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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution [72/184](#), in which the Assembly requested the Secretary-General to submit a report including information on activities undertaken by Member States, the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur of the Human Rights Council on minority issues, relevant United Nations entities and other relevant stakeholders to enhance the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and to ensure the realization of the rights of persons belonging to national or ethnic, religious and linguistic minority groups, with a focus on the international legal and institutional framework for the protection of the rights of all persons belonging to national or ethnic, religious and linguistic minority groups.

* [A/74/150](#).



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 72/184, in which the Assembly requested the Secretary-General to submit a report including information on activities undertaken by Member States, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Special Rapporteur of the Human Rights Council on minority issues, relevant United Nations entities and other relevant stakeholders to enhance the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and to ensure the realization of the rights of persons belonging to national or ethnic, religious and linguistic minority groups, with a focus on the international legal and institutional framework for the protection of the rights of all such persons.

2. In the report, general developments at the United Nations are highlighted and selected areas of action are enumerated, noting human rights challenges faced and the measures taken by Member States, national human rights institutions and various United Nations actors to address concerns at both the global and national levels. The report is based on the findings and reports of various United Nations bodies and mechanisms and on the written replies received from Member States and other stakeholders to a note verbale sent by OHCHR on behalf of the Secretary-General.¹

3. Global consensus on the principles set out in the Declaration notwithstanding, persons belonging to minority groups continue to be targeted by very serious human rights violations in an increasingly widening range of contexts, such as State-sanctioned “ethnic cleansing”, the rise in the persecution of religious and ethnic minority groups, increased levels of hate crimes and hate speech that portrays minority groups and non-nationals as existential threats to nation States. Around the world, there is an upsurge in xenophobia, racism and intolerance affecting minority groups, including rising anti-Semitism, anti-Muslim hatred and persecution of Christians. Social media and other forms of communication are being exploited as platforms for bigotry, neo-Nazism and white supremacy movements. Public discourse is being used for political gain, with use of incendiary rhetoric that stigmatizes and dehumanizes minority groups, refugees, women and anyone who is seen as “Other”. Those are not isolated phenomena or the result of the loud voices of a few people on the fringe of society. Hate is moving into the mainstream – in liberal democracies and authoritarian systems alike – and with each broken norm, the pillars of our common humanity are weakened. In the foreword to the United Nations strategy and plan of action on combating hate speech, the Secretary-General noted that the United Nations had a long history of mobilizing the world against hatred of all kinds through wide-ranging action to defend human rights and advance the rule of law; indeed, the very identity and establishment of the Organization were rooted in the nightmare that ensued when virulent hatred was left unopposed for too long.

II. Key developments at the United Nations and the international legal and institutional framework for the protection of the rights of all persons belonging to national or ethnic, religious and linguistic minority groups

A. Human rights of minority groups

4. The United Nations human rights system has two types of mechanisms, bodies based on the Charter of the United Nations and those based on treaties. Both formulate

¹ The submissions received are on file with OHCHR and available for consultation.

recommendations as guidance to States on the implementation of human rights commitments and obligations. The section below highlights how those mechanisms contribute to the progressive development of international human rights law, including on minority rights.

1. Legal and institutional framework of protection of the rights of minority groups

5. There is no legally binding international human rights treaty focused specifically on the rights of minority groups, but there are several international human rights instruments and treaties that contain provisions for the specific protection of minority groups, primarily article 27 of the International Covenant on Civil and Political Rights and article 30 of the Convention on the Rights of the Child. In addition, there are extensive general non-discrimination provisions elaborated under the International Convention on the Elimination of All Forms of Racial Discrimination (article 5) and the Convention on the Elimination of All Forms of Discrimination against Women (article 10). The dedicated instrument on minority rights is the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the General Assembly in its resolution [47/135](#) of 18 December 1992.

6. The current international legal framework on minority rights is built around four key pillars: the right to exist, the right to protection of identity, the right to non-discrimination, and the right to effective participation (see [E/CN.4/2006/74](#), para. 22; and [E/CN.4/Sub.2/AC.5/2005/2](#)). The right to exist protects the collective physical existence of minority groups, including from practices such as genocide. Under the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, States shall protect the existence of minorities within their respective territories (article 1 (1)). The prohibition of genocide is strongly embodied in the Convention on the Prevention and Punishment of the Crime of Genocide, 1948, and in the Rome Statute of the International Criminal Court (articles 3 and 7).

