



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
1078th Plenary Meeting of the OSCE Permanent Council

[Check against delivery]

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Dear excellencies,

Dear ladies and gentlemen,

In my statement to the Permanent Council in July, I drew your attention to the fact that numerous violent conflicts in areas adjacent to the OSCE region, the humanitarian crisis in the Mediterranean and the difficult economic situation in many participating States are serious challenges to the concept of integration with respect for diversity and, I would like to add, to our societies.

Since then, the situation has not improved. Human lives are still lost due to the crisis in and around Ukraine. Human suffering in the OSCE area and in the vicinity has taken on unbearable proportions, also because of the refugee crisis unfolding in some participating States. I continue to closely monitor the implications that the growing movement of people – and related migration-management policies – may have on inter-ethnic relations in participating States.

In addition, some participating States are experiencing serious political crises that may challenge their stability. Let me once more underline that good governance, respect for human rights, including minority rights, and effective equality are inextricably linked with the preservation of stability. As an example, in Skopje, I have consistently emphasized this message and expect that the country's political leadership will sustain genuine commitment to these principles, as part of the Przhino Agreement. This is key to providing the foundations of a stable multi-ethnic State.

Because the political circumstances in some participating States have not been conducive to country visits, which I could use to highlight the work of my office, I will instead discuss how thematic work supports the fulfilment of my mandate, noting that it is not possible to cover all areas of activities in this statement. I will focus on the linguistic rights of minorities, education and participation as recurrent themes that my institution has identified as significant for reducing inter-ethnic tensions and thus mitigating the possibility of tensions escalating into conflict. Engagement with specific participating States will also be highlighted in this context.

Throughout the years, my institution has provided numerous recommendations to participating States on language laws and linguistic rights, including *The Oslo Recommendations regarding the Linguistic Rights of National Minorities*.

For more than 20 years, the successive High Commissioners have acknowledged that the State language is an effective tool in promoting the cohesion of society, but not the only one. While promoting use of the State language constitutes a legitimate State interest, efforts to promote the State language should be balanced against the linguistic rights of persons belonging to national minorities to learn and use their own languages. Therefore, the *means* that States employ to achieve the legitimate goal of promoting the State language should be proportionate and should involve positive incentives rather than punitive measures.

In some OSCE participating States, employees of public institutions are required to know and use the State language. While such a requirement is certainly permissible, I have recommended to States that it should only be used to the extent necessary for the performance of an employee's professional duties. Otherwise there is a risk that it can become a barrier to employment in public institutions. I have further recommended that different levels of language proficiency should be required for different levels of professional functions. The same principle can also be applied regarding integration and migrant groups. When language requirements are introduced for the first time, it is also important to allow sufficient time for civil servants to acquire the necessary proficiency in the State language. It is also a good idea to facilitate the efforts of national minorities to learn the State language. This can be done, for instance, by offering career opportunities to people who speak the State and minority languages, by providing bilingual education or by helping members of national minorities to learn the State language, such as by offering language courses. These are just some of the ways that States can work to prevent discrimination of persons belonging to national minorities.

I have strongly discouraged States from employing punitive systems to police lack of State-language knowledge. The experience of my institution shows that fines, sanctions, inspections and disproportionate language requirements are ineffective, potentially counterproductive, in some cases even undermining basic democratic principles, and can increase the potential for tension and conflict within society. Instead, when linguistic diversity is handled in an appropriate way in a State's legislation and policy – providing both

for the protection of minority languages and the promotion of adequate knowledge of the State language – this diversity can function as the basis for interaction and co-operation between individuals and groups, fostering cohesion.

One of the participating States that I have continued to assist on language issues is Georgia, where I am pleased to note that my continuous engagement with the authorities – including during my last visit to the country in April – on the draft State Language Law has been reflected in the text adopted by the Georgian Parliament on 22 July. I wish to commend the Georgian parliamentarians for constructively accepting many of my recommendations on how to ensure that this important law complies with relevant international standards and aims to achieve an adequate balance between promoting the State language and protecting the linguistic rights of persons belonging to national minorities. The new law is scheduled to enter into force in January 2016, and I encourage the Georgian authorities to proactively prepare for its effective implementation, especially regarding the provisions concerning areas where minorities reside, including by conducting campaigns to raise awareness.

