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Human rights bodies and mechanisms

Recommendations of the Forum on Minority Issues at its fourteenth session on the theme “Conflict prevention and the protection of the human rights of minorities”

Report of the Special Rapporteur on minority issues

Summary

The recommendations in the present report are drawn primarily from the discussions and contributions of participants at the fourteenth session of the Forum on Minority Issues, held on 2 and 3 December 2021, and from those made at four regional forums on the theme “Conflict prevention and the protection of the human rights of minorities” conducted under four thematic panel discussions on (a) the root causes of contemporary conflicts involving minorities; (b) the legal and institutional framework: the human rights of minorities and conflict prevention; (c) a focus on the rights of minorities and effective early prevention of conflicts; and (d) towards a lasting peace: positive initiatives to better protect the rights of minorities to prevent conflicts. The recommendations are based on international law and standards. They aim to provide guidance to further implement the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.



I. Introduction

1. In its resolutions 6/15 and 19/23, the Human Rights Council decided that the Independent Expert on minority issues should guide the work of the Forum on Minority Issues and prepare its annual meetings, and invited him or her to include in his or her report thematic recommendations of the Forum and recommendations for future thematic subjects, for consideration by the Council. In its resolution 25/5, the Council decided to extend the mandate of the mandate holder as Special Rapporteur on minority issues. The present report was prepared pursuant to Human Rights Council resolutions 6/15 and 19/23. It contains the recommendations of the fourteenth session of the Forum on Minority Issues, held on 2 and 3 December 2021 in Geneva in a hybrid format on the theme “Conflict prevention and the protection of the human rights of minorities”. The work of the Forum was guided by the Special Rapporteur on minority issues, Fernand de Varennes. The Forum was chaired by Victoria Donda. About 670 participants registered, including representatives of States, United Nations mechanisms, bodies, specialized agencies, funds and programmes, intergovernmental and regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies and non-governmental organizations (NGOs), and representatives of minorities, academics and experts on minority issues.

2. The recommendations in the present report are drawn primarily from the discussions and contributions made by the 670 participants at the fourteenth session of the Forum and reflect the contributions made by the participants of the four virtual regional forums on the same topic, organized by the Special Rapporteur with the support of the Tom Lantos Institute and other NGOs: for the Americas (where the regional forum was hosted by the Government of Mexico), for Africa and the Middle East (where the regional forum was hosted by the Government of the Gambia), for the Asia-Pacific region and for Europe and Central Asia (where the regional forum was co-hosted by the Governments of Austria, Liechtenstein, Slovenia and Switzerland). Each forum involved close to 200 participants. The recommendations are based on international law, standards and good practices in the area of preventing conflicts involving minorities. They aim to provide guidance to further implement the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

3. Key elements of the legal and normative framework from a human rights perspective include the Universal Declaration of Human Rights, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the Council of Europe Framework Convention for the Protection of National Minorities. Specifically, on the topic of preventing conflicts involving minorities, the following instruments are also a reference: the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, the Beirut Declaration on Faith for Rights and its 18 commitments and the Convention on the Prevention and Punishment of the Crime of Genocide.

4. The recommendations of the fourteenth session of the Forum are organized under the four agenda items that framed the discussion during the session. They are as follows:

(a) Aim to address a wide range of breaches of the human rights of minorities around the world which are ultimately linked to the root causes of most of today’s violent conflicts;

(b) Highlight the primary responsibility of the State in preventing conflicts involving minorities;

(c) Reaffirm that minorities are not a threat but under threat and thus recognize the importance of the realization of the human rights of minorities in all areas of life;

(d) Emphasize that most contemporary conflicts are characterized by the insufficient inclusion of minorities, often coupled with disregard for their identities and grievances as well as denial of their human rights;

(e) Stress the importance of the inclusion of minorities and their representatives in policy and decision-making processes affecting them, as well as at all stages of conflict prevention and conflict resolution processes;

(f) Emphasize the positive effects of minority women and minority youth leadership on conflict prevention efforts.

5. In the recommendations, the Forum also recognizes the important role that the United Nations, international and regional organizations, civil society organizations, representatives of minorities and other stakeholders can have in preventing conflicts by highlighting the central role of the protection of the human rights of minorities in addressing the root causes of most conflicts.

6. The present recommendations are intended to be implemented in countries across the world in order to assist States to better understand their human rights obligations in relation to conflict prevention and minorities, and assist them in identifying approaches for the full respect of universal human rights standards.

7. They are also intended to encourage further wide-ranging discussions with the participation of representatives of minorities on the way forward and action-oriented means to advance the protection of the human rights of minorities and the prevention of conflicts involving them.

II. General recommendations

8. States should ratify, accede to and adhere to all international and regional human rights instruments that protect and promote the human rights of minorities.

