

Check against delivery



Statement by Rita Izsak-Ndiaye
SPECIAL RAPPORTEUR ON MINORITY ISSUES

34th session of the Human Rights Council

Item 3

15 March 2017

Geneva



Introduction

It is my honour to address the Human Rights Council in my capacity as Special Rapporteur on minority issues, for the sixth and last time. In my report in front of you today I describe the activities carried out since my previous report and I reflect on my six-year tenure as Special Rapporteur, providing an overview of the main issues relating to the mandate. During this last year, I visited Iraq, the Republic of Moldova and Sri Lanka, participated in numerous conferences and seminars, sent communications and issued press releases which are all detailed in my report as well as in my regular Bulletin which is published on my website.

In this final report, you will find a description of the eight priorities I identified when I took up the mandate and all the activities undertaken thereafter relevant to these issues. This is followed by a section in my report of the major challenges I faced in the protection and promotion of minority rights during the course of my mandate which I consider as requiring greater attention by Governments, the international community, civil society, and minority groups.

First, I discuss my general observation and concern that, with increasing hate speech, xenophobic rhetoric and incitement to hatred against minorities, coupled with the rise of extremism and far-right political parties, the progress achieved during the past decades in the field of minority rights protection is under threat. Therefore, I urge swift and concrete guarantees be put in place to preserve those achievements and to allow further improvement. Such guarantees must come in the form of strengthened legislative and institutional frameworks for minority rights protection, as well as demonstrating an unequivocal political will to foster conditions for cohesive societies where there is unity in diversity.

I observed challenges to the use of the term “minority” for certain distinct communities, either because they reject being referred to as minorities on the basis of a perceived negative connotation, or because they self-identify as minorities but the State refuses to recognize them as such. I believe that further awareness-raising is required to fully convey the meaning, scope and implications of the term “minority”, so that it can be reclaimed and used with the empowering intent it actually holds. Moreover, I recall that the existence of an ethnic, religious or linguistic minority in a given State does not depend upon a decision by the Government but needs to be established by objective criteria. Members of those minorities need not be nationals or citizens, or even permanent residents. Therefore, I encourage States to be as inclusive as possible when designing protection measures for all disadvantaged minorities within their territories, including migrant workers and newly arrived minorities. Moreover, I am concerned that out of 10 million people deprived of a nationality globally, many, if not most of them, belong to minorities. Statelessness must be eradicated so it will not be a further source of stigmatization and exclusion.

During my tenure, I have repeatedly highlighted the need for adequate data collection and statistical analysis that enable States to be aware of the composition of their population, including who the minority groups are, in order to obtain an accurate picture of the number, geographical distribution, identity and socioeconomic status of minority groups. Such data would allow for adequate policy responses to minority issues, including the establishment and monitoring of targeted actions and programmes to prevent and address poverty, exclusion and discrimination.

I remain concerned that during the official missions of the mandate, several countries had difficulties in identifying the most relevant governmental departments in charge of minorities and even when they did so, their capacities in terms of staff, budget and authority often did not meet the necessary minimum standards to provide effective attention to and protection of minorities. Therefore, I have repeatedly emphasized that specialized mechanisms need to be put in place at all levels to facilitate legislative and policy development and the design, implementation and monitoring of minority-related programmes. This national dimension of institutional attention must be complemented and reinforced by solid regional and international mechanisms tasked to promote domestication of minority rights, as well as the protection and promotion of minority standards regionally and internationally.

During these past 6 years, I have been particularly alarmed by the limited, or often complete lack, of minority presence in political and public offices. I call for the better inclusion of minorities in all decision-making processes, including in municipal and government structures, law enforcement bodies, the judiciary, legislative bodies, criminal justice systems and all authorities, especially when their decisions affect minorities.

I welcome the increasing attention devoted by the United Nations to minority issues worldwide in recent years, as well as within the system itself. This includes the creation in 2012 of the United Nations network on racial discrimination and the protection of minorities, coordinated by OHCHR and comprised of more than 20 United Nations departments, agencies, programmes and funds. I recommend the United Nations to take a stronger stance in advocating for minority rights protection at both national and regional levels. Moreover, I believe that, in view of the current state of affairs, it is crucial to appoint a high-level official on minority issues within the Secretariat and to establish senior positions within United Nations departments and agencies dedicated solely to issues of minority rights protection, diversity management and safeguarding pluralistic societies. The designation of minority focal points in all United Nations field offices would also be a great step forward and I encourage efforts to be taken to make UN offices more inclusive of minority communities.

Minorities remain among the poorest and the most socially and economically excluded and marginalized communities globally, yet targeted attention to their situations is lacking. I firmly believe that the successful implementation of the 2030 Agenda can only be achieved by taking into consideration the situation of minorities, and call on States once again to fulfil in practice the principle of leaving no one behind.

