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

## **Conflict prevention through the protection of the human rights of minorities**

### **Report of the Special Rapporteur on minority issues, Fernand de Varenes<sup>\*</sup>, <sup>\*\*</sup>**

#### *Summary*

In the present report, the Special Rapporteur on minority issues, Fernand de Varenes, provides an overview of activities undertaken since his previous report ([A/HRC/46/57](#)). In the thematic section of the report, he discusses conflict prevention through the protection of the human rights of minorities. Violent conflicts have increased around the world in recent years and most of the drivers of these conflicts involve minority grievances of exclusion, discrimination and inequalities linked to violations of the human rights of minorities. It is necessary to mainstream the human and minority rights framework in order to provide a more effective early warning tool and thereby help to prevent violent conflicts, and the international community must fill the significant gaps in conflict prevention mechanisms, which are failing to focus on the main drivers in most contemporary conflicts.

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\* The present report was submitted after the deadline so as to include the most recent information.  
\*\* The annexes to the present report are circulated as received, in the language of submission only.



## I. Introduction

1. The mandate of the Special Rapporteur on minority issues was established by the Commission on Human Rights in its resolution 2005/79 of 21 April 2005, and subsequently extended by the Human Rights Council in successive resolutions.
2. The current Special Rapporteur, Fernand de Varennes, was appointed by the Human Rights Council in June 2017, and he assumed his functions on 1 August 2017. The mandate was extended in 2020 for a three-year period by the Council in its resolution 43/8.
3. The Special Rapporteur is honoured to be entrusted with the mandate and thanks the Human Rights Council for its trust in him. He also wishes to thank the Office of the United Nations High Commissioner for Human Rights (OHCHR) for its support in the implementation of the mandate.

## II. Activities of the Special Rapporteur

4. The Special Rapporteur wishes to draw the attention of the Human Rights Council to the web page for the mandate, where general information is provided on the activities associated with the mandate, including communications, press statements, public appearances, country visits and thematic reports.<sup>1</sup>
5. The Special Rapporteur has continued to focus on increasing the visibility and raising awareness of minority issues – particularly those relating to his thematic priorities (statelessness; education, language and the human rights of minorities; hate speech targeting minorities in social media; and the prevention of ethnic conflicts) – among United Nations institutions and Member States, and more generally among the general public and other regional and international organizations. He has also focused on new approaches in order to improve the accessibility of activities under the mandate, such as the Forum on Minority Issues.
6. This work has included two main initiatives:
  - (a) In cooperation with the Tom Lantos Institute and numerous regional minority and human rights organizations, consolidating the continued organization of regional forums each year on the same themes as the Forum on Minority Issues;
  - (b) Establishing, for the purposes of the mandate, a working definition of the concept of a minority, and the significance and scope of the categories of minorities recognized in United Nations instruments (national or ethnic, religious and linguistic minorities).
7. The Special Rapporteur has signalled as a priority in 2022 the thirtieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, expected to be marked with a high-level event during the seventy-seventh session of the General Assembly in New York and associated activities. The regional forums, as well as the Forum on Minority Issues, will also focus on a retrospective of the impact of the Declaration since its adoption in 1992 and on how the protection and implementation of the human rights of minorities can be strengthened in the future.

### A. Country visits

8. The Special Rapporteur looks forward to continuing dialogue with Cameroon, India, Jordan, Kenya, Nepal, South Africa, South Sudan, the Syrian Arab Republic, Timor-Leste and Vanuatu, to which he has made requests to visit. He is appreciative of the Governments of Paraguay and the Russian Federation, which have indicated their willingness for the Special Rapporteur to conduct a visit in 2022.

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<sup>1</sup> See [www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/SRminorityissuesIndex.aspx](http://www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/SRminorityissuesIndex.aspx).

9. In his visits, the Special Rapporteur focuses on the importance of addressing discrimination, exclusion and other violations of human rights involving particularly vulnerable minorities, such as the Bidoon, Dalits and Roma, and doubly or even triply marginalized minority women, and issues pertaining to deaf and hard-of-hearing persons who, as users of sign language, are members of linguistic minorities.

10. The Special Rapporteur conducted an official visit to the United States of America from 8 to 22 November 2021 at the invitation of the Government.<sup>2</sup>

## **B. Communications**

11. The Special Rapporteur sent communications and urgent action letters to the Member States concerned based on information received from diverse sources about human rights violations perpetrated against national or ethnic, religious and linguistic minorities.<sup>3</sup>

12. A total of 284 communications have been sent to Governments since January 2021. This was a considerable increase, almost four-fold, over the previous year's total number of communications. All of the communications were sent jointly with other special procedure mandate holders: 16 were urgent appeals, 263 were letters of allegation and 5 were other letters expressing concerns regarding legislation and policy.

13. The largest number of communications were sent to States in Europe and Central Asia (48), followed by Asia and the Pacific (35), the Middle East and North Africa (26), the Americas (8) and sub-Saharan Africa (8). A total of 159 communications were sent to private companies.

## **C. Conferences and awareness-raising activities**

14. Raising awareness and increasing the visibility of the human rights of minorities has been repeatedly highlighted as an important dimension of the Special Rapporteur's work since his appointment by the Human Rights Council in June 2017. Accordingly, the Special Rapporteur has frequently participated in and contributed to conferences, seminars and meetings at the international, regional and national levels throughout the world and with a variety of governmental and non-governmental organizations. He also has given frequent media interviews on issues involving the human rights of minorities.

15. A summary of the main activities undertaken by the Special Rapporteur from July to December 2021 is contained in annex I to the present report. The activities undertaken prior to this period are summarized in the Special Rapporteur's report to the General Assembly at its seventy-fourth session.<sup>4</sup>

## **III. Update on forums on minority issues in 2021**

16. In his first report to the Human Rights Council, in 2018, the Special Rapporteur identified the need for a more regional approach with respect to the Forum on Minority Issues in order to make the Forum more accessible to minorities in different parts of the world and more receptive to regional concerns and contexts.<sup>5</sup> The first steps towards implementing such an approach were taken in 2019, when three regional forums were held. In 2021, and for the first time during the Special Rapporteur's mandate, four regional forums (for Africa and the Middle East; the Americas; Asia and the Pacific; and Europe and Central Asia) were held on the theme of conflict prevention and minorities. Some 800 participants took part in the regional forums, participating virtually because of the coronavirus disease (COVID-19) pandemic, and 670 in the Forum on Minority Issues. In a separate report to the Council,

<sup>2</sup> See [A/HRC/49/46/Add.1](#).

<sup>3</sup> For details of all communications sent and information received under the mandate, see <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

<sup>4</sup> [A/74/160](#).

<sup>5</sup> [A/HRC/37/66](#), para. 64.

recommendations on the 2021 theme of conflict prevention are drawn primarily from the discussions of and contributions made by the almost 1,500 participants at the regional forums and the Forum on Minority Issues.

17. The Forum on Minority Issues itself was established in 2007 by the Human Rights Council in its resolution 6/15, and its important role was reaffirmed in 2012 in Council resolution 19/23. The Forum is mandated to provide a platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities, and to provide thematic contributions and expertise to support the work of the Special Rapporteur. The Special Rapporteur is tasked with guiding the work of the Forum, preparing its annual meetings and reporting to the Council on the Forum's thematic recommendations. The Forum meets annually in Geneva for two working days allocated to thematic discussions. In recent years, the Forum has usually been attended by about 600 participants.

18. The fourteenth session of the Forum on Minority Issues was held in a hybrid format on 2 and 3 December 2021, on the theme "Conflict prevention and the protection of the human rights of minorities". It involved 670 delegates from some 50 countries. The Forum was guided by the Special Rapporteur and chaired by Victoria Donda (Argentina). Speakers included the President of the Human Rights Council, Nazhat Shameem Khan; the Assistant Secretary-General for Human Rights and Head of the Office of the United Nations High Commissioner for Human Rights in New York, Ilze Brands Kehris; the Special Adviser to the Secretary-General on the Prevention of Genocide, Alice Nderitu; the Permanent Observer of the Organization of Islamic Cooperation to the United Nations, Nassima Baghli; and the Organization for Security and Cooperation in Europe (OSCE) High Commissioner on National Minorities, Kairat Abdrakhmanov.

19. The complete report on the Forum on Minority Issues and its recommendations is being presented to the Human Rights Council separately.<sup>6</sup>

## IV. Conflict prevention through the protection of the human rights of minorities

### A. Introduction

20. More than a decade ago, the then Independent Expert on minority issues, Gay McDougall, issued the mandate holder's first report on the role of the protection of minority rights in conflict prevention.<sup>7</sup> Among other points, she emphasized that:

among the essential elements of a strategy to prevent conflicts involving minorities are respect for minority rights, particularly with regard to equality in access to economic and social opportunities; effective participation of minorities in decision-making; dialogue between minorities and majorities within societies; and the constructive development of practices and institutional arrangements to accommodate diversity within society. Attention to minority rights at an early stage – before grievances lead to tensions and violence – would make an invaluable contribution to the culture of prevention within the United Nations, save countless lives and promote stability and development.<sup>8</sup>

Unfortunately, none of the recommendations in her report was heeded.

21. In his call for submissions for the present report,<sup>9</sup> the Special Rapporteur took up the clarion call Ms. McDougall made in 2010, and highlighted that the groundbreaking United Nations/World Bank publication *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*, issued in 2018, similarly stated that the main drivers of instability globally were group-based grievances around exclusion and injustice. What was left largely unsaid in

<sup>6</sup> See [A/HRC/49/81](#).

<sup>7</sup> See [A/HRC/16/45](#).

<sup>8</sup> *Ibid.*, summary.

<sup>9</sup> See annex II.

the latter publication was that the root causes of most of today's violent conflicts are usually intimately linked to breaches of the human rights of minority communities. This seems to confirm a growing trend, identified in the present report, of too little attention given from international, national and other actors to the minority contexts and grievances, and the denial of their human rights, which are among the top early warning signs of impending violence.

22. Among the main observations made in the present report are that:

(a) Globally, conflicts are increasingly intra-State and most involve minorities with grievances of exclusion and discrimination;

(b) Whereas the Independent Expert described a strategy to prevent conflicts involving minorities as essential, not only is there no such United Nations strategy, most United Nations and regional initiatives make no specific reference to minorities or respect for their rights as a priority approach in conflict prevention;

(c) International and other actors have in recent years increasingly entered into a "denial phase" or perhaps even an anti-minority bias, refusing to admit that communities in conflict situations often constitute minorities;

(d) While lip service to prevention is paid, most initiatives and strategies tend to focus on post-conflict situations and processes.

