



**Organization for Security and Co-operation in Europe
High Commissioner on National Minorities**

STATEMENT

by
Knut Vollebaek

OSCE High Commissioner on National Minorities

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CHECK AGAINST DELIVERY

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Chairperson, Distinguished Ambassadors, Members of Delegations,

It gives me great pleasure to be back in Vienna and to provide you with an update of my activities since my statement to the Permanent Council last June.

Let me first of all thank you for the confidence you have shown in me by extending my mandate for another three years. I promise to carry out my work to the best of my ability.

Chairperson,

Kyrgyzstan has taken up much of my time this year. I returned from Bishkek and Osh just two days ago. This was my fifth visit to the country since the events last April. Therefore, I would like to start with the situation in Kyrgyzstan.

Six months have passed since the June events and one month since the parliamentary elections, and I am still deeply concerned about the situation in the country.

I commend the Kyrgyz authorities and particularly President Otunbayeva for conducting the parliamentary elections in a peaceful manner. As was noted in ODIHR's preliminary conclusions "[p]olitical pluralism, a vibrant campaign and confidence in the Central Commission for Elections and Referenda (CEC) characterized these elections. Fundamental freedoms, including freedoms of expression, assembly and association, were generally respected. Overall, these elections constituted a further consolidation of the democratic process." I was pleased to learn that, even under the current difficult circumstances, national minorities and particularly Uzbeks in the south of the country cast their votes, thereby expressing hope for interethnic peace and security.

However, it should be noted that some parties opted not to include minority representatives on their lists in such a way as to give them a significant chance of winning seats in the Parliament. The Uzbek minority, whose integration should be one of the most important priorities of the new Parliament and Government, will therefore be represented by just three MPs. Such weak

representation of the Uzbek minority in the legislative body may further undermine its trust in the authorities and complicate the process of reconciliation.

During my visit I met with a representative of the International Inquiry Commission that started its work in October. I hope that the members of the Commission's Panel and Secretariat will have access to all necessary information and that the findings of the inquiry will shed light on the June events, and will also provide recommendations as to how re-escalation of tension could be prevented in the future.

Ladies and Gentlemen,

I travelled to the city of Osh on 14 November. Despite notable improvements on the humanitarian and reconstruction fronts, the security and human rights situation in the south of Kyrgyzstan remains volatile. Members of the Uzbek minority community are still subject to arbitrary detention, threats, extortion, harassment and physical and verbal abuse. You are all aware of the ongoing reports of attacks against lawyers and human rights activists engaged in providing legal aid to ethnic Uzbek defendants. Disturbingly, it appears that law enforcement bodies are not doing enough to stop this unacceptable behaviour. Indeed in some cases they are allegedly engaged in harassment and carrying out ethnically targeted arrests. I was told that there is also discrimination against ethnic Uzbeks in the employment, education and media sectors. Two Uzbek TV stations have been closed, the Kyrgyz-Uzbek University was renamed to Osh Social University, and I heard that significantly fewer Uzbek pupils are now attending school.

The pursuit of justice following the June events is an important part of addressing grievances and moving towards reconciliation. Equally critical, however, is the unbiased application of the law and observance of fair trial standards. The President herself admitted that out of 100 cases in Osh only nine ethnic Kyrgyz have been indicted in connection with the June events, pointing to a tendency to disproportionately prosecute one side in the conflict.

Ladies and Gentlemen,

During my meetings the President, Prosecutor General, newly elected MPs and other officials assured me that they are committed to doing their utmost to provide security to the Uzbek minority in the south of the country and to intensify and better regulate efforts to reconcile ethnic communities and restore ethnic peace. I still have faith in their good intentions. Unfortunately, my confidence is no longer shared by representatives of the Uzbek community on the ground. In my experience it is not only facts but perceptions that fuel tension and conflict. Members of the Uzbek minority in the south of Kyrgyzstan feel marginalized and oppressed. They view the lack of improvement in their situation as complacency on the part of the central authorities.

This perception can only change when the authorities genuinely engage with members of the Uzbek minority and send out convincing messages to reassure them about their future in Kyrgyzstan and their role in the country's recovery and reconciliation processes. The Government should clearly articulate its intention and take visible steps to restore law and order, to stop discrimination of national minorities in the short-term and to develop and implement comprehensive policies on integration of national minorities in the medium and longer-term perspective.

I assured the President that I intend to continue assisting the Kyrgyz authorities in developing their state concept on interethnic relations and integration of national minorities and in implementing their existing concept on multilingual and multicultural education. I am confident that my co-operation with the Presidential Administration's Department of Ethnic Development and Religious Policy, and the Ministry of Education will lead to these concepts becoming important building blocks for the integration of Kyrgyz society and the stability of the country.

