

International Developments 2017: Economic, Social, and Cultural Life, Including Education and the Media in the Context of European Minorities and from the Perspective of International Law

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The present section summarises the international developments of the year 2017 in connection with the economic, social and cultural life of European minorities, with special focus on education and the media, as well as from the perspective of international law. Different parts of the writing are sectioned in accordance with the novelties and accomplishments of a particular international organization. The review starts with the UN, focusing mainly on the work of several Special Rapporteurs concerning the above mentioned issue, then it continues to sum up shortly the work of the OSCE, EU and Council of Europe summarising the state periodic reports and Recommendations of the Committee of Ministers of the European Charter for Regional and Minority Languages; the monitoring procedures and opinions of the Advisory Committee and resolutions of the Committee of Ministers of the Framework Convention for the Protection of National Minorities.

UN

General developments

Committee on Economic, Social and Cultural Rights

In 2017 one General Comment was adopted to the International Covenant on Economic, Social and Cultural Rights in the context of business activities. The General Comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business

activities¹ does not specifically formulate developments regarding different minority groups; it only mentions that “among the groups that are often disproportionately affected by the adverse impact of business activities are women, children, indigenous peoples, particularly in relation to the development, utilization or exploitation of lands and natural resources, peasants, fisher folk and other people working in rural areas, and ethnic or religious minorities where these minorities are politically disempowered”. Furthermore, as it was mentioned by the Committee previously, asylum seekers, undocumented migrants and migrant workers are also at risk of facing discrimination in the enjoyment of Covenant rights.²

UNESCO

In 2017 there has not been adopted any significant minority-related instrument within the UNESCO.

Procedures within the Human Rights Council

Special Rapporteur on Minority Issues

The thematic annual report of the Special Rapporteur on minority issues is annually submitted to the Human Rights Council and to the General Assembly. In the 2017 Report, the Special Rapporteur describes the activities carried out since her previous report to the Council and reflects on her six-year tenure as Special Rapporteur, providing an overview of the main issues relating to the mandate.³ In the Report, the Special Rapporteur lists the priorities identified during the six-year period of her mandate, being the followings: rights of linguistic minorities, as a central element and expression of their identity;⁴ rights and security of religious minorities, social exclusion, marginalisation and, in many instances, harassment, persecution and violence;⁵ recognition of minorities who are affected by statelessness as a result of discriminatory nationality and citizenship legislation that deny citizenship to some ethnic, linguistic, racial or religious groups or deprive them of citizenship, or because of discriminatory implementation of nationality laws on similar grounds.⁶

1 UN Committee on Economic, Social and Cultural Rights, General Comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, 10 August 2017, UN Doc. E/C.12/GC/24. Available: https://tbineternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f24&Lang=en (Downloaded: 15.03.2018.)

2 Ibid. par. 8.

3 UN Special Rapporteur on Minority Issues, Report “Reflections on the six-year tenure of the Special Rapporteur”, 9 January 2017, UN Doc. A/HRC/34/53. Available: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/53 (Downloaded: 15.03.2018.)

4 Ibid. par. 38.

5 Ibid. par. 41.

6 Ibid. par. 43.

Furthermore, the situation of youth and women belonging to minorities was also dealt with as far as countries should remove the barriers to the empowerment of some minority youth and women; achieve the Millennium Development Goals for disadvantaged minorities; strengthen the role of minority rights protection in conflict prevention and their role in advocating for their rights; increase the outreach and networking with minority groups.

The Report summarises the major challenges identified during the mentioned period, particularly the different barriers to the effective promotion and protection of minority rights (for instance hate speech, xenophobia, discrimination, lack of representation, rise of populism and so on); the need for adequate data collection and statistical analysis in order to define which minority groups live in particular countries; strengthening the institutional framework for better protection of minority rights, as well as the role of the United Nations in the protection of minorities.

Forum on minority issues

The Tenth session of the Forum on Minority Issues was held on 30 November – 1 December 2017 in Geneva on the topic “Minority youth: towards diverse and inclusive societies”. The Forum formulated several general recommendations in the Report of the Special Rapporteur,⁷ including recommendations for empowering minority youth through inclusive education, promoting the participation of minority youth in public life and regarding the challenges and opportunities for minority youth in the media in the digital age.

Concerning education, the equal access of minority youth to quality education has to be guaranteed by the States which includes the use of minority languages, as well.⁸ Furthermore, delivering education in an inclusive environment is of crucial importance which means a variety of learning styles and abilities, adequate teaching materials and textbooks, mother tongue education and so on. Supporting minority-led educational initiatives and informal education, and besides that the principle of non-discrimination, should be taught to young people through formal and informal education programs.⁹

In order to promote the participation of minority youth in public life, the Forum has recommended, for instance, that States should guarantee the representation of minority youth in decision-making processes at the local, national and international levels,¹⁰ monitor the occurrence of hate speech, xenophobia and discrimination and

7 UN General Assembly, Report of the Special Rapporteur on minority issues on recommendations made by the Forum on Minority Issues at its tenth session on the theme “Minority youth: towards inclusive and diverse societies”, 30 January 2018, UN Doc. A/HRC/37/73. Available: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/020/77/PDF/G1802077.pdf?OpenElement> (Downloaded: 15.03.2018.)

8 Ibid. par. 33.

9 Ibid. par. 42.

10 Ibid. par. 48.

take legal action against such abuses,¹¹ address statelessness effectively, secure access to employment for minority youth in the public sector without discrimination based on language, religion or ethnicity, address youth unemployment, and include in their budget adequate funding for minority youth cultural groups.¹²

Recommendations regarding the challenges and opportunities for minority youth in the media in the digital age emphasise that states should guarantee the right to freedom of expression within the media for all, in particular for young digital media users belonging to minorities, and they should stop blocking access to websites or restricting access to digital media by any other means.¹³ Furthermore, it is the responsibility of States to counter hate speech against minority youth, populism and xenophobia with a national strategy to combat hate speech on social media; guarantee the global and open nature of the Internet; support minority youth-led media initiatives; promote the use of social media as a means of direct participation and access to decision-making; promote cultural diversity, inclusion, education and tolerance in cooperation with all types of digital media and traditional media; disseminate information about minorities' rights and give a voice to minorities' concerns and views.

The Special Rapporteur on the rights of indigenous peoples

The annual Report of the Special Rapporteur on the rights of indigenous peoples of 1 November 2017 provides a thematic study on the impacts of climate change and climate finance on indigenous peoples' rights.¹⁴ The mentioned topic does not affect European minority groups, the Report focuses mainly on African and North/Latin American countries. It highlights that indigenous people are the ones most suffering from the bad impacts of climate change, such as floods, droughts, heatwaves, wildfires and cyclones; they are also heavily dependent on lands and natural resources for their basic needs and livelihoods. Indigenous people are among the most marginalised and poorest people in the world. The World Bank estimates that more than 100 million people across the world risk being forced into extreme poverty by 2030 due to climate change,¹⁵ and it also poses a threat to their cultural identity and survival.¹⁶ Indigenous peoples contribute to different adaptation and mitigation strategies concerning climate change, for instance the International Indigenous Peoples' Forum on Climate Change was established in 2008 to coordinate indigenous peoples' efforts and activities concerning Convention-related processes; the Intergovernmental Panel

11 Ibid. par. 49.

12 Ibid. par. 54.

13 Ibid. par. 66–67.

14 UN Special Rapporteur on the rights of indigenous peoples annual Report, 1 November 2017, UN Doc. A/HRC/36/46. Available: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/36/46 (Downloaded: 15.03.2018.)

15 Ibid. par. 6–7.

16 Ibid. par. 9.

on Climate Change is the international body responsible for assessing the science related to climate change.¹⁷

Special Rapporteur in the field of cultural rights

The Report of the Special Rapporteur in the field of cultural rights of 16 January 2017¹⁸ deals with minority rights in several contexts as connected to cultural rights.

The Report highlights that there are common themes across fundamentalist and extremist abuses of cultural rights. Extremists often target members of minority groups and lesbian, gay, bisexual and transgender persons as they seek to enjoy their equal cultural rights.¹⁹ The Report defines fundamentalism as it has emerged out of all of the world's major religious traditions, including Buddhism, Christianity, Hinduism, Islam and Judaism, and so on. These religions represent a minority phenomenon distinct from the broader religious tradition itself, although drawing selectively from it.²⁰ Some forms of contemporary extremism having particular impact on cultural rights focus on myths of a homogenous nation, claiming ethnic or racial superiority or purity.²¹ According to the Report arts, education, science and culture are the best ways to fight fundamentalism and extremism because these give space for peaceful contestation, promoting inclusion.²²

In Europe and North America far right movements stressing racism and xenophobia single out "others" (immigrants, refugees, Muslims, Jews and Roma) and cultural sites associated with them.²³ For instance, hate crimes increased in the United Kingdom of Great Britain and Northern Ireland following the 2016 European Union referendum and this made some immigrants reluctant to speak their native languages in public; fundamentalist and extremist assaults on minorities and their cultural sites and practices have become widespread around the world.²⁴ The Special Rapporteur recommends, in connection with minorities, to recognise and combat extremist and fundamentalist ideologies that promote discriminatory attitudes towards minorities. This could be done through education in accordance with international standards, including the importance of cultural diversity; with promoting equality for all, developing plans of action that are fully gender sensitive to protect religious, ethnic and sexual minorities and women from extremism and fundamentalism.

17 Ibid. par. 17, 20.

18 UN Special Rapporteur in the Field of Cultural Rights annual Report, 16 January 2017, UN Doc. A/HRC/34/56. Available: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/56 (Downloaded: 15.03.2018.)

