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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

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

## **Rights of persons belonging to national or ethnic, religious and linguistic minorities**

### **Annual report of the United Nations High Commissioner for Human Rights**

#### *Summary*

In its resolutions 13/12, 22/4 and 31/13 concerning the rights of persons belonging to national or ethnic, religious and linguistic minorities, the Human Rights Council requested the High Commissioner for Human Rights to present an annual report to the Council containing information on relevant developments in the work of United Nations human rights bodies and mechanisms and on the specific strategies and activities undertaken by the Office of the High Commissioner at headquarters and in the field that contribute to the promotion of and respect for the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The present report covers the activities carried out between January and December 2017.

In the year of the twenty-fifth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, patterns of discrimination and incitement to racial or religious hatred and violence, particularly against ethnic or religious minorities have been recurrent. The strategies and initiatives undertaken by the Office of the United Nations High Commissioner for Human Rights, in line with the guidance note of the Secretary-General on racial discrimination and protection of minorities, aim to promote the implementation of the Declaration, with a view to advancing the realization of the rights of persons belonging to minorities. In that regard, respect for religious diversity and religious dialogue, reflection on the importance of investing in minority youth, disaggregated data on minorities and the participation of minorities in decision-making are essential for fostering peaceful societies and reducing inequalities.



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## **I. Introduction**

1. The year 2017 marked the twenty-fifth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. In the Declaration, adopted by the General Assembly by consensus in resolution 47/135, the Assembly stresses that the promotion and protection of the rights of persons belonging to minorities contribute to the political and social stability of the States in which they live. The Declaration offers States and other stakeholders guidance on the measures to be undertaken to guarantee minority rights, with a view to realizing the principles laid down in the Charter of the United Nations and international and regional human rights instruments, including the International Covenant on Civil and Political Rights and, in particular, its article 27.

2. Despite the global consensus behind the principles of the Declaration, persons belonging to minorities continue to be targets of human rights violations, including continuous violence against ethnic and religious minorities, discrimination against minority groups, poor participation of minorities in public life and many others, also described by human rights bodies, mechanisms and field presences. Increasing hate speech, xenophobic rhetoric and incitement to hatred against minorities, coupled with the rise of extremists and far-right political parties, is putting the progress achieved during the past decades in the field of minority rights protection under threat.

## **II. United Nations network on racial discrimination and protection of minorities**

3. According to article 9 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the specialized agencies and other organizations of the United Nations system shall contribute to the full realization of the rights and principles set forth in the Declaration. That task affects all three pillars of the United Nations: human rights, development and peace and security, and requires system-wide, coordinated engagement. Such work is facilitated by the United Nations network on racial discrimination and protection of minorities, coordinated by the Office of the United Nations High Commissioner for Human Rights (OHCHR), which aims to engage the entire United Nations system. The guidance note of the Secretary-General on racial discrimination and protection of minorities and the related action plan for the period 2014–2017 provide the framework.

4. During the reporting period, the United Nations network on racial discrimination and protection of minorities pursued its efforts to boost dialogue and cooperation between relevant United Nations departments, agencies, funds and programmes, in accordance with the four-year plan of action adopted in 2014. In that context, in March 2017, OHCHR organized a seminar in Santiago on integrating minorities into development programming and on the guidance note of the Secretary-General on racial discrimination and protection of minorities. As contained in the plan of action of the seminar, that initiative is one of the subregional knowledge exchange opportunities based on experiences of working on racial discrimination and protection of minorities that are organized with United Nations field presences. The seminar had a particular focus on Afrodescendants.

5. In May 2017, OHCHR conducted a mission to the Republic of Moldova to present the United Nations minority rights standards and the guidance note to United Nations colleagues and other key stakeholders, and encourage the implementation of the recommendations contained in the report of the Special Rapporteur on minority issues on her mission to the country in June 2016. The role of the United Nations in supporting implementation at the country level of the recommendations made by the Special Rapporteur was also discussed. In the framework of the visit, the delegation met with a wide range of stakeholders, including government officials from the Ministries of Foreign Affairs, Labour and Social Protection, Education and Justice, the Bureau of Inter-ethnic Relations and the Audiovisual Coordinating Council. The OHCHR team also met with local authorities and civil society representatives, practising lawyers, former fellows of the

OHCHR minorities fellowship programme, national civil society groups and youth minority organizations. OHCHR also delivered a workshop to the national human rights institutions, namely the Ombudsman Office and the Equality Council, and to the Constitutional Court. Over 25 participants took part in the workshops, engaging in very lively discussions over the international and national standards on minority rights and the recommendations arising from the visit of the Special Rapporteur on minority issues.

