last OSCE-HDIM in October 2008 the following activities or contributions from DG3 Social Cohesion:

DISCRIMINATION / ANTI-GYPSYISM

- Since 2008 the Council of Europe has encouraged all member states to launch the **Dosta! awareness-raising campaign against prejudice and negative stereotypes**, which had been initially launched through a joint CoE/EU programme in Albania, Bosnia and Herzegovina, Montenegro, Serbia and in "The former Yugoslav Republic of Macedonia" in 2006-2007. Croatia, Italy, Latvia, Romania and Slovenia have responded positively to this call, as well as Moldova and Ukraine in the context of another joint CoE/EU programme on Roma in these two countries. Other countries, including the Czech Republic, Finland, Germany, Slovakia, Spain and Sweden have also been invited to join the campaign in the near future. The multilanguage website of the Dosta! Campaign (www.dosta.org) is regularly updated with new information and documentation, including leaflets, posters, TV and radio spots, as well as a toolkit for campaigning for Roma and for fighting against stereotypes. The Dosta! campaign is also linked to the Council of Europe campaign "Speak out against discrimination!" (<http://www.coe.int/t/dg4/anti-discrimination-campaign/>).
- Training of journalists on Roma minority and ethical reporting in Moldova (9-10 March 2009) and Ukraine (6 May 2009) in the framework of the joint CoE/EU programme on Roma, and in co-operation with the CoE Directorate of Communication.
- Festival "Art and Youth against discrimination" organised in the framework of the joint CoE/EU programme (Ukraine, 27 June 2009).
- Participation of the Coordinator for Roma-related activities in the High Level Conference on the Security Situation of Roma in Europe organised by the European Roma and Travellers Forum (ERTF) and the Roma Party in Romania (Bucharest, 12-13 October 2009).

MIGRATION

- Elaboration of project proposals concerning Roma migrants for voluntary contributions in 2010.
- Participation of the Roma Division in the Working Preparatory Seminar between FRA, OSCE-HCNM and the Office of the Commissioner for Human Rights of the CoE on Roma migration and freedom of movement (Strasbourg, 9-10 July 2009).

- Participation of the Roma and Traveller Division in various public debates with local authorities and local population on Roma migrants in France (Nantes, 28 April, Strasbourg, 15 October and Laval, 4 November 2009).
- Item on Roma migration, freedom of movement and asylum in the agenda of the 28th MG-S-ROM meeting (Strasbourg, 15-16 October 2009).
- Participation of the Roma Division at the Joint FRA/OSCE/Council of Europe Conference on Roma migration and freedom of movement (9-10 November 2009).

POLICY DEVELOPMENT

- Participation of the Roma Division in the meetings of the international steering committee of the Decade for Roma Inclusion, under the Serbian and the Slovak presidencies.
- Preparation of a joint CoE/EU/Turkish authorities project on Roma in Turkey.
- Assistance (expertise) for the development of a new national action plan for Roma in the Ukraine in the framework of a possible new joint CoE/EU programme, and for the implementation of the current action plan for Roma in Moldova, taking into account CoE Recommendation (2008)5 on policies concerning Roma and/or Travellers in Europe.

CO-OPERATION WITH LOCAL AUTHORITIES

- 2nd edition of the Dosta!/Congress Prize for municipalities: the prize giving ceremony took place during the 16th Congress of Local and Regional Authorities Plenary session (Strasbourg, 4 March 2009).
- Meeting between members of the MG-S-ROM and members of the Congress for Local and Regional Authorities of the Council of Europe on Roma and Travellers related issues where the Congress announced that a special rapporteur for Roma and Travellers issues would be nominated to attend future MG-S-ROM meetings (Strasbourg, 5 March 2009).
- Participation of the Roma Division Secretariat on Roma and Traveller Issues at a meeting of the Social Cohesion Committee of the Congress (Strasbourg, 12 October 2009).
- Participation of the Congress special rapporteur for Roma and Travellers issues, as well as of the President of the Greek Rom Intermunicipal Network at the 28th MG-S-ROM meeting (Strasbourg, 15-16 October 2009).
- Active support of Odessa municipality at the Festival "Art and Youth against discrimination" organised in the framework of the joint CoE/EU programme (Ukraine, 27 June 2009). The Odessa municipality invited other minority groups to perform at the concert and delivered speeches against racism.

EDUCATION

- Contribution to DG4 International Conference "Education for Roma: achievements, opportunities and challenges for the future" under the

- Teachers' training in Moldova on Roma school assistants/mediators in the framework of the joint CoE/EU programme on Roma (19-20 June 2009).
- Co-operation between the MG-S-ROM and the Steering Committee for Education (CD-ED) and respective secretariats in DG3 and DG4 to draft Recommendation Rec. (2009)4 on the education of Roma and Travellers in Europe that was adopted by the Committee of Ministers in July 2009.
- Participation of the Roma Division and the Coordinator for Roma-related activities at the 2nd Seminar of the Integrated EU Platform for Roma Inclusion: Improving the quality education for Roma (Brussels, 28 September 2009).

