

16 July 2015

ENGLISH only



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

STATEMENT

address by
Astrid Thors

OSCE High Commissioner on National Minorities

to the

1062nd Plenary Meeting of the OSCE Permanent Council

[Check against delivery]

Vienna, Austria – 16 July 2015

*) re-distribution due to change of distribution status

Dear excellencies,

Dear ladies and gentlemen,

Since I last addressed the Permanent Council on 20 November 2014, I have continued to actively engage with participating States, including by visiting different parts of the OSCE area. I will first describe my country visits, before moving on to discuss some overarching issues.

Let me begin with the topic that has concerned me, like all of us, the most during the last year, namely the crisis in and around **Ukraine**. The country faces enormous challenges due to the ongoing armed conflict. Thousands of human lives have been lost and, according to the UNHCR, over two million people have had to flee their homes. Like others, I call on all sides to fully implement the Minsk agreements.

Since November, I have made three visits to Ukraine, concluding the most recent one in early July. During my visits to different regions in the east and west of the country, including Kharkiv, Lviv and Zakarpattia, I have become even more convinced of the need to promote balanced, inclusive and differentiated policies that do justice to the complexity of the country and its rich ethnic, linguistic and regional diversity. There are four aspects to an inclusive policy that I find particularly important.

First, I have followed the developments around **historical memory** with unease. The four “de-Communization laws” that were adopted by the Verkhovna Rada on 9 April without meaningful debate or consultations within society are promoting a singular historical narrative that may not resonate well with the entire population, especially not in the east, southeast and west. The widespread and often spontaneous demolition of monuments or the elevation of controversial historical figures may be seen as liberation or historical justice by many, but as triumphalism by others. I call on the Ukrainian authorities to implement these laws in a balanced way and to allow multiple perspectives of history, rather than impose a single truth.

Second, a long-standing recommendation of my institution to Ukraine has been to improve the **institutional framework for minority policy**. Since the dissolution of the State

Committee for Nationalities and Religion in 2010, successive Governments have tried various approaches that have led to fragmentation rather than coherence. The establishment and subsequent abolishment of the Government Plenipotentiary for Inter-Ethnic Relations within a year, without creating any alternative mechanism, is a case in point. Even though over 20 per cent of Ukrainian citizens identified themselves as belonging to a minority in the last census, responsibility for ethno-cultural policy is currently delegated to a unit with only a few staff members in the Ministry of Culture. Ukraine needs a stronger institutional architecture to implement its minority rights commitments and promote the integration of its diverse population. I stand ready to assist the Ukrainian authorities with this essential task.

Third, my institution has discussed **language issues** with the Ukrainian authorities for many years. I encourage the authorities to develop a modern, differentiated and balanced language policy and to improve the legal framework regarding language, including during the constitutional reform process. Since independence, all Ukrainian Governments have maintained the Ukrainian language as the State language. At the same time, they have always acknowledged the special position of Russian, which is the second-most widely spoken language in the country and the first language for not only ethnic Russians, but also for millions of other Ukrainian citizens. A new language policy should take this into account, as well as other regional specifics, such as the languages of smaller national minorities residing in the west of the country, many of whom I met during my visit to Zakarpattia.

Finally, while in Zakarpattia, I also noticed the significant impact that the ongoing comprehensive reforms, which are taking place against the backdrop of a profound economic and security crisis, will have on minority communities. This particularly concerns decentralization, as well as administrative-territorial, education and election reforms. I call on the Ukrainian authorities to ensure that the reforms respect European standards regarding the protection and promotion of minority cultures and languages and the participation of minorities in public life.

Continuing on Ukraine, I have repeatedly drawn your attention to the situation in the **Autonomous Republic of Crimea**, which has been a priority for my institution for many years. Numerous recent and credible reports have documented highly disturbing trends following the Russian unlawful annexation, including pressure on those who refuse to accept the “new reality” and a stifling of sources of dissent.

This first and foremost concerns the Crimean Tatars and Ukrainians who do not support the *de facto* authorities. The expulsion, incarceration or intimidation of prominent leaders of the Mejlis of the Crimean Tatar People are unacceptable and should cease immediately. Effectively forcing community-run media outlets, such as ATR, to close by denying their registration does not only restrict media freedom and access to information, but also deprives the Crimean Tatar community of a vital instrument to maintain its identity. Education both *in* and *of* the Crimean Tatar language continues to face obstacles and the Ukrainian language and culture are severely curtailed. Pre-existing problems concerning the housing and land of Crimean Tatars have been compounded by legal uncertainty over property rights. Residents of Crimea have been practically forced to take up Russian citizenship and to hand over their Ukrainian passports, because refusal to do so has a range of negative consequences.