19 Ibid. par. 3.

20 Ibid. par. 6.

21 Ibid. par. 13.

22 Ibid. par. 22.

23 Ibid. par. 81.

24 Ibid. par. 83–84.

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

The Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression of 30 March 2017²⁵ deals with the roles played by private actors engaged in the provision of Internet and telecommunications access; it examines State obligations to protect and promote freedom of expression online, then evaluates the digital access industry's roles. The Report is concluded with a set of principles that could guide the private sector's steps to respect human rights, however, it does not particularly deal with the rights of minorities.

OSCE

Parliamentary Assembly/Special Representative on Anti-Semitism, Racism and Intolerance

In 2017 the Special Representative on Anti-Semitism, Racism and Intolerance (SRARI) presented the Annual Session Report.²⁶ In the Report, four priorities were mentioned: anti-Semitism and community security; anti-Muslim bigotry; discriminatory policing; and anti-migrant/refugee bias. In connection with economic, social and cultural life, education and the media in the context of European minorities, it did not formulate new aims and priorities.

The Special Rapporteur recommends for states to adopt all necessary policy, legal and administrative measures to engage indigenous peoples in climate change adaptation and mitigation measures; consult indigenous peoples at all stages in the development of climate change initiatives that affect their rights; promote participation of indigenous self-governance structures; support long-term capacity building that enhances the transfer of technical knowledge; encourage intercultural engagement among actors; provide funding for reparation.²⁷ The funds and donors are recommended to respect and support the rights of indigenous peoples as recognised in international human rights law and enhance their ability to engage in climate change activities; implement existing policies and safeguards; develop direct funding mechanisms to support indigenous peoples' own initiatives for climate change and sustainable development and exchange experiences with them; improve monitoring

25 UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression annual Report, 30 March 2017, UN Doc. A/HRC/35/22. Available: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/22 (Downloaded: 15.03.2018.)

26 OSCE, Special Representative on Anti-Semitism, Racism and Intolerance, 2017 Winter Meeting Report, 5 July 2017. Available: <https://www.oscepa.org/documents/all-documents/special-representatives/anti-semitism-racism-and-intolerance/report-27/3558-2017-annual-session-report-by-the-special-representative-on-anti-semitism-racism-and-intolerance-5-july-2017/file> (Downloaded: 15.03.2018.)

27 Ibid. par. 122.

and include compliance with indigenous peoples' rights in regular project, programme and policy assessments; promote awareness of grievance mechanisms for indigenous peoples and ensure that such mechanisms are culturally appropriate.

High Commissioner on National Minorities

In the first half of the year 2017, the office was led by Director and Officer-in-Charge Henrik Villadsen who was succeeded by Lamberto Zannier appointed as the new High Commissioner in July 2017. In November 2017, a new set of regulations were launched by the HCNM: the Graz Recommendations on Access to Justice and National Minorities seeking to provide guidance to OSCE participating States on access to justice and national minorities relevant to conflict prevention within and between states. The aims included cover the language and cultural considerations; legal assistance; reflecting diversity in institutions related to justice; trust between law enforcement agencies and minority communities; enforcing the law in an impartial and non-discriminatory manner; executing court orders and judgments effectively, impartially and within a reasonable time; treating minorities in detention or prison with respect; and providing effective redress in cases of human rights violations as a result of inter-ethnic conflict.²⁸

The office of the High Commissioner in 2017 continued to support education in southern Serbia, including through its long-term work the Bujanovac Department of the Subotica Faculty of Economics of Novi Sad University. The High Commissioner visited Ukraine in December 2017 where, with the Government of Ukraine, tried to find the answers on how to best accommodate the ethnic and linguistic diversity of the country's society, particularly in the context of its new law on education expressing full support for policies aiming at strengthening the role of the state language for effective integration, at the same time highlighting the importance of an inclusive policy in which the needs of diverse groups are taken into consideration. In South-Eastern Europe, the High Commissioner led the development of illustrated bilingual dictionaries for primary school children; print copies of the first such dictionaries for Serbian–Albanian, Albanian–Serbian and Macedonian–Albanian, Albanian–Macedonian were distributed to schools in Skopje, Tetovo, Gostivar and other locations in southern Serbia.²⁹

28 OSCE High Commissioner on National Minorities, *The Graz Recommendations on Access to Justice and National Minorities & Explanatory Note*, November 2017. Available: www.osce.org/hcnm/graz-recommendations?download=true (Downloaded: 15.03.2018.)

29 OSCE Annual Report 2017. Available: www.osce.org/annual-report/2017?download=true (Downloaded: 15.03.2018.)

Office for Democratic Institutions and Human Rights, the ODIHR

The 2017 ODIHR Annual Report focuses on five different topics: elections, democratisation, human rights, tolerance and non-discrimination, Contact Point for Roma and Sinti Issues.³⁰

In connection with tolerance and non-discrimination the ODIHR's activities were focusing on building a comprehensive approach to targeting hate crime, and the organization was also active in countering anti-Semitism, tackling intolerance and discrimination against Muslims and Christians, and addressing racism and xenophobia. In order to reach the mentioned goal, the ODIHR worked closely together with participating States to improve hate crime laws, state policies on hate crime and criminal justice responses. The Office aims to counter intolerance against Muslims targeted towards co-operation with civil society groups, improving hate crime reporting, preparing educational guidelines for addressing intolerance against Muslims and working with the media to counter biased and prejudiced journalism. In connection with hate crimes targeting Christians, the Office organised a workshop on 20 and 21 November in Yerevan in order to strengthen the capacity of civil society organizations reporting on the mentioned topic, trying to raise awareness of the impact of hate crimes, outlining how participants could support victims of hate crimes and enhancing the capacity of organizations to monitor and report on hate incidents. The workshop was followed by a conference entitled *Preventing and Countering Hate Crimes against Christians and Members of other Religious Groups: Perspectives from the OSCE and Beyond*.

The Contact Point monitors the human rights situation of Roma and Sinti, focuses on enhancing safety and security for Roma and Sinti communities and works to increase the participation of Roma and Sinti in public and political life. The report underlines the situation of Roma and Sinti in Ukraine, and specifically their access to personal documents which remained one of the main challenges of the mentioned group. The lack of civil registration and identity documents negatively impacts their access to employment, education, healthcare, housing, humanitarian assistance and public and political life.

*2017 Human Dimension Implementation Meeting*³¹

The Twenty-first Human Dimension Implementation Meeting was held in Warsaw between 11–22 September 2017 organised by the ODIHR. During the Meeting 18 working sessions were organised, and the following sessions were relevant in connection with education, media and socio-cultural rights of minorities: freedom of expression,

30 OSCE/ODIHR Annual Report 2017. Available: www.osce.org/odihr/annual-report/2017?download=true (Downloaded: 15.03.2018.)

31 OSCE Human Dimension Implementation Meeting 2017. Available: www.osce.org/odihr/hdim_2017 (Downloaded: 15.03.2018.)

free media and information; equal enjoyment of rights and equal participation in political and public life; combating racism, xenophobia and discrimination against Christians, Muslims and members of other religions, prevention and responses to hate crimes in the OSCE area; tolerance and non-discrimination; rights of persons belonging to national minorities, Roma and Sinti issues, including implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti, preventing aggressive nationalism, racism and chauvinism; economic, social and cultural rights as an answer to rising inequalities. During the Meeting, a high number of side events were organised, as well in order to secure an opportunity for participants to discuss issues that have not been fully covered during the working sessions.

OSCE Representative on Freedom of the Media

In the year 2017, Parties celebrated the 20th anniversary of the decision by the participating States on the mandate of the Representative on the Freedom of the Media.³²

In 2017, as it has occurred in the previous years as well, attacks against journalists took place almost on a daily basis in the OSCE region. The majority of the Representative's interventions – 203 in 2017 in 34 participating States – concerned the safety of journalists and their right to work free of threats to their physical security. In 2017 the Representative's main aim was to secure the safety of journalists, protect media freedom in the new security context and continue to engage governments and media professionals in the important issues of disinformation, “fake news”, propaganda and hate speech. The Representative gave emphasis to assist the participating States in combating online threats to female journalists. The online campaign Safety of Female Journalists Online brought together journalists, academics and members of the civil society in order to discuss advocacy, best practices and innovative responses for countering online harassment.³³ In March 2017, the Joint declaration on freedom of expression and “fake news”, disinformation and propaganda was issued by the United Nations Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe, Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of

32 OSCE Representative on Freedom of the Media, Dunja Mijatović, Regular Report to the Permanent Council for the period from 2 December 2016 to through 9 March 2017 (9 March 2017). Available: www.osce.org/representative-on-freedom-of-media/303956?download=true (Downloaded: 15.03.2018.)

33 OSCE Representative on Freedom of the Media, Harlem Désir, Regular Report to the Permanent Council for the period from 18 July 2017 to 9 November 2017 (9 November 2017). Available: www.osce.org/permanent-council/356511?download=true (Downloaded: 15.03.2018.)

Expression and the African Commission on Human and Peoples' Rights Special Rapporteur on Freedom of Expression and Access to Information.³⁴

Due to the work of the Representative, the dialogue has continued among Russian and Ukrainian journalists initiated by the Office in 2014; representatives of the journalists' unions met for roundtable discussions to exchange views on common needs and professional standards; also the representatives of Greek Cypriot and Turkish Cypriot journalists were addressed in order to take an effort in improving developments in ethical standards and self-regulation mechanisms in Cyprus.