This year, in 2017, we commemorate the 25th anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities as well as the 10th anniversary of the UN Forum on Minority Issues. This provides a unique and timely opportunity to reflect on the past achievements and to look forward to identify ways to further strengthen international standards and mechanisms on minority rights protection. I encourage United Nations offices and agencies, Member States and civil society and minority representatives to organize specific initiatives to mark this important anniversary to further promote awareness of the Declaration and consider specific issues most relevant to minorities. Discussions should include possible ways to strengthen and support the functioning of the Minority Forum, which is a unique and global platform facilitating dialogue and addressing relevant issues pertaining to minorities. The Forum should be

provided with the necessary resources to fully implement its mandate. It will be important for the Forum's profile to be raised at the regional and international levels, and there should be stronger follow-up to the implementation of its recommendations. Moreover, efforts should be taken for better ownership of the Forum's agenda by minorities and for ensuring a more interactive dialogue during the Forum's sessions.

Country visits

Mission to Iraq

I conducted an official visit to Iraq from 27 February to 7 March, 2016. I thank the Government for its cooperation and for the importance that it gave to my visit, demonstrated in the high level of meetings that I had, including with Prime Minister Haider al-Abadi.

Minority ethnic and religious communities in Iraq, which have been an integral part of the population and cultural heritage of the country for millenniums, are facing an unprecedented crisis that threatens their continued existence in the country. While all communities have suffered under the terror campaign and criminal brutality committed by the so-called Islamic State of Da'esh, minorities and their regions have been particularly targeted as a consequence of its extreme doctrine and its view of religious minorities as infidels or heretics. Evidence supports claims of crimes against humanity, war crimes and possibly genocide perpetrated against the Yazidis and other communities, that must be fully investigated and perpetrators held to account. As a woman told me in an IDP camp: "There is nothing left that they haven't done to us".

It is my belief that Iraq is at a crossroads, and the actions of the Government now will determine the extent to which it maintains its rich ethnic, religious and cultural diversity. I was frequently informed that challenges facing minorities did not begin with Da'esh and will not end with its defeat alone. They go much deeper in Iraqi society and solutions must therefore also be far reaching and confront long-standing issues of discrimination, exclusion from political life and economic and social marginalization.

Strengthening an inclusive sense of Iraqi national identity and confronting sectarianism are essential for future peace, stability and social cohesion. For communities to recover and begin to regain trust in the Government and rule of law, a process of truth, justice and reconciliation is required and legal remedies and reparations put in place, including restitution or reconstruction of property, compensation of victims, prosecution of those accused of crimes and psychosocial support for affected persons.

While in Iraq, I also sought to find positive elements that offer hope. I heard about communities helping and supporting each other across ethnic or religious divides and sheltering their neighbours from harm, and about a society in which tolerance and understanding have allowed diverse communities to live together for generations. These positive elements must now be cultivated once again as the bedrock of a future inclusive and peaceful Iraq. I call upon all political, religious and community leaders to lead necessary efforts to achieve intercommunity reconciliation.

The primary responsibility for the protection of all its citizens lies with the Government of Iraq. However, I also encourage the donor community to continue and enhance its generous assistance, including for programmes that go beyond short-term humanitarian aid to specifically support

minorities, contribute to their return to their historic homelands if they so wish, the rebuilding of homes, infrastructure and cultural sites, and promote long-term development and reconciliation, allowing minorities to live in safety and dignity.

Mission to the Republic of Moldova

I conducted an official visit to the Republic of Moldova from 20 to 29 June 2016, which is a multi-ethnic, multi-religious and multicultural society, with a considerable legal framework for the protection of minority rights. In this regard, I welcome the adoption, in December 2016, of the Strategy on Consolidation of Interethnic Relations 2017-2027, which constitutes the latest framework policy document on interethnic relations and minorities.

During my visit, I observed that language issues, especially in the context of education, featured prominently in the consultations I held. The use of mother tongue is highly important and emotive for many communities and an essential aspect of personal and community identity. Minority groups with whom I met clearly expressed their desire to maintain and protect their language rights and their ability to use their mother tongue as well to have a good command of the State language.

The consultations I held with religious minorities revealed that in most of the country, peaceful interreligious relations prevail, although some incidents of racial profiling and religious motivated attacks against Muslim and Jewish communities were reported. Several members of the various religious minorities with whom I met expressed their concerns over their negative portrayal in the media, through broad generalizations of perceived characteristics of the group as a whole.