7. The right to protection of identity safeguards the freedom of minority groups to practice their culture, religion and language in the public and private spheres and to affirm and protect their collective identity and to reject forced assimilation. That right is recognized in article 27 of the International Covenant on Civil and Political Rights and in article 30 of the Convention on the Rights of the Child. The Declaration holds that States shall protect the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity (article 1 (1)), including by adopting appropriate legislative and other measures to achieve those ends (article 1 (2)). There is also a requirement for States to take positive and permanent measures to protect that right (article 4 (4)).²

8. The right to non-discrimination protects minority groups from direct or indirect discrimination on the basis of ethnic, religious, linguistic or cultural identity, which is contained in all international human rights treaties, is addressed in particular under the International Convention on the Elimination of All Forms of Racial Discrimination. According to the Convention, the right to non-discrimination protects individuals against any distinction, exclusion, restriction or preference which may have the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise of their human rights and fundamental freedoms (article 1). The Convention also enables States parties to take temporary special measures in the social, economic, cultural and other fields to help individuals to overcome discrimination (article 2 (2)).

² Human Rights Committee, general comment No. 23 (1994) on the rights of minorities, paras. 6.1–6.2.

Moreover, the treaty bodies have increasingly affirmed the taking of an intersectional approach to combating discrimination in the field of protection of the rights of minority groups, given the compounding effects of additional grounds of discrimination, such as gender, age and disability.³

9. The right to effective participation enshrined in the Declaration ensures that minority groups have: the right to participate effectively in cultural, religious, social, economic and public life (article 2 (2)); the right to participate in decision-making that affects them (article 2 (3)); and the right to participate in and to form their own associations freely, including across borders (articles 2 (4) and 2 (5)). The Declaration expands on the right to participate in the conduct of public affairs, set out in article 25 of the International Covenant on Civil and Political Rights, by recognizing that persons belonging to minority groups have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live (article 2 (3)). In addition, the Declaration provides that national policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minority groups (article 5 (1)). To that end, States also have obligations to consider appropriate measures so that persons belonging to minority groups may participate fully in the economic progress and development in their country (article 4 (5)). Furthermore, in 2018, as requested by the Human Rights Council, OHCHR issued draft guidelines for States on the effective implementation of the right to participate in public affairs ([A/HRC/39/28](#)). The guidelines were drafted following a wide global consultation process and contain an outline of the basic principles of the right to effective participation, in both electoral and non-electoral contexts and at the international level.

10. Some key norms and standards that are reflected in the Declaration, however, are not elaborated in sufficient detail in the legally binding international human rights treaties and the optional protocols thereto. Those gaps include the norms and standards in articles 1 (1) (States protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities), 2 (3) (right of minorities to participate in decision-making), 4 (3) (right to learn or have instruction in one's mother tongue), 4 (4) (States encourage knowledge of history, traditions, language and culture of minority groups) and 5 (1) (national policies and programmes for minority groups are implemented by States) of the Declaration.

11. There are a number of United Nations human rights mechanisms that address minority rights. The Declaration is the focus of annual dialogue within the Forum on Minority Issues, which is a thematically focused assembly, meeting for a two-day session annually, that is mandated, *inter alia*, to identify and analyse best practices, challenges, opportunities and initiatives for implementation of the Declaration (see Human Rights Council resolution 6/15). Several special procedures of the Human Rights Council also address minority rights; principal among them is the Special Rapporteur on minority issues, in addition to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur in the field of cultural rights, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the human rights of migrants and the Special Rapporteur on the human rights of internally displaced persons. Country-specific special procedures also frequently address minority rights. For example, the Working Group of Experts on People of African Descent addresses the rights of minorities of African descent. The United Nations human rights treaty bodies review

³ See Committee on the Rights of Persons with Disabilities, general comment No. 6 (2018) on equality and non-discrimination; and Committee on the Elimination of Discrimination against Women, general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention.

State parties' compliance with treaty obligations, including non-discrimination and minority rights provisions, as stipulated under each international human rights treaty. The treaty bodies have also adopted several general comments and recommendations directly concerning minority groups.

12. The United Nations Network on Racial Discrimination and the Protection of Minorities serves as a focal point for implementing the recommendations contained in the Secretary-General's guidance note on racial discrimination and protection of minorities. Coordinated by OHCHR, the Network brings together over 20 departments, agencies, funds and programmes, all of which have identified focal points for that purpose. The Network also plays a role in supporting United Nations country teams with the implementation of the guidance note. The Network developed a guidance tool in 2017 on descent-based discrimination and the key challenges and strategic approaches to combating caste-based discrimination and analogous forms of discrimination. The guidance tool helps States parties to implement general recommendation No. 29 (2002) on descent in the context of article 1 (1) of the Convention, of the Committee on the Elimination of Racial Discrimination, and serves to bring awareness to the draft United Nations principles and guidelines for the effective elimination of discrimination based on work and descent. The guidance tool can also be applied in developing national action plans on addressing caste-based and analogous forms of discrimination, with the effective participation of affected communities. It can also be used to deepen knowledge on that form of discrimination across the institutional framework in the context of training and other initiatives. During the reporting period, the guidance tool was used in various activities addressing descent-based discrimination organized in Nepal, Senegal and Japan.

