

Recommendations on the Effective Participation of National Minorities in Social and Economic Life & Explanatory Note

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Introduction

In its Helsinki Document of July 1992, the Organization for Security and Co-operation in Europe (OSCE) established the position of High Commissioner on National Minorities (HCNM) to be an instrument of conflict prevention at the earliest possible stage in regard to tensions involving national minority issues. Over a period of 30 years, the six successive High Commissioners have encountered a number of recurring issues in their work. In response, they have published nine thematic Recommendations and Guidelines providing insight and advice for participating States facing such issues. This present document is the tenth set of thematic Recommendations and Guidelines in the series. These syntheses of accumulated experience and expertise on selected themes provide comprehensive, detailed and nuanced overviews of their subject matter. They also enhance understanding of how the selected themes affect relations between national minorities and other groups in society. This gives the High Commissioner a range of options to consider when assessing which measures are best suited for preventing conflicts involving national minorities.

The first three sets of Recommendations – *The Hague Recommendations regarding the Education Rights of National Minorities* (The Hague Recommendations), *The Oslo Recommendations regarding the Linguistic Rights of National Minorities* (Oslo Recommendations) and *The Lund Recommendations on the Effective Participation of National Minorities in Public Life* (Lund Recommendations) – are primarily concerned with clarifying minority-rights standards in the areas of education, language and participation in public life. The subsequent two publications – *Guidelines on the use of Minority Languages in the Broadcast Media* and *Recommendations on Policing in Multi-Ethnic Societies* – address specific challenges that many States face in ensuring minorities’ access to broadcast media in their own languages and in providing effective policing in ethnically diverse societies. *The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations* (Bolzano/Bozen Recommendations) address the conditions and limitations within which States may support minorities residing in other

countries. *The Ljubljana Guidelines on Integration of Diverse Societies* (Ljubljana Guidelines) are concerned with enhancing the integration and cohesion of diverse, multi-ethnic societies. *The Graz Recommendations on Access to Justice and National Minorities* focus on the conditions for ensuring equal and effective access to justice for all. Most recently, *The Tallinn Guidelines on National Minorities and the Media in the Digital Age* update and clarify minority rights in a specific area – freedom of expression and the media – and their relevance to conflict prevention in the digital age.

The present Recommendations continue this line of thematic work by the HCNM¹ in a very important policy area – the social and economic inclusion and participation of persons belonging to national minorities. This document offers recommendations to participating States in their efforts to introduce robust national legislative initiatives and practices that empower not only representatives of national minorities but also serve to strengthen communities and society as a whole. It is imperative to understand that when national minorities prosper and are able to contribute in a meaningful way to the social and economic life of their country, the entire society stands to gain.

In essence, each Recommendation, while individually significant, collectively converges towards the overarching objective of building a society in which national minorities are not mere participants but are active contributors, stakeholders and beneficiaries in the broader social and economic framework. Through these Recommendations, the vision is to work towards a future in which every national minority group can thrive, have influence and be empowered, weaving a tapestry rich in diversity, equity and inclusion.

Socio-economic rights are integral to the well-being and development of persons belonging to national minorities and are codified in an array of globally recognized legal instruments. Prominent among these are the Universal Declaration of Human Rights (UDHR, 1948) and the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966). Moreover, other documents, such as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1965) and the Convention on the Rights of the Child (1989) contain relevant provisions. Particularly in the European context, the Framework Convention for the Protection of National Minorities (FCNM) is a seminal legal instrument, meticulously setting out these rights. The FCNM emphasizes not only the ethos of effective

1 “HCNM” in this document refers to the experience of the successive six High Commissioners over the past 30 years and represents the consolidated expertise of the institution.

equality between persons belonging to both national minorities and to the majority but also underscores the necessity for their active participation in the socio-cultural, economic and political life of their country.

However, while these conventions and treaties provide a foundational understanding, the depth of guidance on the nuances of supporting and promoting social and economic participation for national minorities is sometimes found wanting in certain documents, notably some from the OSCE. These Recommendations presented here aim to close this gap. What is more, the interconnectedness between conflict prevention, national minorities, and social and economic inclusion is a well-established fact. It is something that my predecessors as High Commissioner on National Minorities and I have observed in our work. Therefore, this document aims to offer practical tools to the OSCE participating States so they can facilitate social and economic participation at different levels and in various settings.

Overall, this document is built on an understanding that derives from the successive High Commissioners' observations that the economic inclusion of national minorities is a crucial element of democracy, particularly in multi-ethnic societies, as it fosters unity and breaks down societal divisions. This inclusion is essential for three main reasons, which are aligned with the OSCE's comprehensive approach to security: the politico-military, economic-environmental and human dimensions. First, from a security standpoint, equal economic opportunities for minorities enhance peace and security, preventing the escalation of inter-ethnic conflicts. Second, the legal argument stresses that while discrimination based on identity is prohibited both nationally and supra-nationally, it is imperative that we aim to ensure more than just formal non-discrimination but go further to create actual economic participation, as highlighted in the Council of Europe's FCNM. Third, from an economic perspective, harnessing the potential of minorities contributes to overall economic growth. As seen in successful practices in different participating States, diverse societies that fully utilize the capabilities of all their members experience prosperity and higher living standards for all.

Furthermore, at the international level there is a discernible gap in addressing gender and age discrepancies in the realization of social and economic rights. This lapse demands urgent attention. Therefore, because gender equality contributes to the OSCE's notion of comprehensive security, these Recommendations mainstream gender perspectives in all dimensions. The Recommendations also emphasize the involvement and empowerment of youth. Youth belonging to national minorities

play an important role as bridge builders between communities and, as such, should be empowered and supported to foster understanding, collaboration and unity among diverse groups.²

The present Recommendations draw inspiration from the earlier thematic Recommendations and Guidelines and build on the HCNM's conflict prevention toolkit by adding a social and economic perspective. In particular, the Ljubljana Guidelines emphasize that the effective participation of minorities in economic life is a cornerstone of integration. In essence, ensuring equal and effective social and economic participation for every member of society is essential for seamless integration. States should formulate and implement policies in relevant areas – such as education and training, employment, health care, housing, and access to public goods and services – to promote comprehensive social and economic inclusion. The effective participation of persons belonging to national minorities in the social and economic life of the State is as important as their participation in public affairs, as originally laid out in the Lund Recommendations.

The Lund Recommendations and the Oslo Recommendations together underpin the right to linguistic freedom in economic life, stating that all persons, including persons belonging to national minorities, have the right to operate private enterprises in the language or languages of their choice.

Recommendation 8 of the Bolzano/Bozen Recommendations recognizes that persons belonging to national minorities should be able to establish and maintain free and peaceful contacts across State borders through which they can develop cultural and economic links.

Education, as stated in The Hague Recommendations, has a direct impact on a person's economic potential. Access to quality education determines the level of economic and social inclusion of national minorities. Based on research and the experience of the successive High Commissioners, it is clear that investing in high-quality multilingual education (MLE) in diverse societies contributes to the integration of society and facilitates the building of economic prosperity.

2 For practical recommendations, see: UN Human Rights Council (OHCHR), *Recommendations of the Forum on Minority Issues at its tenth session "on minority youth: towards inclusive and diverse societies"*, Report of the Special Rapporteur on minority issues, A/HRC/37/73 (Geneva 2018) (OHCHR, FMI, tenth session).

Mother tongue-based MLE – if properly supported – creates more economic opportunities for graduates from minority communities.³

Without a doubt, these Recommendations update the HCNM's approaches with regard to social and economic inclusion, conflict prevention and national minorities, including women⁴ and youth. In the OSCE participating States, ensuring equal economic opportunities for minorities is vital for sustained peace and stability, as evidenced by historical and current unrest in many countries around the world. Efforts to reverse the economic exclusion of minorities require long-term strategies tailored to the particular social context. There are no quick fixes and there is no one-size-fits-all approach. This set of Recommendations advocates for increased engagement by the OSCE participating States on this issue, aiming to increase the economic inclusion of minorities as a route to strengthen regional cohesion and stability, using insights from successful practices developed in the countries of the OSCE, United Nations and European Union.

In brief, national minorities matter not only as beneficiaries of economic growth but also as creators of prosperity. By making use of the intellectual capital and economic potential that persons belonging to national minorities have to offer, States and regions can develop in ways that would not be possible if their skills remain untapped. They can also act as bridge builders between communities and, more broadly, by contributing to inter-State trade and economic integration. Therefore, when national and regional authorities consider strategies for regional social and economic development, they should include national minorities residing in the region in the design and implementation of such development initiatives as much as possible.

Communities, regions and countries have everything to gain from the greater involvement of national minorities in social and economic life. If minorities remain

3 See: OHCHR, *Recommendations of the Forum on Minority Issues at its fifteenth session "review, rethink, reform: 30th anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities"*, Report of the Special Rapporteur on minority issues, A/HRC/52/71 (Geneva 2023) (OHCHR, FMI, fifteenth session).

4 "[...] women's special role in development must be recognized: Economic empowerment of women and girls is a form of participation and a step towards equality of opportunities. More economically developed, free and just societies, with sufficient job opportunities for all, including those belonging to national minorities, will make citizens feel safer and more secure at home, rather than seeking their fortune abroad." Organization for Security and Co-operation in Europe (OSCE) Parliamentary Assembly (PA), *Report for the General Committee on Economic Affairs, Science, Technology and Environment*, Rapporteur G. Kugler, Birmingham, p.5, AS(22)RP2E (2–6 July 2022). For practical recommendations, see: OHCHR, *Recommendations of the fourth session of the Forum on Minority Issues on "guaranteeing the rights of minority women and girls"*, A/HRC/19/71 (Geneva 2012) (OHCHR, FMI, fourth session).

under-educated, underpaid and under-employed because of discrimination or hindered access, whether intentional or not, the economy of the entire country or region may suffer, with possible adverse consequences for members of the majority and neighbouring countries as well. In addition, when persons belonging to national minorities feel marginalized and trapped in poverty, they may feel resentment of the authorities or of the majority, which in turn can give rise to conflict.

In an evolving global society in which questions of diversity intersect with social and economic considerations, ensuring the inclusive and effective participation of national minorities in social and economic life has never been more pertinent. This is not merely a matter of social justice, it is crucial for our stability, peace and prosperity. Recognizing the intricate balance of challenges, opportunities and potential benefits that this engagement entails, the present Recommendations serve as a comprehensive approach to guide policymakers in OSCE participating States towards the holistic integration, participation and equitable treatment of persons belonging to national minorities in their societies.

To provide clarity and facilitate actionable steps, the Recommendations are structured into distinct sections.

The foundational General Principles section elucidates the core approaches and philosophies emphasizing the significance of minority participation in the larger framework of societal peace, equality and prosperity. It articulates the overarching need for States to build an environment that is legally robust against any forms of discrimination and that enables equal social and economic opportunities. Additionally, it underscores the imperative of proactive and fair resource allocation to foster true equality between majority and minority groups.

Diving deeper into the structural realm, the Policies, Processes and Institutions section provides a detailed roadmap for the establishment, reinforcement and consistent implementation of policies. It offers insights into creating institutional frameworks that not only safeguard but also actively prioritize and represent the unique interests and needs of national minorities in various sectors of governance, decision-making and the development of society.

Public Goods and Services addresses the tangible pillars of daily life and participation in social and economic life, highlighting the importance of equality in access. From education and housing to health care and employment, it acknowledges and seeks to address the distinct challenges and barriers that national minorities often encounter in their access to these public goods. The Recommendations aim to

ensure that national minorities not only have access to these essential services but also are actively engaged in their formulation and delivery.

In an era marked by rapid technological evolution and digital transformation, the Digital Inclusion section reminds us of the pressing need to ensure that everyone is included in the digital sphere, bridging the digital divide. It advocates for proactive measures to ensure that national minorities are able to enjoy equal access to, and opportunities in, the digital space.

Appreciating the nuances of spatial disparities and regional dynamics, the section on Geographic and Regional Dimensions delves into the challenges and opportunities that national minorities face due to their geographical location. From infrastructure enhancement to proactive regional development and environmental justice considerations, it offers multifaceted solutions to ensure that national minorities are provided with opportunities that make sense in their unique regional contexts.

While conflict prevention is an explicit structural focus, it is also a crosscutting theme throughout the Recommendations due to their central message that the social and economic empowerment of persons belonging to national minorities increases stability and inclusiveness, thereby reducing potential tensions and grievances that might be present among national minority communities.

Although these Recommendations are primarily addressed to OSCE participating States, their successful promotion and implementation will depend on constructive engagement and co-operation by States' authorities with a wide range of actors and stakeholders at the international, national and sub-national levels, including (specialized bodies of) intergovernmental organizations, representatives of national minority groups, civil society and academia.

OSCE participating States are encouraged to embrace this set of Recommendations in the spirit of the OSCE's general co-operation framework, with due acknowledgement of the specific mandates of the OSCE institutions – in particular the HCNM, the Office for Democratic Institutions and Human Rights (ODIHR) and the Representative on Freedom of the Media (RFoM) – as essential instruments for preventing conflict, promoting tolerance between ethnic groups, ensuring respect for human rights and upholding freedom of expression and free media. OSCE participating States are also encouraged to co-operate constructively with each other on the issues addressed in these Recommendations.

The term “national minority”, as used in the Recommendations, refers to a wide range of persons belonging to national minorities, including ethnic, religious, linguistic and cultural communities, regardless of whether these groups are recognized as such by the States where they reside and irrespective of the designation applied to or claimed by them. In addition, “national minority” or “minority” is often used as a shorthand term for “persons belonging to national minorities”. This does not imply that all principles, minority rights and policy options presented in the document apply to every situation in the same way. Although it is clear that basic human rights standards apply to all, policies will need to be tailored to some extent to meet the challenges and needs of different minorities and different circumstances in order to ensure that the exercise of those rights is effective in practice. The content of policies related to social and economic affairs may depend on such factors as the numerical size of the national minority and its geographical concentration and location. Policymakers may also consider whether the minorities have their own language, the extent of their inclusion in society, whether they have strong ties with other countries, and their particular social, economic and cultural needs, among other considerations.