Excellencies,

Ladies and gentlemen,

In over 20 years of conflict prevention work, my institution has devoted substantial attention to the positive role that education can play in preventing conflicts and building lasting peace. It has done so mainly in States in the process of transition or democratization. The challenges are manifold: they start with promoting tolerance and respect for diversity among pupils, and continue with empowering them to combat stereotypes, racism and xenophobia; alongside ensuring that the education system combines tuition in and of the minority language with tuition in the State language in a way that balances respect for identity with cohesion.

Investing in education requires patience and a long-term perspective. However, it is the most sustainable policy to prepare future generations to deal with multiple perspectives and languages. It is also through education that pupils can develop the critical thinking that will help them to question prejudice and prepare them for responsible citizenship.

While my institution's experience has mainly been built on education reforms in States in transition, I am convinced that the lessons that we have learned could be of relevance for any

multi-ethnic State. At a time when States are struggling to deal with the realities of their ethnically diverse societies, some leaders are tempted to say that the problem is due to too much diversity. I find on the contrary that the issue is rather how States find ways to accommodate diversity.

I am glad to say that in April 2016, my institution will mark the 20th anniversary of *The Hague Recommendations on the Education Rights of National Minorities* by engaging in discussions with government officials, academics, civil society representatives and international bodies on the role of education in conflict prevention. Our aim is to have a critical look at how existing norms for protecting and promoting human rights, including minority rights, have been applied, understood or neglected in the face of contemporary challenges to deal with diversity.

Central Asia continues to be a focus area for my institution's work on education. While the wider Central Asian region faces numerous political and security challenges, some of which I monitor regularly and closely since they are related to my mandate, I believe that a longer-term focus on structural conflict prevention through education is an essential part of efforts to promote regional stability. We have therefore been supporting a regional dialogue on national minority education in Central Asia since 2006 and providing assistance for multilingual education development through the Central Asia Education Programme. Earlier this year, my office organized a Regional Summer School and facilitated study visits with the participation of the education authorities and practitioners from Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan. In addition, education officials and practitioners from Tajikistan and Kyrgyzstan visited multilingual pilot schools in South Kazakhstan while school teams from Almaty and South Kazakhstan visited multilingual pilot schools in Kyrgyzstan to share their experiences.

In September, a joint conference on multilingual education was organized in Shymkent to discuss the results of the Ministry of Education and Science's Action Plan for Multilingual Education Promotion in Schools with Minority Languages of Instruction in the Republic of Kazakhstan for 2013–2015. The conclusions of my office's expert study on multilingual education piloting in minority schools in Kazakhstan were presented at the conference. The study found that improving the legal and regulatory framework and enhancing ownership and co-ordination of multilingual education in minority language schools are highly

recommended. With these findings in mind, I stand ready to continue to provide expert support to the Kazakhstani authorities and education institutions in development and implementation of multilingual education in a way that maintains high-quality instruction in minority languages and takes into account the specific needs of schools teaching in those languages. I welcome the Ministry's preparation of the Road Map for the development of trilingual education in the years 2015–2020 and consider it important that schools teaching in minority languages are systematically included in such policy documents.

The Government of Kyrgyzstan continues its education reforms, including further enhancement of multilingual education. In the 2015/2016 academic year, 39 additional pilot schools supported by UNICEF's "Unity in Diversity" programme joined the 17 schools piloting multilingual education programmes assisted by my institution. I encourage the education authorities of Kyrgyzstan to improve co-ordination of the implementation process. It is also important to remember that such significant changes in the education system require the active engagement of national minorities, reassurance from the authorities that teaching in minority languages will be maintained, an appropriate balance of the languages of instruction at all education levels, and a sufficient transition period for the changes to take place.

Tajikistan is actively engaged in all the regional activities within the Central Asia Education Programme. I encourage the Tajikistani authorities to take practical steps to promote multilingual education and enable pupils from minority backgrounds to acquire the State language at the same time as preserving and developing their mother tongue. My office stands ready to provide the necessary assistance in accordance with the Memorandum of Cooperation with the Ministry of Education and Science of Tajikistan.

