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

STATEMENT

by
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OSCE High Commissioner on National Minorities

to the

1007th Plenary Meeting of the OSCE Permanent Council

[Check against delivery]

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Dear excellencies, ladies and gentlemen,

During the last six months, the crisis in **Ukraine** has been my priority, as it has been for the OSCE as a whole. Since December 2013, when I addressed you for the first time in this format, I have made six visits to Ukraine. This includes trips to the Autonomous Republic of Crimea and to the regions of Donetsk, Luhansk and Odessa. As you know, my office also conducted a Human Rights Assessment Mission jointly with ODIHR.

I am pleased to be able to take the opportunity of our joint appearance here today to thank Ambassador Apakan and his able team of the OSCE Special Monitoring Mission to Ukraine, who have strongly supported me in the implementation of my mandate. The SMM is doing an outstanding job in these difficult and complex circumstances.

The crisis in Ukraine threatens the foundations of Europe's public order, as confirmed by the Helsinki Final Act and subsequent OSCE commitments. It also has a direct impact on the international system of minority rights protection. Please allow me to recall three central principles of *The Bolzano/Bozen Recommendations on Minorities in Inter-State Relations*, with which you are all familiar. They are relevant to the current crisis in Ukraine, but they are also relevant in other OSCE participating States.

First, the respect for and protection of minority rights is primarily the responsibility of the State where the minority resides. Second, human rights, including minority rights, are a matter of legitimate concern to the international community. And third, there is a broad range of international and bilateral instruments that participating States can use to address such concerns, which they should do with full respect for the principles of sovereignty, territorial integrity and good neighbourly relations. If the OSCE is to function properly as a security community, these principles need to be respected.

The crisis in Ukraine, which has led to the tragic loss of so many lives, is complex and has several causes that go beyond the issues that my institution would normally address. However, it is undisputable that long-standing disagreements about the respective roles of the Ukrainian and Russian languages and different interpretations of history in Ukraine have aggravated this crisis. The deliberate politicization of identity issues has reinforced these divisions during the past twenty years. My predecessors consistently advised the Ukrainian

authorities to address the structural causes of tensions that could be negatively used by internal and external actors. They urged the authorities to adopt balanced policies that build social cohesion and protect and promote the rights of national minorities. But their advice was not always taken fully on board. Instead, successive governments not only missed opportunities to reform Ukraine's outdated legislation on the protection of identity, language and the integration of society, they also weakened the institutional framework required for effective implementation. As a result, the regional divide widened.

Language issues in particular have been used to gain political advantage without considering the risk to national unity. In July 2012, my predecessor warned that language legislation, drafted without genuine dialogue, could undermine Ukraine's very cohesion. Unfortunately, the Law on the "Principles of State Language Policy" was rushed through without considering any of the amendments suggested by the opposition. On 23 February this year, a narrow majority in the Verkhovna Rada abruptly decided to cancel this language law. I immediately expressed my concern that this hasty action could prompt further unrest and called for restraint, responsibility and dialogue. The acting President quickly vetoed the decision but unfortunately the damage had already been done. Radical forces inside and outside the country exploited the decision, which contributed to the escalation of tensions.

The fallout from these events underlines the sensitivity of language issues for Ukrainian society as a whole. I therefore reiterate my call for a balanced approach to language policies, not just in Ukraine, but in all participating States. In this context, I welcome President Poroshenko's recent statements on his commitment to protect Russian and other languages in Ukraine. I invite the Ukrainian authorities to discuss language policies within a national dialogue. The resultant language policy should promote knowledge of the State language while providing safeguards for the Russian language. It should also strengthen the position of less widely used languages, in line with the principles of the European Charter for Regional or Minority Languages. I welcome the readiness of the Ukrainian authorities to seek the advice of international organizations, such as the OSCE and the Council of Europe, to ensure that their language policy meets international standards and is in line with European principles. The need for a balanced approach based on inclusive consultation processes applies to all other aspects of identity, such as symbols and the commemoration of historical events and persons. My institution is ready to assist in these important reform processes.

