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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Minority issues

Report of the Special Rapporteur on minority issues

Summary

In his report, prepared pursuant to Human Rights Council resolutions 25/5 and 34/6, the Special Rapporteur on minority issues provides an overview of his activities since his previous report (A/HRC/37/66). The report also contains a summary of his visit to Botswana and an update on his first thematic report on statelessness as a minority issue and the level of awareness-raising and visibility of minorities and their human rights.



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I. Introduction

1. The mandate of the Special Rapporteur on minority issues was established by the Commission on Human Rights in its resolution 2005/79 of 21 April 2005. It was subsequently extended by the Human Rights Council in successive resolutions, the most recent being resolution 34/6, which extended the mandate under the same terms as provided for in resolution 25/5.
2. The Special Rapporteur, Fernand de Varennes, was appointed by the Council on 26 June 2017 and assumed his functions on 1 August 2017. His term in office may be renewed for two three-year periods.
3. The Special Rapporteur is honoured to be entrusted with the mandate and thanks the Council for its trust in him. He also wishes to thank the Office of the United Nations High Commissioner for Human Rights (OHCHR) for its support in the implementation of the mandate.
4. The present report is the second submitted by the Special Rapporteur to the Human Rights Council. In section II of the report, the Special Rapporteur provides an overview of his activities in 2018, including an update on the Forum on Minority Issues. In section III, he provides an update on the topic of statelessness as a minority issue, which was covered in his first thematic report. In section IV, he highlights the significance of raising awareness and the visibility of minority issues. In section V, he refers to the development of a new tool to increase accessibility to and visibility of the recommendations and other documentation emanating from the Forum on Minority Issues. The final section of the report contains conclusions and insights on the Special Rapporteur's mandate.

II. Activities of the Special Rapporteur

5. The Special Rapporteur wishes to draw the attention of the Council to the information published on the mandate's website, which provides general information on the activities associated with the mandate, including communications, press statements, public appearances, country visits and thematic reports.¹
6. The first full year of the Special Rapporteur's mandate has been focused on increasing the visibility and raising awareness of minority issues, both within United Nations institutions and more generally with members of the greater public and other regional and international organizations, and of exploring new approaches in order to improve the accessibility of the mandate's activities such as the Forum on Minority Issues.
7. The human rights of minorities are not always sufficiently acknowledged or prominent in many areas, including statelessness. This can be seen when, within the United Nations, groups such as the Rohingya – a religious, ethnic and linguistic minority in Myanmar – are at times described in its documents as a people, a group, or a community, but not necessarily as a minority. Uncertainty as to what constitutes a minority for the purposes of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and to the significance in practical terms of such a status, may partially explain these situations. For these reasons, many of the Special Rapporteur's activities have sought to redress, by actively and consistently highlighting the prominence of minorities as particularly affected by statelessness, hate speech and other areas of human rights concerns.
8. For these reasons, the Special Rapporteur has focused on the need for greater clarity as to who are minorities and what are their human rights, as recognized in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and other United Nations instruments, including, in particular, article 27 of the International Covenant on Civil and Political Rights and article 30 of the Convention on the

¹ See www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/SRminorityissuesIndex.aspx.

Rights of the Child. He referred to the need for steps to address this lack of clarity in his first speech to the General Assembly in October 2017.

A. Country visits

9. In pursuance of his mandate to promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and to identify best practices in every region, the Special Rapporteur looks forward to continuing a dialogue with Cameroon, India, Jordan, Kenya, Nepal, South Africa, South Sudan, the Syrian Arab Republic, Timor-Leste and Vanuatu, to whom he has made requests to visit.

10. The Special Rapporteur wishes to thank the States that accepted visits by previous mandate holders for their good offices and cooperation, and encourages other States, including those to which requests for visits have been made, to engage positively with the mandate. Country visits have helped in addressing fundamental issues pertaining to minorities and in creating effective communication channels to bring together the means to improve technical cooperation and respond to the need to capitalize on existing and evolving positive practices. In addition to country visits, the Special Rapporteur will ensure continuous and consistent exchanges with Member States on all matters relevant to the mandate.

11. In all of his missions, the Special Rapporteur focuses on the importance of addressing discrimination, exclusion and other violations of human rights involving particularly vulnerable minorities, such as Roma, of doubly or triply marginalized minority women, and issues pertaining to deaf and hearing-impaired persons who, as users of sign language, are members of linguistic minorities. During his country visits, the Special Rapporteur emphasizes the need to have consultations with members of those marginalized groups and communities.

12. The Special Rapporteur undertook an official mission to Slovenia from 5 to 13 April 2018 (A/HRC/40/64/Add.1). He also conducted a mission to Botswana from 12 to 24 August 2018 (A/HRC/40/64/Add.2).