6. Over the years, United Nations human rights mechanisms have expressed their concerns about caste-based discrimination as a violation of human rights law and demonstrated how it intersects with a number of cross-cutting themes, thereby placing persons subjected to discrimination based on descent in a particularly marginalized position and in need of focused attention. In that context, as coordinator of the network on racial discrimination and protection of minorities, OHCHR has spearheaded the preparation of a guidance tool on descent-based discrimination, looking at key challenges and strategic approaches to combat caste-based and analogous forms of discrimination. The guidance tool sets out guiding principles and a framework for action with a view to ensuring a comprehensive and coherent approach in combating that type of discrimination. It was launched on 27 March 2017 in Nepal, bringing together 65 participants from Bangladesh, India, Nepal, Pakistan, Sri Lanka and Thailand. Participants in the launch included representatives of the United Nations Development Programme (UNDP), the International Labour Organization (ILO), the Joint United Nations Programme on HIV/AIDS, the United Nations Entity for Gender Equality and the Empowerment of Women, the United Nations Children's Fund (UNICEF) and the United Nations Resident Coordinator's office, as well as representatives of national human rights institutions and non-governmental organizations (NGOs) from Nepal and other countries of the region, the Special Rapporteur on minority issues, scholars, academics and parliamentarians.

7. The launch of the guidance tool offered participants the opportunity to discuss how United Nations country teams, national human rights institutions and civil society organizations would put it to good use, with a view to attaining several goals and, most importantly, to building strategic approaches to combating caste-based discrimination, while focusing on good practices and coordinating United Nations efforts to combat descent-based discrimination in country programmes, such as United Nations Development Assistance Frameworks and other joint country team plans and programmes.

8. The report of the Secretary-General on the effective promotion of the Declaration, on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, submitted to the General Assembly in September 2017, contains further information on the work of the network and its members (A/72/219).

### **III. Twenty-fifth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities**

9. The twenty-fifth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities provided an opportunity for taking stock of the achievements and challenges still faced in the promotion and protection of minority rights throughout the world. During the anniversary, various stakeholders explored the way in which minority rights help to build cohesive societies, where the sense of inclusion and recognition of one's language and culture were not the prerogative of the dominant ethnic, religious or linguistic group. It was stressed that inclusion and respect for minority rights were also key ingredients in preventing radicalization and violent extremism.

10. In the context of the anniversary, various events were organized to look into the most relevant contemporary and future challenges faced by minorities around the world. For example, at a side event in February 2017, participants focused on the relevance of a minority rights approach in efforts to combat intolerance, radicalization and violent extremism. In her remarks, the Deputy High Commissioner for Human Rights recalled that in too many countries, the world was witnessing an upsurge in inter-ethnic tension, with

minorities facing violence and hate speech, often prevented from voting, acquiring citizenship or gaining access to remedies. Open advocacy for xenophobia and the demonization of minority groups was increasingly common, both online and offline. The principles contained in the Declaration must be injected into conflict prevention and peacebuilding work as well as in efforts to prevent violent extremism. They were also fundamental in ensuring that the commitment in the 2030 Agenda for Sustainable Development to leave no one behind was met. In October 2017, a side event was organized in New York to commemorate the anniversary of the Declaration, at which the Assistant Secretary-General for Human Rights recalled that the messages in the Declaration of inclusion, equality and respect for different cultures were being currently and constantly challenged through hate speech, discrimination and rising ethno-nationalism. He also emphasized the crucial role of NGOs in moving minority rights from paper to practice, as acknowledged by all Member States at the adoption of the Declaration, in which the important work of NGOs in protecting minorities and promoting their rights was highlighted.

#### **IV. Activities of the Office of the United Nations High Commissioner for Human Rights and recent developments in human rights bodies and mechanisms**

##### **A. Early-warning mechanisms and protection of the existence of minorities**

11. Article 1 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities provides that States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories. A number of United Nations reports have shown that this provision has been violated in a number of contexts, with minorities being targeted and subjected to killings, violence, including ethnic cleansing, and massive forced displacement. There is also a rising tide of attacks around the world that target people on account of their religious beliefs, including in places of worship, and evidence of racial or religious profiling. The High Commissioner for Human Rights has repeatedly highlighted the increasingly worrying levels of incitement to racial or religious hatred and violence, particularly against ethnic or religious minorities and migrants. The number of recorded hate crimes appears to be rising in several States. All those phenomena tear at the fabric of societies, thus creating mistrust, political and social instability and posing a threat to peace (A/HRC/34/35).

12. In his address to the Human Rights Council in September 2017, the High Commissioner requested that the Iraqi authorities address the long-standing grievances of all ethnic and religious communities to promote reconciliation and stability. Women should be an integral part of the process to ensure justice and accountability for past violations. In the report on her official visit to Iraq, made public in January 2017, the Special Rapporteur on minority issues concluded that ethnic and religious minority communities, which had been an integral part of the population and cultural heritage of the country for millenniums, were facing an unprecedented crisis that threatened their continued existence in the country. Iraq was at a crossroads and the actions of the Government would determine the extent to which the country would maintain its rich ethnic and religious diversity, or whether conflict and the neglect of minority rights would deprive it of that diversity in the future. Seeking security and seeing few prospects for the protection of their human rights in Iraq by the State, many had left the country, resulting in a dramatic decrease in minority populations. Without urgent action, many thousands more might follow (A/HRC/34/53/Add.1).