The present Recommendations are based on concrete provisions in, and contemporary and forward-looking interpretations of, international and European human rights and policy standards with regard to social and economic inclusion and participation. Some of the instruments are legally binding on all or some OSCE participating States, whereas others have a political character, which means that they are primarily of referential, persuasive or inspirational value. The overall range of international standards drawn on in the Explanatory Note seeks to be representative rather than exhaustive. The Guidelines not only follow those standards, but necessarily also build on them.

At this point it should also be noted that, while these Recommendations benefitted from the input and advice of an extensive multidisciplinary team of experts, the Recommendations themselves are grounded in the specific experiences of the HCNM and do not reflect the views of any single expert. The institution of the HCNM is grateful to all HCNM staff members, past and present, as well as a number of external experts and practitioners for this latest addition to its ongoing series of thematic Recommendations and Guidelines. Special recognition is deserved by Jennifer Croft, Andreea Cârstocea, Fernand de Varennes, Jennifer Jackson-Preece and William Romans, who, as the key drafters, have significantly contributed to the creation and arrangement of the 31 Recommendations and their accompanying Explanatory Note. Jennifer Croft in particular is to be commended for her exceptional work on compiling, collating and cross-referencing the various research

threads that make up the final text of the Recommendations. Special thanks also go to (in alphabetical order) River Hustad, Mitra Jalali, Zhazira Kul-Mukhammed, Elzbieta Kuzborska-Pacha, Tihana Leko, Marianne Mahaffey, Jelena Nikolić Todorčić and Anton Thomsen who have overseen and guided the drafting process from beginning to end, as well as editors Michelle Pirotta and Theresa Stanton who have a crucial role in ensuring the consistency of HCNM advice to participating States throughout all HCNM thematic Recommendations and Guidelines. In addition, the final text has benefitted from the critical input of Petra Roter, President of the Advisory Committee on the Framework Convention for the Protection of National Minorities, who contributed new perspectives to the Recommendations.

The excellent institutional co-operation with the OSCE Gender Section also deserves special credit. For this, I am especially grateful to Lara Scarpitta, Senior Adviser on Gender Issues, for her comments on the draft text. I am also grateful for the insightful discussions on minority issues with the experts at the European Centre for Minority Issues and Eurac Research.

I am confident that the new Recommendations will serve as an important and timely benchmark for all of the 57 OSCE participating States. I therefore encourage all governments and parliaments throughout the OSCE area to use them as guiding principles when developing policies that have an impact on minorities and diverse communities.

Kairat Abdrakhmanov
OSCE High Commissioner on National Minorities
The Hague, 24 October 2023

Recommendations on the Effective Participation of National Minorities in Social and Economic Life

I. General Principles

1. The effective participation of persons belonging to national minorities in social and economic life promotes both equality and inclusion, as well as the integration of diverse societies; reduces the likelihood of conflict within the OSCE area; and strengthens peace, stability and good neighbourly relations between individuals and communities and the OSCE participating States.
2. Legislation and other measures should prohibit discrimination on grounds such as ethnicity, religion, race, language and national minority status. Protection against discrimination constitutes a cornerstone of effective participation in society and should cover all fields of social and economic life, including employment, housing, health care and social services.
3. States should take steps to achieve, progressively, the full realization of social and economic rights for all. States should be transparent regarding their available resources and their prioritization; national minorities should be treated fairly and proportionately to the majority in resource allocation, with additional resources allocated, as needed, to achieve effective equality. International assistance and co-operation, as necessary and appropriate, should contribute to reducing the social and economic exclusion of national minorities.
4. States should establish specific arrangements for persons belonging to national minorities, which facilitate the effective participation of all in social and economic life. Reasonable and proportionate measures taken in this regard do not constitute discrimination.

5. States should ensure that national minorities have an equal and effective opportunity to participate in decision-making regarding social and economic affairs policies, which must respect their existing rights, and their participation should substantially inform the design and outcome of the policies.
6. Specific arrangements to promote the social and economic participation of persons belonging to national minorities should be designed with an intersectional approach that recognizes the multiple and overlapping identities of individuals within minority communities. In particular, women, youth, the elderly and persons with disabilities from national minority backgrounds must be considered in any measures aimed at supporting the social and economic participation of national minority groups.
7. States should address barriers to full and effective social and economic participation caused by the inability to demonstrate or acquire a citizenship. This should include taking all available measures to end statelessness, such as ensuring that no child is born stateless, implementing proper birth registration, ensuring equal access to documentation, and removing any ethnic, religious, linguistic or gender discrimination from citizenship laws.

II. Policies, Processes and Institutions

8. State authorities should institute policies to reduce inequalities affecting persons belonging to national minorities. These can include targeted policies directly benefitting persons belonging to national minorities; general policies benefitting the entire population in areas also inhabited by national minorities; or integration policies promoting co-operation between persons belonging to majorities and minorities. States should initiate and maintain a regular collection and analysis of data, allowing for the design, implementation, monitoring and evaluation of evidence-based policies.
9. State authorities should prioritize specific measures to improve the standard of living of persons belonging to national minorities, with the aim of reducing existing inequalities between and within communities.

10. Mechanisms should be established to ensure that the interests and needs of persons belonging to national minorities are taken into consideration by relevant ministries and inter-ministerial bodies, including institutions responsible for data collection, when decisions are taken that directly or indirectly affect national minorities.
11. There should be formal or informal understandings to allocate relevant cabinet positions, or positions on nominated advisory bodies or other high-level bodies, with responsibilities in social and economic areas to persons belonging to national minorities.
12. States should ensure that there is a meaningful and continuous dialogue between governmental authorities and national minorities on issues pertaining to their participation in social and economic life, such as housing, health care, education, employment, regional development, digital inclusion and the environment. Standing bodies for this purpose should have sufficient access, capacity and resources to ensure effectiveness.
13. States should endow regional and local authorities with appropriate competencies and financial resources to ensure that economic decision-making is closest to those most affected by it, thereby also facilitating the effective social and economic participation of national minorities.
14. The relevant authorities should carry out regular collection of data about the social and economic situation disaggregated by relevant criteria, including ethnicity, language, religion, age, gender and geographical distribution. The data collection processes should involve persons belonging to national minorities at all stages, including methodology design, data collection and analysis, and data protection. The authorities should conduct this exercise in accordance with international standards, including the right to privacy and the right to self-identification.

III. Public Goods and Services

15. Equal access to public goods and services without direct or indirect discrimination should be ensured and is a necessary precondition for the effective social and economic participation of persons belonging to national minorities.

16. States should establish education systems, including vocational training, to ensure that everyone has equal access to acquire the skills necessary to participate effectively in the economy. Relevant authorities may consider taking positive action measures to support access to education and training for persons belonging to national minorities and to widen their economic participation, especially for national minority youth and women.
17. States should ensure that in accessing public goods and services, persons belonging to national minorities are able to do so in a language that they understand, and preferably in their own language, as well as in an environment that is respectful of their agency and identity, including their gender. Public service providers should accommodate and respond to these needs.
18. States should eliminate inequalities in the housing status of persons belonging to national minorities, including by taking measures to reduce homelessness, address the general quality of housing, combat housing segregation, create favourable financing conditions for accessing adequate housing, and prevent discrimination on the housing and rental markets.
19. States should institute measures for affordable and inclusive health care. Public health information campaigns should be inclusive of minorities, communicate information in minority languages and be culturally sensitive to the situation of persons belonging to national minorities. Where relevant, health mediators should be used. Medical staff should receive training to provide services to persons belonging to national minorities in a culturally sensitive manner. The use of minority languages in communication with medical staff should be facilitated. Sexual and reproductive health and information services should be universally available and accessible to national minorities, taking the needs of women, youth and children from national minority backgrounds into account. States must combat discrimination in the provision of health care services.
20. States should adopt measures to reduce unemployment rates among persons belonging to national minorities, especially in economically disadvantaged regions. Measures should be instituted to ensure fair pay for all without discrimination and promote inclusivity in the formal labour market. States should disseminate labour law standards and information to national minorities in a language and in terms they can understand. Measures should be instituted to promote the inclusion of minority youth and women in the formal labour market, including through internships and paid parental leave.

21. States should consider measures to regularize employment, which will positively impact both individual participants in informal labour markets and the general economy.

IV. Digital Inclusion

22. States should create conditions for digital inclusion. Digital inclusion, meaning that everyone, including persons belonging to minorities, has access to, and the use of, information and communication technologies, is a prerequisite for participation in a modern society, economy and public life.
23. States should address any digital divides affecting individuals, households, businesses, communities, national minorities and regions. This includes when the State or private companies provide essential information or access to services through digital technology.
24. States should put in place specific measures to promote the digital inclusion of minority language speakers and multilingual border regions.

V. Geographic and Regional Dimensions

25. States should strengthen the social and economic infrastructure of economically disadvantaged regions where national minorities live, including through investment, and facilitate the participation of national minorities in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.
26. States should work with, and support the efforts of, national minorities to nurture and promote the economic potential of different languages and cultures as part of their regional development programmes. National minority languages and cultures can have economic and development values and benefits.
27. Development and infrastructure initiatives, including the exploitation of local resources, must not disproportionately and unjustifiably impact upon persons belonging to national minorities or fail to recognize their property rights. Persons belonging to national minorities should be consulted when development and infrastructure initiatives will affect their communities.

28. Regions where national minorities are concentrated should receive appropriate funding in terms of infrastructure, such as electricity, communications networks, roads, water management and transport services, to enable persons belonging to national minorities to effectively participate equally and without discrimination in social and economic activities.
29. To ensure that they both benefit persons belonging to national minorities and promote friendly relations and economic co-operation between States, bilateral or cross-border investments in areas inhabited by minorities should be undertaken by mutual agreement and in accordance with international law. The relevant communities should be included in the design of such projects.
30. States should recognize, support and promote the economic contributions of national minority entrepreneurs, including economic activities associated with traditional industries and occupations.
31. Persons belonging to national minorities are equally entitled to environmental justice and must be protected from any disproportionate and unjustified environmental impact and risks.

Recommendations on the Effective Participation of National Minorities in Social and Economic Life & Explanatory Note

I. General Principles

1. The effective participation of persons belonging to national minorities in social and economic life promotes both equality and inclusion, as well as the integration of diverse societies; reduces the likelihood of conflict within the OSCE area; and strengthens peace, stability and good neighbourly relations between individuals and communities and the OSCE participating States.

The OSCE participating States have committed to protect and promote the rights of persons belonging to national minorities, their equality before the law, and their right to exercise their human rights and fundamental freedoms without discrimination.⁵ They have also reaffirmed the fundamental link between the protection and

5 *Inter alia* Conference on Security and Co-operation in Europe (CSCE), *Helsinki Final Act*, “Questions Relating to Security in Europe: 1(a) Declaration on Principles Guiding Relations between Participating States, Principle VII, Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief” (Helsinki 1975); CSCE, *Concluding Document of the Third Follow-up Meeting*, “Questions Relating to Security in Europe, Principles” (Vienna 1989); CSCE, *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE*, paragraph 31 (Copenhagen 1990); and CSCE, *Report of the Meeting of CSCE Experts on National Minorities*, part III (Geneva 1991).

promotion of minority rights and peace and security.⁶ Furthermore, they have recognized that discrimination and lack of respect for minority rights threatens the security of individuals and may give rise to conflict and violence.⁷

The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992) emphasizes that the promotion, protection and realization of minority rights, including the right to participate in social and economic life, contributes to political and social stability and to strengthening friendship and co-operation among peoples and States.⁸ The Council of Europe Framework Convention for the Protection of National Minorities (FCNM) obligates State parties to create conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life, and in public affairs, and to take adequate measures to promote full and effective equality between persons belonging to a national minority and those belonging to the majority in all areas of economic, social, political and cultural life.⁹

In the experience of the High Commissioners on National Minorities (HCNM), insufficient social and economic participation of persons belonging to national minorities can lead to resentment, undermine their sense of belonging, and cause tensions between communities and States. Social and economic inequality and exclusion affects individuals' daily lives, their ability to support and care for themselves and their families, and how effectively they can contribute to society. It has a fundamental impact on their ability to enjoy other human rights and to participate on an equal footing in other aspects of life.

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- 6 *Inter alia* Copenhagen 1990, paragraph 30; OSCE, *Lisbon Document*, "Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century", paragraph 10 (Lisbon 1996); and OSCE, *Istanbul Document*, "Charter for European Security: III. Our Common Response" (Istanbul 1999). For example, see: OHCHR, *Recommendations of the Forum on Minority Issues at its fourteenth session, "conflict prevention and the protection of the human rights of minorities"*, Report of the Special Rapporteur on minority issues, paragraph 31: "States should ensure that economic development projects are sustainable, inclusive and equitable in respect to minority groups and that economic strategies in place exclude and prevent all forms of exclusion and discrimination." A/HRC/49/81 (Geneva 2021) (OHCHR, FMI, fourteenth session).
- 7 OSCE, Ministerial Council, Decision No. 2/09 on further OSCE efforts to address transnational threats and challenges to security and stability (Athens 2009).
- 8 United Nations, *UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*, article 2, paragraph 2, and preamble (1992) (UN Declaration on Minorities). See: OHCHR, FMI, 15th session. Also see: United Nations General Assembly (UNGA) Resolutions adopted during the High-level meeting of the UNGA on Minorities, 21 September 2022: UNGA Resolution 76/168, "Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities" and UNGA Resolution 47/135 "Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities".
- 9 Council of Europe (CoE), *Framework Convention for the Protection of National Minorities* (FCNM), articles 15 and 4(2) (1994).

Social and economic participation encompasses a range of policy areas, including employment, education, health care, housing, access to public goods and services, and access to land and property.¹⁰ In addition, the development and use of digital technologies, and policies on the use of natural resources, environmental degradation and climate change also have important social and economic implications and may disproportionately affect persons belonging to national minorities.¹¹

States should ensure equal opportunities for all to participate in, and benefit from, the economy, enjoy an adequate standard of living, and have access to social protection and benefits.¹² This involves not only removing barriers to the effective social and economic participation of persons belonging to national minorities but also actively promoting and taking steps to ensure their equal access to employment, health care and other spheres of social and economic life, their right to social and economic benefits and outcomes,¹³ and their right to participate effectively in decisions about social and economic issues. Efforts to promote the effective social and economic participation of minorities help to ensure that societies benefit from the contributions of all their members, thereby increasing economic prosperity and social well-being for all. Strengthening social and economic participation should be part of a cross-sectoral approach to the integration of society.

