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

Summary of the panel discussion to commemorate the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Report of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 18/3, in which the Council decided to convene, at its nineteenth session, a panel discussion to commemorate the twentieth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, with a particular focus on its implementation as well as on achievements, best practices and challenges in this regard, and requested the Office of the United Nations High Commissioner to prepare a report on the outcome of the panel discussion in the form of a summary.

Pursuant to resolution 18/3, the discussion offered a venue for experts as well as States to voice their opinions on measures taken to promote and protect the rights of minorities and that have proved effective. The participants agreed that the Declaration remains a key document of reference, and that its implementation is vital if the problems that persist 20 years since its adoption and continue to undermine human rights, and in many cases pose a threat to peace and security, are to be addressed.

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I. Introduction

1. In its resolution 18/3, the Human Rights Council noted that 2012 would mark the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Council therefore decided to convene, at its nineteenth session, a panel discussion to commemorate the twentieth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, with a particular focus on its implementation as well as on achievements, best practices and challenges in this regard.

2. The anniversary offers an important opportunity to examine how the Declaration has served the purpose of advancing the rights of persons belonging to national or ethnic, religious and linguistic minorities. Against this background, the panel discussion was organized to highlight the positive initiatives and good practices that have proved successful in the protection and promotion of the rights of minorities and that could be replicated. Although implementation of the Declaration has facilitated positive measures, the panel discussion also reflected the fact that further efforts are needed to improve its implementation in all countries and regions. In the discussion, the challenges to implementation were identified and possible avenues to overcome these challenges shared.

II. Substantive background to the panel discussion

3. Adopted by consensus in 1992,¹ the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities remains the first human rights instrument of the United Nations devoted solely to minorities. In the preamble thereto, the General Assembly considered that the promotion and protection of the rights of persons belonging to minorities contribute to the political and social stability of States in which they live. The Declaration, which was inspired by article 27 of the International Covenant on Civil and Political Rights, contains both the rights pertaining to minorities and the obligations of States with respect to minorities. In its article 1, the Declaration establishes that States are to protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories, and to encourage conditions for the promotion of that identity.

4. The expert panellists, representing different regions, recalled in their commentaries the fact that a variety of country situations present a range of circumstances and challenges to minorities and States. Nonetheless, the Declaration provided all States with guidance and inspiration on measures and approaches that could apply to a variety of situations and serve to improve protection. The panel discussion contributed by raising awareness and increasing understanding of effective practices and the challenges to be faced. In this regard, the panel addressed the “pillars” on which the Declaration was built:

- Protection of existence
- Protection and promotion of identity
- Equality and non-discrimination
- Right to effective participation

¹ General Assembly resolution 47/135, annex.

A. Protection of existence

5. Article 1 of the Declaration stipulates that States are to protect the existence of minorities in recognition that minorities are often at a risk of being the targets of violence. In situations of unrest and conflict, for example, minorities may be at greater risk of being subjected to violence, displacement, expulsion or other human rights violations that, in some cases, may include or could lead to the ultimate crime of genocide. The importance attached to the protection of the existence of minorities has been well established under the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, which prohibits the destruction of “a national, ethnical, racial or religious group, as such”. The protection of existence of minorities requires accommodating diversity supported by appropriate frameworks, including those based on their effective participation in decision-making processes.

B. Protection and promotion of identity

6. The Declaration provides in its article 2 that persons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture, to profess and practise their own religion and to use their own language, in private and in public, freely and without interference or any form of discrimination. Furthermore, States are also required to encourage conditions for the promotion of minorities’ identity (art. 1). Hence, the conditions for expression of the culture, customs, languages, traditions and institutions of minorities are to be created and maintained to affirm and protect the distinctive characteristics and collective identity of minorities while rejecting forced assimilation. In this regard, the preservation of minority cultures and languages is paramount.

C. Equality and non-discrimination

7. The principles of non-discrimination and equality are fundamental in the enjoyment and exercise of all human rights for all. Article 4 of the Declaration elaborates on the principle of non-discrimination with regard to minorities, stating that States are to take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law. Many violations of the rights of minorities have a basis in discrimination, resulting in exclusion on the grounds of, inter alia, ethnicity, religion and language.