13. Despite being sometimes viewed as largely mono-ethnic, Botswana is diverse in ethnic and linguistic terms, though perhaps less so in relation to the religious make-up and compared with some of its neighbours. Ethnolinguistic communities, for example, can be divided into five broad groups: Tswana, Basarwa, Bakgalagadi, Wayeyi and Hambukushu. Officially, some 28 languages are acknowledged in the country, while the Tswana are comprised of eight subgroups or tribes – Bakgatla, Bakwena, Balete, Bangwaketse, Bangwato, Barolong, Batawana and Batlokwa – which use mutually intelligible language varieties collectively known as Setswana. Together they may constitute a demographic majority, though this is sometimes contested. Some stress the perceived unreliability of the disaggregated data in the last population census in 2011, which asked for language spoken by all family members at home, rather than an individual's mother tongue, in the determination of ethnicity or language identification. The figures in this last census indicated 77.3 per cent of the population spoke Setswana at home, 7.4 per cent used Kalanga, 3.4 per cent Kgalagadi, 2 per cent Shona, 1.7 per cent Tshwa, 1.6 per cent Mbukushu and 1 per cent Ndebele. Members of the deaf community who use sign language are present in Botswana and are considered to be members of a linguistic minority for the purposes of the mandate of the Special Rapporteur. There is, however, an absence of recent disaggregated data on the situation of minorities and on matters such as ethnicity, religion or language.

14. The Basarwa, also known as the San, appear to be among the countries most marginalized minorities. They include several groups and are, conservatively, estimated to number some 60,000 people, and are usually considered to be the indigenous peoples of Southern Africa. Botswana voted in favour of adopting the United Nations Declaration on the Rights of Indigenous Peoples.

15. Among the positive developments noted in his report are the efforts to address the disadvantages faced by remote-area populations and marginalized groups who are often persons who belong to minorities, such as the Basarwa, including a five-year informal plan of affirmative action with regard to the recruitment of persons belonging to minorities in the army, police and prison systems, and the Remote Area Development Programme. Revisions to this programme have come to accept a community-led development approach that aims to promote participatory processes and community participation in issues affecting their own development, and the need for affirmative measures for the benefit of communities, including, inter alia, minority communities that have faced intractable disadvantages, either for logistical reasons, or because of long-standing historical prejudice and subjugation by the dominant groups. These measures cover matters such as improved access to education, health, employment and economic development opportunities. Minorities in these remote areas tend to benefit from the programme.

16. Additionally, religious minorities do not seem to face any major obstacles or discrimination in terms of accessing education, and it is noteworthy that reports of hate speech or incitement targeting them or other minorities appear to be practically non-existent.

17. The Government's policy plan entitled "Vision 2036: Achieving Prosperity for All" was also commendable as it contained a statement that all ethnic groups would have equal recognition and representation at the Ntlo ya Dikgosi ("House of Chiefs"). In a section dealing with what is described as the fourth pillar, involving the constitution and human rights, the Vision aims for Botswana being among the top countries protecting human rights. In another section, it refers to the recognition of the cultural heritage and identity that Botswana must maintain and promote in order to achieve an inclusive and equal opportunity nation, as well as to enable all its communities to freely live, practice and celebrate their diverse cultures, including their languages. The Special Rapporteur noted that, in 2012, during the second cycle of the universal periodic review, the Government indicated that it appreciated the importance of mother tongue education and that it would explore strategies for this purpose, including by introducing teacher aides at the primary school level. It has also been brought to the attention of the Special Rapporteur that the Government has committed to ratifying soon the Convention on the Rights of Persons with Disabilities.

18. There are nevertheless areas of concern that have been expressed by a number of minorities and civil society organizations. One of the prominent issues still to be addressed is the absence of a more comprehensive human rights framework, such as a bill of rights, and a review of the Constitution, so that the country becomes more aligned with the obligations enshrined in the core international human rights treaties. The Special Rapporteur pointed out that vulnerable or marginalized individuals and communities, including particularly minorities, are those most likely to be affected by the absence of a more comprehensive approach to the recognition and protection of human rights. The Special Rapporteur urged for the future human rights mandate of the Office of the Ombudsman to comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and that it continue its positive engagement and efforts in this regard, including through technical assistance by the United Nations and consultations with national human rights institutions from other countries.

19. More generally, concerns expressed included the refusal to use minority languages in education or public media, access to essential and other public services in areas inhabited by minorities, the representation of minorities in political and other State institutions and in the symbolic and other structures of the State deemed to be more reflective of the Tswana majority, and indeed to discriminate against non-Tswana minorities.

20. The Special Rapporteur also highlighted in his report the refusal to allow the licensing of community radios that could broadcast in minority languages and the prohibition of the teaching of a minority language in a private school, as well as the more generalized reluctance to teach in languages other than English and Setswana, which could

be deemed discriminatory and inconsistent with the approaches identified as good practices in a publication of the former Special Rapporteur, “Language rights of linguistic minorities: a practical guide for implementation”.² While Botswana has made great strides to increase access to education and the quality of its education system, minorities living in remote areas still face significant difficulties in accessing education. The system of hostel accommodation put in place to bring children from these communities to live far from their families in areas closer to schools was signalled out as having in many cases negative, even tragic, consequences on the lives of many of these children. He was described in vivid terms children being thrown into an alien world, feeling abandoned by their own mothers and fathers, with many becoming despondent and running away, or doing very poorly at school. He was also told the stories of some who eventually benefited and were able to pursue secondary, and even tertiary, studies. Nevertheless, he was advised that overall minorities appeared to be disproportionately represented among those who were sent to hostels in different regions of the country.