EU

European Parliament

In the European Parliament in the year 2017, there were several accomplishments reached in connection with social rights of minorities.

The Report of the Committee on Culture and Education on academic further and distance education as part of the European lifelong learning strategy³⁵ promotes further and distance education to accompany societal and economical change; underlines the importance of open educational resources in order to secure the education opportunities for all; stresses the importance of education in combating gender stereotypes; stresses the need to foster cooperation and the exchange of good practice between education; stresses the need to foster cooperation and the exchange of good practice between education systems, and it formulates other goals, as well. The Report of the Committee concerning the provision of audiovisual media services in view of changing market realities³⁶ draws up particular amendments necessary because the convergence of media requires an updated legal framework in order to reflect developments in the market and to achieve a balance between access to online content services, consumer protection and competitiveness.

34 UN/OSCE/OAS/ACHPR Joint Declaration on freedom of expression and "fake news", disinformation and propaganda, 3 March 2017. Available: www.osce.org/fom/302796?download=true (Downloaded: 15.03.2018.)

35 European Parliament Committee on Culture and Education, Report on academic further and distance education as part of the European lifelong learning strategy 12 July 2017 (2016/2142(INI)). Available: www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A8-2017-0252+0+DOC+XML+V0//EN&language=EN (Downloaded: 15.03.2018.)

36 European Parliament Committee on Culture and Education, Report on the proposal for a directive of the European Parliament and of the Council amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities 10 May 2017 (COM(2016)0287 – C8-0193/2016 – 2016/0151(COD)). Available: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A8-2017-0192+0+DOC+XML+V0//EN&language=EN> (Downloaded: 15.03.2018.)

The Report of the LIBE Committee³⁷ on fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism³⁸ calls on the Commission and the Member States, *inter alia*, to ensure that the relevant interventions financed by the EU with possible implications for the Roma community are inclusive and fight segregation, improve funding opportunities in order to ensure that the education and employment opportunities created provide a real and sustainable way out of long-term unemployment, which is necessary in order to live with dignity, ensure that all available resources are used effectively, and, increase the absorption rate of EU funds in line with the priorities established in the National Roma Integration Strategies.³⁹

European Union Agency for Fundamental Rights, FRA

The Fundamental Rights Report 2017⁴⁰ highlights the 10th anniversary of the organization, established in 2007 in order to reflect on some of the dynamics underpinning the major fundamental rights developments in the EU. The 2017 Report touches upon several topics important from our summary's point of view: rights of persons with disabilities, LGBTI equality; fostering equal treatment by tackling multiple discrimination; refugees, asylum seekers and migrants as remaining targets of racism and xenophobia; countering hate speech and hate crime; fight against racism; Roma inclusion and integration measures for recently arrived refugees and migrants in education. In addition, the Report underlines experiences in four key areas reflecting to them as "fundamental rights under pressure", and these are violence against women, the use of personal data, the case of Roma and the situation of children. Highlighting one of the mentioned areas, the FRA organises for instance surveys in connection with hate speech (EU-MIDIS II) covering all 28 EU Member States and involving randomly selected respondents from different ethnic minority or immigrant backgrounds. The survey focuses on experiences of discrimination, criminal victimization, and rights awareness.

In 2017, FRA organised meetings in connection with our particular topic, with faith-based organizations, representatives of the civil society and a Roma consultation meeting with civil society and international organizations.

37 Civil Liberties, Justice and Home Affairs Committee.

38 Report on fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism (2017/2038(INI)) Committee on Civil Liberties, Justice and Home Affairs, 11 October 2017, Rapporteur: Soraya Post. Available: www.europarl.europa.eu/doceo/document/A-8-2017-0294_EN.html?redirect (Downloaded: 15.03.2018.)

39 Ibid. par. 8.

40 European Union Agency for Fundamental Rights, Fundamental Rights Report 2017. Available: file:///C:/Users/csilla.varga/Downloads/fra-2017-fundamental-rights-report-2017_en.pdf (Downloaded: 15.03.2018.)

Council of Europe

General developments

Concerning the general developments of the Council of Europe in 2017, mainly the ratifications and entries into force of several Council of Europe treaties can be highlighted.

In 2017, the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority, ETS No. 207 was ratified by Iceland entering into force in the same year. Serbia and Switzerland also has signed the Protocol, and it entered into force in Switzerland in 2017, as well. It provides an international legal guarantee of the right to participate in the affairs of a local authority and Parties to this protocol are required to take legal and other measures to facilitate the exercise of and give effect to this right. The European Convention on Nationality, ETS No. 166 was ratified by Luxembourg in 2017; the Convention regulates the questions of nationality and the situation of persons in danger of being left stateless because of State succession. It highlights that states must avoid all discrimination on grounds of sex, religion, race, colour, national or ethnic origin, etc. Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, ETS No. 177 providing a general prohibition of discrimination based on sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status, was ratified by Portugal and it entered into force in the country in the same year, as well.

European Court of Human Rights

In the year 2017, three judgments of the European Court of Human Rights (hereinafter: ECtHR) will be mentioned dealing with the social or cultural rights of different minorities.

In the case *Király and Dömötör v. Hungary*,⁴¹ the ECtHR invoked Article 8 of the European Convention (right to respect for private and family life) to find Hungary liable for failing to protect Roma against racist abuse during an anti-Roma demonstration. The two applicants, Alfréd Király and Norbert Dömötör, are Hungarian nationals and lived in Devecser and Ajka in Hungary; both are of Roma origin. The demonstration was held in the town of Devecser in August 2012 and it was attended by 400–500 people, including members of a right-wing political party and nine far-right groups known for their militant behaviour and anti-Roma stance. Devecser was classified as a special risk zone and so there was an increased police presence in the area, speeches delivered during the demonstration made racist

41 European Court of Human Rights, *Király and Dömötör v. Hungary*, Application No. 10851/13, Judgment of 17 January 2017. Available: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-170391%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-170391%22]}) (Downloaded: 15.03.2018.)

threats against Roma people, called for the reintroduction of the death penalty, and urged Hungarian people to revolt against the Roma community.⁴² After the speeches, the demonstrators marched down Vásárhelyi Street, a neighbourhood home to many Roma people, chanting racist slogans and calling on the police not to protect the Roma people. Certain demonstrators dismantled the police cordon and threw pieces of concrete, stones and plastic bottles into gardens. During the march, Mr Király and Mr Dömötör were in the gardens of houses in Vásárhelyi Street. Mr Király alleged that he reported to a police officer that an acquaintance of his had been injured by a stone thrown into his garden, but that nothing was done about it.⁴³ According to Mr Dömötör, demonstrators leading the march had had a list and pointed out to the crowd houses inhabited by Roma people. They alleged that the police had remained passive during the demonstration. Mr Király and Mr Dömötör first complained to the Veszprém county police department about the failure of the police to take action against the demonstrators. Their complaint was dismissed and this decision was upheld on appeal by the National Police Service. Mr Király and Mr Dömötör subsequently engaged in a number of appeals and judicial review proceedings in the administrative courts, without success.⁴⁴

Together with the Hungarian Helsinki Committee, they also lodged a criminal complaint concerning the speeches delivered at the demonstration and the attacks on the Roma community. The police investigation into the speeches was discontinued in September 2013, as, although they had been injurious to the Roma community, they could not be classified as a crime (incitement to violence against a group). The police could only identify one person who had taken part in the violence. He was convicted in June 2015 of violence against a member of a group and received a suspended custodial sentence.

Relying on Article 8 (right to respect for private and family life), Mr Király and Mr Dömötör complained in particular about the failure of the domestic authorities to adequately protect them from the demonstrators' racist abuse and to properly investigate the incident. The application was lodged with the European Court of Human Rights on 5 February 2013.

The Decision of the Court noted that the domestic authorities should have paid attention to the specific context in which the obscene statements had been made.⁴⁵ The speeches delivered had made direct threats against Roma people and had demanded the police not to protect the Roma minority; the domestic authorities had not considered those factors when assessing the nature of the speeches and concluding that they had been hateful and abusive but had not incited violence. This was despite the fact that, according to the domestic courts' case law, racist statements together with the context in which they were expressed could constitute a clear and imminent

42 Király and Dömötör v. Hungary, par. 8–9.

43 Ibid. par. 14–15.

44 Ibid. par. 22.

45 Ibid. par. 75–76.

risk of violence and violation of the rights of others. Moreover, although the police had had plenty of time to interrogate numerous persons after the demonstration, only five had been questioned and three of the alleged perpetrators could not be identified. The Court noted that the cumulative effect of these shortcomings had been that an openly racist demonstration, with sporadic acts of violence, had remained virtually without legal consequences. Indeed, the applicants' psychological integrity had not been effectively protected against what had amounted to nothing less than organised intimidation of the Roma community, by means of a paramilitary parade, verbal threats and speeches advocating a policy of racial segregation.⁴⁶ The Court was concerned that this could be perceived by the public as the State's legitimisation and/or tolerance of such behaviour. Notwithstanding the room for manoeuvre ("margin of appreciation") given to the State in such matters, the Court held that there had been a violation of Article 8.⁴⁷