13. Concerned with increased divisions between communities, as well as growing economic and social inequality around the world, including efforts directed at racial, national, ethnic and religious communities, migrants and refugees, women and sexual identity groups, on 22 May 2019, the United Nations adopted a strategy and plan of action on combating hate speech, with the objectives to enhance efforts to address root causes and drivers of hate speech and to enable effective responses to hate speech and its impact on societies. Tackling hate speech is also crucial to deepening progress across the United Nations agenda by helping to prevent armed conflict, atrocity crimes and terrorism, end violence against women and promote peaceful, inclusive and just societies. As a menace to democratic values, social stability and peace, and as a matter of principle, hate speech must be confronted by the United Nations at every turn. Silence can signal indifference to bigotry and intolerance, even as a situation escalates and the vulnerable become victims, as noted by the Secretary-General in the foreword to the strategy and plan of action.

2. Human rights treaty bodies

14. In the United Nations human rights architecture, the human rights treaty bodies⁴ are involved in the progressive development of human rights law through the interpretation of legally binding international human rights treaties. They do so through the consideration of individual communications and the periodic review of reports of States parties to the conventions. The concluding observations issued by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women during the period 2014–2018 indicate that those five treaty bodies regularly refer to minority issues.⁵

⁴ For more information, see www.ohchr.org/en/hrbodies/Pages/HumanRightsBodies.aspx.

⁵ See <https://uhri.ohchr.org>.

15. In the International Convention on the Elimination of All Forms of Racial Discrimination, the definition of racial discrimination contained in article 1 (1) is discrimination on the basis of race, colour, descent or national or ethnic origin. Since its establishment in 1969, the Committee on the Elimination of Racial Discrimination has progressively moved from a narrow interpretation of that definition to a broader one in which both individual and collective rights are recognized. In doing so, it has supported the principle of self-identification for individuals and groups if no justification exists to the contrary. Consequently, it has consistently raised concerns with States regarding their decisions on which groups constitute minority groups and/or indigenous peoples. In its general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, the Committee has distinguished minority rights, which are permanent rights, from special measures, which are temporary.⁶ Through its concluding observations on the reports of States parties and its opinions on individual communications, the Committee has developed general recommendations addressing specific minority situations, including those relating to Roma, indigenous peoples, persons of African descent and caste and descent. It has increasingly concerned itself with intersectional discrimination, including gender-related racial discrimination (general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination) and, more recently, with racist hate speech (general recommendation No. 35 (2013) on combating racist hate speech) and discrimination on the basis of religion and language.

16. In the period from 2014 to 2018, of the 344 individual communications submitted to the following five treaty bodies,³⁰⁸ were addressed by the Human Rights Committee and 36 in total were considered by the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights. Of the latter 36 communications, nine were related to minority groups, as defined under the Declaration and article 27 of the International Covenant on Civil and Political Rights; of its 308 communications, six such cases were addressed by the Human Rights Committee.⁷

3. Special procedures of the Human Rights Council, including the Special Rapporteur on minority issues, and commissions of inquiry, fact-finding missions and investigations

17. The reports issued by the special procedures of the Human Rights Council in the period from 2014 to 2018, indicate an unsettling repertoire of issues relevant to minority situations. The mandate of the Special Rapporteur on minority issues was established by resolution 2005/79 of the Commission on Human Rights and has been renewed continuously to date. The overarching purpose of the mandate is to promote the realization of the Declaration. Three mandate holders have been appointed to date.

18. The work of the Special Rapporteur has helped to clarify the normative frameworks (see [E/CN.4/2006/74](#)), including the conclusion that minority protection norms include both general human rights standards and specific minority rights and that global rights are to be considered together with relevant regional standards. The work of the Special Rapporteur has also been to outline the scope of application of minority rights and establish thematic priorities, with a special focus on the concept of minority groups and the scope of application of minority rights and the improvement of United Nations structures for the better implementation of the

⁶ See Committee on the Elimination of Racial Discrimination, general recommendation No. 32, para. 15.

⁷ See <https://juris.ohchr.org/>.

Declaration. The thematic focus of the work of the Special Rapporteur also guides the work of the Forum on Minority Issues.