While appreciating the interest that Turkmenistan has recently demonstrated in co-operating with my institution, I repeat my call to the authorities to take measures to promote and protect the right of persons belonging to national minorities to education in their mother tongue. My office can provide relevant assistance and expertise in this regard.

Finally, I would like to encourage Uzbekistan to get involved in regional initiatives and activities on promotion of minority education and integration in the near future.

Before moving on to discuss participation, let me highlight that earlier this week the permanent premises of the Bujanovac Department of the Subotica Faculty of Economics of the Novi Sad University were inaugurated. Six years ago, my predecessor, Knut Vollebaek, with many others, embarked on a journey to establish a multilingual and multi-ethnic educational institution in Bujanovac. They shared a vision: that one day the doors of an academic department would open to all ethnic groups in south Serbia. The members of the stakeholders' committee and our teams have now brought this vision to fruition. We have reached this important milestone thanks to the generous contribution by the European Union and the joint effort and commitment of all stakeholders involved in this project since 2009.

Excellencies,

Ladies and Gentlemen,

Let me now turn to effective participation. This is a thematic area on which my institution has worked in Georgia and in the western Balkans, for instance. In Georgia, I have been facilitating a dialogue between political parties and national minorities in regions where they live in significant numbers. The dialogue aims to create a better understanding of the issues that concern national minorities, while giving young minority representatives a chance to gain an insight into political party work. In the western Balkans, studies are being conducted to assess the relevance, effectiveness and impact of national minority consultative mechanisms in Bosnia and Herzegovina, Serbia and Kosovo¹. When concluded, I will present the findings and recommendations of these studies to the relevant institutions. Regarding the participation of national minorities in elections, I have also continued to share my institution's expertise with the Office for Democratic Institutions and Human Rights (ODIHR) in its election activities. In recent months, I have seconded staff to work as national minority analysts on election observation missions to Ukraine and Kyrgyzstan, as well as on the election assessment mission to Croatia.

When we speak about the participation of national minorities in wider society, we are talking about making sure that a society benefits from the potential of all its members. Participation is first and foremost a right, but it is also a responsibility – a shared responsibility – of the majority and minorities in a society. Broad, inclusive and effective participation contributes

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.

to stable, just and secure societies. This is why participation is an important focus of *The Ljubljana Guidelines on Integration of Diverse Societies*.

Broad participation also means respect for diversity and inclusiveness, to which OSCE participating States have committed. These commitments are, therefore, a shared responsibility of OSCE participating States, and of their societies. Creating the conditions for persons belonging to national minorities to effectively participate in public affairs is an instrument of cohesion that benefits internal and cross-border stability.

Minorities are more likely to feel a shared ownership in the State in which they reside if they have the opportunity to effectively participate in all aspects of its governance. Integration policies based on good governance and respect for minority rights are a prerequisite to lasting peace and security in multi-ethnic States. Co-ownership is the warrant of a shared sense of belonging, which ensures the cohesiveness of ethnically diverse societies and shields them from conflict.

Effective participation implies a meaningful representation in legislative, administrative and advisory bodies and, more generally, in public life. To be efficient, effective participation entails, *inter alia*, inclusion in government programming; legal obligations for legislative bodies towards associations representing national minorities; substantial financial and human resources enacted in State budgets; and freedom from political interference in the election and selection of national minority representatives.

Measures to promote the participation of minority communities can be as diverse as the societies of the OSCE participating States. There is no one-size-fits-all solution, and this is where the opportunities lie for policymakers. In addition to measures ensuring a fair representation of national minorities in elected bodies, mechanisms to promote participation can encompass articulating the views of minority communities; co-ordinating and consulting among communities, and with local and central institutions; engaging the participation of national minorities at an early stage of the legislative processes or of policy initiatives; reporting to international human rights instruments; and promoting common understanding and tolerance among communities.

Excellencies,

Ladies and gentlemen,

Linguistic rights, education and participation are all crucial focus areas in the efforts to foster integration of diverse societies. My institution has continued to provide assistance to participating States in their efforts to promote integration of societies.