21. The Special Rapporteur concluded that the practice amounts to institutionalization of remote-area minority children, and particularly the Basarwa, and that it should be reviewed and alternative approaches studied so as to minimize the separation of young children away from their parents, in the light of the devastating effects this can have. His report contains other recommendations.

22. The Special Rapporteur invited Botswanan educational authorities to review their policies of excluding the teaching of and in minority languages in both public and private schools, so as to be better aligned with the goal of achieving an inclusive and equal opportunity nation, as well as to enable all its communities to freely live, practice and celebrate their diverse cultures, including their languages, and with its stated agreement in 2012, during the universal periodic review, of the importance of mother tongue education.

23. Grave concerns were raised as to the continued prominence, and even pre-eminence, of Tswana chiefs over non-Tswana minorities, in the central and unique constitutional and political feature of its chieftaincy system (*kgotla*), and the position and authority of the House of Chiefs. The intricacies of this defining characteristic of Botswana are outlined in the report.

24. Broadly speaking, the House of Chiefs is a three-tier system with, at its top, the chiefs (*kgosi*) of the eight areas belonging to the Tswana tribes and the four former Crown lands, five persons appointed by the President, and a maximum of 20 other chiefs selected by regional electoral colleges for five-year terms. The recognized chiefs of the eight Tswana tribes rule over other tribes whose chiefs are not recognized, and they recommend to the Government the appointment of subchiefs, senior chiefs’ representatives and headmen.

25. Some changes, such as the Bogosi Act, adopted following litigation brought by members of the Wayeyi community and the resulting 2001 High Court judgment, which found section 2 of the Chieftainship Act to be discriminatory and unconstitutional, have led to improvements, such as the formal recognition of the Wayeyi as a tribe in 2016 and of their Chief in 2017. However, the High Court had ordered recognition of the equal protection and treatment of all tribes under the Act. Under the current three-tiered arrangement, the chiefs of the eight Tswana tribes retain a permanent and automatic quota. Many others tribes are either unrecognized, unrepresented or need to have their chiefs elected periodically – if they can – as members of the House of Chiefs. A number of minority representatives have stated that they feel excluded, disadvantaged politically and that they are not able to enjoy the same advantages and benefits as tribes who are automatically represented, including in terms of recognition and respect for their identity. This system continues to create tensions in Botswanan society, in particular the more prominent role, rights and privileges of the chiefs of the eight Tswana tribes, which could still be considered discriminatory, as were previously parts of the Chieftainship Act in 1999. Many tribes remain completely unrecognized under the current legislation, and even those who have been recognized since the adoption of the Bogosi Act are not automatically

² See www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/LanguageRights.aspx.

treated the same as the paramount chiefs of the eight Tswana tribes. Some receive no salary (the chiefs of the eight Tswana tribes do) and in practice may not be able to impose their authority on neighbouring subchiefs, thus meaning in concrete terms that the recognition is in some cases more theoretical than real.

26. Other laws still only recognize Tswana tribes and tribal structures and not those of minority tribes. For example, the Tribal Land Act of 1968, which deals with tribal land rights in Botswana, names tribal territories after the major Tswana tribes only and designates their chiefs as the custodians of these territories.

27. There are tensions surrounding the claimed predominance of the eight Tswana tribes in nominations in the current *kgotla* and chieftaincy system, which serve as the custodians of the culture of the people but also importantly address some 80 per cent of criminal and other matters in their communities. While the *kgotla* system provides for direct public participation and consultation at the local level, it seems that the adjudication system based on the *kgosi* may also result, at least in some cases, to the dominant tribe imposing its customary law on minority tribes in a tribal territory in civil matters.

28. There are also gender issues that arise from the *kgotla* and chieftaincy system, since women in minority communities – as well as the Tswana – do not seem to occupy many positions as *kgosi*. The principle of non-discrimination suggests that the future review of the whole *kgotla* and chieftaincy system necessarily consider how best to ensure the rights of political participation of women, including minority women, in a non-discriminatory way.

29. Overall, the Special Rapporteur is of the view that the current *kgotla* and chieftaincy system is neither consistent with the human rights obligations of Botswana nor conducive to long-term peace and stability in the country.

30. Land laws, still largely reflecting the colonial land tenure system set up by the British that specifically recognized Tswana interests in land over minority tribes in the country, are another continuing source of friction. Members of minority communities often perceive that they are being discriminated against because they do not receive the same recognition as the Tswana, particularly in the absence of a clear mechanism for demarking and recognizing traditional or historical land use or addressing long-standing grievances. Such an absence at least gives the impression that the system is not ethnically neutral nor susceptible to favouritism, particularly since it is claimed that Tswana customary law tends to dominate in these matters.

31. The Special Rapporteur expressed concern that the situation of the Basarwa and Bakgalagadi living in the Central Kalahari Game Reserve or those resettled in Kaudwane and New Xade, because of a continuing restrictive – and inaccurate – interpretation of the 2006 High Court judgment in *Roy Sesana and Others v. Attorney General*, are still subject to a limited right of return to the reserve, with access to water and State services also still unresolved, as are traditional hunting, grazing and foraging issues.