EMPLOYMENT

- Participation of the Vice-Chair of the MG-S-ROM at the Decade of Roma Inclusion Employment Workshop (Zagreb, 15-16 June 2009).
- Collection of good practices in the field of Roma employment to be included in an implementation report of Recommendation (2001)17 on improving the economic and employment situation of Roma and Travellers in Europe. The draft report will be presented at the 28th MG-S-ROM meeting (Strasbourg, 15-16 October 2009).

HEALTH

- Adoption by the MG-S-ROM at its 27th meeting of the explanatory memorandum and implementation report of Recommendation (2006)10 on better access to health care for Roma and Travellers in Europe. The report includes good practices in this field (Seville, 26-27 March 2009).
- Meeting between the Roma Division Secretariat and the European Committee on Health (CDSP) to discuss possible future co-operation between the MG-S-ROM and the CDSP (6-7 July 2009).
- Participation of experts supported by the Council of Europe Roma and Travellers Division at the Panel on Forced Sterilisation of Women (Romani women in Europe) at the Conference of the International on Gynaecology and Obstetrics (FIGO) (Cape Town, South Africa, 5 October). One of the experts reported about the conference conclusions at the 28th MG-S-ROM meeting (Strasbourg, 15-16 October 2009).

HOUSING

- Draft Opinion proposed by the Coordinator for Roma-related activities and discussed at the MG-S-ROM regarding the alarming housing situation and evictions of Roma and Travellers in Europe to complement Recommendation (2005)4 on improving the housing conditions of Roma and Travellers in Europe and Recommendation (2004)14 on the movement and encampment of Travellers in Europe (27th and 28th MG-S-ROM meetings, Seville, 26-27 March and Strasbourg, 15-16 October 2009).

- Participation of the Coordinator for Roma-related activities at the FRA Round table on the housing situation of Roma and Travellers in the EU (20 October 2009).

POLITICAL PARTICIPATION

- Update by the Roma Division of an overview document on forms of representation/participation of Roma and Travellers in decision-making processes at all levels to be presented at the 28th MG-S-ROM meeting (Strasbourg, 15-16 October 2009). Discussion about a MG-S-ROM Opinion or draft Recommendation on this topic.

ROMA WOMEN AND YOUTH

- Organisation of the 2nd Conference of Romani women (as a follow-up of the joint Council of Europe/FRA/Swedish authorities Conference from December 2007) by the Council of Europe and the Greek State and Local Authorities (Athens, 5-6 December 2009 – dates to be confirmed).
- Participation of the Head of Migration and Roma Department at the FERYP Consultative Meeting on Roma Migration – Challenges, Opportunities and the Youth Perspective” (Valencia, Spain, 10-15 November 2009).
- Renewal for three years (2009-2011) of the Roma internship programme at the Council of Europe sponsored by Open Society Institute (OSI) for young Roma from Central and Eastern Europe. Since 2003, the Council of Europe has welcomed more than 25 Roma interns thanks to a financial contribution from the Open Society Institute (OSI), the Dutch organisation FORUM and the Finnish government.

LITIGATION

- 2nd training session for national NGOs on procedures related to the collective complaints under the European Revised Social charter, in co-operation with ERRC, Interrights and the European Roma and Travellers Forum (Strasbourg, 19-20 February 2009).
- 13th annual training session for English-speaking lawyers willing to defend Roma on the case law and mechanisms of the European Court of Human Rights, in co-operation with ERRC (Strasbourg, 28-29 May).
- Publication by the Council of Europe in 2009 of the “Handbook on the role of the European Court of Human Rights, a useful tool for lawyers defending Roma and Travellers before national and international jurisdictions” (available in English).

3. Coordinator of Activities concerning Roma and Travellers

Since 1995, the Coordinator is responsible at the level of the Council of Europe for:

- co-ordinating activities on Roma and Travellers within the Council of Europe;

- co-operating with other international organisations involved with Roma issues, and in particular with the OSCE/ODIHR/Contact Point for Roma and Sinti Issues and with the European Commission;
- establishing working relations with Roma and Traveller associations, in particular the European Roma and Travellers Forum (ERTF); and
- advising on policies and problems regarding Roma and Travellers.

The Coordinator is also closely involved in the organisation of the bi-annual meetings of the Informal Contact Group of international organisations/institutions dealing with Roma, Sinti and Traveller issues under each EU Council presidency (see item 6 below).

4. Roma documentation centre and websites

The Secretariat of the Roma and Travellers Division of the Council of Europe maintains a **documentation centre**, as well as a **website** with thematic reports and other documents concerning Roma and Travellers activities: <http://www.coe.int/romatravellers>.

The Dosta! awareness-raising campaign against prejudice towards Roma has its own multilingual website: www.dosta.org.