In situations when States seek to express their concerns about the social and economic situation of national minorities in other States, they should do so within the framework of the basic principles of international law, including the conduct of friendly relations.¹⁴ Social and economic ties between national minority communities and States with shared ethnic or linguistic affiliation can offer positive benefits, including strengthening inter-State relations. However, support provided to persons residing abroad on a discriminatory or unilateral basis may lead to resentment

10 *Inter alia* CoE, *European Social Charter* (1961) and *Revised European Social Charter* (1996); and FCNM Advisory Committee (AC), Commentary No. 2 on the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs (FCNM AC, Commentary on Participation), paragraphs 24 and 50 (2008); OSCE High Commissioner on National Minorities (HCNM), *The Ljubljana Guidelines on Integration of Diverse Societies*, Guideline 40 (2012) (Ljubljana Guidelines); and OSCE HCNM, *The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations* (2008) (Bolzano/Bozen Recommendations).

11 OHCHR, *Recommendations of the Forum on Minority Issues at its third session, on "minorities and effective participation in economic life"*, paragraphs 9–10 (Geneva 2010) (OHCHR FMI Recommendations, third session). See also: OHCHR, Committee on the Rights of the Child (CRC), *General comment No. 26 on children's rights and the environment, with a special focus on climate change*, Section K "Rights of Indigenous children and children belonging to minority groups", article 30 (Geneva 2023).

12 See *inter alia* CRC, article 27; and OHCHR, *Convention on the Rights of Persons with Disabilities* (CRPD), article 28 (Geneva 2006).

13 FCNM AC, Commentary on Participation, paragraphs 26–27.

14 Bolzano/Bozen Recommendations, Recommendation 3.

within local communities that can contribute to tensions or even conflict. Benefits provided to persons belonging to national minorities by another State do not replace a State's duty to promote the full and effective participation of national minorities on its territory.

2. Legislation and other measures should prohibit discrimination on grounds such as ethnicity, religion, race, language and national minority status. Protection against discrimination constitutes a cornerstone of effective participation in society and should cover all fields of social and economic life, including employment, housing, health care and social services.

As stated by the UN Forum on Minority Issues, "Economic exclusion is a cause, a manifestation and a consequence of discrimination against persons belonging to minorities."¹⁵ Discrimination may occur on various grounds, such as language, ethnicity or national minority status, and in various social and economic areas including employment, education and housing. Persons belonging to national minorities may face intersecting forms of discrimination based, for example, on ethnicity or language as well as gender or age, further compounding social and economic exclusion.

International and regional human rights instruments have enshrined the prohibition of discrimination and the right to equality for all, including with specific reference to national minorities.¹⁶ OSCE participating States have also made political commitments affirming the principles of non-discrimination and equality, including in relation to persons belonging to national minorities.¹⁷

15 UN FMI Recommendations, third session, paragraph 5.

16 UN, *Universal Declaration of Human Rights* (UDHR), articles 2 and 7 (1948); OHCHR, *International Covenant on Civil and Political Rights* (ICCPR), articles 2, 26 and 27 (the last specifically referring to ethnic, religious and linguistic minorities); OHCHR, *International Covenant on Economic, Social and Cultural Rights* (ICESCR), articles 2, 3 and 7 (1966); OHCHR, *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD), article 1 (1965); OHCHR, *Convention on the Rights of the Child*, article 2 (Geneva 1989); OHCHR, *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, article 7 (Geneva 1990); OHCHR, CRPD, article 5; CoE, *European Convention on Human Rights* (ECHR), article 14 (2002); International Labour Organization (ILO), *Discrimination (Employment and Occupation) Convention*, article 2 (1958); FCNM, article 4(1); and UN Declaration on Minorities, article 3(1). See also: European Union (EU), *Treaty on the Functioning of the European Union*, articles 18 and 19 (EU Treaty).

17 Helsinki 1975, Principle VII; Vienna 1989, paragraphs 13.7 and 13.8; and Copenhagen 1990, paragraphs 5.9, 25.3, 25.4 and 31. See also: OHCHR, *Declaration and Programme of Action, World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance*, paragraph 46 (Durban 2002) (Durban Declaration).

Comprehensive anti-discrimination legislation that addresses direct and indirect discrimination by both public and private actors is a necessary instrument for combating discrimination and promoting equality.¹⁸ To effectively address discrimination in social and economic spheres, anti-discrimination legislation must protect persons belonging to national minorities from discrimination in employment, housing, health care, social protection, public goods and services, and other relevant areas.¹⁹ Legislation should also protect against discrimination that occurs on more than one ground. Anti-discrimination legislation should be reflected in relevant provisions of constitutional, criminal, civil and administrative law and be accompanied by robust policy and administrative measures and resources to support its implementation.²⁰ Sector-specific laws regulating social and economic policy areas should be reviewed to ensure that they do not directly or indirectly lead to discrimination.²¹

Adequate legal remedies, with accessible mechanisms for filing discrimination claims and appropriate sanctions and compensation, including the possibility of non-monetary forms of reparation, as appropriate, are essential in the effective implementation of anti-discrimination legislation. States should ensure the accessibility of legal remedies to persons belonging to national minorities.²² This includes disseminating information about non-discrimination provisions and legal remedies to minority communities, including in minority languages, and to employers and employees in small businesses and the informal sector, which often include persons belonging to national minorities. Trade unions, other civil society organizations and the private sector should be engaged, as appropriate, in efforts to raise awareness about anti-discrimination laws and remedies. State authorities should promote the establishment and membership of trade unions to protect workers' rights and ensure fair labour practices.

As is already the case in many OSCE participating States, equality bodies or other independent national institutions should be mandated to promote and protect rights to equal treatment and non-discrimination in the public and private sectors and in important areas of social and economic life such as employment, education

18 Ljubljana Guidelines, Guideline 30.

19 FCNM AC, Commentary on Participation, paragraph 33.

20 Ljubljana Guidelines, Guideline 30; and CoE, European Commission against Racism and Intolerance (ECRI), General Policy Recommendation No. 7 (2002, amended 2017).

21 OHCHR, Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 20: Non-discrimination in economic, social and cultural rights (article 2, paragraph 2, of the ICESCR), paragraph 37 (Geneva 2009) (CESCR, General Comment No. 20: Non-discrimination).

22 OHCHR, FMI Recommendations, third session, paragraph 18.

and housing. These bodies should be provided with the necessary independence and adequate financial and human resources to fulfil their functions effectively.²³

3. States should take steps to achieve, progressively, the full realization of social and economic rights for all. States should be transparent regarding their available resources and their prioritization; national minorities should be treated fairly and proportionately to the majority in resource allocation, with additional resources allocated, as needed, to achieve effective equality. International assistance and co-operation, as necessary and appropriate, should contribute to reducing the social and economic exclusion of national minorities.

The protection, promotion and fulfilment of social and economic rights is essential for the enjoyment of all other human rights. International human rights law obligates States to guarantee the enjoyment of social and economic rights for all without discrimination and to progressively achieve the full realization of these rights, including through international co-operation and assistance.²⁴ OSCE participating States have committed to ensure the effective exercise and enjoyment of economic and social rights for all and to promote constant progress in their realization. They have also recognized that ensuring these rights is linked to peace and security.²⁵

The scope of issues covered by social and economic rights generally includes employment, social security, pensions, social protection, family life, health, education and an adequate standard of living, including adequate housing.²⁶ Environmental issues, particularly the right to a healthy environment, are increasingly acknowledged as being part of human rights and are thus also pertinent to social and economic rights.²⁷

23 See also: OHCHR, FMI Recommendations, third session, paragraphs 42–43; and CESCR, General Comment No. 10, the role of national human rights institutions in the protection of economic, social and cultural rights (1998).

24 *Inter alia* UDHR articles 2 and 22; ICESCR, articles 2(1) and (2); CRPD; *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, articles 43 (1) and 70; and *Convention on the Rights of the Child*, articles 4, 24 (1) and (4), and 28(1) and (3).

25 Helsinki 1975, “Principles VII–IX”; CSCE, *Concluding Document of the Second Follow-up Meeting*, “Questions Relating to Security in Europe, Principles” (Madrid 1983); Vienna 1989, “Questions related to security in Europe, Principles”; and CSCE, *Charter of Paris for a New Europe* (Paris 1990).

26 *Inter alia* ICESCR.

27 OHCHR, Resolution 48/13 on The human right to a clean, healthy and sustainable environment (Geneva 2021); and UNGA Resolution on The human right to a clean, healthy and sustainable environment (New York 2022).

The concept of progressive realization of social and economic rights recognizes that States have different levels of resources available but obliges them to take immediate and appropriate steps to ensure minimum levels of rights for all and to actively work toward their full realization.²⁸ Some measures do not require significant resources, and States have minimum core obligations in relation to social and economic rights, including the obligation to ensure that relevant rights will be exercised without discrimination²⁹ and the obligation to protect vulnerable members of society.³⁰

The achievement of social and economic rights for all without discrimination requires the fair and proportionate allocation of State resources. Budget allocation decisions may directly or indirectly disadvantage minorities or individual persons belonging to them. Minorities should benefit from budget resources at a level at least in proportion to their numbers and, in some contexts, the allocation of additional budget resources may be needed to achieve effective equality.³¹ The level of marginalization of different groups of individuals within minority communities should be considered, including factors such as gender, age and disability.

States should make efforts to ensure that minorities are informed about economic and social policymaking and budgetary decisions at the national and local levels, including by providing information in minority languages and disseminating it through minority media.³² OSCE participating States have recognized the importance of transparency in regard to economic issues as part of good governance.³³ International standards on budget transparency emphasize that State budget reports should be detailed, comprehensive, published in a regular and timely manner, subject to external scrutiny, and presented in a way that enables analysis and accountability.³⁴ Participatory budgeting, where community members are directly involved in budget allocation decisions, particularly at the local level, helps to facilitate greater transparency and increases participation in budget processes.

28 ICESCR, article 2(1); and CESCR, General Comment No. 3: The Nature of States Parties' Obligations (article 2, paragraph 1, of the Covenant), paragraphs 2 and 9 (1990).

29 ICESCR, article 2 (2).

30 CESCR, General Comment No. 3: The Nature of States Parties' Obligations, paragraph 12.

31 See Recommendation 4 in this document.

32 OHCHR, FMI Recommendations, third session, paragraph 39.

33 OSCE, *Istanbul Document*, "Charter for European Security: II. Our Common Challenges", paragraph 5 (Istanbul 1999); and OSCE, Ministerial Council, "OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century", paragraph 14; and "OSCE Strategy Document for the Economic and Environmental Dimension", paragraph 2.2 (Maastricht 2003).

34 See for example: Organisation for Economic Co-operation and Development (OECD), *Best Practices for Budget Transparency* (2002), section 1; and International Monetary Fund (IMF), *Fiscal Transparency Code, Fiscal Transparency Principles*, paragraphs 1.1–1.4 and 2.3 (2019).

States should ensure that international assistance, whether provided bilaterally or multilaterally, reduces rather than perpetuates the social and economic exclusion of minorities.³⁵ While international assistance and co-operation play a crucial role in the realization of social and economic rights, States should assess impacts on human rights, including minority rights, and on the right to non-discrimination.³⁶ Any international assistance must be within the framework of international law, including the conduct of friendly relations. This includes social and economic benefits provided to persons residing abroad, which should only be granted on a non-discriminatory basis.³⁷ States where minorities reside should not obstruct the receipt or enjoyment of such benefits which follow these principles.³⁸

4. States should establish specific arrangements for persons belonging to national minorities, which facilitate the effective participation of all in social and economic life. Reasonable and proportionate measures taken in this regard do not constitute discrimination.

A lack of obstacles to social and economic participation is insufficient to overcome inequalities and exclusion, which are often structurally entrenched in systems and institutions and perpetuated by conscious or unconscious bias. Existing disparities must be identified, recognized and addressed as part of the process towards full equality. This often necessitates specific arrangements, also referred to as special measures, adequate measures or affirmative action.

As elaborated in various international human rights instruments,³⁹ States may, when necessary and appropriate, undertake special measures to address past or systematic discrimination and promote equality of disadvantaged groups and persons belonging to them.⁴⁰

35 OHCHR, FMI Recommendations, third session, paragraphs 56–58 and 60–62.

36 CESCR, General Comment No. 20 on non-discrimination, paragraphs 7–8.

37 Bolzano/Bozen Recommendations, Recommendation 9.

38 See also: Recommendation 1 in this document; and Bolzano/Bozen Recommendations, Recommendation 9.

39 *Convention on the Elimination of all Forms of Discrimination Against Women* (CEDAW), article 4(1) (New York 1979); CRPD, article 5(4); European Social Charter, Article 20; Treaty on the Functioning of the EU, articles 157(4) 19; Charter of Fundamental Rights of the European Union, articles 23 and 26; and ECHR, Protocol 12.

40 *Inter alia* ICERD, articles 1.4 and 2.2; UN Declaration on Minorities, article 4; and FCNM, article 4(2).

OSCE participating States have committed to adopt such measures for persons belonging to national minorities, when necessary.⁴¹ According to international human rights standards, special measures should remain in force only as long as is needed to redress the inequality, and do not constitute discrimination when they pursue the legitimate aim of promoting full and effective equality and are proportionate to that aim.⁴²

To promote the social and economic participation of persons belonging to national minorities, special measures may be necessary in areas such as employment, education and training, political representation, financial services, land tenure and property rights, pensions and social security.⁴³ Special measures may take various forms, including funding allocations, quotas, recruitment or skills training programmes, or targeted opportunities to access grants or credit support. As obstacles to participation in social and economic life may vary for different communities or individuals within communities, special measures should be tailored to address specific needs.⁴⁴

National legislation, including the constitution where appropriate, should provide for the possibility to adopt temporary special measures. Legislation should also be in place to allow employers to adopt such measures.⁴⁵ Decisions to undertake and implement such measures should be based on reliable data and consultations with minority communities, taking into account intra-community diversity.⁴⁶

Disseminating information in minority languages about specific arrangements for national minorities can help ensure that they reach the intended target groups. As misperceptions about special measures for minorities may potentially lead to tensions in society, States should provide accurate, objective public information about the need for, and objectives of, such measures.