32. Tensions over the use of land by minority communities and wildlife management are also a particular feature of Botswana. The Special Rapporteur learned of minority communities in Kasane, as well as communities enclaved by the Chobe National Park and forest reserves, who feel poorly served in terms of the implementation of policies and programmes that should normally ensure equal access to State services, such as education and health, so that no one is left behind. Minority communities, such as the Basubiya, have limited access to the lease of very small plots of land, since their traditional lands are considered State land. While damage done by wildlife to their crops, homes, property and even to themselves means in theory that they are entitled to some compensation, the amounts involved are often either quite insignificant or at times never paid when the budget for compensation has been exhausted. There is also the challenge of inhabitants in some communities being locked in after 6.30 or 7.30 p.m. every evening, the road leading from their communities to Kasane, outside the national park where most government and other services are located, being closed except for emergency medical evacuation. The above issues raise the often expressed feeling that non-Tswana minorities who live in these communities are not fairly treated by the State authorities.

33. The Special Rapporteur was also told that difficulties in access to water and other basic services disproportionately affect settlements in which certain nomadic and minority communities live, including, in particular, the San and other Basarwa communities. He was informed that even in a major town such as Maun, with a concentration of Wayeyi and other minorities, the provision of water in the municipality was not always guaranteed.

34. Generally speaking, the use of languages other than English or Setswana is not provided for in the information or communication activities of the country. Even HIV/AIDS awareness-raising campaigns use only Tswana and English, although the Special Rapporteur was advised that the Government tries to liaise with local organizations for the effective dissemination of information. In terms of broadcasting on public television, the only exception would seem to be the 30 minutes of interpretation offered in sign language out of the 24-hour programme.

35. Although private printed media exist in Botswana, these only appear, and apparently are only allowed, in English and Setswana. Any prohibition of the use of other languages in private media, and this includes minority languages, would be contrary to fundamental human rights, such as freedom of expression. It was brought to the attention of the Special Rapporteur that, although private radio stations do exist, they are all based in Gaborone, and apparently no private radio station is allowed to broadcast any programme in any of the country's minority languages. Broadcasting licences for locally based community radio stations have until now always been rejected, and in some cases this may have been partially motivated by the proposed use of minority languages in some of the programming.

36. While there is, since 1994, a recognition of sorts of sign language in Botswana with its introduction in the country's revised education policy and a growing use of the language in schools, training programmes and as interpretation in the court system, many challenges remain. It was brought to the attention of the Special Rapporteur that there is a lack of qualified and professional interpreters, particularly in the health-care sector, and of outreach and health education programmes in sign language, which negatively affects the effective dissemination of information with regard to health prevention, and that even in schools for members of the deaf minority community most of the teachers are not trained in sign language or in teaching methods adapted to the educational needs of deaf persons.

B. Communications

37. The Special Rapporteur sent letters of allegation and urgent action letters to the Member States concerned, based on information he had received from diverse sources about human rights violations perpetrated against national, ethnic, religious and linguistic minorities. Those communications and the responses thereto are publicly available.³

38. A total of 51 communications have been sent to Governments since January 2018. All of those were sent jointly with other special procedure mandate holders. Of those, 11 were urgent appeals, 27 were letters of allegation, and 13 were other letters expressing concerns about legislation or policy.

39. The largest number of communications (21) were sent to States in the Asia-Pacific region, followed by Europe and Central Asia (19), the Middle East and North Africa and Africa (4 each). One communication was sent to a State in the Americas region, while two are not associated with a specific region.

C. Conferences and awareness-raising activities

40. Raising awareness and the visibility of the human rights of minorities has been repeatedly highlighted as an important dimension of the Special Rapporteur's mandate since his election in June 2017. This has, among others, taken the form of frequently speaking and contributing to numerous conferences seminars, and meetings, internationally,

³ www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx.

regionally and nationally, throughout the world and with a variety of governmental and non-governmental organizations (NGOs). In particular, he has, whenever the opportunity has presented itself, referred to the minority issues that have been identified as the thematic priorities of his mandate, such as statelessness, education and the languages of minorities, hate speech and social media, and the prevention of ethnic conflicts. Cross-cutting issues have also been frequently highlighted, including the double or even triple marginalization of minority women, and particularly vulnerable groups, such as Roma and the Dalit. The Special Rapporteur has, on many occasions, additionally emphasized in his activities that sign language users are members of a linguistic minority. He has also given frequent media interviews on issues involving the human rights of minorities.

41. On 29 January, the Special Rapporteur participated in an expert seminar organized at the Institute of Education of the Higher School of Economics in Moscow, during which he spoke about minority rights and linguistic rights in education. The next day he was a key speaker at the annual meeting of the Russian International Law Association on global challenges and effectiveness of international law, held at Moscow State University, during which the Association addressed the issue of the “Protection of Minorities in International Law: Its Importance in Today’s Global Instabilities and Uncertainties”. On the same day, he also held a seminar on “25 Years of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: Directions and Relevance for Education” at the Institute of Education, Higher School of Economics.

42. On 14 February, he was a guest lecturer at the Linguistics Department of the Faculty of Arts and Social Sciences at the Université de Moncton in Canada, where he made a presentation on the possible contributions of international human rights law in relation to indigenous languages.