D. Right to effective participation

8. The right to effective participation is a key component of the protection of minority rights, helping to ensure the fulfilment of many other fundamental human rights. Effective participation, particularly in decisions that have an impact on minorities, is a precondition for the full and equal enjoyment of human rights. Removing barriers to the access of minorities to effective participation in economic, social and cultural life is crucial and is usually linked to lack of access to education, resulting in lack of formal qualifications.

III. Format and opening of the panel discussion

9. The panel discussion was chaired by the Permanent Representative of Austria and vice-President of the Human Rights Council, Christian Strohal. The opening statement was

delivered by the Deputy High Commissioner for Human Rights, who stressed the importance of the Declaration with regard to the protection of minorities and called for its full implementation. She also referred to the decision of the Policy Committee of the Secretary-General of March 2012, aimed at bolstering system-wide work in this area through a new United Nations network on racial discrimination and minorities. The network, to be coordinated by the Office of the United Nations High Commissioner for Human Rights (OHCHR), would facilitate collaboration among United Nations entities, build guidance and help to share effective practices to combat racial discrimination and protect minority rights. The Policy Committee had also stressed that the twentieth anniversary of the Declaration should be used to raise awareness and to promote its implementation, and that staff training initiatives were to be reviewed to ensure that they adequately addressed non-discrimination and minority rights issues.

10. The panel discussion was moderated by the Director of Minority Rights Group International, Mark Lattimer (United Kingdom of Great Britain and Northern Ireland). The panellists included the Independent Expert on minority issues, Rita Izsák; member of the African Commission on Human and Peoples' Rights and Special Rapporteur on the Rights of Women in Africa, Soyata Maiga (Mali); Head of the Law Department at Middlesex University (United Kingdom), Professor Joshua Castellino (India); and member of the Committee on the Elimination of Racial Discrimination, Pastor Elias Murillo Martinez (Colombia).

11. The panel adopted an innovative and interactive format, with no presentation other than the opening address. The moderator set the framework of the discussion. The discussion was organized into two sequences of approximately 30 minutes each, during which each of the four panellists would address the questions raised by the moderator. During the first sequence, the moderator asked a question common to each of the panellists. During the second sequence, the moderator addressed a specific question to each panellist. This approach allowed the discussions to address specific issues relating to the implementation of the Declaration, its achievements and challenges.

IV. Discussion

12. During the first sequence, all three panellists were asked the question: "The Declaration provides authoritative guidance and key standards on minority rights ranging from non-discrimination to participation in decision-making. However, the visibility of the Declaration remains limited and its provisions are rarely invoked by practitioners. What are the measures that could be undertaken by different actors, including the Human Rights Council, to improve the promotion of the Declaration and encourage its implementation?"

A. First sequence

13. In their commentaries, all four panelists recognized that the Declaration could indeed benefit from greater visibility and that the twentieth anniversary of the adoption of the Declaration provided a great opportunity to draw additional attention to its provisions and inspire dialogue on minority rights in all regions. In many countries, some of the principles of the Declaration had been incorporated into constitutions, laws, policies and practice. Reality had showed, however, that much more needed to be done to ensure that persons belonging to minority groups were well integrated and able to take part fully in all aspects of society, without hindrance based on their identity.

14. The panellists highlighted several initiatives that could be taken by different actors to improve the promotion of the Declaration and encourage its implementation. The role of

States was underscored in the light of their legal obligations under international human rights law, which laid down the responsibility to protect all human rights and to promote and implement the Declaration. States were therefore encouraged to examine their own performance on minority rights and to assess the extent to which they were truly fulfilling their commitments under the Declaration. They were also encouraged to evaluate their legislation and policies to make sure that they were consistent with the Declaration and that they worked effectively to protect the rights of minorities. In this regard, they should gather and study essential disaggregated data on the situation of minorities, which would allow for problems to be identified, and targeted policies and programmes to be adopted and applied, where necessary. This strategy was important in that it would allow States to recognize and quantify the problems that minorities faced. At the same time, disaggregated data would also assist them in their efforts to implement the Declaration and to establish effective solutions for minorities.