More than a decade after the 2010 report by the Independent Expert, the overall assessment is therefore one of neglect and failure: the world has become more violent and conflict-ridden, with the United Nations and other global and regional institutions unable or unwilling to accept the warnings already made in 2010 as to the steps necessary to address the root causes of most contemporary conflicts, namely addressing these root causes by tackling the grievances of exclusion and discrimination of minorities and the protection of their human rights.

23. Indeed, the extent to which the minority dimension has been expunged from various United Nations initiatives during the past two decades is striking, despite some efforts urging the Organization to incorporate it more explicitly.<sup>10</sup> In response to the recommendation in the report of the High-level Panel on Threats, Challenges and Change that distant or imminent threats should be detected in a timely fashion and proportional measures should be taken to prevent violence and conflicts,<sup>11</sup> the African Union, in the Ezulwini Consensus, proposed the institutionalization of normative frameworks for conflict analysis tools and conflict prevention mechanisms. While one of these frameworks should be for minority rights, the African Union, in the Consensus, went one step further and specifically recommended that United Nations "Member States ... undertake to negotiate an international instrument on this subject".<sup>12</sup>

## B. Evolution of conflicts

24. In the Independent Expert's 2010 report on conflict prevention and minorities, there was already overwhelming evidence that the exclusion and discrimination (or "group inequality") experienced by minorities was one of the main causes of conflicts in the 1990s and 2000s. The Independent Expert stated that the Carnegie Commission on Preventing Deadly Conflict had concluded that, time and again in the twentieth century, attempts at the suppression of ethnic, cultural or religious differences had led to bloodshed, and in case after case, the accommodation of diversity within appropriate constitutional forms had helped to prevent bloodshed. The Bureau for Crisis Prevention and Recovery of the United Nations Development Programme (UNDP) had conducted research showing that the likelihood of conflict increased with rising group inequality. The report of the High-level Panel on Threats,

<sup>10</sup> See, for example, "The Common African position on the proposed reform of the United Nations: the Ezulwini Consensus", issued by the African Union.

<sup>11</sup> See [A/59/565](#).

<sup>12</sup> African Union, "The Common African position on the proposed reform of the United Nations", sect. A (ii), p. 3.

Challenges and Change recommended a minority rights framework to prevent conflicts.<sup>13</sup> The Minorities at Risk Project at the University of Maryland monitored indicators for political discrimination, cultural and economic exclusion and persecution on 283 minority groups around the world and has found a significant link between conflict and those forms of denial of rights.<sup>14</sup>

25. The trend has not been reversed, and far from it. A significant upsurge in the number of conflicts between 1975 and 2020 has been observed, particularly since 2011.<sup>15</sup> Few conflicts today are between States: the largest number are internal, often known as “State-based” violence or “non-State” violence, both categories of which often involve at least one ethnic, religious or linguistic minority, as do some of the conflicts described as “one-sided” violence. As reported by the Stockholm International Peace Research Institute,<sup>16</sup> armed conflicts occurred in at least 39 States in 2020 (5 more than in 2019), with most taking place within a single country between government forces and one or more non-State groups, usually a minority. Even in the case of the two armed inter-State conflicts, namely the ongoing border clashes between India and Pakistan, and the conflict between Armenia and Azerbaijan for control of Nagorno-Karabakh, the latter also involves control over a territory directly involving a minority population – despite this fact not generally being acknowledged in conflict data.

26. Exclusion and discrimination involving minorities, or of growing group inequalities, as prime drivers of conflicts have, unfortunately, been little studied in data-collection processes. Disturbingly – and counterintuitively, if the prevention of conflicts is supposed to be a priority – initiatives such as the Centre for Research on Inequality, Human Security and Ethnicity, the Carnegie Commission on Preventing Deadly Conflict, and the Minorities at Risk Project, which a decade ago provided disaggregated data on the ethnic dimensions (including along the lines of culture, religion and language) of conflicts, and even the UNDP Bureau for Crisis Prevention and Recovery, are no longer in operation.<sup>17</sup> Data in most other peace or conflict databases are no longer specifically disaggregated by the ethnic dimensions of conflicts. Information is more generally organized according to the issues involved, such as political participation or control, economic and social inequalities, and identity-related claims. They are much less likely to refer to the subjects of the conflicts themselves, beyond distinguishing between internal conflicts and conflicts between States, or among State-based, non-State based and one-sided violence conflicts.

27. Nevertheless, more recent data from a variety of sources suggest that many in the international community have not been focusing on the main drivers of conflict, which can be described as follows:

(a) Most conflicts today are intra-State rather than inter-State<sup>18</sup> and involve an ethnic, linguistic or religious minority;<sup>19</sup>

(b) The majority of situations in 2018 involving instability, past genocides, potential crimes against humanity and similar threats were against groups that can be described as minorities;<sup>20</sup>

<sup>13</sup> [A/59/565](#) and [A/59/565/Corr.1](#), part two, para. 94.

<sup>14</sup> [A/HRC/16/45](#), para. 39.

<sup>15</sup> Uppsala Conflict Data Program, “Number of conflicts 1975–2020”. Available at <https://ucdp.uu.se/>.

<sup>16</sup> Stockholm International Peace Research Institute, *SIPRI Yearbook 2021: Armaments, Disarmaments and International Security* (Oxford University Press, 2021).

<sup>17</sup> The Bureau for Crisis Prevention and Recovery has been replaced by the Crisis Bureau, where prevention has a negligible visible presence compared to post-conflict efforts.

<sup>18</sup> [A/75/982](#).

<sup>19</sup> Ralph Sundberg, Kristine Eck and Joakim Kreutz, “Introducing the UCDP Non-State Conflict dataset”, *Journal of Peace Research*, vol. 49, No. 2 (March 2012), pp. 351–362; and *World Bank Group Strategy for Fragility, Conflict, and Violence 2020–2025*, World Bank Group (2020).

<sup>20</sup> Minority Rights Group International, Peoples under Threat database. Available at <http://peoplesunderthreat.org/>.

(c) Globally, today's main drivers of instability leading to conflict are group-based grievances around exclusion and injustice;<sup>21</sup>

(d) "There are now more violent conflicts globally than at any time in the past 30 years, and the world is also facing the largest forced displacement crisis ever recorded".<sup>22</sup>

28. While it is more difficult to measure globally whether there is growing exclusion, discrimination and intolerance of minorities, there is undeniably a "perception" of such. As the first ever, and comprehensive, United Nations/World Bank joint report warns in relation to preventing conflicts: "It is when an aggrieved group assigns blame to others or to the state for its perceived economic, political, or social exclusion that its grievances may become politicized and risk tipping into violence."<sup>23</sup>

### C. Increasing conflicts and intolerance: the neglected links between violent conflicts and exclusion, discrimination and inequalities involving minorities

29. Despite the overwhelming evidence that more violent conflicts than not are linked to long-standing grievances over exclusion, discrimination and inequalities experienced by minorities, and past suggestions that to address and prevent such conflicts requires "frameworks for minority rights"<sup>24</sup> there has been a lack of progress in developing such frameworks.

30. Nevertheless, many submissions from civil society organizations received by the Special Rapporteur for the present report, as well as a number of recommendations emanating from the 2021 regional forums and Forum on Minority Issues,<sup>25</sup> identified grievances of discrimination and inequalities, of the denial of rights in relation to education and the use of a minority language, of equal access to employment and economic opportunities, of the fair sharing of resources or the benefits of development, and even of the denial of citizenship or the right to vote or to run for office, as well as of other identity-related issues for minorities, as significant drivers in the eventual emergence of conflicts. Similar observations were made by State and other actors, including from, among others, Liechtenstein, which took the view that: "Full respect for the human rights of minority and Indigenous communities is key to the prevention of self-determination conflicts. Many self-determination conflicts emerge from violations of the human rights of Indigenous peoples and persons belonging to ethnic, religious, and linguistic minorities, most frequently relating to the legal system, language, and culture."<sup>26</sup>

31. New trends have in the past decade added another powerful factor contributing to the observed global increase in violent conflicts: the rise of hate speech, xenophobia, racism and populist (majoritarian) nationalism in social media, which has been fuelling violence and attacks against minorities worldwide. In addition to antisemitism, islamophobia, anti-gypsyism, anti-Christian, anti-Asian and similar intolerance – all involving minorities in different countries – are generally increasing. There have been in recent years calls to genocide in Nigeria against the Yoruba minority and in India against Dalit and Muslim minorities, communitarian attacks against Muslim minorities in Sri Lanka and Myanmar, and hate speech and incitement to violence in social media against English-speaking and Tigrayan minorities in Cameroon and Ethiopia, respectively, as well as right-wing majoritarian populist propaganda against certain minority migrant communities and visible minorities in

<sup>21</sup> United Nations and World Bank, *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict* (Washington, D.C., World Bank, 2018).

<sup>22</sup> See <https://documents1.worldbank.org/curated/en/844591582815510521/pdf/World-Bank-Group-Strategy-for-Fragility-Conflict-and-Violence-2020-2025.pdf>, p. viii.

<sup>23</sup> United Nations and World Bank, *Pathways for Peace*, p. 109.

<sup>24</sup> [A/59/565](#) and [A/59/565/Corr.1](#), p. 80, recommendation 14.

<sup>25</sup> The recommendations from the 2021 regional forums are available at <https://www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/Regional-Forums.aspx>. For the recommendations of the Forum on Minority Issues, see [A/HRC/49/81](#).

<sup>26</sup> Liechtenstein Institute on Self-Determination, *Handbook on the Prevention and Resolution of Self-Determination Conflicts* (Princeton, New Jersey, Princeton University, 2021), p. 10.

such countries as France, Ukraine and the United States of America. The phenomenon of hate speech in social media was neither as visible nor as prominent in 2010, but appears now to be a significant driver in creating a context where minorities may find themselves increasingly targeted as “others” or as threats to the majority “nation”, leading to an “us versus them” polarization, instrumentalized by majoritarian political personalities for short-term electoral gains. As noted by the Special Rapporteur in a previous report to the Human Rights Council in 2021, minorities are overwhelmingly the main victims of hate and incitement to violence and discrimination. Where disaggregated data are available on hate speech in social media or on hate crimes, approximately 70 per cent or more of those targeted tend to belong to minorities.<sup>27</sup>

32. The phenomenon deserves to be emphasized, as it is a direct and significant contributing factor to situations potentially leading to violence and conflicts.

