

Working Session 10: Tolerance and non-discrimination I, including:

- **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**

Rapporteur: Mr. Davit Knyazyan, Deputy Head, The Delegation of the Republic of Armenia to the OSCE

No. of statements: 53

Delegations: 13

Civil Society: 39

OSCE Institutions:

International Organizations: 1

Media:

Rights of Reply: 15

The working session 10 was devoted to reviewing of implementation of the OSCE commitments in the field of human rights of persons belonging to national minorities, improving the situation of the Roma and Sinti people in the OSCE area and related challenges of aggressive nationalism, racism and chauvinism. Participants discussed state of affairs in regard to this wide range of topics and main challenges, as well as exchanged recommendations and best practices.

The first introducer Ms. Ilze Brands Kehris highlighted the link between protection of human rights of national minorities and prevention of conflicts. She referred to Ljubljana Guidelines, which clearly identify that integration of diverse societies goes hand in hand with implementation of the rights of persons belonging to national minorities. Among the current challenges she indicated growing divisiveness, rhetoric and policy in a number of states, which leads to exclusion, polarization of societies and feeds intolerance, racism and radical nationalism. She also referred to the tendency of securitization of national minorities and their rights. Ms. Brands Kehris underlined the need to assess and review the achievements and shortcomings of participating States' national strategies, as well as the urgency of a renewed effort to develop and implement effective policies facilitating integration of society. She indicated that often national efforts stop once the integration strategy is created and practical implementation, as well as review mechanisms remain a challenge for many states. She stressed the need of allocation of human and financial resources to move towards effective implementation and the need to develop strategies based on disaggregated data and evidence. Ms. Brands Kehris called to direct efforts to local level, including municipalities, which are better placed to develop participatory mechanisms. In this context she mentioned the promising establishment of network of cities and local authorities sharing experiences on intercultural and integration policies and supporting inclusion and bottom-up approach. However there is need to have comprehensive national strategies. Equal participation requires focus on the most marginalized and excluded groups, quality of minorities' political participation and access to reliable information. Ms. Brands Kehris referred to some positive initiatives in different participating States such as association between police, human rights commissions, minority communities and youth leaders.

The second introducer Dr. Iulius Rostas referred to the 2003 OSCE Action Plan on Roma and Sinti as the first comprehensive policy document setting standards for Roma and Sinti integration at international level and inspiring processes in other international fora, such as adoption of the EU Framework on National Roma Integration Strategies up to 2020. Roma and Sinti people continue to remain vulnerable and face racism and discrimination in all spheres of public life. In this context he referred to the decade of Roma Inclusion 2005-2015, the Council of Europe Strasbourg Declaration of 2010, national strategies and programmes as additional documents reflecting the challenges faced by Roma and Sinti. Dr. Rostas highlighted positive policy from past experience such as setting of participatory mechanism to ensure meaningful participation of Roma and Sinti with special attention to women and youth. He emphasized the importance of engaging Roma and Sinti communities in design and implementation of relevant national policies. He stressed the role of local authorities in practical implementation of national policies. He referred to the challenge of anti-gypsyism as a special form of racism towards Roma and Sinti. Combating anti-gypsyism should be cornerstone national strategies to prevent reproduction of inequality between Roma and Sinti and majority population. He attached importance to countering segregation of Roma and Sinti in schools, addressing their inadequate living conditions, mainstreaming gender. Dr. Rostas also stated that financial allocations and adequate resources should back plans and documents which requires data, monitoring and evaluation mechanisms to provide feedback in real time and adjust.

Many delegations commended the appointment of the new High Commissioner on National minorities and pledged their support to the Institution. They stressed their adherence to the protection of human rights of minorities to ensure peace and stability. One delegation underlined the importance of the HCNM activities without double standards and equal attention to the OSCE area, stressed the need to put an end to the isolation of Roma and Sinti people and also touched upon the issues of statelessness and discrimination on ethnic grounds. Another delegation highlighted issues of violation of human rights of national minorities in a number of the OSCE participating States, including their discrimination, torture and enforced disappearance, as well as called for greater efforts of some participating States to address the human rights of Roma and Sinti communities. One delegation emphasized the need for national minorities to have a sense of belonging and political participation in order to ensure stability. Another delegation presented its constitutional and legal framework, as well as referred to preparation of specific law targeting rights of national minorities in cooperation with the Council of Europe. One delegation mentioned establishment of early warning system to promote peace and identify conflict potential at early stage, as well as activities of monitoring centre and specific centres in areas with high percentage of ethnic minorities.

Several delegations presented their efforts to promote equal access to education for Roma and Sinti people as means to support Roma integration in mainstream educational system. Among best practices they highlighted the erection of memorial of genocide of the Roma and Sinti people in consultation with survivors and national campaigns against racism and hate speech, addressing also anti-gypsyism.

