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Minority issues**

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the minority issues, Fernand de Varennes, in accordance with General Assembly resolution [76/168](#) and Human Rights Council resolution [43/8](#).

* [A/77/150](#).

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Report of the Special Rapporteur on minority issues, Fernand de Varennes

Protection of the rights of minorities in the institutions, structures and initiatives of the United Nations

Summary

In the present report, the Special Rapporteur on minority issues, Fernand de Varennes, provides a summary of his activities and highlights the continuing work on the thematic priorities of statelessness, education and minority languages, hate speech targeting minorities on social media and the prevention of violent conflicts through the protection of the human rights of minorities, as well as the strengthening of the protection of the rights of minorities through regional forums. He also provides a summary of his country visits, communications and other activities.

In the thematic report on the protection of the rights of minorities in the institutions, structures and initiatives of the United Nations, the Special Rapporteur describes how the United Nations has dealt with the rights of minorities since its inception, and how the concerns about the protection of the rights of minorities at the time of the establishment of the United Nations led to the adoption of a resolution on the issue by the General Assembly, alongside the adoption of the Universal Declaration of Human Rights, even if it was only because of an ability to reach consensus among Member States at that time. He highlights the fact that expected developments did not materialize and describes how minorities rights have languished in the United Nations system, as other marginalized or vulnerable groups were increasingly recognized and became the subjects of legally binding treaties and various institutional entities and supporting initiatives. Recent decades have seen a decreasing interest in minority issues, with no major institutional initiatives for the protection of the rights of minorities, while initiatives have increased significantly for other marginalized or vulnerable groups, such as indigenous peoples, persons with disabilities, migrants, women and children, among others. In recent treaties, instruments, guidance and other initiatives, minorities have been omitted almost completely, such as in the Sustainable Development Goals, and even in some cases actually expunged from earlier drafts, such as in the most recent version of a draft treaty on business and human rights. The Special Rapporteur calls for steps to mainstream and integrate minority rights in all United Nations pillars and activities and to integrate minority rights into the work of the United Nations system at the global, regional and country levels, including through coordination mechanisms, as was specifically provided for a decade ago in the 2013 guidance note of the Secretary-General on racial discrimination and protection of minorities.

I. Introduction

1. The cultures, languages, and religions or beliefs of minorities have, throughout history, frequently been subjected to restrictions and even suppression. In the more extreme cases, fear or intolerance of the diversity of humanity or an ideological inability to accept the reality of our differences has led to the scapegoating of particular groups – almost always minorities – and to some of the worst atrocities ever committed: the genocide of millions of individuals because of the colour of their skin, the way they pray or the sound of their voice. It is no accident that almost all cases of genocide in the last century have involved minorities. Overwhelmingly – and not coincidentally – minorities represent most of the world’s stateless and are usually the main targets of hate crimes or hate speech in social media. Minority communities are among the world’s most educationally disadvantaged¹ and are more likely to be excluded or disadvantaged in areas such as political participation. Furthermore, their grievances are often at the root of, or instrumentalized in, the most violent internal conflicts.

2. The vulnerability and marginalization of minorities and the denial of many of their human rights and their prominence in terms of marginalization globally thus raise important questions about the steps taken by the United Nations to respond effectively to those most in need of protection.

3. The Special Rapporteur on minority issues submits the present report to the General Assembly pursuant to his mandate, as established in Commission on Human Rights resolution 2005/79 and extended most recently by the Human Rights Council in its resolution 43/8. It summarizes his activities in 2021 and 2022 since his previous report to the General Assembly (A/76/162) and contains a thematic section on the evolution and positioning of the protection of the rights of minorities in the institutions, structures and initiatives of the United Nations. That section focuses on how the United Nations itself has integrated and mainstreamed the promotion of the human rights of minorities in its structures and initiatives all over the world, and how it has contributed to the recognition, promotion and protection of the rights of minorities.

II. Activities of the Special Rapporteur in 2021 and 2022

4. The Special Rapporteur has engaged in a large number of activities, with the aim of conducting thematic studies, conducting country missions, communicating with Governments and other actors on alleged violations of the rights of minorities, promoting good practices and increasing awareness and understanding of the human rights of persons belonging to minorities, which underpin his mandate. For example, on 28 September 2021 he was the keynote speaker for the first Global Parliamentary Meeting on Achieving the Social Development Goals of the Inter-Parliamentary Union, speaking on the theme of “Leave no one behind: are we keeping the promise?” On 27 October 2021, he was the inaugural speaker for the Second Congress of the POCLANDE international network (People, Cultures, Languages and Development) held at Kenyatta University in Nairobi. On 4 November he was a panellist for a webinar on realizing equal nationality rights for all, organized by the Global Campaign for Equal Nationality Rights and the Commission of the Churches on International Affairs of the World Council of Churches. On 12 November 2021, he was an online panellist with United Nations High Commissioner for Human Rights, Michelle Bachelet, and the High Commissioner of the Organization for Security and

¹ Office of the United Nations High Commissioner for Human Rights, *Promoting and Protecting Minority Rights: A Guide for Advocates* (United Nations publication, 2012), p. 81.

Cooperation in Europe (OSCE), Kairat Abdrakhmanov, at an event organized in collaboration with the United Nations Office at Geneva focusing on the effective participation of minorities in economic life as a strategy for conflict prevention. On 7 January 2022, he participated online as a member of a task force on countering extremism and incitement to violence with the Democracy and Internet Governance Initiative Working Group at the Belfer Center for Science and International Affairs at Harvard University's John F. Kennedy School of Government in the United States of America. On 20 January 2022, he participated in a consultation on social media content moderation and freedom of religion or belief as it pertains to minorities. On 11 March 2022, he was a keynote speaker at an online side event of the forty-ninth session of the Human Rights Council entitled "Religious or belief minorities at risk in Xinjiang, Afghanistan and Nigeria: recommendations from the Forum on Minority Issues", organized by the International Bar Association and the Permanent Missions of the United States and the Netherlands. On 10 May 2022 he gave a lecture as part of the Global Campus Arab Master's Programme in Human Rights and Democracy in its new seminar on minorities in the Middle East and North Africa region.

A. Activities related to thematic priorities

5. The Special Rapporteur identified four thematic priorities in his first statement to the General Assembly in October 2017: statelessness, education and language of minorities, hate speech and social media, and the prevention of ethnic conflicts through the protection of the rights of minorities. The Special Rapporteur has engaged in activities on all four thematic priorities. Among them are the preparation of a practical guide on the implementation of the rights of minorities in relation to education in and the teaching of minority languages and work on a further guide on the eradication of statelessness of minorities by ensuring non-discrimination in citizenship laws and practices. He has, in this regard, raised grave concerns about processes in Assam, India, which could potentially lead to millions of minorities of mainly Bengali and Muslim background being considered non-citizens and stateless.