In the case *National Turkish Union and Kungyun v. Bulgaria*,⁴⁸ the ECtHR unanimously held that Bulgaria has violated Article 11 (freedom of assembly and association) of the European Convention on Human Rights. The case concerned the refusal of the Bulgarian authorities to register an association promoting the rights of the Muslim minority in Bulgaria. The applicants were the association National Turkish Union, and Menderes Mehmet Kungyun, a Bulgarian national who lives in Kazanlak. Mr Kungyun, a founder member and chair of the association, complained of the Bulgarian authorities' refusal to register the association. In 2006 Mr Kungyun announced his intention to form an association dedicated to promoting the rights of the Muslim minority in Bulgaria. Subsequently, several hostile articles appeared in the press, criticising the association's aims and claiming variously that the applicant wanted to create an ethnic Turkish party and that he was receiving funding from secret services abroad. In May 2006, Mr Kungyun and five other founder members applied to the Plovdiv Regional Court to have the association registered. The court refused their application on the grounds that one of the association's declared aims was political (under the Constitution, only political parties were allowed to conduct political activities). Mr Kungyun appealed, but the Court of Appeal upheld the original judgment and observed that an association's name should not be misleading or contrary to public morals. The name "National Turkish Union" referred to the existence of a Turkish nation in Bulgaria and implied a separatist objective. Mr Kungyun appealed on points of law. On 10 July 2007, the Supreme Court of Cassation dismissed his appeal and upheld the Court of Appeal's judgment. The Court observed that, in refusing registration of the association, the Supreme Court of Cassation had based its judgment on two grounds: the fact that the purpose of the association was political

46 Ibid. par. 79–80.

47 Ibid. par. 82.

48 European Court of Human Rights, *National Turkish Union and Kungyun v. Bulgaria*, Application No. 4776/08, Judgment of 8 June 2017. Available: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-174465%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-174465%22]}) (Downloaded: 15.03.2018.)

in nature and that the association sought to conduct political activities; the aims and name of the association breached Article 44 of the Constitution and presented a danger to national security. The other grounds set out by the lower courts had not been used by the highest court. As regards the political nature of the association's aims, the Court had already taken the view in its case law that such a ground could not justify a refusal to register an association. It found that there was no "pressing social need" to require any association wishing to pursue political aims to set up a political party if it was not the intention of its founders to take part in elections. The Court took the view that in the present case, the association's declared aim to "contribute to the development of political pluralism in the country" did not seem to imply that the association wished to take part in elections or in the exercise of power. Otherwise, it could have been justified to impose on its founders the more restrictive legal form of political party. Concerning the possibility of danger to national security, the Court observed that the expression of separatist views did not in itself imply a threat to the territorial integrity of the State or national security and did not as such justify a restriction of the rights secured by Article 11 of the Convention. The use of the words "National Turkish" in the name of the association did not appear capable of undermining the territorial integrity or unity of the Bulgarian nation. Moreover, the Court did not see how the association's challenge to the monopoly of a political party in ethnically mixed regions would represent a risk for ethnic peace and would thus compromise the country's security. The Court noted that the domestic courts had not referred to any action of the association or its members that might have compromised the territorial integrity or unity of the nation, or any action or speech which might have been regarded as a call to hatred or violence. It further observed that the national authorities would not have been powerless if that were the case. The regional court could order the dissolution of an association whose activities were incompatible with the Constitution, with the law, or with public morals. The mere supposition that an association could have engaged in such activities did not therefore justify a refusal to register it. The Court thus concluded that the refusal to register the applicant association was not "necessary in a democratic society" and constituted a violation of Article 11.⁴⁹

In the case *Dakir v. Belgium*,⁵⁰ the ECtHR unanimously held that there was a violation of Article 6 § 1 (the right of access to a court) of the European Convention on Human Rights.

49 The summary is based on the Press Release issued by the Registrar of the Court ECHR 188 (2017), 8 June 2017. Available: <https://hudoc.echr.coe.int/eng-press#%22itemid%22:%22003-5739252-7293134%22>} (Downloaded: 15.03.2018.) The judgment is available only in French.

50 European Court of Human Rights, *Dakir v. Belgium*, Application No. 4619/12, Judgment of 11 July 2017. Available: <https://hudoc.echr.coe.int/eng/#%22itemid%22:%22001-175139%22>} (Downloaded: 15.03.2018.)

The case concerned a by-law adopted in June 2008 by three Belgian municipalities concerning a ban on the wearing in public places of clothing that conceals the face, and the subsequent proceedings before the Conseil d'État.

The applicant, Fouzia Dakir, is a Belgian national and lived in Dison. In June 2008, the municipalities of Pepinster, Dison and Verviers adopted a municipal by-law providing in Article 113bis thereof for a ban on the wearing of clothing concealing the face, at all times and in all public places.⁵¹ In August 2008 Ms Dakir, presenting herself as a Muslim who had decided on her own initiative to wear the niqab – a veil covering the face except for the eyes – applied to the Conseil d'État for the annulment of the ban. She claimed, among other things, that the provision expressly concerned the Islamic veil that she wore and that the resulting ban constituted an interference with the rights secured by Articles 8, 9, 10 and 14 of the European Convention on Human Rights.⁵² She also contended that the interference had no legitimate aim as secularism was not a constitutional principle and the wearing of the veil could not be subject to a blanket ban. In June 2011, the Conseil d'État dismissed the case for failure to comply with an admissibility condition that it raised of its own motion. Relying on Articles 8 (the right to respect for private and family life), 9 (freedom of thought, conscience and religion), and 10 (freedom of expression), taken separately and together with Article 14 (prohibition of discrimination) of the Convention, Ms Dakir complained about the ban on wearing of the full veil in public spaces in the three municipalities.

The Court held that there has been no violation of Articles 8 (the right to respect for private and family life) and 9 (the right to freedom of thought, conscience and religion) of the European Convention on Human Rights; no violation of Article 14 (prohibition of discrimination), taken together with Articles 8 and 9 of the Convention, and a violation of Article 6 § 1 (the right of access to a court). The Conseil d'État had rejected Ms Dakir's application on the grounds that it had been based solely on Article 113bis of the by-law, without referring to Article 113.

The Court noted that Article 113 could be considered a general provision and that Article 113bis represented a particular application of it; the municipalities in question had used Article 113bis in the by-law because they considered that Article 113 was insufficient to prohibit the wearing of the burqa. It also noted that the submissions on the merits made by Ms Dakir had been set out in a substantiated and structured manner and were of particular significance, and that they had been discussed in the context of the adversarial written proceedings before the Conseil d'État. In consequence, the Court considered that the decision by the Conseil d'État to declare the application inadmissible had been excessively formalistic and that Ms Dakir's access to the Conseil d'État had been limited to such an extent that it had upset the fair balance that ought to be struck between, on the one hand, the legitimate concern to ensure that the formal procedure for appealing to courts was complied

51 Ibid. par. 10.

52 Ibid. par. 11.

with and, on the other hand, the right of access to the courts. In consequence, it held that there had been a violation of Article 6 § 1 of the Convention.⁵³

The European Charter for Regional or Minority Languages

In connection with the monitoring process concerning the Charter, states submit state reports on a three-yearly basis. Following, the Committee of Experts carries out on-the-spot visits in these countries in order to evaluate the situation, and in an ideal case, meet with the representatives of different minority groups and NGOs, as well. After the visit of the Committee, it issues the evaluation report commented by the national authorities. The Committee of Ministers, based on the mentioned report, adopts recommendations and publishes the evaluation report. In 2017, five state periodical reports were completed and four recommendations were issued by the Committee of Ministers that will be shortly summarised in the followings.

State periodic reports

In the year 2017, five state periodical reports were completed: the fifth report of Cyprus, the fifth report of Denmark, fifth report of Finland, seventh report of Norway, fourth report of Serbia. Three other reports were planned to be submitted in 2017, however, these were not presented: the sixth report of Croatia, the sixth report of the Netherlands and the fifth report of Slovenia.

The fifth report by Cyprus of 9 January 2017⁵⁴ reported that Cyprus has entered a new era of economic recovery and structural reforms, aiming to reduce public expenditure and improve the functioning of the public sector. In connection with the protection of minority languages several measures have been taken, for instance, an increased amount was allocated for the research on Cypriot Maronite Arabic (CMA) in 2016. The MOEC has formulated an anti-discrimination policy to combat all forms of racism and promote a culture of understanding and respect between all people living in Cyprus, and as a result during the school year 2015–2016, a Code of Conduct against Racism has been introduced to all public schools. With the new phase of the educational reform program, it implemented new policies in order to modernise the educational system, for instance, a revised curriculum for the national minorities in primary and secondary schools was accepted, aiming to turn attention to the pupil and his/her own learning profile. As far as protection and promotion of minority languages is concerned, the MOEC has created a structured budget and

53 Based on the Press Release ECHR 242 (2017), 11 July 2017. Available: <https://hudoc.echr.coe.int/eng-press#%7B%22itemid%22:%7B%22003-5788319-7361101%22%7D%7D> (Downloaded: 15.03.2018.)

54 Council of Europe, European Charter for Regional and Minority Languages, Fifth Periodical Report by the Republic of Cyprus, 9 January 2017, MIN-LANG (2017) PR 1. Available: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806d8cde> (Downloaded: 15.03.2018.)

continues to fund the project for the revitalisation of the CMA supporting many activities connected to it. It also financially supports actions promoting the use of the Armenian language. The Government of Cyprus has demonstrated its commitment to enhance its cooperation with and support to the Religious Groups (Armenians, Maronites and Latins), recognised as such by the Constitution: a Commissioner to the Presidency for Humanitarian Affairs and Overseas Cypriots was appointed to be responsible, *inter alia*, for issues related to the Religious Groups. The issue of the introduction of Armenian at upper secondary level has not been addressed so far, but the teaching of CMA has been enhanced in several contexts. About the presence of Armenian and Maronite Arabic in broadcasting, the report summarises that the Cyprus Broadcasting Corporation radio continues to broadcast a one-hour program in Armenian on a daily-basis and a one-hour program for Cypriot Maronites on a weekly basis. The CyBC television broadcasts two private productions for the Armenians and the Maronites of Cyprus: for the Armenians once in every month and for the Maronites once in every other month. The report also lists several measures and activities that have taken place in order to raise awareness among the Cypriot society about the Armenian and Maronite Religious Groups.