33. Hate speech begets hate crimes, as can misinformation and disinformation. As pointed out in one of the submissions to the Special Rapporteur, the Holocaust started not with the gas chambers, but with hate speech against a minority. False information may end up being harmful for minorities, and even fatal, and may result in social media vigilante violence or so-called “WhatsApp lynchings”. One well-known case in France involved physical attacks against a number of members of the Roma minority in 2014 after disinformation on social media that Roma had kidnapped a child in a white van. In a more deadly case, in Sri Lanka in 2018, rumours of a Muslim minority plot to sterilize the Sinhalese majority, circulating mainly on Facebook, led to deaths, with mobs in several towns burning mosques, shops and homes owned by Muslim minorities. There are a multitude of examples such as these against minorities.

34. The Special Rapporteur shares the concern expressed in one submission that dehumanizing language, often reducing minority groups to animals or insects, normalizes violence against such groups and makes their persecution and eventual elimination acceptable, and that, when committed with a discriminatory or biased intent, these violations become a pathway of demonization and dehumanization that can lead to genocide. Individuals can find themselves drawn by social media into dehumanizing language and hate environments and end up surrounded by people with similar viewpoints. They can thus become enmeshed in confirmation bias on social media, an incubating environment that has become particularly conducive to the expression of – and indeed has strengthened and confirmed – racist, intolerant and even violent viewpoints against certain scapegoated minorities.<sup>28</sup>

35. Unfortunately, United Nations and regional efforts have not kept pace, tending to ignore the conclusions of the 2018 United Nations/World Bank joint report on conflict prevention, namely that today’s main drivers of instability globally are group-based grievances around exclusion and injustice, and that the groups more often than not are minorities. In addition, in her 2010 report, the Independent Expert similarly connected conflicts with grievances over the denial of the human rights of minorities. It is disappointing that, among more recent United Nations pronouncements on the subject, neither the article “Conflict prevention means tackling economic, social, institutional drivers of strife” of 16 November 2021<sup>29</sup> nor the article “UN chief outlines ‘roadmap for inclusion’ to address root causes of conflict” of 9 November 2021<sup>30</sup> mentions group-based or, more accurately, minority grievances. Even the Secretary-General’s recent report entitled “Our Common Agenda”,<sup>31</sup> with significant emphasis on conflict prevention, makes no reference to the urgency of focusing on the links between violent conflicts and exclusion, discrimination and inequalities involving minorities as prime drivers of most contemporary conflicts. Even more surprisingly, there is not a single mention in the Secretary-General’s report of the foundational United Nations/World Bank joint report on conflict prevention – or recognition that group-based grievances (usually involving minorities) are at the root of most conflicts.

<sup>27</sup> A/HRC/46/57, para. 21.

<sup>28</sup> See A/HRC/46/57.

<sup>29</sup> See <https://news.un.org/en/story/2021/11/1105942>.

<sup>30</sup> See <https://news.un.org/en/story/2021/11/1105352>.

<sup>31</sup> A/75/982.



Overall, many if not most of the efforts of the United Nations seem to be oriented more towards post-conflict peacebuilding and recovery efforts than conflict prevention initiatives.<sup>32</sup>

36. The result in recent years is a sanitized emphasis on “equality for all people” or “entire populations”, essentially expunging any language that would acknowledge that most contemporary conflicts involve grievances of exclusion, discrimination and inequality – as well as increasing xenophobia and hate speech targeting ethnic, religious or linguistic minorities. At most, there are only a few references to religion or ethnicity when addressing human rights concerns more broadly. For example, the United Nations Children’s Fund (UNICEF), in one of its reports on conflict, recognizes that “a growing body of evidence has shown that patterns of inequality, discrimination and exclusion are at the centre of the social and political grievances driving many of today’s conflicts” and that “even as extreme deprivations are declining, new forms of inequalities are emerging, which [are] straining social cohesion and the ability of societies to build and sustain peace”. However, it never actually clarifies from where these grievances arise or who the main victims of these new forms of inequalities are, thus avoiding referring to minorities or group-based grievances along ethnic, religious or linguistic lines.<sup>33</sup> To be fair, other UNICEF reports were more straightforward, admitting that grievances and inequalities between groups became mobilized along ethnic, religious or political lines at the community level, and that elite or majority group dominance of community decision-making could lead to a lack of representation and/or recognition of the needs of other groups.<sup>34</sup>

37. The Special Rapporteur has also had exchanges with a number of United Nations human rights officials in countries currently the scene of violent conflicts who even deny the existence of minorities in conflict contexts. In the case of the minority Houthis in Yemen (Zaydis constitute about 35 per cent of the population), one United Nations official argued that the Special Rapporteur could not address concerns relating to the Shiites because the Houthis “control part of the country” and were therefore “not a minority”. In the case of the Tigrayans in Ethiopia, although they represent only about 6 per cent of the entire population of the country, they were “dominant in the past” so they therefore should not be considered to have any human rights as a minority under international law, according to another United Nations official.<sup>35</sup> These comments reflect a restrictive approach in which certain minorities are considered not “deserving” of protection and which is based on a variety of views that are, at times, personal and even arbitrary. A small number of countries also formally or implicitly reject the “existence” of minorities in general or with only a few exceptions (including France and Greece), or only “recognize” ethnic, religious or linguistic groups as constituting a minority as understood in international law (such as Russian-speaking non-citizens in Latvia; the English-speaking minority in Cameroon; Basques, Catalans and Galicians in Spain; and Rohingya in Myanmar).

38. What has been described to the Special Rapporteur as increasingly obvious anti-minority biases or attitudes – even from within the United Nations – may in part explain the apparent denial of the relevance of the minority dimension in dealing with many of the world’s increasing number of conflicts. It may also be one of the reasons that the focus on

<sup>32</sup> See United Nations, Peacebuilding Commission, “Mandate”. Available at <https://www.un.org/peacebuilding/commission/mandate>. See also United Nations University, Centre for Policy Research, “Conflict prevention and sustaining peace”. Available at <https://cpr.unu.edu/research/researchareas/conflict-prevention-and-management#overview>.

<sup>33</sup> UNICEF, “UNICEF and sustaining peace: strengthening the socio-economic foundations of peace through education, young people’s engagement and WASH – UNICEF thematic paper contribution to the United Nations Secretary-General’s 2020 peacebuilding and sustaining peace report”, p. 5. Available at <https://www.unicef.org/media/96551/file/Thematic-paper-for-2020-sg-report-mf.pdf>.

<sup>34</sup> UNICEF, “Peacebuilding, Education and Advocacy in Conflict-Affected Contexts Programme: UNICEF 2013 annual consolidated report”, New York, June 2014, pp. 5 and 19; and UNICEF, “Peacebuilding, Education and Advocacy in Conflict-Affected Contexts Programme: UNICEF 2014 annual consolidated report”, New York, June 2015, pp. 14–15.

<sup>35</sup> Neither of these personal and restrictive views as to which group constitutes a minority in the United Nations human rights system has a valid basis. See the Special Rapporteur’s report on what constitutes a minority (A/74/160) and his report on the significance and scope of the four categories of minorities – national or ethnic, religious and linguistic – in the United Nations system (A/75/211).

identifying and addressing the exclusion, discrimination, inequalities and hate experienced by identity-based groups, such as minorities, in conflict-prone contexts – as put forward by the Independent Expert and by the United Nations/World Bank in their joint report – is usually missing altogether from efforts to tackle many of the world’s violent conflicts. It should perhaps then be no surprise that the number of conflicts globally is increasing, since there is little or no focus on preventing specifically what many would argue are the main drivers of contemporary conflicts.

39. The submission of one European Member State to the Special Rapporteur for the present report, for example, highlighted a large number of significant “peacebuilding” initiatives around the world, dealing especially with young people and women, but none that pointed directly to minorities or that addressed the usual drivers of conflicts, such as grievances of exclusion, discrimination and inequalities. Only at one point was it suggested that perhaps these initiatives could help to raise awareness of the multiple and intersecting forms of discrimination faced by certain minority groups, and that perhaps other regional organizations, such as OSCE, the European Union, the Association of Southeast Asian Nations and the African Union, could play an important role in encouraging Member States to develop national policies to recognize and strengthen the rights of minorities. Strictly speaking, however, there was nothing in the submissions that related to the main drivers of exclusion, discrimination and inequalities, the impact they have in contexts where they are mostly likely to lead to instability, violence and eventually conflict, or how addressing those drivers could help to prevent contemporary conflicts. Many of the submissions received for the present report can thus be described as (a) only generally referring to the human rights regimes in the country, and implying that such regimes are useful to help to prevent conflicts, and (b) referring to specific rights of minorities being protected in the country as examples of good practices in addressing exclusion, discrimination and inequalities, and indirectly, even if not necessarily consciously, conflict-prevention practices.

40. The submission of Guatemala was more to the point, highlighting national initiatives to deal with areas of possible tension and conflict involving mainly indigenous communities in minority positions.<sup>36</sup> These initiatives were directly identified as conflict prevention measures and structures; it was noted that many, such as the Presidential Commission for Peace and Human Rights, the directorate for addressing conflict and the Presidential Commission on Dialogue, were intended to address indigenous grievances. Some initiatives were also identified as tools to prevent and deal with conflicts, such as the protocol for addressing social and community conflicts through dialogue, and the methodological strategy for intervening in conflicts and social conflict through dialogue, both of the Presidential Commission on Dialogue. Many more initiatives were identified, including measures to assure the use of indigenous (Mayan, Kaqchikel and Garifuna) languages in the criminal justice system, but the central points are the clear recognition of the direct connection between conflict prevention and possible grievances of exclusion, discrimination and inequalities of (mainly) indigenous peoples, and the essential role of human rights in this respect.

#### **D. Exclusion, discrimination, inequalities and hate: human rights and the main grievances driving contemporary conflicts**

41. In 1992, the heads of OSCE States established the position of High Commissioner on National Minorities as an instrument of conflict prevention at the earliest possible stage to provide “early warning” and, as appropriate, “early action” at the earliest possible stage in regard to tensions involving minority issues that have the potential to develop into a conflict.<sup>37</sup> Among the first tools developed by this conflict prevention mechanism was a

<sup>36</sup> Human Rights Committee case law and the concept of a minority as clarified by the Special Rapporteur in his 2019 and 2020 reports to the General Assembly (A/74/160 and A/75/211) confirm that indigenous peoples and minorities are not identical categories, but that indigenous peoples can also constitute numerical ethnic, religious or linguistic minorities in some countries.

<sup>37</sup> OSCE, “Establishment of the OSCE High Commissioner on National Minorities”, document from the Helsinki Summit of Heads of State, 9–10 July 1992, p. 8. Available at <https://www.osce.org/files/f/documents/7/0/22252.pdf>.

series of conflict prevention guidelines that used international and human rights standards, or a “framework for minority rights”, for clarifying and further elaborating the content of the human rights of minorities, namely the Lund Recommendations on the Effective Participation of National Minorities in Public Life, the Oslo Recommendations Regarding the Linguistic Rights of National Minorities and the Hague Recommendations Regarding the Education Rights of National Minorities.