Authorities at all levels admit there are problems and that more could and should be done to improve the situation. In my opinion, addressing both the apparent impunity of the perpetrators of unlawful and discriminatory acts, and the perceived indifference of the law enforcement bodies to the plight of ethnic Uzbeks, is key to re-establishing trust in law enforcement agencies and the authorities in general. Hence my belief that an international police presence in the south

of Kyrgyzstan could still serve a useful purpose in helping restore law and order and in preventing re-escalation of tension.

Chairperson,

Ladies and Gentlemen,

During the period 31 October to 6 November I visited **Georgia**. I am particularly pleased that for the first time I was able to gain access to South Ossetia during this trip, visiting both Tskhinvali and Akhagori. I would like to thank all those who made my visit possible, in particular the Governments of Georgia and the Russian Federation for facilitating my transit to Tskhinvali and the UNHCR representatives, both in Vladikavkaz and Tbilisi, who provided their support in arranging this complex but most important trip. I also appreciate the cooperation I received from the *de facto* authorities. The main goal of my visit was to assess the situation of the different communities in South Ossetia and especially ethnic Georgians in the Akhagori district. I travelled through ethnic Georgian and mixed villages to the north and east of Tskhinvali. These villages were totally destroyed and remain in ruins with no visible signs of return and habitation anywhere.

I remain concerned about the situation of ethnic Georgians in South Ossetia, including the Akhagori district. I raised the issues of their language and education rights, compulsory "passportization" and/or potential expulsion, forced conscription and restrictions on their freedom of movement with the *de facto* authorities. It also became apparent during my visit that there are some discrepancies between *de facto* legislation, for example on language rights, and its actual implementation on the ground. Those few Georgians still remaining in Akhagori are concerned about their freedom of movement, security, future prospects for preserving their identity, language and culture, and being able to maintain links with the rest of Georgia. I urged the *de facto* authorities to refrain from putting additional pressure on the remaining Georgian population in the Akhagori district. A new wave of Internally Displaced Persons (IDPs) must be prevented as it could lead to a new outbreak of hostilities, increase tensions, and aggravate the humanitarian situation.

I am also concerned about the restrictions on the freedom of movement across the Administrative Boundary Line (ABL) in all areas. I was informed that up to 800 crossings a day take place through the Odzisi checkpoint near Akhlagori. Because of the lack of security on the ground, however, IDPs have told me that they would not move back to Akhlagori permanently. According to them only some kind of international presence, for example the EU Monitoring Mission or an international police mission on the ground, would bring them back to their homes. Having regard for the ongoing tensions and possibility of more incidents, I firmly believe that there is a need for a greater international presence in Georgia, not less.

I also raised the issue of the Meskhetian repatriation with the Georgian Government, and stressed the need to tackle this issue comprehensively and strategically in order for it not to become a cause of interethnic tension in the future. I was encouraged by the progress so far, and took note of the Georgian Government's intentions to tackle this issue within an interinstitutional framework and to develop a long-term strategy for the repatriation and eventual reintegration of Meskhetians.

In September this year, I visited **Ukraine** for the purpose of initiating a dialogue with the new Government and to follow up on a number of issues I had raised with the previous Government. As was the case during my earlier visits, a great deal of my time in Ukraine was devoted to the situation in Crimea and the issue of legislation regulating the integration of formerly deported persons.

In advance of my visit, I had provided the authorities with my assessment of the new Draft Law on the Restoration of Rights of Persons Deported on Ethnic Grounds, submitted to the Verkhovna Rada earlier this year, and which, overall, I assessed positively. In my view, legislation regulating the status and rights of formerly deported people should be a key element of Ukraine's strategy to deal with the situation in Crimea. I therefore welcomed the intention expressed by the Chairman of the Verkhovna Rada to speed up the parliamentary work on the Draft Law.

In this context, I discussed – both in Kyiv and in Simferopol – the long-standing problem of illegal seizure of land in Crimea and the need for Ukraine to address the deficiencies in the legal framework in the sphere of land regulation and land ownership in Crimea. Furthermore, I discussed the allocation of land for the planned construction of the Central Mosque in Simferopol and expressed the hope that this matter will soon be resolved.

In addition to the situation in Crimea, the new comprehensive Draft Law on Languages submitted to the Verkhovna Rada in early September was a major topic of my discussions with the authorities and experts. I understand that the Draft enjoys the political support of the parliamentary majority. At the same time, it has been heavily criticized by a number of politicians and the majority of experts, and has led to increased tensions and polarization in society. I will shortly provide my assessment of this Draft Law. In view of the fundamental importance of the language issue for Ukrainian society, I encouraged the Verkhovna Rada to engage in a broad and transparent consultation process before the Draft is finalized.