13. In August 2017, on the occasion of the third anniversary of the attack by the Islamic State in Iraq and the Levant (ISIL) on the Yazidi community, the Independent International Commission of Inquiry on the Syrian Arab Republic called on the international community to recognize the crime of genocide being committed by ISIL against the Yazidis and to undertake steps to refer the situation to justice. It reiterated its recommendation to all parties fighting ISIL to consider rescue plans for Yazidi captives.

14. The protection of minorities in Myanmar has been addressed numerous times, including in reports by the Special Rapporteur on the situation of human rights in Myanmar,<sup>1</sup> by the High Commissioner for Human Rights, in press releases drafted by human rights experts<sup>2</sup> and in the report of the OHCHR mission to Bangladesh issued in February 2017.<sup>3</sup> In March 2017, the Human Rights Council decided to dispatch an independent international fact-finding mission to establish the facts and circumstances of the alleged human rights violations in Myanmar, in particular in Rakhine State. In its resolution 34/22, the Council also called upon the Government of Myanmar to continue its efforts to eliminate statelessness and systematic and institutionalized discrimination against members of ethnic and religious minorities, including the root causes of discrimination, in particular relating to the Rohingya minority. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), in less than three weeks in September 2017 over 270,000 people fled from Myanmar to Bangladesh. Many more people reportedly remained trapped between Myanmar and Bangladesh. The High Commissioner has said that the situation seemed to be a textbook example of ethnic cleansing.<sup>4</sup> The Independent International Fact-finding Mission on Myanmar went to Bangladesh in October 2017. The experts stated that they were “deeply disturbed” by accounts of killings, torture, rape, arson and aerial attacks reportedly perpetrated against the Rohingya community in Myanmar. In December 2017, the High Commissioner condemned “widespread, systematic and shockingly brutal” attacks against the Rohingya, as well as decades of discrimination and persecution. He urged a special session of the Human Rights Council on the current situation of the minority Rohingya Muslim population in northern Rakhine State “to take the appropriate action to stop this madness now”. The High Commissioner also urged the Council to consider making a recommendation to the General Assembly that it establish a new impartial and independent mechanism, complementary to the enquiries of the Fact-finding mission into the latest wave of violence and abuses, to assist individual criminal investigations of those responsible.

15. In May 2017, the report of the mapping project documenting serious violations of international human rights law and international humanitarian law committed within the territory of the Central African Republic between January 2003 and December 2015 was issued, highlighting the religious and ethnic dimensions of many of the crimes committed in the country.<sup>5</sup> The report contained recommendations on some priority areas for investigation, including attacks targeting persons because of their religion or ethnicity, by investigating emblematic cases of forcible transfers of population and violations of the freedom of movement, notably of people confined in enclaves. Since persecution on the basis of religious affiliation was an extreme form of violation associated with the conflict and left a major scar on society, it would be important to identify the planners and organizers of such acts.

16. In June 2017, the High Commissioner for Human Rights, in an oral update to the Human Rights Council on the situation of human rights in the Democratic Republic of the Congo, stated that the humanitarian and human rights situation had deteriorated dramatically and that a number of actors were fuelling ethnic hatred, resulting in extremely grave, widespread and, supposedly, planned attacks against the civilian population in Kasai province. Some 1.3 million internally displaced persons had fled.<sup>6</sup> As a result, in its resolution 35/33, adopted on 22 June 2017, the Human Rights Council requested the creation of a team of experts to collect information and determine the facts and circumstances in Kasai province, in accordance with international standards.

<sup>1</sup> See, for example, A/HRC/34/67.

<sup>2</sup> See, for example, [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22148&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22148&LangID=E).

<sup>3</sup> “Interviews with Rohingyas fleeing from Myanmar since 9 October 2016”, available at [www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf](http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf).

<sup>4</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22041&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22041&LangID=E).

<sup>5</sup> Available at [www.ohchr.org/Documents/Countries/CF/Mapping2003-2015/2017\\_CAR\\_Mapping\\_Report\\_EN.pdf](http://www.ohchr.org/Documents/Countries/CF/Mapping2003-2015/2017_CAR_Mapping_Report_EN.pdf).

<sup>6</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21782&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21782&LangID=E).

17. In August 2017, several special procedures mandate holders expressed deep concern about the proliferation of hate messages and incitement to violence against the Igbo minority and their property in Nigeria, especially in the light of the history of violence against the group. The experts also deplored the circulation of a hate song and audio messages on the Internet and on social media.

