



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

ADDRESS

by

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OSCE High Commissioner on National Minorities

to the

HUMAN DIMENSION IMPLEMENTATION MEETING

[Check against delivery]

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Excellencies,

Ladies and Gentlemen,

It is a special honour for me to be part of the first working session of this year's Human Dimension Implementation Meeting, here in the beautiful city of Warsaw. The coming days are important as a forum that has stood the test of time in which we can review our human dimension commitments and discuss how we can advance their implementation. The presence of many representatives of participating States and non-governmental organizations is promising and I am looking forward to exchanging experiences and best practices during this session.

In this session, I will focus on linguistic rights. Linguistic rights are essential for all communities, regardless of their size. Language is an expression of individual and collective identity, and it is a medium that gives every individual access to other people, to experiences and to society as a whole.

Linguistic rights are closely linked to, and are important for, the realization of other rights, especially those related to education and effective participation. Being able to use one's own language provides access to public services. Since the establishment of the OSCE High Commissioner on National Minorities 20 years ago, successive High Commissioners have placed a special emphasis on linguistic rights.

As a result of the work of my predecessors, we see many situations with tensions that have been defused and we can see that States have taken their responsibility towards their minorities. Of course that is not the case everywhere. I also vividly remember how I, as a member of the European Parliament, always wanted to be sure that steps taken in the EU enlargement process of the late 1990s and early 2000s were taken in accordance with the opinions of the then HCNM, Max van der Stoep.

Excellencies,

Ladies and Gentlemen,

While nearly all minority rights are interlinked, this is especially the case with linguistic rights. The protection of linguistic rights must be guaranteed in connection with other rights, including the right to education, access to the media, and participation in cultural, social and economic life and in public affairs.

The OSCE has articulated, reiterated and elaborated upon these rights in a number of important documents, including the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension. I also would like to refer to the thematic work of my predecessors, especially the first three sets of thematic Recommendations – the 1996 *Hague Recommendations Regarding the Education Rights of National Minorities*, the 1998 *Oslo Recommendations Regarding the Linguistic Rights of National Minorities* and the 1999 *Lund Recommendations on the Effective Participation of National Minorities in Public Life* – as well as the most recent, the 2012 *Ljubljana Guidelines on Integration of Diverse Societies*.

International and regional human rights law continues to play an important role in setting standards for the protection and promotion of the rights of persons belonging to national minorities, including, but not limited to, through linguistic rights. This legal framework has evolved significantly in recent decades. Various United Nations instruments have contributed to developing norms in the field of linguistic rights, notably the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities. There are also several regional conventions that guarantee linguistic rights, including the Council of Europe's Framework Convention for the Protection of National Minorities.

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Ladies and Gentlemen,

The legal framework pertaining to linguistic rights prescribes two main strands of rights. First, there is the right to maintain and develop one's own identity through language. This includes the freedom to choose and use one's language. To guarantee this freedom, the State is required not to interfere with an individual's language choice in the private sphere.

Second, where language creates undue obstacles to people's access to basic public services, the right to non-discriminatory treatment may be infringed upon. Basic public services include, for example, the police, the judiciary, the health system, the media and education. To facilitate access to these services for persons belonging to national minorities, a more substantive engagement by the State is required.

States need to balance the rights of individuals to use and preserve their own language with the need for one or more State languages. This balancing act is not an easy task. It is context-specific, and as such, the methods to achieve this balance vary from country to country.

However, the accumulated experience of my Institution indicates that failing to achieve this balance can be both the underlying cause and the spark that leads to inter-ethnic tensions. My predecessors witnessed events in which the tensions between majority and minority communities escalated when a State restricted the use of a minority language in the private sphere or when it imposed unqualified and disproportionate State-language requirements. We have also seen that sanctions for not using the State language in public may have divisive effects. When national minorities are restricted from using their own languages, they often find themselves excluded from public life. This has a detrimental impact on the cohesion of an entire society.

Excellencies,

Ladies and Gentlemen,

As my predecessors have repeatedly emphasized, diverse societies are a reality. In recent decades, conflicts, the redrawing of national borders and globalization have been changing our societies. We all now live in increasingly multi-ethnic and multilingual societies.

States need to develop effective national policies that promote the integration of their societies while respecting diversity. Although integration policies may not always be the direct target of hate speech, such rhetoric nearly always undermines these policies, making integration the victim.

While the Ljubljana Guidelines provide practical guidance on how States can develop language policies, they also go beyond ensuring the rights of national minorities. They address integration as a responsibility of States to adopt a comprehensive approach that both ensures respect for minority rights while also working towards an inclusive and cohesive society. The Ljubljana Guidelines recommend that States adopt specific and targeted integration policies that respect diversity and avoid assimilation and excessive separation between groups.

Governments need to ensure that all groups in a society are consulted in the process. This consultation has to be effective, transparent and continuous. Failing to facilitate effective participation of all parts of society will render any resulting policies less effective.

