



# General Assembly

Distr.: General  
30 September 2014

Original: English

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**Human Rights Council**  
**Forum on Minority Issues**  
Seventh session  
Geneva, 25–26 November 2014

## **Note by the Special Rapporteur on minority issues, Rita Izsák, on preventing and addressing violence and atrocity crimes targeted against minorities\***

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\* Late submission.

GE.14-17618 (E)

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## I. Introduction and background to the Forum on Minority Issues

1. The seventh session of the Forum on Minority Issues will focus on the topic of preventing and addressing violence and atrocity crimes targeted against minorities.

2. Violence against minorities ranges from small-scale or localized incidents and attacks against communities to large and widespread and often systematized inter-communal conflicts, including conflicts that result in mass atrocity crimes such as genocide, war crimes and crimes against humanity. They can also result in ethnic cleansing. Minorities, often because of their small numbers and their non-dominant and excluded status, frequently become the targets of violence. Many situations around the world demonstrate that minorities may be targeted with impunity. The impact of violence against them is far-reaching and devastating. Such violence at times includes the killing of civilians, rape and other forms of sexual violence, the destruction of homes, property and sites of cultural importance, displacement from lands and territories, and humanitarian crises that result in deprivation of food, shelter, water and sanitation, health care and education. Minorities are frequently ill-equipped to defend themselves against violence and inadequately protected by State authorities, including law-enforcement officials.

3. The tragic events in Rwanda and the former Yugoslavia gave a new impetus to United Nations efforts to protect vulnerable minorities — described by former Secretary-General of the United Nations Kofi Annan as “genocide’s most frequent targets”. Attacks against minorities do not always occur in the context of conflict. The 2013 report of the present Secretary-General on the responsibility to protect mentions that “not all armed conflict generates atrocity crimes and not all atrocity crimes occur within a context of armed conflict. What distinguishes atrocity crimes is the deliberate targeting of specific groups, communities or populations.”<sup>1</sup>

4. The United Nations has repeatedly emphasized the importance of a culture of prevention and response. Its Committee on the Elimination of Racial Discrimination, for example, places emphasis on the importance of preventing violence at the early stages and has drawn up early-warning indicators and urgent measures to prevent threats from escalating into mass violence or genocide.<sup>2</sup> Among the key elements of strategies to prevent violence and atrocity crimes are the promotion and protection of minority rights, good and inclusive governance, and the effective management of diversity. In this connection, the Forum will consider problems, as well as positive practices, from all regions and will seek to identify some of the major causes of violence against minorities. It will also consider action that can and should be taken by States and other actors to prevent such violence, to protect the physical security of minorities, and to appropriately address violence and conflict to ensure that it does not persist or escalate into atrocity crimes.

5. The Forum on Minority Issues was established by the Human Rights Council in its resolution 6/15 of 28 September 2007 and was renewed in resolution 19/23 of 23 March

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<sup>1</sup> “Responsibility to protect: State responsibility and prevention”. Report of the Secretary-General, A/67/929-S/2013/399, para. 12.

<sup>2</sup> See “Prevention of racial discrimination, including early warning and urgent procedures: working paper adopted by the Committee on the Elimination of Racial Discrimination”, A/48/18, annex III; also “Revised guidelines on the early warning and urgent action procedure”, Annual Report, A/62/18, annexes, chapter III, August 2007 and “Decision on follow-up to the declaration on the prevention of genocide: indicators of patterns of systematic and massive racial discrimination”, Official Records of the General Assembly, sixtieth session, supplement No. 18 (A/60/18).

2012. The resolutions require that the Forum, under the guidance of the Special Rapporteur (formerly “independent expert”) on minority issues:

- (a) Meet annually to provide a platform for dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minorities;
- (b) Provide thematic contributions and expertise to the work of the Special Rapporteur;
- (c) Identify and analyse best practices, challenges, opportunities and initiatives for the further implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;
- (d) Produce thematic recommendations, to be reported to the Human Rights Council by the Special Rapporteur;
- (e) Contribute to efforts to improve cooperation among United Nations mechanisms, bodies and specialized agencies, funds and programmes on activities relating to the promotion and protection of the rights of persons belonging to minorities, including at the regional level.