5. Intergovernmental activities run by DG4/Education and Cultural Heritage

- **The Project "Education of Roma children in Europe"**

Council of Europe experience

The Council of Europe is the pioneer organisation which began its involvement with the Roma in 1969 by adopting the first official text on the "situation of Gypsies and other Travellers in Europe". In 1983 the Council of Europe organised the first training seminar for teachers working with Roma children. In 1993 the Roma population was declared a European minority. A special Division working only on Roma and Travellers issues was created in the Council of Europe in 1995 - Roma and Travellers Division - together with the Committee of Experts on Roma and Travellers (MG-S-ROM). The MG-S-ROM, which has a mixed composition of Roma and non-Roma, officials and civil society representatives, representatives of Roma NGOs and intergovernmental organisations, is open to all member states. The Council of Europe was once again at the forefront when, in December 2004, it became the first international organisation to sign a partnership agreement with the European Roma and Travellers Forum (ERTF). It also contributed to the creation of the Forum of European Roma Young People (FERYP) and to the International Romani Women's Network (IRWN), both members of the ERTF.

Education: a priority Recent activities

The future of Roma communities hinges very much on arrangements for the schooling of their children, as education is a key factor in understanding modern reality and in social integration.

That is why in 2002, the Council of Europe started the “Education of Roma children in Europe” project with the aim of implementing the Council of Europe Committee of Ministers’ Recommendation 2000/4 on the education of Roma in Europe. The aim of the project is to support and guide, through co-ordination, synthesis and evaluation, information and training, the integration of Roma communities into the mainstream education system. The originality of the project lies in the fact that the Roma themselves were/are actively involved at every stage, mainly through participation in the design and execution of the policies concerning them.

After six years of work, a range of products was produced which show the concrete manner of the Council of Europe’s contribution in improving the access to education for Roma. They are available on the internet site of the project:

www.coe.int/education/roma

Some examples:

- Strategies for developing national education policies for the Roma. Specifically, it describes the particular educational context of the Roma and the role of school. It proposes, via a grid, strategies for implementing those policies. The result is a comprehensive vision of education policy for the Roma, that covers schooling, social inclusion, cultural identity and the promotion of Roma cultural heritage as well as the empowerment and participation of the Roma community.
- Teaching kit for Roma pre-school children. This kit prepares Roma and Traveller children who have not attended nursery school and are neither ready nor sufficiently mature for the first primary school class to start school so that they do not fall too far behind.
- Training seminars in the framework of the “Pestalozzi” programme for education professionals of the Council of Europe. Every year training seminars are devoted to Roma issues (use of teaching material, Roma culture and history in schools, Roma school mediators, community/family and school, etc.).
- Guide for Roma school mediators. Positions such as that of a Roma mediator or school assistant can be made more effective by promoting high-quality initial training geared to the needs on the ground. This Guide contains an occupational profile, training modules for mediators and other essential practical information.
- Teaching material suitable for use by Roma and non-Roma teachers working with classes made up of both Roma and other children. This material, in the form of publications or sets of educational fact sheets covering a number of topics, such as history, culture, language, will foster mutual understanding of differences, which is the basic principle underlying the intercultural approach. It can be used in both formal education and non-formal educational settings such as cultural centres or museums of Roma culture and history. Some of this material can be used in the community by children and their parents.
- The Roma Holocaust. A section of the Roma website is dedicated to the Roma Holocaust. This work is done in co-operation with OSCE/ODIHR. It comprises a database on this period of Roma history, with a virtual library of the best-known and most useful publications, and an interactive map on which countries can indicate their special/distinctive features at national level. The website will also provide information on curricula, available teaching materials, school textbooks, places of remembrance, and innovative practices introduced by ministries, civil society, international organisations, museums and schools.

Project follow-up

After the implementation of the project and almost a decade after the Committee of Ministers adopted Recommendation No. R (2000) 4, it was necessary to take stock of the work done on the education of Roma, to draw lessons from this stocktaking exercise and to make fresh proposals.

That is why an evaluation conference of the project was held in Slovenia in May 2009.

The conclusions of the conference show that there is a huge need of continuity and co-operation at international level.

One of the conclusions is that the Council of Europe project should continue in order to ensure the dissemination of the results (teaching and training material, training methods etc).

Another important conclusion of the conference agreed by the international organisations present (Council of Europe, UNESCO, OSCE/ODIHR, Roma Education Fund) is to set up an International Task Force for the Education of Roma and Travellers (ITFERT). The ITFERT would meet once a year in order to compare every organisation's agenda, establish co-operations and create strategies of dissemination of the existing products.

The Council of Europe works closely with UNESCO, OSCE-ODIHR, the Roma Education Fund, and the Roma Civil Society. The COE has also established contacts with the European Commission, the Task Force for International co-operation on Holocaust Education, Remembrance and Research and the European Roma and Travellers Forum. This co-operation is a coherent approach at an international level and is critical for the funding, visibility and organisation of the project and also for promoting new ideas in support of the education of Roma children. An international body such as the ITFERT would help for a better co-ordination and coherence of the work.