42. Those auspicious beginnings 30 years ago at the regional level, as well as other promising stirrings – such as the African Union proposal in 2005 for States Members of the United Nations to negotiate an international instrument on minority rights to prevent conflicts, the 2010 report of the Independent Expert and the 2018 United Nations/World Bank joint report – in a sense all acknowledged that most contemporary conflicts were rooted in the long-standing denial of human rights obligations, and particularly in the discrimination and exclusion of compact or significant minority group populations, skewed patterns of political participation and representation and the distribution of socioeconomic goods, and the repression or dismissal of the culture, language or religion of these minorities. These initiatives were, however, not emulated at the global level despite the continual official emphasis on conflict prevention.

43. In the same vein, it is important to highlight and illustrate the direct connection between the denial of the human rights of minorities and so many of the world’s growing number of conflicts. This connection is sometimes obstructed behind the more general terms of “exclusion”, “group-based grievances” and “inequalities”. In their joint report, the United Nations and the World Bank assert, for example, that “many of today’s violent conflicts relate to group-based grievances arising from inequality, exclusion, and feelings of injustice” and that “it is when an aggrieved group assigns blame to others or to the state for its perceived economic, political, or social exclusion that its grievances may become politicized and risk tipping into violence”.<sup>38</sup> In making that assertion, they are actually pointing the finger at situations that most likely involve legislation, policies or practices that unreasonably or unjustifiably have a negative impact on national or ethnic, religious and linguistic minorities, and that therefore presumably risk violating one of the fundamental pillars of the global human rights regime – the right to equality without discrimination in international law.

44. A simple illustration shows the significance of the data and reports mentioned earlier: of the 10 “conflicts to watch” identified by the International Crisis Group in 2020, 6 (in Afghanistan, Burkina Faso, Ethiopia, Ukraine, Yemen, as well as Jammu and Kashmir) involve ethnic, religious or linguistic cleavages. Another report indicated that 14 out of 16 cases of serious armed conflict in 2020 involved groups divided along ethnic, religious or linguistic lines.<sup>39</sup>

45. All situations of conflict are complex and involve many more factors than simply having one group with long-standing grievances against State authorities. Other factors could include the possibility of the instrumentalization of grievances by outside forces for geopolitical reasons; the raising of false alarms to artificially create tensions and divisions within a State; the irredentist exploitation or exaggeration of popular discontent among a minority population; incitement to violence or even calls to genocide against a despised and dehumanized minority by majoritarian populists; or efforts by some authorities to achieve a “homogenous nation” through forced assimilation, to name but a few.

46. Conflicts such as those in Armenia-Azerbaijan (Nagorno-Karabakh), Cameroon (anglophones), Canada in the 1960s (Quebec), Ethiopia (Oromiya and Tigray States), France (Corsica), Nicaragua (Miskitos), India (Assam, Jammu and Kashmir and so forth), Italy in the 1960s (South Tyrol), Papua New Guinea (Bougainville), Mali (Tuareg rebellions), Nigeria (Niger River Delta), Philippines (Mindanao), Thailand (southern provinces), Ukraine

<sup>38</sup> United Nations and World Bank, *Pathways for Peace*, p. 109.

<sup>39</sup> The cases involved Afghanistan, Armenia-Azerbaijan (Nagorno-Karabakh), Cameroon, the Democratic Republic of the Congo (east), the Democratic Republic of the Congo (east; Allied Democratic Forces), Ethiopia, Iraq, Libya, Mali, Mozambique, Somalia, South Sudan, the Syrian Arab Republic and Yemen, as well as the Lake Chad region and the western Sahel region. See Escola de Cultura de Pau, *Alert 2021! Report on Conflicts, Human Rights and Peacebuilding* (Barcelona, Spain, Icaria, 2021).

(Crimea<sup>40</sup> and Donbas), the United Kingdom of Great Britain and Northern Ireland in the second half of the twentieth century (Northern Ireland) and Yemen (Shiites) all involved, without prejudging the accuracy or validity of the claims, grievances from indigenous and minority communities relating to exclusion, discrimination and inequalities that had festered over long periods of time before violent conflict erupted with State authorities – in line with the analysis contained in the 2018 United Nations/World Bank joint report regarding the main drivers of most contemporary conflicts.

47. These are conflicts where minorities arguably did not equally benefit in terms of access to appropriate and adapted public education (including where practicable in their own languages), were not able to effectively and proportionally participate or be represented politically, did not have equal access to public services or presence and employment in the civil service, were persecuted or attacked as disloyal or somehow a threat to the “nation”, or had other grievances, such as the loss or denial of land ownership or not having an equal share of the benefits of resource exploitation and development.

48. To be more precise from a human rights point of view, in all of the above situations, the long-standing and largely unaddressed grievances of minority and indigenous communities created the conditions that polarized a segment of these communities, which eventually resorted to separatist actions or violence as the only possible remedy for what was perceived as the exclusionary or discriminatory preferences or conduct of authorities, and the biases of these authorities and institutions against the interests of the minorities and indigenous communities. These discriminatory preferences or conduct and perceived biases could all be considered as a violation of international human rights standards. Three examples from the above list illustrate the kind of grievances – and their human rights dimension – that directly and eventually led to a violent conflict.

49. The Northern Ireland conflict in the United Kingdom eventually, after a long period of grievances, crystallized in the 1960s over demands for equality by members of the Catholic minority. Civil rights marches began in 1968 under banners demanding, among others, “one man, one vote” because not everyone had the right to vote in local elections. Local elections in Northern Ireland were restricted to people who paid local taxes. Since members of the Catholic minority tended to be poorer than those of the Protestant majority community, and to be less likely to have a job, they were less likely to be taxpayers, with the result that fewer Catholics had a vote in local elections. Other grievances of exclusion and discrimination could also be added, for example, employers could openly reject applications from members of the Catholic minority since there was no general human rights legislation applicable in Northern Ireland. The suppression, sometimes violent, of the civil rights marches of the 1960s and 1970s led to increasing violence from both sides of the religious divide and to a conflict that lasted decades – and that even to this day is not completely extinguished.

50. It was also in the 1960s that a violent separatist group started to use bombings and assassinations in the minority French-speaking province of Quebec in Canada. At the time, Canada was not yet an officially bilingual country, and, despite representing close to one third of the population of the country, French-speaking Canadians were vastly underrepresented, particularly in economic and employment spheres. Arguably again, the existing exclusion and inequalities – and the absence of any right to use the French language in many contexts for many decades – were obvious drivers of the violence. It was in this context, and in part to address the grievances around discrimination and exclusion, that Canada adopted its first national official languages act, thus opening the door to significant employment opportunities for French-speaking (usually bilingual) civil servants and recognizing the bilingual and multicultural nature of the country.

51. The more recent conflict in Cameroon involves members of the English-speaking minority, some 16 per cent of the entire population of the officially bilingual country. The general pattern is similar to the two previous examples, and has included long-standing grievances of marginalization or disenfranchisement of the minority and biases towards those belonging to the French-speaking majority, including in such areas as: the claimed refusal or

<sup>40</sup> Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation.

inability to ensure the use of English as a medium of instruction in tertiary education; documents and public notices issued in French without English translations; the sending of francophone magistrates, who often do not understand the English-based common law system, to English-speaking areas; the underrepresentation and political representation of the minority (in March 2017, only 1 of the 36 government ministers who controlled departmental budgets was an anglophone); and protests by lawyers, subsequently joined by teachers and others, over a 2016 law that was not translated into English, and thus not did not comply with the bilingual nature of the State.

52. Lastly, the uprising in the southern region of Thailand also shares common threads of exclusion, discrimination and inequalities of a minority, this time along ethnic, religious and linguistic lines. Thailand is the home of a rather large and territorially concentrated minority, that is, some 5 million to 6 million Malay-speaking Muslims, who represent about 80 per cent of the population in the south, bordering Malaysia, but less than 3 per cent of the country's total population. Violence emerged in the early and mid-twentieth century in reaction to national policies in education promoting the Thai language and Buddhism to the detriment of the language, religion and culture of the Malay-Muslim minority. This also explains the choice of some of the targets of the insurgents, which may at first seem surprising: since 2004, for example, more than 4,000 people have been killed, 120 public schools have been burned down and about 100 teachers have been murdered by ethnic Malay insurgents. The targeting of schools and teachers in particular can be seen as an attack on the symbols of the majority Thai language and culture and as the grievances of exclusion, discrimination and inequalities against Thai central government authorities. Even in the southern region where they are concentrated and form most of the population, Malay Muslims have poorer academic results and are vastly underrepresented in almost all fields of employment involving the State. As with previous examples, long-standing grievances are the main issues of contention in the conflict, including with regard to: a public education system and language of instruction that do not equally serve the Malay-speaking minority; a strong sense of exclusion and discrimination in employment; and the inability to use the local form of the Malay language for public service purposes.

53. Some of the more common indicators of threats to peace and stability, and drivers of most contemporary conflicts, include human rights violations, such as State-sponsored or tolerated hate speech or incitement to violence targeting minorities, the dispossession of land and other resources occupied or used by minorities (and indigenous peoples), the imposition of the religion or language of the majority population, the underrepresentation or exclusion of minorities in terms of political participation and representation, and their disproportionate levels of impoverishment or unequal and discriminatory access to socioeconomic goods and services, including to public education appropriate for and reflective of minority and indigenous communities.

54. The likelihood of these and other potential drivers of conflicts eventually leading to conflicts can be increased or diminished by push and pull factors,<sup>41</sup> including:

- (a) The presence of significant concentrations or proportions of minority populations as opposed to a highly and thinly dispersed population;
- (b) Whether the minority populations are long-established national minorities or indigenous;
- (c) The location of minority populations near borders or more inaccessible regions, particularly if there are cross-border ethnic, religious or linguistic affinities with a neighbouring State or region;
- (d) Whether the areas of grievances around exclusion, discrimination and inequalities are linked to claims of the reduction or elimination of previously existing rights for minorities, particularly in education and language;

<sup>41</sup> See Fernand de Varennes, "Recurrent challenges to the implementation of intrastate peace agreements: the resistance of state authorities", *New Balkan Politics*, No. 7/8 (2004).