Finally, I raised the matter of a follow-up to the study of the education situation of ethnic Russians in **Ukraine** and of ethnic Ukrainians in the **Russian Federation**, undertaken last year. The Russian Government has declined my offer to facilitate discussions between the education authorities of both countries. I am now exploring ways to continue my dialogue with the authorities of Ukraine and the Russian Federation regarding the implementation of recommendations that emerged from the study. As promised, I have shared the full results of the study with the Governments of Russia and Ukraine. I have also encouraged them to make these reports public so that they can be widely discussed among stakeholders in the sphere of minority education.

I was able to discuss some educational questions during my visit to North Ossetia-Alania in the **Russian Federation**, in connection with my above-mentioned visit to Georgia. Following an invitation I received last year from Russia's Deputy Minister of Education, I visited a multilingual school in Vladikavkaz. I was impressed by the school and its facilities, the teaching methods applied and the enthusiasm of staff and pupils. I believe that other OSCE countries, as well as other regions of Russia, could benefit from the good practices developed in this trilingual

school where Ossetian, Russian and English are taught. I also visited the school in Beslan and the memorial to those who lost their lives there. It is obvious that this tragic event, which took place more than six years ago, continues to have a heartbreaking impact on everybody in North Ossetia and throughout the North Caucasus.

Chairperson,

Ladies and Gentlemen,

I am continuing my involvement in **Estonia** and **Latvia**. In Estonia, I am in contact with the authorities on proposed language legislation so that I can assess its implications for national minorities. I am also examining Latvia's new Law on Electronic Media, which contains provisions regarding broadcasting in the State language. In early October, I seconded one of my advisers to ODIHR's Limited Election Observation Mission to observe the Latvian parliamentary elections. In its preliminary statement, ODIHR highlighted the still large number of non-citizens in Latvia who are unable to participate actively in the electoral process. As you know, I have expressed my concern here at the Permanent Council about the slow pace of the naturalization process and the lack of voting rights for non-citizens in local elections in Latvia. I encourage Latvia's new Parliament and Government to adopt a constructive approach to the historically divisive issues of language and citizenship.

Also in September, I visited both Budapest and Bratislava to follow up on my earlier engagement on issues affecting both State-minority relations in Slovakia and bilateral relations between **Hungary** and **Slovakia**. I welcome the determination of the new Governments in both capitals to reinvigorate co-operation and to address contested issues bilaterally. I was also pleased to note that the Slovak Government has prepared amendments to the Slovak State Language Law, which to a large extent address the concerns I had expressed earlier with respect to this Law and its consequences for the use of minority languages. The latest amendments constitute a considerable improvement. They alter the overall spirit of the Law, reduce unwarranted restrictions and limit the scope for the application of penalties.

As I have mentioned on previous occasions, I remain sceptical about the effectiveness of punitive language regimes, particularly in multi-ethnic States. Penalties do not provide the right sort of encouragement to people to learn the State language or to use it more widely but, rather, provoke resentment and often contribute to tensions. That said penalties used for the enforcement of laws are by no means illegal. I would, however, urge caution in applying sanctions and instead encourage States to invest more in bilingual education and improve language training opportunities for both children and adults.

Over the past summer amendments to the Hungarian and the Slovak citizenship acts provoked much discussion, with the former expanding and the latter restricting possibilities for holding dual nationality. The debate raised more general questions on the merits, limits and consequences of dual citizenship. There is a clear trend in today's globalized world towards multiple identities, loyalties and, consequently, citizenships. Normally, however, this takes place on an individual basis. Problems can arise when attempts are made to grant citizenship *en masse* to large segments of the population of another, often neighbouring State. In my experience, contested claims or competing attempts by the States concerned to exercise jurisdiction over their citizens, irrespective of the place of residence, have the potential to create tensions. It is for this reason that the HCNM Bolzano/Bozen Recommendations urge States to give full consideration to the consequences of bestowing citizenship on the basis of ethnic, national, linguistic, or cultural ties alone, especially if conferred on residents of a neighbouring State.

While the conferral of citizenship is first and foremost a prerogative of sovereign States, decisions and procedures regarding this matter must be in conformity with international human rights law as well as principles of friendly and good-neighbourly relations. Consequently, States must pursue responsible citizenship policies. Given the importance of this question to the modern world and to relations between as well as within States, I believe we should all think about identifying basic guiding principles for responsible citizenship policies and encourage their implementation in order to maximize benefits for individuals and minimize risks to international peace and stability.

In many countries where I am involved, I have been paying particular attention to issues of education. The challenge the majority of our societies face is how to strike the right balance between protecting and promoting the linguistic rights of persons belonging to national minorities, on the one hand, and ensuring that they master the State language and have all the opportunities available for effective participation in public life, on the other. Without this balance, the social cohesion and integration of our multi-ethnic States is undermined. In post-conflict societies, after the initial cessation of hostilities, there is a particular danger of divisions and differences, real or perceived, between communities becoming entrenched, rather than rebuilding relations that transcend ethno-cultural boundaries.