A new [Recommendation on the education of Roma and Travellers](#) was adopted by the Committee of Ministers of the Council of Europe on 17 June 2009. It is the most recent international official text covering all aspects of the education of Roma and Travellers.

- **Project "A Curriculum Framework for Romani" and related tools**

The Language Policy Division implemented a project to foster the teaching and learning of the Romani language in Europe. A "[Curriculum Frameworkd for Romani](#)" was developed, drawing on the Council of Europe world-wide used "[Common European Framework of Reference for Languages: Learning, Teaching, Assessment](#) (CEFR). It is designed for practitioners as well as for manual designers and policy deciders. The Framework concerns age groups 4-16 and can be adapted to local contexts and needs. After a piloting phase and two seminars involving deciders and the teaching profession, a revised version was published in late 2008.

To supplement the "Curriculum Framework for Romani", additional tools were produced to help more specifically teachers and learners of Romani: two European Language Portfolio models (for age groups 6-11 and 11-16) which are a personal document for the learner, accompanied by a Handbook for teachers. The translation of these instruments into other Romani varieties and into national/official languages is encouraged.

The work has benefited from a voluntary contribution from Finland. The European Roma and Travellers Forum has followed the work with interest and was closely involved in the preparation of instruments, which are available in [English and in Romani](#) online.

More information on the Language Policy website: www.coe.int/lang (Section Minorities and Migrants).

- **The Project "Route of Roma Culture and Heritage"**

The objective of the Route of Roma Culture and Heritage is to increase the knowledge of people in Europe about Roma history, culture, values and lifestyle, to encourage the contribution of Roma to Europe's cultural life and diversity and ultimately contribute to giving a positive value to an image of Roma which are, more often than not, perceived in a negative and stereotyped way.

The Cultural Route will first develop as a network of organisations (associations, museums, documentation and cultural centres, art and education institutions, festivals, etc.) which work together towards developing a common set of activities.

As a second stage, the Route will evolve as a series of tourist itineraries across different cities and territories of Europe, which would allow visitors to gain a more thorough understanding of Roma culture.

More information about the Route of Roma Culture and Heritage on the webpage: <http://www.coe.int/routes>

6. Co-operation with international partners

- ***Informal Contact Group (ICG) between International Organisations/Institutions on Roma, Sinti and Traveller Issues***

An informal mechanism of consultation and cooperation among international organisations involved in Roma issues was put in place in 2000 and named Informal Contact Group (ICG) between International Organisations on Roma, Sinti and Traveller Issues. It was originally intended to hold meetings between the Council of Europe, the OSCE/ODIHR, the European Commission and the Presidency of the European Union on the occasion of each EU Council presidency.

The objectives of these meetings are to maximise the use of existing resources, to avoid duplication, to benefit from each other's experience and to launch a process of common reflection on current problems facing Roma, Sinti and Traveller communities in Europe. Participants include representatives of European Union institutions (various DGs of the European Commission, European Parliament, Fundamental Rights Agency), the Council of Europe, the OSCE-ODIHR, the World Bank, UN agencies (UNDP, UNHCR), as well as representatives from some international partner NGOs: the European Roma and Travellers Forum (ERTF), the European Roma Information Office (ERIO), Open Society Institute (OSI) and the European Roma Rights Centre (ERRC).

At the 12 June 2009 ICG meeting organised under the Czech EU Council presidency, the Group addressed growing anti-Gypsyism and Roma emigration from the Czech Republic and EU countries in general. The European Commission also reported about the conclusions of the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO) and reiterated the common basic principles on Roma Inclusion

adopted by EU member states at the end of the French EU Council presidency. discussion took place regarding the

The agenda of the next ICG meeting organised under the Swedish EU Council Presidency in Brussels on 28 September 2009 included issues, such as measures to be undertaken by member states and international organisations/institutions to address extreme forms of discrimination and violence against Roma in Europe, and the role of international organisations/institutions in promoting wider Roma representation/participation at the political level. Apart from exchanging information on upcoming activities, the Group also debated about the possible merge in the long term between ICG meetings and meetings on the EU Platform for Roma Inclusion.

- ***European Commission***

The co-operation in the field of Roma between the European Commission and the Council of Europe is ensured through regular contacts between the Roma and Travellers Division and DG Employment, DG REGIO and DG Enlargement.

Various departments of the European Commission attend meetings of the Informal Contact Group (see above).

Since 2000 the Council of Europe Roma and Travellers Division implements joint European Commission (EIDHR) and Council of Europe programmes on Roma.

