

HDIM.HCNM/431/06
11 October 2006

Check against delivery!

Human Dimension Implementation Meeting

Warsaw: 11 October 2006

Working Session 14: National Minorities

**Address by John de Fonblanque,
OSCE HCNM Director**

Mr. Chairman,

It is a great pleasure for me, on behalf of the High Commissioner on National Minorities, to address you today.

The purpose of the Human Dimension Implementation Meeting is to review the human rights commitments undertaken by the OSCE participating States. Strictly speaking, this is not the job of the HCNM. As "an instrument of conflict prevention in the longest possible term" his work belongs to the security dimension rather than the human dimension. At the same time human rights standards, including minority rights, are the most important tools in fulfilling his task of identifying and addressing tensions and risks of tensions between groups and communities which could lead to violence.

In his speech during the Opening Session last week, the High Commissioner stressed this relationship between human rights and conflict prevention. He quoted the recent second report of the UN Secretary-General on the prevention of armed conflict which underlines that "violations of human rights are a root cause of conflict; they are also a common consequence of it". Safeguarding respect for human and minority rights is one of the most important and effective means of preventing conflict.

Mr. Chairman, in addition to his task of giving advice and making recommendations to states on dealing with specific minority issues, the HCNM has developed a series of general recommendations on handling key minority issues such as education, language, participation in public life and broadcasting, which help him to address particular problems. He is constantly seeking to refine and develop these tools and I would like to focus my remarks today on two issues which have preoccupied us during the last year. The first of these is policing in multi-ethnic societies, on which the HCNM has presented to the Permanent Council a set of recommendations developed by experts. The second is integration on which the HCNM commissioned a study in response to a request by the Parliamentary Assembly.

The Recommendations on Policing in Multi-Ethnic Societies were presented by the High Commissioner to the OSCE Permanent Council in Vienna on 9 February this year. The Policing Recommendations are the fifth set of recommendations elaborated by internationally

recognised independent experts under the auspices of the HCNM. Based on international human and minority rights standards – such as article 15 of the Framework Convention which underpins the rights of persons belonging to minorities to effective participation in public affairs – as well as on experience and examples of good practice, the recommendations are intended to serve as reference documents for law and policy makers in the OSCE participating States.

In the course of his work on minority issues, the HCNM has observed that the police can be both a contributor and also sometimes a threat to stability in multi-ethnic States. For example, in States where institutional mechanisms and training to support the communication and co-operation between police and minorities are absent, and where the composition of the police force is mono-ethnic, discriminatory practices may develop which produce negative reactions among national minority communities. Police behaviour may even become a catalyst for conflict. By contrast, in States where efforts have been made to make the police more representative of the community they serve and to enhance communication and cooperation between the police and national minority communities, not only have inter-ethnic relations been strengthened, but the operational effectiveness of the police has been increased.

Policing is an important factor in determining the state of inter-ethnic relations, to the West, just as much as the East of Vienna. The capability and sensitivity of the Police to deal with a diverse population is an issue high on the agenda both in Los Angeles, London and Paris, as well as Sofia, Budapest and Moscow. In my own country, the United Kingdom, a series of reports, by Lord Scarman on the Brixton Riots, the Macpherson Inquiry and the Christopher Commission have all illustrated the complexity of the challenge for law enforcement institutions to operate in multi-ethnic societies.

Policing is particularly important for multi-ethnic relations because police operate at "street level" and often represent the sole agency of the criminal justice system with which ethnic communities have direct contact. As a result, the police have considerable power to shape the attitudes and public perception of persons belonging to national minorities for good or ill. Good policing can reinforce confidence in the rule of law in the State and its capacity to act in just, legitimate and accountable ways. Biased policing, the indiscriminate use of force and ethnically motivated "stop and search" activities targeting specific groups can undermine

inter-ethnic relations and the trust and confidence of ethnic communities in the criminal justice system.

It was for these reasons that the HC decided in consultation with the Strategic Police Matters Unit in the OSCE Secretariat, to bring together a group of internationally recognised experts, including senior police officials, academics, representatives of relevant international organizations, independent experts and OSCE staff. In the course of 2005, the group drew up the recommendations on policing in multi-ethnic societies.

The central message of the recommendations is that good policing in multi-ethnic societies is dependent on the establishment of a relationship of trust and confidence built on regular communication and practical cooperation between the police and minority communities. The recommendations establish a detailed road map for building such trust and confidence. It covers such topics as recruitment and representation, training and professional support, engagement with ethnic communities, operational practices and the prevention and management of conflict. These have been warmly commended by police and other experts and I would like to urge government and NGO representatives now to draw this to the attention of their authorities. Copies are available outside this room.

Let me turn now to integration. The concept of integrating diversity or integration with respect for diversity has long been central to the HCNM's approach to his mandate. He has particularly emphasized the need for states to promote participation by minorities so that they have a stake in the society in which they live and are full partners in it. Specifically, he has always emphasized:

- the rights of persons belonging to minorities to preserve their own identity including their traditions, culture, language and religion;
- the duty of the state to promote voluntary integration of minorities on a basis of equality and non-discrimination;
- the responsibility of persons belonging to minorities to support and cooperate with the integration policies of the state, by learning the state language and obeying the law. In a recent speech he described the balance between integration and diversity as being at the core of his work.