6. The Forum offers a unique opportunity for engagement and dialogue on minority issues with a wide range of stakeholders, including Member States of the United Nations, bodies and specialized agencies of the United Nations, intergovernmental and regional organizations, minority representatives and civil society. It also represents an opportunity for them to exchange their experiences of good practices and issues management in the field of minority relations.

## **II. Aims and objectives of the Forum**

7. The Forum will aim at increasing awareness of the State’s responsibility to protect persons belonging to minorities from violence and atrocities targeted against them, and will develop for all stakeholders recommendations on preventing and responding to violence and atrocities. The Forum will bring about increased understanding of why it is important for States to protect and promote minority rights as a means of preventing violence and, in the worst case, atrocity crimes, including by establishing or strengthening institutional and policy frameworks for protecting minority rights. Participants will be encouraged to discuss the role of the international community, including regional human rights bodies and the United Nations, as well as their ability to engage with and assist States in their efforts to prevent and halt violence, and to intervene effectively when States fail to protect their populations. The Forum will reflect on the activities of minority communities and civil society and how they can play a role in preventing and addressing violence and atrocity crimes, or their incitement, that target minorities. It will offer the opportunity to identify and review positive practices and examples of constructive mechanisms and processes relating to minority protection and diversity management that have been implemented in various countries and regions.

8. A set of draft recommendations on preventing and addressing violence and atrocity crimes targeted against minorities will be presented for consideration by the Forum. These will form the basis for discussion by participants with the objective of strengthening and developing them as a tool for States and other stakeholders. The final recommendations will then be presented to the Human Rights Council at its twenty-eighth session.

### III. Legal framework

9. In the preamble to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the General Assembly of the United Nations states that "... the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live" and that "... the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as an integral part of the development of society as a whole and within a democratic framework based on the rule of law, would contribute to the strengthening of friendship and cooperation among peoples and States". In the Declaration itself, the Assembly established in article 1.1 that States "shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity".

10. The Commentary to the Declaration<sup>3</sup> states that "the protection of the existence of minorities includes their physical existence, their continued existence on the territories on which they live and their continued access to the material resources required to continue their existence on those territories. The minorities shall neither be physically excluded from the territory nor be excluded from access to the resources required for their livelihood. The right to existence in its physical sense is sustained by the Convention on the Prevention and Punishment of the Crime of Genocide... Forced population transfers intended to move persons belonging to minorities away from the territory on which they live, or with that effect, would constitute serious breaches of contemporary international standards, including the Rome Statute of the International Criminal Court. But protection of their existence goes beyond the duty not to destroy or deliberately weaken minority groups. It also requires respect for and protection of their religious and cultural heritage, essential to their group identity, including buildings and sites such as libraries, churches, mosques, temples and synagogues".

11. The United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948) recognizes that "genocide is an international crime, which entails the national and international responsibility of individual persons and states". Article 2 of the Convention recognizes that genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; and (e) forcibly transferring children of the group to another group.

12. In 2004, the Secretary-General established the mandate of the Special Adviser on the Prevention of Genocide. The principal objective of the Special Adviser is to alert the Secretary-General and, through him, the Security Council, to situations that, if not prevented or halted, might lead to genocide. The mandate of the Special Adviser also includes providing recommendations on how to prevent or halt genocide, as well as action to take to protect vulnerable populations. The Office of the Special Adviser also attempts to identify a range of potential threats to minority populations at an early stage and to make recommendations for mitigating the risk of escalation. These often include recommendations on measures that would build State resilience to atrocity crimes and promote inclusion and constructive management of diversity.

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<sup>3</sup> E/CN.4/Sub.2/AC.5/2005/2.

13. In its resolution 60/1 of 16 September 2005, the General Assembly adopted the 2005 World Summit Outcome, in which the Member States adopted a principle that is of prime importance to the protection of minorities — the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, more commonly known as “the responsibility to protect”.<sup>4</sup> This concept recognizes that the responsibility to prevent atrocity crimes is no longer exclusive to the State but is a shared responsibility — a duty that lies first with the State but where the international community must play a role when a State is either unable to or fails to abide by its legal obligations. This includes the responsibility to provide assistance to States to fulfil their responsibility to protect their populations, and also to take collective action, in accordance with the Charter of the United Nations, when a State is manifestly failing to protect its populations. The Charter contains a wide range of tools for the use of Member States and the international community. Chapters VI, VII and VIII authorize the use of appropriate diplomatic, humanitarian or other collective action. A Special Adviser on the Responsibility to Protect has been appointed to further the conceptual, political, institutional and operational development of the principle of the responsibility to protect.