The fourth joint CoE/EC Project “Moldova and Ukraine: Enhancing the domestic capacity to devise, implement, monitor and communicate on the national action plans for Roma (with focus on education and health) and countering negative stereotyping faced by Roma people” came to an end on 30 June 2009. This joint project had the following objectives:

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1. in Moldova, to ensure that implementing, communication and monitoring mechanisms on the Action Plan for Roma at national and local levels were improved and became more inclusive for the Roma representatives. As for Ukraine, to assess the opportunity of a similar project and action for Roma in Ukraine specifically.
 2. to empower Roma communities in Moldova, women and youth in particular, by promoting their active participation in the implementation of national action plans, including through concrete actions such as promoting institutionalisation of Roma school assistants, socio-sanitary and anti-trafficking mediators. As for Ukraine, to assess the opportunity of similar initiatives.
 3. to promote both in Ukraine and Moldova a better image of Roma through the Dosta! awareness-raising campaign aimed at combating prejudices and negative stereotypes.
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No follow-up EU/CoE joint projects on Roma are for the time being foreseen.

- ***European Economic and Social Committee***

The Council of Europe has contributed through several consultations to the European Economic and Social Committee (EESC) opinion on how to maximise the impact and effectiveness of all relevant instruments in order to fight discrimination and promote the integration of minorities, notably Roma. Representatives of the EESC have attended the last ICG meetings.

- ***European Parliament***

In 2009 the Council of Europe has contributed with comments to the European Parliament report on Roma Access to Employment. The Roma and Travellers Division also attended the Conference on Roma participation organised by the European Roma Information Office (ERIO) and the European Parliament in Brussels on 16 April 2009.

- **FRA**

FRA attends and actively contributes to MG-S-ROM and ICG meetings.

On the occasion of the International Roma Day (8 April), FRA and the Office of the CoE Commissioner for Human Rights released a joint statement.

In 2009, the Office of the Council of Europe Commissioner for Human Rights and DG3 Roma and Travellers Division have actively co-operated with FRA on various projects, including a study on the situation of Roma in accessing housing in the 27 EU member states and on Roma migration and freedom of movement.

A Working preparatory seminar was organised by the Office of the CoE Commissioner for Human Rights in Strasbourg on 9-10 July 2009 in the framework of the joint action between FRA, OSCE and the Council of Europe on Roma migration and freedom of movement. A Joint Conference on these topics will be organised in Vienna on 9-10 November 2009.

The Council of Europe Roma and Travellers Division expects future joint activities with FRA in three areas, namely gender (follow up of the Romani Women's Conference jointly organised by the CoE, FRA and the Swedish government in Stockholm in December 2007), training sessions (training of Roma health mediators and training of lawyers defending Roma) and promotion of the Dosta! campaign in EU member states.

- **IOM**

IOM has an observer status in MG-S-ROM meetings. IOM Office in Ukraine has contributed to the Festival "Art and Youth against discrimination" organised in the framework of the joint CoE/EU programme (Ukraine, 27 June 2009).

- **OSCE**

Issues of common interest between the two organisations are the following: early education of Roma children, remembrance of Holocaust, anti-trafficking, Roma refugees, IDPs and returnees (with specific focus on Kosovar RAE), migration, political representation and implementation of policies for Roma.

On 8 April 2009 the CoE Commissioner for Human Rights and the OSCE High Commissioner on National Minorities released their joint report on Roma migrants.

OSCE-ODIHR attends and actively contributes to MG-S-ROM meetings, as well as to the Informal Contact Group of international organisations. The OSCE-ODIHR also took part in CoE International Conference "Education for Roma: achievements, opportunities and challenges for the future" organised under the Slovenian presidency of the Council of Europe in Brdo on 25-26 May 2009, and accepted to joint a future task force on Roma Education.

Both the OSCE-ODIHR and the OSCE-HCNM are – together with the Council of Europe and FRA – co-organisers of the Conference on Roma migration and freedom of movement to take place in Vienna on 9-10 November 2009.

The Council of Europe will be represented *inter alia* by the Council of Europe Coordinator on Roma-related activities at the 2009 OSCE Human Dimension Implementation Meeting who will also represent colleagues from DG4 Education Directorate when pre-school education of Roma will be addressed (7 October 2009).

- **UNDP**

UNDP has an observer status in MG-S-ROM meetings and also takes part in ICG meetings. In 2009, there has been no specific co-operation between the Council of Europe and UNDP on Roma issues. Closer co-operation in terms of monitoring Roma Decade Action Plans and general Roma strategies could be established in the future.

- **UNESCO**

The Council of Europe Division for the European Dimension of Education in DG4 co-operates with UNESCO. Follow-up co-operation activities are being envisaged, including in the framework of a future task force on Roma education as discussed at the CoE International Conference “Education for Roma: achievements, opportunities and challenges for the future” organised under the Slovenian presidency of the Council of Europe in Brdo on 25-26 May 2009.

- **UNHCR**

FRA attends and actively contributes to MG-S-ROM and ICG meetings.

The Council of Europe and the UNHCR organise every year joint activities related to Roma refugees. However, in 2009, the proposed joint Regional Conference on the legal status and citizenship of Roma has been cancelled by the UNHCR due to an overlap with a joint project between the UNHCR and the EU under IPA.