I visited the Autonomous Republic of Crimea in March. As I have mentioned before, I remain deeply concerned about the precarious position of both the Crimean Tatar and the Ukrainian-speaking communities on the Crimean peninsula. Members of groups that openly supported Ukraine's territorial integrity face stark choices, individually and collectively, on whether or not to adjust to the political changes. Those who do not are at risk of reprisals and face exclusion from political and socio-economic life, which could increase tensions on the Crimean peninsula. I regret that Mustafa Dzhemilev, a People's Deputy of the Verkhovna Rada and a leader of the Crimean Tatar community, was blocked from accessing his homeland on 3 May and still is. I have also recently received reports that Crimean Tatar leader Refat Chubarov has been banned from entering Crimea for five years. And, I have been receiving persistent and credible reports about detentions and disappearances, about pressures to renounce Ukrainian citizenship, and about violations of the rights to freedom of religion and education rights of Crimean Tatars and Ukrainian speakers in Crimea. All these actions have the potential to escalate tensions in Crimea.

Referring to the Bolzano/Bozen Recommendations, I remind all OSCE participating States that any authority exercising effective control over a territory is obliged to protect the safety, security and human rights of all those residing on that territory, including persons belonging to national minorities.

Your excellencies, ladies and gentlemen,

I am glad that the instability in Ukraine has not spread to its western neighbour. The **Republic of Moldova** is another priority country for my institution, which I have visited twice in the last six months, most recently earlier this week on 7 to 9 July.

Like Ukraine, Moldovan society has deep divisions over the country's national identity, language and geopolitical orientation that can be exploited by politicians. Some national-minority communities, including the Gagauz, oppose the ruling coalition's efforts to pursue European integration. Minorities in Moldova, who are predominantly Russian-speakers, sometimes perceive certain Government initiatives to strengthen the State language as a threat to their linguistic rights. I therefore welcome the Moldovan Government's commitment to develop an integration strategy that aims to bridge some of these divisions, in accordance with *The Ljubljana Guidelines on Integration of Diverse*

Societies. The challenge is to strengthen social cohesion while simultaneously protecting and promoting the minority rights enshrined in Moldovan legislation. I am actively supporting the authorities with this challenging undertaking and intend to continue doing so in the months ahead.

The situation of the Moldovan-administered schools in Transdnistria teaching in the Latin script has not improved since my last statement to the Permanent Council. I remain deeply concerned about the long-term future of these schools. As I pointed out earlier, any entity in effective control over a territory is obliged to protect the human rights of all those residing on that territory, including their education rights. Under no circumstances should the children attending these schools be deprived of their right to education in their mother tongue. A child's right to education is not an issue that should be politicized.

If the closure of one or more of these schools before the start of the next school year is to be avoided, it is essential that both sides make progress in their negotiations on the status of these schools in the near future. I urge both sides to find a solution, building upon all the recommendations in the joint report by the OSCE Mission to Moldova and my institution of November 2012.

In February, I visited **Georgia**, where the authorities intend to adopt several important initiatives to promote the integration of society this year, including a new "National Concept for Tolerance and Civic Integration" and an anti-discrimination law. However, I noted that obstacles to the full participation of national minorities in political, social and cultural life remain in the minority-populated regions of Samtskhe Javakheti and Kvemo Kartli. Knowledge of the State language is limited among minority communities and there are few opportunities to acquire such knowledge. In addition, there is little media and public information available in national-minority languages. I encouraged the authorities to support and fund a coherent minority-education policy that promotes acquisition of both the State language and minority languages. I am exploring how my institution can best assist the authorities in the ongoing multilingual-education reform process. I also urged the authorities to support the political participation of national minorities, including by consulting them on matters that concern them. I discussed the slow progress in the repatriation of the Meskhetians with the Government, and recommended the adoption of the relevant strategy and implementation of its Action Plan as ways to speed up this process. I have since been

informed that this strategy has now been adopted and I look forward to its speedy implementation.