9. States should ensure full implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. All States, international organizations, NGOs, civil society and other entities working on the rights of minorities should make efforts to raise awareness of the benefits of protecting the rights of minorities as an effective means to prevent conflicts.

10. States must ensure that perpetrators of conflicts involving minorities are held accountable, root causes investigated and addressed, and victims properly compensated and assisted.

11. States should facilitate the voluntary and safe return of minority groups displaced due to violent conflicts by ensuring their physical security, and ensure that the necessary services are in place, including socioeconomic and psychological assistance to victims and survivors.

12. All States, the United Nations and international and regional organizations are urged to act early when risk factors are initially identified to prevent conflicts involving minorities from escalating.

13. United Nations, regional and other intergovernmental organizations should proactively mainstream the know-how regarding minority issues throughout its systems and beyond by:

(a) Adopting a decade on the issues and rights of minorities to coincide with the thirtieth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in 2022;

(b) Carrying out training activities to educate staff members on minority rights and develop an in-depth understanding of minority rights, referencing the colonial context of minority issues whenever relevant.

14. United Nations agencies and human rights mechanisms, regional and international organizations should enhance their efforts to ensure a systematic dialogue on issues pertaining to minorities, especially concerning conflict prevention.

15. United Nations, international and regional organizations, States and donor organizations should support the capacity-building of civil society organizations representing minority groups for monitoring, advocacy and strengthening of their human rights.
16. The United Nations should establish high-level mechanisms or forums on minority issues that are similar to existing structures on indigenous issues, such as the Permanent Forum on Indigenous Issues.
17. The special procedures of the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights should hold yearly regional minorities forums, including online, to allow for greater regional participation by NGOs and other minorities, who often lack the resources to attend conferences in Geneva in person, and encourage a proliferation of ideas on how to solve ongoing regional conflicts and prevent them before they start.
18. The United Nations should continue to support the establishment of a voluntary fund for minority issues to facilitate the participation of minority representatives in relevant United Nations bodies and mechanisms.
19. All special procedure mandate holders should mainstream minority and indigenous rights into their mandates and work in consultation with members of those communities.
20. The United Nations should establish a mechanism that systematically monitors hate crimes and incitement to discrimination, hostility, and violence in accordance with article 20 (2) of the International Covenant on Civil and Political Rights, including a reporting mechanism for hate crimes or a new special procedure mandate on hate-based human rights violations.
21. Occupying powers should adhere to the norms of the international humanitarian law and exercise maximum restraint in the use of force, while ensuring the safety and security of everyone in occupied territories, including members of minority groups.
22. Efforts to contain the coronavirus disease (COVID-19) pandemic and develop post-pandemic recovery plans should be organized in consultation with minorities and the vulnerabilities of minorities should be considered by including targeted measures to support them.

III. Recommendations to address the root causes of contemporary conflicts involving minorities

23. States should strengthen the rule of law and the institutions necessary for the protection of minority rights and for countering impunity.
24. States should enhance the capacity of the national human rights institutions to operate effectively in regions with minority populations.
25. States should support human rights defenders working on minority issues, including journalists and lawyers, and protect them from repression and vigilante violence.
26. States should design and implement normative frameworks which recognize, support and promote minority languages, by:
 - (a) Providing specific mechanisms and sufficient material resources to ensure that public services are accessible in minority languages;
 - (b) Ensuring equal access to and non-discrimination in education for minorities, including minority women, youth and children, and provide education in minority languages;
 - (c) Providing equal access to judicial systems and equality before the law regardless of ethnicity, race, religion or language;
 - (d) Raising awareness of the benefits of mother tongue education, as well as the benefits of multilingualism in accordance with the practical guide entitled “Language rights of linguistic minorities: a practical guide for implementation” developed by the previous Special Rapporteur on minority issues.

27. All States, international organizations, NGOs, civil society, media and social media companies should confront, dismantle and replace hateful narratives and hate speech about minorities by:

(a) Holding those who spread hate speech against minorities accountable and developing a robust policy of countering hate speech against minority groups, as well as regulations on the functioning of the social media platforms;

(b) Retraining from othering and promoting a narrative which can enhance solidarity and understanding within a society. This may also include increasing the engagement of minority journalists with the major media outlets;

(c) Encouraging a balanced and in-depth coverage of conflicts and minority issues in the media, which would also include developing professional standards for media outlets on reporting on conflicts involving minorities;

(d) Ensuring freedom of the media and the safety of journalists, particularly in relation to reporting on violations of minority rights and on conflicts involving minorities;

(e) Launching campaigns aimed at raising awareness of minority issues and engaging those with influence over communities, such as political, religious and community leaders and civil society actors in advocating for peaceful coexistence.

28. States should cease the practice of withdrawal of citizenship, particularly from minorities, as this practice may also lead to statelessness, which is a violation of human rights law. States should return citizenship to persons belonging to minorities who were stripped of their citizenship without due process or in violation of other internationally recognized human rights.