41 Copenhagen 1990, paragraph 31; and CSCE Experts Meeting on National Minorities, part IV (Geneva 1991).

42 *Inter alia* Ljubljana Guidelines, Guidelines 3 and 31; ICERD, articles 1(4) and 2(2); CERD General Recommendation No. 32 on the meaning and scope of special measures; UN Declaration on Minorities, article 4; CESCR, General Comment No. 20 on non-discrimination, paragraph 9; FCNM, article 4(3); NHCR, Human Rights Committee (CCPR) General Comment No. 18 on non-discrimination, paragraph 13 (1989); EU Directive 2000/43/EC, article 5; and ECHR, Protocol 12, preamble.

43 OHCHR, FMI Recommendations, third session, paragraph 37.

44 FCNM AC, Commentary on Participation, paragraph 25.

45 ECRI, General Policy Recommendation 14, paragraph 7.

46 CERD, General Recommendation 32 on the meaning and scope of special measures in the ICERD, paragraphs 17–18; and OHCHR, FMI Recommendations, third session, paragraph 37.

5. States should ensure that national minorities have an equal and effective opportunity to participate in decision-making regarding social and economic affairs policies, which must respect their existing rights, and their participation should substantially inform the design and outcome of the policies.

In the experience of the HCNM, when persons belonging to national minorities are unable to participate effectively in decision-making on policies that affect them, this can lead to the adoption of policies that fail to reflect their needs and interests. This can undermine efforts towards integration and contribute to tensions in society. The right of persons belonging to national minorities to effective participation in public affairs, especially in regard to decisions affecting them, is well established in international human rights standards and OSCE commitments.⁴⁷ Creating conditions for the effective participation of national minorities is an essential part of good governance in a pluralistic society.⁴⁸

States should ensure that persons belonging to minorities have opportunities to participate effectively in decision-making about social and economic issues in the relevant government structures, as well as through other mechanisms such as consultative and advisory bodies.⁴⁹ Opportunities should be facilitated through special arrangements, as necessary, such as measures to ensure minority participation in the civil service or to facilitate minority representation in elected bodies as well as in electoral systems.⁵⁰

“Effective” participation entails that participation should involve genuine opportunities to influence decision-making. Opportunities for effective participation should be available at all levels of government, including at the local and regional levels, where authorities often have direct responsibility for certain social and economic issues. The participation of minorities should feature not only at the policymaking stage, but also during policy implementation and in the assessment of policy outcomes.

47 *Inter alia* Copenhagen (1990), paragraph 35; UN Declaration on Minorities, articles 2 (2) and (3); and FCNM, article 15.

48 FCNM AC, Commentary on Participation, paragraph 8.

49 Ljubljana Guidelines, Guideline 39; and OHCHR, FMI Recommendations, third session, paragraph 39.

50 OSCE HCNM, *The Lund Recommendations on the Effective Participation of National Minorities in Public Life*, Recommendation paragraph 6 (1999) (Lund Recommendations); and Ljubljana Guidelines, Guideline 39.

Efforts to ensure minority participation should be inclusive of other types of diversity, such as gender, age and disability, and should provide opportunities for the participation of numerically small minorities. Opportunities for participation should be available to individuals as well as civil society organizations representing minorities, as relevant and appropriate. Both formal and informal associations and leaders may play roles in this regard. Persons belonging to national minorities should be able to exercise their rights to freedom of association and freedom of peaceful assembly, including in the context of advocating for, and working towards, the effective participation of persons belonging to national minorities in social and economic life.

Social and economic exclusion can create additional obstacles to participation, and States should address these with targeted measures, such as conducting meetings on-site in regions with significant minority populations, or providing support with transportation or childcare. Interpretation and translation should be provided, as needed, to ensure inclusive participation in discussions and access to relevant written information.

While territorial or non-territorial self-governance arrangements or the devolution of certain powers may facilitate the participation of minorities in decisions about social and economic affairs in certain circumstances, it is essential that all institutions of self-governance are based on democratic principles and processes and that they ensure full respect for human rights of all persons within their jurisdictions.⁵¹

6. Specific arrangements to promote the social and economic participation of persons belonging to national minorities should be designed with an intersectional approach that recognizes the multiple and overlapping identities of individuals within minority communities. In particular, women, youth, the elderly and persons with disabilities from national minority backgrounds must be considered in any measures aimed at supporting the social and economic participation of national minority groups.

An individual's age, gender or disability status, in combination with their identity as a national minority, may increase their vulnerability to social and economic exclusion. States should ensure that measures to facilitate the social and economic participation of national minorities take an intersectional approach, recognizing

51 Lund Recommendations, Recommendations 14–16; and Ljubljana Guidelines, Guideline 39.

the compounded vulnerabilities and harms that some individuals may experience. For example, elderly persons belonging to national minorities may be particularly affected by inequalities in health care.

Minority women and girls are particularly vulnerable to social and economic exclusion due to entrenched gender bias and discrimination, including distinct forms of discrimination resulting from the intersection of gender with a woman's ethnicity, language or identification as a national minority.⁵² Violence against women and girls both affects their ability to enjoy their social and economic rights⁵³ and may also be exacerbated when they face social and economic exclusion. International law prohibits discrimination based on sex⁵⁴ and enshrines the equal rights of women and men in their enjoyment of all human rights.⁵⁵ OSCE participating States have made commitments to promote gender equality,⁵⁶ and have recognized the importance of women's economic empowerment and participation and the additional barriers women and girls may face beyond those based on gender. In response, they have called for positive action measures to address women's exclusion.⁵⁷

OSCE participating States have also committed to pay attention to the needs and concerns of youth⁵⁸ and have acknowledged their valuable contribution to

52 OHCHR, FMI Recommendations, third session, paragraphs 5 and 13; OHCHR, *Report of the Working Group on the Issue of Discrimination against Women in Law and in Practice*, paragraphs 24–25 (Geneva 2014); and CESCR, General Comment No. 16, paragraph 5.

53 CESCR, General Comment No. 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights (article 3 of the Covenant), paragraph 27 (2005) (CESCR, General Comment No. 16: The Equal Right of Men and Women).

54 UDHR, article 2; ECHR, articles 1 and 14; ICESCR, article 2(2); and ICCPR, articles 2(1) and 26.

55 ICESCR article 3; CEDAW, articles 10–14; United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), *Beijing Declaration*, paragraph 16 (2015); CoE, Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), article 4 (Istanbul 2011); Consolidated Version of the Treaty on the European Union and the Treaty on the Functioning of the European Union, 2016/C, 202/01 (OJ C 202, 7.6.2016, p.1), article 2; EU, Charter of Fundamental Rights of the European Union, article 23 (2012); and UN Charter, article 1 (3) (1945).

56 OSCE, *OSCE Action Plan for the Promotion of Gender Equality* (Sofia 2004); Madrid 1983, "Questions Relating to Security in Europe, Principles"; Vienna 1989, "Questions Relating to Security in Europe, Principles"; CSCE, *Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE* (Moscow 1991), paragraph 40; and Istanbul 1999, paragraphs 23–24.

57 Moscow 1991, paragraph 40.6; OSCE, Ministerial Council Decision No. 10/11 on "promoting equal opportunity for women in the economic sphere" (Vilnius 2011); Maastricht 2003, Annex to Ministerial Council Decision No. 3/03, "Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, II. General context: for Roma, with Roma", paragraph 6; OSCE, Ministerial Council Decision No. 6/08 on "Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area", paragraph 5 (Helsinki 2008); and OSCE, Ministerial Council Decision 4/13 on "Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, with a Particular Focus on Roma and Sinti Women, Youth and Children", paragraph 4 (Kyiv 2013).

58 There is no universally agreed definition of "youth", but the UN defines youth as those between 15 and 24 years of age; some OSCE documents refer to youth as the population under 30 years of age.

building peace and security across all dimensions.⁵⁹ Age is a prohibited ground of discrimination in various contexts, falling under “other status”, as provided in international instruments.⁶⁰ UN Member States have endorsed principles aimed at ensuring the full and active participation of young people in society and have recognized inequalities in access to education and employment for minority youth.⁶¹ The Council of Europe has recommended that member States improve young people’s access to rights, noting that young people are among the most vulnerable groups in society, including as a result of unemployment, discrimination and social exclusion.⁶²

Alongside efforts to ensure that all policies are gender-sensitive, States should take account of existing economic and social inequalities experienced by specific groups in laws, policies and practice⁶³, and should assess the implications for people of different genders and for young people of policies and programmes to promote the social and economic participation of minorities. States should undertake targeted measures to promote the social and economic inclusion of minority women, youth, the elderly and persons with disabilities and should involve them in decision-making regarding such efforts.

7. States should address barriers to full and effective social and economic participation caused by the inability to demonstrate or acquire a citizenship. This should include taking all available measures to end statelessness, such as ensuring that no child is born stateless, implementing proper birth registration, ensuring equal access to documentation, and removing any ethnic, religious, linguistic or gender discrimination from citizenship laws.

Social and economic rights, like other human rights, are to be enjoyed by all, regardless of citizenship status.⁶⁴ While some rights may be confined to citizens, differential treatment should be in pursuit of a legitimate aim and proportional to

59 OSCE, Ministerial Council Declaration on “Youth” (Basel 2014); OSCE, Ministerial Council Declaration on “Youth and Security” (Belgrade 2015); OSCE, Ministerial Council Declaration on “the Role of Youth in Contributing to Peace and Security Efforts” (Milan 2018).

60 CESCR, General Comment No. 20 on “non-discrimination”, paragraph 29 (2009).

61 World Programme of Action for Youth, UN Declaration of Intent on Youth (1995).

62 CoE, Committee of Ministers Recommendation CM/Rec(2016)7 and explanatory memorandum on young people’s access to rights.

63 CESCR, General Comment No. 16: The Equal Right of Men and Women, paragraph 8.

64 CESCR, General Comment No. 20: Non-discrimination, paragraph 30.

the achievement of that aim.⁶⁵ States should remove obstacles that prevent the enjoyment of social and economic rights by non-citizens, particularly in the areas of education, employment, housing and health.⁶⁶

Statelessness disproportionately affects persons belonging to national minorities, and negatively impacts both individual and collective security. States should adopt measures to address and eradicate statelessness as an obstacle to full and effective social and economic participation. A lack of access to citizenship or lack of documentation to prove citizenship may affect individuals' access to various areas of social and economic participation, as well as their ability to participate in decision-making on social and economic issues; for example, by participating in elections.⁶⁷ Social and economic exclusion may in turn perpetuate a situation where individuals remain stateless.

Legally and politically binding commitments at international and regional levels enshrine the human right to a citizenship and the principle of avoiding statelessness.⁶⁸ It is in the interest of the State to promote cohesion and stability and to provide conditions for the effective social and economic participation of all by adopting measures to address and prevent statelessness. It is also in the interest of stateless individuals to make efforts to naturalize themselves as a way of reinforcing their sense of belonging and to access all the rights of citizens, including certain social and economic rights.⁶⁹

In situations of *de facto* statelessness, when individuals may lack access to their formal citizenship, States should undertake appropriate solutions to overcome these obstacles. States could, for example, adopt simplified administrative procedures to enable civil registration and provide everyone with a legal identity, including through birth registration.⁷⁰ States should address *de jure* statelessness through a legal framework that provides reasonable, non-discriminatory requirements and

65 CERD, General Recommendation No. 30 on "discrimination against non-citizens", paragraphs 3–4 (2005).

66 CERD, General Recommendation No. 30, paragraph 29.

67 Roma and Sinti are particularly affected by the issue of a lack of personal documentation; see, for example: OSCE and United Nations High Commissioner for Refugees (UNHCR), *Handbook on Statelessness in the OSCE Area, International Standards and Good Practices*, p. 55 (OSCE/UNHCR 2017).

68 *Inter alia* UDHR, article 15; CRC, article 7; *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, article 29; CRPD, article 18; European Convention on Nationality (CETS 166), article 4(b); UN Conventions on Statelessness (1954 and 1961); and Istanbul 1999, paragraph 19.

69 Ljubljana Guidelines, Guideline 35.

70 UNHCR, Executive Committee, "Conclusion on civil registration No. 111 (LXIV) – 2013", 17 October 2013; and Sustainable Development Goal (SDG) 16.9.

transparent procedures for acquiring citizenship. The discretion enjoyed by States in determining criteria for granting citizenship includes their ability to make justified distinctions but must not result in direct or indirect discrimination based on gender, religion, race, colour, language, ethnic origin or other protected grounds.⁷¹

Alongside efforts to facilitate the acquisition of citizenship by long-term stateless residents,⁷² States should consider other measures to support the ability of long-term stateless residents to effectively participate in social and economic life.⁷³

Policies and measures to address statelessness should be based on accurate data, should be developed and implemented in consultation with national minorities and other groups affected by statelessness, as well as in co-operation with civil society organizations as appropriate,⁷⁴ and should take into account the needs of particularly vulnerable stateless persons.

II. Policies, Processes and Institutions

8. State authorities should institute policies to reduce inequalities affecting persons belonging to national minorities. These can include targeted policies directly benefitting persons belonging to national minorities; general policies benefitting the entire population in areas also inhabited by national minorities; or integration policies promoting co-operation between persons belonging to majorities and minorities. States should initiate and maintain a regular collection and analysis of data, allowing for the design, implementation, monitoring and evaluation of evidence-based policies.

National minorities often find themselves at a disadvantage in accessing various spheres of economic and social life. Certain minority groups – such as Roma, Sinti and Travellers or indigenous peoples, as well as individuals within minority

71 Ljubljana Guidelines, Guidelines 33 and 35; and CETS 166, article 6(2).

72 Ljubljana Guidelines, Guideline 35.

73 See for example: Guidance Note of the UN Secretary-General, "The UN and Statelessness", November 2018; and UNHCR, *Statelessness: An Analytical Framework for Prevention, Reduction and Protection* (2008). See also: *Report of the Special Rapporteur on minority issues – Statelessness: a minority issue*, Seventy-third session of the UNGA, Item 74 (b), "Promotion and protection of human rights: human rights questions, including alternative approaches or improving the effective enjoyment of human rights and fundamental freedoms", A/73/205, (Geneva 2018).