18. In September 2017, the High Commissioner for Human Rights, in an oral update to the thirty-sixth session of the Human Rights Council, expressed concern over the rise of intolerance towards religious and other minorities in India, where the current wave of violent and often lethal mob attacks against people, under the pretext of protecting the lives of cows, was alarming. He also emphasized that in Pakistan, the authorities often encouraged intolerance towards minorities or minority views, with sometimes deadly consequences. For example, suspicion of blasphemy or the suggestion that blasphemy laws required revision to comply with the right to freedom of thought and religion had led to vigilante violence.<sup>7</sup>

19. Throughout the year, treaty bodies and the universal periodic review have commended States for initiating or pushing forward with policies that target hate speech and have made recommendations for more efforts to fight and eradicate crimes and hate speech against minorities.<sup>8</sup> At the same time, they have expressed concern at the intensification of hostile sentiments towards persons perceived to be of foreign background, including persons belonging to ethnic and religious minorities (see CERD/C/FIN/CO/23, paras. 10–11) and for the lack of accountability of actors committing hate crimes (see CERD/C/CYP/CO/23-24, paras. 16–17).

## **B. Non-discrimination guarantees**

20. On 21 March 2017, in a statement marking the International Day for the Elimination of Racial Discrimination, a number of United Nations experts on racial discrimination called on Governments around the world to take immediate action to stop the spread of fear and misinformation about minorities and migrants, which were fuelling increased incitement to racial hatred and racial profiling. They enumerated a number of measures that were needed immediately, including training for police and the judiciary and steps to eliminate institutional racism.<sup>9</sup> The experts also warned that differences in the treatment of people of African descent and other minorities by law enforcement officials and within the criminal justice systems were not only ineffective but pernicious. They stated that racial profiling breached the basic right to equal protection before the law of the individuals targeted and urged Member States to address the structural racism such people suffered on account of their minority status.

21. While there has been normative progress in many countries, the findings of the Committee on the Elimination of Racial Discrimination, other human rights treaty bodies and special procedures mandate holders demonstrate that persons belonging to national or ethnic, religious and linguistic minorities continue to be frequent targets of discrimination.<sup>10</sup> A case in point is the persistent discrimination against Roma. Despite various strategies and other efforts aimed at advancing the protection of their rights, Roma continue to face discrimination in law enforcement, health, education and other fields. Human rights challenges experienced by Roma are common also in the area of housing, as has been highlighted by the Committee on Economic, Social and Cultural Rights and other treaty bodies.<sup>11</sup> In addition, in the report on her official visit to the Republic of Moldova, the Special Rapporteur on minority issues noted that Roma communities continued to

<sup>7</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22041&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22041&LangID=E).

<sup>8</sup> See, for example, A/HRC/36/8, para. 100.62, A/HRC/36/10, para. 161.133, and A/HRC/36/15, para. 131.88.

<sup>9</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21416&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21416&LangID=E).

<sup>10</sup> See, for example, CERD/C/AZE/CO/7-9, CERD/C/NAM/CO/13-15, CERD/C/GRC/CO/20-22 and CERD/C/UKR/CO/22-23, all of which touched on issues affecting minorities.

<sup>11</sup> See, for example, E/C.12/MKD/CO/1 and E/C.12/FRA/CO/4.

experience economic, social and political marginalization and were often victims of discrimination, particularly in accessing the labour market, education and health-care services. The situation of Roma children and women was of particular concern. In order to tackle the long-term marginalization experienced by many Roma communities, it was essential that the new Moldovan Roma action plan for the period 2016–2020 be adequately financed and its implementation effectively monitored and assessed.

22. At the regional level, the 2017 mid-term review of the European Union framework for national Roma integration strategies was the subject of a communication released by the European Commission in August 2017, in which it took stock of developments since the launch of the framework in 2011. In terms of progress, school and preschool enrolment was improving. However, segregation also appeared to be worsening, with serious implications for human rights. That clearly reaffirmed that human rights engagement with Roma inclusion by policymakers could have significant benefits for people and societies. OHCHR, through its field presences, including its regional office for Europe in Brussels, has been active and engaged in working with Governments, civil society, equality bodies, national human rights institutions and the European institutions to tackle this pressing human rights issue in Europe, including its gender aspects.

23. The human rights component of the United Nations Assistance Mission for Iraq (UNAMI) has continued to advocate for and provide technical support to legislative reform on minority rights issues. As part of its regular technical support to the Iraqi parliament, on 26 April it supported the Human Rights Committee of the Council of Representatives of Iraq in conducting a public hearing, at which potential amendments to the draft law on the protection of diversity and the prevention of discrimination (the anti-discrimination bill) were discussed. Members of the parliament, representatives of civil society, judges from the Shura Council and members of the parliamentary Human Rights and Legal Committees attended the event. The UNAMI human rights office has continued to engage with relevant Iraqi civil society groups and the Government of Iraq regarding the final text of the anti-discrimination bill to ensure that it is consistent with international standards.

24. There have been some important initiatives at the national level. For example, the OHCHR regional office for Central Asia in Kyrgyzstan supported the development of an online course on non-discrimination for civil servants, including providing the relevant software. As a result, the State Personnel Agency agreed that the non-discrimination course would be mandatory for all civil servants.