6. Hate speech, social media and minorities were the focus of the report of the Special Rapporteur to the Human Rights Council in 2021 ([A/HRC/46/57](#)). Since then, the Special Rapporteur has launched a process for drafting effective guidelines on hate speech, social media and minorities, with the aim of promoting understanding of the various forms and the harmful impact of online hate speech against persons belonging to minorities, as well as the role of social media in the dissemination of hate speech. The guidelines will also include an analysis and discussion of the legal, institutional and policy challenges in the regulation of hate speech against minorities on social media platforms. The report of the Special Rapporteur to the Human Rights Council in 2022 ([A/HRC/49/46](#)) focused on conflict prevention through the protection of the human rights of minorities.

B. Regional forums and the Forum on Minority Issues in 2021

7. Regional forums are organized with significant assistance from the Tom Lantos Institute and numerous regional partners. In 2021, four regional forums (for Africa and the Middle East, the Americas, Asia and the Pacific and Europe and Central Asia) were held on the theme of conflict prevention and the protection of the human rights of minorities. Some 800 participants took part in the regional forums, which were held virtually because of the coronavirus disease (COVID-19) pandemic. Two regional forums – the first for Europe and Central Asia and the second for Asia and the Pacific – were held in the first half of 2022.

8. The fourteenth session of the Forum on Minority Issues was held in hybrid format on 2 and 3 December 2021 on the same theme. It involved 670 delegates from some 50 countries. The recommendations of the Forum on the 2021 theme of conflict prevention and the protection of the human rights of minorities, which were submitted in a separate report to the Human Rights Council (A/HRC/49/81), were drawn primarily from the discussions of and contributions made by the almost 1,500 participants in the regional forums and the Forum on Minority Issues. Further information on the fourteenth session of the Forum on Minority Issues can be found in the annual report of the Special Rapporteur to the Human Rights Council (see A/HRC/49/46, paras. 16–19).

9. The fifteenth session of the Forum will focus on the thirtieth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and will take place in Geneva in December 2022.

C. Communications

10. In 2021, a total of 298 communications were sent by the Special Rapporteur, a very significant increase in comparison with the previous year. Of those, 62 were urgent appeals, 195 were letters of allegation and 41 were letters commenting on and raising concerns about specific legislation, policies and practices. All of them were sent jointly with other special procedures mandate holders.

11. With regard to geographical distribution, 57 of the communications were for the Asia-Pacific region, 26 for Africa, 12 for Eastern Europe, 39 for Western Europe, 3 for Latin America and the Caribbean and 161 for others, including private companies.

D. Country visits: visit of the Special Rapporteur to the United States of America

12. The Special Rapporteur visited the United States from 8 to 22 November 2021.² Among the main issues he addressed was the legal landscape for the protection of human rights inside the country. There is no comprehensive national human rights legislation or mechanism to ensure that the country's population can enjoy the full range of human rights generally recognized in international law. The Constitution provides incomplete human rights protections and interpretations have been restrictive and inconsistent with international human rights standards, as recent judgments of the United States Supreme Court have shown.

13. Among other issues of concern are restrictions on the right to vote and the political participation of minorities, which have a pronounced impact on minorities such as African Americans, Hispanics and indigenous peoples, in particular. In some states, there is disenfranchisement of vast numbers of felons, which predominantly affects African Americans and other minorities. There is also disenfranchisement through gerrymandering of electoral districts to privilege particular groups of voters, the imposition of onerous voter identification requirements, the manipulation of polling station locations in a way that disadvantages minorities and the relocation of motor vehicle offices, making it more difficult for groups, such as certain minorities, to obtain identification. The Special Rapporteur is of the view that many of the obstacles minorities face in the exercise of their right to vote are unreasonable and discriminatory.

² See A/HRC/49/46/Add.1.

14. The mandatory minimum sentences and zero tolerance policies in some state laws, as well as the “war on drugs” from the 1970s, have had the effect of disproportionately criminalizing large swaths of minority populations. Police killings of and violence and brutality towards African Americans are now of extremely grave concern because of more recent high-profile incidents. Available statistics indicate that African American men are almost three times as likely, and Hispanic/Latino men are almost twice as likely, to be killed by police than white men. Independent and effective oversight of law enforcement is crucial to end such practices.

15. While some states have put in place forms of bilingual education, particularly for their large Hispanic minorities, this is not necessarily, nor even usually, the case for most linguistic minorities. Minority languages such as French for the Cajun minority in Louisiana and the Chamorro language in Guam and neighbouring islands are not widely taught in schools, and their use as a medium of instruction is still fairly limited. This continues to have a detrimental effect on the academic performance of minority children and how they perceive their identity, language and culture. The Special Rapporteur has urged the ratification of the Convention on the Rights of Persons with Disabilities in order to help protect the linguistic rights of users of sign language. In addition, American Sign Language must be more widely recognized as a language in educational legislation to facilitate its use as a language of instruction.

16. In 2020, hate crimes targeting minorities in the United States rose to their highest level in over a decade, with reported hate crimes motivated by race, ethnicity or religion bias representing approximately 70 per cent of the hate crimes in the country. Anti-Semitism, anti-Asian speech, Islamophobia, derogatory slurs against Hispanic, Arab and other minority communities and anti-immigration xenophobia are surging, sometimes reaching record levels, throughout the country.

17. While religious freedom is guaranteed by state and federal law, domestic legislation does not always clearly protect against discrimination on the basis of religion, as prohibited in international human rights standards. No federal legislation directly and generally prohibits discrimination on the ground of religion or belief, leaving religious minorities vulnerable to discriminatory practices and policies. This also affects non-theists, humanists and atheists in the United States, where Christian bias or favouritism appears to contradict the official secular nature of the State.

18. Minorities such as African Americans, Hispanics, indigenous peoples, the Chamorro people and others are also disproportionately exposed to serious environmental hazards and contamination, including to drinking water aquifers.

III. Thematic report on the human rights of minorities in the United Nations

A. Introduction

19. The year 2022 marks the thirtieth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. In the present thematic report, the Special Rapporteur considers critically the treatment of the rights of minorities since the adoption of the Declaration in 1992 and how it has taken shape in the United Nations, as well as how the rights of minorities have been incorporated in recent developments in terms of programmes, new initiatives and guidelines, including in regional and national offices.

20. The Special Rapporteur is grateful for all the submissions by States, civil society organizations and other groups and individuals.³

B. Minorities have human rights, but not immediately

21. The creation of the United Nations and the adoption of the Universal Declaration of Human Rights did not occur without divisions and tensions in terms of ideology and priorities. These already existed between the United States and the Union of Soviet Socialist Republics and their respective allies before the Second World War, and continued between the Western Bloc and the Eastern Bloc during the Cold War. Tensions also existed between Western and emerging States in the global South.

