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**STATEMENT BY THE DELEGATION OF THE
RUSSIAN FEDERATION AT THE SUPPLEMENTARY HUMAN
DIMENSION MEETING ON THE RULE OF LAW IN THE
PROMOTION AND PROTECTION OF HUMAN RIGHTS**

11 July 2013

**Session I: The role of legislative, regulatory and institutional frameworks
as well as governments and civil society in the promotion and
protection of human rights**

Safeguarding the rights of national minorities

Madam Chairperson,
Ladies and gentlemen,

Safeguarding the rights of national minorities, starting with the Helsinki Final Act in 1975, remains one of the OSCE's most important priorities in the human dimension. There can be no doubt that the successful resolution of problems connected with the integration of national minorities helps in many ways to safeguard stability and security in the OSCE area.

Today we are examining, among other things, matters relating to the role of the legislative system, governments and civil society in ensuring human rights.

In this context, we should like to underscore the need for a comprehensive solution of the problems of safeguarding the rights of national minorities. It goes without saying that both legislative initiatives and practical application of the law must be aimed at the effective integration of society while paying due heed to its ethnic, religious, linguistic and cultural diversity. A significant role in this is played by a constructive dialogue between the State and civil society, which represents the interests of all sectors of the population, including national minority organizations.

Any steps aimed at restricting the rights of national minorities in the areas of employment, education and the preservation of their culture, traditions and language are inadmissible. A person's ethnocultural identity is inextricably linked to their native language. We are convinced that unified standards should be applied as regards the use by national minorities of their native language in their personal and public life as well as in safeguarding the right to be educated in their native language. Unfortunately, the situation in a number of OSCE States is far from encouraging. A situation in which a significant section of a national

minority is removed at the legislative level from the scope of international conventions and national legislation in this area due to their nationality is also very alarming. In other words, if the members of the second or even third generation of a national minority live in a particular country, they are not recognized as such if they are stateless persons or so-called “non-citizens”.

Against this background, we should like to draw attention to reports by respected international agencies and their recommendations on the results of the implementation of the Framework Convention for the Protection of National Minorities, the Convention against Torture and others. An analysis of these recommendations clearly demonstrates that no serious progress has been made since the days of Max van der Stoel.

There is another significant problem that is closely linked with the position of national minorities and the stability and security of society. The dramatic increase observed in recent years in ethnic discrimination, xenophobia, neo-Nazism, racism and intolerance is becoming a breeding ground for the growth of ultra-right rhetoric, which is being included in the political platforms of a number of parties and movements. These processes require careful attention, as does the ongoing unsatisfactory situation regarding the rights of the Roma and Sinti in many European countries. However, appropriate responses from the specialized international bodies, including the institution of the High Commissioner on National Minorities (HCNM), are what is most important. The OSCE participating States should intensify their efforts so that the spread of aggressive nationalism, propaganda advocating the dominating role of one ethnic group over another or any other kind of ethnic discrimination are prohibited.

Against this background, I should like to dwell briefly on an example of lawmaking which is leading to discrimination against national minorities and individual ethnic groups. Amendments to the citizenship law have recently been adopted in one of the Baltic States.

The concessions regarding naturalization, which were formerly governed by the rules of the Cabinet of Ministers, are now enshrined by law. This can only be welcomed. However, there are some new items that give cause for alarm. We shall comment on just three of them.

A provision has appeared according to which only Latvians belong to the nation State, while Livonians are autochthons within it. The law provides for preferential treatment of these two groups. They are automatically guaranteed citizenship, unlike members of other ethnic groups, even those who have lived in the country for a long time. Thus, the concept of dominance of some ethnic groups over others is enshrined on the legislative level. This approach is not in keeping with the principle of non-discrimination on ethnic grounds enshrined in all universal international agreements, nor does it correlate with the provisions on the prohibition of “discrimination on grounds of national origin” (Ljubljana Ministerial Council meeting 2005). Incidentally, even the High Commissioner on National Minorities, Max van der Stoel, pointed out the unacceptability of using the concept “State and nation” and urged that it be changed to “State and people”.

The provision of the law regarding the possibility of obtaining dual citizenship (Article 9, paragraphs 1, 2 and 3) actually discriminates against the titular ethnic group itself. Now (secondary) citizenship can be granted only to ethnic Latvians who are citizens of countries of the European Union, the European Free Trade Association, NATO, Australia,

New Zealand and Brazil, while residents of Russia, Israel or countries of the Commonwealth of Independent States are not included in that privileged group.

The final point to which I wish to draw attention relates to the changes with respect to the refusal of naturalization and the impossibility of appealing against a decision in court (Article 17, paragraph 4). Essentially, this is a restriction of the right to a fair hearing in court. The possibility of naturalization being refused in an administrative procedure is especially worrying. Now, not only actions (determined by the court), but also behaviour (Article 11) may constitute grounds for refusal. Moreover, such assessments “on the basis of behaviour” will be made by some “competent institution” which will be appointed by the Cabinet of Ministers of the Republic of Latvia. The term “behaviour” that constitutes a threat to public order may be interpreted rather freely (for example, in a report by the Latvian security police for 2012, the “Russian Culture Days” festival was considered to represent a threat, allegedly because it spread Russian influence). Following this logic, everyone who participated in the festival may be refused naturalization. What is more, it is now also impossible to appeal through the courts against a refusal of naturalization of this kind.

This approach runs counter to the OSCE commitment that “no one should be deprived of his or her nationality arbitrarily” (Helsinki Summit 1992, Istanbul Summit 1999).

We believe that the OSCE and its institutions should step up efforts aimed at safeguarding the rights of national minorities. In this connection, it would also be useful to hold thematic events, including expert seminars in order to exchange experiences. It would also be important to analyse legislation in this area and its conformity with international commitments, the situation as regards safeguarding the rights of national minorities to citizenship, participation in political life, in the area of employment, access to social services, education, the use of their native language and the preservation of their ethnocultural identity. The extent to which the right to freedom of expression, assembly and association is being successfully exercised by national minorities and how effectively the dialogue with the representatives of the State authorities is developing also deserve attention. It is clear that the representatives of civil society from the national minorities and their public associations could make a significant contribution to the analysis of the situation in this area and take part in the thematic events organized by the OSCE.