25. In collaboration with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the OHCHR country office in Tunisia has been providing technical advice on the draft law on racial discrimination prepared by the interministerial working group on discrimination. The draft contains several guarantees against discrimination based on ethnic, national and racial grounds and penalizes any legal or de facto discrimination. It also includes a proposal for the creation of a new body for receiving complaints and observing the trends regarding racial discrimination in Tunisia.

26. In August 2017, the Chair of the Working Group of Experts on People of African Descent, the Chair of the Committee on the Elimination of Racial Discrimination and the Special Rapporteur on racism expressed deep concern at the proliferation of organized hate and racist groups in the United States of America. They called upon the authorities to adopt effective policies as a matter of priority and to tackle urgently the manifestations of incitement to racial violence.

### **C. Interfaith dialogue**

27. The High Commissioner for Human Rights has recalled that respect for religious diversity is threatened today in an increasing number of societies, both by the rise of violent religious extremists and by a wave of isolationist and nationalistic thinking. Those discourses threaten religious and ethnic minorities with increased discrimination and even



violence.<sup>12</sup> Over the past year, OHCHR has organized a series of meetings among faith-based and civil society actors, seeking to help them establish a respectful common ground on the essential principles of human dignity, equality and justice. In March 2017, they adopted the Beirut Declaration and its 18 commitments on “Faith for rights”. It aims to foster peaceful societies, which uphold diversity of belief, behaviour and thought as an intrinsic and inalienable right of all their people.

28. In May 2017, OHCHR organized a symposium for religious leaders and civil society representatives on the rights of women and children from the perspective of Islam in Dakar, which led to the creation of a national “Faith for rights” coalition in Senegal. In December 2017, together with Morocco, OHCHR organized a meeting for States, national human rights institutions, religious authorities and faith-based civil society actors in order to outline good practices and define modalities of support for existing and new “Faith for rights” projects. The Beirut Declaration and its 18 commitments illustrate how faith can stand up for rights more effectively so that both enhance each other. The commitments also include a pledge to stand up for the rights of all persons belonging to minorities and to defend their freedom of religion or belief and their right to participate equally and effectively in cultural, religious, social, economic and public life, as recognized by international human rights law.

29. United Nations treaty bodies have also raised issues related to religious diversity in their dialogues with States. For example, in its concluding observations of July 2017, the Committee on the Elimination of Discrimination against Women recommended that Nigeria “expedite the repeal or amendment of all discriminatory laws identified by the National Law Reform Commission following its comprehensive audit of discriminatory laws in the State party and include religious leaders in the process of addressing issues of faith and human rights, so as to build on several ‘faith for rights’ initiatives and identify common ground among all religions in the State party” (see CEDAW/C/NGA/CO/7-8, para. 12). The universal periodic review has also recommended that States promote interfaith dialogue among religious groups to safeguard the rights of religious minorities in several countries.<sup>13</sup>

30. At the country level, for example, the Special Rapporteur on minority issues has emphasized that ending impunity for those who incite ethnic or religious hatred and violence must be a priority in Sri Lanka. The newly established Interreligious Council constitutes a positive development and its role in mediating between different religious and belief communities and promoting tolerance and peaceful relations should be strengthened, particularly at the provincial level. The Government, including at the local level, should also ensure the full protection of all minority places of worship as well as heritage.<sup>14</sup>

#### **D. Empowerment and participation**

31. The OHCHR minorities fellowship programme took place from 13 November to 1 December 2017, with two linguistic components (English and Russian) and the participation of 15 fellows from Afghanistan, Georgia, India, Israel, Jordan, Kosovo,<sup>15</sup> Kyrgyzstan, Latvia, Myanmar, Nepal, Pakistan, the Russian Federation, Spain, the Sudan and Tajikistan. While the programme is organized by OHCHR, it also involves several other United Nations agencies, including UNHCR, the United Nations Institute for Training and Research, ILO, UNDP and UNICEF, and is run in close collaboration with Geneva-based civil society and NGO partners and international and regional bodies.

32. To improve minority rights expertise and participation both at headquarters and in field presences, the national/regional component of the minorities fellowship programme provided an “on-the-job” experience to some of the outstanding alumni from the 2016

<sup>12</sup> See [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22125&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22125&LangID=E).

<sup>13</sup> See, for example, A/HRC/36/13, para. 129.92.

<sup>14</sup> See A/HRC/34/53/Add.3, para. 71, and A/HRC/36/13, para. 129.92.

<sup>15</sup> All references to Kosovo in the present document should be understood to be in the context of United Nations Security Council resolution 1244 (1999).

fellowship programme. Thus, in 2017, national fellows joined the OHCHR presence in Colombia and the Republic of Moldova and the United Nations Resident Coordinator's Office in Sri Lanka under the auspices of the OHCHR Senior Human Rights Adviser.