When the participating States established my institution in 1992, the High Commissioner was given a mandate to visit “any participating State”, and to consult “parties involved”, including representatives of national minorities. My visits are crucially important for me to get first-hand information about the situation on the ground and to evaluate the potential for future conflict. Over the last year, I have made repeated requests to the Russian Federation, as the entity in effective control of Crimea, for access to the peninsula. I am therefore compelled to report to the Permanent Council, in accordance with my mandate, that my requests have not been accommodated.¹ I call upon the Russian Federation to honour its commitments in relation to my mandate, and to facilitate my visit in the nearest future. I will report to the Permanent Council on progress during my next statement.

In June, I visited **Kazakhstan**, where I had the opportunity to speak at an event organized by the Mazhilis, the lower house of Parliament, commemorating the 20th anniversary of the Assembly of the People of Kazakhstan. The Assembly has a unique role in Kazakhstan, reflecting the high value the authorities place on maintaining inter-ethnic stability. This was a message that came through strongly in my discussions in Astana, Almaty and Petropavlovsk, the regional capital of North Kazakhstan. As the Assembly moves into its third decade, I see the potential for it to take a more active role in consulting and advising on issues that affect

¹ Point 28 of the Mandate of the High Commissioner on National Minorities stipulates: “If the State concerned does not allow the High Commissioner to enter the country and to travel and communicate freely, the High Commissioner will so inform the CSO.”

minorities and in moderating public discussions about inter-ethnic issues. Such discussions should not shy away from addressing the problems that sometimes occur in any diverse society. Steps to make the Assembly a more representative body and to promote minority representation more broadly in public life in Kazakhstan are also important for the long-term integration of Kazakhstani society.

A role for the Assembly of the People is envisaged in the ambitious reform agenda that the Government launched in May, the “One Hundred Steps”. This wide-ranging package of reforms includes plans to address issues related to identity and unity. I encouraged the authorities to actively involve all of the country’s ethnic groups in this process to ensure that Kazakhstan’s ethnic and linguistic diversity is fully reflected in new legislative and policy initiatives.

The Government continues to make reforms in the education system. The policy of promoting trilingualism in the Kazakh, Russian and English languages is forward-looking, but schools providing instruction in minority languages need additional support to implement it. They are teaching not three but four or sometimes even more languages. There remains a need to strengthen assistance to these schools and to reinforce the position of minority-language instruction in the curriculum, including at preschool level.

The issue of changes to the names of streets, schools and other public spaces emerged during my discussions with the authorities and with minority representatives. Such changes are sensitive in many countries, as they touch on interpretations of local and national history. In my visits outside the capital, I observed that there may be confusion at the local level about existing procedures regarding onomastic changes. As noted in *The Ljubljana Guidelines on Integration of Diverse Societies*, decisions about naming or renaming streets or other public spaces should be made in an inclusive, participatory manner with consideration for their impact on the integration of society. In this regard, I welcomed the Government’s decision to develop clearer criteria for such changes and offered to facilitate the sharing of good practices.

Reforming and modernizing the civil service is a priority in Kazakhstan. I encouraged authorities to continue providing positive incentives for improving State-language proficiency among current and prospective civil servants. Other measures should be

considered to help overcome perceptions that there is a glass ceiling for non-Kazakhs in the public service.

In May, I visited **Turkmenistan**. It was my first visit to the country. I appreciated the openness of the authorities to discuss certain issues related to the inter-ethnic situation and their readiness to co-operate with my institution. I was informed about Turkmenistan's plan to establish an Ombudsman as part of ongoing constitutional reform. I encouraged the authorities to establish the Ombudsman's office in line with the 1992 Paris principles and to include the protection of the rights of persons belonging to national minorities in its mandate.

I also called on the authorities to take measures to promote and protect the right of persons belonging to national minorities to education in their mother tongue, as well as to fully respect their other cultural and linguistic rights. These measures should include opening schools that offer classes in minority languages in the areas densely populated by minorities. They should also include opening and registering minority associations and cultural centres to enable persons belonging to national minorities to preserve and develop their culture and traditions. This would be a step towards creating more space for civil society organizations in Turkmenistan.