43. On 13 March, he spoke on the rights of linguistic and other minorities and the global human rights system at a parallel event on the situation of human rights in the Islamic Republic of Iran, at the Palais des Nations in Geneva.

44. On 26 March, he was keynote speaker at the launch of the Peter McMullin Centre on Statelessness at Melbourne Law School in Australia, where he directly addressed the thematic issue of “Statelessness and its Causes: Discrimination, Minorities and the Asia-Pacific Region”.

45. On 26 April, in Barcelona, Spain, he was keynote speaker at the end of the 36th human rights course on human rights in the face of extremism and discrimination, organized by the Catalan Institute of Human Rights, where his presentation dealt with extremism, discrimination and the need for a new commitment towards human rights.

46. On 30 April and 1 May 2018, he convened and presided over a regional expert workshop in Bangkok on statelessness and minority rights.

47. On 9 May, he was among speakers invited to the First International Muslim Minorities Congress held in Abu Dhabi, during which he again explored one of the thematic priorities of his mandate in a presentation on “Hate Speech, Intolerance and Religious Minorities: Global Challenges and Responses”.

48. On 10 May, he was a guest at the meeting on “Arab Human Capital in Israel: Organizing and Activation”, organized by the High Follow-up Committee for Arab Citizens of Israel and held in Taibe, Israel, during which he spoke on “The Value of Protecting the Human Rights of Minorities: Education and Language”, another of the thematic priorities of his mandate.

49. On 24 May, he participated in the third meeting of the Global Action Against Mass Atrocity Crimes held in Kampala, during which he also made a presentation on atrocity prevention and minority policies.

50. On 31 May, he was one of the keynote speakers at the conference entitled “Language Policy and Conflict Prevention: Revisiting the Oslo Recommendations regarding the Linguistic Rights of National Minorities”, held in Oslo and co-organized by the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE) and the Norwegian Resource Bank for Democracy and

Human Rights, during which he made a presentation on the international dimension of conflict prevention and the linguistic (human) rights of minorities.

51. On 17 June, he participated in a workshop, held in Oslo, focusing on minority rights in the Middle East and North Africa. The next day, he spoke on inclusive citizenship, human rights and identity politics, at the International Conference on Human Rights and Inclusive Citizenship – Conditions for Co-existence in Conflict-ridden Societies, organized by the Norwegian Centre for Holocaust and Minorities Studies at the University of Oslo.

52. On 20 June, he made a presentation on the theme of new opportunities in European minority protection and the mandate of the Special Rapporteur on minority issues, at the sixty-third Congress of the Federal Union of European Nationalities, in Leeuwarden in the Netherlands.

53. On 25 June, he addressed, as a panellist, the World Conference on Religions, Creeds and Value Systems: Joining Forces to Enhance Equal Citizenship Rights, held in Geneva, organized by the Geneva Centre for Human Rights Advancement and Global Dialogue, the International Catholic Migration Commission, the World Council of Churches, the World Council of Religious Leaders, Bridges to Common Ground and the European Centre for Peace and Development.

54. On 26 June, he participated as an expert in the round table on citizenship stripping as a security measure, held in The Hague, the Netherlands, and organized by the Institute on Statelessness and Inclusion, in collaboration with the Open Society Justice Initiative, the Asser Institute and Ashurst.

55. On 3 July, he gave a keynote speech on United Nations standards regarding the protection of the human rights of minorities for stable and inclusive societies at the First Nations Governance Forum, coordinated by the Australian National University in Canberra. The next day, he made a presentation on the nature and extent of minority rights in international law and his mandate, at the same venue.

56. On 11 July, he spoke on “Human Rights at a Crossroads: Where We Stand in 2018”, for the United Nations Information Service’s fifty-sixth Graduate Study Programme on the seventieth anniversary of the Universal Declaration of Human Rights, in Geneva.

57. On 12 July, he gave a lecture on his mandate, activities and the challenges he faced for the Summer Human Rights Programme of the School of Law at Murdoch University in Australia, which was held in Geneva.

58. On 16 July he gave a presentation on his mandate to the sixth Global Minority Rights Summer School, “The Law and Politics of Minority Rights: Are Norms and Institutions Failing Us?”, held in Budapest.

59. On 14 September, he was a keynote speaker on the topic of “Tolerance and Non-Discrimination: Minorities and the Prevention of Aggressive Nationalism, Racism and Chauvinism”, at the 2018 Human Dimension Implementation Meeting held by the OSCE Office for Democratic Institutions and Human Rights in Warsaw.

60. On 19 September, he made a presentation at the World Conference on Xenophobia, Racism, and Populist Nationalism in the Context of Global Migration, held in the Vatican and organized by the Dicastery for Promoting Integral Human Development, the World Council of Churches and the Pontifical Council for Promoting Christian Unity.

61. On 26 September, he spoke on the issue of “Identity and Belonging: the Role of Human Rights for Minorities”, during the 2018 session of the European Union Fundamental Rights Forum, “National Minorities and the State: from Exclusive Identities to Multilayered Forms of Identities”, organized by the European Union Agency for Fundamental Rights and the Council of Europe in Vienna.

62. On 1 October, he gave a public lecture on special procedures and his mandate, in particular, at the Irish Centre for Human Rights in Galway. The same day he gave a seminar for staff and students on the topic of the linguistic – and other – rights of minorities and the global human rights system.