74 Maastricht 2003, "Annex to Decision No. 3/03: Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area", paragraph 87.

communities, such as women, for example – are often at an even higher risk of exclusion from social and economic life. International instruments for the protection of national minorities are clear in calling for measures promoting full and effective equality between persons belonging to national minorities and those belonging to majorities in all areas of economic and social life.⁷⁵

Based on the collection and analysis of reliable data to identify inequalities affecting persons belonging to national minorities,⁷⁶ States can take various approaches to formulate policies to reduce inequalities. Which approach, or combination of approaches, is most suitable will vary depending on the context. The choice of approach should be assessed in consultation with national minorities and tailored to address the specific circumstances and needs of different individuals within national minorities.

Possible approaches include:

- Targeted policies benefitting persons belonging to national minorities, such as establishing quotas for the allocation of jobs, reserving places in educational institutions or introducing measures to improve access to health care.
- General policies, applied across the whole of society, which will have a particularly positive effect on national minorities due to their geographic isolation, concentration in certain regions, comparatively lower level of income or other relevant factors. Examples of such measures include progressive taxation, resources for legal aid and targeted regional development.
- Integration policies promoting co-operation between persons belonging to national minorities and persons belonging to the majority. Examples include offering tax or other incentives for joint economic activities or for increasing diversity in employment, support for multicultural and multilingual schools, and efforts to facilitate inclusive public dialogue about economic and social policies.

Regardless of the type of approach or combination of approaches that decision-makers take in formulating and implementing policies to reduce social and economic inequalities, it is important that they regularly analyse, monitor and evaluate the effectiveness and outcomes of such measures in co-operation with persons belonging to national minorities. Regular and comprehensive monitoring and evaluation contribute to accountability and transparency, facilitate

75 See: FCNM, article 4(2). The Ljubljana Guidelines also call for formulating and implementing “policies in relevant areas, such as education and training, employment, health care, housing and access to public goods and services, so that these promote socio-economic inclusion in a comprehensive manner.” (Guideline 40).

76 See also: Recommendation 14 in this document.

evidence-based policy adjustments and improve the overall effectiveness of policies in meeting their objectives.

9. State authorities should prioritize specific measures to improve the standard of living of persons belonging to national minorities, with the aim of reducing existing inequalities between and within communities.

Reducing inequalities between different groups and within communities contributes to social cohesion in multi-ethnic societies and benefits the whole society. In this respect, improving the living conditions of national minorities to reduce inequalities should be a priority for policymakers. The measures instituted to this end should acknowledge that different persons belonging to national minorities find themselves in different social and economic situations, and measures should therefore address the specific needs of each group and internal diversity within groups. Women and youth should receive special consideration within the measures instituted.

To raise the standard of living of national minorities, States should formulate sectoral policies, based on reliable disaggregated data about the living conditions of minorities and majorities, to address the specific areas where social and economic inequalities occur, such as housing standards, health care, employment or education.

States should also recognize the interlinkages of inequalities across policy sectors and take this into account in policymaking. For example, poor housing standards have a knock-on effect on health status and are correlated with poor educational outcomes. Single-sectoral policies in isolation cannot raise minorities' standard of living and thus undo social and economic inequalities. A holistic approach across multiple policy areas, in conjunction with anti-discrimination legislation, will likely be more effective in this respect.

10. Mechanisms should be established to ensure that the interests and needs of persons belonging to national minorities are taken into consideration by relevant ministries and inter-ministerial bodies, including institutions responsible for data collection, when decisions are taken that directly or indirectly affect national minorities.

The representation of persons belonging to national minorities in all relevant structures of public administration and decision-making bodies is both essential to the realization of their right to participate in public life and contributes to the integration of society.⁷⁷ The Advisory Committee on the Framework Convention for the Protection of National Minorities has emphasized the importance of involving national minorities in the planning, implementation, monitoring and evaluation of policies impacting their and their region's economic situation.⁷⁸ In this respect, important mechanisms through which the interests of these groups are considered may include appointments of persons belonging to national minorities to positions within relevant ministries and inter-ministerial bodies, efforts to recruit persons belonging to national minorities to the civil service or the creation of dedicated departments, units or other structures focused on issues relating to the social and economic participation of minorities at central and local government levels, as applicable. Ministries and inter-ministerial bodies should also engage in regular consultations with national minorities on matters related to social and economic participation.

Adequate representation of national minorities in central decision-making bodies should reflect the composition of the entire society, including from a gender perspective. Special consideration should be given to the representation of those national minorities that are severely affected by social and economic inequalities, while numerically small groups should also have opportunities to participate.

The representation of national minorities on the boards and staff of national data collection institutes enhances knowledge and understanding of the specific social and economic issues facing minorities and may contribute to increasing minority communities' trust in the data collection process.

⁷⁷ Lund Recommendations, Recommendation 6; and Ljubljana Guidelines, Guideline 39.

⁷⁸ FCNM AC, Commentary on Participation, paragraph 45.

11. There should be formal or informal understandings to allocate relevant cabinet positions, or positions on nominated advisory bodies or other high-level bodies, with responsibilities in social and economic areas to persons belonging to national minorities.

The appointment of representatives of national minorities to relevant cabinet positions offers minority groups the opportunity to make substantive contributions to decision-making processes and to policy implementation. Their involvement can help reduce inequalities by contributing knowledge and perspectives on social and economic matters from the point of view of national minorities. Similarly, the representation of minorities on advisory and other high-level bodies with responsibilities in social and economic areas represents a valuable channel of communication between governments and minority representatives, creating the opportunity to exchange perspectives on social and economic matters. Such appointments can have a formal character (enshrined in law or as part of the design of a specific policy, for example) or can be done informally (for instance, as part of coalition negotiations or government formation).

Regardless of whether a formal or informal approach is taken, the appointments should be made in close consultation with national minorities, should allow for a meaningful contribution to the participation of national minorities in social and economic life, and should promote the equal participation of minority women.

12. States should ensure that there is a meaningful and continuous dialogue between governmental authorities and national minorities on issues pertaining to their participation in social and economic life, such as housing, health care, education, employment, regional development, digital inclusion and the environment. Standing bodies for this purpose should have sufficient access, capacity and resources to ensure effectiveness.

Governments should maintain constant dialogue with national minorities throughout all stages of the formulation, implementation, monitoring and evaluation of policies in the various fields pertaining to social and economic life. Policymakers should consistently acknowledge and include the experience and perspectives of national minorities in areas such as housing, health care, employment, education, regional development, language, digital inclusion and the environment.

To ensure that standing bodies promoting the participation of national minorities in social and economic life have the capacity to function effectively, training should be provided, as needed, for their members about social and economic issues and to enhance skills and knowledge in advocacy or other relevant areas. States should ensure that such bodies are allocated with sufficient resources, including to be able to conduct outreach and to ensure the recruitment, promotion and retention of persons belonging to national minorities on these bodies, and should ensure access to the relevant public authorities through regular meetings, dedicated communication channels and other appropriate means.

The existence of standing bodies that provide a platform for ongoing dialogue about the social and economic participation of minorities should not be considered as a substitute for formal representation in government structures,⁷⁹ nor do they exclude the possible need for *ad hoc* mechanisms in some situations.

13. States should endow regional and local authorities with appropriate competencies and financial resources to ensure that economic decision-making is closest to those most affected by it, thereby also facilitating the effective social and economic participation of national minorities.

Decisions on matters related to economic development have a major societal impact and may be even more consequential for national minority groups, which often find themselves in a vulnerable position socially and economically. For this reason, such decisions should be taken as closely as possible to those most affected by them, at the level of regional or local authorities. Local and regional authorities should have the discretion to adapt to local conditions the exercise of powers delegated to them and should be consulted by central authorities in the planning and decision-making processes for all matters which concern them directly, including matters related to access to financial resources.⁸⁰

The participation of national minorities in economic decision-making can be facilitated through various forms of decentralization, territorial self-governance, power-sharing arrangements, or representation in relevant local or regional decision-making bodies. Such arrangements can help to ensure that decisions

79 OHCHR, FMI Recommendations, third session, paragraph 39.

80 See: CoE, European Charter of Local Self-Government, article 4, paragraphs 3–6 (1985). See also: Ljubljana Guidelines, Guideline 25.

on economic matters consider the needs and concerns of national minorities and local or regional differences regarding the degree of societal cohesion, social and economic development, and access to public services, while also improving accountability in decision-making processes.

The type of arrangement that is chosen will depend on the context and how the effective participation of national minorities can best be facilitated. Consequently, this may vary from one locality to another. States are ultimately responsible for ensuring the rights of persons belonging to national minorities on their territory and should ensure that local or regional arrangements are supported with adequate resources, uphold democratic principles and human rights standards, and that they do not adversely affect persons belonging to national minorities.⁸¹

14. The relevant authorities should carry out regular collection of data about the social and economic situation disaggregated by relevant criteria, including ethnicity, language, religion, age, gender and geographical distribution. The data collection processes should involve persons belonging to national minorities at all stages, including methodology design, data collection and analysis, and data protection. The authorities should conduct this exercise in accordance with international standards, including the right to privacy and the right to self-identification.

Policymaking in the field of social and economic affairs is heavily dependent on reliable data, which needs to be regularly updated and disaggregated, at a minimum, by ethnicity, language, age, gender and geographical distribution. The methodology used for data collection should allow for multiple identifications.⁸²

In the absence of reliable data, creating effective policies in areas such as housing, health care, employment or education is difficult and will have a limited impact on reducing social and economic inequalities. In addition to collecting disaggregated data concerning the social and economic status of the population, governments should also collect and make available data concerning the implementation, monitoring, impact and evaluation of the policies they formulate in this area. This will allow for better identification of best practices, which can then be adjusted for

81 Lund Recommendations, section III.

82 See: Ljubljana Guidelines, Guideline 15. See also: FCNM AC, Commentary on Participation, paragraphs 30–31.

other contexts and replicated, as well as provide greater transparency regarding the use of public funds.

The involvement of persons belonging to national minorities in the relevant data collection process should take place at all stages, including the methodology design and data analysis. This will help to ensure that the data collected is relevant and sensitive to the aspects of social and economic participation that especially affect national minorities and different individuals within minority communities. In turn, this involvement will increase transparency concerning the process of data collection and help to build trust among national minorities in the data collection process and subsequent results.

Data collection, processing, storage and use should be carried out in accordance with international standards concerning respect for privacy and data protection, such as the lawfulness, fairness and transparency of personal data processing; data sovereignty; informed consent; purpose limitation; data minimization; storage limitation and privacy; and data protection by design and default.⁸³

Both quantitative and qualitative methods of data collection can provide reliable evidence, and therefore States should not exclusively rely on statistical data. Sociological, ethnographic, linguistic and other research methods can provide additional and useful information and should complement quantitative methods and a national census. Data should be collected at regular and reasonably frequent intervals (for example, at intervals shorter than ten years), and at even shorter intervals when warranted; for example, following major societal changes or events, or following the introduction of special measures expected to have immediate impacts.

83 See: European Parliament and European Council, OJ L 116, Regulation (EU) 2016/679 of 27 April 2016 on “the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)”. See also: OSCE HCNM, *The Tallinn Guidelines on National Minorities and the Media in the Digital Age* (Tallinn Guidelines), Guideline 10 (2019); the UN Principles and Recommendations for Population and Housing Censuses, Rev.3, 2017, ST/ESA/STAT/SER.M/67/Rev.3; CoE, *Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data* (ETS No. 108); CoE, Committee of Ministers’ Recommendation (97)18 “concerning the protection of personal data collected and processed for statistical purposes”; and CRPD, article 31.

III. Public Goods and Services

15. Equal access to public goods and services without direct or indirect discrimination should be ensured and is a necessary precondition for the effective social and economic participation of persons belonging to national minorities.

Public goods and services are essential to economic activity and to the potential of all to participate fully in social and economic life. While definitions of public goods vary, generally they are those goods and services that are not provided through market mechanisms, benefit all of society and should be available to all, such as clean drinking water, infrastructure for electricity and other utilities, roads, and emergency services. Housing, health care, education and internet access may also fall under definitions of public goods and services.

Equal access to public goods and services is necessary for the integration of diverse societies.⁸⁴ A lack of access to public goods and services may result from, and contribute to, social and economic exclusion, fuelling resentment and tensions in society. Barriers to accessing public goods and services may result from both direct and indirect discrimination.

In addition to having in place comprehensive legislation to combat discrimination in the provision of public goods and services,⁸⁵ States should take measures to identify and address obstacles that persons belonging to minorities may face in accessing public goods and services. Some minority communities or individuals within minority communities, such as minority women and youth, may face specific barriers which require targeted solutions.⁸⁶

All providers of public services should be trained in non-discrimination and cultural sensitivity. If the central, regional or local authorities engage the private or non-profit sector in the delivery of public goods and services, consideration should be given to the impact of such outsourcing on national minorities. The State should ensure oversight of the provision of goods and services by non-State entities and intervene if shortcomings are identified. The State is also responsible for making sure that

84 Ljubljana Guidelines, Guideline 9.

85 See: Recommendation 2 in this document.

86 FCNM AC, Commentary on Participation, paragraph 39.

non-State entities that deliver public goods and services are informed about, and compliant with, anti-discrimination legislation.⁸⁷

Minorities should be represented among public service providers and involved in decision-making about public goods and services. In some contexts, ensuring equal access to public goods and services for minorities may be best achieved through the management, or shared management with central authorities, of specific public services by local, regional, or autonomous administrations corresponding to minorities' historical and territorial circumstances.⁸⁸

16. States should establish education systems, including vocational training, to ensure that everyone has equal access to acquire the skills necessary to participate effectively in the economy. Relevant authorities may consider taking positive action measures to support access to education and training for persons belonging to national minorities and to widen their economic participation, especially for national minority youth and women.

The right to education for all without discrimination and the education rights of persons belonging to national minorities are firmly established in international human rights instruments and OSCE commitments.⁸⁹ Furthermore, the right to education can only be realized if education is of high quality.⁹⁰ Education is crucial to the realization of other human rights, a means for individuals to improve their social and economic situation and an important tool for the integration of society. For national minorities, quality education can be a powerful means of social and economic empowerment and advancement.⁹¹

87 CESCR, General Comment 16, paragraph 20.

88 Lund Recommendations, paragraphs 19–20.

89 ICESCR, articles 2(2) and 13(1); UNESCO, Convention against Discrimination in Education; UDHR, article 26 (1); ICESCR, articles 13(1) and (2); CRC, article 28(1); FCNM, article 12, UN Declaration on Minorities, article 4(4); ECHR, Convention, article 12; ECHR Protocol 1, article 2; Revised European Social Charter, article 17; CEDAW, article 10; CRPD, article 24; *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, article 30; and Vienna 1989, paragraph 63. For practical implications, see also FCNM AC, Commentary No. 1 on Education (2006).