#### **IV. Issues for consideration**

14. At the seventh session, the Forum will consider practical and concrete ways to prevent violence and atrocity crimes targeted against minorities and appropriate responses at national, regional and international levels. The Forum will take account of the fact that a great variety of countries and minority situations exist and that, consequently, different measures may be required according to the given context. The Forum will be informed by and build on the work of its previous sessions, namely those relating to minorities and the right to education, effective political participation, effective participation in economic life, the rights of minority women and girls, effective implementation of minority rights and the Declaration, and the rights of religious minorities. It will equally be informed by the work of the treaty bodies and the special procedures, and studies of the special advisers on the prevention of genocide and the responsibility to protect, and other national, regional and international actors.

15. Discussions at the Forum will centre on the key pillars of minority rights protection: protection of existence and prevention of violence against minorities; protection and promotion of minority identity; equality and non-discrimination; and the right to effective participation in all areas of public, economic and social life. The Forum will also be informed by the three pillars of the responsibility to protect: the State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement; the international community has a responsibility to encourage and assist States in fulfilling this responsibility; and the international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter.<sup>5</sup>

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<sup>4</sup> In July 2000, the African Commission on Human and Peoples' Rights incorporated the right to intervene in a Member State as enshrined in Article 4(h) of its Constitutive Act, which states “[t]he right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity”.

<sup>5</sup> See World Summit Outcome, A/RES/60/1, para. 139.

## **A. Understanding the root causes of violence and atrocity crimes against minorities**

16. A greater understanding of the causes of violence affecting minorities is essential if the violence is to be prevented effectively. Participants will be encouraged to share their experience and perspectives regarding the causes of violence and conflict. They will discuss challenges and rights violations experienced by minorities leading to violence. They will consider the situations, environments, processes and factors leading to violence and atrocity crimes, including deficits in good governance, rule of law or in the respect for human rights. Participants will consider what factors and rights violations, such as exclusion, discrimination and inequality make minorities vulnerable. The Forum will identify how patterns of discrimination against a particular minority in the political, social, economic and cultural spheres can translate into abuse and systematic violation of basic human rights and can escalate into atrocity crimes. In addition to the role of State institutions, the Forum will also consider the role of the media, national and international business and other non-State actors.

## **B. Improving the prevention of violence and of atrocity crimes**

17. Participants will be encouraged to share their experience of how violence can be prevented and how the implementation of minority rights can help achieve this. Participants will consider such issues as: the role of education; challenges and opportunities in legislative and judicial reforms; constructive management of diversity; and security and policing measures. They will seek to identify positive initiatives including in institution building and political participation. They will consider the role that can be played by national Governments, national human rights institutions, minorities themselves and civil society in preventing violence. Participants may suggest solutions to remove the threat of violence from societies, including measures to address hate speech before it turns into acts of violent hate crime, and initiatives to build understanding and social cohesion.<sup>6</sup> The role of the media and other actors in preventing such violence will also be examined. The Forum will discuss what channels of communication and information exchange exist to alert the international community when national measures to prevent violence fail, and what action can be taken in order to act effectively at an early stage.

## **C. After violence breaks out — essential measures for resolution, protection and security**

18. The Forum will consider the particular challenges of responding to violence after it has broken out. Participants will be encouraged to consider practical steps that could be taken to resolve tensions and halt violence. They will also be encouraged to reflect on the following: the role of dialogue, mediation and negotiation and steps to ensure they take place; the role of leaders (community/political/religious) once conflict has erupted; the role of national institutions, including the judiciary and national human rights institutions in responding to the outbreak of violence against minorities; and accountability and impunity issues. The Forum will consider the role of civil society actors and their activities in the aftermath of ongoing violence against minorities; monitoring, security and protection measures to protect vulnerable communities; the importance of rapid response measures; and measures to ensure the protection of minorities caught up in wider national conflicts.