19. International law does not offer a definition of a minority. However, general comment No. 23 of the Human Rights Committee has helped to reinforce the view that the determination of which groups constitute minorities does not lie solely with the State, but is dependent on a range of both objective and subjective criteria. An exact assessment of the relative numerical size of a population group compared with that of the larger is therefore not needed. Instead, a contextual assessment is the basis for determining whether a minority is non-dominant. According to that approach, duration of residence or domicile within a State does not limit protections under international minority rights. Despite the individualist approach of the minority rights regime, the collective nature of minority rights is necessary for the protection and promotion of minority identity. The Special Rapporteur reaffirmed that claims made by minority groups for equality and non-discrimination and respect for their identity, language, religion and cultural practices may involve territorial issues or assertions (*ibid.*, paras. 23–29).

20. The work of the Special Rapporteur was also critical in ensuring that the term “minority” is used with the empowering intent that it holds. The concept of “minorities” had experienced limited reach and appeal among minority groups themselves in certain parts of the world. Minority groups falling under the legal category of “minorities” rejected the use of the term, since they considered it derogatory, discriminatory or establishing a second-class category of citizens. Instead of implying any inferiority or diminished status, the term “minority” is used in recognition of the fact that the principles of equality and non-discrimination are not fulfilled for certain groups. The work of the Special Rapporteur has helped to underscore the protection gap for caste-based groups which, although they belong to the same ethnic, religious or linguistic group as the larger community, are nevertheless in a non-dominant position and suffer stigma and exclusion (see [A/HRC/31/56](#)).

21. The work of the Special Rapporteur has also helped to bring greater clarity to the scope and meaning of the term “minority” as contained in the Declaration, given that article 27 of the International Covenant on Civil and Political Rights and article 30 of the Convention on the Rights of the Child are unclear (see [A/HRC/37/66](#)). For example, in 2018, the Special Rapporteur highlighted the extent to which statelessness was mainly a minority issue, given that the vast majority of stateless populations today – more than three quarters, according to the Office of the United Nations High Commissioner for Refugees in 2017 – are persons belonging to national or ethnic, religious and linguistic minority groups. The world’s more than 10 million men, women and children who find themselves deprived of citizenship are persons belonging to national or ethnic, religious and linguistic minority groups (see [A/HRC/40/64](#)).

22. Moreover, the commissions of inquiry, fact-finding missions and investigations mandated by the United Nations are increasingly being used to respond to situations of serious violations of international humanitarian law and human rights law and to counter impunity, including with regard to minority groups. The independent international fact-finding mission on Myanmar, in its report ([A/HRC/39/64](#)), submitted that violations against ethnic and religious minority groups in the northern Rakhine State were often committed with persecutory intent, in a context of severe and deep rooted discrimination based on ethnic or religious grounds. Those violations have led to the destruction of entire Rohingya villages, together with the ransacking of mosques and religious and cultural objects during military operations, sometimes with the subsequent construction of Buddhist pagodas, and was also accompanied by the use of insulting and derogatory language (*ibid.*, para. 65). The Independent

International Commission of Inquiry on the Syrian Arab Republic highlighted how terrorist groups systematically perpetrate sectarian violence against religious minority groups throughout the Syrian Arab Republic, including against members of the Shia, Christian, Yazidi and Druze faiths (A/HRC/40/70, para. 43).

23. The Commission on Human Rights in South Sudan documented numerous accounts of children being victimized on the basis of their ethnicity and of several witnesses who voiced their concerns about further intra-ethnic fragmentation and a wider government strategy to eradicate the Nuer community (A/HRC/37/71, paras. 31 and 89). The team of international experts on the situation in Kasai region of the Democratic Republic of the Congo concluded that attacks were carried out against civilians of several ethnic groups in a generalized and systematic fashion constituting crimes against humanity. Some of the abuses committed could also amount to persecution on the basis of ethnicity. The crimes and destruction continue to take place two years after the conflict began, resulting in the displacement of people and the enslavement of women (see A/HRC/38/31).

4. Universal periodic review

24. Following the first and second cycles of the universal periodic review mechanism of the Human Rights Council, some general trends can be discerned with regard to recommendations focusing specifically on minority issues. The data indicate that no radical changes have occurred over the two cycles. In the second cycle, the percentage of recommendations on minority issues increased slightly, from 4.2 to 5 per cent of all recommendations.⁸ However, based on the data for all cycles to date, minority groups are the tenth most discussed topic, after the topic of migrants, which suggests that minority issues are among the most discussed and referred to issues among Member States. The international normative instruments focusing on minority groups specifically, however, are not consistently referred to in those discussions. However, within the universal review process for all States, OHCHR compiles a summary of recommendations of all United Nations expert mechanisms, including the special procedures, with a view to making the implementation of various recommendations an element of a constant review process.⁹