The fifth report by Denmark of 15 February 2017⁵⁵ firstly summarised the positive measures taken by the Danish authorities in order to cooperate with the representatives of the German speakers. Concerning road signs, the Danish Ministry of Transport and Building has amended two Executive Orders in the fall of 2016 and with the changes made, a legal basis has now been provided for the use of town name signs in English or the official language of the neighbouring country, i.e. German. In the field of broadcasting, TV SYD station pays attention to the conditions of the German/Danish border area, including the Danish minority and their conditions. Concerning the issue of education, the state strengthened the learning of a second foreign language: from levels 5 and 6, the distribution of lessons will include one and two lessons respectively in either German or French, and from level 7, it will furthermore be possible for pupils to choose a third foreign language as an elective subject. In connection with the Danish vocational education and training programs, students have the possibility to choose lessons in German language as an integral part of the curriculum. A number of upper secondary schools are working with lower secondary schools in order to secure academic progression and coherence as to enhancing the learning of a second foreign language including German. On the field of media and broadcasting, Denmark gives the German speakers the opportunity to apply for and obtain licenses and support for radio and television broadcasting rather than to oblige or encourage the public service broadcasters to create a radio station and a television channel in German. Furthermore, Denmark provides annual subsidies to the newspaper of the German minority; “Der Nordschleswiger”, for production

55 Council of Europe, European Charter for Regional and Minority Languages, Fifth Periodical Report by Denmark, 15 February 2017, MIN-LANG (2017) PR 3. Available: <https://rm.coe.int/16806faac7> (Downloaded: 15.03.2018.)

and purchasing of broadcasting time for news in German at the South Jutland local radio station Skala FM, and it is also possible for local/regional radio and television broadcasters to obtain subsidies for radio and television broadcasting. As an example for cultural activities in Denmark, the report, *inter alia*, mentions the International Culture Panel, which is an inter-ministerial cooperation between the Ministry of Culture, Ministry of Foreign Affairs and the Ministry of Business and Growth, focusing on participation, democracy and dialogue between majority and minority including – but not limited to – the recognised minorities.

The fifth report by Finland of 17 November 2017⁵⁶ summarises, *inter alia*, the situation of non-territorial languages; the government programs, strategies, studies, reports; the structures promoting linguistic rights and other issues, as well. The report focuses mainly on Swedish and Sámi languages, as far as, according to the Constitution of Finland, Finnish and Swedish have equal status as national languages in the country. The Sámi, as indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own language and culture. Concerning the situation of the Swedish language, it has to be highlighted that during the basic education, learning of the second national language is mandatory: Swedish-speaking pupils and students learn Finnish, while their Finnish-speaking study Swedish at comprehensive schools, general upper secondary schools and vocational institutions. Everyone has the right to receive basic education in their own language, Finnish-speaking pupils in Finnish and Swedish-speaking pupils in Swedish. Under the Basic Education Act, the municipality must provide basic education in both national languages if it has Finnish and Swedish-speaking residents. A reform of the distribution of lesson hours was adopted in summer 2012 focusing on communication skills; the objective is to encourage students to learn their mother tongue and to improve their second national language and other languages. With the planned reform of the vocational education and training, students will have the possibility to be taught in Finnish, Swedish or Sámi.

Concerning the issue of administration, state authorities are either monolingual or bilingual; central government authorities are always bilingual. A bilingual municipality and joint municipal authority must serve the public in Finnish and Swedish. In connection with signs and place names, the current legislation was amended in 2013 and leaves it to the discretion of the municipality to decide to what extent the street signs of an area that previously was monolingual are to be replaced by bilingual signs. In the media the public Swedish-language services of the Finnish Broadcasting Company (Yle) have been put on a permanent footing, and they are valued by Swedish-speaking and bilingual Finns. Thirteen Swedish-language newspapers are published in Finland, the largest ones being *Hufvudstadsbladet* and *Vasabladet*. The report broadly analyses the situation of the Sámi language, as well.

56 Council of Europe, European Charter for Regional and Minority Languages, Fifth Periodical Report by Finland, 17 November 2017, MIN-LANG (2017) PR 7. Available: <https://rm.coe.int/finlandpr5-en-doc/1680767af0> (Downloaded: 15.03.2018.)

During basic education, pupils living in the Sámi Homeland with knowledge of the Sámi language have the right to basic education in their own language and Sámi is also taught as a mother tongue and literature subject. The challenge to basic education is the lack of qualified subject teachers and learning materials of a good quality based on the Sámi culture. The problem related to teacher availability has exacerbated in recent years. It has to be mentioned, however, that over 70% of the Sámi children and young people are living outside the Sámi Homeland, and on these territories only teaching of the Sámi language that complements basic education is provided (2 weekly lesson-hours), and the availability of this instruction is uncertain from year to year, the accessibility of the instruction is poor, the number of pupils is low. In general, upper secondary school and secondary-level vocational education and training, instruction can be provided in Sámi, and it also can be studied as a mother tongue and literature subject and as a foreign language. The Sámi Education Institute is the only vocational institute in Finland whose official teaching languages are Sámi and Finnish and where all students in different programs take at least one course in the Sámi language. Concerning the media, the Finnish Broadcasting Company's Sámi service, Yle Sápmi broadcasts in the Sámi language, it is also followed outside the Sámi area and it serves the Sámi community living in all parts of Finland. The newspaper Lapin Kansa is published in Rovaniemi, and it has also included a few materials in Northern Sámi every week since 2012. The newspaper strives to produce Sámi material on a regular basis.

The seventh report by Norway of 10 March 2017⁵⁷ highlights that there are no records kept in Norway based on ethnicity, as far as many members of the national minorities themselves are sceptical of registration based on ethnicity, however, the report provides information about relevant languages and measures the state has implemented. In connection with the Sámi language in education, in the administrative area for Sámi language all pupils of primary and lower secondary school have a right to receive instruction in Sámi. The adult education association and the local authorities may initiate courses if there is a demand for Sámi language education and courses. There are several local Sámi language centres that offer entry-level courses in Sámi language in cooperation with the Sámi University College. Concerning the Kven language, the development of Kven language technology is an ongoing process in the country, including an automatic morphological analysis program and a proofreading and error correction program in Kven. From 2014 to 2016, the Kven Institute has organised language nests for Kven kindergarten children and organises language cafés.

The place name service for Norwegian and Kven place names is administered by the Language Council of Norway. According to data from the year 2015, the position of name secretary in the Kven place name service was increased from

57 Council of Europe, European Charter for Regional and Minority Languages, Seventh Periodical Report by Norway, 10 March 2017, MIN-LANG (2017) PR 4. Available: <https://rm.coe.int/16806fc1ae> (Downloaded: 15.03.2018.)

a 50% to 80% post and a separate place name consultant has been appointed. In the spring of 2016, the Ministry of Education and Research appointed a committee to develop the proposed framework plans for new five-year Sámi primary and lower secondary teacher training programs for grades 1–7 and 5–10. In addition, a white paper on kindergartens was adopted in June 2016 to ensure that employees in public and private kindergartens master the Norwegian language and that employees in Sámi kindergartens master Sámi language. The report about the media, inter alia, emphasises that the NRK (Sápmi) has daily TV news broadcasts in cooperation with the Sámi broadcasters in Sweden and Finland. There are daily news broadcasts on the radio in North Sámi, South Sámi and Lule Sámi as well, and the NRK broadcasts news and other content on the internet and mobile phones in three Sámi languages. The NRK Sámi Radio will become a 24-hour Sámi radio channel, which will also take over the Sámi content that is currently distributed through the FM network on NRK P2. The fourth report by Serbia of 15 November 2017⁵⁸ broadly analyses the situation in the country and deals with Bujevac, Vlach, Macedonian, German and Czech languages for which the obligations arising from Part III of the Charter have not been undertaken by Serbia; as well as with other languages, such as the Albanian, Bosnian, Bulgarian, Hungarian, Romani, Romanian, Ruthenian, Slovak, Ukrainian and Croatian language. In connection with these, Serbia has different obligations in connection with the Charter.

An important highlight of the report is that in accordance with the legislation of the Republic of Serbia, there are three models for teaching minority languages in primary and secondary schools: the teaching may be performed in the language of minority, bilingually or in Serbian with the possibility to learn a minority language with elements of national culture as an elective subject. The legal threshold of 15 students for teaching in a minority language is flexibly used in practice, however, smaller groups can also be taught with the approval of the education authorities. The report mentions several times that the national councils of national minorities were established in order to exercise the right of members of national minorities to cultural autonomy in certain areas of social life. Authorities are obliged to consult national councils in the area of culture, education, reporting and official use of languages and scripts.