I organized a regional summer school on "Multilingual and Multicultural Education for Integration" in early July in Cholpon Ata, Kyrgyzstan, in co-operation with the Ministry of Education and Science and UNICEF. A total of 75 representatives from educational institutions in Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan participated. This event was held within the framework of my Central Asia Education Programme. The programme, running since 2012, aims to promote multilingual and multicultural education and to develop bilateral and multilateral co-operation in the region in order to improve the education of persons belonging to national minorities and promote the integration of society.

In April, I visited the Republic of **Moldova**. My visit took place after the formation of the Government in February, prior to the local elections and the resignation of the Prime Minister in June. The ongoing political instability in Moldova has complicated the development of a strategy on the integration of society, with which I have assisted the Moldovan authorities for several years. However, I am glad to note that successive Governments have remained committed to this important initiative that would contribute to stability and cohesion in the

country and that the strategy development process is now nearing completion. I particularly welcome the efforts of the Bureau of Inter-ethnic Relations, which has published the draft strategy on its website and has opened it up for broad consultations, including with persons belonging to national minorities. I sincerely hope that it can be adopted in the near future and will be accompanied with a concrete action plan that spells out the specific responsibilities of different authorities and allocates the necessary resources.

During my visit to Moldova, I also visited the Autonomous Territorial Unit of Gagauzia to assess the implementation of the 1994 Law “on the Special Status of Gagauzia”. I was glad to note that the Moldovan Parliament, the Gagauz People’s Assembly and the newly elected Bashkan of Gagauzia all requested my support for a dialogue to address structural problems related to the functioning of the Gagauz autonomy. Among others, there is an urgent need to take measures to harmonize Moldovan national laws with the Special Status Law, as well as to establish mechanisms to avoid new inconsistencies in the future. If the relevant parties are genuinely committed and have converging views, there may be a real opportunity to resolve the issues that have negatively affected relations between Chişinău and Comrat for many years. I urge the Moldovan Parliament to establish a Joint Permanent Working Group for this purpose in the nearest future and I stand ready to assist with expertise and advice, together with the OSCE Mission to Moldova. An agreement reached last week on the pending Law “on the Public Prosecutor’s Office” gives hope that there is a positive dynamic developing. Through various projects, I am also assisting the Moldovan Government and the Gagauz authorities to strengthen knowledge of the State and the Gagauz languages.

Finally, although I did not visit Tiraspol, I am concerned about mounting tensions in the wider region. I am convinced that a resumption of the 5+2 discussions is the best way for both sides to address security and economic challenges, as well as the long-standing issue of the Moldovan-administered schools in Transdnistria teaching in the Latin script. I strongly support the efforts of the Chairmanship and the OSCE Mission to Moldova in this regard.

In April, I also travelled to **Georgia**. In addition to meetings in Tbilisi, I travelled to the regions, including the South Ossetian and Abkhaz Administrative Boundary Line (ABL) areas.

In Tbilisi and Kutaisi, I discussed several legislative and policy initiatives that have an impact on the lives of persons belonging to national minorities in Georgia. Over the last few months,

I have been co-operating closely with the Georgian authorities on the new Civic Equality and Integration Strategy, which should be adopted within the next few months. I also encouraged the authorities to ensure that the new draft law on the State language meets international standards. I reminded the authorities of the importance of providing services in minority languages, particularly in the regions in which persons belonging to national minorities are concentrated. I reiterated that the legitimate goal of promoting the State language should not be pursued to the detriment of the linguistic rights of persons belonging to national minorities and that the two aims should be balanced in a mutually reinforcing manner, which can promote the integration of society.

One of the priorities for my office in Georgia over the last decade has been education reform, especially the introduction of multilingual education. My office, in close co-operation with the Georgian authorities, carried out a baseline study on multilingual education reform. The initial results demonstrate that increased efforts and resources are required to effectively implement a multilingual education system to enable pupils from a minority background to acquire fluency in the State language at the same time as preserving and developing their mother tongue. I stand ready to further assist the authorities in this endeavour, including by promoting increased regional co-operation.

I regret to note that there has been limited progress on the Meskhetian repatriation process since last year. The majority of the deported Meskhetians who have applied for repatriate status have still not received it and very few deported Meskhetians have actually returned to Georgia. I therefore encouraged the Government to intensify its efforts and swiftly adopt an Action Plan for the implementation of the Meskhetian repatriation strategy.