The discussions focused also on the language rights. A number of participating States raised the issue of violation of the rights of national minorities to get education in their mother tongue,

including through imposing legislative restrictions. Other participating States highlighted their good practices of protection of rights of national minorities, and referred to good practices, such as bilingual education and minority education schools, which combine education of the state language and mother tongue. Creation of cultural centres, co-ordination boards and working groups focusing at inclusion of national minorities and Roma and Sinti people, broadcasting and publications in national minority languages were also highlighted as good practices of protection of rights of national minorities.

An NGO presented its experience in countering religious extremism on the Internet. A number of NGOs referred to cases of violation of human rights of national minorities, including restrictions to political participation, discrimination on ethnic grounds, language discrimination, prohibition of use of minority language in public sphere, marginalization and campaign of bigotry targeting national minorities, violation of their human rights and fundamental freedoms under pretext of fighting terrorism, violation of property rights, expropriation of places of worship and closure of religious institutions. A group of several NGOs presented cases of human rights violations of Roma and Sinti people, including right to education, intolerance and discrimination in public life, inadequate living conditions, healthcare issues, problems with registration documents. They referred to problems with practical implementation of national action plans and strategies due to lack of financial resources, monitoring mechanisms and non-sufficient engagement with Roma and Sinti communities. Specific vulnerability of Roma and Sinti women and children and travellers was underscored. Anti-gypsyism was mentioned as root cause of marginalization of Roma and Sinti people in the OSCE area.

One international organization presented its activities to improve the policies of member states on the integration of Roma and Sinti people at regional level and declared its readiness to participate in the elaboration of an official strategy and national action plan, budget and donor founding. It encouraged the governments to adopt regional standards for the proper budgeting of Roma and Sinti integration strategy.

Participating States in their replies refuted the raised criticism, by referring to their national policies and strategies and achievements in their implementation. In doing so they emphasized their commitment to take on board the recommendations of international organizations and reasserted their commitment to protection of the human rights of persons belonging to national minorities and rights of Roma and Sinti people. Reference was made to reports of international organizations, which have reflected positive trends in implementation of Roma and Sinti inclusion strategies. Participating States also disagreed with criticism of discriminatory practices ethnic grounds and stated that naturalization has taken place in the country. Protection for freedom of expression was touched upon and at the meantime hate speech and hate crime were condemned.

Recommendations made by participants during this session include (non-exhaustive list):

Recommendations to the OSCE participating States:

- Meet their international commitments and co-operate with the HCNM in granting the Office full and unrestricted access;

- Ensure that persons belonging to national minorities are able to exercise their rights without facing discrimination and in equality before the law;
- Involve national minorities in public life through active rather than formal representation. They should be granted full access and inclusion in policies and strategies;
- Create mechanisms for effective participation of Roma and Sinti with focus on women and youth, in policy processes concerning them;
- Put countering anti-gypsyism at the core of their policies in regard to Roma and Sinti people;
- Promote equality and social inclusion of Roma and Sinti;
- Allocate adequate financial resources, create effective monitoring and evaluation frameworks, set quantifiable indicators and targets and collect disaggregated data in monitoring the impact of integration strategies of Roma and Sinti;
- Take effective measure to ensure the respect for fundamental rights and the participation of Roma and Sinti and women and girls;
- Place greater emphasis on education, employment, access to education, fight against violence against the community, including domestic violence, human trafficking and forced marriage issues and its codification in national legislation;
- Guarantee education in minority languages at all levels. Participating States should allow the use of min language in areas largely populated by national minorities and refrain from restrictive measures in this regard;
- Roma and Sinti people should be recognized as national minorities and get citizenship rights;.
- Participating States are encouraged in going beyond representation mechanism to ensure Roma participation in policy making through the use of deliberative methods such as participatory budgetary planning;
- Participating States are encouraged to adopt human right based inclusion perspectives that go beyond formal participation;
- OSCE should be more present in the field and support Roma and Sinti communities in implementation of their basic rights and access to political participation;
- Facilitating atmosphere for Roma and Sinti people should be created in order to assist them in their self-realisation through education.
- Continue issuing ID to Roma and Sinti persons under simplified administrative procedures, provide shelter to girls and women, as well as elaborate special programme for victims of domestic violence and abuses and prevent forced marriage.
- Monitoring of comments in online newspapers and launching of a campaign on countering anti-gypsyism and discrimination against Roma and Sinti people.

Recommendations to the OSCE and its Institutions:

- The HCNM needs to make full use of its tools, including quiet diplomacy;
- ODIHR and HCNM should closely monitor situation with rights of national minorities in certain OSCE participating States;
- OSCE should keep in its agenda protection of human rights of Roma and Sinti people.