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

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

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 70/166, which requested the Secretary-General to submit to the General Assembly, at its seventy-second session, a report on the implementation of the resolution, including on activities undertaken by Member States, the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on minority issues, relevant United Nations entities and other stakeholders to enhance the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and to ensure the realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 70/166 on the effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, requesting the Secretary-General to report on activities undertaken by Member States, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Special Rapporteur on minority issues, relevant United Nations entities and other stakeholders to enhance the implementation of the Declaration and to ensure the realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

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

3. This year marks the twenty-fifth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Adopted by the General Assembly by consensus in 1992, the Declaration stresses that the promotion and protection of the rights of persons belonging to minorities contribute to the political and social stability of States in which they live. It offers States and other stakeholders guidance on 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 its article 27.

4. Despite the global consensus on the principles of the Declaration, persons belonging to minorities continue to be targets of human rights violations in a range of contexts. Continuous violence against religious minorities, discrimination against Roma, biased law enforcement against people of African descent and many other concerns raised by human rights bodies and others demonstrate how imperative it is to mark the twenty-fifth anniversary of the Declaration with enhanced implementation of all its articles. This requires concerted efforts by authorities at all levels, non-governmental organizations and minority representatives.²

II. Key United Nations developments

5. 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. This 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

¹ The submissions received are available for consultation at the Office of the United Nations High Commissioner for Human Rights (OHCHR).

² See, for example, A/HRC/34/53, in particular its paras. 57-104; and the joint statement of the Committee on the Elimination of Racial Discrimination, the Working Group of Experts on People of African Descent and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance marking the International Day for the Elimination of Racial Discrimination on 21 March 2017, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21416&LangID=E.

facilitated by the United Nations network on racial discrimination and protection of minorities, coordinated by OHCHR, which aims to engage the entire United Nations system. The Secretary-General's Guidance Note on Racial Discrimination and Protection of Minorities and its related action plan for 2014-2017 provide the framework, which includes coordinated engagement at both the global and country levels, including action by United Nations country teams and other actors. OHCHR has organized a number of workshops for United Nations country teams to facilitate follow-up to the guidance note. The importance of the rights of persons belonging to national minorities is also reflected in the United Nations Development Group Guidance Note on Human Rights for Resident Coordinators and United Nations Country Teams, issued in 2016 to facilitate the integration of human rights into United Nations work at the country level.

6. The United Nations Forum on Minority Issues and the Special Rapporteur on minority issues have continued to be key catalysts for improving the implementation of the Declaration. It is equally important that the rights of persons belonging to minorities are incorporated into the work of human rights bodies and mechanisms with a more general mandate. In this respect, it is encouraging to see frequent references to minorities in country-specific conclusions and general comments by various human rights treaty bodies as well as in the reports of many special rapporteurs. Furthermore, in connection with the Human Rights Council's universal periodic review, Member States have frequently raised issues concerning rights of persons belonging to minorities. There was a sharp increase in relevant recommendations made by Member States in the second cycle of the universal periodic review compared with the first cycle of reviews. While this rise reflects persistent challenges in the implementation of rights, it also suggests that Member States are paying increased attention to the human rights of persons belonging to minorities.

7. The 2030 Agenda for Sustainable Development and its Sustainable Development Goals present new opportunities for advancing rights of persons belonging to minorities that need to be seized by the United Nations, States, minorities and other actors. The engagement of minorities in the implementation of the 2030 Agenda is crucial, bearing in mind its commitment to human rights and to leaving no one behind and the highly relevant language in the Goals and targets, including on reducing inequality. The relevance of minority issues in the implementation of the 2030 Agenda was reflected in some of the first voluntary national reviews on the Sustainable Development Goals, submitted by countries to the high-level political forum on sustainable development in July 2016.