63. On 4 October, he addressed the European Parliament's Intergroup for Traditional Minorities, National Communities and Languages on the issue of minority rights, in Strasbourg, France.
64. On 5 and 6 October, he participated in a preparatory meeting coordinated by the Tom Lantos Institute with a number of European minority NGOs to discuss the possibility of organizing a forum on the education and the linguistic rights of minorities in Europe in Brussels.
65. On 8 October, he gave a presentation on his mandate and priorities to the members of the Advisory Committee of the Council of Europe's Framework Convention for the Protection of National Minorities, in Strasbourg, France.
66. On 11 October, he spoke on the topic of "Language is Power: An International and Legal Perspective", at the Conference on Fulfilling Indigenous Peoples' and Minority Rights to Culture and Language, organized by the Human Rights Consortium of the Institute of Modern Languages Research at the School of Advanced Study, University of London, and Brunel University Law School, in London.
67. On 12 October, he was keynote speaker at a colloquium in Paris on linguistic justice, during which he presented a paper on language rights and the human rights of minorities.
68. On 18 October, he participated in a side event on statelessness organized by the Institute on Statelessness and Inclusion and the Open Society Justice Initiative in New York.
69. On 22 October, he participated in a side event on the theme of "Freedom of Religion or Belief: an Indicator of Human Rights Protections" and spoke about "Freedom of Religion: the First Right for Religious Minorities". The event was organized by the Non-Governmental Organizations Committee on Freedom of Religion or Belief at the Baha'i International Centre in New York.
70. On 23 October, he presented his annual report to the General Assembly, during which he also presented his initial thematic report on statelessness as a minority issue, highlighting why more than three quarters of the world's stateless are members of a relatively small number of minorities around the world and proposing further steps to raise awareness and the visibility of the human rights dimensions and, in particular, the discriminatory denial or stripping of citizenship, which are the root causes of the most serious cases of statelessness in every region of the globe. Among some of the significant recommendations are the need to focus on minorities as the main victims of statelessness, as well as the necessity to further develop guidelines or practices to tackle more precisely and directly the practices, policies and laws that result in so many minorities being the main victims of statelessness.
71. On 27 October, he presented the keynote speech at the graduation ceremony for European regional MA in democracy and human rights in South-East Europe on "Democracy and Human Rights: the Challenge of Heroes", at the University of Sarajevo.
72. On 29 October, he gave a seminar on "The Language Rights of Linguistic Minorities: International Standards and their Significance", organized by the European Foundation of Human Rights, in Vilnius.
73. On 30 October, he gave a lecture on his mandate and activities at the European Foundation of Human Rights, in Vilnius.
74. On 6 November, he participated in the OHCHR (Middle East and North Africa) Youth Training Conference and gave a speech on the specific United Nations mechanisms that protect minority rights, in Marrakech, Morocco.
75. On 13 November, he addressed the issue of "Conflict Prevention to Avoid Humanitarian Crises: the Role of Human Rights and the Protection of Minorities", at a special meeting on protecting vulnerable religious minorities in conflict and crisis settings organized by the Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland, in association with the United States Agency for International Development, in Wilton Park, United Kingdom.

76. On 26 November, he was keynote speaker at the Conference on Practicing Pluralism in the Field of Human Rights in Geneva, which was made possible by the Global Centre for Pluralism and the Permanent Mission of Canada to the United Nations Office and other international organizations in Geneva. He spoke on the theme “Of Values and Men: Challenges to the International Human Rights Architecture”.

77. On 27 November, he made the opening remarks at the conference on addressing anti-Gypsyism in a post-2020 European Union framework for national Roma integration strategies, organized by the Federal Chancellery of Austria, in Vienna.

78. On 27 November, he was one of the speakers at the eleventh Human Rights Conference on the topic of “Human Rights at a Crossroads: the Protection of Religious and Other Minorities”, organized by the Ministry of Foreign Affairs of Hungary, in Budapest.

79. On 29 November, he addressed a side event during the eleventh Forum on Minority Issues, in Geneva, entitled “Not Just Paper: Intersectional and Aggravating Factors Affecting the Lives of Stateless Minorities”, organized by Minority Rights Group International and sponsored by the Permanent Mission of Austria to the United Nations Office and other international organizations in Geneva. On 30 November, the Special Rapporteur participated in two further side events during the Forum: one organized by the Jssor Youth Organization, in partnership with the Helping Hands Foundation and OHCHR on the Ibelong campaign to eradicate statelessness; and the other was the presentation of the Forum’s information website and online database launched by the Human Rights Consortium of the University of London, and the Tom Lantos Institute.

80. On 5 December, he spoke on his mandate and thematic priorities at a conference on the struggles and opportunities of the Hungarian minority communities in Romania, held in Cluj-Napoca, Romania.

81. On 6 December, he attended a seminar on Hungarian minority education, held in Târgu Mureş, Romania.

82. On 7 December, he attended a conference and book project meeting, in Budapest, on minority rights, organized by the Tom Lantos Foundation and the Human Rights Consortium of the University of London, during which he gave a presentation on his mandate and thematic priorities.