22. In the area of human rights, some of these differences were clear from the debates over what was to be incorporated into international human rights standards. Civil and political rights were emphasized by the West, and economic, social and cultural rights were defended by Eastern European and non-European countries. There were, however, other disagreements and debates over the nature and content of the new human rights architecture that was being hammered out before the adoption of the Universal Declaration of Human Rights. Among the more prominent were whether the Declaration would contain exclusively individualistic rights (yes – at least initially), whether it would include a petition mechanism so that allegations of human rights breaches could be raised directly at the United Nations (no – but with eventual mechanisms under specific treaties) and whether minorities should be referred to explicitly in the Declaration (no – at least not initially).

23. The latter exclusion is not entirely straightforward, yet it remains symptomatic of a malaise in the new institution and its “universal” human rights orientation, as well as the lack of consensus among the States Member of the United Nations. As indicated in an earlier thematic report of the Special Rapporteur on the concept of minorities (A/74/160), there were proposals for the inclusion of a minority provision in the Universal Declaration of Human Rights.⁴

24. While there were draft proposals and discussions, there was no agreement. Two narratives emerge in 1947 and 1948 over a human rights provision for minorities in the Declaration: a more sanitized one, which suggested that the “supreme importance” of the provision meant that it had to be more closely examined (see A/74/160, para. 35) and could not be included in the future Declaration, and a more accurate one, which emerged from the reading of the travaux préparatoires themselves and of the resolution on the fate of minorities (resolution 217 C (III)), which accompanied the Universal Declaration of Human Rights of 10 December 1948. The text of this – now largely forgotten – resolution intimates some of the reasons for the exclusion of any mention of minorities and also the unease at such an exclusion. The resolution reads as follows:

³ See <https://www.ohchr.org/en/calls-for-input/2022/call-inputs-place-human-rights-minorities-institutions-structures-and>.

⁴ The drafting committee of the Declaration made a proposal for a minority provision, which read: “In States inhabited by a substantial number of persons of a race, language or religion other than those of the majority of the population, persons belonging to such ethnic, linguistic or religious minorities shall have the right as far as compatible with public order to establish and maintain their schools and cultural or religious institutions, and to use their own language in the press, in public assembly and before the courts and other authorities of the State” (E/CN.4/21, annex F, art. 36).

The General Assembly,

Considering that the United Nations cannot remain indifferent to the fate of minorities,

Considering that it is difficult to adopt a uniform solution of this complex and delicate question, which has special aspects in each State in which it arises,

Considering the universal character of the Declaration of Human Rights,

Decides not to deal in a specific provision with the question of minorities in the text of this Declaration;

Refers to the Economic and Social Council the texts submitted [...] and requests the Council to ask the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to make a thorough study of the problem of minorities, in order that the United Nations may be able to take effective measures for the protection of racial, national, religious or linguistic minorities.

25. The present thematic report considers the extent to which the United Nations has since 1948 been able to take effective measures for the protection of racial, national, religious or linguistic minorities.

C. The initial hesitancy to recognize the human rights of minorities

26. There has been a long-standing hesitancy to acknowledge specifically the rights of minorities, despite their historical vulnerability to abuses and atrocities. This could be seen even before the adoption of the Universal Declaration of Human Rights in the emergence of the international crime of genocide with the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide, which refers to genocide only occurring when committed “with intent to destroy, in whole or in part, a national, ethnical, racial or religious group”, rather than a national, ethnical, racial or religious minority.⁵ Almost all modern era genocides have involved minorities as victims: Hereros in current-day Namibia, Armenians in the Ottoman Empire, Jews and Roma during the Holocaust by Nazi Germany, Tutsi in Rwanda and Rohingya in Myanmar. While Muslim Bosniaks in Bosnia-Herzegovina were a plurality at the time of the genocidal acts of 1995 in Srebrenica, they did not constitute an actual majority according to the 1991 census, accounting then for 44 per cent of the population.

27. While the atrocities committed during the Holocaust against the Jewish and Roma minorities were clearly in the minds of the drafters of the Convention, this first post-war treaty did not seek to grant any human right to individuals or collectivity. Instead it criminalized a very narrowly defined crime targeting a “national, ethnical, racial or religious group” of victims. This was not, however, a foregone conclusion: there was significant overlap in the discussions during the drafting of the Convention and the Universal Declaration of Human Rights, with a number of States, including Arab and Communist countries favourably inclined to more directly referring to minorities, both in the Declaration and as part of the debates around the inclusion of the concept of cultural genocide in the Convention. Western States, and particularly States from the Americas, aggressively opposed any such addition, owing at least in part to their avowedly assimilationist policies in this era. As Johannes Morsink has noted, some Western European Governments argued that “the right place to make a connection between cultural genocide and physical genocide was in the Declaration and not in the Genocide Convention itself. Therefore, they voted to delete the cultural

⁵ Approved and proposed for signature and ratification or accession by the General Assembly in its resolution [260 A \(III\)](#) of 9 December 1948.

genocide prohibition from the Convention on the promise that they would support a similar measure for the Universal Declaration. However, when the time came, they chose (for reasons having to do with the rhetoric and reality of the Cold War) not to make good on those promissory notes”.⁶

28. The zeitgeist at the time of the creation of the United Nations was nevertheless that the world emerging from the ashes of the last global conflict had to represent a fresh new start, and, for the first time, to have at its core a set of fundamental universal and individual-oriented human rights. It is no accident that the preamble of the Declaration and its first substantive provisions frequently refer to all individuals as holders of rights and to their universal application.

29. While this sounds noble, there was an underlying concern, at least for some (mainly) Western States, that distinct rights for, or acknowledgment of, groups was inconsistent with the individual and universal nature of this new paradigm. For many of them, particularly colonial powers or newer States with large immigrant or indigenous populations, ethnic, religious or linguistic differences were not to be encouraged. On the contrary, the assimilation of minorities was for most of the twentieth century often considered to be a highly desirable outcome.

30. There was also the perception that the rights of minorities had been exploited during the rise of Nazism, and that the instrumentalization of the concept of “national minority” over claimed mistreatments of German minorities in neighbouring countries was at least in part a pretext to justify the expansion of Germany, leading to World War II. Ultimately, the view that prevailed at the United Nations was that there should be no specific mention of minorities in the Declaration, so as to make a dramatic break from what are known as the “minorities treaties” of the League of Nations. This however was a mischaracterization of the League of Nations minorities treaties:

These treaties are often misrepresented as enshrining collective rights that contributed to the inherently unstable interwar period, and hence were factors in preparing the conditions for the onset of war, if not a direct cause of it. Ironically, as other observers have noted, many of these minority treaties were not limited to protecting minorities, but rather were actually the first international human rights treaties, since [among other things] they extended the prohibition of discrimination or freedom of expression and religion to all inhabitants of the States involved, not only to minorities. Most of the provisions in these treaties were in fact individualistic, again contrary to the way they are usually portrayed (see [A/74/160](#), para. 25).