29. States must intensify their commitment to “leave no one behind” and take steps to eliminate multiple, aggravated and intersecting forms of discrimination in social, economic, and public life, and promote the socioeconomic development and political participation of minority groups, including minority representatives with disabilities and lesbian, gay, bisexual and transgender persons from minority groups.

30. States should enhance implementation of Human Rights Council resolution 16/18 on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief.

31. States should ensure that economic development projects are sustainable, inclusive and equitable in respect to minority groups and that economic strategies in place exclude and prevent all forms of exclusion and discrimination, as suggested in the report of the Special Rapporteur on minority issues to the General Assembly in 2021.¹

32. National human rights institutions, regional and international organizations and civil society organizations should document and report, including to the relevant United Nations human rights mechanisms, the abusive practices of bringing multiple charges, including anti-security laws, against dissenters and disproportionately targeting minorities, which may lead to conflicts.

33. The Special Rapporteur on minority issues is encouraged to conduct a joint study with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on the targeting of minorities as part of counterterrorism measures and how this contributes to conflicts.

IV. Recommendations to design and implement legal and institutional frameworks ensuring conflict prevention through the protection of the human rights of minorities

34. All States should acknowledge that an inclusive, cohesive and peaceful society cannot operate without having an adequate system in place to protect minorities; States must

¹ [A/76/162](#).

mainstream minorities and their rights in national legislation, education and socioeconomic and regional development.

35. States must ensure that their legal and institutional frameworks can effectively address long-standing grievances of minorities, in order to ease tensions and prevent possible conflicts. Whenever necessary, affirmative actions should be introduced to ensure the participation of minorities in socioeconomic, political and cultural life on an equal footing with others.

36. States should elaborate and implement policy frameworks aimed at promoting equality, inclusion and the participation of minorities in socioeconomic, political and cultural areas, with a particular emphasis on the most marginalized minority groups, such as Roma and Dalits.

37. States must put in place effective mechanisms to protect minorities from systematic violence based on their identity and eradicate impunity around such violence.

38. States must ensure that minorities are included in the planning, decision-making and implementation processes of legal and institutional frameworks, and the meaningful participation of minority women, girls and youth should be safeguarded at all levels.

39. States should ensure that the design and implementation of legal and institutional frameworks are accompanied by educational programmes and awareness-raising campaigns to address deep-rooted prejudice and biases in relation to minority groups within society.

40. States should ensure the collection of data disaggregated by ethnicity, religion, language, race and other relevant characteristics to enable legislators and policymakers to establish targeted public policies and programmes for minorities.

41. When it comes to legal and institutional frameworks for minority protection, the unique position and conditions of post-colonial States and minorities therein must be acknowledged by States, the United Nations, regional organizations and civil society, as a handful of countries at risk of violent conflicts are post-colonial States.

42. States are encouraged to consider various forms of internal self-determination and self-governance for minority groups, including arrangements for territorial autonomy as an effective tool for conflict prevention; good practices in this regard should be widely exchanged and studied.

43. When autonomy arrangements are being designed, States are encouraged to ensure financial autonomy and regulate the balance of power between different linguistic groups in the territory concerned.

44. Whenever peace agreements are signed, States must ensure that minority issues are mainstreamed in the agreements by:

- (a) Including relevant minority rights provisions;
- (b) Including minority women in peace processes;
- (c) Ensuring that where religion is a decisive factor, freedom of religion or belief and prohibition on the grounds of religion are respected, including other human rights of religious minorities, which should be an essential part of conflict prevention, resolution, transformation and reconciliation.

45. The Security Council should take firm action to protect populations, including minorities, and hold perpetrators accountable when States fail to comply with their international human rights obligations with regard to the protection of their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

V. Recommendations to focus on the rights of minorities and ensure effective early prevention of conflicts

46. States should develop and implement early warning systems, by:

(a) Detecting distant or imminent threats through putting an effective data collection system in place, adopting measures to transform patterns of human rights violations and institutionalizing substantive equality measures to promote minority rights;

(b) Translating early warning of violent conflicts into early response;

(c) Placing local communities, including minorities, at the centre of early prevention actions and supporting them to implement prevention strategies at the community level;

(d) Proactively using the framework of analysis tool elaborated by the United Nations Office on Genocide Prevention and the Responsibility to Protect to identify the most common risk factors and early warning signs associated with the commission of atrocity crimes and identify situations of concern, particularly involving minorities who remain the most likely targets;²

(e) Establishing an independent national mechanism that is mandated to conduct periodic risk assessments in collaboration with civil society, the media and minority groups.