15. The role of education in raising the awareness of minorities regarding their rights was also pointed out. Minorities had to know their rights in order to claim them effectively. For this reason, efforts had to be strengthened to promote human rights education and to ensure that it was included in the curricula of schools in all regions, providing children and adults alike with a strong basis of knowledge about the nature of human rights and minority rights, and that those rights belonged to them. Equally, in the field of education, the curricula and teaching materials of schools should reflect fully the diversity of a nation; only then would children belonging to minorities feel that they truly belonged, and children from majorities would understand much more about their classmates with different ethnicities, religions, languages and cultures, helping to break down the barriers that lead to prejudices and discrimination.

16. The role of national human rights institutions in promoting human rights and the Declaration on Minorities was underscored. Mention was made of the interest in the mandates of such institutions, clearly requiring them to monitor and advise Governments on minority issues and to actively promote the Declaration.

17. Minorities themselves needed to increase their efforts to actively advocate for their rights. Minorities and non-governmental organizations working with and on behalf of them had a vital role to play in bringing attention to the Declaration and promoting its implementation nationally. The minorities active in their own countries and regions in support of their rights were frequently the ones who achieved the greatest results and the real changes that improve the lives of people in their communities. Therefore, tools, resources and recommendations inspired by the contents of the Declaration must be given to minorities to enable them to improve the use of the Declaration in their interaction with national and local authorities.

18. Specialized agencies and other organizations of the United Nations system could contribute to the realization of the rights and principles set forth in the Declaration within their respective fields of competence. Reference was made to the collaboration of OHCHR and the mandate of the Independent Expert on minority issues with the United Nations Development Programme in developing a resource guide and toolkit entitled “Marginalized Minorities in Development Programming”. The toolkit was based on the Declaration and other relevant standards, providing a uniquely valuable resource on minority rights issues.

19. Reference was made to the importance of new technology in efforts to raise awareness of the Declaration. Social networking offered new and creative possibilities to inform people about the Declaration and to encourage discussion and the sharing of initiatives.

20. The Human Rights Council had an important role to play in helping to bring visibility to the Declaration. Initiatives of the Council, including the universal periodic

review, for example, offered an important opportunity to draw attention to challenges and to promote human rights standards in all countries. The Council had demonstrated its commitment to the promotion of the Declaration by establishing the Forum on Minority Issues in 2007, to provide a platform for dialogue and cooperation on minority issues, which provided thematic contributions and expertise to the mandate of the Independent Expert and was required to identify and analyse best practices, challenges, opportunities and initiatives for the further implementation of the Declaration.

B. Second sequence

21. During the second sequence, the Independent Expert on minority issues was asked, in her capacity as the recently appointed mandate holder, how she saw her role in encouraging more States to take additional measures in the constructive and inclusive development of practices and institutional arrangements to protect the existence of minorities and accommodate diversity within society.

22. In reply, the Independent Expert reiterated the obligation of Governments and, sometimes, the international community under international law to act rapidly and robustly to protect the physical existence of minorities when it was threatened. She mentioned various circumstances that could threaten the very existence of minorities in a State, such as forced assimilation rather than integration, which could result in some minorities being unable to openly use or learn their mother tongue, or freely practice their religion. Such policies impeded the identity and unique characteristics, cultures and traditions of minorities, and were contrary to the Declaration as well as to other human rights standards. These threats to identity, if left unchallenged, were immensely damaging to minority communities and also to inter-community relations, and could lead to tensions and even conflict. Implementing the Declaration and protecting the rights of minorities not only protected their physical existence and identity but, as the preamble to the Declaration stated, also contributed to the political and social stability of the States in which minorities live.

23. With regard to her mandate, the Independent expert referred to the important thematic work on key issues and giving guidance to Governments and other stakeholders to help them to protect the existence, identity and rights of minorities. She was particularly concerned about the situation of religious minorities in all regions, and would therefore address the rights and security of religious minorities as a thematic priority in the period 2012-2014.