5. Forum on Minority Issues

25. Established in 2007 by the Human Rights Council, the Forum on Minority Issues first met in 2008. It has a dual mandate to provide a platform for promoting dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minority groups, which provides thematic contributions and expertise to the work of the Independent Expert on minority issues, and to identify and analyse best practices, challenges, opportunities and initiatives for the further implementation of the Declaration.¹⁰

26. The Forum meets annually for two working days allocated to thematic discussions held among States, experts, minority groups and civil society organizations and the elaboration of thematic recommendations emanating therefrom. It has held 12 sessions to date. The eleventh session, held in 2018, was focused on the theme, "Statelessness: a minority issue". During the session, the United Nations High Commissioner for Human Rights stated that studies had shown that three quarters of

⁸ See UPR Info database. Available at www.upr-info.org/database/statistics/. See also <https://uhri.ohchr.org>.

⁹ Ibid.

¹⁰ See Human Rights Council resolution 6/15. The mandate was renewed in 2012 in Council resolution 19/23.

the world's stateless people belonged to minority groups, and that States needed to take positive steps to combat statelessness for everyone, but notably minorities.

27. Although the Forum offers a sound avenue for dialogue on minority rights issues, its ability to be relevant throughout the year and have a positive impact on the rights of minority groups is significantly limited. Ultimately, what the Forum does best is offer a space for participants to advance understanding of existing norms, including in view of the emerging phenomena, call for new norms to be included in the corpus of minority rights, look at the compatibility of national minority frameworks with international law and standards and present examples of the practice of States and other actors in interpreting the norms. The United Nations Permanent Forum on Indigenous Issues, with its 16 members and its permanent secretariat, has a higher status and is able to address indigenous peoples' issues throughout the year, with greater visibility and impact.

B. Development and minorities: 2030 Agenda for Sustainable Development

28. Under the development pillar, there is no dedicated institutional mechanism on minority rights, although several United Nations development entities have mandates that are highly relevant and article 9 of the Declaration foresees their contribution to implementing the declaration. The United Nations Permanent Forum on Indigenous Issues, established by the General Assembly in 2000, offers a potential model for future cooperation on minority rights. More recently, in its resolution [73/262](#), the Assembly decided to establish a permanent forum on people of African descent, which will serve as a consultation mechanism for people of African descent and other interested stakeholders as a platform for improving the quality of life and livelihoods of people of African descent.

29. The 2030 Agenda for Sustainable Development contains global commitments for sustainable development through 17 Sustainable Development Goals and 169 targets, to be monitored by a set of indicators. The key principle of the Goals is to leave no one behind, which calls for priority attention to be paid to the inclusion of persons belonging to minority groups, as those who are often the most marginalized or disadvantaged. Achieving that goal requires coordinated action across the institutional framework and the strategic use of the legal standards on minority rights that underpin the 2030 Agenda. There is no explicit mention of minority groups in the Goals, in contrast to specific recognition of other groups, including indigenous peoples, refugees and migrants. The key principle of leaving no one behind requires priority attention to be paid to the inclusion of persons belonging to minority groups.

30. All targets of the 2030 Agenda should apply equally to minority groups, however, there are some that point more directly to the standards of minority rights. Importantly, the targets include a focus on key protected characteristics of minority groups, such as race, ethnicity and religion, which opens the door for protection of other minority rights. An important example is found in Goal 10, to reduce inequality within and among countries, which includes target 10.2, to, by 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status. Inclusion in that sense can be interpreted through the lens of minority rights and, in that way, various forms of participation in decision-making can be envisaged. It is reinforced by Goal 16, to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

31. Another important aspect of the Sustainable Development Goals is the strong emphasis on collecting disaggregated data. For example, target 17.18 of the Sustainable Development Goals, to, by 2020, enhance capacity-building support to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, race, ethnicity, migratory status, disability, geographical location and other characteristics relevant in national contexts, could include religious and linguistic minority groups and caste or descent-based groups. Member States should incorporate a minority rights framework into their national action plans for the implementation of the Goals, both to achieve the Goals and to ensure that no one is left behind.

III. Selected key areas of action

32. During the reporting period, various activities were undertaken by Member States, OHCHR, the special procedures mandate holders and other relevant stakeholders to support the implementation of the Declaration and ensure the realization of the rights of persons belonging to national or ethnic, religious and linguistic minority groups. Below is a summary on selected key areas of action, which illustrates efforts being deployed to counter violations of the rights of minority groups. In that connection, the United Nations High Commissioner for Human Rights has on a number of occasions noted with alarm the rise in incidents involving intercommunal, inter-ethnic and race-related violence, as well as attacks against minority groups in various countries. The country situations in which hate speech and incitement to hatred on the basis of religion and/or race have become rampant are very troubling, and, although it is clear that fair and equal treatment of minority groups is a prerequisite for a just and peaceful society, disturbing allegations of systematic violations against them continue in many countries across the globe.