At the same time, the subject of integration policies has come to occupy a high place on the public and political agendas in many states and has raised fundamental questions about the response of societies to diversity and, in particular, the integration policies which many states operate. Although this debate focuses on migrants rather than minorities, the boundaries are not always clear and the fundamental challenge which confronts states and governments is essentially the same whether we are talking about national minorities or migrants, namely what policies to adopt in order to manage diversity in ways which promote stability and prosperity and reduce the risks of tensions and social unrest. This is not to deny that there are legal and practical differences between the integration of persons belonging to national minorities on the one hand and migrants on the other.

Within the OSCE, the Slovenian chairmanship in 2005 initiated a debate in which HCNM as well as ODIHR participated on integration and migration. A number of useful discussions took place.

It was against this background that the HCNM decided to respond positively to the request repeatedly tabled by the OSCE Parliamentary Assembly to commission a study of integration policies. In order to keep the study within manageable bounds it was decided to focus on the policies of seven OSCE states, selected on the basis that they had extensive experience and well documented policies. In drawing up the terms of reference for the study it was also necessary to decide how to deal with the concept of "new minorities" used by the Parliamentary Assembly in their resolutions. Since the concept of "new minorities" is not accepted by some participating states, it was decided to focus instead on the integration policies applied with respect to a broader definition of migrants and minorities. In practice the integration policies of the seven states are applied to various different groups ranging from persons belonging to national minorities to more or less recent migrants. Since the aim of the study was to examine the integration policies and practice of the seven countries concerned, it was decided that the study should focus on this broader group rather than focusing specifically on "new minorities".

The study notes that theoretical and ideological discussions about integration models are giving way to often more pragmatic discussions on participation and equality of access. The issues are particularly evident at local level, where the integration debate increasingly takes place. Whether it is the mayors of large cities or the leaders of ethnic or religious

communities in these cities, all are familiar with the same challenges and all struggle to find adequate solutions. This is why the concept of "learning societies" is useful. We need open debate: not on who is to blame for existing inequalities and tensions, but on what kind of society we want and how to get there. On one theory almost all are agreed: we want all our societies to live together without conflict. For this purpose it is clear that renewed efforts aimed at the inclusion of settled immigrant populations and their descendants to prevent persisting inequalities from becoming entrenched are crucial.

The study shows that immigrants and minorities continue to be significantly disadvantaged in terms of lower education standards, higher unemployment, lower political and public participation, poorer housing conditions and more health problems. These difficulties are often compounded by widespread prejudices in society about groups that are perceived as "different" or "foreign". First and foremost therefore states need an effective anti-discrimination policy. This is not just a matter of passing laws against discrimination but of enforcing them effectively by developing strategies and plans, including the infrastructure and statistics needed to set and monitor targets. In fact, the key demand which persons belonging to different minority and migrant groups make, is to be treated in the same way as the majority, to have equal chances of getting jobs, an education, adequate housing and so on. In the seven states, effective equality policies, based on antidiscrimination backed up by active policies to promote inclusiveness are the cornerstone of integration policy.

The study also draws attention to a number of other trends in the debates on integration which could have implications for minorities as well as for migrants. Specifically, longstanding commitments to multi-culturalism in some states are increasingly overshadowed by questions about the need for shared values and means to promote community cohesion. In other states integration is increasingly said to have failed and there is a new emphasis on cultural issues. In formulating a response to these trends, the fundamental principles of the HCNM's approach to integration, based on encouraging participation and a sense of belonging, while respecting the right of all to maintain their culture, identity and traditions, need to be born in mind.

I would like to conclude Mr. Chairman that the study has highlighted the value of comparing and exchanging views on the different integration policies to be found in the OSCE. The subject of integration is of vital importance to our societies and deserves further study and

discussion. The OSCE provides a good forum to take this forward. Integration is and will remain a high profile issue for many participating states. Diversity is here to stay and integration can not be allowed to fail. Discussion at international as well as national level can lead to useful exchanges of view and the development of ideas about good practice. Such a debate would be a value to those dealing with minority questions as well as those dealing with migration. Finally, for those interested in integration, copies of the executive summary of the study and directions for access to the full study on the web are available on the table outside this room.

In conclusion, Mr Chairman, I have described two areas where we have been able to make some progress in the past year in improving our understanding of conflict prevention and sharpening our tools. But the agenda on National Minorities and the need for more effective conflict prevention tools remain as challenging as ever. Effective implementation of the OSCE Commitments concerning both the rights of persons belonging to national minorities and the right to equality and non-discrimination will remain crucial in this respect, as they provide the standards by which we should examine our own record.

Finally, I would like to invite you to the side-event about our Policing Recommendations which will take place at lunch time today in Meeting Room 1 from 1 to 3 pm. Dr Robin Oakley, who was the rapporteur of the group of experts which drafted the recommendations, will talk about the content of the recommendations. Dr Mira Karybaeva, will discuss them from the point of view of civil society. Mr Kevin Carty, the Head of the Strategic Police Matters Unit of the OSCE, will put them in the context of the work of the SPMU. And, Mr Maximilian Nicolae, Commissioner from the Romanian Institute for Research and Prevention of Criminality, will report on the project on Police and Roma, which was set up together with the ODIHR Contact Point for Roma and Sinti Issues. Refreshments will be provided. I warmly recommend this event.