It is for this reason that much of my work, particularly in South East Europe, has focused on promoting models of integrated education where future generations educated on the principles of mutual respect, tolerance and responsible citizenship will ultimately ensure the sustainability of peace. Again as I have stated on previous occasions, education is the best conflict prevention tool. In this context, I would like to take this opportunity to thank the Chairmanship for its initiative in organizing a Supplementary Human Dimension Meeting last July, focusing on the education of national minorities.

In light of this, I am particularly pleased to inform you about my most recent visit to **Skopje**, where I have been assisting the authorities in developing a comprehensive strategy on integrated education. After much deliberation and with the support of the OSCE mission in Skopje, the Government adopted the strategy on 5 October. It will enable the authorities to pursue educational reforms in a way that promotes mutual understanding and tolerance, while laying the foundations for improved social cohesion and stability in this multi-ethnic society.

I made a point of warmly congratulating the authorities during my visit to Skopje on 7 October, assuring them of my continuing support and advice in designing and implementing the long-term reform envisaged in this strategy, in particular in areas such as language acquisition, curriculum and textbook development, teacher training and school governance.

In **Serbia**, I have also been involved in promoting integration through education with a particular focus on higher education. As you may recall, my office has been supportive of a feasibility study, commissioned by the Serbian Government, which envisages the creation of a multi-ethnic higher education institute in the municipalities of Bujanovac and Presevo. I am pleased to inform you that on the occasion of my visit to Serbia on 4-6 October, the authorities expressed their commitment to turning the results of this study into reality and, as a first step, announced the opening of a faculty of economics in Bujanovac in the next academic year. I will continue to provide support to the authorities in the setting up of this faculty. In so doing, I hope to ensure a common understanding among all stakeholders that this institute should be multi-ethnic and multilingual, providing Albanian students with quality higher education in their own language, as well as offering classes in Serbian. It is indeed essential, in my view, that students from both communities are provided with adequate access to common facilities as well as to learning each other's language.

**Chairperson,
Ladies and Gentlemen,**

I cannot conclude this report without addressing one of the most complex challenges that political leaders in many OSCE countries are currently facing: namely the situation of the Roma and Sinti in Europe. There are worrying signs that discrimination and intolerance directed against Roma and Sinti not only persist across Europe, but are on the increase. Furthermore, I am concerned that a continuation of current trends and the way in which the Roma are being treated could also have damaging consequences for inter-State relations. It is of utmost importance to address these issues now in order to prevent such tensions from threatening peace and stability within the OSCE area.

Recent events are a clear indication that the migration of Roma and Sinti within the OSCE area is a result of the inaction of States to eliminate discrimination and to facilitate the integration of the Roma and Sinti population in their home countries. As you may recall, in April last year on the occasion of International Roma Day, I issued a study together with the Council of Europe's Commissioner for Human Rights, Thomas Hammarberg, on "Recent Migration of Roma in

Europe". We decided to reissue this study on the occasion of the High Level Meeting on Roma organized by the Council of Europe last month as we believe that the report responds to a persisting need in the OSCE area for a constructive approach to Roma and Sinti migration.

The situation of Roma and Sinti in Europe has been the subject of innumerable studies. Conclusions of all these reports reveal a lack of implementation of the commitments on the part of participating States vis-à-vis the Roma community. Proper documentation among the Roma community and lack of respect and implementation of Roma children's right to education are still issues of concern. States have to uphold the fundamental right of every person to legal identity and registration at birth. Ensuring Roma and Sinti children's education rights must become a top priority for States. In addition, these reports remind us of the importance of Roma involvement in the political process, and the need to combat stereotyping by the majority, as well as encouraging the development of a sense of responsibility and ownership on the Roma side.

Existing reports have provided us with quite extensive information about the Roma and Sinti population in Europe. What we need now, is the political will to implement existing recommendations and commitments.

Chairperson,

Ladies and Gentlemen,

As you can see, the OSCE area still faces threats to its security and stability, stemming from tensions in State-minority relations, from interethnic strife and from unresolved conflicts. There are international standards and commitments that, if properly implemented, would assist us in effectively addressing these challenges. At the same time, however, we need to do more. We need to pursue balanced policies that take into account the sensitivities of our multi-ethnic context; we need to strengthen the capacity of States to fulfil their responsibilities with respect to the protection of human rights, including those of minorities, and we need to promote the integration and social cohesion of our increasingly diverse societies.

Since this is my last statement to the Permanent Council under Kazakhstan's chairmanship, I would like to thank our Chairperson, Ambassador Kairat Abdrakhmanov, for his support and co-operation and the rest of the Kazakh Delegation for their committed work throughout 2010.

Thank you.