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<sup>6</sup> See Committee on the Elimination of Racial Discrimination, general recommendation No. 35, in which the Committee underlines the role of racist hate speech in processes leading to mass violations of human rights and genocide.

Participants may reflect on the role of the international community once violence has erupted and how the community can act appropriately and rapidly to help end the violence.

**D. Avoiding renewed violence — building the peace and managing diversity**

19. The Forum will consider the role and importance of implementing minority rights in post-violence and conflict situations and in efforts to build and ensure a stable and lasting peace. Participants will consider such issues as: transitional justice and the need for/role of truth and reconciliation and bodies such as commissions of inquiry; the need for accountability and redress/compensation; the value of institutional reform and the role of dedicated institutions in addressing grievances; the importance of political participation and representation of minorities in decision-making bodies and processes; the role of human rights education/training in building peace and understanding; building the capacity and resilience of the society and its institutions to remain strong and united even in times of political conflicts; and the special role of religious leaders in contributing to an environment of inter-communal understanding and reconciliation. The Forum will consider the role of Member States in rebuilding confidence between communities in post-conflict societies and explore the potential for implementing minority rights to assist such efforts.

**E. Cross-cutting issues: role of regional and international actors and institutions**

20. Participants will be encouraged to discuss how regional and international actors, including neighbouring States, regional and international cooperation and human rights organizations and the United Nations, have important roles and obligations in relation to tensions and violence affecting minorities. Issues for discussion may include: practical measures to enhance the role of various external actors and to improve coordination among them; the principle of the Responsibility to Protect and how the “Human Rights Up Front” initiative<sup>7</sup> can better be implemented; the role of international diplomacy and minority rights advocacy; the criteria for intervention, including non-military sanctions; the role of regional human rights and security institutions; and the role of the United Nations bodies/agencies/ mechanisms and how they could be better coordinated. The Forum will review the early warning mechanisms within the United Nations system, identify gaps and propose ways to improve the ability of the United Nations to use available information and mechanisms to address and prevent violence. Participants will consider measures to be taken to strengthen attention to minority rights and cooperation in order to prevent violence and atrocities at the regional and international levels.

**V. Participation**

21. Pursuant to Human Rights Council resolution 19/23, the Forum is open to participation by States, United Nations mechanisms, treaty bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on minority issues and non-governmental

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<sup>7</sup> “Human Rights Up Front” is an initiative by the Secretary-General to improve United Nations action to safeguard human rights around the world. The document, from May 2014, is framed in terms of the protection of human rights and includes the task of protecting civilians, with the importance of preventive efforts consistently emphasized.



organizations in consultative status with the Economic and Social Council. The Forum will also be open to other non-governmental organizations representing minorities whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter.

22. The views of participants from minority communities are consistently given a high priority in Forum proceedings. Given the thematic focus of the seventh session, it is crucial to ensure the participation of persons belonging to minorities and others with experience in situations of violence and of work in preventing or stopping violence. The participation of women and young people in the proceedings of the Forum is also particularly encouraged.

23. Requests to be accredited to the Forum should be sent to [minorityforum@ohchr.org](mailto:minorityforum@ohchr.org).

## **VI. Format and agenda**

24. The Forum has developed a unique format whereby participants comment on a set of draft recommendations circulated prior to the Forum session. The final recommendations are drawn up on the basis of interventions delivered at the Forum and information, surveys and studies received by the Special Rapporteur on minority issues. The session will be devoted to brief, targeted oral interventions commenting on specific provisions of the draft recommendations, limited to between three and five minutes each. Participants will be invited to formulate contributions to help develop the draft as the “outcome document”. In addition to the draft recommendations, an annotated agenda and programme of work will be provided in advance of the session.

## **VII. Outcomes**

25. The Chair of the Forum is responsible for preparing a summary of the discussions of the Forum, which is made available to all the participants.

26. In conformity with Human Rights Council resolution 19/23, the outcome of the session will comprise a set of thematic recommendations of the Forum, which will be presented to the Human Rights Council by the Special Rapporteur on minority issues.

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