I visited the Administrative Boundary Line in the Tskhinvali region to assess the human rights, humanitarian and security aspects of the situation on the ground. These barriers have a negative impact on the local population because they limit their freedom of movement, obstruct their access to their agricultural land and impede contact with family members. These barriers are likely to increase tensions.

I am also concerned that increased political instability and infighting in Sokhumi may negatively impact the situation of the remaining ethnic Georgian population in the Gali District. Referring again to the principles of the Bolzano/Bozen Recommendations, I remind the actors in effective control of the area that they are obliged to respect international standards and to safeguard the rights of all persons living in this area, regardless of their ethnic or linguistic background. I will continue to monitor the situation in this region closely.

At the end of June, I visited **Kazakhstan**, travelling to Astana, Shymkent and Almaty. Kazakhstan's stable inter-ethnic situation since independence reflects the approach that the authorities have taken in adopting and implementing laws and policies in potentially sensitive areas, such as language.

At the same time, no country can afford to be complacent. I encouraged the authorities to continue to place a high priority on promoting the integration of Kazakhstani society, with respect for minority rights and the country's rich diversity. The Assembly of People of Kazakhstan exemplifies this diversity.

In Astana, we discussed the interpretation and implementation of language legislation. I noted the need to ensure that alongside efforts to promote the State language as a tool for integration, existing guarantees on the use of Russian on an equal basis should be consistently implemented at different levels of administration. This includes the display of visual information in official buildings and the languages used in official correspondence and in public service delivery. I heard from some representatives of minority communities and civil society that sometimes information is only provided in one language. I encouraged the Government to make proactive efforts to ensure that local authorities are aware of their

obligations and that citizens are aware of their rights in terms of access to information in both languages. Publicly reaffirming these legal guarantees can help avoid confusion and anxiety. In this context, I noted that in a public address in April, the President called for full observance of the Law on Languages.

With the Prosecutor General and the Chairman of the Supreme Court I discussed ways to help ensure that the legal framework on languages is fully implemented in the justice system, so that language does not become a factor impeding access to justice and a fair trial.

I was informed that testing of language knowledge in the recruitment of civil servants continues to be implemented gradually and that test results do not determine hiring decisions. This commendable approach can help facilitate a representative and diverse civil service.

Kazakhstan's commitment to providing education in a number of minority languages is a positive practice that should continue. During my visit to Shymkent, the regional capital of southern Kazakhstan, I met with representatives of the Uzbek minority, which is concentrated there, as well as representatives of other ethnic groups. For many years, my institution has been promoting multilingual education in Kazakhstan, with a focus on Uzbek-language schools in the south. I learned from school directors and minority representatives that the piloting of multilingual education has helped facilitate acquisition of the State language while ensuring the right of students to obtain instruction in their mother tongue. Representatives of Uighur-language schools in Almaty expressed similar sentiments.

In this regard, I was pleased to note the adoption last November by the Ministry of Education and Science of an action plan on introducing multilingual education in schools with minority languages of instruction. I encouraged the education authorities to support implementation of the action plan with adequate resources and in a realistic time frame. Factors such as the availability of appropriate textbooks and teaching materials, the capacity of teachers, and the desires of parents should be taken into account. Multilingual education ought to be implemented as part of, not at the expense of, a system that ensures high-quality instruction in minority languages. Particular attention should be paid to the provision of preschool education in minority languages. As is noted in *The Hague Recommendations on the Education Rights of National Minorities*, the medium of teaching at this level should ideally be the child's language.

Ladies and gentlemen,

The main purpose of my visit to southern **Serbia** in January was to chair the second meeting of the Stakeholders' Committee of the Bujanovac Department of Economics. Since its establishment in 2011, this bilingual, State-funded higher-education institution has become a symbol of interaction and integration between all communities in southern Serbia. As a consequence of the meeting, a Memorandum of Understanding was signed in April that guarantees the long-term sustainability of the Department and commits the Subotica Faculty of Economics to expanding its activities. I welcome the funding provided by the Government of Serbia, the Municipality of Bujanovac and the EU to construct new departmental premises in time for the 2015–2016 academic year and commend the commitment by all stakeholders in the Department to make it a success.

