

**HUMAN DIMENSION IMPLEMENTATION MEETING**  
**22 September to 3 October 2014**  
**Warsaw, Poland**

**Rapporteur's report**  
Monday, 29 September 2014

**Working session 11 (specifically selected topic):**  
**Rights of persons belonging to national minorities (continued)**

*Rapporteur: Mr. Frank Duhamel, Permanent Representation of Belgium to the OSCE*

**No. of statements:**

**Delegations: 10**

**Civil Society: 18**

**OSCE Inst./Int'l Org: 1**

**Rights of Reply: 13**

*Mr. Mark Lattimer, Executive Director of the Minority Rights Group, kicked off this session on integration of minorities by citing a Bosnian court case, the 'Finci case' of 2009. Two citizens, Sejdic and Finci, resp. a Roma and a Jew complained that they could not run for parliament, since the Bosnian Constitution only allows this to ethnic Bosnians, Serbs and Croats. The European Court of Human Rights found in 2009 that this provision was in violation of the ECHR, and hence had to be changed. Many national minorities face these kinds of obstacles to integration in their society.*

This example from Bosnia & Herzegovina (BiH) was telling how carving up a country along ethnic or religious lines usually exacerbates tensions, instead of ejecting them. The *Dayton Agreement (1995)* sought a long lasting peace in BiH. The general view is that this agreement didn't focus on excluding people. However, in effect it did by consolidating dividing lines, and the exclusions this implicitly entail.

Policies for minorities always need to be taken up by the government. Creating dividing lines within a country in order not to have to deal with minority policies on the government level, is one (and the first) big misconception. Switzerland, Belgium or the UK are examples of successful inclusion policies, where National Minorities are involved in society via different policies (elections,...). In this field, the Lund (former HCNM)-recommendations in inclusion policies offer a helpful tool.

A second misconception is the view that involvement of international politics de-politicizes tensions among national minorities. Notwithstanding the usual positive influence on human rights, it sometimes adds visibility and therefore reinforces tensions. The tool is here the *Bolzano Recommendations* where kin states are discouraged of supporting (Minority-related) political parties, as this usually discourages national integration.

Designing integration-policies is the responsibility of the state. However, the citizens from the national minority have to show their willingness to integrate. Hence, efforts must come from both sides. In some cases, we see low-integration-signals like high unemployment-rates concentrated in one minority. That has to be tackled by the state, as people have a 'right to integrate'.

Remarks of participants:

- All intervening countries agreed that the respect of National Minorities are increasingly important in a globalized world. Due to trade, a higher mobility of people, and easier communication, we will face with more rather than less minority issues. It will be more and more on the political agenda. Hence, integration policies will take a growing part in government activity as they will become critical to reach a stable and prosperous society;
- Representation was found essential for integration of minorities. A fair representation in parliament, or at least at the local level, is a cornerstone of any integration policy of the minority as a group;
- Some organizations deplored the treatment of the Ukrainian minority in the Crimea by the 'so-called dé facto authorities' there. The growing number of revelations of violations of human rights is alarming. The 'Ukrainian minority' there suffers more and more discrimination;
- This goes for many countries that suffer 'occupation of some parts of their territory'. In most of those territories, local minorities (of their original state) suffer discrimination or no right to return to their country;
- One country deplored the 'forced nationalization' of the Ukrainian minority in the Crimea. Against this, another country brought up the issue of obtaining citizenship. Allegedly, members of national minorities sometimes experienced difficulties.
- One country deplored the design of a new law on protection of minorities in Hungary that complicates the integration of the Hungarian minority in some neighboring countries of Hungary. This is e.g. particularly the case in Ukraine, where this country has to face other problems;
- Some organizations acknowledged that integration requires efforts from both sides. It's a shared responsibility between the individual and the state. Hence, citizens are also responsible;
- Language policy is found to be a very important part of integration policy, often a breaking point for the individual to make efforts and deliver good will to integrate.

**Recommendation:**

- National Minorities will become increasingly part of a globalized world. More minorities will raise issues. That means that we should avoid rather than increase dividing lines. The Helsinki Final Act already has provisions concerning national minorities, policies and recommendations that help us to avoid these practices;
- Representation: the OSCE should establish 'best practices' how to organize, particularly to involve national minorities into the electoral system;
- Property of National Minorities (and of former minorities) should be respected and, where relevant, restored. The necessary legal provisions should be established, and applied by the courts;
- Given the particularly worrying situation in the 'occupied territories', the HCNM should be more active to monitor the situation of their minorities on the ground;
- Citizenship is essential for integration. Everyone who is part of society should be able to obtain

citizenship.

- The OSCE can collaborate more with the Council of Europe, who has useful tools like their flagship 'Framework Convention on NM' – the only legally binding instrument, or the Charter on Minority languages. This is the international standard for the protection of minority languages;
- OSCE should look into specific habits/customs of minorities (like the use of particular (forbidden) products).