

HDIM 2012

Working Session 13: Rights of persons belonging to national minorities (continued)

Rapporteur: Mr. Frank Duhamel, Deputy Permanent Representative of Belgium to the OSCE

The second half of the Special day on rights of persons belonging to national minorities focused on education of minorities in the context of their integration, as a way of fighting against discrimination.

During the HDIM 2012, the topic of '*rights of persons belonging to national minorities*' was discussed during a whole day of two sessions. The High Commissioner on National Minorities (HCNM), Ambassador Knut Vollebaek, discussed two ways of tackling discrimination of national minorities: (1) through language (this allows minorities to better express themselves and to get better chances in life) and (2) through the system of education. The afternoon session focused on the second approach.

Education policy was described as an essential tool in fighting discrimination against national minorities. By providing adequate education, individuals from minorities can get more opportunities as they will acquire better skills and will be able to continue their education, pursuing higher degrees. As these policies are mainly focused on children, they allow especially designed programs for stimulating the integration of specific groups (like national minorities). If implemented in broad schooling programs, these policies can help several generations to be more integrated into society and this will constitute an ideal policy in the longer term. Therefore education policies can be a very useful tool for emancipating and promoting the rights of national minorities. At times education policies are conflicting with language policies as the question is often raised if national minorities must enjoy the right of education in their own language, which often differs from the State language of the host country.

One participating State specifically denounced the failure of some participating States regarding this last issue, blaming the refusal by host countries to provide the children of the national minority group with an opportunity to study in their mother tongue. Since education constitutes a fundamental right for all, and is guaranteed by a number of OSCE commitments, all participating States should apply this policy, at least allowing primary education in the mother tongue of the national minority. Individuals that do not enjoy this right face higher failure rates and high dropping-out rates. Moreover, often people belonging to national minorities are refused in granting the nationality of the host country, which contradicts the process of integration. These people remain without good education, they are never considered as nationals, face difficulties on the employment market, and are therefore further marginalized and discriminated against. In some countries, the use of their mother tongue is even prohibited. This is against the fundamental rights and against all conventions that protect minorities. All primary schools should offer education in the mother tongue of the children, as the education process starts there. Some examples were cited.

This delegation stated that the HCNM doesn't respect his mandate fully. He chooses to intervene more in some countries than in others. In this matter, not enough attention is paid to non-Albanian residents of Kosovo. The criticism of the HCNM is too often addressed to countries 'east of Vienna', and hardly to the West. That is not in conformity to his mandate (1991).

Representatives of different minorities confirm this form of discrimination: the use of their language is simply forbidden in their host country, in particular in the education system. One NGO invites the HCNM to visit the concerned country to take stock of this obvious discrimination. Afterwards, appropriate recommendations can be developed to these countries. Many NGOs saw a strong link between language and educational rights. Many examples were cited.

One NGO pointed to the underlying principle of freedom: every individual should get the freedom of choosing his or her identity including religion, sex, language, and even nationality and education. Some people are imprisoned because of their wish to exercise this freedom.

Another delegation listed some countries with some recent discrimination incidents relating to national minorities. On the European continent, work remains to be done in order to integrate better these national minorities, among others, via the tool of education. This discrimination is often due to deplorable political choices, such as the failure to recognize Kosovo as a participating State, which would help to stabilize the whole region. The Balkan wars exacerbated the tensions between many national minorities. These countries should more vigorously respect their OSCE-engagements. The work of Swedish diplomat Wahlenberg, who personally helped many people belonging to national minorities, should serve as a positive example.

Another blockade to integrating national minorities is the existence of frozen conflict zones, for obvious reasons. Other countries stated that learning the official language of the host country is always an efficient tool for integration. This way, individuals from national minorities will integrate better and hence increase chances throughout their lives. Some countries have done surveys to measure the success of their integration policies. One country showed a successful integration of all minorities, but the Roma, for which programs are now implemented in order to integrate them.

In his concluding remarks, the HCNM noted that minorities do not constitute a problem, but are rather an asset and should be treated as such. They add something to our nations. The legal foundations of the broad mandate of the HCNM date from the 1990s and provide, to a certain degree, for involvement in the internal affairs of participating States. The whole idea is for the HCNM to be a conflict resolution institution.

The implementation of HCNM recommendations by participating States should be strengthened. This refers to inclusion policies and giving the national minorities more participatory opportunities. Proper education in the mother tongue is therefore a good tool for inclusion. If implemented, it will result in a huge return in the longer term. Proper implementation of recommendations is key.

Main recommendations:

- Minorities should enjoy the right of getting education in their mother tongue, where ever, whenever. This finding was voiced by many minority-representatives;
- National laws that create distortions in the (enjoyment of) rights for national minorities should be eradicated;

- Although the degree to which national minorities are discriminated against varies, the respect of their rights of education should be generalized;
- People should have the right to choose the language of their education;
- OSCE participating States should fully implement their OSCE commitments and follow up on recommendations;
- Education policies should be designed to decrease drop out rates among national minorities-children, and to foster their integration into society.