8. The International Decade for People of African Descent (2015-2024), proclaimed by the General Assembly and coordinated by the High Commissioner for Human Rights, is another important new entry point for engagement. Its theme, "People of African descent: recognition, justice and development", is reflected in an action plan. Wide engagement in the Decade is sought at the national and regional levels as well as within the United Nations, including through the United Nations network on racial discrimination and protection of minorities. The Decade is promoted by the United Nations through a continually updated multilingual website, social media, posters, exhibits and special events in collaboration with Member States, students, artists and non-governmental organizations around the world.³

9. Several human rights mechanisms have continued to raise issues concerning the protection of the rights of people of African descent; the Special Rapporteur on minority issues, for example, made related recommendations following her visit to

³ See, for example, www.un.org/en/events/africandescentdecade.

Brazil in September 2015.⁴ A number of States and national human rights institutions reported in their submissions on specific measures taken with regard to people of African descent, including Honduras, Colombia and Mexico.⁵

III. Selected key areas of actions

A. Empowerment and participation

10. In order for the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities to have an impact, it is crucial that rights holders know how to claim their rights and have the skills and capacity to use the relevant procedures and mechanisms. This is the ultimate aim of the annual Minorities Fellowship Programme of OHCHR, which, in 2016, trained 11 fellows from different regions. For more than 10 years, the programme has provided persons belonging to minorities with in-depth knowledge of the United Nations human rights machinery and strengthened their advocacy skills to better use international human rights standards and mechanisms. An evaluation of the fellowship confirmed its impact, indicating that, following their training, many fellows had organized a range of capacity-building workshops on minority rights and enhanced their engagement with treaty bodies and special procedures, including through follow-up on their findings. A former fellow from Colombia, for example, organized training for over 300 minority youth leaders on United Nations instruments and mechanisms specific to minorities. OHCHR also organized various capacity-building training sessions on minority rights at the national level, including in Myanmar, the Philippines and the Republic of Moldova, and instituted distinct fellowships for people of African descent and indigenous peoples.

11. Article 2, paragraph 2, of the Declaration states that persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life. There are various ways in which such participation can be facilitated, including through consultative bodies and dedicated focal points in relevant government entities. In order to encourage such initiatives, the OHCHR Regional Office for Central Asia conducted a study in 2015 on good practices to improve minority participation in political life, particularly civil service, consultative and elected bodies, and is supporting the authorities in Kyrgyzstan with a view to building on those examples of good practice.⁶ Minority women often face particular obstacles in decision-making processes and other contexts. With this in mind, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) has worked to empower minority women, including by developing advocacy and media relations capacity among minorities in Kazakhstan and facilitating the participation of excluded women in human rights consultations in Nepal.⁷

12. Several Member States also reported on their efforts to enhance the inclusion of minorities in decision-making. Germany highlighted the role of its Secretariat for Minorities, which represents the interests of national minorities vis-à-vis the Federal Government and legislative bodies.⁸ Serbia reported on the role of its National Council for National Minorities, comprising competent State authorities and

⁴ A/HRC/31/56/Add.1.

⁵ Submissions by Colombia, Honduras and the National Human Rights Commission of Mexico.

⁶ See A/HRC/34/21 and Corr.1, para. 16.

⁷ Submission by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women).

⁸ Submission by Germany.

presidents of all councils of national minorities within the country, in the implementation of Serbia's 2016 action plan for exercising the rights of national minorities.⁹

B. Data collection

13. The role of disaggregated data 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 same vein, in November 2016, the Forum on Minority Issues recommended at its ninth session, which focused on minorities in situations of humanitarian crises, that relevant data should be collected and responsibly managed according to international standards and disaggregated, where possible, by ethnicity, language, nationality status, religious affiliation, age and gender.

14. The importance of data collection is also evident in connection with the Sustainable Development Goals, not least in ensuring that the implementation of the commitment to leave no one behind is pursued and tracked. According to the agreed global framework, the Goals' indicators should be disaggregated, where relevant, by income, sex, age, race, ethnicity, migratory status, disability and geographic location, or other characteristics, in accordance with the Fundamental Principles of Official Statistics.