24. Ms. Maiga was asked a question about on protection and promotion of identity. It was recalled that language was an essential component of personal identity and that, for many persons belonging to national minorities, language was one of the main factors of their minority identity and identification. The imposition by the State of strict official language proficiency requirements and the refusal to permit the use of minority languages could disproportionately affect certain minority communities, especially minority women, by denying to them the use of their mother tongue in administration, justice, education and public life. Ms. Maiga was asked what could be done at the national level to support and facilitate the use of minority languages as an essential component of identity.

25. In reply, Ms. Maiga stressed that, despite the financial constraints imposed on the educational system of many countries, more effort should be made to ensure that primary education and adult literacy schooling of national minorities were also conducted in the mother tongue. Developing language programmes open to all and of all ages would offer the opportunity for society to benefit from the contributions of women belonging to minorities.

26. In addressing political issues linked to education as well as in reforming educational systems, States should include teaching in the mother tongues of national minorities in school curricula. Minorities should have access to legal and public administrative manuals in their mother tongue. The right to effective due process could not be secured in a language not truly understood. Hence, in the long term, States should invest in developing plans of action and strategies that take into consideration the situation of national minorities. Such plans should include training courses to strengthen the capacity of minorities to claim their fundamental rights, including the right to existence and identity. In this regard, non-governmental human rights organizations should support the efforts of the State not only in the field of education but also in developing awareness-raising programmes facilitating exchanges between persons belonging to the majority with those belonging to minorities.

27. Mr. Murillo Martinez was asked a question on equality and non-discrimination. It was recalled that minority rights, inclusion and equality played an important role in promoting political and social stability and peace. Addressing the exclusion of minorities and promoting the enjoyment of their rights rested on the right to non-discrimination, which required combating both direct and indirect discrimination. Mr. Murillo Martinez was therefore asked about the role played by special measures, and their effectiveness and that of affirmative action in addressing the impact of long-standing and entrenched discrimination of minorities. He was also asked about possible additional measures could be taken to alleviate the effects of discrimination and exclusion.

28. In his reply, Mr. Murillo Martinez addressed special measures and positive measures, and referred to general recommendation No. 32 of the Committee on the Elimination of Racial Discrimination, in which it defined special measures or measures of positive action arising from article 1, paragraph 4, and article 2, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination. According to the Committee, the obligation to take special measures was distinct from the general positive obligation of States parties to the Convention to secure human rights and fundamental freedoms on a non-discriminatory basis for persons and groups subject to their jurisdiction.²

29. The legitimacy of special measures or positive action could be established by demonstrating factual conditions that justified it, by its reasonable nature, of proportionality and temporality. Special measures or positive action had attained constitutional status in many countries, from all parts of the world. For instance, in some countries, the right to collective reparation in favour of victims of racial discrimination had gained constitutional status, which provided for, inter alia, access to State public positions for indigenous peoples and Afro-descendants proportional to their population in the country. Other special measures had served to facilitate access to higher education by persons who would otherwise be excluded.

30. Prof. Castellino was asked a question about the right to effective participation. It was stated that effective participation in every aspect of public life should give minorities a full stake in society. Measures taken to ensure the effective participation of minorities contributed to the alleviation of tensions, and thus served the purpose of conflict prevention. Hence, creating the conditions for the effective participation of minorities should be considered by States to be an integral aspect of good governance. Prof. Castellino was therefore asked to indicate some of the good practices that could be replicated to ensure effective participation of minorities through, for example, access to education, political life and in decision-making on issues directly affecting them, and access to effective

² CERD/C/GC/32, para. 14.

participation in economic, social, cultural and religious life, in line with article 2 of the Declaration.

31. In reply, Mr. Castellino submitted that minorities were often excluded as a consequence of the project to build strong and viable national identities. In that project, any deviation from a centrally adopted position was viewed with suspicion and as a threat. Nonetheless, it was the diversity of societies that was often the most economically viable asset. To embrace the fruits of this diversity, all that had to be done, at a fundamental level, was to broaden the collective vision and become more inclusive in how the nation and the State were perceived.