(e) The extent to which local resources are exploited to the benefit of local (minority) populations, or perceived to be for the benefit of majority or dominant groups or elites;<sup>42</sup>

(f) Fears over a population influx in the traditional territories of minorities, particularly if perceived as linked to State policies favouring the transmigration or population transfers of members of the majority;

(g) The perceived weakening of political participation and representation structures and institutions of minorities, such as autonomy arrangements, the guaranteed representation of minorities in elected bodies or employment proportion in State institutions, and changes to constitutional and legislative provisions removing or weakening the rights of minorities in education, language, or cultural or religious spheres.

55. Generally, however, the patterns are similar: long-standing claims of exclusion and inequalities of a significant and concentrated minority population that raise consistent red flags from a human rights point of view and provide potential warning signs for avoiding violent conflicts. Even efforts to alleviate inequalities and promote development often sidestep minorities or indigenous communities, and therefore risk adding fuel to grievances of exclusion and discrimination and accentuating the cleavages that could lead to conflicts. As UNDP has noted, minorities are among the poorest people in most countries. Poverty reduction strategies for minorities frequently lack thorough consideration of the root causes of poverty for minorities, in particular the role of discrimination. There is an urgent need to examine why minorities do not benefit equally from poverty reduction efforts and to respond with appropriate measures.<sup>43</sup>

56. With regard to these patterns of exclusion, discrimination and inequalities (that is, violations of the human rights of minorities), which can lead to contexts in which violent conflicts are more likely to erupt, it should be obvious that prevention can be most effective when preventive measures are taken to address the grievances around violations of the rights of minorities. Third-party engagement, including from international agencies and through other diplomatic efforts, is most essential before initial tensions degrade into actual violence. Once grievances of negation of the rights of minorities escalate into violence, the situation becomes much less amenable to compromise and de-escalation.

57. Unfortunately, the hope in 2010 that these common drivers of conflicts could be used to monitor patterns of economic and political exclusion with an analysis of the political and social context, allowing for an identification of the risk of escalation that is as accurate as possible went largely unheeded.<sup>44</sup> Despite the recommendation in the 2018 United Nations/World Bank joint report on the need to tackle the patterns of economic and political exclusion, the opportunity and appropriateness of using a minority rights framework as an early warning system for a significant proportion of the world's conflicts has been almost completely – and surprisingly – omitted in most United Nations conflict prevention initiatives.

<sup>42</sup> Not all development is good or fair development for minorities, if they do not equally benefit. From a human rights point of view, and consistent with the warning issued in the United Nations/World Bank Group report on inclusive approaches to preventing violent conflict, the development measures described above appear to have discriminated against indigenous and other minorities, with employment, profits and benefits funnelled mainly towards central authorities and with native minorities receiving little or no benefits, and in some cases massive damage to their local environment, dislocation and even increased poverty. In other words, development in these and many other cases may increase horizontal inequalities unless States are fully aware of the consequences of development on minorities and take active steps to measure the impact of development efforts on minorities and indigenous peoples, who may be more susceptible to systemic marginalization in many societies. (A/76/162, para. 74)

<sup>43</sup> UNDP, *Marginalised Minorities in Development Programming: A UNDP Resource Guide and Toolkit* (New York, 2010), p. 31.

<sup>44</sup> A/HRC/16/45, para. 42.

## E. A neglected tool for conflict prevention: the missing minority rights framework

58. Since most contemporary conflicts are internal and usually involve grievances over breaches of the human rights of minorities, logic would lead one to expect that early warning measures would be privileged if conflict prevention were taken seriously as a matter of priority. This does not seem to have been the case in recent years.

59. The Independent Expert referred to a few hopeful signs in 2010, including that Governments, donors and intergovernmental organizations would allocate significant attention and resources to minority issues as sources of conflict; however, she admitted rather generously that the picture in that regard was “mixed” at the time.<sup>45</sup>

60. She mentioned a number of initiatives, such as the establishment of the mandate of the Special Adviser on the Prevention of Genocide, with an analysis framework to identify threats to minority communities at an early stage, such as the demonization of minority communities and indicators of broader significance to minorities, such as conflicts over land, power, security and expressions of group identity, such as language, religion and culture, and attacks on cultural and religious property and symbols, though admitted that there was a need for additional tools that focused on chronic abuses of minority rights at the earliest stages, to identify situations needing more upstream preventive action.<sup>46</sup>

61. She also referred favourably to the 2005 World Summit Outcome, with States Members of the United Nations accepting the responsibility to protect populations in relation to preventing genocide, war crimes, ethnic cleansing and crimes against humanity, though also added that a broader focus on minority rights protections as a tool for protection from conflict would need to be the task of other mechanisms.<sup>47</sup>

62. She identified a number of United Nations offices and agencies, including the Department of Political Affairs as the lead United Nations agency for conflict prevention and peacemaking, the United Nations Inter-agency Framework for Coordination on Preventive Action and the then Bureau for Crisis Prevention and Recovery, as well as good practices and initiatives in the field and other branches of the United Nations. She in particular spoke highly of the UNDP publication *Marginalised Minorities in Development Programming: A UNDP Resource Guide and Toolkit*, which included sections on early warning on minorities and conflict, as well as integrating minorities into the UNDP programme cycle.<sup>48</sup>

63. While she adopted a positive tone and acknowledged that some United Nations country missions and field operations were more closely focused on identifying the early warning signs of grievances and human rights breaches in their conflict prevention activities than others, the Independent Expert often noted the absence of expertise on minority rights, pointing out, for example, that the Department of Political Affairs had a focal point on indigenous peoples, but not one on minorities. The standby team also did not include a professional with comprehensive expertise on minority rights.<sup>49</sup>

64. Looking ahead, she emphasized that one of the earliest indicators of potential violence was the chronic disregard of minority rights, that early warning systems must have the expertise necessary to be alert to such indicators, and that it was necessary for early warning mechanisms within the United Nations system to focus more strongly on minority rights. She added, however, that despite some excellent practices in the field, there was no mechanism for or consistent practice of ensuring that minority issues were mainstreamed across the in-country work of entities in the United Nations system.<sup>50</sup>

65. It appears that none of the recommendations that the Independent Expert made in 2010<sup>51</sup> was implemented by United Nations entities. Nor did the Special Rapporteur receive

<sup>45</sup> Ibid., para. 65.

<sup>46</sup> Ibid., para. 67.

<sup>47</sup> Ibid., para. 68.

<sup>48</sup> UNDP, *Marginalised Minorities in Development Programming*, pp. 141–147.

<sup>49</sup> A/HRC/16/45, para. 69.

<sup>50</sup> Ibid., para. 84.

<sup>51</sup> Ibid., paras. 80–102.

any submission from United Nations entities or mechanisms that directly addressed the issues of conflict prevention and the protection of the human rights of minorities.

66. Many of the submissions made to the Special Rapporteur by States Members of the United Nations did include reports on their constitutional, legislative and other measures to protect the human rights of minorities, including some that referred to autonomy or internal self-determination arrangements that had been implemented in order to provide an additional layer of protection of the rights of minorities and a degree of guaranteed political representation and control over important matters for the identity of minorities. Far fewer submissions from Member States, however, made any kind of direct connections between conflict prevention and early warning measures that focused on the grievances of exclusion, discrimination and inequalities affecting minorities as potential drivers of conflict and the human rights dimensions of these grievances.

67. Submissions from civil society organizations, particularly those representing minorities and working on minority issues or in States and regions affected by conflicts, were significantly more on topic and often reflected concerns over the denial of the human rights of minorities as prime drivers of conflicts. This was particularly the case in the recommendations made by civil society organizations at the 2021 Forum on Minority Issues and the four regional forums. A recurrent theme has been the need to better protect the human rights of minorities to prevent conflicts, and the strong urging that efforts to do so should include a global instrument for elucidating specifically what the rights of minorities are, so as to better ensure their implementation – and thereby better prevent conflicts. A small number of submissions from civil society organizations raised general allegations of breaches of the rights of specific minorities, without referring directly to any conflict prevention context or issue.

## V. Conclusions and recommendations

68. **The world seems to be darker and nastier for minorities, as well as hateful and violent.**

69. **The political and social landscapes in many parts of the world have for years been flashing warning signs: long-standing grievances of exclusion, discrimination and inequalities – and therefore breaches of the rights of minorities – are more often than not the precursors and drivers of today’s violent conflicts. Injunctions more than a decade ago warning that the international community needed to acknowledge and take steps to mainstream minority rights frameworks in conflict prevention initiatives went almost completely unheeded, though some States Members of the United Nations have taken steps in this direction. For their part, civil society organizations, particularly in conflict-ridden societies, have been urging action in increasingly hostile environments of intolerance, of marginalization and even of incitement to hate and violence targeting minorities, and often of rising populist majoritarian ethnocentrism. It is not unfair to describe the lack of responses at the global level as a systemic failure of the international community, since violations of the human rights of minorities are obvious warning signs of approaching conflicts.**

70. **The Special Rapporteur invites States, United Nations entities, regional organizations and non-governmental organizations to recall the recommendations made by the Independent Expert in her 2010 report.**

71. **The Special Rapporteur urges in particular United Nations entities and regional organizations to move towards the development and institutionalization of normative frameworks, based on the international human rights of minorities, that provide both relevant conflict analysis tools and conflict prevention mechanisms.**

72. **The Special Rapporteur recommends in particular the drafting of a global instrument on the human rights of minorities and the creation of conflict prevention mechanisms, such as the OSCE High Commissioner on National Minorities, in order to better reflect and respond to the nature of existing and future conflicts and hence offer more targeted and relevant tools for the analysis and prevention of contemporary**



drivers of conflicts – long-standing grievances of exclusion, discrimination and inequalities along the lines of the culture, language or religion of some minority groups.

73. The Special Rapporteur further recommends the mainstreaming of a minority human rights perspective at the Department of Political Affairs, the Office on Genocide Prevention and the Responsibility to Protect, the Crisis Bureau and other relevant international and regional entities to enhance conflict prevention policies and practices that address and are sensitive to the actual main drivers of conflict – human rights grievances of minorities around claims of exclusion, discrimination and inequalities. This mainstreaming must also include appropriate minority rights training programmes and resources for staff throughout the United Nations system, including OHCHR and UNDP country teams.

74. The Special Rapporteur is of the view that one of the few United Nations initiatives specifically dealing with the human rights of minorities, the Minorities Fellowship Programme, constitutes an invaluable resource that can help to fill the expertise gaps in the absence of widespread institutional expertise on a much-needed minority rights framework to address the main drivers of contemporary conflicts. He recommends that former minority fellows be included in all country teams, and particularly those in countries where conflicts have emerged or where long-standing grievances of minorities could lead to such conflicts.