31. Arguably, during the League of Nations period between the two world wars, there was the recognition of equality, which included specific protection of particularly vulnerable groups, as the advisory opinion of the Permanent Court of International Justice in the case of the minority schools in Albania in 1935 suggests:

The underlying idea of the treaties for the protection of minorities is to secure for certain elements incorporated in a State, the population of which differs from them in race, language and religion, the possibility of living peacefully alongside that population and cooperating amicably with it, while at the same time preserving the characteristics which distinguish them from the majority, and satisfying the ensuing special needs.

In order to attain this object, two things were regarded as particularly necessary, and have formed the subject of provisions in these treaties.

⁶ Johannes Morsink, “Cultural Genocide, the Universal Declaration, and Minority Rights”, *Human Rights Quarterly*, vol. 21, No. 4 (November 1999), p. 1010.

The first is to ensure that nationals belonging to racial, religious or linguistic minorities shall be placed in every respect on a footing of perfect equality with the other nationals of the State.⁷

32. This advisory opinion was perhaps the first time that a concept of equality elaborated specifically for racial, religious or linguistic minorities appeared. More than a little ironically, the League of Nations minorities treaties, which sought true equality between individuals regardless of their race, religion or language, became demonized and scapegoated as inherently collective and lending themselves to instrumentalization, and hence to have little or no relevance for the new world order after World War II.

33. Nevertheless, at the time of drafting, some States insisted that the situation of minorities could not be completely omitted from the Universal Declaration of Human Rights – hence the inclusion in the resolution of the General Assembly on the International Bill of Human Rights of a commitment for a thorough study on minorities to be conducted by the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities so that the United Nations could take effective measures for the protection of minorities (resolution 217 C (III)).

34. Still, the ultimate result remains the omission of any reference to minorities in the earliest declarations and treaties, such as the Charter of the United Nations, the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide, until the adoption of the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization and the International Covenant on Civil and Political Rights in the 1960s.⁸

35. Minorities were not, however, completely invisible at the United Nations. The thorough study on minorities referred to in General Assembly resolution 217 C (III) was to be conducted by the Subcommission on Prevention of Discrimination and Protection of Minorities as the main subsidiary body of the former Commission on Human Rights. By 1999, however, the reference to minorities disappeared and this Subcommission was renamed the Subcommission on the Promotion and Protection of Human Rights. The main functions of this United Nations “think tank” nevertheless continue to be “to undertake studies on human rights issues, to make recommendations concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities, and to carry out any other functions which may be entrusted to it”.⁹

36. The United Nations earliest documents and structures thus hint at divisions, or even an unwillingness or unease about how and to what extent to deal with minorities, because of disagreements and divergences between Member States themselves, including:

(a) Between States with a purely individualistic view of human rights that were uncomfortable with any rights linked to any group and sought a complete break from the League of Nations minorities treaties approach, and States that felt it necessary to have specific measures which acknowledged the inherent inequality experienced by many minorities;

⁷ *Minority Schools in Albania*, Advisory Opinion, 1935 PCIJ Series A/B No. 64, paras. 48–50.

⁸ Article 27 of the International Covenant on Civil and Political Rights is not the only United Nations treaty provision that refers to minorities. Articles 17 (d) and 30 of the Convention on the Rights of the Child also refer to minority children having distinct rights, as does article 5, paragraph 1 (c), of the 1960 Convention against Discrimination in Education, which refers to national minorities.

⁹ See <https://www.ohchr.org/en/hr-bodies/sc/sub-commission>.

(b) States that saw the United Nations debates over the rights of minorities as part of the Cold War confrontation, with many Western democracies automatically concerned that the Soviet Union and its allies would try to cast themselves as champions of oppressed minorities and thus instrumentalize the minority rights debates. They therefore opposed any concession to vulnerable groups such as minorities as a response to what was considered the instrumentalization of minority issues by the Soviet Union and the risks of “balkanization” or fragmentation of States because of implicit encouragement of minority secessionist movements;

(c) States that ideologically were firmly convinced of the value of assimilation and that the unity and stability of a country also required the unity of one national language and culture, against those States which, on the contrary, held the firm ideological conviction, based on their own national experiences, that peace and stability were often best served when a State took into account and reflected the composition of its population (see [A/74/160](#), para. 30).

D. Evolution of universal human rights: groups allowed, but some are more equal than others

37. The assumption that there need not be any reference to specific groups permeated initially the universalistic and individualistic orientation of the Universal Declaration of Human Rights. It is helpful to understand not only the initial inability to reach an agreement on the inclusion of a minority provision in the Declaration, but also – at least initially – the absence of reference to any other group as somehow deserving of specific attention or mention. Indigenous peoples, people of African descent and persons with disabilities are, like minorities, not mentioned. Women are mentioned, but only in the context of “the equal rights of men and women”, not as having distinct or specific rights as women (though there is a reference to motherhood).

38. This was, however, soon to change significantly, with the recognition that, while all persons are equal and universally entitled to human rights, not everyone is equally denied their rights, and some groups are more vulnerable and marginalized than others and therefore entitled to greater international attention.

39. The struggle against apartheid, racism and racial discrimination in Southern Africa and elsewhere, as well as the decolonization process gathering steam from the late 1950s, contributed to the emergence of the United Nations “special procedures” as a tool for protecting human rights,¹⁰ as well as to the adoption of the first fundamental human rights treaty, the International Convention on the Elimination of All Forms of Racial Discrimination, in 1965. While formulated on an individualistic basis, the Convention acknowledged that “certain racial or ethnic groups or individuals” could require “special protection” in order to equally enjoy or exercise their human rights and fundamental freedoms, and that States parties had to “undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races”. In other words, while everyone had equal rights, some “races” were perhaps more vulnerable and needed specific efforts and attention to their human rights.

¹⁰ Marc Limon and Hilary Power, *History of the United Nations Special Procedures Mechanism: Origins, Evolution and Reform* (Universal Rights Group, 2014). Available at https://www.universal-rights.org/wp-content/uploads/2015/02/URG_HUNSP_28.01.2015_spread.pdf.

40. Subsequent treaties,¹¹ including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966 and the Convention on the Elimination of All Forms of Discrimination against Women of 1979, continue the process of acceptance that, while the holders of rights in international law are individuals, specific groups may need distinct and focused attention to ensure that the human rights obligations are clearly formulated and understood. In addition to their inclusion in the two general Covenants, children (with their own treaty in 1989), migrant workers and their families (1990) and persons with disabilities (2006) appear as groups worthy of such attention. Indigenous children or children of indigenous origin first appear in a United Nations treaty in the Convention on the Rights of the Child of 1989.