15. United Nations field presences have advocated for the collection of disaggregated data in a number of country contexts. For example, the OHCHR Regional Office for South America has pursued initiatives emphasizing the need to collect disaggregated data to understand how discrimination is felt by different groups and thus to design targeted policies.¹⁰ UN-Women has also encouraged the collection and use of such data, including by reviewing the availability of sex-disaggregated data in order to point out data gaps with respect to ethnic minority women and girls in Viet Nam.¹¹ In Kenya, OHCHR kick-started the cooperation between the National Commission on Human Rights and the Bureau of Statistics that was instrumental to an agreement on a list of the population groups that should not be left behind, which would inform national efforts to implement and measure progress on the 2030 Agenda for Sustainable Development.¹²

16. Several States reported on their efforts in the area of data collection. Slovakia, for example, referred to its national action plan for its population and housing census in 2021, with an emphasis on Roma and marginalized groups.¹³ Argentina reported that, in 2016, the National Institute against Racism, Xenophobia and Discrimination started to update the national mapping study on discrimination in the country,¹⁴ aimed at providing statistical data on the situation of persons who are victims of discrimination. The National Human Rights Commission of Mexico had prepared a study on the situation of people of African descent, so as to raise awareness and to build analytical benchmarks.¹⁵

⁹ Submission by Serbia.

¹⁰ See, for example, information on a workshop devoted to this topic, available, in Spanish, from <http://acnudh.org/31688-2/>.

¹¹ Submission by UN-Women.

¹² Submission by the OHCHR Human Rights Adviser in Kenya.

¹³ Submission by Slovakia.

¹⁴ Submission by Argentina.

¹⁵ Submission by the National Human Rights Commission of Mexico.

C. Constitutional guarantees

17. It is crucial that persons belonging to minorities are included in the process of drafting legislation and that their rights are reflected in the resulting normative frameworks, starting with national constitutions. In order to encourage such processes, the United Nations has taken various initiatives in different regions. For example, the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region has organized regional expert consultations on integrating minority rights in constitutional reform processes. The most recent consultation took place in July 2016 in Amman, where experts examined constitutional reforms in the region and explored how the rights of persons belonging to minorities could be protected more effectively.¹⁶

18. In this respect, a number of States also reported on measures that they have employed to strengthen pertinent norms. Armenia, for example, reported that its constitutional amendments introduced in December 2015 had provided a more comprehensive protection of human rights generally and allowed for the introduction of national minority seats in the National Assembly.¹⁷ The importance of constitutional reform processes for minorities has also been stressed in Sri Lanka, including by the High Commissioner for Human Rights who, at the conclusion of his visit in February 2016, expressed his hope that minorities and other groups who had been neglected or discriminated against could now receive the attention that they deserved, not least in the constitutional reform process.¹⁸ The Special Rapporteur on minority issues also underlined the importance of the constitutional reform process following her visit to the country in October 2016. She urged Sri Lanka to introduce a strong minority rights regime in the governance structure as well as legal and institutional guarantees for equality and non-discrimination.¹⁹

D. Non-discrimination guarantees

19. While the rights of persons belonging to minorities stipulated in the Declaration and other international human rights instruments extend beyond non-discrimination, they are grounded in strong anti-discrimination guarantees. The need to address intersecting forms of discrimination has been repeatedly stressed by the Committee on the Elimination of Discrimination against Women. In its general recommendation No. 34 (2016) on the rights of rural women,²⁰ the Committee urged States parties to ensure that disadvantaged and marginalized groups of rural women, including those belonging to afro-descendent, ethnic and religious minorities, are protected from intersecting forms of discrimination and have access to education, employment, water and sanitation and health care.

20. Several Member States are in the process of introducing or reinforcing anti-discrimination legislation, often reflecting recommendations made by human rights mechanisms. For example, in Tunisia, OHCHR has supported the preparation of a law on racial discrimination, in line with a recommendation made by the Committee on the Elimination of Racial Discrimination.²¹ The Commission on Human Rights of the Philippines reported that the House of Representatives is deliberating eight draft laws that aim to address multiple and intersecting forms of discrimination, including

¹⁶ Submission by the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region.

¹⁷ Submission by Armenia.

¹⁸ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17025&LangID=E.

¹⁹ See A/HRC/34/53/Add.3.

²⁰ CEDAW/C/GC/34.