33. Several mechanisms have continued to express concern at the lack of full and effective participation of minorities in public life, including political participation at the national, regional and local levels, which constitutes a fundamental pillar of minority rights. Treaty bodies have recommended that States take measures to increase the representation of minority groups as decision makers, including as prosecutors and judges, at all levels of the criminal justice system.<sup>16</sup> The universal periodic review has also recommended that States continue their efforts to guarantee the representation in political and public life of women belonging to minorities and establish effective platforms for dialogue with representatives of minority groups, in order to be properly informed about their problems and needs, and develop policies and programmes to improve their situation.<sup>17</sup> In August 2017, the Committee on Economic, Social and Cultural Rights issued its general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities. Among the groups that are often disproportionately affected by the adverse impact of business activities are ethnic or religious minorities.

34. In her reflections on her six-year tenure, issued in July 2017, the Special Rapporteur on minority issues expressed her concern at the limited minority presence in political and public offices. She stressed the need to ensure that minorities were included in all decision-making processes, including in municipal and government structures, law enforcement bodies, the judiciary, legislative bodies, criminal justice systems and all other relevant bodies and mechanisms, especially when their decisions affected minorities. Without their participation, those bodies were less able to take vital decisions for the benefit of all sectors of society and might lose the trust of minority groups who were reluctant to access public services and/or discouraged from doing so. Moreover, good and inclusive governance, which included minorities and measures to ensure equality, was critical to conflict prevention (see A/HRC/34/53, para. 70).

35. In her report on her official visit to the Republic of Moldova, the Special Rapporteur on minority issues noted that a key issue stressed by the vast majority of interlocutors was the underrepresentation of minorities in political institutions, particularly in central government, and what was described by some as the marginalization and exclusion of regions with relevant minority populations from national decision-making processes. She recommended that the country consider adopting measures aimed at ensuring and strengthening the political participation of minorities and their full involvement in decision-making bodies, including through reserved seats or the redrawing of electoral districts to allow densely populated minority communities to elect their own representatives. In relation to her official visit to Iraq, the Special Rapporteur recommended that the Government establish a comprehensive legal and policy framework for the protection of minorities, in close consultation with minority communities. She also recommended intensifying efforts to promote national reconciliation to build trust and bridges between communities, and to ensure that minorities were fully included in such efforts (A/HRC/34/53/Add.1). With regard to her official visit to Sri Lanka, she stressed that the overwhelming sense of marginalization felt by minorities must be addressed by taking immediate measures to ensure their participation and representation in public life, particularly in shaping decisions that affect them. The effective and meaningful participation of all groups in the political arena conferred trust and legitimacy in governance (A/HRC/34/53/Add.3).

36. At the country level, the human rights office of UNAMI continued to advocate for strengthening the Office on Minorities Issues under the National Reconciliation Committee, reporting to the Office of the Prime Minister. During the reporting period, the Office on Minorities Issues piloted a series of consultations with Christian, Yazidi, Shabak, Turkmen

<sup>16</sup> See, for example, CERD/C/NZL/CO/21-22, paras. 24–25.

<sup>17</sup> See, for example, A/HRC/WG.6/27/IDN/2, para. 33, and A/HRC/36/15, para. 131.33.

and other groups to identify and assess the diverse needs and concerns of groups across Iraq. The UNAMI human rights office also continued to promote respect for and protection of the human rights of all Iraqis, including national, ethnic, religious and linguistic minorities, through capacity-building training and two universal periodic review consultations. Participants included representatives of diverse ethnic, religious and linguistic communities.

37. In Ukraine, OHCHR continued to observe improvements with regard to respect for freedom of peaceful assembly, illustrated by a decrease in judicial prohibitions of public assemblies and better policing of large public assemblies throughout the country. However, it noted that smaller demonstrations continued to suffer from insufficient security and protection by the police, particularly those organized by persons belonging to minority groups or opposition political movements.<sup>18</sup>

38. In 2017, the regional office for Central Asia continued to implement measures developed as a result of the review of worldwide best practices to improve minority participation in public life. The office supported the development of over 2,000 preparatory test questions for entry into the civil service, in order to increase the transparency of the tests and subsequently to ensure that members of ethnic minorities had a fair and equitable chance of passing them.

## **E. Minority youth**

39. The Forum on Minority Issues, established by the Human Rights Council in its resolution 6/15 and renewed in resolution 19/23, provides an annual platform for dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minorities. The tenth session of the Forum on the topic of “Minority youth: towards diverse and inclusive societies” was held on 30 November and 1 December 2017. It brought together minority youth from around the world to reflect on the importance of investing in young people and in those belonging to minority groups to foster harmonious societies that value cultural differences and the participation of all. The Forum elaborated recommendations in four main areas: access to inclusive education, the participation of minority youth in public life, the empowerment of minority youth through the media in the digital age and the contribution of minority youth to peace and stability. Those recommendations will be presented to the Human Rights Council at its thirty-seventh session by the Special Rapporteur on minority issues.