41. There is no treaty specifically on the human rights of minorities, as there are for groups such as women, children, refugees, migrants, persons with disabilities and others, despite the fact that minorities are often among the world's most vulnerable and marginalized groups.

42. There have been non-binding General Assembly declarations that have gone further, by focusing on the rights of vulnerable groups earlier, and in some cases clearly overcame the collective rights' taboo by acknowledging, for example, group rights for indigenous peoples. These include the Declaration of the Rights of the Child of 1959 and continued with, among others, the Declaration on the Granting of Independence to Colonial Countries and Peoples of 1960 (which recognized the collective right of self-determination of peoples, if not yet indigenous peoples), the Declaration on the Elimination of Discrimination against Women of 1967, the Declaration on the Rights of Disabled Persons of 1975 and, more recently and of relevance, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 1992, the United Nations Declaration on the Rights of Indigenous Peoples of 2007, the New York Declaration for Refugees and Migrants of 2016 and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas of 2018.

43. Institutionally, the United Nations embraced the need to focus on specific groups and their human rights by designating specific days, weeks, years and decades as occasions to mark events or topics in order to promote the objectives of the Organization, including human rights. Decades or years which have sought the promotion of the human rights of particularly vulnerable or marginalized groups have included the following topics: combating racism and racial discrimination (3 decades and 2 years); women (a decade and a year); disabled persons (a decade and a year); indigenous peoples (3 decades and a year); people of African descent (a decade and a year); refugees (a year); children (2 years); older persons (a year); the struggle against slavery and its abolition (a year). There are officially recognized days and weeks in the areas of women and girls, the elimination of racial discrimination, remembrance of the victims of slavery and the transatlantic slave trade, reflection on the 1994 genocide against the Tutsi in Rwanda, solidarity with the peoples of non-self-governing territories, child labour, albinism awareness, the world's indigenous peoples, victims of acts of violence based on religion or belief, remembrance of the slave trade and its abolition, people of African descent, older persons, the Palestinian people, persons with disabilities and migrants.

44. The human rights architecture and efforts of the United Nations are no longer limited to general individual rights. The trend has been to increasingly acknowledge that additional attention and elaboration are needed for groups facing heightened risks of human rights violations. Yet one group among those most at risk is strikingly absent, and hence invisible: minorities.

¹¹ A large number of the treaties of the International Labour Organization can be said to refer to human rights standards. Among the most relevant is the Indigenous and Tribal Peoples Convention, 1989 (No. 169).

E. Minorities at the United Nations: fluctuating interest and developments

45. While the human rights of minorities in 1947 and 1948 were very much the subject of intense negotiations and debate at the United Nations, even warranting the adoption of a specific resolution at the same time as the adoption of the Universal Declaration of Human Rights, the issues described above hint at a generalized reluctance to refer directly to minorities in any further instrument, with the exception of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

46. During the period from the end of World War II until the breakup of the Soviet Union, a multitude of factors combined to put the further development of the human rights of minorities on the back burner globally, as compared with most other groups, including factors such as disagreements over whether minorities should be subjects of rights, the extent of such rights and who could claim them (see [A/74/160](#), paras. 24–26); States having explicitly assimilationist views towards some minorities and therefore being unwilling to commit attention or further efforts; the concerns in the decolonization period over the often artificial borders inherited from former colonial powers and ensuing fears of fragmentation along ethnic, religious or linguistic lines in Africa and Asia; the Cold War struggle for influence between competing blocs; and even the United Nations' own statist nature as an international organization made up of and mainly representing the interests of States.

47. This, however, changed significantly and favourably during the late 1980s and the beginning of the 1990s, with concerns at the United Nations and some regional organizations following the end of the Cold War over rising majoritarian nationalism and an upsurge of conflicts involving minorities, as well as concerns over further fragmentation and destabilization in Europe and Central Asia, though not limited to that part of the world.

48. At the end of the Cold War, 35 of the 37 major armed conflicts, from Northern Ireland to Myanmar, were internal and could be attributed in one form or another to ethnic, religious or linguistic factors, usually reflecting clashes between minority and majority groups within territorial boundaries over real or perceived grievances. It was impossible for the international community to ignore the upsurge in conflicts, humanitarian crises and even genocides involving minorities occurring in places such as Bosnia and Herzegovina, Rwanda and other parts of the world around the time of the end of the Cold War.

49. The upheavals of the late 1980s and early 1990s in Europe and elsewhere thus provided a fertile context for acknowledging and addressing minority rights and their protection. It was arguably the horrors of violent conflicts and war that brought the need for protection of minorities sharply into focus. This is the context that led to the adoption of a plethora of instruments and measures in Europe, such as the European Charter for Regional or Minority Languages and the 1994 Framework Convention for the Protection of National Minorities, adopted by the Council of Europe in 1992 and 1994 respectively, and the adoption of accession criteria for the admission of a country to the European Union, which included "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities". The importance and prominence given by the 1992 Summit of the Conference on Security and Cooperation in Europe, held in Helsinki, to the rights of minorities and mechanisms to respond to their grievances, and therefore prevent conflicts, was striking. The Helsinki Summit culminated, among other things, in the creation of the mandate of the OSCE High Commissioner on National Minorities as an early warning and early action conflict prevention mechanism "in regard to tensions involving

national minority issues that have the potential to develop into a conflict within the CSCE area, affecting peace, stability or relations between participating States”.¹²

50. At the United Nations, the same factors reignited interest in minority rights matters, particularly in relation to conflict prevention, leading the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to invite in 1990 its Norwegian expert member, Asbjørn Eide, to undertake a study on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34). This study would eventually lead to the establishment of the Working Group on Minorities,¹³ over which he presided between 1995 and 2004, to examine ways and means to promote and protect the rights of persons belonging to minorities, as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Working Group would be replaced in 2007 by the United Nations Forum on Minority Issues, which was established by Human Rights Council in its resolution 6/15. It was also at the tail end of the era of international attention and focus on minorities and of the activities of the Working Group in 2005, that the mandate of the then Independent Expert on minority issues was established by the Commission on Human Rights in its resolution 2005/79 and that the OHCHR Minorities Fellowship Programme training programme for human rights and minority rights defenders belonging to national or ethnic, religious and linguistic minorities was launched.¹⁴

51. The 1990s and the early 2000s therefore represented something of a high point in the acknowledgment and integration of the rights of minorities at the United Nations and the recognition of the need to address the grievances of minorities, or their instrumentalization, which figured so prominently in many of the world’s conflicts. These achievements were significant and noteworthy at the time, but there were already signs that this issue lagged behind the other major human rights developments of the past twenty years for most vulnerable groups.