To strengthen the participation of national minorities in political life in Georgia and to increase their representation in elected and executive bodies, I continue to support the Multi-Party Dialogue on National Minority Issues. Within the framework of this project, I chaired a roundtable meeting with all mainstream political parties in Tbilisi and discussed with them the challenges related to the situation of national minorities in Georgia. This project is foreseen to help political parties in Georgia to reach out to national minority communities and include their specific concerns in party programmes and policies.

During my visit to the South Ossetian and Abkhaz ABL areas I met people living nearby who informed me about the increased challenges they face crossing the ABL. The fence-building is continuing, there are plans to reduce the number of crossing points and people face problems with documentation. I am also concerned by reports about plans to further diminish the role of the Georgian language in the Georgian-language schools in Abkhazia, which will make the situation of the Georgian community there even more difficult. There is a risk that the remaining ethnic Georgian population will feel compelled to leave their homes due to increasing restrictions in terms of freedom of movement, mother-tongue education and other rights. Furthermore, several interlocutors expressed concerns regarding so-called “integration treaties”, which are not conducive to peace and stability in the region.

Excellencies,

Ladies and gentlemen,

Promoting long-term stability underpins my engagement in the western Balkans.

While playing a key role in the region, **Serbia** is dealing with numerous long-standing and complicated issues in relation to the integration of its society. The municipalities of Preševo, Bujanovac and Medveđa remain on my agenda in terms of inter-ethnic relations and I am working in close co-ordination with the Government of Serbia as well as the OSCE Mission in Serbia and the European Union to help identify long-term solutions to difficult political questions. I am pleased to report that the efforts to normalize relations between the local ethnic Albanian leadership and the central Government are gaining momentum. Ministers have been visiting the region more frequently, and the Deputy Prime Minister has taken the initiative to find a mutually agreed methodology for estimating the population in these municipalities. It is important that the Serbian Government continues to intensify the dialogue and fosters the confidence-building measures that were introduced in 2013.

The main purpose of my visit to southern Serbia in February was to chair the fourth meeting of the Stakeholders’ Committee on the Bujanovac Department of Economics of the Subotica Faculty of Economics of Novi Sad University and ensure the continuous engagement of all stakeholders to the sustainability of this bilingual State-funded higher-education institution. I am pleased to confirm that the permanent premises of the Department are to be completed by the start of the 2015/2016 academic year and the first students will graduate this autumn.

The Bujanovac Department is rapidly becoming a symbol of integration and entrepreneurship in southern Serbia. This has been further demonstrated by the findings of a survey recently conducted by European Progress/UNOPS among the students of the Department. The survey results show, *inter alia*, that a high percentage of ethnic Serb and ethnic Albanian students are interested in learning each other's languages outside the school curriculum. They also express a willingness to engage in campaigns promoting multi-ethnic communities and tolerance.

I also participated in a roundtable discussion in Bujanovac on "Perspectives, conditions and limits of South Serbia's development in the context of inter-regional co-operation and EU integration", which was organized by the Faculty of Subotica and the Municipalities of Bujanovac and Preševo. This initiative is an important step towards promoting the integration of society and the employability of the youth, and complements our collective efforts to widen higher-education opportunities in southern Serbia.

Last but not least, I have paid a lot of attention to the political crisis and discussed it with the authorities in **Skopje**, as it could deteriorate into an inter-ethnic crisis.

I have made three visits to the country since I last addressed the Permanent Council. I have focused on the root causes of the deteriorating political situation and its implications for the stability of the country and the region, especially during my most recent two visits with the Chairman-in-Office and his Special Representative. I believe that the overall issues at stake – pluralistic democracy, separation of powers and rule of law – are inextricably linked with lasting stability. They are prerequisites for the stability of the country and for the integration of society. I have also warned against the possible misuse of the political crisis to trigger inter-ethnic tensions.

It is essential that efforts to deal with the political crisis are carried out in a way that restores trust in the institutions. I have called on political leaders to take responsibility. This process needs to be facilitated by the international community to ensure that attention is paid to improving institutional checks and balances, and the independence of the institutions.

I remain concerned that prolonged uncertainty about the outcome of the crisis makes the country vulnerable. My most recent visit was undertaken shortly after the tragic event in

Kumanovo. While the unity shown by the local population in the face of this violence was positive, the circumstances of the event remain unclear. Full details have yet to be presented.