75. Many of the research programmes and centres that more than a decade ago collected data and produced analyses on minority issues and the prevention of conflict (such as the Minorities at Risk and the Carnegie Commission on Preventing Deadly Conflict) have largely ceased activities. Given the rise in conflicts involving minorities since then, the Special Rapporteur urges the United Nations and regional organizations, as well as existing civil society organizations and other interested parties, to collaborate in developing new centres of expertise, or work with existing research centres and initiatives, and to refocus conflict prevention efforts, data collection and minority-specific early warning indicators towards the prevalent drivers of most contemporary conflicts – grievances over breaches of the human rights of minorities resulting in exclusion, discrimination and inequalities.

76. Civil society organizations and human rights defenders working on minority issues are more than eyes and ears on the ground. They themselves are early warning indicators and provide insights and expertise on the extent to which exclusion, discrimination and inequalities on ethnic, religious and linguistic grounds are often precursors to conflicts. The Special Rapporteur invites the United Nations, its entities and country offices, as well as regional organizations, to include minority participation in conflict prevention research and initiatives.

77. The Special Rapporteur commends Member States that have recognized the importance, and provided for the full protection, of the human rights of minorities. He urges States that have not already done so to adopt comprehensive human rights protection legislation that includes the prohibition of discrimination on all grounds covered by international treaties, and especially those such as race, ethnicity, religion and language. He further invites States to consider further measures, including minority rights regimes in areas such as education, language, political participation and representation, along with the good practices outlined in such guidance documents as “Language rights of linguistic minorities: a practical guide for implementation”, the Framework Convention for the Protection of National Minorities, the Oslo Recommendations Regarding the Linguistic Rights of National Minorities, the Hague Recommendations Regarding the Education Rights of National Minorities and the Lund Recommendations on the Effective Participation of National Minorities in Public Life.

## Annex I

### **Main activities undertaken by the Special Rapporteur from July to December 2021**

1. On 13 July 2021, Fernand de Varennes, Special Rapporteur on minority issues, addressed a side-event on the persecution of Ahmadi Muslims Worldwide organised by the International Human Rights Committee and the “Coordination des associations et des particuliers pour la liberté de conscience”, along with colleagues on freedom of religion or belief and on freedom of expression. He pointed out how Ahmadis appear to be increasingly marginalised as minorities in a number of countries, subjected even to severe restrictions on the practice of their religion with other members of their community, and targeted by hate speech in social media.
2. On 14 July 2021, Fernand de Varennes, Special Rapporteur on minority issues, was interviewed in a podcast with the South Asia Research Institute for Minorities. Among the issues addressed was the treatment of Muslim minorities in South Asia, and in particular the risk of statelessness which is increasing for Muslim minorities in India, as well as the significant rises in violence and hate speech in social media which disproportionality affects minorities worldwide.
3. On 16 July 2021, Fernand de Varennes, Special Rapporteur on minority issues, interacted in a Q and A session at the closing of the Tom Lantos Institute’s ninth Global Minority Rights Summer School which focussed this year on ethnocultural diversity, conflict, and the human rights of minorities. Discussions dealt with the work of special rapporteurs, how they conduct their missions, and the communication procedures for allegations around the human rights of minorities.
4. On 27 July 2021, the Special Rapporteur on Minority Issues, Dr Fernand de Varennes, gave the welcoming remarks for the global event on Career Development, Diversity & Inclusion, jointly organised by the OHCHR’s Indigenous Peoples and Minorities Section, the Human Resources Management Service, the Anti-Racial Discrimination Section, and the Global Network of Minority Fellows. He pointed out that institutionally, the UN needed to put into place measures for minorities and indigenous peoples, especially Afro-descendants, Roma and Dalits and other excluded communities, so that they have concrete opportunities to be part of the UN system, as well as to transform the UN into a more diverse organization to better reflect the global reality and equality of the rich tapestry of colours, cultures, languages and religions which make up the human race.
5. On 2 August 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, made an opening video statement on the European Holocaust Memorial Day for Sinti and Roma. He pointed out the day was an opportunity for greater acknowledgment of the Sinti and Roma genocide in order to address as a matter of urgency the increasing intolerance, demonizing and hate speech targeting of Roma and other minorities around the world. Dr de Varennes also emphasised that the commemoration organised by the Central Council of German Sinti and Roma and the Association of Roma in Poland in cooperation with the Auschwitz-Birkenau State Museum was an important part in the necessary remembrance of the genocide targeting minorities which had occurred, and the need to be vigilant so it never happens again. On the same day, he also made opening remarks by video for the commemoration of the Roma Genocide organised by Romanipe Montréal, part of a three-day awareness campaign to highlight the importance of collective responsibility in commemorating the Roma and Sinti victims, learning about the history of the Romani Genocide, and taking actions to protect and promote the human rights and dignity of Roma.
6. On 11 August 2021, the Special Rapporteur on Minority Issues, Dr Fernand de Varennes, spoke with former and current OHCHR Minority Fellows in preparation of the 2021 Regional Forum for Asia-Pacific on Conflict Prevention and the Protection of the Human Rights of Minorities to be held online 7 and 8 September 2021. On 13 August 2021, he also joined the former and current OHCHR Minorities Fellows for the upcoming 2021

Regional Forum for Europe and Central Asia on Conflict Prevention and the Protection of the Human Rights of Minorities to be held online on 12-13 October 2021.

7. On 22 August 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, was keynote speaker at an online event organised by ADF India to mark the International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief, designated in 2019 by the United Nations General Assembly. The Special Rapporteur addressed the role of the United Nations in protecting and promoting religious minorities and proposed, among others, that the United Nations further develop and use at all levels of its organisation the detailed initiative known as the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence which focuses very much on minorities of belief or religion, as well as consider a resolution for a World Day for Celebrating Religious and Belief Diversity as an opportunity to deepen our understanding of the values of religious and belief diversity and to learn to live together in harmony. He also urged that the UN and member states begin work on a new treaty on hate speech in social media to limit and describe how states must address hate without breaching fundamental rights such as freedom of expression while not abusing laws on hate speech to curtail the work of human rights defenders and those who criticise legitimately government policies and even abuses.

8. On 24 August 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes was one of the participants in the OSCE Informal expert consultations on the impact on and response to trafficking in persons belonging to ethnic, national and religious minorities organised by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings and the OSCE Office for Democratic Institutions and Human Rights (ODIHR). The Special Rapporteur highlighted the need to properly identify, including disaggregated data, who were the main victims of human trafficking in order to be able to target and tailor more effective measures to address their vulnerability and needs. In addition, the emphasized the current ineffectiveness of approaches in a number of countries where there is a failure to appreciate that most trafficked persons in Europe and elsewhere tend to belong to a small number of minority communities – and to understand and address why these tend to be the most vulnerable to trafficking.

9. On 5 September 2021 Dr Fernand de Varennes, Special Rapporteur on minority issues, was the guest speaker at the annual general meeting of the Global Minorities Alliance in Scotland. Held online because of the COVID-19 pandemic, the Special Rapporteur spoke on why more needed to be done for the recognition of the human rights of minorities. He in particular referred to the lacklustre acknowledgment and protection of their rights, even at the United Nations, despite most cases of statelessness, of hate speech and hate crimes, and of atrocities and other mass violations of human rights being perpetuated against persons belonging to ethnic, religious or linguistic minorities worldwide, such as with Rohingya, Dalits, Roma, Afro-descendants, etc.

10. On 7 and 8 September 2021, the Asia-Pacific Regional Forum on conflict prevention and the protection of the human rights of minorities was held virtually. This is the third in a line of four regional forums to be held in 2021 on this theme under the mandate of the Special Rapporteur, with the collaboration of the Tom Lantos Institute and regional partners such as IMADR (International Movement against All Forms of Discrimination and Racism) and Forum-Asia, amongst others.

11. On 9 September 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, was awarded the FUEN 2021 Prize during the annual meeting of the Federalist Union of European Nationalities in Trieste, Italy, for his long-standing and enduring commitment to the protection of the human rights of minorities in Europe and globally.

12. On 13 September 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, gave a seminar for law students at the Vesalius College of the Free University of Brussels, in Belgium. He touched upon what are the rights of minorities in international law, and the role and limitations of the United Nations special procedures in the protection of international human rights.

13. On 13 September 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, was a panellist at the G20 Interfaith Forum “Time to Heal: Peace among Cultures,

Understanding between Religions” held in Bologna, Italy. He spoke on the vulnerability of minorities of religion or belief, and how these are overwhelmingly the main targets of hate speech in social media. He also warned of the dangers of dismissing or denying that minorities are disproportionately vulnerable to hate speech, hate crimes and corresponding violence and even atrocities – leading to ineffective measures failing to significantly impact on the growing ‘poisoning of the mind’ and tsunami of hate the world is seeing in social media.

14. On 14 September 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, was a keynote speaker at a virtual side-event to the 48th session of the UN Human Rights Council side-event sponsored by the World Jewish Council, in collaboration with the Greek, German and Swedish permanent missions to the United Nations in Geneva, to explore the challenges posed by the current climate of misinformation, exacerbated by social media and other platforms, and the rise of hate speech. He discussed ways to redress this phenomenon while ensuring freedom of expression at a panel entitled “Education Against Hate Speech and Discrimination.”

15. On 14 September 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, was a special guest at the UN Network on Racial Discrimination and Protection of Minorities to share his views on the role of UN agencies and entities in acting to combat racial discrimination and to strengthen minority rights.

16. On 28 September 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, was keynote speaker for the first International Parliamentary Union’s Global Parliamentary Meeting on Achieving the Social Development Goals. The Special Rapporteur addressed the meeting’s theme ‘Leave no one behind: Are we keeping the promise?’ in the negative, highlighting that inequalities worldwide are growing between the have and have nots, particularly for poorer segments of societies such as minorities and indigenous peoples, as well as between wealthier states and most countries, and this is being exacerbated though not created by the pandemic. He emphasised that many more are now being left behind, in part due to glaring omissions in the SDGs themselves on how to achieve the goals behind Leaving No One Behind such as (1) SDGs are not sufficiently human-centred; (2) SDG targets failing to concentrate on most likely to be left behind, particularly again minorities and indigenous peoples who are almost never mentioned despite being amongst the most vulnerable. It is not surprising that to a large degree – with some notable exceptions in some areas – they are not being fulfilled. He again emphasised that among those most likely left behind are minorities who face multiple and intersecting forms of discrimination. An indigenous, Roma or Dalit woman or girl, for example, may be doubly marginalized and disadvantaged, and even be particularly vulnerable to abuse and denial of basic human rights protection. Whether their station will be improved under the 2030 Agenda or whether they will fall behind when the majority in the country may enjoy fully the benefits of social and economic development is simply not factored in the SDG indicators.

