
I. Introduction

2011 was another full and challenging year in terms of the monitoring process of the Framework Convention for the Protection of National Minorities (hereinafter ‘Framework Convention’).

While a number of Committee of Ministers resolutions that had been blocked for years were adopted in the spring (the first resolution on Latvia and the second resolution on the Ukraine were finally adopted in March 2011), deadlock over others seems to have become even more deeply entrenched. In addition, one country refused to publish the Advisory Committee opinion in accordance with the publication rules. This is a new precedent in the history of the monitoring process. While countries may of course disagree with the findings of the Advisory Committee, they make use of the opportunity provided by the monitoring cycle to present their comments to the opinion as a meaningful tool for voicing their concerns. This development is therefore worrying. It remains to be seen whether the practice will be copied by other countries. Thus far, all subsequent opinions were made public in line with the new rule introduced in 2009, four months after their submission to the state party concerned.

In addition, 2011 was the year when the Council of Europe reform process reached the stage of implementation. This was accompanied by several restructuring exercises. The Framework Convention Secretariat now forms part of the ‘Directorate of Human Rights and Antidiscrimination’ within the new Directorate General of Democracy, jointly with the secretariats of the European Commission Against Racism and Intolerance (ECRI) and of the European Charter for Regional or Minority Languages, while all other monitoring bodies were placed into the Directorate of Human Rights and the Rule of Law.
At the same time, the global economic crisis and heightened insecurities surrounding the euro zone countries continued to have a negative impact on implementation of the Framework Convention in many of the states parties, including as regards respect for values such as interethnic tolerance and mutual understanding, which lie at the heart of the convention. Persons belonging to minorities continued to be among the groups most affected by xenophobic tendencies, including hate speech voiced by extreme movements as well as some mainstream politicians, and racially-motivated violence was a persistent problem.

The two bodies responsible for monitoring implementation the Framework Convention, the Advisory Committee on the Framework Convention for the Protection of National Minorities and the Committee of Ministers of the Council of Europe, continued to analyse these recent developments in the light of Framework Convention provisions.

II. Procedural Aspects of the Monitoring Process

A. Country-by-country Monitoring by the Advisory Committee

The Advisory Committee adopted ten country-specific opinions in 2011 and is now already far advanced within the third monitoring cycle. Opinions were adopted on Albania, Austria, the Czech Republic, Denmark, Estonia, ‘the former Yugoslav Republic of Macedonia’, Norway, the Russian Federation, Slovenia and the United Kingdom. There are thus now 21 states parties in which the third-cycle monitoring cycle has been completed. The ‘backlog’ of state reports that had accrued since 2009, due to the almost simultaneous beginning of the third cycle of monitoring for states parties for which the Framework Convention entered into force in 1998, was therefore substantially reduced.

During its country visits, the Advisory Committee also maintained the practice of visiting, in addition to capitals, regions inhabited by minorities, including where appropriate regions other than those visited during the two previous monitoring cycles.

In addition, two follow-up seminars were organized in 2011. These seminars were intended as a tool to enhance the transparency of the monitoring process, to raise awareness of the findings and recommendations of the Advisory Committee and of the Committee of Ministers, and to foster dialogue among all parties concerned. They were also a useful way for the Advisory Committee to remain abreast of national developments and actors between two monitoring cycles as they gather together minority representatives, national and local authorities, and civil soci-

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1 The Advisory Committee is composed of 18 independent members. Their task is to assist the Committee of Ministers in evaluating implementation of the Framework Convention in states parties.

2 The Committee of Ministers of the Council of Europe is composed of representatives of the 47 member states and, along with the Parliamentary Assembly, is one of the two statutory organs of the organization.