The report contains information on Bunjevac, Vlach, Macedonian, German and Czech languages in the first part, some of these languages were not standardised yet, but the State provides different opportunities in connection with education and media. The following sections of the report summarise the other languages mentioned previously. At the Albanian language education section, the report highlights that adult education in the Republic of Serbia is conducted in Serbian or in a minority language, if more than 50% of the enrolled pupils opt for teaching in that language. Concerning

58 Council of Europe, European Charter for Regional and Minority Languages, Fourth Periodical Report by Serbia, 15 November 2017, MIN-LANG (2017) PR 6. Available: <https://rm.coe.int/serbiapr4-en-doc/1680766d64> (Downloaded: 15.03.2018.)

the Bosnian language, education takes place at grammar schools in Sjenica and Tutin, however, teaching in Bosnian and studying the subject of the Bosnian language with elements of national culture is not organised in technical or vocational schools. Based on the interest and application for the announced public competition calls, the competent state and provincial authorities approve funds for projects in minority languages, in Bosnian as well. The Bulgarian language as elective course is not taught in adult education schools; however, several approved textbooks were translated into Bulgarian. In Central Serbia, where the majority of Bulgarian speakers live, there is no region in that area, and therefore no regional documents are published in Bulgarian. Based on the report, seven radio stations broadcast programs in Bulgarian, and the Bulletin quarterly was published in Bulgarian in Bosilegrad. About the Hungarian language education, the report emphasises that three educational institutions for adult education in Hungarian have been accredited since the previous report: in Bačka Topola, Kanjiža and Subotica. Since 2016 the accredited non-governmental organization “FERHA” – Regional Network for Adult Education has started its work by organising adult education in Hungarian. The National Council of the Hungarian National Minority adopted the Education Strategy for 2016–2020, according to which adult education in Hungarian shall take place in primary and secondary schools. Hungarian is one of the languages in official use in the country; there is a possibility for people who speak Hungarian to use it in oral and written communication with the provincial authorities. In the field of culture related to Hungarian, inter alia, 17 projects in the field of publishing activity, 16 projects in the field of publishing magazines and publications, 13 projects for the preparation of theatre performances and 7 projects for the production of films, radio and TV programmes in the field of culture were co-financed. The Romani Language is taught in 17 primary schools; however, there is a lack of adequate teaching staff and the teaching was not organised in all schools. In secondary schools, there is no education in Romani, the teaching of Romani is included in undergraduate academic studies. There is more printed media in Romani language in Serbia co-financed from the national budget. For the Romanian, Slovak and Croatian minorities there is a bilingual education opportunity secured in primary schools in several municipalities, the secondary and vocational-technical education can be conducted on the mentioned languages, as well. It is also self-evident that there are many TV and radio stations that broadcast in the mentioned languages in different municipalities. In Ruthenian language, there is no pre-school, elementary or secondary school education in the country and it is also the case with the Ukrainian language as far as representatives of this minority did not initiate it; however, there are several TV stations and radios that broadcast in Ukrainian in Serbia.

Recommendations of the Committee of Ministers

In 2017, four recommendations were issued in connection with Armenia, Denmark, Montenegro and Sweden.

The Committee recommended Armenia to promote the use of Assyrian, Greek, Kurdish and Yezidi in pre-school education and extend the offer of teaching of these languages at primary and secondary levels, and also in public life and in the media; in administrative and judicial proceedings; to introduce place names in the minority languages in the municipalities concerned; and provide adequate funding for cultural activities and to the national minority associations to ensure the promotion of the regional and minority languages.⁵⁹

Denmark was recommended to increase the level of radio broadcasting and provide television broadcasts in German, in co-operation with the German speakers; and take measures to increase awareness and appreciation of German as a minority language of Denmark throughout the country.⁶⁰

Recommendations on Montenegro highlighted the need to develop a structured policy ensuring the application of the Charter in all areas where there is a sufficient number of speakers of regional or minority languages; and to take all necessary measures to ensure the use of Romani in education, in particular by providing teacher training and teaching materials.⁶¹

Sweden was recommended to strengthen education of or in all national minority languages by adopting a comprehensive and structured approach based on the needs and situation of minority languages; to ensure that “mother tongue” education meets the requirements of the Charter and offers adequate language tuition, enabling pupils to achieve mature literacy in the languages concerned; to increase the amount of bilingual education available in Finnish and Sámi, and establish bilingual education in Meänkieli; to develop a system of teacher training according to the needs of the speakers and to the situation of each of the minority languages; to consider extending the practice of the Sámi language centres to other minority languages.⁶²

59 Council of Europe, the Committee of Ministers, Recommendation on the application of the European Charter for Regional or Minority Languages by Armenia, 11 May 2017, CM/RecChL(2017)2. Available: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680711411 (Downloaded: 15.03.2018.)

60 Council of Europe, the Committee of Ministers, Recommendation on the application of the European Charter for Regional or Minority Languages by Denmark, 25 October 2017, CM/RecChL(2017)4. Available: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168076156c (Downloaded: 15.03.2018.)

61 Council of Europe, the Committee of Ministers, Recommendation on the application of the European Charter for Regional or Minority Languages by Montenegro, 27 September 2017, CM/RecChL(2017)3. Available: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016807517ad (Downloaded: 15.03.2018.)

62 Council of Europe, the Committee of Ministers, Recommendation on the application of the European Charter for Regional or Minority Languages by Sweden, 11 May 2017, CM/RecChL(2017)1. Available: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680711410 (Downloaded: 15.03.2018.)

Biennial Report

The last Biennial report was issued by the Secretary General in 2016 covering the years 2014 and 2015,⁶³ and so the next Report will be presented in 2018 summarising the years 2016 and 2017.

*Framework Convention for the Protection of National Minorities**General advancement*

In the year 2017, Thematic Commentaries were not adopted to the Framework Convention for the Protection of National Minorities. The Advisory Committee adopted seven Advisory Opinions and the Committee of Ministers issues six resolutions on the implementation of the Framework Convention.

Monitoring procedures

The Committee of Ministers of the CoE is monitoring the implementation of the Framework Convention helped by the Advisory Committee on Framework Convention for the Protection of National Minorities. The monitoring procedure requires each state party to submit a first report within one year of the entry into force of the Framework Convention and, thereafter, a report every five years. Having examined the state report and visited the country in order to gather further information during meetings with the authorities, minority representatives and other stakeholders, the ACFC adopts its opinion on the implementation of the Framework Convention in the country. The opinion is forwarded to the authorities concerned, who provide their comments on the ACFC's findings. The opinion is published upon its receipt by the government, or four months after its transmission to the authorities, together with the government comments. Based on the ACFC's opinion, the Committee of Ministers adopts a resolution containing conclusions and recommendations in respect of the state concerned.

In the year 2017, it can be concluded that the third monitoring cycle is almost complete, while a few reports from the fourth monitoring cycle are still outstanding.⁶⁴

63 Council of Europe, European Charter for Regional or Minority Languages, Application of the European Charter for Regional or Minority Languages, Biennial Report by the Secretary General of the Council of Europe Parliamentary Assembly, 2 March 2016, Communication Doc. 13993. Available: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22538&lang=en> (Downloaded: 15.03.2018.)

64 Advisory Committee on the Framework Convention for the Protection of National Minorities, Eleventh activity report covering the period from 1 June 2016 to 31 May 2018. 17. Available: <https://rm.coe.int/prems-113118-gbr-2568-11erapportd-activiteprotectionofnationalminoriti/16808df0ae> (Downloaded: 15.03.2018.)

The Opinions of the Advisory Committee

In 2017, the Advisory Committee adopted seven Advisory Opinions on Azerbaijan, Bosnia and Herzegovina, Romania, Slovenia, Sweden, Ukraine and the UNMIK/Kosovo.

In the fourth Opinion on Azerbaijan of 8 November 2017,⁶⁵ the Committee regrets that only limited progress has been made in addressing the recommendations for immediate action; intercultural activities mainly promote “Azerbaijani multiculturalism”; the lack of consultative mechanism with persons belonging to minorities; lack of quantitative and qualitative data on the situation and access to rights of persons belonging to national minorities; the police misconduct with regard to the treatment of persons under arrest, including those belonging to national minorities; shortcomings on the area of the freedom of association of persons belonging to national minorities; increased administrative burden on NGOs, including minority NGOs; lack of measures removing the existing obstacles to radio and television broadcasting in minority languages and minority language print media; no active measures are taken to facilitate the use of minority languages in communication with the authorities; lack of development in minority language teaching. The Committee recommends that Azerbaijan would take immediate action to ensure the free and voluntary self-identification of persons with the possibility to indicate multiple affiliations and more than one first language; to adopt, in close consultation with persons belonging to national minorities, an adequate legal framework for the protection of national minorities; to remove obstacles to freedom of expression and freedom of association; to expand the scope of teaching of minority languages. As a further recommendation, Azerbaijan should promote respect and intercultural understanding among different groups in society as a whole; bring the legislation and practice on NGOs in line with international recommendations; secure the free expression of religious beliefs for national minorities; expand minority language broadcasting, the use of minority languages in contacts with public authorities including the display of topographical signs in minority languages in regions inhabited by persons belonging to national minorities and the sustained investment in the development and dissemination of minority language teaching and learning materials.

In its fourth Opinion on Bosnia and Herzegovina of 9 November 2017,⁶⁶ the Committee welcomes the authorities’ overall constructive and cooperative approach towards the monitoring process. It is also mentioned by the Committee

65 Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities Fourth Opinion on Azerbaijan, adopted on 8 November 2017, ACFC/OP/IV(2017)006. Available: <https://rm.coe.int/4th-acfc-opinion-on-azerbaijan-english-language-version/1680923201> (Downloaded: 15.03.2018.)