83. On 10 December, he made a presentation on “Never Again? Minorities, Human Rights and the Prevention of Genocide 70 Years Later” at the Third Global Forum against the Crime of Genocide, held in Yerevan and organized by the Ministry of Foreign Affairs of Armenia.

84. He also conducted numerous media interviews on his mandate and minority issues globally.

III. Update on the Special Rapporteur’s first thematic report on statelessness as a minority issue

85. In his first thematic report to the General Assembly in October 2018, the Special Rapporteur highlighted the extent to which statelessness is mainly a minority issue, since more than 75 per cent of 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 minorities. He also explained the underlying causes and patterns for why certain minorities find themselves specifically affected because of breaches of international human rights obligations, and in particular the international prohibition of discrimination.

86. The 2018 Forum on Minority Issues expanded and enriched the observations and recommendations presented in the Special Rapporteur’s thematic report by providing further information and insights on the extent, significance and dire consequences of statelessness for minorities in many States, including in countries in which such information had not been previously considered. Among the information provided was, for example, the fact that the world’s largest single group of stateless persons are Palestinians,

though their numbers are not provided in the official statistics of the Office of the United Nations High Commissioner for Refugees (UNHCR) on stateless minorities.⁴ There was also powerful testimonies to the double and even triple marginalization minority women can encounter and the increasing threat of new waves of statelessness appearing due to refugee and migratory trends, as well as new reported cases of documentary and other requirements potentially leading to millions more minorities becoming de facto stateless in Assam, India, and other parts of the world.

87. The Special Rapporteur intends therefore to continue work on the thematic priority of statelessness as a minority – and human right – issue by convening a group of experts in order to prepare guidelines and good practices, in line with United Nations human rights obligations, such as the prohibition of discrimination and the right of children to a nationality, on how to tackle the root causes of the problem, which result in the vast majority of stateless persons being those who belong to a small handful of minority communities.

IV. Focus on awareness-raising and visibility of minorities and their human rights

A. Forum on Minority Issues database

88. More than 4,000 statements, declarations, recommendations and other documents have been produced since the establishment of the Forum on Minority Issues. Access to, and hence the visibility of, these documents has not always been straightforward, particularly since a large number of these, in particular statements, have not been transcribed. First announced by the Special Rapporteur at the 2017 Forum, the Forum on Minority Issues database (www.minorityforum.info) was launched on 30 November 2018 during the eleventh session of the Forum to remedy this lacuna.

89. Created by the Tom Lantos Institute in cooperation with the Human Rights Consortium of the University of London, the database compiles statements from the 2008 to 2016 sessions of the Forum, as well as key minority rights standards, reports of the special rapporteurs and independent experts on minority issues, and recommendations in the field of minority rights. The database is a searchable, user-friendly resource for civil society actors, including minorities, States, international organizations, academics, and other stakeholders working for the human rights of minorities, thus addressing what the Special Rapporteur had identified as a priority area early in his mandate in 2017.

B. Outreach and social media activities

90. In 2018, the Special Rapporteur participated in or addressed some 50 conferences and meetings around the world and also gave a significant number of media interviews. Nevertheless, in order to reach out beyond those traditionally interested or active in the field of minority issues and to better promote awareness in and the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the Special Rapporteur will explore ways to better use media in general, and social media in particular.

V. Update on the 2018 Forum on Minority Issues

91. The Forum on Minority Issues was established in 2007 by the Human Rights Council in resolution 6/15 and reaffirmed in 2012 by resolution 19/23. It is mandated to

⁴ While UNHCR recognizes that there are some 10 million stateless persons in the world (excluding Palestinians), other organizations, such as the Institute on Statelessness and Inclusion in *The World's Stateless* report, suggest that the number is closer to 15 million, though inclusive of Palestinians.

provide a platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities, as well as to provide thematic contributions and expertise to the work of the Special Rapporteur on minority issues. The Special Rapporteur is tasked with guiding the work of the Forum, preparing its annual meetings and reporting to the Human Rights Council on its thematic recommendations. The Forum meets annually in Geneva for two working days allocated to thematic discussions. It brings together an average of 500 participants, including minorities, Member States, United Nations mechanisms, regional intergovernmental bodies and NGOs.

92. The eleventh session of the Forum was held on 29 and 30 November 2018, with the topic “Statelessness: A Minority Issue”. This year’s number of participants far exceeded the average level of previous years, with more than 600 being counted.

93. Rita Izsák-Ndiaye, former Special Rapporteur on minority issues, was appointed as Chair of the eleventh session by the President of the Human Rights Council. A total of 12 experts and members of minorities from different parts of the world presented the four main panel discussions: the root causes and consequences of statelessness affecting minorities; statelessness resulting from conflicts, forced population movements and migration affecting minorities; ensuring the right to a nationality for persons belonging to minorities through facilitation of birth registration, naturalization and citizenship for stateless minorities; and minority women and children affected by statelessness – advancing gender equality in nationality laws. The Forum was opened on Thursday 29 November 2018 by the President of the Human Rights Council, Vojislav Šuc, followed by a video statement by the High Commissioner for Human Rights, Michelle Bachelet, a statement by the Special Rapporteur and remarks by the Chair.