40. There have been some important initiatives regarding minority youth at the country level. For example, in the Republic of Moldova on 21 February, OHCHR facilitated the first ever national minority youth forum, bringing together over 130 young activists from across ethnic and religious groups in the country. The forum served as a platform for exchange between minority youth and Moldovan State institutions, represented by the Deputy Speaker of the parliament, the Deputy Prime Minister for Reintegration, the Ombudsperson, the Chair of the Equality Council and other high-level officials. The Special Rapporteur on minority issues addressed a special video welcome message to the participants. The forum also served as a powerful consolidation point for the newly established platform of minority youth, closely supported by the OHCHR office in the country, the Group of Youth for Interethnic Solidarity. In May 2017, OHCHR held a meeting with the Group and other minority youth representatives from the Republic of Moldova. Topics discussed ranged from concerns about linguistic rights (medical leaflets, topographic signs and personal names on identity cards are only available or permitted in the official State language) to the role of youth in pushing forward the minority rights agenda. In January and April 2017, OHCHR Tunisia organized, jointly with the Youth Centre in the Manouba Governorate, four awareness-raising days around the issue of discrimination, religious diversity, freedom of expression and combating hate speech for high school students.

<sup>18</sup> See OHCHR, “Report on the human rights situation in Ukraine from 16 May to 15 August 2017”.

## F. Linguistic rights

41. In March 2017, the Special Rapporteur on minority issues produced a publication entitled “Language rights of linguistic minorities: a practical guide for implementation”, with a view to assisting policymakers and rights holders to understand the full scope of the rights of linguistic minorities and help in their practical implementation.<sup>19</sup>

42. Treaty bodies and special procedures have also stressed the need for access to education in minority languages. For example, the Committee on the Elimination of Racial Discrimination recommended that Tajikistan take measures to ensure that ethnic minorities had access to instruction in minority languages, taking into account the particular needs and interest of those groups when developing strategies and programmes to that end (CERD/C/TJK/CO/9-11).

43. The Special Rapporteur on minority issues has also examined linguistic rights in connection with her country visits. Concerning her official visit to Sri Lanka, she described how minority representatives reported systemic challenges with respect to the use of the Tamil language, particularly in the public domain. She was also informed that the school system remained highly segregated along linguistic and ethnic lines. The Special Rapporteur acknowledged that Sri Lanka had put in place an important legal and policy framework that was necessary for multilingualism. However, targeted and strengthened measures and the allocation of sufficient resources were necessary to enable their actual implementation (see A/HRC/34/53/Add.3, para. 72).

44. At the regional level, throughout 2017 the OHCHR regional office for Central Asia continued its work on raising awareness of ethnic minority rights and supporting the introduction of multicultural education, covering topics such as tolerance, respect for diversity, inter-ethnic relations and non-discrimination in various educational institutions across Kyrgyzstan.

45. At the country level, OHCHR Tunisia worked closely with several minority groups, mainly Afrodescendants and Amazigh minorities, to combat *de jure* and *de facto* discrimination. Two major consultations were organized in March and December 2017 and meetings are organized periodically with the Ministry responsible for human rights for discussions and for OHCHR to put forward the requests made by civil society organizations on their behalf. For the Amazigh population, one of the main concerns is the use of the Tamazight language and the possibility of giving Amazigh names to their children.

46. On 17 November, a group of special procedures mandate holders warned of the excessive use of force by the security services in the south-west and north-west of Cameroon, where the country’s English-speaking minority is located. Injuries, mass arrests, arbitrary detention, torture and other ill-treatment inflicted on the English-speaking minority had also been reported. Freedom of expression had reportedly been limited by the blocking of Internet connections and of access to social media platforms, such as Twitter, WhatsApp and Facebook. The appeal for action comes nearly a year after special procedures mandate holders publicly urged the Government of Cameroon to halt the violence against the English-speaking minority, following reports that anglophone protesters in Buea and Bamenda had suffered undue force.<sup>20</sup>

## G. Data collection

47. The role that disaggregated data play in the implementation and monitoring of rights of persons belonging to minorities has been repeatedly stressed by the Special Rapporteur on minority issues, human rights treaty bodies and other human rights actors. In the reflections on her six-year tenure in July 2017, the Special Rapporteur on minority issues reasserted that it was crucial for States to be aware of the composition of their populations, including identifying minority groups, in order to obtain an accurate picture of the number,

<sup>19</sup> See [www.ohchr.org/Documents/Issues/Minorities/SR/LanguageRightsLinguisticMinorities\\_EN.pdf](http://www.ohchr.org/Documents/Issues/Minorities/SR/LanguageRightsLinguisticMinorities_EN.pdf).

<sup>20</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22409&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22409&LangID=E).

geographical distribution, identity and socioeconomic status of those groups. Collection and statistical analysis of disaggregated data on minorities were essential tools for designing and monitoring adequate policies and targeted plans for minorities. In the process of the collection and analysis of disaggregated data, provision should be made to safeguard against discrimination, stigmatization and any misuse of sensitive information, in accordance with international standards of personal data protection and privacy (see A/HRC/34/53, para. 72).