²¹ Submission by Tunisia.

on the basis of race, religion, ethnicity, sex or gender or sexual orientation and political belief.²² Georgia reported on efforts to implement its Law on the Elimination of All Forms of Discrimination together with the national human rights strategy and related action plan.²³ The Equal Opportunities Commission of Hong Kong, China, tasked with implementing the Race Discrimination Ordinance through complaint handling, legal assistance, policy advocacy and public education, reported on the work of its dedicated ethnic minorities unit in areas including education, health and housing and on the use of minority languages.²⁴

21. While there has been normative progress in many countries, the findings of the Committee on the Elimination of Racial Discrimination and other human rights bodies demonstrate that persons belonging to national or ethnic, religious and linguistic minorities continue to be frequent targets of discrimination.²⁵ 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.²⁶ Human rights challenges faced 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 bodies.²⁷ In June 2016, the OHCHR Regional Office for Europe together with regional actors issued a statement highlighting the devastating implications of forced evictions on the life situation of Roma and called on national, regional and local authorities to find sustainable solutions to the housing or accommodation problems faced by many Roma and Travellers in Europe.²⁸ In Serbia, OHCHR pursued dialogue with the authorities to ensure that human rights are reflected in a new law on housing, adopted in December 2016, including actionable legal provisions to improve the possibility of challenging the resettlement of Roma when extensive social inclusion measures are not provided.²⁹

22. Several Member States reported on actions taken to improve the situation of Roma, including through Roma strategies and action plans. Switzerland, for example, reported on the preparation of an action plan for Yenish, Sinti and Roma.³⁰ Lithuania shared the results of a survey conducted to analyse changes in the situation of the Roma, revealing, inter alia, a welcome increase in the participation of Roma in basic education but a drop in their participation in secondary and higher education.³¹ The National Consultative Commission on Human Rights of France reported challenges regarding the inclusion of Roma in education, but also noted that organizations working to defend the human rights of Roma, together with certain local integration initiatives, had helped to decrease negative attitudes towards Roma in recent years.³²

23. The Special Rapporteur on minority issues and other human rights mechanisms have drawn attention not only to serious human rights violations faced

²² Submission by the Commission on Human Rights of the Philippines.

²³ Submission by Georgia.

²⁴ Submission by the Equal Opportunities Commission of Hong Kong, China.

²⁵ For example, several of the concluding observations adopted by the Committee at its eighty-ninth session (CERD/C/AZE/CO/7-9, CERD/C/GEO/CO/6-8, CERD/C/NAM/CO/13-15 and CERD/C/ESP/CO/21-23) and its ninetieth session (CERD/C/GRC/CO/20-22, CERD/C/PAK/CO/21-23, CERD/C/LKA/CO/10-17 and CERD/C/UKR/CO/22-23) touched on issues affecting minorities.

²⁶ See, for example, A/HRC/29/24.

²⁷ See, for example, E/C.12/MKD/CO/1 and E/C.12/FRA/CO/4.

²⁸ Submission by the OHCHR Regional Office for Europe.

²⁹ Submission by the OHCHR Human Rights Adviser in Serbia.

³⁰ Submission by Switzerland.

³¹ Submission by Lithuania.

³² Submission by the National Consultative Commission on Human Rights of France.

by Roma in Europe, but also to the discrimination they face in other regions. Colombia reported on the measures it has taken to improve the inclusion of Roma and Argentina shared data on public attitudes towards Roma and other minorities.³³

24. The Special Rapporteur on minority issues focused on the issue of discrimination based on caste and analogous systems of inherited status in her report presented to the Human Rights Council in March 2016, noting that while many caste-affected groups may belong to the same larger ethnic, religious or linguistic community, they often share minority-like characteristics.³⁴ Under the framework of the Network on racial discrimination and minorities, OHCHR coordinated the preparation of a guidance tool on descent-based discrimination, highlighting good practices notably at the country level. The tool, aimed at United Nations country teams in particular, was launched in Nepal in March 2017.³⁵

E. Interfaith dialogue

25. In order to address intolerance and hostility towards religious minorities and others, enhanced human rights-based dialogue between different communities is essential. Religious leaders have been encouraged to provide a platform for intra- and interfaith dialogue and discussions in order to promote tolerance and understanding between communities, including in the Secretary-General's Plan of Action to Prevent Violent Extremism, submitted to the General Assembly in January 2016.³⁶