33. The International Day for the Elimination of Racial Discrimination¹¹ is commemorated on 21 March each year. In 2018 and 2019, the International Day was marked by several United Nations human rights experts calling upon States, civil society organizations and activists to deploy more effort to confront the rise in racism, xenophobia and the resurgence of neo-Nazism worldwide.¹² In that connection, the important role that minority young people can play as agents of change for peace and stability is clear, and their participation in conflict prevention and peacebuilding efforts cannot be overstated. OHCHR has therefore been placing its focus on youth by organizing various activities with a view to bringing them to the forefront to play leading roles in encouraging compliance with international human rights law and standards and preventing incitement to ethnic and religious hatred, which could lead to violent extremism (see [A/HRC/40/30](#)).

34. Efforts to counter those trends also include the request made by the General Assembly to Member States to consider drafting a United Nations declaration on the promotion and full respect of the human rights of people of African descent. The United Nations strategy and plan of action on combating hate speech offers concrete ways in which the United Nations, in collaboration with States, civil society, the private sector and other partners, can address hate speech around the world while upholding freedom of opinion and expression.

¹¹ OHCHR, “‘Unashamed bigotry’: Rise in racism and xenophobia is alarming, say UN rights experts”, press release, 21 March 2018. Available at www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=22862.

¹² Video statement of the United Nations High Commissioner for Human Rights to the United Nations Forum on Minority Issues, 29 November 2018. Available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23949&LangID=E.

A. Empowerment and participation

35. The Government of Azerbaijan indicated that several newspapers and journals from various national, ethnic and religious minority communities are published and that the State radio station regularly broadcasts in minority languages. The Government of Bosnia and Herzegovina noted that the Council of Ministers adopted an action plan for addressing problems faced by Roma in the field of employment, housing and health care, for the period 2017–2020, including activities aimed at the integration of pupils with a migrant background into the educational system. The State strategy and action plan for civic equality and integration, for the period 2015–2020, of the Government of Georgia has as a target ensuring equal and full participation of ethnic minority groups in civic and political life and socioeconomic processes. According to the National Human Rights Commission of Kenya, under the County Governments Act of 2012, access is ensured for persons belonging to marginalized and minority groups to employment within the respective counties through the county public service board.¹³

36. The Government of Serbia noted that two employment laws were adopted, in 2016 and 2017, with entry into force anticipated for 2019, providing measures to strengthen the representation of national minority groups in State bodies, and the strategy for the social inclusion of Roma, for the period 2016–2025, was adopted, which ensures access to services and a better quality life for Roma citizens. The Government of the Russian Federation supports campaigns on preserving and promoting multinational culture. The Government of Switzerland reported that an action plan was prepared by a working group on improving the conditions of those practicing nomadic lifestyles and encouraging Yéniches, Sinti/Manouches and Roma culture in Switzerland, which includes consideration of schooling children belonging to those groups in their mother tongue and the teaching of their culture and history, in recognition of their status as national minority groups. According to the National Human Rights Commission of Uganda, the Government created two new constituencies within ethnic minority communities, and the first two representatives belonging to minority groups were elected by the tenth Parliament in February 2016.¹⁴

37. At OHCHR, the Minorities Fellowship Programme continues to mainstream minority rights and build capacity for minority rights advocates.¹⁵ Established in 2005, the comprehensive Geneva-based training programme welcomed 55 fellows from 51 countries in the period 2017–2018. The four-week fellowship was made available in three linguistic components (Arabic, English and Russian). In the same period, the national and regional component of the fellowship provided an on-the-job experience for some of its outstanding former fellows by creating opportunities for them to work in OHCHR field offices. Participants of the fellowship were introduced to the core United Nations international human rights instruments and mechanisms, while focused attention was placed on minority rights and minority issues of particular relevance to the fellows. Although the programme is organized by OHCHR, several United Nations agencies are also involved. It is run in close collaboration with civil society and non-governmental organization partners and other international and regional organizations.

¹³ Submissions received from the Governments of Azerbaijan, Bosnia and Herzegovina and Georgia and the National Human Rights Commission of Kenya.

¹⁴ Submissions received from the Governments of Serbia, Switzerland and the Russian Federation and the National Human Rights Commission of Uganda.

¹⁵ See www.ohchr.org/EN/Issues/Minorities/Pages/Fellowship.aspx.