- **UNICEF**

In 2009, there has been no specific co-operation between the Council of Europe and UNICEF on Roma-related issues. UNICEF has not yet requested observer status with MG-S-ROM. The Roma and Travellers Division meets with UNICEF representatives at Roma Decade International Steering Committee meetings.

- **UN-OHCHR**

The OHCHR actively contributed to the Romani Women's Conference jointly organised by the CoE, FRA and the Swedish government in Stockholm in December 2007. A reinforcement of co-operation between the two organisations is expected in the future, in particular as concerns gender issues and reproductive rights.

OHCHR has not yet requested observer status in MG-S-ROM meetings.

- **World Bank and Open Society Institute (OSI)**

Both the World Bank and OSI have an observer status with the MG-S-ROM. They also participate in meetings of the Informal Contact Group on Roma, Sinti and Traveller Issues (ICG).

Their participation, as well as the fact that several MG-S-ROM members are also Roma Decade official interlocutors, contributes to a certain degree of coordination between the intergovernmental work of the Council of Europe and the Roma Decade initiative. Coordination should be further reinforced following the granting in 2009 of an observer status with the MG-S-ROM to the Secretariat of the Decade for Roma Inclusion.

The Council of Europe participates and contributes to international steering committees of the **Decade for Roma Inclusion (2005-2015)**.

7. The European Roma and Travellers Forum (ERTF)

A partnership agreement was signed between the Council of Europe and the Forum on 15 December 2004 on the occasion of the first plenary meeting of the Forum. The Forum is an independent international organisation established upon the initiative of the President of Finland, Mrs. Tarja Halonen, and developed according to a French-Finnish proposal.

The European Roma and Travellers Forum represents Romani interests at European level and gathers together Europe's main international Roma organisations, as well as national member organisations, from most Council of Europe Member States.

The aim of the Forum is *"to promote the effective exercise by Roma, Sinti, Travellers and related groups of all human rights and fundamental freedoms as protected by the legal instruments of the Council of Europe and other international legal instruments where applicable. It shall promote the struggle against racism and discrimination and facilitate the integration of these populations into the European societies and their participation in public life and in the decision-making process"* (Article 2.1, Statutes of the European Roma and Travellers Forum). As a network of networks, the Forum brings together national and international Roma organisations with the aim of unifying and strengthening their voice and achieving a greater impact on policy-making.

In 2006 the ERTF adopted a policy paper on the Romani language, as well as a position paper on ensuring Romani interests in the status negotiation talks in Kosovo. In 2007 the ERTF published regular updates about positive developments and major incidents in Europe related to Roma and Travellers.

The *(Fourth) Plenary Assembly* of the European Roma and Travellers Forum held on 24–25 November 2008 established the orientations and priorities for the coming year. National Delegates from 36 countries, members of the Council of Europe and 21 delegates from international organisations were present at the meeting. The main topics on the agenda were the adoption of the European Roma Rights Charter and the creation of the national members/umbrella organisations. The fifth Plenary Assembly will take place in December 2009.

In 2009, the ERTF's focus has been on the ever-increasing violence and anti-gypsyism against Roma in Europe and, to this end, has organised an *assessment visit to Hungary* (the scene of several Roma murders) and a hearing on the human rights situation of Roma entitled *"Uniting against Anti-Gypsyism in today's Europe"*. A *High-Level Conference on the Security Situation of Roma in Europe* will take place in Bucharest, Romania, from 12-13 October 2009 in order to address this issue further.

In addition, the ERTF continues to issue press releases on topical issues related *inter alia* to the situation in Kosovo, forced returnees, evictions, stereotypical exhibitions

on Roma, health related conferences, etc. (information available on ERTF website: www.ertf.org).

European Commission for Democracy through Law (Venice Commission)

The Venice Commission, created in 1990 as an instrument of constitutional engineering, provides member States of the Council of Europe with assistance in the adoption of constitutions and related legislation that conform to the standards of Europe's constitutional heritage. It has since done so in relation to a variety of constitutional matters, as well as to legislation on constitutional courts, national minorities and elections and other legislation with implications for national democratic institutions.

From its inception, the Venice Commission has devoted particular attention to a number of key issues in the field of minority protection. At the request of various governments, the Venice Commission has in particular provided **detailed expertises** of draft legislations on national minorities. It has also prepared **several opinions** at the request of the Parliamentary Assembly of the Council of Europe and come up with a few **thematic studies** on its own initiative. Furthermore, the Commission has organised **scientific events** with a view to helping shed light on the evolving international practice in this field.