32. Real progress within society came at the domestic level, and real protection of minorities could only come when there were robust legislative, administrative and judicial mechanisms to tackle political exclusion at that level. The right to effective political participation was one of the most fundamental rights after the protection of existence, as it offered the opportunity for the voices of all to be heard.

33. At the international level, there were good examples of minority participation. The speed and effectiveness with which issues concerning indigenous peoples had come to the fore had taught important lessons. The Declaration had breathed fire into the indigenous peoples' movement. Mr. Castellino stressed that similar support for the Forum on Minority Issues and consideration for the adoption of a binding international standard would be equally appreciated and would most likely succeed in mainstreaming minority issues in human rights practice.

34. Despite the above-mentioned developments at the international level, victims and potential victims of human rights violations remained far removed from such power structures as the Human Rights Council. In the current era of globalization, appropriate models of political participation that were available to all had to be sought far and wide. Failure to do so would entail the risk of passing on a legacy of the denial of rights to all and defeat the human rights agenda cherished by all, and in whose service a great many of the most inspirational leaders, intellectuals and advocates of current generations had sacrificed their lives.

35. There were real ideas in the manner in which States had sought to tackle minority exclusion, even if their implementation was still a work in progress. Some States had taken such measures as establishing universities and schools in regions where national minorities lived in order to create access to education; others practiced a policy of reserving places for persons from minority communities in access to high-quality education. This system of reservation also extended to legislative bodies at the national and regional levels, including multi-seat constituencies to bolster minority presence at the national level. Such measures had often been less than popular among majorities; however, by keeping these issues on the national agenda, States had accepted the challenge to work ceaselessly to build inclusive societies for all.

36. The few above-mentioned examples of good legislative design were imperfect and difficult to replicate. Equally, there were no readily available solutions that could be taken off the shelf and copied. The Declaration provided no more than a skeleton for effective minority political participation. Flesh could be put on that skeleton only when the need to substantiate human rights through lessons learned emerging from society were accepted. In order to make the promise of human rights a reality for all, including minorities, the place to start was by ensuring that all were fully represented in the human rights project, to build viable sustainable societies that will stand the test of time.

C. Comments from States and non-governmental organizations on good practices and challenges

37. During the first and second segments, approximately 25 States made interventions on both good practices and challenges to the implementation of the Declaration. Considering that the role of the State in protecting the rights of minorities was crucial, the panel discussion benefitted from the diversity of pronouncements made by States on policies and actions undertaken and those they intended to adopt in order to resolve intolerable conditions of poverty, marginalization and exclusion experienced by some minority communities.

1. Non-discrimination

38. Speaking on behalf of a State, one delegate expressed the view that discrimination stood as the core problem affecting the participation of minorities in decision-making, especially decisions affecting them. In the particular State in question, in geographical areas where minority communities lived, their representatives held senior posts in State bodies to ensure that their voices were heard.

39. Another delegate shared the recent developments in the State through special measures offering new opportunities to indigenous peoples and Afro-descendant minorities to participate in the social, economic and political life of the country.

40. One delegate expressed support for the principles of non-discrimination and equality, which were duly observed and through which respect for the distinct language, cultural traditions and heritage of a particular minority group in the country were respected. In the State in question, positive measures to combat discrimination had been taken to facilitate the participation of minorities.

41. Another delegate asserted that respect for the rights of minorities was founded on the elimination of racism and discrimination in all of their manifestations. Respect for diversity and the promotion of tolerance to support peaceful coexistence could be achieved through awareness-raising. An approach involving the sensitization of the public to tolerance and respect for minorities could be achieved through the integration of human rights training in schools from a very early stage. In addition to the Declaration, another important document, the Durban Declaration and Programme of Action, affirmed that the ethnic, cultural, linguistic and religious identity of minorities, where they existed, must be protected, and that persons belonging to such minorities should be treated equally and enjoy their human rights and fundamental freedoms without discrimination of any kind.

42. Speaking on behalf of another State, a delegate affirmed that it was in the light of the country's multiracial, multi-ethnic, multicultural, multi-religious and multilingual character that the Ministry of Minority Affairs was created in 2006. The National Commission for Minorities, a statutory body established under the National Commission for Minorities Act of 1992, handled specific complaints of deprivation of rights of minorities and made recommendations for the safeguard and protection of the rights of minorities. The State offered minorities education opportunities, including scholarships, an equitable share in economic activities and employment, a certain proportion of development projects for minorities, as well as reserving 4.5 per cent of government jobs and education places for minorities.