B. Data collection

38. The National Institute against Discrimination, Xenophobia and Racism of Argentina developed a statistical study, entitled “National discrimination map”. The section of the Institute tasked with victim assistance receives, registers and analyses complaints about practices of discrimination, xenophobia and racism. The National Commission on Human Rights of Kenya has been engaging with the Kenya National Bureau of Statistics with a view to ensuring that data on minority groups and indigenous communities in Kenya is captured by the population and housing census being conducted in 2019. The Government of Switzerland indicated that, since 2000, the national census methodology has been improved in order to study smaller population groups, such as linguistic minority groups and other minority groups.¹⁶

C. Constitutional guarantees

39. The Government of Ukraine indicated that equality and freedoms for all citizens are guaranteed under the Constitution, and under article 35 thereof, the right to freedom of religion and belief was guaranteed to everyone. The National Human Rights Commission of Kenya informed that, under article 56 of the Constitution of Kenya (2010), protection was provided for minority groups and marginalized groups. In the Constitution of Uganda (1995), article 36 protects the right of minority groups to participate in decision-making processes and for their views and interests to be taken into account in developing national plans and programmes.¹⁷

D. Non-discrimination guarantees

40. The multicultural access and equity policy of the Government of Australia ensures that public programmes and services are accessible to all Australians, regardless of their cultural and linguistic background. The National Institute against Discrimination, Xenophobia and Racism of Argentina is aimed at elaborating national policies for combating any form of discrimination, xenophobia or racism.

41. In Austria, there are two specialized bodies dealing with the protection of the rights of persons belonging to national minority groups, the Ombud for Equal Treatment and the Commission for Equal Treatment, which support victims raising claims of discrimination with legal advice and work on conflict resolution.

42. The Ministry of Education and Culture of Cyprus developed an action plan for the period 2016–2018, with a variety of targeted actions, including an anti-racism policy for schools and teachers. The Government of Georgia indicated that the Training Centre for Justice has been conducting training courses on human rights and anti-discrimination law since 2016 in regions inhabited by ethnic minority groups and targeting representatives of those groups. The Government of Ukraine reported that the law on the prevention of discrimination, adopted in 2012, provides individuals with the right to address a complaint to public authorities and the court.

43. In 2019, the Government of the Russian Federation adopted an action plan on the socioeconomic and ethno-cultural development of the Roma people. Government

¹⁶ Submissions received from the Government of Switzerland, the National Institute against Discrimination, Xenophobia and Racism of Argentina and the National Commission on Human Rights of Kenya.

¹⁷ Submissions received from the Government of Ukraine and the National Human Rights Commission of Kenya.

authorities also continue their efforts in documenting Roma people and providing them with identification cards.

44. The Commission on Human Rights of the Philippines indicated that, in December 2018, the House of Representatives approved the bill on countering racial, ethnic and religious discrimination, which contains a definition of discrimination consistent with the International Convention on the Elimination of All Forms of Racial Discrimination. Pending the decisions of the House of Representatives and the Senate, cities are adopting local ordinances to tackle discrimination.¹⁸

E. Interfaith dialogue

45. The National Institute against Discrimination, Xenophobia and Racism of Argentina established a monthly inter-religious dialogue to analyse the multifaceted aspects of religious diversity today and to draw up conclusions and recommendations.

46. In its resolution [72/184](#), the General Assembly emphasized the fundamental importance of interfaith dialogue and interaction among all relevant stakeholders and members of society on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minority groups.

47. The role and responsibilities of religious leaders and faith-based actors in promoting human rights, including the rights of persons belonging to minority groups, are highlighted in the Beirut Declaration on Faith for Rights and the 18 commitments on Faith for Rights ([A/HRC/40/58](#), annexes I and II). OHCHR uses the framework for training and advocacy purposes with religious minority groups, civil society organizations and United Nations human rights mechanisms, including the Special Rapporteur on minority issues. In May and November 2018, OHCHR organized two regional workshops, in Tunis and in Marrakech, Morocco, focusing on the role of youth faith actors in promoting human rights, combating incitement to hatred and identifying future steps to protect religious minority groups in the Middle East and North Africa region. In thematic and mission reports, the Special Rapporteur on freedom of religion or belief has called upon States to use the Faith for Rights framework of specific commitments and practical measures to address the related phenomena of incitement to religious hatred, discrimination and violence ([A/HRC/40/58](#), para. 21).

48. In April 2019, the United Nations High Commissioner for Human Rights referred to the Faith for Rights framework in her press statement concerning the revised Penal Code of Brunei Darussalam, which includes provisions that may encourage violence and discrimination, inter alia, against religious minority groups, and she stressed that the Government, religious authorities and a wide range of civil society actors should work together to uphold human dignity and equality for all. At the Global Summit on Religion, Peace and Security, the High Commissioner highlighted the importance of protecting religious minority groups, in particular where they have been targeted by incitement to hatred and violence on the basis of exclusionary interpretation, with religion or belief being used for political gain. Furthermore, she noted that the 18 commitments are intended to be used to reach out to people of different religions and beliefs in all regions of the world in order to promote a common, action-oriented platform (see [A/HRC/40/58](#), annex II).