During my visits, I have drawn attention to the unity of all ethnicities in their calls for justice and democracy. I remain convinced that the political leaders should pay attention to the emerging inter-ethnic solidarity in the country and show commitment to the integration of society. I hope to see new initiatives with regard to integration and I stand ready to support such efforts. Encouraging political dialogue and the Government's commitment to building a multi-ethnic State promoting trust and understanding between ethnic communities have been the long-standing goals of my institution.

My most-recent discussions on the Integrated Education Strategy, adopted in 2010 and expiring this year, have, however, remained inconclusive. The failure to tackle separation in education, like other key areas for integration, is a considerable risk for the stability of multi-ethnic States. I call for political dialogue and a spirit of compromise on these issues.

In addition to the country visits I have just described, the western Balkans remain one of the areas where I continue to encourage participating States to design suitable policies. I continued to support the Government of Serbia's efforts to improve the teaching of Serbian as a non-mother tongue, encouraging the direct contribution and support of the national minorities concerned. Also in the region, I supported the Government of Albania's initiative to look at potential improvements to the legislative framework and the implementation of commitments related to national minorities. I continue to offer the expertise of my institution during this ongoing process.

Excellencies,

Ladies and gentlemen,

The principle of "integration with respect for diversity" has underpinned the work of my institution since its very creation. Successive High Commissioners have consistently argued for this approach, not only because it is in line with human and minority rights law, but also because it is a security issue. Preventing divisions along ethnic lines enhances the stability of societies. Efforts to build inclusive societies lie at the very heart of conflict prevention.

The 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. There seems to be less understanding of the needs of diverse populations, including of national minorities, in participating States.

Integration policies based on good governance and respect for minority rights, including socioeconomic participation, are a prerequisite to lasting peace and security in multi-ethnic States. Economic and employment opportunities play a fundamental role in this.

Employment policies cannot be separated from education and training policies, which should better serve future generations. As stipulated in the Ljubljana Guidelines, “effective social and economic participation on an equal footing for all members of society is essential for successful integration.”

Respect for diversity also means that persons belonging to national minorities have the right to freely express, preserve and develop their identities and to maintain and develop their cultures. OSCE participating States have committed to creating the conditions for persons belonging to national minorities to promote their identities. They have also committed to respect their right to effectively participate in public affairs. These commitments, stipulated in the Copenhagen Document 25 years ago, remain relevant. Enhancing the participation of national minorities can foster a shared sense of belonging to a common State – indeed, integration with respect for diversity. Conversely, attempts to label national minorities as “others”, including by questioning their motives to participate in public affairs, serve exactly the opposite purpose.

These tendencies did not go unnoticed at the conference on “Minority Protection at a Crossroads” in March, co-organized by the Council of Europe. There was a consensus that national minorities are increasingly viewed as objects for regulation rather than active participants at the national and international levels. Academics and practitioners agreed that the politicization and instrumentalization of minority issues by “kin”-States or others is increasing. It is essential that we promote the implementation of international norms related to the protection of the rights of persons belonging to national minorities to address these

trends. In this context, we once again see the relevance of the principles laid down in *The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations*.

Assisting States to find the balance between supporting the right of persons belonging to national minorities to preserve their identity while also promoting social cohesion is an essential element of my work. Education reforms often tackle an essential question regarding the kind of society we wish to live in: one that imposes a single historical narrative and language for all in society, excluding the contribution made by national minorities and ignoring the specific aspects of their identities, or one that embraces this diversity and aims to reflect different perspectives and contributions to society as a whole. We need to bear this in mind in our efforts to equip the next generation to live in diverse societies, to have an open mind, and to know, respect and understand other cultures. In so doing, we are also equipping them to resist ethno-political instrumentalization.

Excellencies,

Ladies and gentlemen,

Finally, I would like to take this opportunity to express my gratitude for the excellent co-operation I have continued to enjoy with other OSCE structures. One prominent example of established inter-institutional co-operation is on elections. During the reporting period, my office continued to provide support to ODIHR in its election work by seconding a national minority analyst for the election observation missions to Albania, Moldova and Tajikistan, as well as to the election expert team deployed in Estonia.

I also wish to convey my thanks to the field presences for their valuable support and co-operation, in particular in the context of my country visits. The Special Monitoring Mission to Ukraine is one of the field operations with whom my institution has worked very closely, including by providing training to the monitors on minority issues. Finally, I would like to express my sincere gratitude to the Serbian Chairmanship for all the support and co-operation. I look forward to continuing our common efforts.