In 2006 and 2007, the Venice Commission has continued its work on minority protection. The main emphasis has been put on the finalisation of a **study on “Non-Citizens and Minority Rights” (CDL-AD(2007)001)**, which was adopted by the Commission at its 69th plenary session on 15-16 December 2006. This study aims at determining to what extent the citizenship requirement and/or other criteria are relevant to circumscribe the personal scope of rights, measures and facilities taken by the state authorities on behalf of minority groups and their members. It has been carried out on the basis of discussions held under the auspices of the Venice Commission with representatives of other international bodies dealing with minority protection, notably the Advisory Committee on the Framework Convention on National Minorities, the Working Group on Minorities within the UN Sub-Commission on Human Rights, the UN Independent Expert on Minority Issues, the Committee of Experts of the European Charter for Regional or Minority Languages, the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe and the OSCE High Commissioner on National Minorities. The report contains a set of practice-oriented conclusions structured in five principles, on which the Commission intends to rely in the future when confronted with issues pertaining to the personal scope of minority rights. The Venice Commission has in particular concluded that *“attention should be shifted from the definition issue to the need for an unimpeded exercise of minority rights in practice. In this context, it needs to be stressed that the universal character of human rights, of which minority rights form part and parcel, does not exclude the legitimate existence of certain conditions placed on the access to specific minority rights. Citizenship should therefore not be regarded as as an element of the definition of the term “minority”, but it is more appropriate for the States to regard it as a condition of access to certain minority rights”*.

The Venice Commission also organised a **UniDem seminar on “the participation of minorities in public life” in Zagreb on 18-19 May 2007**, in co-operation with the Croatian Ministry of Foreign Affairs and European Integration, the Constitutional Court of Croatia, the University of Zagreb and the University of Glasgow.

The seminar, which was attended by academics, representatives of international organisations, the political world and civil society and public officials, was divided into three thematic sessions. The first session focused on the impact that different constitutional models, in particular unitary and federal or regionalist states, have with regard to the opportunities minorities have to make their voice heard in the domestic decision-making process. The aim of the second session was to take stock of the substantial development, in terms of both quantity and quality, of international standards which foster minority participation and to assess their impact on states' national policies. Finally, the third session focused on the historical origins and current relevance of an old model of minority participation, i.e. non-territorial cultural autonomy. During each of the three sessions, participants frequently made comments on the prevailing situation in the Republic of Croatia. The numerous reports presented during the seminar, which will be published in 2008 in the “Science and Technique of Democracy” collection, provided very useful input for the discussion on the three above-mentioned themes.

At its 75th plenary session (13-14 June 2008), the Venice Commission adopted the **Report on Dual Voting for Persons Belonging to National Minorities** (CDL-AD(2008)013), on the basis of a request of the OSCE High Commissioner on National Minorities. Its conclusions are as follows: “Dual voting is an exceptional measure, which has to be within the framework of the Constitution, and may be admitted if it respects the principle of proportionality under its various aspects. This implies that it can only be justified if:

- it is impossible to reach the aim pursued through other less restrictive measures which do not infringe upon equal voting rights;
- it has a transitional character;
- it concerns only a small minority.

Given the exceptional nature of dual voting, the fulfillment of the above-mentioned conditions (in particular, those that refer to its functionality as a means of integrating minorities in the political system and its limited scope) should be periodically reviewed, in order to maintain its transitional character.”

European Commission against Racism and Intolerance (ECRI)

ECRI being the Council of Europe's independent monitoring body in the field of combating racism, xenophobia, antisemitism and intolerance, its work is particularly relevant to the protection of minorities. . ECRI deals with various minority issues in its country monitoring reports and General Policy Recommendations. As part of its programme on civil society, ECRI maintains regular contacts with NGOs working in the field of minority protection and it involves them in the various activities carried out thereunder (e.g. national roundtables and meetings of organs specialised in the fight against racism and related discrimination and intolerance).. ECRI's action is described in more detail in the Council of Europe's contribution on “**Combating Intolerance and Discrimination and promoting mutual respect and understanding**: a Council of Europe Priority”.

Parliamentary Assembly

In the past, the Parliamentary Assembly contributed to standard setting for the rights of minorities by adopting Recommendation 1201(1993) on an additional protocol on the rights of national minorities to the European Convention on Human Rights; a draft protocol forms an integral part of the Recommendation.

Special reference must be made to Article 1 of the draft protocol which contains a rare definition of the term “national minority”:

“(...) the expression “national minority” refers to a group of persons in a state who : a. reside on the territory of that state and are citizens thereof ; b. maintain longstanding, firm and lasting ties with that state ; c. display distinctive ethnic, cultural, religious or linguistic characteristics ; d. are sufficiently representative, although smaller in number than the rest of the population of that state or of a region of that state ; e. are motivated by a concern to preserve together that which constitutes their common identity, including their culture, their traditions, their religion or their language.”

Article 11, which reads as follows, is also significant:

“In the regions where they are in a majority the persons belonging to a national minority shall have the right to have at their disposal appropriate local or autonomous authorities or to have a special status, matching the specific historical and territorial situation and in accordance with the domestic legislation of the state.”