17. On 4 October 2021, the Special Rapporteur Dr Fernand de Varennes was keynote speaker at the virtual meeting of the Global Network of R2P focal points, organised by the Global Centre for the Responsibility to Protect, Ralph Bunche Institute for International Studies at CUNY Graduate Center. He highlighted the importance of the Responsibility to Protect principles (R2P) to break the self-reinforcing cycle of ignorance-fear-hate-violence threatening societies – and governments – around the world, and trends in recent years of significant increases in violence and hate speech targeting minorities globally, as well as increasing ethnic conflicts - and therefore higher risks of atrocities. He also warned of a current period where the conditions for atrocity crimes are ever more present and prominent – and the main targets are overwhelmingly minorities.

18. On 8 October 2021, the Special Rapporteur Dr Fernand de Varennes was invited to lead a panel discussion at the Christian Conference of Asia’s Regional Consultation on freedom of religion, the rights of religious minorities, and constitutional guarantees in Asia. Speaking specifically on minority rights by understanding Asia’s majority-minority contexts, he pointed out how the world is experiencing growing inequalities and majoritarian nationalism, to which even the UN itself is not immune, as well as a ‘tsunami’ of hate speech and incitement to violence in social media most of which target minorities, growing numbers of conflicts globally, and potentially millions more individuals becoming stateless because

of state policies and legislation which tend, again, to disproportionately discriminate against and target minorities.

19. On 12 and 13 October 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, hosted the European and Central Asia Regional Forum on conflict prevention and the protection of the rights of minorities, the last of four regional forums held during the year on this theme. More than 150 participants and experts were in the event including 14 state representatives (Albania, Armenia, Austria, Azerbaijan, Greece, Hungary, Italy, Latvia, Liechtenstein, Moldova, North Macedonia, Romania, Switzerland, and the Ukraine). The two-day event resulted in 56 recommendations which will be considered at the UN Forum on Minority Issues to be held on 2 and 3 December 2021 and in the Special Rapporteur's annual report to the Human Rights Council in March 2022. Total number of participants that attended all 4 regional forums in 2021 was around 700. Among other notable results is the accessibility provided in holding the regional forums with interpretation in nine different languages, Arabic, English, French, Portuguese, Romani, Russian, Spanish, as well as Mexican Sign Language and International Sign Language.

20. On 13 October 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, addressed a side-event during the European and Central Asia Regional Forum on conflict prevention and the protection of the rights of minorities. Organised by former and current UN Minority Fellows, the side-event entitled 'Ensuring Minority Rights in Europe and Central Asia: Challenges and Opportunities', it included a tribute to Alexandr Kuzmin from Latvia, who passed away suddenly last month.

21. On 19 October 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, gave a keynote speech at a high-level conference on national minority identities in diverse societies: European perspectives at the Council of Europe in Strasbourg, France. He outlined how the protection of minority rights and identities appear to have regressed despite the progress made in the development of various instrument in Europe and internationally in the 1990s. This could in part be explained by the lack of strong implementation mechanisms, but also because of an increasingly hostile and intolerant environment towards minorities in many parts of the world.

22. On 21 October 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, presented his annual thematic report at the UN General Assembly in New York. He warned of growing global inequalities, and of minorities and indigenous peoples being left increasingly behind, leading to increasing instability and even violence in parts of the world. Focussing on the SDGs, economic development and minorities, he called for a greater focus by international institutions and states on the most marginalized communities, such as minorities, indigenous peoples and women. He pointed out that the SDGs failed to prioritize 'people over development', with little or no attention in SDG measures and indicators to how minorities are treated or impacted in social and economic development terms.

23. On 21 October 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, participated in the Virtual Roundtable on Equality and Non-Discrimination in Nationality Matters to End Statelessness organised by the UNHCR and the OHCHR, outlining some of the causes of the increasing numbers of stateless who are from minority communities in a handful of countries, and why a human rights approach to statelessness needs to be the focus in order to avoid the complete failure of the global campaign to eradicate statelessness by 2024.

24. On 22 October 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, was keynote speaker at a high-level side event for the 76th session of the UN General Assembly co-organised by his mandate, the OSCE High Commissioner on National Minorities, and the Permanent Mission of Austria to the United Nations in New York. The side-event dealt with the 2030 Agenda for Sustainable Development and Economic Participation of Minorities" and the UN Special Rapporteur's thematic report on the SDGs, and the challenges for effective socio-economic inclusion in the context of SDGs, as well as policy measures that could prevent the escalation of social and inter-ethnic tensions.

25. On 25 October 2021, the UN Special Rapporteur on minority issues, Dr Fernand de Varennes, gave an online lecture to students in the Institut d'études politiques de Paris (also known as Sciences Po) to masters level human rights students in Paris, France, on his work

as special rapporteur on minorities, the nature and challenges to the implementation of the human rights of minorities, as well as the regression of the protection of these rights in areas such as statelessness, hate speech in social media, and in relation to teaching in the languages of minorities.

26. On 27 October 2021, the UN Special Rapporteur on minority issues, Dr Fernand de Varennes, was the inaugural speaker for the Second Congress of the POCLANDE International Network (People, Cultures, Languages and Development) held at the Kenyatta University in Nairobi, Kenya. The Special Rapporteur spoke on the importance of sustainable development being sensitive to and taking into account local languages, cultures and populations, and why a human-centred approach to the SDGs needed to integrate more fully and accommodate the human rights of minorities, and particularly their languages and cultures, and the impact this could have in strengthening the participation of minorities in social and economic development and in society in general.

27. On 3 November 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, gave the keynote speech for the roundtable conference on “Respect for the right of people with hearing disabilities to education” organised by the OHCHR Regional Office for Central Asia, the Ministry of Education of the Republic of Kyrgyzstan, the Office of the Ombudsperson of the Republic of Kyrgyzstan, and the Regional Office of the OHCHR for Central Asia. Dr de Varennes explained why users of sign languages should be considered as members of a full-fledged, natural language, and why pedagogically the teaching of and use of sign languages in schools was the best way of ensuring deaf children received quality education and learning outcomes, as well as the failure to do so could constitute discriminatory practices in breach of international human rights standards. He also made concrete recommendations on what specific steps could be taken in Kyrgyzstan in this area.

28. On 4 November 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, discussed with a number of other experts and researchers at the European Academy (EURAC) in Bozen/Bolzano in Italy the challenges raised in a research project on the topic of “old” and “new” minorities, or on the integration of migrants on the regional level in Italy, specifically the province of Bolzano/Bozen and the region of Trentino Alto-Adige/Südtirol.

29. On 4 November 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, was a panellist for the webinar on ‘Realizing Equal Nationality Rights for All’ organised by the Global Campaign for Equal Nationality Rights and the World Council of Churches’ Commission of the Churches on International Affairs (CCIA). The event marked the seventh anniversary of the UNHCR’s #Ibelong Campaign to eradicate statelessness and the 60th anniversary of the adoption of the 1961 Convention on the Reduction of Statelessness. While the Special Rapporteur commended the organisations involved in successes to eliminate statelessness in gender discrimination cases against women and their children, and for Kyrgyzstan for having taking steps to eradicate it in the country, he warned that statelessness may have actually increased significantly from 10 million in 2014 to about 15 million in 2021, in large part because of insufficient focus and recognition on minorities such as the Rohingya in Myanmar and Muslim and Bengali minorities in India as the main victims of deliberate measures to exclude them from citizenship in a number of countries.

30. On 8 November 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, started his two-weeks mission to the United States of America, the first special procedures independent expert to conduct such as mission to the country since 2017. After initial meetings with high-level federal officials and civil society organisations in Washington DC, both in person and virtually, the Special Rapporteur met with territorial officials in Guam, as well as civil society organisations, including from the Chamorro community, on 11, 12 and 13 November 2021.

31. On 12 November 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, was the online keynote speaker for the European Language Equality Network’s annual general meeting being held in Santiago de Compostela, Spain. In his message, the Special Rapporteur highlighted the importance of countering a growing trend in Europe of disregard towards the human rights of minorities, and the need to build upon gains made in the 1990s for mechanisms and instruments to protect minorities in order to assure the much-

needed implementation of these rights and protections. He also invited participants to seize the opportunity provided by the 30th anniversary of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in 2022 to relaunch attention and efforts towards the very core of the premise and promise of the Universal Declaration of Human Rights on “the inherent dignity and of the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world.”

32. On 12 November 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, was an online panellist with UN High Commissioner for Human Rights Michelle Bachelet and OSCE High Commissioner Kairat Abdrakhmanov. The event, organised in collaboration with the UN Office in Geneva, focussed on the effective participation of minorities in economic life as a strategy for conflict prevention. The Special Rapporteur called for much more needed focus on enhancing multilateral and other efforts in regards to the participation of minorities in the economic sphere because of the limited attention to minorities, and indigenous peoples, being increasingly left behind and discriminated in economic and other areas of participation, in part because of growing global inequalities as well as disturbing leaps of hate speech, xenophobia and majoritarian demagoguery and intolerance. He also decried the widespread omission of minorities in SDG indicators and measures, thus largely leaving out minorities since ‘those who are not counted, do not count’.

33. On 22 November 2021 the Special Rapporteur on minority issues, Dr Fernand de Varennes, gave a press conference at the end of his two-weeks mission to the United States of America, from 8-22 November. He urged the US government to overhaul legislation to prevent increasing exclusion, discrimination and hate speech and crimes against minorities, indicating that the legal landscape for the protection of human rights is far from comprehensive or coherent. He also indicated that recent years have seen these deficiencies in human rights and the phenomenal growth of hate speech in social media, growing inequalities between have and have nots, often minorities and indigenous peoples, creating toxic conditions and an unhealthy pandemic of the mind, a poisoning of individual minds and society in many parts of the country.

34. On 23 November 2021 the Special Rapporteur on minority issues, Dr Fernand de Varennes, was a keynote panellist for the launch of the comprehensive #TravellerHomesNow Monitoring Report, as well as the annual meeting of the Galway Traveller Movement. The launch, organised by the National Travelers Women’s Forum and the #TravellerHomesNow campaign team, addressed the continuing unacceptable conditions under which Travellers are still allowed to live, as well as mapping progress made in #TravellerHomesNow campaign from 2017- 2021 using a human rights framework.

