

2008 OSCE HUMAN DIMENSION IMPLEMENTATION MEETING
Working Session 5
Tolerance and non-discrimination I: National minorities
1 October, 2008

Ladies and Gentlemen,

The implementation of OSCE commitments in the area of minority protection by the member states continues to require increased attention and effective action by the member states throughout the OSCE area. Save a few exceptions, the implementation of the minority protection commitments, regrettably, varies from partial compliance, to the operation of double standards, and refusal of recognition by member states. Yet the role of minority rights and their contribution to state stability, social cohesion, prevention of conflict and social prosperity cannot be understated. In the context of the Western Balkans and the process of accession to the European Union of the candidate and potential candidate states, the application of the Copenhagen political criteria on the respect for and protection of minorities is of particular relevance.

A study recently carried out by Minority Rights Group International and its partner organizations from the Western Balkans assessed the coverage of minority issues in the EU progress reports and the EU's efforts to boost the minority rights record in the Western Balkan countries. The study, *Pushing for Change? South East Europe's Minorities in EU Progress Reports* focused on how the reports covered three issues crucial for minority communities: the minorities' right to participation in public life, access to employment and economic participation and the right to education. Copies of the report are available on the tables outside and a separate side event presenting the findings in greater detail will be held after this session in Meeting Room 2.

On this occasion I would like to highlight the main findings. The process of monitoring the fulfillment of the political Copenhagen criteria is deficient both from the point of view of substance as well as process. Minority protection has not been given the necessary priority in the Progress Reports. While important criticisms have been made in the Reports, they have not been applied consistently across the different countries and the different minority groups. The different, often more difficult, experiences of discrimination and poverty of minority women have largely been disregarded in the Reports. As regards the process, community-based minority and minority rights organizations have highlighted the need for systematic consultation processes that would enable them to contribute to the reports. These processes have not yet been established.

The European Commission has welcomed the report and committed to engage in discussions on how, on its part, to strengthen minority participation in the EU accession process. We are looking forward to continuing this dialogue. The onus,

however, on making the accession process open and meaningful for the public in the candidate and potential candidate countries, including minority communities, is on the national governments. We therefore urge the governments of Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro and Serbia to engage constructively with the minority communities and civil society in these member states in order to establish and strengthen minority inclusion in their countries and thus contribute to the fulfillment of the Copenhagen political criteria as well as their OSCE commitments.

Ladies and Gentlemen,

Though focused on the Western Balkans and the EU accession process, the study points to a number of issues relevant for the entire OSCE area. Though the monitoring of minority rights implementation is facilitated in those member states which are also parties to the Framework Convention for the Protection of National Minorities, deficiencies are noted regarding the participation of minorities in the monitoring process and the clarity of criteria in the case of monitoring of a variety of actors. This situation is further exacerbated in those member states which have not ratified the Framework Convention. Another issue regards the evaluation of progress, in particular the assessment of what constitutes effective implementation of standards. Such decisions are often made without a clear baseline and, more importantly, without the effective participation of minorities in this process. Finally, the cooperation between the various intergovernmental organizations and their instruments and mechanisms remains insufficiently developed. In order to strengthen minority protection, and thus contribute to better implementation of commitments in this area, better and more substantial cooperation is needed between the Advisory Committee on the Framework Convention, the European Commission and the EU Fundamental Rights Agency, the OSCE High Commissioner on National Minorities and other actors.

Thank you for your attention.