F. Diminishing visibility of and attention to minority issues and rights at the United Nations

52. With the fading of the ideological tensions of the Cold War and conflicts at the end of the twentieth century, and the many compromises hammered out in order to prevent violent conflicts involving minorities, international attention and interest moved away from minorities. At the same time, there was a drive to strengthen United Nations human rights protection mechanisms, propelled in no small part by the 1993 Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993, which sought to rally the international community to make greater efforts to respect, protect and promote human rights. The Vienna Declaration and Programme of Action also marked an increased focus on the rights of women, children and indigenous peoples and called for the elimination of gender-based

¹² See Conference on Security and Cooperation in Europe, Helsinki Summit Declaration, para. 23.

¹³ The Working Group has been assessed, however, as being “on the lowest level of the hierarchy of United Nations bodies”, see Kathryn Ramsay and Chris Chapman, “Two campaigns to strengthen United Nations mechanisms on minority rights”, *International Journal on Minority and Group Rights*, vol. 18, No. 2 (January 2011), p. 185.

¹⁴ See also Office of the United Nations High Commissioner for Human Rights (OHCHR), *Minority Rights: International Standards and Guidance for Implementation* (New York and Geneva, 2010), available at <https://www.ohchr.org/en/publications/special-issue-publications/minority-rights-international-standards-and-guidance>; see also the 2013 guidance note of the Secretary-General on racial discrimination and protection of minorities, available at <https://www.ohchr.org/documents/Issues/Minorities/GuidanceNoteRacialDiscriminationMinorities.pdf>.

violence and an end to the mistreatment of minorities and other impediments to human rights for all.

53. The impact of the efforts to respect, protect and promote human rights after the first two decades of the twenty-first century were noticeable, though much less so for minorities than for other vulnerable or marginalized groups. As noted earlier, a significant number of the latter (such as refugees, migrants, women, children and persons with disabilities) now have rights elaborated in and protected by legally binding treaties, whereas minorities do not. Most of the same vulnerable or marginalized groups have days, weeks or decades officially marked by the United Nations. Minorities, again, do not.

54. Minorities have also had faced challenges in being heard and seen at the United Nations compared with other groups, and have not been supported by the strong alliances of international and national non-governmental organizations (NGOs) and Governments which exist for children, women, indigenous peoples and people of African descent. The absence of a voluntary fund curtails the financial support available for representatives to attend United Nations meetings, which is available to other groups, and does not allow minorities to build up activists from local NGOs with experience of the United system who regularly attend and are a powerful lobbying group, as occurs for many other groups.¹⁵ It is thus not surprising that minorities have difficulties in being heard and seen. It is perhaps no accident that the longest pending application for recognition of official status of the Economic and Social Council Committee on Non-Governmental Organizations is the International Dalit Solidarity Network, which works on the rights of Dalit minorities. Its application has been deferred for 15 years since it first applied in 2007.

55. The particular vulnerability of other groups which had in the past been overlooked, such as lesbian, gay, bisexual, transgender and intersex persons, is increasingly acknowledged and addressed at the United Nations. This has included the launching in 2013 of the Free & Equal global public information campaign led by OHCHR aimed at promoting equal rights and fair treatment of lesbian, gay, bisexual, transgender and intersex persons through national campaigns and events with United Nations country teams around the world. In 2017, OHCHR published a document entitled “Standards of conduct for business: tackling discrimination against lesbian, gay, bisexual, transgender and intersex people”, as a set of global standards to support the business community in tackling discrimination.¹⁶ It also launched in 2019 a lesbian, gay, bisexual, transgender and intersex persons fellowship programme and an electronic course on the human rights of lesbian, gay, bisexual, transgender and intersex people for United Nations staff, State officials, civil society organizations, national human rights institutions and other stakeholders.

56. Some of the few positive developments for minorities within the United Nations in more recent years were the development of the OHCHR #Faith4Rights toolkit, which flags the disproportionate targeting of religious and other minorities in hate speech and stresses the importance of protecting their rights¹⁷ and the United Nations network on racial discrimination and protection of minorities,¹⁸ established in 2012 at the initiative of then Secretary-General Ban Ki-Moon to enhance dialogue and cooperation between relevant United Nations departments, agencies, programmes and funds, the publication in 2013 of the guidance note of the Secretary-General on racial

¹⁵ Ramsay and Chapman, “Two campaigns”, p. 186.

¹⁶ Available at <https://www.unfe.org/wp-content/uploads/2017/09/UN-Standards-of-Conduct.pdf>.

¹⁷ See <https://www.ohchr.org/en/faith-for-rights/faith4rights-toolkit>.

¹⁸ Coordinated by OHCHR, the network brings together over 20 departments, agencies, programmes and funds of the United Nations.

discrimination and protection of minorities,¹⁹ and the organization of regional minority forums beginning in 2019 as an initiative of the Special Rapporteur on minority issues, with the support of a few States Members of the United Nations and the Tom Lantos Institute.²⁰ The network has not yet resulted in any major institutional development in the protection of the human rights of minorities and was in fact moribund for a number of years until 2019.²¹ The regional minority forums are an initiative of the Special Rapporteur as an independent expert, and not yet an official United Nations or OHCHR activity.

57. Finally, the Secretary General's 2013 guidance note on racial discrimination and protection of minorities called for the mainstreaming of minority rights across all United Nations pillars and activities and recommended that the United Nations integrate anti-discrimination and minority rights into the work of the United Nations system at the global, regional and country levels, including through coordination mechanisms. This, however, did not occur.

58. Overall, the post-2005 period has not been kind to the concerns of minorities at the United Nations. Two main phenomena signal an apparent growing malaise or unwillingness to address minority issues and the human rights of minorities: first, the lack of further integration or mainstreaming of minority rights in the United Nations system, and second an increasing "disappearing act": references to minorities are often completely omitted or replaced by sanitized references to communities or people, or a regional or geographic designation. Such omissions are not insignificant, since, for example, communities have no human rights in international law, while minorities do. Furthermore, such omissions serve the interests of States that prefer to divert attention from their own minority issues by denying the existence or presence of minorities – and their human rights – and preventing international scrutiny.

59. The main conclusion that emanates from these observations is that what has been happening at the United Nations in terms of minority issues and the protection of the rights of minorities is regression rather than mere stagnation.

G. Minorities being left behind at the United Nations: failure to mainstream and integrate the rights of minorities

60. Most marginalized and vulnerable groups have been increasingly acknowledged through official United Nations days, years and even decades, as well as specific programmes of action and initiatives, including with funding and significant staffing commitments, and in most cases this has led to the drafting to legally binding treaties. This has not happened in the case of minorities.