94. In an effort to improve dialogue among stakeholders and better focus the exchanges on the topic, the session was comprised of four panel discussions, each introduced by three experts or minority activists. Four moderators guided the discussions, which helped to keep floor interventions more focused on the topic at hand and to maintain a high level of engagement by participants throughout the two-day programme.

95. The Special Rapporteur reiterates the crucial importance of the Forum on Minority Issues, which represents the only avenue for a number of minority rights activists to advocate for change at the international level, but also a positive and unique platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities. He noted the extremely high levels of participation in 2018, including more than 200 declarations and 100 written statements made during the two-day Forum, as evidence of the timeliness and relevance of this year’s topic for many minorities around the world, but also of the vital role the Forum continues to play as a unique focal point of discussions and exchanges at the United Nations for minorities, civil society organizations and Member States.

96. He notes in particular, among the many recommendations made at the Forum, a call made by Member States and other participants for an international day for the eradication of statelessness, as well as for a General Assembly resolution solemnly recognizing, as a binding rule of customary international law, that a State in which a child is born must grant nationality to that child if otherwise he or she would be stateless.

97. Another suggestion at the 2018 Forum is the proposal to hold, initially, three regional forums in 2019 on education and the languages of minorities, before the November 2019 Forum in Geneva, to provide more accessible and flexible platforms to encourage more contextualised discussions of regional realities and gain more regional insights and suggestions that would subsequently be taken into account at the 2019 Forum and be part of a larger debate. At the time of writing of the present report, the final report on the 2018 Forum is not yet finalized.

98. Although the Forum achieved a number of its objectives, the Special Rapporteur reiterates his view that there remains a need to consolidate the Forum as a space for interactive dialogue and to increase the engagement of States, United Nations bodies, regional organizations and other stakeholders. Additionally, from a procedural viewpoint, the increasingly large number of participants continues to create frustration as not everyone is able to take the floor under the desired agenda item and to delve into specific thematic

issues or concerns, particularly when they are limited to two or three minutes to do so. While a more regional approach may make this interactive dialogue more accessible to minorities in different parts of the world and more receptive to regional concerns and contexts, other improvements should also be examined in 2019.

VI. Conclusions and recommendations

99. The Special Rapporteur's first thematic report to the General Assembly in 2018 on statelessness, as well as the focus of the 2018 Forum on Minority Issues on statelessness as a minority issue, have succeeded in raising awareness and the visibility of the extent statelessness in every part of the world and that it mainly involves persons who belong to specific minorities. He intends to further pursue awareness-raising activities on statelessness as a minority issue with the United Nations, UNHCR, States and other stakeholders in 2019 in order to suggest more effective ways of addressing the root causes of statelessness affecting the vast majority of the world's more than 10 million stateless persons. The success of the 2018 Forum has contributed greatly in enhancing the visibility and raising awareness of this issue.

100. He urges that, in view of the high-level review in 2019 of the UNHCR Ibelong campaign to eradicate statelessness by 2024, the issue of how to address more directly the root causes of the denial or stripping of citizenship, involving more than 7.5 million minorities, be acknowledged and included for further deliberation and action.

101. He invites States, regional organizations, NGOs, OHCHR and UNHCR to more proactively and as a matter of priority direct their attention and efforts to addressing the de facto and de jure statelessness affecting minorities.

102. In line with the suggestions made at the Forum, he calls upon States to draft and adopt a General Assembly resolution solemnly recognizing, as a binding rule of customary international law, that the State in which a child is born must grant that child the nationality of that State if otherwise he or she would be stateless.

103. He invites States and other interested parties to follow up on the recommendation made at the Forum that the United Nations consider formally recognizing an international day of observance each year dedicated to raising awareness of the situation of stateless persons worldwide.

104. He reiterates the need for a more targeted and comprehensive identification of the positive measures that States can take to avoid the scourge of statelessness affecting millions of minorities, in accordance with their international human rights obligations. He intends to develop expert guidelines to this effect in 2019.

105. The continued success of the Forum, measured by the very high levels of participation in 2018, is noteworthy. The Special Rapporteur is of the view that additional regional platforms, inspired by the Forum, will be considered in 2019 so as to strengthen its role as an important platform for promoting dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minorities, which provides thematic contributions and expertise to the work of the Special Rapporteur, and identifies best practices, challenges, opportunities and initiatives for the further implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, pursuant to Human Rights Council resolution 6/15, which was reaffirmed by resolution 19/23. It is therefore hoped that at least three regional forums could be held in Africa, Asia and Europe so that this unique platform can be supplemented by these initiatives to be even more responsive to regional contexts and concerns, as well as more accessible to interested parties on a regional basis and more conducive to interactive dialogue among stakeholders, including State authorities and minority organizations.

106. The launching in 2018 of a searchable database of the more than 4,000 documents related to the Forum since 2008 greatly improves access to and the visibility of the many valuable statements, declarations, reports, recommendations

and other contributions connected to the unique contribution of this global platform for dialogue and expertise. The Special Rapporteur hopes to increase the awareness and visibility of his mandate with the aim, in particular, of creating better understanding of the human rights obligations reflected in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and clarifying the concept of minority as a means of overcoming obstacles to the full and effective realization of such rights.