90 CoE, Committee of Ministers Recommendation CM/Rec(2012)13 on “ensuring quality education”.

91 For good practices in minority education from a universal perspective, see: UNESCO, “The right to education of minorities: overview of States’ measures reported in the 10th Consultation on the 1960 Convention and Recommendation against Discrimination in Education (Geneva 2023).

States should regularly collect and analyse data disaggregated by ethnicity, gender and other relevant criteria to measure academic achievement, enrolment, attendance, completion rates and other factors that may affect educational outcomes and social and economic opportunities. Strategies, policies or measures to equalize and improve educational outcomes should be developed in consultation with parents, youth and other stakeholders in minority communities.⁹²

Education at all levels should contribute to ensuring equal opportunities for everyone to develop the skills and knowledge to become engaged members of their society.⁹³ Technical and vocational education, linked to both the right to education and the right to work, should be integrated at all levels of education.⁹⁴ Adult education, including retraining and lifelong learning, can play an important role in helping individuals to enter and advance in the labour market and should be accessible to persons belonging to national minorities.⁹⁵

Special temporary measures, such as targeted scholarships, teacher incentives or community-specific programmes, should be undertaken where needed to facilitate equal access to education and training for persons belonging to national minorities and to address barriers that limit their opportunities for social and economic participation, including intersecting forms of discrimination that have the potential to particularly affect minority girls and women.⁹⁶

Education environments should be inclusive and promote opportunities for interaction and a shared respect for diversity, including through intercultural education programmes and curricula that promote equality and non-discrimination, while ensuring support for the preservation and development of diverse identities and their acceptance as valued and integral parts of diverse societies.⁹⁷ States should make efforts to end any practices that lead to segregation, while respecting the education rights of persons belonging to minorities.⁹⁸

92 ECRI, General Policy Recommendation No. 10, paragraph 3.

93 Ljubljana Guidelines, Guideline 45.

94 CESCR, General Comment 13 on "Education", paragraph 15. See also: UNESCO, *Convention on Technical and Vocational Education* (1989); and UNESCO, *Recommendation concerning technical and vocational education and training* (2015).

95 See, for example: UNESCO, *Recommendation on Adult Learning and Education* (2015).

96 Ljubljana Guidelines, Guideline 45; OHCHR, FMI Recommendations, third session, paragraphs 28–29; and CESCR, General Comment No. 13: The Right to Education (article 13 of the Covenant), paragraph 32 (1999).

97 Ljubljana Guidelines, Guideline 44; and FCNM AC, Commentary No. 1 on Education.

98 Ljubljana Guidelines, Explanatory Note to Guideline 45.

Multilingual education can be an important means of preparing everyone in society; that is, persons belonging to minorities as well as majorities, to participate on an equal footing in multilingual societies and may also facilitate their participation in the broader regional or global economy. Opportunities to acquire sufficient knowledge of the State and official language(s) are essential for effective social and economic participation, and States should ensure that minority pupils receive education in the State and official language(s) in combination with adequate opportunities to learn their minority language or to receive instruction in this language.⁹⁹

17. States should ensure that in accessing public goods and services, persons belonging to national minorities are able to do so in a language that they understand, and preferably in their own language, as well as in an environment that is respectful of their agency and identity, including their gender. Public service providers should accommodate and respond to these needs.

Language is the gateway to participation in society. The language(s) used by State authorities can either limit or enhance the access of persons belonging to national minorities to public goods and services and thus their level of participation in social and economic life. Not offering public goods and services in a language that minorities understand, and in minority languages where possible and appropriate, can exclude or disadvantage national minorities in terms of social and economic opportunities. This can have a negative impact on their full and equal participation in particular and on the integration of a diverse society as a whole.

The right of persons belonging to national minorities to use their language in public and in private, freely and without any form of discrimination, orally and in writing, individually and with others, and to be able to use their language in contacts with public authorities as possible and necessary, has been elaborated in various international instruments.¹⁰⁰

99 FCNM, article 14; UN Declaration on Minorities, article 4 (3); Copenhagen 1990, paragraph 34; OSCE HCNM, *The Hague Recommendations regarding the Education Rights of National Minorities* (1996); and UNESCO, *Convention Against Discrimination in Education*, article 5(1)(c) (1960).

100 *Inter alia* ICCPR, article 27; Copenhagen Document, paragraphs 32 and 34; OSCE HCNM *The Oslo Recommendations regarding the Linguistic Rights of National Minorities*, Recommendation 14 (Oslo Recommendations) (HCNM 1998); FCNM, article 10; CoE, *European Charter for Regional or Minority Languages* (ECRML), article 10 (1992); and FCNM AC, *Thematic Commentary No. 3 on The Language Rights of Persons belonging to National Minorities (Commentary on Language)* (2012). See also: *Ballantyne v. Canada*, UN Human Rights Committee, 1993.

The right to equality and the prohibition of discrimination are relevant when considering the availability of essential public services in minority languages as a potential barrier or powerful booster to a national minority's full human development and their social and economic participation.¹⁰¹ In particular, the unavailability of public services in minority languages in situations where minorities are present in significant numbers could be discriminatory and impede the equal social and economic participation of minorities, including in regard to employment and other opportunities associated with public service provision.

To promote equality and non-discrimination, and depending on specific circumstances, including where minorities are present in significant numbers and have expressed a need, they should have access to public services in their own language wherever possible, especially in the case of health and social services, which affect the quality of peoples' lives in an immediate and fundamental manner.¹⁰² The use of minority languages in the provision of public goods and services can promote inclusion, help accommodate the needs and interests of minorities,¹⁰³ and may enhance the ability of providers to function and communicate more effectively. An environment or institutional culture that is respectful of the agency and identity of persons belonging to national minorities should ensure that not only language but also other aspects of their identity, such as gender, disability status or age, pose no obstacles in their fair and proportionate access to essential public goods and services.

States should avoid undue language requirements for access to public services and should make information and advice on public services easily accessible and available, and in minority languages when the services in question are of significant importance for affected minorities.¹⁰⁴ Civil service staff and others employed in the provision of public goods and services should be provided with training, as needed, so that they can appropriately and effectively respond to the linguistic and cultural needs of persons belonging to national minorities. States should also make efforts to enhance the level of representation and employment of speakers of minority languages among public service providers.

101 UN Development Programme (UNDP) *Marginalized Minorities in Development Programming: A UNDP resource Guide and Toolkit* (New York: UN Development Programme, 2010); and OHCHR, *Achieving the Millennium Development Goals (MDGs) for minorities: A review of MDG country reports and poverty reduction strategies* (UN Doc. A/HRC/4/9/Add.1 and Corr.1).

102 Oslo Recommendations, Recommendation 14 and p. 27.

103 Ljubljana Guidelines, Guideline 42.

104 FCNM AC, Commentary on Language, paragraph 88.

18. States should eliminate inequalities in the housing status of persons belonging to national minorities, including by taking measures to reduce homelessness, address the general quality of housing, combat housing segregation, create favourable financing conditions for accessing adequate housing, and prevent discrimination on the housing and rental markets.

The right to housing is recognized in human rights and minority rights instruments.¹⁰⁵ The concepts of human dignity and non-discrimination are at the heart of the realization of the right to housing and require that the right to housing be ensured to all persons, irrespective of income or access to economic resources.¹⁰⁶ Under international law, references to “housing” should be understood as references to “adequate housing”.¹⁰⁷ Adequate housing is a precondition for inclusion and societal integration that favours positive educational outcomes, improved health status and access to employment opportunities.

Due to systemic discrimination and inequality, minorities may be more likely to experience higher levels of homelessness, poorer quality of housing, and greater vulnerability and insecurity in their housing status. Inadequate housing conditions can have a devastating impact on health, and in the case of national minorities, other forms of social exclusion can compound this effect. Where minority communities live in clustered housing in peripheral areas, access to infrastructure, such as shops, schools and hospitals, is often limited. Minority communities living in segregated urban areas may have lower employment rates and incomes due to a lack of employment opportunities and infrastructure in these areas.

States should regularly collect data concerning the housing status of national minorities, including the housing status of minority women. States should formulate and implement policies to reduce inequalities between minorities and majorities and improve the housing conditions for national minorities. For instance, ensuring the legal security of land tenure and tenancy helps to protect against forced eviction, harassment and other threats which have been found to particularly affect Roma,

105 UDHR, article 25; ICESCR, article 11; and European Social Charter, article 31. See also: CESCR, General Comment No. 4 on “Adequate Housing” (1991). For minority-specific instruments, see: Ljubljana Guidelines, Guideline 40; and UN, Declaration on the Rights of Indigenous Peoples (UNDRIP), article 21 (2007). See also: FCNM AC, Commentary on Participation, paragraphs 57–60.

106 CESCR, General Comment No. 4: The Right to Adequate Housing (article 11 (1) of the Covenant), paragraph 7 (1991) (General Comment No. 4: Adequate Housing).

107 CESCR, General Comment No. 4: Adequate Housing, paragraphs 7–8.

Sinti and Traveller communities. The availability of, and access to, public services and infrastructure, such as electricity, heating, clean water, roads, refuse disposal, sewerage and emergency services, all contribute to achieving an adequate standard of housing.

Given other social and economic inequalities affecting national minorities, the provision of affordable housing, whereby the costs for maintaining housing do not compromise or threaten other basic needs such as food and clothing, is fundamental for improving overall housing conditions. In this respect, creating adequate financial instruments for obtaining adequate housing plays a central role, including measures to facilitate access to credit. Particular attention should be paid to the situation of vulnerable minority women, and gender sensitive approaches should be applied.

To support the integration of society and the realization of the right to adequate housing, States should seek to avoid the emergence of segregated housing for persons belonging to national minorities, while avoiding undue interference in identity-related traditions and lifestyles.¹⁰⁸ States should also ensure that minorities have access to housing located in areas allowing access to employment opportunities, health care services, schools and other social facilities. Housing should not be located on contaminated sites or in the proximity of sources of pollution that could endanger the health of the inhabitants. Anti-discrimination provisions and remedies should be robustly implemented to prevent discrimination in the area of housing, including discriminatory practices by owners of rental housing or on the part of mortgage providers. States should also secure equal access to subsidized housing and shelters.

108 Ljubljana Guidelines, Guideline 7.

19. States should institute measures for affordable and inclusive health care. Public health information campaigns should be inclusive of minorities, communicate information in minority languages and be culturally sensitive to the situation of persons belonging to national minorities. Where relevant, health mediators should be used. Medical staff should receive training to provide services to persons belonging to national minorities in a culturally sensitive manner. The use of minority languages in communication with medical staff should be facilitated. Sexual and reproductive health and information services should be universally available and accessible to national minorities, taking the needs of women, youth and children from national minority backgrounds into account. States must combat discrimination in the provision of health care services.

The right to physical and mental health is included in the major human rights instruments and is also referenced in key legal instruments concerning minority rights.¹⁰⁹ The right to health is closely interlinked to other social and economic factors, such as housing and education, and includes among its underlying determinants food and nutrition, housing, water, sanitation, working conditions and the environment.¹¹⁰

In addition to requiring that non-discrimination legislation addresses discrimination in the area of health care, ensuring the right to health for persons belonging to national minorities calls for tailored strategies to tackle discrimination and specific issues which have a disproportionate impact on women and girls, including access to sexual and reproductive health.¹¹¹

National minorities may face barriers to accessing health care due to factors such as lack of health insurance, lack of civil registration or identity documents, reduced health literacy, communication issues, overall state of health, cultural barriers, discrimination and a lack of trust in the health care system. In some contexts, residing in rural or remote areas may present additional barriers to accessing

109 UDHR, article 25; ICESCR, article 12; CRC, article 24; CRPD, article 24; and European Social Charter, article 11. See also: CESCR, General Comment No. 14: The Right to the Highest Attainable Standard of Health (article 12 of the Convention) (2000) and General Comment No. 22: The Right to Sexual and Reproductive Health (article 12 of the Convention) (2016). For minority-specific instruments see: FCNM AC, Commentary on Participation, paragraphs 61–64; and Ljubljana Guidelines, Guideline 40. See also: UNDRIP, article 21.

110 CESCR, General Comment No. 14: The Right to the Highest Attainable Standard of Health, paragraph 4; and CRC, article 24(2)(c).

111 CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health, paragraph 21.

health care. Poor health may result in prolonged unemployment and present a barrier to finding employment. Minority women are often excluded from parental leave (as this is usually linked to formal employment) or find that they are entitled to shorter periods of parental leave because of a lack of employment history. In some minority communities, early marriages and pregnancies may result in higher education drop-out rates among girl pupils.

To improve the access to health care of persons belonging to national minorities, States should formulate and implement measures for affordable and inclusive health care for national minorities. Public health information campaigns should include information on sexual and reproductive health and should be culturally sensitive and delivered in languages spoken by national minorities. Medical services for national minorities should be provided in a language they understand and in a culturally sensitive manner, with appropriate training and guidance provided to medical providers, as needed, including on non-discrimination. Where relevant, health mediators can play an important role in helping to distribute basic health information among national minorities and facilitate trust in, and interaction with, medical staff.¹¹² Representation of persons belonging to national minorities among health care professionals should be promoted through education, training, recruitment programmes and other inclusion efforts.

The provision of health care for minority women and girls, youth, and children, who may face specific obstacles in accessing appropriate care, should include sexual and reproductive health care services. States should ensure that adequate maternal care and parental leave is available to all, including persons belonging to national minorities, as well as institute policies to prevent and effectively address sexual harassment in the workplace.¹¹³ Health and social and economic data should be disaggregated according to ethnicity, gender and age to identify and remedy inequalities in health.¹¹⁴

112 See *inter alia*: Maastricht 2003, Decisions: Annex to Decision No. 3/03: Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, paragraph 61.