I am happy to report that there have been no serious security incidents since last year in southern Serbia. Nevertheless, attempts to normalize relations between the local ethnic Albanian leadership and the central government have faced some obstacles. It is important that the international community continues to support the dialogue and other confidence-building measures introduced by the Serbian Government.

Serbia has taken further steps to address the needs of the Romanian- and Vlach-speaking populations in eastern Serbia. I am pleased that the Ministry of Education, together with the Vlach National Minority Council, have successfully launched pilot Vlach speech classes with elements of national culture in ten schools. The course "Romanian language with elements of national culture" has been introduced as an elective subject this academic year, primarily in the Zaječar district. I welcomed the Government's co-operation with the Romanian National Minority Council to prepare these classes. The Ministry of Education has committed to expand this programme to the District of Braničevo and has recently conducted surveys to ascertain the demand for Romanian and other language classes across the country, including in the Zaječar and Braničevo districts. I remain engaged with the Serbian Government on this issue, as well as in relation to the introduction of courses in other national-minority languages and cultures.

Progress is also visible in the area of media broadcasting in Romanian and Vlach. News rebroadcasts and cultural programmes are made available by RTV Bor, with 78 hours per

month broadcast in the Romanian language and 37 hours in Vlach speech. The same broadcaster also provides 8.6 hours of programming per month in the Romani language. The situation regarding access to church services in the Romanian language in eastern Serbia remains difficult. The Government has indicated that it will soon examine the Law on Churches and Religious Communities to consider whether changes are necessary to harmonize the law with European standards.

In **Kosovo**¹, the recent developments in northern and southern Mitrovicë/Mitrovica, during which the removal of barricades adjacent to the bridge over the Ibër/Ibar River led to violent protests, has not contributed towards the peaceful coexistence of communities. The sensitivities of the local population must be carefully considered before any action is taken. Co-ordination between Belgrade and Prishtinë/Priština is not the only requirement for stability, there must also be broad consultations with the local authorities north and south of the river.

In February, I visited **Romania**. I underlined the importance that I attach to the Bolzano/Bozen Recommendations and the role that the bilateral joint commissions should play in sharing information on issues related to eastern Serbia. Romania has a well-developed legal system for the protection of national minorities. I encouraged sustained efforts to improve implementation of the provisions of the 2011 Education Law and emphasized the importance of providing continued support for its highly regarded mother-tongue education options. I also encouraged the promotion of cultural diversity and intercultural dialogue in education, including at the university level. I discussed the situation of the Roma and noted that there have been numerous governmental strategies over the years. In addition to the strategies in place, there is a need to develop the capacity to implement, monitor and measure the impact of policies through reliable socio-economic data.

During my visit to **Bosnia and Herzegovina** in May, I welcomed the steps taken towards consolidating regional stability, and highlighted the importance of EU accession as a shared objective towards which all groups could aim and which would benefit all citizens equally.

¹ All references to Kosovo, whether to the territory, institutions or population, in this text should be understood in full compliance with United Nations Security Council Resolution 1244.

I voiced my concern about the intensified use of ethnocentric rhetoric. Some recent incidents targeting religious facilities are worrisome and I welcome the fact that the State prosecution is investigating such cases of intolerance. Such incidents and rhetoric are detrimental to the cohesion of the State. The upcoming elections, however, offer a new opportunity to promote more responsible and inclusive politics.

The census data on ethnicity is expected to be released in late 2014 or early 2015. Since changes in the recorded ethnic balance may prompt challenges to the established power-sharing systems at the entity level, I urge the authorities to resist the politicization of the census data.

The country's failure to implement the European Court of Human Rights ruling on *Sejdić and Finci v Bosnia and Herzegovina* while the international community has repeatedly insisted on its implementation has led to a standoff that is holding the country back. While the current system had the advantage of ensuring stability, it is clearly discriminatory and needs to be amended.