35. On 26 November 2021 the Special Rapporteur on minority issues, Dr Fernand de Varennes, said the opening words and participated in a meeting of a minority global consultation group on future direction and focus for the 2022 30th anniversary of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

36. On 1 December 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes addressed online a panel on the Minority issues and universality, organised by the Geneva Human Rights Platform and the Geneva Academy. He pointed out that the principle of ‘universality’ is at times used in states in the sense that majoritarian cultural and other preferences are deemed to be ‘the norm’, with those of minorities as ‘outside the norm’ and thus in opposition to the universal and equal application of human rights standards, whereas in reality international standards are ‘agnostic’ in terms of cultural and similar approaches. Majoritarian impositions are differences of treatment which can themselves be discriminatory if they have disproportionate or unjustified impact on the different cultural preferences of minorities, rather than minorities seeking ‘exceptional or special treatment’ from universal standards.

37. On 2 and 3 December 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes hosted the 14th UN Forum on Minority Issues, held in a hybrid format because of COVID health measures in Geneva. Some 650 participants registered for the two-day event – the largest number in the history of the UN Forum, to hear expert panellists from all regions

of the world examine more closely the prevention of conflicts through the protection of the human rights of minorities and make recommendations to this effect which will then be presented to the UN Human Rights Council during the Special Rapporteur's annual report in March 2022.

38. On 6 December 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, made the opening speech at the international webinar co-organised by HL-Senteret Minority Network at the Norwegian Centre for Holocaust and Minority Studies and the Norwegian Academy of International Law as part of the Inclusive Citizenship and Human Rights Programme. The online event was broadcast from Oslo and focused on inclusiveness and the need to focus on participation and representation of minorities. Dr de Varennes warned against the increasing global inequalities, of minorities being disproportionately left behind, and how numerous international players, including the United Nations, were insufficiently acknowledging these phenomena.

39. On 7 December 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, opened online the Interfaith Short Film Festival called: Living Together from Asia, the Middle East and Northern Africa. The event was organised by the Inclusive Citizenship Project at HL-senteret of the Norwegian Centre for Holocaust and Minority Studies and many partners in those regions.

40. On 8 December 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, was a panellist on the theme "Fighting disinformation on the Internet beyond censoring: a study on public officials responsibility" organised by the Centro de Estudios en Libertad de Expresión y Acceso a la Información (CELE) at the University of Palermo in Argentina. This event was part of the 2021 Internet Governance Forum (IGF), a forum for multi-stakeholder policy dialogue as set out in paragraphs 72 to 78 of the Tunis Agenda of the World Summit on the Information Society'. Dr de Varennes called for a global legal instrument to tackle the global threat of hate speech, incitement to violence, discrimination and genocide, and the destructive consequences of social media largely being carried out with almost total impunity for most social media platform owners, particularly to protect the most vulnerable groups such indigenous peoples, minorities, women and children, whilst ensuring that the requirements of international human rights such as freedom of expression are detailed and well protected.

41. On 15 December 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, participated online as a panellist in a high-level panel discussion on "Turning promises into action, hopes into reality: supporting religious or belief minorities such as Christians" organised by the Hungarian Permanent Mission at the United Nations in New York. He spoke more broadly of a number of global phenomena which has seen an increase in religious or belief – and other minorities – being overwhelmingly the targets of hate speech in social media, and of making overwhelmingly most of the growing number of stateless in the world, being disproportionately the targets of increasing levels of hate crimes. Despite the evidence of regression in the protection of the human rights of minorities, there remains still too much ignorance or even denial of these global processes which largely remain unaddressed and inefficiently tackled by the international community.

42. On 22 December 2021 the Special Rapporteur on minority issues, Dr Fernand de Varennes, was the main briefer at a UN Security Council Arria-formula meeting in New York on the situation of national minorities and the glorification of Nazism in the Baltic and Black Sea regions. He focussed on the most vulnerable communities (such as the Roma) or the largest in the regions (Hungarian, Polish, and Russian), as well as the major areas of concern such as statelessness, education, hate speech and hate crimes, as well as the rise of extreme right-wing violence and prominence.

43. On 23 December 2021 the Special Rapporteur on minority issues, Dr Fernand de Varennes, addressed as a keynote international expert a roundtable on the proposed draft legislation on the state language of the Kyrgyz Republic. Organised by the National Commission on State Language and Language Policy, the UN Office of the High Commissioner for Human Rights in Kyrgyzstan and the Office of the OSCE High Commissioner on National Minorities, the Special Rapporteur referred to the recommendations in relation to the language rights of minorities which were made in his



2019 mission report to the country, as well to the importance of complying with the international human rights obligations of Kyrgyzstan in areas such as education and equal access to public services and political participation of minorities. He in particular emphasized the need to adopt inclusive language approaches and to avoid approaches that could be considered discriminatory for significant minority communities such as Uzbek and Russian speakers, and cautioned against the denial of the human rights of minorities where the exclusive use of the state language could breach fundamental principles of international law such as freedom of expression and non-discrimination by excluding the use of minority languages.

44. On 23 December 2021 the Special Rapporteur on minority issues, Dr Fernand de Varennes, gave a podcast interview on Language as a Human Right. The podcast is part of the broadcast series 'Much Language Such Talk' conducted at the University of Edinburgh in Scotland.

## Annex II

### **Conflict prevention through the protection of the human rights of minorities: sample questionnaire and list of contributors**

#### **A. Sample questionnaire**

##### **Call for submissions by 6 December 2021**

In accordance with his mandate pursuant to Human Rights Council resolution 34/6, the Special Rapporteur on minority issues, Dr Fernand de Varennes, will present a thematic report at the 49th Session of the UN Human Rights Council, which will provide a detailed analysis and highlight the issue of “Conflict prevention through the protection of the human rights of minorities”.

Building on the work carried out by other UN, international and regional organisations, the Special Rapporteur will address the relationship between the prevention of violent conflicts through the protection of the human rights of minorities, in order to achieve stable and just societies, which are central to the implementation of the principles of equal human rights and dignity for all contained in human rights treaties and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The report will also contribute to the 2030 Agenda for Sustainable Development, in particular with regard to ensuring that all human beings are able to fulfil their potential in dignity and equality and in a healthy environment, and the commitment to foster peaceful, just and inclusive societies which are free from fear and violence, leaving no-one behind.

##### **Context**

The interrelationship between conflicts, the rights of minorities, and the promotion of inclusiveness and stability constitutes one of the thematic priorities of the Special Rapporteur.

Conflict prevention and the protection of the human rights of minorities is a topical and urgent issue. As the groundbreaking 2018 UN and World Bank joint study on ‘Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict’ points out, the main drivers of instability globally are group-based grievances around exclusion and injustice. To be more precise, the root causes of most of today’s violent conflicts all usually intimately linked to breaches of the human rights of minority communities.

In previous reports, the mandate has addressed the human rights of minorities in situations of humanitarian crises brought about by natural or man-made hazards (see [A/71/254](#)) as well as the role of the protection of minority rights in promoting stability and conflict prevention (see [A/HRC/16/45](#)). Among other points, these reports stressed that among the essential elements of a strategy to prevent conflicts involving minorities are respect for minority rights, particularly with regard to equality in access to economic and social opportunities; effective participation of minorities in decision-making; dialogue between minorities and majorities within societies; and the constructive development of practices and institutional arrangements to accommodate diversity within society.

Despite increasing understanding of the interlinkages between conflict prevention and the protection of the human rights of minorities, new conflicts involving minorities continue to emerge in many different parts of the world. Recent reports suggest that they are increasing, and that there is too little attention from international, national and other actors to the minority contexts and grievances, and denial of their human rights, which are amongst the top early warning signs of impending violence. The Special Rapporteur is of the view that a fresh look at these issues is necessary to give a new impetus to a human rights system when it comes effective early warning mechanisms for most of the world’s intrastate conflicts, through the protection of minorities.

The present thematic report will address these issues and help to identify the means by which the Special Rapporteur can more effectively contribute to (i) developing the stakeholders' capacity to identify the root causes of conflicts; (ii) strengthening legal and institutional framework so it provides a more effective early warning tool to help prevent violent conflicts; (iii) enhancing or creating early effective conflict prevention mechanisms and (iv) developing of means to advance the protection of the human rights of minorities and prevention of conflicts involving them.

The report will also look into the role of minority youth and women as valuable innovators and agents of change, whose contributions should be seen as an essential part of recognising and protecting the human rights of minorities, preventing conflicts and building peaceful communities, as outlined in the recommendations of the Forum on Minority Issues at its tenth session "Minority youth: towards inclusive and diverse societies" (A/HRC/37/73).

The report will also highlight promising practices, including the effective involvement of minorities in conflict prevention and provide suggestions and recommendations addressed to all relevant stakeholders at the local, national, regional and international levels.

### **Call for submissions**

In accordance with the established practice of thematic mandate-holders, the Special Rapporteur welcomes inputs by States, UN agencies, regional and international organizations, national human rights institutions, civil society and minority organizations, scholars and research institutions, and others who may wish to submit for this purpose. Such submissions may include, for instance, recommendations, evidence and case studies. The following questions are intended to guide submissions:

1. Please provide examples of tools and early warning mechanisms, which monitor risk factors leading to conflicts involving minorities.
2. Please provide any relevant data and case studies revealing root causes of some contemporary conflicts involving minorities.
3. Please provide examples of capacity-building programs assisting the States and intergovernmental organizations to identify the root causes of conflicts involving minorities.
4. Please provide examples of existing policies, legal and institutional frameworks, as well any other positive initiatives targeted at ensuring peaceful coexistence in order to safeguard the recognition and protection of the human rights of minorities. Please specify how minority women and youth are involved in these examples.
5. How can the international and regional conflict prevention tools and mechanisms further strengthen the recognition and protection of the rights of minorities?
6. Please describe how persons belonging to minorities and their representative organizations, including minority women and youth, are involved in the design, implementation and evaluation of the conflict prevention programmes.
7. Please provide any other relevant information.

Submissions and inputs on the above-mentioned areas can be submitted in English, French or Spanish and addressed to the Special Rapporteur by email to [ohchr-minorityissues@un.org](mailto:ohchr-minorityissues@un.org) by 6 December 2021.

Submissions and inputs will be considered public records unless expressed otherwise.

## **B. List of contributors**

States: Albania, Armenia, Azerbaijan, Croatia, Guatemala, Hungary, Iraq, Ireland, Italy, Latvia, Lebanon, Liechtenstein, Mauritius, Mexico, Russian Federation, Slovakia.  
International Organizations: UNHCR, UNICEF.

National Human Rights Institutions: Ombudsman Office of Azerbaijan.

Civil society organizations: Association of Reintegration of Crimea, Civil Society-UN Prevention Platform, Foro Social de la Deuda Externa y Desarrollo de Honduras, International Committee on Nigeria (ICON), Network for Religious and Traditional Peacemakers and the Finn Church Aid.

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