66 Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities Fourth Opinion on Bosnia and Herzegovina, adopted on 9 November 2017, ACFC/OP/IV(2017)007. Available: <https://rm.coe.int/4th-op-bih-en/16808e2c53> (Downloaded: 15.03.2018.)

that the third cycle opinion was translated into the local language and published promptly and the Fourth State Report containing comprehensive and valuable information was submitted following extensive consultations and with the significant contribution of representatives of national minorities. However, there was no follow-up dialogue organised in Bosnia and Herzegovina after the last monitoring cycle. The recommendations for immediate action contain the followings: amend the constitution and other relevant legal provisions to eliminate the exclusion of “Others”, including persons belonging to national minorities, and of “constituent peoples” whose ethnic affiliation does not match their place of residency, from running for and holding public offices; condemn public statements of politicians and other public figures that incite ethnic hatred between the different ethnic and religious communities; eliminate segregation in education in all forms; ensure adequate access of Roma to housing, employment, health services and education. The further recommendations highlighted the importance to publish census results relating to the ethnic breakdown of the persons included in the “Others”; continue to support the Institution of Human Rights Ombudsman of Bosnia and Herzegovina; adopt without any further delay the Action Plan for Roma 2017–2020; review action plans for the inclusion of Roma; make specific budgetary provision allowing the implementation of the measures for the inclusion of Roma; ensure provisions for the use of minority languages in dealings with the administrative authorities and for topographical indications and in the media; ensure for minorities to designate their representatives; consider expanding the state councils’ mandates, to allow them to influence decision making on issues affecting the rights of persons belonging to national minorities.

According to the fourth Opinion on Romania of 22 June 2017,⁶⁷ the Committee regrets that the state report was submitted with a two-year delay; however, it welcomes the authorities’ overall constructive and co-operative approach towards the monitoring process. The Advisory Committee also regrets that its last opinion and the resolution of the Committee of Ministers on Romania were not translated into Romanian and national minority languages, however all four thematic commentaries of the Committee were translated. Concerning the recommendations for immediate action, the Committee highlights the need to adopt, in consultation with representatives of national minorities, a consolidated and coherent legal framework related to minority rights protection; increase efforts to prevent and to combat inequality and discrimination suffered by the Roma; prevent, investigate and prosecute offences committed with racial or xenophobic motive; investigate promptly and in a transparent manner all cases of alleged police abuse and misconduct and also condemn racist, xenophobic and anti-Roma language in political discourse and in the media; review the legal and administrative provisions to create conditions for

67 Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities Fourth Opinion on Romania, adopted on 22 June 2017, ACFC/OP/IV(2017)005. Available: <https://rm.coe.int/fourth-opinion-on-romania-adopted-on-22-june-2017/168078af76> (Downloaded: 15.03.2018.)

free and fair competition in the electoral process between different organizations representing national minorities; review the procedure of appointment of national minority members to the Council of National Minorities in order to make it more inclusively representative. The further Committee recommendations has dealt with the importance of including persons claiming specific protection as a national minority belonging to groups which currently are not afforded such rights; the review of the implementation of the National Roma Inclusion Strategy, accompanying action plans for the inclusion of the Roma; promote respect and intercultural understanding among the different groups in society as a whole and engage actively in a dialogue with local representatives of the Hungarian minority from Covasna, Harghita and Mureş counties; facilitate the use of minority languages in relations with administrative authorities in those municipalities where persons belonging to national minorities live in substantial numbers (standardised certified administrative forms, printed documents in bilingual formats, display of topographic indications in national minority languages, publish local newspapers in languages of national minorities).

As the Fourth Opinion on Slovenia of 21 June 2017⁶⁸ underlines that although the Report contains comprehensive and valuable information, the Advisory Committee regrets that it was submitted with a two and a half year delay, and that representatives of national minorities and civil society were not consulted during its preparation; however, this occasion would have been a great possibility for a direct and comprehensive discussion with national minority representatives. Furthermore, the Committee welcomes the authorities' co-operative approach and their assistance provided before, during and after the country visit and it appreciates that the third and fourth thematic commentaries have been translated into Slovenian. The Committee formulated three recommendations for immediate action: ensure security of tenure for the Roma living in informal settlements and guarantee adequate living conditions and effective access to basic services and infrastructure; adopt the necessary amendments to the 2007 Roma Community Act in order to improve the access to rights of the persons belonging to this minority; combat the increase of hate speech, particularly on social media also with strengthening the response of the criminal justice system in cases of hate crimes and improve equal access of all Roma children to education. The further recommendations emphasised the need to maintain the dialogue with representatives of the new national communities and the German-speaking ethnic community; gather disaggregated, anonymous data on the situation of persons belonging to minorities; implement the existing legal framework in connection with the protection of the Italian and Hungarian national minorities (use of minority languages in official contacts with local authorities, in the judiciary and with providers of basic services in the relevant ethnically mixed areas, provision of

68 Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities Fourth Opinion on Slovenia, adopted on 21 June 2017, ACFC/OP/IV(2017)003. Available: <https://rm.coe.int/fourth-opinion-on-slovenia-adopted-on-21-june-2017/16807843c7> (Downloaded: 15.03.2018.)

effective teacher training in minority languages); effective implementation of anti-discrimination legislation and awareness-rising initiatives; provide opportunities for those “erased” persons still living in Slovenia; ensure support to radio and television broadcasting for the Italian, Hungarian and Roma national minorities and increase support for media in the languages of other national communities and also ensure that curricula, textbooks and teaching materials adequately reflect their diversity; encourage participation and representation of all Roma in decision making at local level, and increase employment for Roma.

In the Fourth Opinion on Sweden of 16 October 2017,⁶⁹ the Advisory Committee welcomes the authorities’ co-operative approach during the preparation of the Opinion. It highlights that the third cycle opinion was translated into Swedish and made public on the government’s human rights website and the website www.minoritet.se, a government-funded portal for information on national minorities and minority languages. The Advisory Committee particularly appreciates the organization of a follow-up seminar. It mentions that the fourth State Report was submitted without delay and contains comprehensive information, representatives of both national minorities and civil society were consulted during its preparation. The Committee proposes three recommendations for immediate action and these are: strengthen the implementation of the Act on National Minorities and Minority Languages at local level; increase and formalise opportunities for the Sámi to participate in decision-making processes affecting them at municipal, county and national level; increase the availability of teaching in and of minority languages, in particular through making the profession of minority language teacher more attractive; develop a comprehensive policy on national minority language education in preschools and also the respective training of preschool teachers in co-operation with minority representatives. The Opinion highlights several further recommendations such as to ensure that the legislative and institutional framework adequately protects persons belonging to minorities from discrimination; invest in the implementation of the Long-term strategy for Roma inclusion 2012–2032; develop adequate methods to collect disaggregated, anonymous data on the situation of persons belonging to national minorities; develop the reconciliation process with the Sámi addressing past human rights violations against the Sámi and creating awareness of this issue in the society as a whole; combat racism, intolerance, racism, xenophobia, anti-Semitism and hate speech, in particular in social media and on the internet; continue investment in the promotion of national minority languages through digital media; support digital means of teaching in and of minority languages.

69 Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities Fourth Opinion on Sweden, adopted on 16 October 2017, ACFC/OP/IV(2017)004. Available: <https://rm.coe.int/fourth-opinion-on-sweden-adopted-on-22-june-2017/168075fbab> (Downloaded: 15.03.2018.)

In the Fourth Opinion on Ukraine of 10 March 2017,⁷⁰ the Committee summarised that the Advisory Committee has not been able to visit the territories which were not under the control of the Ukrainian authorities because of the ongoing conflict (Autonomous Republic of Crimea and the city of Sevastopol and parts of the Donbass region), and so the Committee cannot address any recommendation concerning the mentioned territories. It welcomes the authorities' constructive and cooperative approach towards the monitoring process, with delegations of the European Commission against Racism and Intolerance (ECRI) and the Committee of Experts of the European Charter for Regional or Minority Languages (ECRML). The Committee regrets that its last opinion and the resolution of the Committee of Ministers on Ukraine were not translated into Ukrainian and national minority languages and that no follow-up seminar was organised after the last monitoring cycle. It encourages the authorities to make the present opinion public upon its receipt and invites the authorities to translate the present opinion into Ukrainian and minority languages, and to disseminate it widely among all relevant actors. The recommendations of the Committee for immediate action cover the adoption of adequate and comprehensive legal framework for the protection of national minorities with effective implementation mechanisms; respect and intercultural understanding among different groups in society; end the practices leading to the continued segregation of Roma children in schools; ensure that administrative boundaries, the rights and freedoms which flow from the Framework Convention are not restricted and secure the effective participation of persons belonging to national minorities at local level. In the further recommendations emphasis is placed on the importance of comprehensive population census; combatting manifestations of intolerance, racism, xenophobia and hate speech; encouraging the use of all minority languages in relations with administrative authorities; increasing the availability and quality of education in minority language schools; ensuring mechanisms in the legislation for persons belonging to national minorities to be adequately represented in elected bodies at all levels; promoting effective participation of Roma in socio-economic life; increase efforts to ensure adequate access to housing, health services and employment, including through targeted vocational education and training. Based on the Fourth Opinion on Kosovo of 8 March 2017,⁷¹ the Committee appreciates the close co-operation with UNMIK and the Organization for Security and Co-operation in Europe Mission in Kosovo (OSCE Mission) in the preparation, organization and follow-up of the visit; however, it regrets that it does not have the possibility

70 Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities Fourth Opinion on Ukraine, adopted on 10 March 2017, ACFC/OP/IV(2017)002. Available: <https://rm.coe.int/fourth-opinion-on-ukraine-adopted-on-10-march-2017-published-on-5-marc/16807930cf> (Downloaded: 15.03.2018.)