¹⁸ Submissions received from the Governments of Australia, Austria, Cyprus, Georgia, the Russian Federation and Ukraine and the Commission on Human Rights of the Philippines.

F. Safety, security and law-enforcement

49. The Government of Serbia indicated that it developed a community policing force to promote the role of minority communities in strengthening security and building better communication and cooperation between the police and minority communities. The Government of Switzerland noted that the Federal Council had decided, in July 2018, to finance the necessary costs to protect the security of minority groups, including the implementation of information measures, awareness-raising and training.¹⁹

G. Linguistic rights

50. Azerbaijan reported that, from 2010 to 2017, the Government published school textbooks on the use of national minority languages, such as Talish, in order to improve the teaching of those languages in school. In Cyprus, language options were introduced into existing curricula. The national curriculum in Georgia has been translated into minority languages. The strategy in New Zealand for revitalization of the Maori language has set the objective of 1 million Maori speakers in the country by 2040. In Serbia, eight national minority groups have access to education in their mother tongues. In Switzerland, the parliament is supporting use of the Italian language and promotion of Italian culture outside the Italian-speaking regions by improving teaching conditions, developing bilingual training and holding cultural events. In the Russian Federation, the educational system offers instruction in 81 mother tongues of various communities. In that context, 36 languages have attained the status of official language. In 2018, a presidential decree established a fund for preserving and learning mother tongues of the Russian Federation. In 2018, in Qatar, the management of mosques ensured that the Friday prayer was translated into the Urdu, Tamil and Malaysian languages in 17 mosques of the respective international Muslim communities.²⁰

IV. Conclusions

51. **The present report provided an overview of the international legal and institutional framework for the protection of the rights of minority groups. The core tenets are contained in article 27 of the International Covenant on Civil and Political Rights, article 30 of the Convention on the Rights of the Child and the Declaration, but the framework could benefit from further strengthening. Over a decade of practice suggests that the two-day annual session of the Forum on Minority Issues could be strengthened to deliver more and fulfil some of the what had been envisioned for it upon its establishment. The Forum is a good opportunity for all stakeholders to engage in dialogue on minority rights once a year, but Member States and stakeholders might consider ways to reinforce its impact. An overview of the findings and recommendations of the Human Rights Council, the universal periodic review mechanism and the special procedures, together with those of the human rights treaty bodies, demonstrates that the United Nations human rights mechanisms have helped to bring greater visibility to minority rights. At the same time, more must be done. Implementation by States of the recommendations of those bodies is lagging behind, as regularly highlighted in the output of those international mechanisms.**

¹⁹ Submissions received from the Governments of Serbia and Switzerland.

²⁰ Submissions received from the Governments of Azerbaijan, Cyprus, New Zealand, Serbia, Switzerland and Qatar.

52. Overall, information on activities undertaken by Member States, OHCHR, the Special Rapporteur on minority issues, relevant United Nations entities and other relevant stakeholders to support the implementation of the Declaration and ensure the realization of the rights of persons belonging to national or ethnic, religious and linguistic minority groups, demonstrates that there are positive initiatives being undertaken at the national level to protect minority rights. At time when racism, xenophobia and hatred are on the rise, however, more sustained and coordinated efforts are needed to protect minority rights.

53. In its resolution [72/184](#), the General Assembly affirmed that the twenty-fifth anniversary of the adoption of the Declaration offered an important opportunity to intensify efforts to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minority groups, including by taking stock of, and sharing among States and other stakeholders information on, the achievements, best practices and challenges with regard to the implementation of the Declaration. In response to the global context, Member States may wish to consider reinforcing the minority rights architecture and to advance implementation of applicable normative standards, which could include enacting legislation, formulating policies and adopting programmes, including at the subnational level. Empowering minority groups and securing their effective participation in the countries in which they live is critical not only for the realization of their rights but also for the important role that it plays in the implementation of the 2030 Agenda, including its central commitment to leave no one behind and to target those left the furthest behind. It will require direct application of article 27 of the International Covenant on Civil and Political Rights and the Declaration.

54. All States have minority groups living on their territories, and their existence, identity, religion and culture must be protected. The global rise in racism, xenophobia and hatred targeting minority groups in particular requires a redoubling of efforts to protect minority rights at national, regional and international levels. As noted by the Secretary-General in the foreword to the United Nations strategy and plan of action on combating hate speech, by enhancing global resilience against this insidious phenomenon, we can strengthen the bonds of society and build a better world for all.