There is no single recipe for a successful integration policy, and every situation will be unique. However, it is possible to broadly say that integration policies need to be specific enough to be effective in the given circumstances and flexible enough to accommodate changing realities. Importantly, integration policies should assign clearly stipulated responsibilities and competencies to all authorities concerned. Equally important is the inclusion of all levels of administration: from the central authorities to the municipal offices who deliver public services. This institutional set-up also has to take into account the necessity of co-ordinating policy action between the different levels and layers of authority.

Allow me to make two things crystal clear. In my experience as the minister responsible for integration in the previous Finnish administration, I learned that broad consultation, as mentioned earlier, and clear leadership from the top level of government are preconditions for a successful integration policy. Without top-level support, integration policies will just attract dust on the shelves. I also learned that integration will change society and it requires effort from both majorities and minorities.

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From a practical perspective, how can States design integration policies that balance the need for one or more shared languages as a basis for the integration of a society with the obligation to protect the linguistic rights of minorities? States have a rather wide margin of appreciation in determining whether they maintain one or more official language. If a State does decide to specify an official language or languages for the purpose of integration, allowing the use of other, minority languages is the way to accommodate the rights of national minorities. Policies determining when and how national minorities can use their own languages to interact with public administration need to be tailored to the specific circumstances on the ground. States may introduce State-language requirements in the public sphere, provided these are legitimate, necessary and proportional, and do not unduly restrict the use of minority languages.

When members of national minorities are proficient in the State language or languages, this facilitates their full and effective participation in society. However, punitive measures to ensure that people learn and use the State language might be counterproductive. My Institution has long advocated for State policies that promote State-language use through positive means and incentives, including by providing accessible public programmes for learning that language. This approach reduces the risk of engendering resentment and resistance among national minorities and helps promote the integration of society.

Excellences,

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As I stated at the outset, linguistic rights are closely interlinked with other rights, including to education, which is a universally respected human right.

As a minimum, persons belonging to a national minority have opportunities to learn his or her minority language. However, members of national minorities also need to gain sufficient proficiency in the State language to be able to fully realize their potential within society, such as being able to pursue higher education or employment and actively participate in the

political, economic and cultural aspects of their society. Therefore, States should provide genuine and accessible opportunities to learn the State language at all levels of education.

Multilingual education can be one way to achieve the balance I mentioned before in certain circumstances. When elaborating education policies, I hope policymakers increasingly make use of children's extraordinary capacity to learn languages at an early age. Bureaucracy should not get in the way of modern, inexpensive ways of allowing teachers with different linguistic backgrounds to work with the same pupils. This is sometimes referred to as language immersion.

My predecessors worked closely with governments struggling to design and implement effective integrated education policies. Integrated education is not the same as multilingual education, and that difference is to be noted. You can have integrated education without having multilingual education.

Integrated programmes should create opportunities for interaction between pupils from different backgrounds so they learn about each other. This fosters mutual understanding and enables pupils to develop in an environment that is respectful of diversity. The education system should seek to combine interaction and participation of all with support for the maintenance and development of diverse identities.

There is no template to structure an education system that accommodates all these aspects. Education policies need to be tailored to the conditions of the participating State in question. However, all participating States do need to consult national minorities during the process of elaborating an education policy, taking their needs and wishes into account, as far as possible. In my own experience, it is especially important to interact on the language programme – for instance, Swedish schools in Finland need to put a lot of emphasis on languages, as they have different levels of education in Finnish depending on the linguistic background of the pupil.

There is, however, also the danger that well intended efforts to provide education in minority languages can lead to undesired consequences. When pupils from different ethnic backgrounds are taught at different schools, this separation can have severe impact on the cohesion of society. However, it is important to remember that education policies are seldom

the sole cause of separation and States must remain alert to the need to implement measures that counter this undesired result.

Excellencies

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The experience of my Institution has shown that violations of human rights are potential conflict triggers. Therefore, protection of human rights is central to conflict prevention. As we know, the OSCE High Commissioner on National Minorities belongs to the first OSCE dimension: the politico-military. However, let there be no misunderstanding: the protection of fundamental rights, in particular those pertaining to national minorities, underpins my mandate.

And conflict prevention is what the High Commissioner stands for. My mandate is to provide early warning and, as appropriate, early action at the earliest possible stage. For this to be achievable, it is essential that I maintain good dialogue and co-operation with all participating States. Conflict prevention is not only about addressing emerging tensions at the earliest possible stage, it also means identifying and tackling the root causes of these tensions. This includes, but is not limited to, the failure to respect rights. This illustrates the relevance of both the first and third dimensions in relation to my mandate.

Excellences,

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In his final statement before the Permanent Council, in July this year, my predecessor Ambassador Knut Vollebaek expressed his concern about rising nationalism and political extremism in many parts of the OSCE area. On that occasion, he said that “[t]hese ideas have always been present in the political undercurrent, but today the movements that represent them are again gaining ground and are allowed onto the political stage.”

I can only agree with this sentiment. Throughout the OSCE area, my Institution has seen politicians becoming increasingly less embarrassed to generate easy support through populist rhetoric. This in turn emboldens those who verge towards more extreme positions.

Democratic leadership also entails a responsible leadership; a leadership that does not passively tolerate hate speech but instead leads through example and firmly rejects such language.

And the majority has a big responsibility.

Thank you for your attention.