113 CESCR General Comment No. 22 on the Right to Sexual and Reproductive Health, paragraph 9.

114 CESCR General Comment No. 14 on the Right to the Highest Attainable Standard of Health, paragraph 20.

20. States should adopt measures to reduce unemployment rates among persons belonging to national minorities, especially in economically disadvantaged regions. Measures should be instituted to ensure fair pay for all without discrimination and promote inclusivity in the formal labour market. States should disseminate labour law standards and information to national minorities in a language and in terms they can understand. Measures should be instituted to promote the inclusion of minority youth and women in the formal labour market, including through internships and paid parental leave.

Unemployment among persons belonging to national minorities is a major barrier to the social and economic participation of national minorities. It can lead to the exclusion and isolation of individuals and entire groups, and impedes their ability to contribute to their society. Furthermore, high unemployment rates among national minorities can exacerbate societal divisions, hindering the integration and cohesion of diverse communities.¹¹⁵

States should ensure that everyone has equal opportunities for employment in both the private and the public sectors.¹¹⁶ Disparities in employment should be analysed based on reliable disaggregated data to identify and address any barriers to the employment of persons belonging to national minorities. Alongside comprehensive anti-discrimination legislation, measures should be instituted to promote inclusivity in the labour market. These might include employer incentives, public-private partnerships, fiscal policies such as increased government spending or corporate tax breaks, language training, issuance of guidance for employers on their scope for taking positive action, and the reasonable accommodation of persons with special needs in the workplace.¹¹⁷

Where needed, targeted measures should be implemented to overcome barriers to employment for particularly disadvantaged groups, such as stateless people, and women and youth belonging to national minorities.¹¹⁸ Measures should be instituted to promote the inclusion of youth and women belonging to national minorities in the labour market, including through internships, training programmes, childcare

115 Ljubljana Guidelines, Guideline 40.

116 Ljubljana Guidelines, Explanatory Note to Guideline 40.

117 Ljubljana Guidelines, Explanatory Note to Guideline 40; and ECRI, General Policy Recommendation No. 14: Key Topics, Combating Racism and Racial Discrimination in Employment.

118 See *inter alia* FCNM AC, Commentary on Participation, paragraph 36; and CRPD, article 27.

services and paid parental leave. Such measures should also be open to other similarly disadvantaged youth and women in need of support.

Higher unemployment rates among persons belonging to national minorities may be linked to living in economically disadvantaged regions that are geographically remote from the centres of economic activity. In consultation with minority communities, States should implement specific policies to promote the economic participation of persons belonging to minorities within such regions, such as infrastructure improvements or tax incentives.¹¹⁹ Where relevant, bilateral or cross border co-operation¹²⁰ may be part of State efforts to boost employment in regions populated by national minorities. Persons belonging to national minorities should be recognized as key stakeholders in the planning, implementation, monitoring and evaluation of regional policies and projects likely to affect their employment situation.¹²¹

Adequate measures should be taken to raise awareness among national minorities about their employment rights, including through the dissemination of labour law standards and information to national minorities in a language and terms they can understand. The staff of bodies that enforce labour standards should be trained to address the needs of persons belonging to national minorities.¹²² States should also promote the recruitment, promotion and retention of persons belonging to national minorities in public bodies responsible for labour law and its enforcement, both at the national and local level.¹²³ A gender perspective should be taken into account in all these efforts.

21. States should consider measures to regularize employment, which will positively impact both individual participants in informal labour markets and the general economy.

Persons belonging to national minorities, including Roma, Sinti and Travellers, are often disproportionately represented within informal labour markets. Such circumstances may result from the difficulties that persons belonging to national

119 FCNM AC, Commentary on Participation, paragraph 42; and OHCHR, FMI Recommendations, third session, paragraph 30.

120 FCNM AC, Commentary on Participation, paragraph 43.

121 FCNM AC, Commentary on Participation, paragraph 45.

122 FCNM AC, Commentary on Participation, paragraph 34.

123 FCNM AC, Commentary on Participation, paragraph 41.

minorities face in acquiring the official documentation necessary to participate in the formal labour market, such as administrative or other obstacles to registering their residence,¹²⁴ because of undue language proficiency requirements, because the State does not recognize qualifications issued from minority-language educational or training providers, or for other reasons. Minority women, particularly young women, may be especially likely to work in the informal labour market and experience low pay, poor working conditions and a lack of social protection.

Participation in informal labour markets can lead to exclusion from other areas of social and economic life. For example, environment-related health risks in some informal labour market activities may result in chronic health conditions. To address the social and economic inequalities that workers in the informal economy are more likely to experience, States should provide training and other assistance to enable them to obtain forms of employment where they can benefit from protections afforded by labour law, pension and social security programmes, and provide simplified licensing or registration procedures to bring minority-owned and other businesses currently in the informal economy into such legal protection schemes.¹²⁵

States should also remove undue restrictions and implement effective policies to promote the inclusion of persons belonging to national minorities within the formal labour market. Residency registration processes must not discriminate against persons belonging to national minorities¹²⁶ and must be readily accessible, with relevant information and assistance provided in a language that persons belonging to minorities can understand. Any language requirements for employment, particularly in the public sector, should be regularly reviewed and undue restrictions should be removed. Where proficiency in the official State or majority language is deemed a reasonable requirement – in the public service, for example – appropriate language training should be made available to persons belonging to national minorities.¹²⁷

124 FCNM AC, Commentary on Participation, paragraph 54.

125 OHCHR, FMI Recommendations, third session, paragraphs 33–34.

126 FCNM AC, Commentary on Participation, paragraph 56.

127 FCNM AC, Commentary on Participation, paragraph 55.

IV. Digital Inclusion

22. States should create conditions for digital inclusion. Digital inclusion, meaning that everyone, including persons belonging to minorities, has access to, and the use of, information and communication technologies, is a prerequisite for participation in a modern society, economy and public life.

The rapid development of digital communications technology has the potential to contribute to economic growth, encourage social, economic and political participation, and to facilitate societal integration and social cohesion.¹²⁸ These benefits will only be achieved if digital inclusion is prioritized; that is, striving to ensure that everyone, including persons belonging to minorities, has full access to, and the use of, information and communications technologies.¹²⁹ Accordingly, digital inclusion should be a core component of a comprehensive integration strategy.

While digital technology can bring about positive change, it can also exacerbate existing social and economic divisions within society between those who have access to, and can benefit from, new digital technologies and those who do not. The term “digital divide” is used to refer to differences in access to, and the use of, information and communication technologies and online digital services.¹³⁰ There are many digital divides in society, which can also affect persons belonging to national minorities.¹³¹ Digital divides can vary according to factors such as geography, gender, age, education, income and skill level, and, in the case of businesses, firm size.¹³² Intersectional vulnerabilities compound digital divides; for example, in the case of the elderly, minority women and youth living in economically deprived rural areas.¹³³

Digital inclusion, like the broader process of integration to which it contributes, requires adjustments to societal structures and active engagement both by the

128 United Nations, Report of the Secretary General, *Roadmap for Digital Cooperation: Implementation of the Recommendations of the High-level Panel on Digital Co-operation (2020)*

129 Milan 2018, OSCE Ministerial Council, “Declaration on the Digital Economy as a Driver for Promoting Co-operation, Security and Growth”.

130 OECD, “Bridging Connectivity Divides”, *OECD Science, Technology and Innovation Digital Economy Papers*, p. 5. July 2021,

131 Tallinn Guidelines, II. Media Environment, Guidelines 7 and 8, and their Explanatory Notes.

132 OECD, “Bridging Connectivity Divides”, p. 5.

133 Tallinn Guidelines, Guideline 9.

State and by affected individuals and communities to promote balanced digital interaction in society.¹³⁴ States should proactively support digital inclusion by creating conditions for everyone to access digital technologies.¹³⁵ Such an outcome is best achieved through inclusive decision-making processes, including direct engagement with groups and individuals who are at risk of being left behind in the digital transformation. Governments should work with local communities and other stakeholders to assess local and regional digital inclusion needs and develop effective digital inclusion strategies.¹³⁶

Effective digital inclusion strategies also require an evidence-based approach to policymaking, including gathering data on relevant social and economic indicators. Governments should identify and review existing levels of connectivity among different segments of the population defined by factors such as geographic location, ethnicity, language, gender and age. These metrics should include the monthly cost of broadband access relative to local household income as well as agreed targets of affordability.¹³⁷

23. States should address any digital divides affecting individuals, households, businesses, communities, national minorities and regions. This includes when the State or private companies provide essential information or access to services through digital technology.

Policies to address digital divides need to consider the various obstacles preventing different groups and individuals from accessing digital technologies. Digital divides occur across three levels: (1) the network or connectivity level; (2) the application-interface level; and (3) the end-user level.¹³⁸ Strategies for digital inclusion should address all three levels in a co-ordinated way and recognize that the most disadvantaged in society are likely to be negatively impacted at every level. Both public and private actors need to be included in such strategies, because private companies, as well as the State, may provide essential information or access to services through digital technology. For example, digital technology is increasingly required to access basic services such as banking services.

134 Ljubljana Guidelines, Guideline 12.

135 Milan 2018, OSCE Ministerial Council, Decision No. 5/18, "Human Capital Development in the Digital Era".

136 UN Secretary General, *Roadmap for Digital Cooperation*, p. 7 (2020).

137 UN Secretary General, *Roadmap for Digital Cooperation*, p. 7 (2020).

138 OECD, "Bridging Connectivity Divides", p. 6.

At the network/connectivity level, affordability and reliability are critical factors in overcoming digital divides. To fully participate in social and economic life, all members of society must be able to access reliable, high-quality communication networks at affordable prices.¹³⁹ Affordability is a major barrier to digital accessibility, especially for disadvantaged and vulnerable groups. Assessing the cost of communications services, including not only in terms of network pricing but also in relation to incomes, is necessary for digital inclusion. States may wish to consider a funded national broadband strategy alongside policies aimed at affordable entry-level broadband services. The ITU/UNESCO Broadband Commission for Sustainable Development recommends that entry level broadband services should be made affordable at less than two per cent of the monthly gross national income per capita.¹⁴⁰

Reliability is crucial for both individuals and businesses to operate in the digital world. Policies to address divides with regard to reliable networks or connectivity could include some or all of the following: promoting market forces, public/private partnerships, carrying out competitive tenders to foster deployment, reducing deployment costs, imposing coverage obligations in spectrum auctions, and rural and remote subsidies.¹⁴¹ Special attention should be paid to the needs of rural and remote areas, including those inhabited by minority communities, which often experience issues arising from their distance from core network facilities.¹⁴² In such situations, ensuring free internet access points at libraries or other community centres, among other measures, can contribute to digital inclusion.

The application-interface level is also crucial for enabling digital access. Accordingly, digital inclusion should prioritize the language of available applications and the importance of culturally relevant content that reflects the identities, histories and traditions of national minorities.¹⁴³ Such provisions are likely to be particularly important for minority language speakers and in multilingual border regions.

At the end-user level, overcoming digital divides requires all members of society to have the skills necessary to fully engage with digital technologies. Digital skills training should be included at all levels of education, from primary through to adult learning, and led by suitably qualified instructors using appropriate learning resources.

139 Tallinn Guidelines, Guideline 8.

140 Broadband Commission for Sustainable Development, advocacy target two, "Achieving the 2025 Advocacy Targets".

141 OECD, "Bridging Connectivity Divides", p. 618.

142 OECD, "Bridging the Rural Digital Divide", *OECD Science, Technology and Innovation Digital Economy Papers*, February 2018.

143 UN Secretary General, *Roadmap for Digital Cooperation*, pp. 10–11.

Ensuring connectivity and computer equipment for schools should be prioritized, with equitable treatment of schools attended by majorities and minorities. Students from disadvantaged groups should be given preferential access to digital devices to support their learning; for example, access to computer rooms after school, the loan of internet-enabled devices and loans for hiring or purchasing computer equipment.¹⁴⁴ Digital inclusion policies should also target small and medium-sized businesses, which are often less digitalized than their larger competitors and thus less able to benefit from the digital economy.¹⁴⁵ The elderly should also receive support, as they may be particularly affected when health-care, financial and other services rely on digital technologies.

24. States should put in place specific measures to promote the digital inclusion of minority language speakers and multilingual border regions.

Digital applications and online content rely on specific language interfaces, including for features such as character and word recognition. State and official languages are more likely to be used in digital applications, online content and search algorithms because of the national markets that they guarantee for software and content producers. Consequently, speakers of minority languages are generally less able to access and use digital applications and online content. Such disparities reinforce digital divides and impede efforts aimed at both digital inclusion and societal integration more generally. Digital technologies, with their potential to be used to stoke tensions as well as their potential as tools for fostering dialogue and understanding, play an important role in conflict prevention.

The specific digital access needs of speakers of minority languages and those living in multilingual border regions should be recognized and addressed in digital inclusion strategies. Such strategies should include providing digital skills training in minority languages, as well as ensuring access to digital applications and online content available in minority languages. Notwithstanding the development of translation software and mobile applications, such technology may not be sufficient to ensure that persons belonging to national minorities are able to access content appropriate to their identity and culture in minority languages.

144 UN Department of Economic and Social Affairs (DESA), "Leveraging Digital Technologies for Social Inclusion", Policy Brief No. 92, February 2021.

145 OECD, *Studies on SMEs and Entrepreneurship*, "The Digital Transformation of SMEs", 3 February 2021.

Digital skills training should be available in minority languages or by using multilingual teaching methods as appropriate depending on the level of education and specific education context. Where relevant, bilateral agreements regarding digital learning resources and the exchange of qualified instructors might be concluded with other countries.¹⁴⁶ States may also wish to consider joining international efforts to promote open-source software, open data and open content in accordance with international standards and best practices.¹⁴⁷ In multilingual border regions, where geo-blocking practices may result in limiting access to content in minority languages, States should seek to prevent or at least mitigate such practices to support digital inclusion.¹⁴⁸

States should recognize the importance of minority language digital applications and online content, as well as intercultural content, in their digital inclusion strategies and promote measures to overcome barriers to their development, access and use. Such measures should be developed with the participation of persons belonging to national minorities and should enhance the availability, accessibility, prominence and findability of applications and content produced by and for minorities and in minority languages.¹⁴⁹ States should consider providing support for digital creators who are persons belonging to national minorities; for example, via public funding, copyright enforcement and monetization schemes.¹⁵⁰

As digital technology continues to evolve in unforeseen ways, States should take into account the needs and interests of persons belonging to national minorities and continue to actively promote their digital inclusion.