61. Groups such as indigenous peoples, people of African descent, women and children have seen the creation and operationalization of permanent forums at the United Nations, with decades officially dedicated to these groups by the United

¹⁹ See https://www.ohchr.org/documents/Issues/Minorities/GuidanceNoteRacialDiscrimination_Minorities.pdf.

²⁰ See <https://www.ohchr.org/en/special-procedures/sr-minority-issues/regional-forums-minority-issues>.

²¹ The network has been reenergized in the past few years, adopting in 2020 a network workplan 2021 for the period 2021–2025 (available at https://www.ohchr.org/sites/default/files/Documents/Issues/Minorities/UN_Network_Racial_Discrimination_Protection_Minorities_Workplan2021.pdf); creating a checklist to strengthen United Nations work at the country level to combat racial discrimination and advance minority rights (available at <https://www.ohchr.org/Documents/Issues/Minorities/AnnotatedChecklist.pdf>); and holding a series of events to mark the thirtieth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (see <https://www.ohchr.org/sites/default/files/2022-02/Calendar-30th-Anniversary-1992-UN-Minorities-Declaration.pdf>), among other things.

Nations and voluntary funds created for their activities. Permanent forums for the first two groups, which share similar experiences in terms of economic, social, cultural and political marginalization, for example, meet for several weeks per year and include a governing body comprising elected representatives of indigenous peoples and people of African descent from all regions, as well as significant financial and institutional support from the United Nations and through voluntary funds. These groups have benefited from a United Nations decade to focus attention on their needs, as well as United Nations resolutions aimed at enhancing their participation in United Nations bodies. Voluntary funds are also in place for refugees, victims of torture, women, people with disabilities, etc. People with disabilities have similarly seen the creation of a specific treaty and implementation process, with a working group and so on. There has in other words been a plethora of United Nations structures, commissions, voluntary funds, programmes and initiatives too numerous to enumerate dealing with groups such as indigenous peoples,²² people of African descent,²³ children,²⁴ women²⁵ and refugees²⁶. Minorities have not benefited in any such significant developments. The extent to which minorities have been omitted or ignored – and in some times intentionally excluded – remains disturbing and hard to reconcile with the principles of equal respect of human rights for all. As stated in one of the submissions made to the Special Rapporteur, there is only one space at the United Nations specifically dedicated to dialogue on minority rights, and only for two days: the Forum on Minority Issues.

62. Despite the efforts of the members of the former Working Group on Minorities and a recommendation of the Sub-Commission on the Promotion and Protection of Human Rights in 2003,²⁷ two important initiatives recommended to the Commission on Human Rights – the creation of a voluntary fund on minority-related activities at the United Nations and the proclamation of an international year for the world’s minorities, to be followed by a decade²⁸ – would not be approved by the Commission. Almost 20 years later, these initiatives have still not moved forward, while voluntary funds have been established for numerous others (indigenous peoples, people of African descent, etc.), even when the initial proposals for these funds came much later, and despite recent efforts that could eventually lead to such a fund. However, there appears to be the belief that, institutionally, the United Nations may not be able to move forward because of the hostility of some key and powerful Member States and a consensus at the General Assembly – or at least among a majority of Member States.²⁹

63. In the field of conflict prevention, which was a major impulse in the 1990s and early 2000s to further develop initiatives for the recognition and protection of the rights of minorities, minority issues seem to have been largely “purged” from most of the United Nations efforts, as the Special Rapporteur highlights in his 2022 report on

²² See www.un.org/development/desa/indigenouspeoples/about-us.html.

²³ See www.ohchr.org/en/racism/international-decade-african-descent.

²⁴ See www.un.org/en/global-issues/children.

²⁵ See www.unwomen.org/en/about-us/about-un-women.

²⁶ See www.unhcr.org/.

²⁷ See Sub-Commission resolution 2003/23, para. 15. Available from www.refworld.org/pdfid/416409524.pdf.

²⁸ See E/CN.4/2004/2, chap. 13.

²⁹ See J. Packer and E. Friberg (Minority Rights Group International), “Genocide and Minorities: Preventing the Preventable” (London, 2004). “[Some States] believe that implementing the rights of persons belonging to minorities may fuel conflicts, and that the best way to maintain unity is to suppress minority identities, limit their participation and hope their voices will fade as they are absorbed or overwhelmed by the majority.” On the contrary, this more likely may lead to growing grievances and conflicts, according to the authors.

conflict prevention through the protection of the rights of minorities.³⁰ At the United Nations, the Standby Team of Senior Mediation Advisers does not include a professional staff member with comprehensive expertise on minority rights. While the Team has undoubtedly addressed questions of minority rights in its work, there remains no formally designated focal point in this field. Furthermore, there is no mention of the human rights of minorities in its 2022 factsheet or its open call for applications for 2023, despite most conflicts worldwide involving minority grievances or the instrumentalization of minority claims. Even the main document of the Department of Political and Peacebuilding Affairs providing an overview of the approach of the United Nations to conflict prevention and preventive diplomacy makes no reference to minorities.³¹

64. It seems that minorities have increasingly been left behind at the United Nations, contrary to the claims made in the Sustainable Development Goals to “leave no one behind” and the recommendations contained in the 2013 Guidance Note of the Secretary-General to mainstream and integrate minority rights in all United Nations pillars and into the work of the United Nations system at the global, regional and country levels. As the Special Rapporteur pointed out in his 2021 report to the General Assembly on minorities, equal participation, social and economic development and the 2030 Agenda for Sustainable Development,³² minorities were not only left out, they were intentionally removed.

65. While the vulnerability and marginalization faced by minorities was often mentioned in initial discussions and a specific goal (10.5) had been suggested during the discussions of the Open Working Group on Sustainable Development Goals to “empower and promote the social and economic inclusion of the poor, the marginalized and people in vulnerable situations, including indigenous peoples, women, minorities, migrants, persons with disabilities, older persons, children and youth”, minorities were ultimately to disappear completely in the Goals. As the Special Rapporteur stated in his 2021 report:

At this point, the “leaving no one behind” commitment would be turned on its head, with the exact opposite occurring: minorities were to be excluded. While paragraph 23 of the 2030 Agenda specifies vulnerable people who should be empowered by the Agenda, minorities were intentionally removed from the earlier versions of the enumeration of “those left behind” without any explanation, while all the others remained. Thus, started what could arguably be perceived as the discriminatory exclusion of minorities in the strategies for the Sustainable Development Goals.

66. The above points to an intentional removal, rather than mere omission, of minorities in the identification of vulnerable groups at the United Nations. It is also not anecdotal, since the same “removal” has increasingly been occurring in other developments at the United Nations.