47. Global and regional early warning and prevention mechanisms should be established to address the root causes of violent conflicts involving minorities and hate speech, entrenched misperceptions between various groups along national, ethnic, linguistic, religious and cultural lines and incitement to violence should be treated as early warning indicators of conflicts unfolding.

48. United Nations human rights mechanisms, including the special procedures of the Human Rights Council and the treaty bodies, should strengthen their capacity to prevent conflicts by early identification and monitoring of and reporting on the specific minority dimension of systematic human rights violations.

49. The Special Rapporteur on minority issues and other relevant mandate holders are encouraged to work together with the United Nations Office on Genocide Prevention and the Responsibility to Protect to develop an early warning mechanism to monitor and respond to violence specifically targeting minorities and violations of minority rights, and identify trends and patterns that could lead to conflict and serious international crimes.

50. Development and donor organizations should play a more proactive role in awareness-raising of minority rights among the States with which they cooperate. Such country-specific partnerships should include monitoring minority rights for further early warning and conflict prevention efforts.

VI. Recommendations on promoting positive initiatives to better protect the rights of minorities to prevent conflicts

51. States should develop long-term, comprehensive policies for combating negative stereotypes of and discrimination against minority individuals and groups, and promote intercultural understanding by, among other things, the teaching of the culture and history of minorities in the national curriculum.

52. States should fully harness and support young people's contribution to peace through investment in their capacities, redressing the structural barriers that limit minority youth participation in peace and security, facilitating youth exchange programmes within post-conflict regions and emphasizing partnerships and collaborative action, where minority youth are viewed as essential partners for peace.

53. States should ensure that educational curricula and textbooks foster knowledge of the history, culture and traditions of minorities, as well as their positive contributions to society.

54. States should formally recognize, teach the history of and commemorate the Holocaust of the Jewish and Roma minorities that took place during the Second World War.

² See "Framework of analysis for the prevention of atrocity crimes: a tool for prevention" (2014).

55. States should develop reconciliation and remembrance policies that address past intergroup violence and State oppression of minorities, including historical cases of genocide. Such public policies should be formulated with the participation of relevant minority groups.

56. States, United Nations mechanisms, bodies, specialized agencies, funds and programmes, international and regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies and NGOs should adopt a gender-responsive approach in all areas of their conflict prevention efforts by:

(a) Recognizing the intersectionality of oppression of gender and identity in framing advocacy and interventions for minority women and addressing the vulnerability and marginalization of minority women in conflict and post-conflict situations through action-oriented efforts;

(b) Promoting implementation of Security Council resolution 1325 (2000) on women and peace and security and the Convention on the Elimination of All Forms of Discrimination against Women;

(c) Recognizing the vital role and leadership of minority women in conflict mediation and prevention, and supporting their initiatives;

(d) Developing and implementing technical cooperation programmes and projects that are culturally, linguistically and religiously appropriate to minorities and aim to address the social and economic situation of minority women.

57. States, the United Nations and international and regional organizations should allocate adequate resources to conflict prevention efforts in general and in relation to the human rights of minorities in particular at both the international and domestic levels.

58. States, the United Nations, international and regional organizations and civil society are encouraged to work closely in supporting the positive contributions of faith-based actors, including through the promotion of the Beirut Declaration and the faith for rights toolkit.

59. States and international and regional organizations must ensure the inclusion and meaningful and effective participation of minorities in conflict prevention and conflict analysis, as well as their representation at all levels of decision. The inclusion of minority women and youth should be specifically mainstreamed.

60. States, the United Nations, international and regional organizations and civil society are encouraged to organize forums, conferences and other activities aimed at promoting peaceful coexistence within societies and ensure there is balanced representation of States and the minority groups concerned in such initiatives.

61. The United Nations should continue to establish mechanisms for monitoring, collecting and preserving evidence of country-specific conflict situations and related atrocity crimes that consider the relevance of ethnic, religious or linguistic dimensions in such situations.

62. The United Nations and other international organizations are encouraged to share best practices on the promotion of intercultural and interreligious dialogue with States.

63. The United Nations is encouraged to establish regional high-level advisory bodies on minority issues in close cooperation with minorities.

64. The United Nations human rights mechanisms, bodies and specialized agencies, funds and programmes, need to ensure the inclusion of a minority lens in their conflict analysis work by:

(a) Including minority actors in their work and deconstructing stereotypes attached to the capacity and objectivity of minority actors;

(b) Supporting the work of minority organizations, especially those led by women and youth. Amplifying their voices and giving them the space, both financial and political, to do their work yields a significant impact, ensuring that minorities can stand up for their rights;

(c) Employing and deploying minority experts as analysts and advisers within every United Nations peace operation and special political mission.

65. The United Nations network on racial discrimination and the protection of minorities should continue enhancing its efforts to strengthen the work of the United Nations at country and regional levels to combat racial discrimination and advance minority rights as a tool to integrate minorities into development programming and prevention efforts.