In this regard, I wish to congratulate the Georgian authorities for adopting a new “National Strategy on Civic Equality and Integration for 2015–2020” in August. This is a framework policy document that my institution has supported by providing continuous expert advice during its development. I look forward to its implementation and remain ready to further assist the Georgian authorities in this field, as required.

In July, I informed the Permanent Council that the political instability in Moldova had complicated the two main initiatives supported by my institution, in good co-operation with the OSCE Mission to Moldova, namely the development of a strategy on the integration of society and the setting up of a permanent parliamentary mechanism for dialogue between Chisinau and Comrat on the functioning of the Autonomous Territorial Unit of Gagauzia. Today, I unfortunately have to state that no progress has been made on either initiative due to the protracted political crisis in the country. For its own sake, I sincerely hope Moldova will be able to overcome this crisis in the near future. I stand ready to continue to support the authorities to promote much-needed social cohesion and stability.

As you recall, promoting integration was one of the recurring themes at the Supplementary Human Dimension Meeting (SHDM) on the OSCE contribution to the protection of national minorities, organized in cooperation with the Serbian Chairmanship and ODIHR in October. I was pleased to note that many participants referred to the Ljubljana Guidelines as a useful tool to devise policies to promote the integration of diverse societies – indeed, a tool that advocates for an approach that balances cohesion and diversity. Furthermore, in a side event organized by my institution, we discussed the importance of taking gender into account when designing and implementing integration policies. It was highlighted that effective gender mainstreaming calls for data disaggregated by gender and ethnicity and, as required, relevant tailor-made measures.

Echoing the rationale of the Ljubljana Guidelines, the keynote speaker at the SHDM, President of the Advisory Committee on the Framework Convention for the Protection of National Minorities Dr. Francesco Palermo spoke about cohesive societies – societies that are cohesive because they are diverse. A similar rationale can be found in the UN sustainable development goals, which contain the notion that development will not be sustainable unless it reaches all sectors and members of society – in a word, that it is inclusive.

The SHDM also offered an opportunity to discuss *The Bolzano/Bozen Recommendations on Minorities in Inter-State Relations* – which many participants considered to be more relevant than ever. The Bolzano/Bozen Recommendations – firmly anchored in the principles of international law – provide guidance for States to address minority issues constructively in inter-State relations. In the SHDM, we were reminded of the wide variety of multilateral and bilateral mechanisms available for States to employ in this regard, and that international instruments can also assume a mediating role, as needed.

The Ljubljana Guidelines and the Bolzano/Bozen Recommendations often act like mirrors of each other: the better integrated a society is, the less need there is to remind States of the principles of the Bolzano/Bozen Recommendations.

While both publications will remain key tools for my institution's engagement with participating States, I aim to enhance the thematic work in two specific areas in the near future. The access of national minorities to justice will be one of my thematic priorities. I will pay attention to minorities' access to justice in each participating State that I visit, within the scope of my mandate. Another focus area will be media; in particular, updating the 2003 *Guidelines on the use of Minority Languages in the Broadcast Media*.

The SHDM provides but one recent example of my institution's ongoing co-operation with the Council of Europe, the UN and other relevant regional and international partners. I have been pleased to further deepen exchanges with the Advisory Committee on the Framework Convention for the Protection of National Minorities, most recently by addressing the Committee's plenary yesterday. Co-operation with the UN is also taking on new forms. For example, in October I attended a high-level policy dialogue in Stockholm on guarantees of non-recurrence. The event was a useful opportunity to present the unique conflict prevention

mandate of my institution at a conference seeking to identify ways to enhance co-operation among international, regional and national actors in early warning and conflict prevention.

Excellencies,

Ladies and gentlemen,

The situation in Ukraine has remained one of my highest priorities, as it is for the OSCE as a whole. Like all of you, I hope to see further progress in the implementation of the Minsk agreements. We all have noted the call by Chief Monitor, Ambassador Apakan (13 November 2015) to all sides of the conflict to honour their commitments under the Minsk agreements in view of the recent increase in the number and the gravity of ceasefire violations.