43. One delegate stated that, under the interim Constitution of 2007, which guaranteed equal protection of the law, minorities had the right to participate in State bodies on the basis of the principle of proportional inclusion. A reservation and quota system had therefore been introduced to ensure fair representation of all communities in all State and decision-making bodies.

44. A delegate referred to the robust system of laws of the State being represented, and specified that the promotion of civil rights, non-discrimination and equal opportunity were fundamental for ensuring universal respect for human rights. Great effort was made by the State to promote and protect the rights of minority individuals in many areas, including in law enforcement, housing, education, employment and political participation. In this connection, the State remained committed to ensuring full political participation through the enforcement of its voting rights laws. The State was engaged in resolving allegations of widespread patterns or practices of discrimination against qualified minority borrowers, and had entered into a comprehensive settlement agreement that resolved allegations of severe and pervasive harassment of minorities.

2. Religious identity

45. One delegate declared that, as a result of policies and cultural practices in some States, the identity of ethnic and religious minorities living in those States were under threat. In this regard, the adoption of anti-*hijab* legislation was cited as an example of a violation of the rights of minorities under the Declaration.

46. Another delegate affirmed that the existence of minorities was most threatened in times of great social changes, as was the case today in several regions of the world. In the light of this sensitive situation, the country had launched a project through its foreign policy that would pay special attention to religious minorities, while bearing in mind the overlapping between religious minorities and ethnic or national minorities. The project would be rooted in the rule of law, as human rights protection must be built on law.

47. Speaking on behalf of a group of States, a delegate highlighted the view that diversity management at the national and international levels was a key factor in addressing the challenges faced by national or ethnic, religious and linguistic minorities. Governments were to provide minorities with due political, social, economic and cultural space in their societies, including access at the decision-making level. Regarding religious minorities in particular, stigmatization and negative profiling were hampering the exercise of their fundamental human rights to manifest and practice their religions.

48. Another delegate expressed deep concerns at the increase in acts of intolerance and violence against members of minorities worldwide, and the State being represented condemned in particular the attacks against religious communities of any religion and belief. The delegate stated that, in a world increasingly intertwined and globalized, societies that succeeded in positively integrating minorities often prospered, while those that pursued exclusion along national, ethnic, religious or cultural lines were exposed to internal conflicts and were likely to decline. The State in question considered minority issues to be among its priorities. It was in this vein that it had created a ministry for international cooperation and integration.

3. Language rights

49. One State referred to its multi-ethnic population and its history of tolerance towards minorities. In this regard, cultural autonomy had been granted to all of its national minorities, and it provided support for strengthening distinct identities. Speaking on behalf of the State, the delegate stressed the importance of education in minority languages as a precondition for the preservation of minority cultural identities. The State was taking a proactive stance in providing education opportunities for education in minority languages, thereby developing the multilingual proficiency of the young. The State financed obligatory primary and secondary education in eight national minority languages with the aim of creating an education system able to offer equal opportunities in the labour market for graduates from both majority and minority schools.

50. One delegate referred to the status of the two national languages as being equal, in addition to English, which amounted to the three “major” languages being recognized in the country. In this regard, the State had adopted a 10-year plan of action to motivate the population to acquire language skills in all three, in order to consolidate further the implementation of the official languages policy and to make a valuable contribution to building bridges between communities and strengthening national unity. The State regarded this approach as a key factor in the reconciliation process ongoing in the country. The Official Languages Commission conducted audits to monitor the status of implementation of the official languages policy and to ensure that public services were provided in all three languages. With the aim of protecting the rights of minorities and promoting social integration through understanding and mutual respect, the Ministry of National Languages organized multicultural programmes and religious festivals with the participation of all ethnic groups.

