

Address by Judge Catherine McGuinness, Personal Representative of the Chairman-in-Office on Combating Racism, Xenophobia and Discrimination, also focussing on Intolerance and Discrimination against Christians and Members of Other Religions

### **Working Session 14: Tolerance and Non-Discrimination II**

Human Dimension Implementation Meeting

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As Personal Representative of the Chair in Office of the OSCE on Combating Racism, Xenophobia and Discrimination also focussing on Intolerance and Discrimination against Christians and members of other religions, I am honoured to have the opportunity of addressing this session of the Human Dimension Implementation Meeting.

This has been a new role for me, and I would like to start by expressing my gratitude for the help and cooperation I have received from my Personal Representative colleagues. My sincere thanks are also due to the members of staff of ODIHR who have given me continuous support.

To date the Personal Representatives have carried out visits to Austria and Norway. During this month of October we will be visiting Azerbaijan and Armenia. Reports on all these visits will be finalised before the end of the year. In the course of my country visits and other meetings this year, I have sought to avoid creating hierarchies of intolerance and discrimination by maintaining the broad mandate that has been given to me; this includes, for example, bias against Roma and Sinti, bias against Christians and members of other religions and bias against LGBT persons.

When I spoke to the Human Dimension Committee in Vienna last March I indicated that the human rights of Roma and Sinti would be a priority in my work, as indeed it is in the work of the OSCE. Equal access to education is an essential tool in combating discrimination. Systemic discrimination in education has a devastating impact on integration opportunities. The effective segregation of Roma and Sinti children into separate schools, or differing paths of education is in itself a denial of equal access to education. This has been recognised by the European Court of Human Rights in the case of *DH and others v. The Czech Republic*, and the promotion of equality in education has long been an important part of the work of the OSCE.

The integration of Roma children as equals into mainstream education requires careful planning, the provision of resources, and further assistance to many of the parents of these children. Above all it requires full commitment from state and local authorities, and from the teaching profession. In order to acquire further expertise in this aspect of my mandate as Personal

Representative I accompanied ODIHR's Delegation on their Field Assessment Visit to the Czech Republic in May last. I found this a most valuable learning experience, particularly as I was able to compare the reforms initiated by the Czech government with our own experience in Ireland in the work of integration of traveller children into mainstream education. The Report on the Field Assessment Visit is an excellent assessment of the strengths and the weaknesses of the position in the Czech Republic. While both the Report and the DH case are directly relevant to the Czech Republic, it must not be forgotten that Roma and Sinti children face parallel problems in achieving equal access to education in many other OSCE countries. Remedial action is widely needed.

A further main aspect of my mandate as Personal Representative is that of intolerance and discrimination against Christians and members of other religions. The promotion of inter-faith dialogue is a crucial weapon in the fight against intolerance and discrimination, and it was encouraging to find well-established examples of such dialogue in both Austria and Norway. At the kind invitation of the Kazakh authorities we were enabled to attend the IV Congress of Leaders of World and Traditional Religions in Astana. This was a most impressive gathering of religious leaders, and undoubtedly their consultations and general interaction at this fourth Congress mark further steps forward on the road to understanding and toleration.

All these matters are signs of hope, but in looking around today's world one cannot but realise that no matter how positive inter-faith dialogue may be it does not reach to any great degree into mainstream society. As one religious leader in Austria put it to us: "We work together and know each other, but in the street people don't know". We have only to see the present rise of extremism of many kinds, which is in some cases attributed to religious beliefs, to realise the sad truth of his comment.

In this regard, I attach particular importance to ODIHR's annual Hate Crimes report and reiterate my appeal to participating States to complete questionnaires for 2012 and future years.

Finally I would like to stress the importance of NGOs and civil society groups in assisting the Personal Representatives in their country visits. Of course we receive immense assistance from government departments and statutory bodies, and we are more than grateful for all the information we receive from them. I look forward to listening to both governmental and non-governmental voices during our forthcoming visits to Azerbaijan and Armenia.

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