I encouraged the National Minority Councils to continue drafting a "Strategic Platform for Minority Rights". In discussions with the state government, I highlighted the importance of allocating sufficient financial resources for implementation. I commended the positive achievements made by the country in the Decade for Roma Inclusion and, in light of this positive example, suggested to the authorities that similar approaches could help ensure the sustainability and effectiveness of National Minority Councils.

The ethnic polarization of society was at the centre of my discussions with the political leadership in **Skopje** in June. Unfortunately, the trends towards separation are being further consolidated, and incidents are gaining an inter-ethnic aspect. Simply addressing these incidents as security issues is not enough. Although this has been largely acknowledged by the political leadership, there is no agreement on how to address this issue. I called on the Government to use its recently renewed mandate to work towards dialogue and co-operation across the ethno-political spectrum. This is a prerequisite to building political consensus. Dialogue and inter-ethnic co-operation will also enable the expected review of 13 years of implementation of the Ohrid Framework Agreement to better inform future policies.

I welcomed the fact that the Government has made education a priority. I hope that political commitments from the two coalition partners will have a positive effect on inter-ethnic relations in schools. I have seen how the efforts of teachers and parents combined with the dedication of organizations, such as the Nansen Dialogue Centre Skopje, can lead to more integration in schools. But, these efforts cannot be fully effective if they remain isolated initiatives. Commitment at the Government level is essential to achieve any wider impact. I therefore hope that the objectives of the 2010 Integrated Education Strategy will be brought back onto the political agenda.

Ladies and gentlemen,

All OSCE participating States are facing questions related to integration. Our challenge is to preserve the rich ethnic diversity in our societies while supporting social cohesion. Addressing this challenge through the formulation of integration policies, as highlighted in the Ljubljana Guidelines, is part of the State's sovereign responsibilities towards its own population. Because our societies are dynamic, not static, such policies require constant monitoring and regular adjustment, and they need to be discussed widely in societies. This is a key to building social cohesion; it is also a key for preventing conflict and building lasting peace.

In volatile times, we are reminded of the importance of conflict prevention. With the benefit of hindsight, we may ask why no one prevented tensions from escalating to the point of conflict. Conflict-prevention mechanisms, like my institution, have an extremely important role to play in identifying potential triggers of conflict and in recommending ways to defuse and avoid tensions, but they cannot *prevent* conflicts alone. Conflict-prevention mechanisms require the means and the political support to operate effectively. My institution also cannot deliver its core mandate of "early warning" and "early action" without the active support and co-operation of the participating States. We can only be effective when participating States engage in a continuous, open and direct dialogue with us.

I stressed the need for support and co-operation in my first statement to the Permanent Council. Six months later, I would like to express my gratitude for the co-operation I have enjoyed with the Swiss Chairmanship and the other OSCE structures, including the two other independent institutions. I would especially like to pay my respects to Janez Lenarčič, who

has just completed his service as the ODIHR Director, and to welcome the new Director, Michael Georg Link. We have also worked closely with many OSCE missions and I am grateful for their co-operation and support. Beyond the OSCE, we continue to work closely with other intergovernmental organizations, such as the Council of Europe, the UN and the EU, to strengthen our messages and co-ordinate our actions, when required. I strongly believe we need to work together to be effective.

Ladies and gentlemen,

Finally, it is my pleasure to inform the Permanent Council that the jury for the Max van der Stoel Award has decided to give this prestigious prize to Spravedlivost – a non-governmental organization based in Jalal-Abad, Kyrgyzstan. Spravedlivost has worked for many years on issues related to the protection of the most vulnerable groups, including national minorities. I want to thank all of you who submitted excellent candidates for the Award. I also extend my gratitude to the Ministry of Foreign Affairs of the Netherlands, which established and continues to support the Award financially. We are looking forward to the Award ceremony in October, at which the Minister of Foreign Affairs of the Netherlands Frans Timmermans will present the prize to the winner.