146 See: Ljubljana Guidelines, Guideline 45; and Bolzano/Bozen Recommendations, Recommendation 18.

147 UN Secretary General, *Roadmap for Digital Cooperation*, p. 23.

148 Tallinn Guidelines, Guideline 23.

149 Tallinn Guidelines, Guideline 11.

150 European Parliament Research Service, Briefing on digital cultural diversity, p. 5, April 2021.

V. Geographic and Regional Dimensions

25. States should strengthen the social and economic infrastructure of economically disadvantaged regions where national minorities live, including through investment, and facilitate the participation of national minorities in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.

National minorities may be concentrated in remote or border regions that may not be as well-developed economically as the capital or more central parts of a country. In comparison to majorities living in economic centres, they may have less access to, or be under-served by, utilities and services such as transportation, internet, telephone, water, power and sanitation.¹⁵¹ Development initiatives and investments may not be available in, or distributed to, all regions fairly or proportionally.

Persons belonging to certain national minorities may therefore face greater difficulties in enjoying full participation in social and economic life because of the disadvantaged regions where they are concentrated. This may contribute to a continuing cycle of poverty or relative exclusion, negatively affecting their level of trust in the State and potentially making minorities more vulnerable to efforts by those seeking to instrumentalize their disadvantaged position for political or other purposes.

Significant infrastructure and development investments in disadvantaged regions, such as in housing, public health and education facilities, public media broadcasting, public libraries, sports, arts and cultural installations, promotional campaigns, energy-efficiency programmes or tourism initiatives, can have direct and indirect social and economic benefits for national minorities and contribute to their effective participation in society. Investments in infrastructure and related initiatives can increase the opportunities and benefits for persons belonging to national minorities living in economically disadvantaged regions and better ensure their equal and effective participation in a society's prosperity. This strengthens the cohesion of the State by combating marginalization, promoting integration and protecting against attempts to instrumentalize national minority groups based on actual or perceived grievances. However, such investments and initiatives need to

¹⁵¹ FCNM AC, Commentary on Participation, paragraph 42.

be developed with due regard for the impact on the community in question and with their full participation in the decision-making process.

Horizontal inequalities and cases of marginalization affecting national minorities in remote or economically disadvantaged regions may be exacerbated if investments in infrastructure and other social and economic development measures are not proportional and non-discriminatory. Special temporary measures may be required to target and correct gaps or address under-resourced or under-served infrastructure and utilities in economically disadvantaged regions.

26. States should work with, and support the efforts of, national minorities to nurture and promote the economic potential of different languages and cultures as part of their regional development programmes. National minority languages and cultures can have economic and development values and benefits.

Regions where national minorities live have economic potential as destinations for cultural and historical tourism and events such as music and literature festivals, culinary and educational activities, museum exhibitions and other activities related to a minority's history, language, culture and identity. Actively developing national minority regions with their attendant cultures and languages can enhance minorities' overall social and economic conditions and participation and provide national minorities with the opportunity to benefit financially from their cultures and languages, as well as giving majorities and other visitors the opportunity to share in and better understand the identity and culture of minorities.

The authorities should ensure that decision-making about the design and implementation of regional development plans and related programmes designed for tourism in national minority regions is undertaken with the involvement of the national minorities concerned to ensure that such plans and programmes are respectful of the identity and needs of minorities, that minorities benefit equitably from such initiatives and that "folklorization" of national minorities is avoided.¹⁵² Support for such development initiatives and programmes should be provided proportionally and on a non-discriminatory basis to ensure that they support the economic potential of all national minorities within a State.

¹⁵² Ljubljana Guidelines, Guideline 41; and FCNM AC Commentary on Participation, paragraph 45.

The development of regional cultural tourism aimed at promoting minority cultures and languages may have the positive consequence of presenting these as part of the richness of society, resulting in more inclusive representation and acceptance of national minority cultures and languages as part of the national landscape and contributing to the integration of society.

27. Development and infrastructure initiatives, including the exploitation of local resources, must not disproportionately and unjustifiably impact upon persons belonging to national minorities or fail to recognize their property rights. Persons belonging to national minorities should be consulted when development and infrastructure initiatives will affect their communities.

Infrastructure and social and economic development measures may exacerbate the exclusion or disadvantage experienced by national minorities rather than promote their social and economic participation. The use of local resources or exploitation of property rights, such as in forestry, agriculture, aquatic or riparian resources or property, may not be available or accessible on a non-discriminatory basis, thus creating obstacles that prevent national minorities from fully participating in, and benefitting from, economic development initiatives. Such initiatives should also consider that some minority communities, including indigenous peoples, may have disproportionately lost property, the use of resources or exploitation rights through expropriation, privatization or discriminatory property restitution processes, which may have long-term implications for their effective participation in economic life.¹⁵³

In consultation with minority communities, States should undertake to assess the impacts of development and infrastructure initiatives on national minorities, including through the collection and analysis of relevant data. Minority communities and individuals should also have guaranteed access to opportunities to challenge decisions affecting their right to use land or other resources as a result of development projects, and States should provide adequate compensation options where appropriate.¹⁵⁴

Where limitations on the rights connected to property or to the use or exploitation of resources negatively and disproportionately affects national minorities' participation in social and economic life, the relevant regulations and policies should be revised,

¹⁵³ FCNM AC, Commentary on Participation, paragraph 51.

¹⁵⁴ UN FMI Recommendations, 3rd session, paragraphs 24–26.

in consultation with those most affected, to ensure equal and effective protection of the property and other rights of national minorities in development and infrastructure initiatives, including the exploitation of local resources, land and property.

28. Regions where national minorities are concentrated should receive appropriate funding in terms of infrastructure, such as electricity, communications networks, roads, water management and transport services, to enable persons belonging to national minorities to effectively participate equally and without discrimination in social and economic activities.

Regional inequalities can manifest themselves in poor quality or no access to power, communications infrastructure (including the infrastructure that supports digital communications), road and transport services. These deficiencies in turn may isolate, effectively exclude or seriously disadvantage minorities and populations concentrated in these regions and significantly hamper their degree of social and economic participation; for example, by making it difficult to travel for work purposes or efficiently conduct business activities. Persons belonging to national minorities in certain regions may lack reliable or high-speed internet connections to ensure their equal digital inclusion in society, undertake financial transactions or use digital communication tools as effectively as others who live in more well-served regions.¹⁵⁵

Full and effective equality for persons belonging to national minorities requires funding to be provided as needed and in consultation with minorities, as well as other measures to address past or continuing obstacles to social and economic participation presented by infrastructure deficiencies or inadequacies in regions where minorities are concentrated.

State investment in improvements to the infrastructure in regions where national minorities are concentrated can help minorities to participate in social and economic life on an equal footing, better connect these regions to the rest of the country, create new economic opportunities and contribute to overall development efforts that will ultimately benefit the whole of society.

¹⁵⁵ See also Recommendations 22–24 in this document.

29. To ensure that they both benefit persons belonging to national minorities and promote friendly relations and economic co-operation between States, bilateral or cross-border investments in areas inhabited by minorities should be undertaken by mutual agreement and in accordance with international law. The relevant communities should be included in the design of such projects.

National minorities are often concentrated in border regions and sometimes form long-standing, cross-border communities with significant social, economic and cultural links spanning neighbouring States. The central authorities may overlook the needs of border regions, and their peripheral situation may be associated with a less well-developed infrastructure. At the same time, a great deal of economic potential exists in promoting and supporting cross-border investments and trade and encouraging local authorities in border regions to intensify exchanges and collaboration to develop and exploit the untapped economic potential of these areas, including by providing institutional, administrative and economic support and tools.

Agreements to strengthen cross-border co-operation and encourage investments in areas inhabited by national minorities may have a significant positive impact on these communities, as well as everyone else living in such areas, and may also contribute to prosperity and friendly relations on both sides.¹⁵⁶ States should ensure that persons belonging to national minorities are actively involved in the development and implementation of such initiatives, share equitably in their benefits and are able to establish and maintain free and peaceful contacts and develop cultural and economic links across borders.¹⁵⁷

Unilateral cross-border investment initiatives undertaken without consultation, and on an ethnic rather than on a territorial basis, may cause tensions. Even when agreed by all parties involved, cross-border investment by one State to benefit a locality or region in a neighbouring State does not absolve the State of residence of its responsibility to protect and promote the rights of national minorities, including their social and economic rights. Bilateral or cross-border investments which involve all sides of a border, and where national minorities are also consulted and involved in the design of such projects, are more likely to benefit all parties concerned and promote friendly relations between and within States.

¹⁵⁶ Bolzano/Bozen Recommendations, Recommendations 16 and 17; and FCNM, article 18.

¹⁵⁷ Bolzano/Bozen Recommendations, Recommendation 8; and Ljubljana Guidelines, Guideline 40.

30. States should recognize, support and promote the economic contributions of national minority entrepreneurs, including economic activities associated with traditional industries and occupations.

Minority entrepreneurs may face specific barriers to effective social and economic participation, including discrimination in lending policies and by lending institutions, lack of access to resources, burdensome regulations or other obstacles impacting their entrepreneurial activities. This may affect activities associated with traditional industries and occupations, which should be considered in the context of the right of national minorities to maintain and develop their culture and to preserve their traditions and cultural heritage.¹⁵⁸

In addition to having in place comprehensive anti-discrimination legislation and making available opportunities for effective remedies, States should actively support and promote the economic contributions of national minority entrepreneurs. This should include consulting with them on how to tailor programmes and other initiatives to encourage and support minority entrepreneurship, including through the development of economic activities associated with traditional and other industries and occupations closely connected to minorities.

Any obstacles or restrictions, regulatory or otherwise, which have a disproportionate impact on the entrepreneurial activities of national minorities must be reasonable and justified so as not to breach the prohibition of discrimination. States should take account of the effect of such obstacles and regulations on traditional industries and occupations, consult with minority entrepreneurs and representatives, and devise a regulatory framework and other measures that would be more supportive of such economic contributions; for example, through facilitating market access for the products of traditional industries.¹⁵⁹

Persons belonging to certain national minorities, including Roma, Sinti and Travellers, and minority women belonging to these and other groups, may face specific obstacles or more significant difficulties in carrying out traditional economic activities and trades. These obstacles should be identified and addressed in consultation with the affected groups when designing and implementing strategies to promote minority entrepreneurship.

158 FCNM, article 5; Copenhagen Document, paragraph 32; and Declaration on Minorities, article 4(2).

159 OHCHR, FMI Recommendations, third session, paragraph 22.

31. Persons belonging to national minorities are equally entitled to environmental justice and must be protected from any disproportionate and unjustified environmental impact and risks.

In some countries, people from national minority communities are more likely to work in, and be exposed to, unhealthy, hazardous environments. As a result, they may suffer disparities in health, housing and other areas of social and economic life; for example, poor access to clean drinking water, sanitation and electricity. This in itself can have serious short- and long-term effects on an individual's health. Furthermore, certain high-risk activities in the informal economy, such as waste collection, are often carried out by persons belonging to national minorities. This includes collecting plastics, glass, metals, paper and electronic waste for recycling, all of which are known to carry specific health risks.

In addition to the negative effects on their health, exposure to hazardous environments can also make it more difficult for people from minority communities to become actively involved in social and economic activities. For instance, environmental risks affect some of the most marginalized minority children, often with direct and indirect effects on their health and participation in society. This can compromise their school attendance and performance, which not only leads to immediate challenges, such as social exclusion, a higher likelihood of illiteracy, and lower skills and qualifications, but also perpetuates a cycle of poverty and exclusion, resulting in continued high unemployment rates and marginalization both inside and outside their communities.

Certain national minorities, such as Roma, Sinti and Travellers, often live in polluted environments where the air, land and water have high levels of contamination. This is largely due to a combination of factors such as exclusion, poverty and limited access to essential resources. Minority women also tend to be particularly vulnerable to the impacts of environmental hazards, especially natural disasters caused by climate change. This heightened vulnerability usually stems from a combination of social and economic factors, cultural norms and limited access to resources, which can place them at a greater risk during such events.

Several factors have been found to place minority communities at a greater risk from environmental hazards. These include but are not limited to:

- The geographic area where minorities reside;
- The lack or poor quality of public utilities (water, sanitation and power) and inadequate housing in these areas;
- Failure by the State or the local authorities to decontaminate or take preventive measures to avoid the worst effects of environmental hazards, particularly in areas where national minorities are concentrated;
- A reduction in land or other resources linked to traditional livelihoods or other types of employment; and,
- Unequal access to preventative health care and health care information, including in minority languages.

Locations with a high risk of experiencing environmental hazards can include power generation plants, petroleum and natural gas operations, refineries, places where waste is disposed of and recycled, and areas where water, sanitation and power utilities are either poor or non-existent.

Protecting persons belonging to national minorities from environmental hazards is vital if we are to ensure their full and effective inclusion in social and economic life. Minorities may face disproportionate and unjustified environmental impacts, as discussed above. However, it is factors such as exclusion, marginalization and other structural issues that make minority groups especially vulnerable. Therefore, to ensure equitable protection, States should address the underlying factors that contribute to the unequal burdens of pollution and other environmental risks that currently weigh heavily on national minority communities. This is especially true for those who are the most vulnerable and marginalized within these minority communities, such as women, youth, the elderly and people with disabilities.

States should promote environmental justice by robustly enforcing environmental protection laws in areas where minorities reside. States should adopt measures to redress the disproportionate and unjustified impacts of environmental hazards, including policies and programmes to ensure that national minority communities have equal access to quality water, sanitation and power utilities. Where practicable, they should also provide health care information and public care services in minority languages.

Policies and programmes designed to address air, water and land pollution, including decontamination initiatives, should be equally and fairly distributed throughout the country. States should pay specific attention to the geographical areas and communities that are most affected, and should make concerted efforts to reduce the impact on traditional livelihoods. States should establish structures and mechanisms that ensure the inclusive and effective participation of persons belonging to national minorities in decision-making processes related to the environment, including in their efforts to respond to the effects of climate change.

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