67. To name but a few, the Open-ended Inter-governmental Working Group on Transnational Corporations and other Business Enterprises with Respect to Human Rights has, despite pleas to the contrary, again left out minorities in its draft treaty on business and human rights, preferring instead to refer in a number of provisions to “women, children, persons with disabilities, indigenous peoples, migrants, refugees,

³⁰ See A/HRC/49/46, para. 73.

³¹ See Department of Political Affairs, “United Nations Conflict Prevention and Preventive Diplomacy in Action: An overview of the role, approach and tools of the United Nations and its partners in preventing violent conflict”, available at https://dppa.un.org/sites/default/files/booklet_200618_fin_scrn.pdf.

³² A/76/162.

internally displaced persons and protected populations under occupation or conflict areas”, and similar listings.³³

68. In the same field, the recently adopted road map for the next decade on the Guiding Principles on Business and Human Rights³⁴ mentions on numerous occasions those who may be at heightened risk of vulnerability, such as women; lesbian, gay, bisexual, transgender and intersex persons; children; persons with disabilities; indigenous peoples; peoples of African descent; migrants; and refugee workers. Minorities are never mentioned. Nor again is this an omission: minorities were referred to in earlier drafts and removed, while tellingly new vulnerable groups were included in later drafts.

69. Information collected by the Special Rapporteur points to other areas within the United Nations of insensitivity, misconceptions and even perceived opposition from United Nations staff as to the rights of minorities. While holding regional forums under his mandate in different parts of the world, the Special Rapporteur was informed by local civil society organizations and persons belonging to minorities of numerous instances of staff in United Nations country missions and field operations dismissing minority concerns or denying even the existence of minorities. These included refusals to collaborate on minority issues because a particular group was either not considered by United Nations staff as a minority or because minority claims involving minorities were considered too politically sensitive or complex to be addressed officially. Among examples, it was suggested to the Special Rapporteur that Tigrayans in Ethiopia and Shia Muslims in Yemen could not be considered as minorities. Other occurrences have involved the Afrikaans in South Africa, Bedouins and Arabs in Israel and Amazigh in Tunisia.

IV. Conclusion and recommendations

70. There has been a near complete failure to mainstream and integrate the rights of minorities at the United Nations, despite the call to do so by the Secretary-General in his 2013 Guidance Note, while there has been significant progress for the mainstreaming of racial anti-discrimination.

71. The Special Rapporteur strongly urges the Human Rights Council to initiate a study on how to strengthen the protection of minority rights, including through a new United Nations treaty, and how to operationalize the Secretary-General’s call in 2013 to mainstream and integrate minority rights across all pillars and activities of the United Nations, and also urges the United Nations system to reactivate and implement the integration of minority rights into its work at the global, regional and country levels. Many submissions to the Special Rapporteur and even recommendations made at the regional forums and the Forum on Minority Issues have included calls for the United Nations to launch a process such a treaty as a legitimate area of international cooperation in a climate where there has been a regression in the international protection of minority rights.

72. The Special Rapporteur recommends that United Nations agencies and entities, especially OHCHR and the United Nations Development Programme (UNDP), also prepare strategic plans to mainstream and integrate minority rights into their work. United Nations agencies should prioritize the inclusion of

³³ See article 6 (4) (c), available at www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session6/LBI3rdDRAFT.pdf.

³⁴ Available at www.ohchr.org/sites/default/files/2021-12/ungps10plusroadmap.pdf.

minorities in their staff, particularly in countries and regions where minorities and minority issues are prominent.

73. The Special Rapporteur calls for the preparation and adoption at the General Assembly of an international year or decade.

74. The Special Rapporteur is of the view that documents and activities surrounding the Sustainable Development Goals should be continuously reviewed and updated to ensure that the world's most marginalized and vulnerable are not omitted. This means, for example, that the United Nations provide guidance on the preparation of voluntary national reviews in order for these to contain a dedicated section on the progress made in efforts towards "leaving no one behind" aimed at minorities.

75. The Special Rapporteur also reiterates the recommendations he made in his report to the Human Rights Council on minorities and conflicts.³⁵ This should include, in addition to mainstreaming and integrating minority rights, the conducting of appropriate minority rights training that covers ways in which the exercise of these rights may be a valuable conflict prevention and resolution tool,³⁶ with the aim of securing permanent in-house expertise on minority issues within United Nations agencies and departments working on conflict prevention and resolution, for example, within the Department of Political and Peacebuilding Affairs and UNDP.³⁷ He also suggests that the United Nations could look to the practices of other organizations, such as the OSCE High Commissioner on National Minorities, which acts as an "early warning" and if necessary "early action" mechanism, undertaking preventive, "quiet" diplomacy and proposing solutions informed by a broad understanding of approaches across various situations. In the light of the close link between domestic conflicts and "securing greater political autonomy [often] for an ethnic minority group", measures such as internal self-determination, recognized for indigenous peoples and other forms of political autonomy and subnational governance should be part of the conflict prevention toolbox that "can help to protect the rights and interests of both minority and majority groups... thereby reducing the risk of violent conflict".³⁸

76. In the light of the vital roles that civil society organizations and minority representatives play in the protection and promotion of the human rights of minorities, the Special Rapporteur recommends that OHCHR reinstate the process for submitting and adopting a resolution for the creation of a United Nations voluntary fund to financially support minority-related activities, including the participation of minority civil society organizations in the United Nations, as exists for most other groups, such as children, women, indigenous peoples, people of African descent and others.

77. The Special Rapporteur urges the General Assembly to adopt a resolution on enhancing the participation of minorities' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, on the basis of the precedent resolution for indigenous peoples; and likewise, to include consultations with minority groups and a report by the Secretary-General, and a United Nations world conference on the rights of persons belonging to minorities.

³⁵ [A/HRC/49/46](#).

³⁶ *Ibid.*, para. 73.

³⁷ *Ibid.*, para. 95.

³⁸ Submission by Liechtenstein to the Special Rapporteur for his thematic report on "The place of the human rights of minorities in the institutions, structures and initiatives of the United Nations".

78. The Special Rapporteur also agrees with and proposes a recommendation on the creation of a permanent forum for minorities to further improve the capacity of the United Nations to effectively address problems facing minorities, in line with the precedents of other permanent forums. Such a new forum should be composed of representatives of minority groups, taking into account diversity, regional balance and gender parity, to serve in their personal capacity as experts. The permanent forum should convene on a rotating basis at United Nations Headquarters in New York and at the United Nations Office at Geneva, to coordinate with human rights and security mechanisms of the United Nations.

79. Until such time as a permanent forum for minorities is established, the Special Rapporteur is of the view that the presence, voice and visibility of minorities cannot be restricted to two days a year at the United Nations in Geneva. He recommends that regional-level forum meetings be held on a rotating basis, in addition and complementary to the annual Forum on Minority Issues, and be formalized institutionally, including by setting aside resources for the holding of such regional forums in person.