71 Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities Fourth Opinion on Kosovo, adopted on 8 March 2017, ACFC/OP/IV(2017)001. Available: <https://rm.coe.int/fourth-opinion-on-kosovo-adopted-on-8-march-2017/1680779af8> (Downloaded: 15.03.2018.)

to meet with all authorities with responsibilities relevant to the FCNM, such as the Ministries of Culture, Youth and Sport and Justice. In the progress report, prepared by the OSCE Mission, the Committee also notes that the progress report is based on close consultations with representatives of all communities, and it constitutes a comprehensive source of detailed information and analysis. Recommendations by the Committee to take immediate action are the followings: take concrete efforts to promote interethnic dialogue and tolerance at central and local level between communities and especially between young people; ensure that the existing legal framework for national minorities is correctly implemented; ensure full, equal and adequate implementation of the Law on the Use of Languages; realise the learning of the official and minority languages; address disparities in access to justice between the Kosovar-Albanian majority and minorities, increasing the presence of non-Albanian judges, lawyers and support staff.

In the further recommendations, the Committee expressed the importance of enabling the Ombudsperson Institution to function properly by providing it with adequate human and financial resources; implementing the Strategy and Action Plan for Inclusion of Roma and Ashkali communities in the Kosovo Society 2017–2021 to improve access to education; condemning all expressions of hate crimes; strengthening the protection of cultural heritage in consultation with all communities; ensuring adequate financial support for the development of media dedicated to all minority communities; prioritising the development of an integrated curriculum in the Serbian language, of adequate first education opportunities for members of numerically smaller communities, as well as of learning opportunities of official and other minority languages; develop quality teaching and learning materials in all minority language; enabling for all minorities to participate in decision making; promoting the economic integration of men and women from non-Albanian communities, paying particular attention to the needs of the Roma, Ashkali and Egyptian communities.

Resolutions of the Committee of Ministers

In 2017, the Committee of Ministers issued six resolutions on the implementation of the Framework Convention in connection with Austria, Croatia, the Czech Republic, Finland, Hungary and Italy.

In the Resolution on Austria of 17 October 2017,⁷² the Committee of Ministers recommended (for immediate action) to modernise the legislative framework concerning national minorities in order to ensure the consistent application of the Framework Convention to all persons belonging to national minorities, also ensure systematically full and effective equality before the law of all persons belonging to

72 Council of Europe, Resolution CM/ResCMN(2017)6 on the implementation of the Framework Convention for the Protection of National Minorities by Austria, 17 October 2017. Available: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168075f884 (Downloaded: 15.03.2018.)

national minorities by guaranteeing effective access to a legal remedy; and by reforming the National Minorities' Advisory Councils in order to ensure that they constitute a proper mechanism through which persons belonging to national minorities can participate effectively in all relevant decision-making processes.

In the Resolution on Croatia of 11 May 2017,⁷³ the Committee formulated three recommendations for immediate action: focus on minority rights as an integral part of human rights in the government agenda and develop, in close consultation with minority representatives, effective mechanisms to ensure that persons belonging to national minorities can enjoy their rights without negative consequences resulting from that choice; systematically and promptly fight against all cases concerning hate crime and hate speech and ensure that these are effectively investigated and sanctioned; develop and revitalise the areas that are mainly inhabited by especially disadvantaged persons belonging to national minorities, in particular returnees and Roma, through targeted investments in infrastructure and employment opportunities.

Resolution on the Czech Republic of 29 November 2017⁷⁴ highlights several recommendations for immediate action, in particular: promote tolerance amongst the majority population; make efforts to prevent, combat and sanction the inequality and discrimination suffered by the Roma; improve the living conditions of the Roma; fight against intolerance, racism, xenophobia and hate speech present in Czech society and also monitor the situation more effectively, and apply adequate sanctions when necessary; implement the 2015–2016 reform of the education system in order to ensure systematic placing of Roma pupils in mainstream education and to prevent children from being inappropriately placed in “practical schools”; redouble efforts to remedy shortcomings faced by Roma children in the field of education; review, in consultation with representatives of national minorities, legal provisions and administrative policies and practice regulating the establishment, appointment and functioning of the Committees for National Minorities and also review the appointment of members of the mentioned Committees.

The Resolution on Finland of 15 March 2017⁷⁵ defines three points recommended by the Committee for immediate action: engage in dialogue with the Sámi people, possibly in a government-led platform, to ensure that the interests of all parties are adequately addressed both in national legislation and through the ratification

73 Council of Europe, Resolution CM/ResCMN(2017)3 on the implementation of the Framework Convention for the Protection of National Minorities by Croatia, 11 May 2017. Available: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016807123e2 (Downloaded: 15.03.2018.)

74 Council of Europe, Resolution CM/ResCMN(2017)8 on the implementation of the Framework Convention for the Protection of National Minorities by the Czech Republic, 29 November 2017. Available: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168076cf91 (Downloaded: 15.03.2018.)

75 Council of Europe, Resolution CM/ResCMN(2017)1 on the implementation of the Framework Convention for the Protection of National Minorities by Finland, 15 March 2017. Available: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806fe1a6 (Downloaded: 15.03.2018.)

of the ILO Convention No. 169 on Indigenous and Tribal Peoples; strengthen the knowledge of the Sámi languages, maintain and develop the cultural identities of the Sámi in the Homeland while targeting also Sámi living outside of the Homeland; adopt and implement the Action Plan related to the 2012 Strategy for the National Languages of Finland in order to guarantee that the knowledge, visibility and presence of the Swedish language is maintained in education, in the administration, in the labour force and in the public at large; fight against interethnic prejudice, intolerance, racism, xenophobia and hate speech, in particular in social media and raise public awareness of the legal remedies available against hate crime and hate speech; strengthen the enforcement of the rule of law in order to sanction hate speech and hate-motivated offences.

In the Resolution on Hungary of 5 July 2017,⁷⁶ the Committee came up with a number of recommendations for immediate action, such as: combat manifestations of intolerance, racism, xenophobia and hate speech present in Hungary, including in the media and the political arena and monitor the situation more effectively; prevent, combat and sanction the inequality and discrimination suffered by the Roma and improve their living conditions, access to health services and employment fight against the segregation of Roma children at school and ensure they have equal opportunities for access to all levels of quality education; improve the dialogue with the Jewish community, combat anti-Semitism and anti-Semitic acts, including acts of vandalism and hate speech; finalise and adopt the Nationality Policy Strategy 2014–2020 and implement projects and activities constituting the National Social Inclusion Strategy 2011–2020; ensure that transfer of ownership of national minority cultural institutions to the national minority self-governments is accompanied by adequate safeguards which would guarantee their financial stability; promote conditions and develop solutions conducive to a greater visibility and effective use of minority languages in public life; encourage persons belonging to national minorities to use their own language during administration procedures, review these in order to display of topographical indications in minority languages; take proactive measures to encourage the municipalities inhabited by a substantial number of persons belonging to a national minority to display such signs; consult with representatives of national minorities in order to ensure the most effective representative and consultative mechanisms for all national minorities.

In the Resolution on Italy of 5 July 2017,⁷⁷ the Committee issued more recommendations for immediate action: take urgent steps to adopt a specific legislative framework, at national level, for the protection of the Roma, Sinti and Caminanti

76 Council of Europe, Resolution CM/ResCMN(2017)5 on the implementation of the Framework Convention for the Protection of National Minorities by Hungary, 15 March 2017. Available: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168073038d (Downloaded: 15.03.2018.)

77 Council of Europe, Resolution CM/ResCMN(2017)4 on the implementation of the Framework Convention for the Protection of National Minorities by Italy, 5 July 2017. Available: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168073038c (Downloaded: 15.03.2018.)

communities with consultation of representatives of these communities at all stages of the process; prevent, combat and punish the inequalities and discrimination of Roma, Sinti and Caminanti communities, improve the living conditions of persons belonging to these communities and ensure that children belonging to the mentioned groups have full access to and are fully included in mainstream education; review the mandate and status and strengthen the competencies of the Office for the Promotion of Equal Treatment and the Fight against Racial Discrimination (UNAR) in order to function independently; improve access of persons belonging to national minorities, to radio and television programmes particularly relevant for them; continue to support sustainable development of the printed media published in languages of linguistic minorities; provide adequate funding for teaching of and in national minority languages and ensure appropriate provision of qualified teachers and textbooks.

Concluding Remarks

In 2017, the international developments in the field of economic, social and cultural life of European minorities including the education and media brought with themselves numerous developments and novelties.

In the UN, mainly the respect for linguistic rights of minorities were emphasised including the rights of minorities for quality minority language education. It is of crucial importance for States to combat hate speech and xenophobia targeted at different minority groups, and to secure opportunities for minority youth concerning education and participation in public life and in the media. At the level of CoE, and based on the rulings of the ECtHR law concerning minority issues, the right to respect for private and family life and the freedom of assembly and association played a defining role in 2017. From the state periodic reports connected to the European Charter for Regional or Minority Languages, it is evident that in the field of minority language education, political representation of minority groups in political life and the achievements in the media connected to them (minority language broadcasts, newspapers, etc.) slightly differ in the mentioned States. In the Opinions of the Advisory Committee of the Framework Convention for the Protection of National Minorities, the Committee often emphasises the need for intercultural dialogue, taking efforts in order to start consultations with minority representatives, improving the opportunities for minority language education, media and broadcasting, fighting against hate speech and xenophobia against minorities, combating inequality and discrimination, securing proper living conditions, education and employment opportunities for persons belonging to minorities.