48. In her report, the Special Rapporteur also concluded that disaggregated data gathering should be conducted at the national, regional and local levels through the national census and periodic social surveys, accompanied by appropriate statistical analysis. It was essential to include data takers from diverse backgrounds, including minority persons, especially in territories where minorities were concentrated. Census questions should allow for open and multiple responses that would enable respondents to self-identify according to their national, ethnic, religious and linguistic affiliation, including multiple identities. It was necessary to develop various socioeconomic indicators and indices to assess adequately the possible marginalization of and discrimination against minorities with respect to, inter alia, access to education, employment, health, housing and public services (*ibid.*, para. 73).

49. Treaty bodies remain concerned that the data provided by a number of States (a) do not give the ethnic composition of the population in the State and (b) do not provide a comprehensive appraisal of the enjoyment of rights, particularly economic, social and cultural rights. Recommendations and comments have been made in particular by the Committee on the Elimination of Racial Discrimination with respect to a wide range of countries.<sup>21</sup> The Working Group of Experts on People of African Descent at its nineteenth and twentieth sessions recommended that States should make a genuine commitment to the standard of leaving no one behind by collecting disaggregated data (A/HRC/36/60). To monitor the implementation of the Sustainable Development Goals, it will be important to improve the availability of and access to data and statistics disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts. The creation of those indicators should include the use of data from the existing mechanisms for monitoring compliance with human rights standards, especially the universal periodic review mechanism of the Human Rights Council and reviews of compliance with all human rights treaties.

50. The importance of data collection is also evident in connection with the Sustainable Development Goals. While minorities are not explicitly mentioned in any of the existing Goals, targets or indicators, the participation of minorities should be a key component of future deliberations. The disaggregation of data plays a crucial role in identifying and addressing those left behind and the reasons behind such trends. The engagement of minorities in the implementation of the 2030 Agenda for Sustainable Development is crucial to meeting related human rights commitments. Member States should facilitate the involvement and consultation of minorities and their participation in the voluntary national reviews and in processes at the national level to plan, implement and monitor national frameworks for the 2030 Agenda, including in capacity-building.

51. At the country level, in her report on her official visit to the Republic of Moldova, the Special Rapporteur on minority issues noted that the results of the 2004 census were largely outdated. She recommended that the Government make all the arrangements necessary to allow the National Statistics Bureau to process the data, publish the results of the 2014 census as a matter of urgency and provide that data disaggregated by, inter alia, gender, ethnicity, language and religious affiliation. Such an analysis could be crucial to highlighting the vulnerability of different population groups and enabling legislators and policymakers to establish targeted programmes for them (A/HRC/34/53/Add.2).

52. With respect to her visit to Sri Lanka, the Special Rapporteur stressed that specific interventions to address the needs of different minority groups should be based on accurate data that were disaggregated by, inter alia, gender, ethnicity, language and religious

<sup>21</sup> See, for example, CERD/C/FIN/CO/23, paras. 6–7, CERD/C/KEN/CO/5-7, paras. 7–8, CERD/C/ARE/CO/18-21, paras. 5–6, and CERD/C/TJK/CO/9-11, paras. 5–6.

affiliation. Such data were crucial to highlighting the vulnerability of different population groups, including those that faced multiple forms of discrimination, and enabling legislators and policymakers to establish targeted programmes. Census questions should allow for open and multiple responses that enabled respondents to self-identify according to their national, ethnic, religious and linguistic affiliation, including multiple identities (see A/HRC/34/53/Add.3, para. 75).

## V. Conclusions

53. In the year of the twenty-fifth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, patterns of discrimination and incitement to racial or religious hatred and violence, particularly against ethnic or religious minorities, have been recurrent.

54. It is imperative to renew the commitment to minority rights and to take action to protect those rights both in law and in practice. That commitment should translate into strengthened legislative and institutional frameworks for minority rights protection at the country level, in line with the principles of the Declaration. There is a need to enlarge civic space for minority rights advocacy and to make sure that efforts by human rights defenders to invoke minority rights in international or domestic contexts are supported.

55. As is recognized in the preamble to the Declaration, the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States. It is essential that the principles contained in the Declaration are also embedded in conflict prevention and in efforts to prevent violent extremism.

56. Respect for religious diversity and religious dialogue will contribute to fostering peaceful societies, including the right of all persons belonging to minorities to defend their freedom of religion or belief and their right to participate equally and effectively in cultural, religious, social, economic and public life.

57. Advancing minority rights also requires reflection on the importance of investing in minority youth to contribute to harmonious societies that value cultural differences and the participation of all, and their contribution to peace and stability.

58. Furthermore, minority rights must be respected in order to meet the commitment in the 2030 Agenda for Sustainable Development of leaving no one behind. More disaggregated data on minority groups need to be collected in order to build effective, evidence-based policies. The participation of minorities in decision-making at all levels demands greater efforts, including in economic decision-making, in order to reduce inequalities.

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