The Assembly considers that Recommendation 1201(1993) is still valid today as an important reference text. Several international treaties expressly refer to it and some new member States accepted to adopt legislation on national minorities in line with Recommendation 1201(1993). A further Recommendation 1492 (2001) was adopted on ‘Rights of National Minorities’ by the Parliamentary Assembly in January 2001.

On 13 June 2002, the Committee of Ministers adopted its reply to the Parliamentary Assembly Recommendation 1492 (2001): Rights of national minorities - Parliamentary Assembly Recommendation 1492 (2001) (REC_1492 (2001), GR-H(2002)CB8). This reply explicitly refers to the related opinion adopted by the Advisory Committee on 14 September 2001.

<http://www.humanrights.coe.int/minorities/news/2002%20juin/news68ter.htm>

The Assembly promotes the ratification and implementation of the Framework Convention for the Protection of National Minorities and the European Charter on Regional or Minority Languages.

The Assembly has held debates and adopted texts on specific minorities.

The question of national minorities is also addressed in the Assembly's monitoring of compliance with obligations and commitments, in particular the state of ratification of the relevant Council of Europe instruments and aspects of non-discrimination, citizenship legislation, status of and education in minority languages.

The Assembly Committee on Legal Affairs and Human Rights decided in April 2005 to set up a Sub-committee on Rights of Minorities.

The last reports considered by the Council of Europe Parliamentary Assembly led to the adoption of the following resolutions and recommendations concerning national minorities:

[Recommendation 1623 \(2003\)](#) on the rights of national minorities

[Resolution 1335 \(2003\)](#)

Preferential treatment of national minorities by the kin-state: the case of the Hungarian Law on Hungarians Living in Neighbouring Countries ("Magyars"2) of 19 June 2001

[Recommendation 1609 \(2003\)](#)

Positive experiences of autonomous regions as a source of inspiration for conflict resolution in Europe.

[Recommendation 1766 \(2006\)](#)

Ratification of the Framework Convention for the Protection of National Minorities by the member states of the Council of Europe

[Recommendation 1773 \(2006\)](#)

The 2003 guidelines on the use of minority languages in the broadcast media and the Council of Europe standards: need to enhance co-operation and synergy with the OSCE

[Recommendation 1772 \(2006\)](#) and Resolution 1527 (2006)

Rights of national minorities in Latvia

[Recommendation 1735 \(2006\)](#)

The concept of "nation"

[Resolutions 1547 \(2007\)](#) and [Recommendation 1791 \(2007\)](#)

State of human rights and democracy in Europe

[Resolution 1632 \(2008\)](#) and [Recommendation 1845 \(2008\)](#)

The situation of national minorities in Voivodina and of the Romanian ethnic minority in Serbia

In these texts the Assembly stressed that diversity must be seen not as a threat but as an opportunity, a source of enrichment, and that any attempt to impose an identity on an individual or group of people is inadmissible.

The following report are under preparations by the PACE Committee on Legal Affairs and Human Rights

- The situation of Roma in Europe and relevant activities of the Council of Europe.

- Minority protection in Europe: best practices and deficiencies in implementation of common standard.
- Freedom of religion and other human rights for non-Muslim minorities in Turkey and for the Muslim minority in Thrace (Eastern Greece).
- The European Charter for Regional or Minority Languages

Congress of Local and Regional Authorities of Europe (CLRAE)

In 2006 the Congress decided to analyse the national reports (as well as the reports of the Committee of Experts) foreseen by *The European Charter for Regional or Minority Languages*, in order to formulate common goals and minimum standards for the teaching and learning of regional or minority languages (in terms of article 8 –Education- of the Charter). In order to support the implementation of the Charter, the Congress decided to provide a description of conditions and provisions required to establish minimum standards for the teaching of minority language. Hence, in 2007 the Congress adopted *Recommendation 222 (2007) on Language education in regional or minority languages*. Through the recommendation the Congress introduced detailed descriptions of the educational models for regional or minority languages, for making more concrete the implementation of the Charter and consolidate and develop regional or minority language teaching.

Conclusions for the human dimension meeting 2009

1. Encouraging States that have not yet signed or ratified the Framework Convention for the Protection of National Minorities or the European Charter for Regional or Minority Languages, to do so.
2. Stressing the need to raise awareness about minority issues and about regional identity issues not only in Central and Eastern Europe, but also in Western Europe.
3. Stressing the importance for States to fully implement the results of the monitoring under the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, including through the adoption of relevant legislation and its implementation in practice.
4. Encouraging States to ensure that there is no arbitrary exclusion of persons potentially concerned by the protection offered by the Framework Convention.
5. Stressing the importance of dialogue with minorities as a necessary pre-condition for further realising the rights of persons belonging to national minorities.
6. Underlining the importance of the successful co-operation that has taken place between the OSCE HCNM and the relevant sectors of the Council of Europe dealing with minority issues, and encouraging the further use of the results of the monitoring under the Framework Convention and the Language Charter by the OSCE and by the field offices of the OSCE in their assessments and their actions.