51. A delegate fully concurred with the view that language was an essential component of personal identity and identification. Speaking on behalf of a State, the delegate asserted that States had a duty and responsibility to support and facilitate the use of minority languages. The State making the intervention had taken several initiatives to protect the identity of the various minority groups in the country, including by establishing vernacular schools at the primary level. In addition to conducting classes in minority languages at public universities, ethnic studies were compulsory for all students to ensure understanding of the multicultural environment of the country.

4. Further comments by States and non-governmental organizations on the implementation of the Declaration on Minorities

52. One delegate stated that, with the minorities in all of its neighbouring States slowly disappearing, the State had a real stake in the full and universal implementation of the Declaration, which sets the essential principles on which protection of the rights of minorities is to be built. In this vein, the State called on all States to take the provisions of the Declaration fully into account when drafting legislative and policy measures concerning national minorities living on their territories, in particular with regard to article 1 of the Declaration.

53. A delegate of another State stated that, although at the European level there was tendency to neglect the Declaration, the fact remained that, at the international level, it was still the text of reference. In this regard, it was very important that, in the work being undertaken by the Independent Expert on minority issues and by the Forum on Minority Issues, the importance of the Declaration be reinforced in the implementation of its principles.

54. Reflecting the view of the State, a delegate stated that the commemoration of the twentieth anniversary of the Declaration would not be complete if the Human Rights Council did not to pay tribute to the work of Professor Asbjorn Eide, the former Chairman of the Working Group on Minorities of the Subcommission on the Prevention of Discrimination and Protection of Minorities who had prepared the most comprehensive and far-reaching commentary to the Declaration. The delegate highlighted some of the most important features of the commentary in understanding the application of the Declaration: longer existing minorities might have stronger rights; the rights set out were individual rights, the duties of States towards minorities were in part formulated as groups and, in some cases, could be best implemented by arrangements for different types of autonomy; and the linguistic identity of minorities should be preserved by States to the maximum of their available resources. The delegate highlighted that these conclusions of the commentary should guide the work of States with regard to minority rights.

55. Speaking on behalf of a group of States, a delegate stated that, although the Declaration had been adopted 20 years earlier, its provisions were not fully implemented. According to the delegate, civil society, non-governmental organizations and representatives of minorities had a vital role to play in promoting the Declaration and the rights of persons belonging to minorities. In this regard, they should take an active role in advocating for their rights. First, however, they need to better organize themselves to successfully partner with various decision-makers to express their needs and take the steps necessary for the full realization of their rights.

56. Another delegate recalled that the Declaration, the main international reference document for minority rights, granted persons belonging to minorities the rights to enjoy their own culture, to profess and practice their own religion, as well as the right to participate effectively in decisions that affect them. These rights could only be guaranteed by the full and effective implementation of the provisions of the Declaration. In addition to granting rights to persons belonging to minorities, the Declaration also provided all States with guidance and inspiration regarding measures to improve the protection of their rights.

57. A representative of the BADIL Resource Center for Palestinian Residency and Refugee Rights took the floor to stress the importance of the implementation of the Declaration with regard to the violation of the rights of minorities. The speaker from the National Association for the Advancement of Colored People raised specific concerns pertaining to the participation of minorities in electoral processes.

V. Conclusions

58. **The panel discussion offered an excellent platform for experts to discuss the approaches that, in their view, worked to advance minority protection and for States to outline the approaches adopted to advance the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.**

59. **The discussion revealed that a number of States had taken new measures to combat the exclusion of minorities and to promote their identity, the full enforcement of which could be instrumental in tackling contemporary problems obstructing the protection of the rights of minorities.**

60. **The discussion also demonstrated that respect for the principles of the Declaration, adopted 20 years earlier against a backdrop of major transitions, including in the former Soviet Union and in Central and Eastern Europe – remained crucial in the transition processes today witnessed in many societies.**

61. **The discussion participants also pointed out once again that access to quality education plays a vital role in combatting discrimination and in building the capacity of minorities to participate in the political, social and economic life of the countries in which they live. The role of the core principles of equality and non-discrimination was highlighted as a prerequisite to securing minority rights. In this and other areas, the panel discussion offered an important opportunity to collect good practices that could be replicated to strengthen the implementation of the Declaration in all regions of the world.**