I visited Ukraine from 2 to 6 November 2015, including trips to Kyiv and Mariupol, where I assessed the inter-ethnic situation in south-eastern Ukraine. My observations confirm that overall, Ukraine remains a tolerant society with rich ethnic, linguistic and regional diversity. However, this traditional tolerance in society is not sustainable by itself, especially in light of the current crisis, and should be underpinned by a long-term State vision that considers diversity an asset. Many of my interlocutors told me people often have no choice but to “fit” a particular mould, which they describe as “pressure to take sides”, a phenomenon that is especially characteristic of the areas adjacent to the Anti-Terrorist Operation zone on both sides of the line of contact.

I firmly believe that a stronger institutional architecture to implement Ukraine’s minority rights commitments and to promote the integration of its diverse society will help to build a vibrant and stable democracy. During my visits, including the most recent one, many of my interlocutors have shared this view. Therefore, I continue to urge the relevant Ukrainian authorities, in consultation with representatives of minority communities, to establish a designated executive body. Such a body would be the main governmental interlocutor for national minorities in Ukraine and could ensure that the Government of Ukraine implements the important ongoing reforms, including the decentralization reform, in close consultation with minority communities. The latter should not be left out or *feel* that they are left out.

A commitment to establish such a body can be included in the long-term (2015–2020) National Action Plan for Human Rights that is being finalized at the moment. This Action Plan also presents a unique opportunity to launch a programme to modernize the legislative framework for the protection of minorities, including by making efforts to protect and promote minorities' right to participation and the use of their mother tongues.

Last time when I addressed you, I said that I was following the developments in Ukraine related to historical memory with unease, namely regarding the effect the package of “de-Communization laws” and associated policies may have on social cohesion and the integration of Ukrainian society. During my recent visit to Ukraine, I had the opportunity to discuss this first-hand with a wide range of governmental and civil society interlocutors. I noted that in some communities there are divergent views on the implementation of these laws. My interlocutors drew attention to the tight timetable, the narrow interpretation of the laws and the considerable sanctions for violations of some of the provisions. I continue to urge the Ukrainian authorities to implement the “de-Communization laws” in a balanced manner, making room for discussion at the local level.

An inclusive debate on all aspects of Ukraine's future should chart a new way to deal with past injustices, and to study history in a climate that allows younger generations to draw their own conclusions. Such a debate should occur across all segments of society and should seek to bring society together, rather than creating new or widening old divisions. Such a debate should respect political pluralism and human rights, including minority rights and views.

In September, a Human Rights Assessment Mission Report on Crimea was jointly published with ODIHR. The report identified widespread human rights violations, including regarding minority communities. I reiterate my call on the Russian Federation, as the entity in effective control over the peninsula, to engage with me in a dialogue on these issues and to honour my repeated requests to visit Crimea. I unfortunately have to inform the Permanent Council that these requests have to date not been accommodated.

Given my mandate, I am also concerned about the potential impact on the situation in and around Crimea of the ongoing “civil blockade” of commercial transport going to and from Crimea initiated by Crimean Tatars with the participation of a number of other non-State actors. In my view, this blockade may further increase tensions, especially if it is expanded.

Excellencies,

Ladies and gentlemen,

Let me, finally, briefly raise a topic of a more general nature. As you are well aware, I rely on good cooperation with the participating States for the successful implementation of my mandate. As part of this engagement, my institution communicates with participating States on issues identified during my country visits or other relevant matters. This correspondence continues to be important in terms of implementing the conflict prevention mandate that my institution has been entrusted with, and I call on participating States to pay attention to this matter. Indeed, I have noticed that if a State fails to answer my letters, this might be an indicator of unresolved inter-ethnic issues in the participating State in question.

Excellencies,

Ladies and gentlemen,

Let me take this opportunity to thank ODIHR, the Representative on Freedom of the Media, field missions – in particular the Special Monitoring Mission to Ukraine – and other OSCE structures for their excellent co-operation.

Furthermore, I would like to express my sincere gratitude to the Serbian Chairmanship for all the co-operation and support throughout the year. I would like to note in particular, as the SHDM demonstrated, the priority Serbian Chairmanship has given to the rights of persons belonging to national minorities in the OSCE Human Dimension agenda.

I welcome the incoming German Chairmanship's intention to continue to focus on national minority issues and I look forward to our co-operation in 2016.