26. The role of religious leaders and faith-based actors in promoting human rights, including rights of persons belonging to minorities, is highlighted in the "Faith for Rights" initiative, launched by OHCHR with an expert workshop in Beirut in March 2017. This initiative provides space for cross-disciplinary reflection on the deep and mutually enriching connections between religions and human rights. The initiative has led to the adoption of the Beirut Declaration³⁷ and its corresponding 18 commitments on "Faith for Rights", which include the pledge to stand up for the rights of all persons belonging to minorities and to defend their freedom of religion or belief as well as their right to participate equally and effectively in cultural, religious, social, economic and public life, as recognized by international human rights law. The Office of the Special Adviser on the Prevention of Genocide has also organized regional and national meetings with religious leaders on their role in preventing and countering incitement to violence that could lead to atrocity crimes and has also engaged in the production and implementation of the global Plan of Action for Religious Leaders and Actors to Prevent Incitement to Violence that Could Lead to Atrocity Crimes.³⁸

27. The Special Rapporteur on freedom of religion or belief, in his report presented to the Human Rights Council in March 2017, drew attention to the role that national human rights institutions can play in guiding interfaith dialogue in line with the Rabat Plan of Action.³⁹ Submissions from national human rights institutions also demonstrate their role in tracking and reporting on problems in terms of communication about minority religions. The Danish Institute for Human

³³ Submission by Argentina and Colombia.

³⁴ See A/HRC/31/56, para. 21.

³⁵ See A/HRC/34/21 and Corr.1, para. 30. The tool is available from www.ohchr.org/EN/Issues/Minorities/Pages/MinoritiesIndex.aspx.

³⁶ See A/70/674, paras. 36 and 49.

³⁷ Available from www.ohchr.org/EN/Issues/FreedomReligion/Pages/FaithForRights.aspx.

³⁸ Submission by the Office of the Special Adviser on the Prevention of Genocide.

³⁹ See A/HRC/34/50, para. 19.

Rights, for example, reported on its study, published in February 2017, on hate speech in the online public debate, noting that two areas that often draw hateful comments are religion and ethnicity.⁴⁰

28. In their submissions, States have provided a range of examples of interfaith dialogue and their interaction with religious leaders. Senegal reported that, although there is no administrative structure or institution devoted to interfaith dialogue, private actors, including the Commission for Muslim-Christian Dialogue, undertake initiatives to foster religious harmony.⁴¹ Serbia reported that it has improved the process of international and regional interconfessional cooperation, and Azerbaijan referred to the existence of organizations bringing together different confessions.⁴² Italy reported that it pays particular attention to the issue of integration and anti-discrimination through a dialogue with Muslim communities.⁴³

F. Safety and security

29. 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. Various United Nations reports show how this fundamental guarantee is being eroded in a number of contexts, with minorities being targeted and subjected to killings, violence and forced displacement. Minority women are often disproportionately affected. 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 highlights the religious and ethnic dimensions of many of the crimes committed in the Central African Republic. The recommendations of the Bangui Forum on National Reconciliation, held in 2015, included the adoption of measures for increased inclusion of minorities, especially the Muslim community, in decision-making spheres.⁴⁴

30. In August 2016, the Human Rights Office of the United Nations Assistance Mission for Iraq and OHCHR issued a report entitled “A call for accountability and protection: Yazidi survivors of atrocities committed by ISIL”,⁴⁵ which supported the conclusion that those crimes had been committed in a systematic and widespread manner, targeting and seeking to destroy the Yazidi group, in whole or in part.

31. The Special Rapporteur on minority issues, in her statement upon concluding her official visit to Iraq in March 2016, noted that ethnic and religious minorities continue to be disproportionately affected by violence and atrocities committed by Islamic State in Iraq and the Levant (ISIL).⁴⁶

32. In June 2016, the Independent International Commission of Inquiry on the Syrian Arab Republic issued a report on the crimes committed by ISIL against the

⁴⁰ Submission by the Danish Institute for Human Rights.

