

WS 8: Tolerance and non-discrimination I (continued), including rights of persons belonging to national minorities, and preventing aggressive nationalism, racism and chauvinism

Ms. Anna Pogwizd, Second Secretary, Permanent Mission of the Republic of Poland to the OSCE in Vienna The Working Session 8, opened by Mr. Henrik Villadsen, Director of the Office of the High Commissioner on National Minorities (HCNM), focused on the review of implementation of commitments regarding the rights of persons belonging to national minorities, and preventing aggressive nationalism, racism and chauvinism. The topics touched upon during the session included the activities of the HCNM in assisting the participating States, HCNM's role as an early warning and conflict prevention tool, positive practices and challenges in designing and implementing integration strategies that ensure non-discrimination and protection of the rights of persons belonging to national minorities, as well as countering hate speech. The issue of statelessness and minority groups' relationships with kin states has also been addressed.

The session was introduced by Dr. Petra Roter from the University of Ljubljana and Dr. Fernand de Varennes, UN Special Rapporteur on Minority Issues.

Dr. Roter outlined a number of worrying trends with regard to minority related policies. These, according to Dr. Roter, include a strengthened perception of national minorities as "problematic"; a political instrumentalisation of diversity as threatening the identity, culture or religion of the majority communities, which is further exacerbated by aggressive nationalisms; an increasing bilateralisation of issues relating to minority rights, combined with moving away from multilateralism (particularly worrying as minority issues are matters of international concern and require universal norms). As discrimination, inequality and negative attitudes towards persons belong to minority groups lead to social disintegration, fundamental rights need to be guaranteed to all minorities. This requires joint efforts in the integration of society (as a two way, all-encompassing process), as a result of which minorities would no longer be seen as a "problem", but as equal participants of diverse societies.

Dr. De Varennes pointed to the growing erosion of human rights internationally, particularly affecting the persons belonging to marginalized and vulnerable groups. According to Dr. De Varennes, the denial of human rights of persons belonging to minorities (including by discrimination in areas such as citizenship, education, language, political participation,

religion or belief) can contribute to tensions and feelings of exclusion. The stability in many participating States is directly affected by these issues, as most of today's conflict today are linked to longstanding grievances around mounting intolerance and denial of human rights of groups such as national minorities. Peace, stability and justice are directly intertwined, and require addressing the core human rights basis for those grievances, as the rights of minorities are basic human rights. There needs to be a recommitment to what is central to the fundamental principles of tolerance and non-discrimination.

Many speakers stressed that the protection of human rights, including the rights of persons belonging to national minorities, is crucial for maintaining regional peace and stability. Some delegations outlined their national efforts in upholding their commitments in this regard. A number of delegations reaffirmed their support to the HCNM's active engagement throughout the OSCE region, aimed at providing early warning and early action in order to prevent tensions involving national minority issues from turning into conflict. They also welcomed the HCNM's continued engagement with regard to language and education issues, as well as efforts to improve sustainable integration of diverse and multi-ethnic societies, while at the same time preserving the respective ethnic identity of the communities concerned. One delegation referred to the issue of mass statelessness and violations of linguistic and educational rights of persons belonging to national minorities in participating States. Another delegation stressed that national minorities should not be objectified in the inter-state relations.

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A number of delegations and CSOs representatives referred to systemic restrictions on language and education rights of persons belonging to national minorities in several participating States, as well as to policies sanctioning discrimination, including in political life and employment. A number of CSOs representatives spoke of the serious violations of human rights of persons belonging to national and ethnic minorities. One CSO raised violence and systemic violations of rights of LGBTI persons in several participating States. The role of parliamentarians in strengthening of cooperation and dialogue to counter all forms of discrimination and violence, as well as the role of youth as a catalyst of positive change, was also addressed.

Recommendations (non-exhaustive list):

To the participating States:

- Persons belonging to national minorities should be able to exercise fully and effectively their human rights and fundamental freedoms without discrimination and in full equality before the law.
- Meet the commitment made by all OSCE participating States, without exception, to fully cooperate with the High Commissioner in order to enable the High Commissioner to fulfil its mandate. This includes granting HCNM full, free and unrestricted access.
- Make full use of the expertise of the HCNM. Quiet diplomacy, which the High Commissioner also implements, is complementary to public diplomacy and can help to bring results of lasting importance.
- Greater attention needs to be paid to the human rights situation of the Crimean Tatars.
- A framework for education that provides capacity for youth and to foster spaces for communities that celebrate diversity needs to be ensured.
- The right to education in one's native language needs to be recognized.
- Hate crimes against persons belonging to minority groups must be persecuted strictly and effectively. The focus in politics should be more on preventative instead of remedial actions.
- Take the concerns of their citizens seriously, even when roughly worded. Participating States' governments should focus on protecting the interests of their own citizens and ensure the effective upholding of national laws.
- Withdraw all discriminatory legislations and policies and introduce anti-discrimination legislation and effective policies to promote tolerance and non-discrimination.
- Develop and implement a system of awareness raising of law enforcement agencies on issues of sexual orientation and gender identity, including through the inclusion of educational blocks on SOGI in the curricula of higher education institutions that prepare law enforcement officers in coop with LGBTI organizations.

To ODIHR:

- Initiate a study which will effectively correlate human rights indexes with the findings of the Council of Europe ECRI country reports.