My visit also provided me with the opportunity to assess the situation of Roma communities across the country. I found that Roma experience entrenched economic, social and political marginalization, are disproportionately affected by poverty and are often victims of discrimination, in particular when gaining access to the labour market, education and healthcare services. I would like to commend the dedication and commitment of the Roma mediators to improve the conditions for the Roma communities. In many places I visited, I received encouraging reports of the advancements made thanks to the work of mediators, including the growth of school enrolment and attendance of Roma children in their communities. However, I was made aware that mediators face serious challenges in performing their functions. I encourage Moldovan authorities to identify solutions for sustainable funding of Roma mediators and to allocate funds for the implementation of the Roma Inclusion Action Plan adopted last year.

I acknowledge the efforts by the Republic of Moldova to shape a legal and institutional framework on minority rights which need to be further complemented with targeted actions for implementation. These include dedicated and sufficient budget provisions, the strengthening of institutional attention to minority issues, continuous communication and consultation with minority groups and regions with relevant minority populations and the promotion of diversity, through the reform of the school curriculum and awareness-raising campaigns.

Mission to Sri Lanka

I conducted a country visit to Sri Lanka between 10 and 20 October 2016. I sincerely thank the Government for its invitation and excellent cooperation with my mandate.

The National Unity Government established in January 2015 has brought a great deal of hope to the country, with an ambitious set of constitutional and governance reforms. Achieving peaceful coexistence after the long and devastating civil war requires a comprehensive, well-planned and well-coordinated truth, reconciliation, healing and accountability process. While such goals cannot be accomplished overnight, I acutely felt the mounting frustrations across the country about the pace of progress; a situation that seems even more critical today than it was when I undertook my visit.

It was evident that the long conflict and the prevailing culture of impunity that has remained unaddressed have created a clear trust deficit vis-à-vis the State as well as between the communities in Sri Lanka. I observed the polarized social and political environments and divisions that cut across society through ethnic, religious and linguistic lines. Adversarial ethnicization of politics not only works against the reform- and the much-needed national reconciliation processes, but has left the minorities with an overwhelming sense of marginalization. The frustration of Tamils, Muslims, Plantation Tamils or the numerically smaller minorities regarding systemic social and political marginalization was pervasive. In particular, minority women, who are often at the forefront of the struggles for truth and reconciliation, face additional challenges to their inclusion in decision-making and power structures.

Five months have passed since my visit, when I urged the Government to seize the momentum and to put in place some immediate, important and concrete measures to clearly demonstrate its political will and commitment to better protect the country's minorities. Today, I repeat this message. Unless those critical issues which are among the most pressing and emotive, especially for the Tamil and Muslim communities - such as those relating to demilitarization, disappeared persons, land return and security-related detainees – are immediately addressed, there is a real risk that this hard-earned momentum would be lost.

The constitutional reform and the transitional justice process present an unprecedented opportunity to address the past, regenerate trust at all levels of society and shape a common vision of the future for Sri Lanka. It is an opportunity to strengthen and rebuild the Sri Lankan identity, to foster a stronger sense of belonging and togetherness of all Sri Lankans.

It will be crucial to build in a strong minority rights regime in the governance structure, putting in place legal and institutional guarantees for equality and non-discrimination for all. The protection and realization of the rights of minorities are instrumental not only to reduce communal tensions but are essential components of good governance. It is my sincere hope that, in its efforts to achieve national reconciliation and an inclusive society, the Government of Sri Lanka will implement the recommendations outlined in my report with a clear vision and road map, with timelines as necessary, including the eventual establishment of a Minorities Commission.

Closing

Before finishing, let me also draw your attention to some additional researches I carried out last year. A detailed analysis of communications has been conducted looking into all urgent appeals and letters of allegation sent since the inception of the mandate until 1 December 2016. I also contacted all States that have been officially visited by my predecessor and myself to follow-up on the developments relevant to the findings and recommendations of our country reports. I would like to

thank the Governments of Bosnia and Herzegovina, Bulgaria, Canada, Colombia, France, Greece, Hungary, Rwanda and Viet Nam for their responses. Moreover, we conducted a second round of research analyzing minority-related recommendations made during the second cycle of the Universal Periodic Review. In the meantime, we also finalized a practical handbook on language rights of linguistic minorities which will be launched on 17 March, this Friday, at a side event starting at 1pm in Room IX. I hope to see you there. I sincerely thank all the consultants and volunteers who contributed to these reports which have been uploaded to the mandate's website. I do hope that you will find them interesting and useful.

Finally, I would like to sincerely thank the numerous entities that have supported and collaborated with the mandate during my tenure, including minority communities, Member States, United Nations agencies, civil society organizations, academic and research organizations, and numerous other stakeholders as well as my predecessor. I would like to particularly thank the Office of the United Nations High Commissioner for Human Rights for the continuous support provided to my mandate.