⁴¹ Submission by Senegal.

⁴² Submissions by Serbia and Azerbaijan.

⁴³ Submission by Italy.

⁴⁴ United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and others, 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 (May 2017), including part II, chap. I.D. Available from www.ohchr.org/Documents/Countries/CF/Mapping2003-2015/2017CAR_Mapping_Report_EN.pdf.

⁴⁵ Available from www.ohchr.org/Documents/Countries/IQ/UNAMIRreport12Aug2016_en.pdf.

⁴⁶ www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17166&LangID=E.

Yazidis. The Commission concluded that ISIL had committed and continued to commit the crime of genocide against the Yazidis, crimes against humanity and war crimes.⁴⁷

33. In June 2017, the United Nations 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, said that the humanitarian and human rights situation had deteriorated dramatically and various actors were fuelling ethnic hatred, resulting in extremely grave, widespread and apparently planned attacks against the civilian population in the Kasai area. Some 1.3 million internally displaced persons had fled.⁴⁸

34. The United Nations Assistance Mission in Afghanistan has reported on attacks and abductions by anti-government elements against persons of Hazara background. The Mission has continued to facilitate dialogue between Hazara leaders and the Government on these issues.⁴⁹

35. With regard to Myanmar, the protection of minorities has been addressed in reports by the Special Rapporteur on the situation of human rights in Myanmar⁵⁰ and by the High Commissioner for Human Rights, including in his report to the Human Rights Council on the situation of human rights of Rohingya Muslims and other minorities in Myanmar of June 2016⁵¹ and the report of the OHCHR mission to Bangladesh entitled “Interviews with Rohingyas fleeing from Myanmar since 9 October 2016”, issued in February 2017.⁵² 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. The Human Rights Council also called upon the Government of Myanmar to continue efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of ethnic and religious minorities, including the root causes of discrimination, in particular relating to the Rohingya minority.⁵³

36. The ninth session of the Forum on Minority Issues, held in November 2016, focused on minorities in situations of humanitarian crises. Forum participants examined how discrimination and different forms of marginalization increased the vulnerability of minorities in humanitarian crises, including conflict, disaster and pandemics. In its recommendations, the Forum highlighted the primary responsibility of States to protect minorities and, in particular, women, girls and persons belonging to other groups, who are often disproportionately negatively affected by disasters and conflicts and may be exposed to multiple and intersecting forms of discrimination.⁵⁴

37. Building on the human rights framework, and on progress with respect to accessions to the statelessness conventions, in 2014, the Office of the United Nations High Commissioner for Refugees launched an ambitious 10-year campaign to end statelessness to bring more attention to the problematic situation of stateless minorities. A side event was organized during the ninth session of the Forum on

⁴⁷ See conference room paper entitled “They came to destroy: ISIS crimes against the Yazidis”, paras. 201-205. Available from www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf.

⁴⁸ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21782&LangID=E.

⁴⁹ See A/HRC/34/21 and Corr.1, para. 8.

⁵⁰ See, for example, A/HRC/34/67.

⁵¹ A/HRC/32/18.

⁵² Available from www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf.

⁵³ Human Rights Council resolution 34/22.

⁵⁴ See A/HRC/34/68.

Minority Issues, calling for increased efforts to end discrimination against minority groups and to ensure the protection of stateless minorities.⁵⁵

G. Law enforcement

38. Various findings of treaty bodies and special rapporteurs indicate that the rights of persons belonging to minorities require enhanced attention in connection with law enforcement. The Human Rights Committee, for example, has expressed concern about the excessive use of force by law enforcement officials and recommended that State parties adopt all necessary measures to effectively reduce and eliminate the use of ethnic profiling by the police.

39. In a statement marking International Day for the Elimination of Racial Discrimination on 21 March 2017, several United Nations experts on racial discrimination called for a number of immediate measures, including anti-racism training for the police and judiciary and steps to eliminate institutional racism.⁵⁶ The importance of human rights training for law-enforcement bodies has also been addressed by the Forum on Minority Issues, notably at its eighth session, in November 2015, on the theme of minorities in the criminal justice system. The Forum highlighted the need for States to provide compulsory training on the protection of human rights and minority rights to officials operating in the administration of justice, including law enforcement and the judiciary.⁵⁷

40. The Forum also identified several specific areas of concern with regard to criminal justice systems, including lack of access to due process by minorities whether they were standing as victims, accused or offenders; law-enforcement hiring practices that excluded minorities; and mistreatment of minorities in detention facilities. The Forum called on States to address de jure and de facto discrimination that may arise from laws, policies and/or practices that are ostensibly neutral but have a discriminatory effect.

41. Country-specific recommendations concerning law enforcement have been made by, inter alia, the Working Group of Experts on People of African Descent. Following its mission to the United States of America in January 2016, the Group recommended action to ensure accountability for police violence against African Americans and improved reporting of violations involving excessive use of force.⁵⁸

H. Linguistic rights

42. The commentary to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities stresses that language is among the most important carriers of group identity and that States are to encourage the promotion of the linguistic identity of minorities in accordance with the Declaration. Bearing in mind the various shortcomings in the implementation of linguistic rights, the Special Rapporteur on minority issues has addressed related issues as a priority. In March 2017, she issued a handbook, *Language Rights of Linguistic Minorities: A Practical Guide for Implementation*, to assist policymakers

⁵⁵ Submission by UNHCR.

⁵⁶ Joint statement of the Committee on the Elimination of Racial Discrimination, the Working Group of Experts on People of African Descent and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance marking the International Day for the Elimination of Racial Discrimination on 21 March 2017.

⁵⁷ See A/HRC/31/72.

⁵⁸ See A/HRC/33/61/Add.2, including para. 99.

in this area.⁵⁹ The Special Rapporteur has also examined linguistic rights during her country visits. Following her visit to the Republic of Moldova in June 2016, she made recommendations on linguistic rights in the education system and other public institutions and called for further measures to strengthen broadcasting in minority languages.⁶⁰

43. Several States provided information on recent measures that they had taken in respect of minority languages, with some reporting how their State language legislation accommodates the use of minority languages. Georgia stated that its law on the State language, adopted in 2016, provides for the use of minority languages in the regions densely populated by ethnic minorities, and Lithuania noted that minority languages can be used and interpretation provided in administrative and criminal justice procedures.⁶¹ In Kyrgyzstan, OHCHR is supporting the National Commission for the State Language to develop training materials to teach the Kyrgyz language to civil servants to prevent a decrease in the number of civil servants with a minority background as a result of a law stipulating that civil servants must be fluent in the Kyrgyz language by 2020.⁶²

IV. Conclusions

44. As we celebrate the twenty-fifth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, decisive implementation of its articles remains as urgent as ever. The Declaration's messages of inclusion, equality and respect for different cultures have been challenged through hate speech, discrimination and other negative developments. Yet the minority rights message remains critical to building diverse societies that are cohesive and grounded in human rights.

45. We should all ensure that the principles of the Declaration and related findings of human rights mechanisms are reflected in United Nations work, from supporting the 2030 Agenda for Sustainable Development to enhancing efforts in the area of peace and security.

46. Enhanced implementation at the country level requires strong commitment by Member States to bring their legislative frameworks, policies and practices in line with the principles of the Declaration and to monitor carefully their implementation and impact on minorities.

47. Advancing minority rights requires partnerships that draw on the numerous examples of engagement of national human rights institutions, minority representatives, religious leaders, local authorities and others. Effective partnerships entail, inter alia, developing the capacity of minority representatives to pursue dialogue and claim their rights and ensuring that key actors, including law-enforcement bodies, know and respect the rights of persons belonging to minorities. It is only through the engagement of everyone concerned that the gap can be narrowed between the promise of the Declaration and the situation on the ground.

⁵⁹ Available from www.ohchr.org/Documents/Issues/Minorities/SR/LanguageRightsLinguisticMinorities_EN.pdf.

⁶⁰ See A/HRC/34/53/Add.2.

⁶¹ Submissions by Georgia and Lithuania.

⁶² Submission by the OHCHR Regional Office for Central Asia.