



“Preventing and addressing violence and atrocity crimes targeted against minorities”

Contribution of the United Nations Network on Racial discrimination and Protection of Minorities to the Seventh session of the Forum on minority issues

(25-26 November 2014)

1. The United Nations recognizes that effort to promote and protect the rights of minorities must be multidimensional and engage the entire System. With this in mind, the Secretary General established in 2012 the United Nations Network on Racial Discrimination and Protection of Minorities, which aims to stimulate cooperation and to enhance the impact and coordination of the work of the UN system in the field of racial discrimination and protection of minorities, both at headquarters and in the field. The Network brings together over 20 UN entities, ranging from those dealing with development and humanitarian issues to entities focusing on peace and security issues.
2. One of the first undertakings of the Network was the development of a Guidance Note on Racial Discrimination and Minorities, which was endorsed in 2013 by the Secretary General. It provides guidance for the entire UN System, highlighting key principles and suggesting ways to incorporate work to combat racial discrimination and advance minority rights in the work of the UN. The Network is currently working to support the implementation of the Guidance Note and its 19 recommendations, and earlier this year it endorsed a four-year action plan with concrete action points and clear time frame for their implementation.
3. The Guidance Note highlights the importance of taking further action to advance the rights of minorities, including by encouraging constructive management of diversity to address identity-based tensions, as well as culturally attuned preventive measures focusing on the most important risk factors. Discrimination is often at the root of identity-related tensions. Such tensions have a potential to develop into crises that could ultimately lead to conflict, forced displacement and, in the worst cases, to atrocity crimes, including genocide.
4. One of the action points calls for intensifying system-wide interaction with mechanisms such as the Forum on Minority Issues, and this first-ever intervention made on behalf of the Network at the Forum, is one reflection of this commitment. The Network has also actively engaged with other key mechanisms, such as the UN Special Rapporteur on Minority Issues and the Working Group of Experts on People of African Descent, with which had an

exchange in November 2014 to discuss how the Network could contribute to the forthcoming International Decade of People of African Descent.

5. The theme of this year's Forum on Minority Issues is highly relevant for the work of the Network. It is clear that for some members of the Network - such as the Office of the Secretary-General's Special Advisers on the Prevention of Genocide and on the Responsibility to Protect who work to advance efforts to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity - this year's theme concerns the core of their mandate. But combatting violence and atrocity crimes is also a prime example of an area where joint efforts throughout the system are required in order for us to have an impact. It is such joint efforts and cooperation that the Network aims to facilitate.
6. The relevance of this year's Forum theme for the UN system is reflected also in the Secretary General's Guidance Note, which highlights the importance of taking enhanced action to advance the rights of minorities, inter alia, by "encouraging constructive management of diversity to address identity-based tensions, as well as culturally attuned preventive measures focusing on the most important risk factors".
7. It also reminds the entire system that discrimination is often at the root of identity-related tensions and that, such tensions can develop into crises that could ultimately lead to conflict, forced displacement and, in the worst cases, to atrocity crimes, including genocide. Racial discrimination undermines human rights protection, but it can also undercut efforts to secure peace, security and sustainable development.

a. **International legal framework**

8. The task to advance minority rights is firmly anchored in the UN Charter, which underlines respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion. Discrimination and injustice threaten the goals for peace, security and sustainable development.
9. Protecting the rights of minorities does not prejudice the majority's enjoyment of universal rights and freedoms. Minority rights are enshrined in international law and exist to ensure that persons belonging to minorities can enjoy all human rights on equal footing with others. Article 27 of the International Covenant on Civil and Political Rights (ICCPR) establishes that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language. Article 20 prohibits advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. Similar language to Article 27 of the ICCPR is also found in Article 30 of the Convention on the Rights of the Child. The International Convention on the Elimination of All Forms of Racial Discrimination prohibits all dissemination of ideas based on racial superiority or hatred, incitement to racial

discrimination, as well as all acts of violence or incitement to such acts against any group on the basis of race, colour or ethnic or other origin (Article 4).

10. The Declaration on the Rights of Persons belonging to National or Ethnic, Religious or Linguistic Minorities adopted in 1992, remains the most important UN instrument devoted to minority rights, providing authoritative guidance and key standards ranging from non-discrimination to participation in decision-making. In accordance with its Article 9, “the specialized agencies and other organizations of the United Nations system are encouraged to contribute to the realization of the rights set forth in the Declaration”.
11. The protection of minority rights is a key factor in the prevention of conflicts and atrocity crimes as well as in peace-building, as has been highlighted by a number of experts, including the UN Special Rapporteur on Minority Issues. Minority women and girls are often particularly targeted, including for sexual violence in detention or in armed conflicts. Available and known experience shows that tensions rising to the level of conflict are less likely to occur in societies where minorities can use their own language, practice their own culture and religion and participate effectively in economic and political life, as prescribed in the Declaration.
12. The Convention on the Elimination of All Forms of Discrimination Against Women defines discrimination against women in terms of “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” Violence against women is prohibited in more specific terms under the United Nations Declaration on the Elimination of Violence against Women, which notes that some groups of women, such as women and girls belonging to minority groups, are especially vulnerable to violence.
13. The protection of minorities is also at the core of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide and the Responsibility to Protect principle. The obligation to prevent genocide, defined under article 2 of the Convention¹, has become customary international law.

¹ Defined as: “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;
- e) Forcibly transferring children of the group to another group.”

14. International human rights law defines the specific groups identified by the Genocide Convention also as “protected groups”. In situations of non-international armed conflict or where non-state armed groups exercise control over territory and population, minorities are exposed to additional risks since they may be targeted because they are either associated with a non-State armed group or the State.

b. **The Responsibility to protect principle**

15. All states have a responsibility to protect (R2P) all populations within their borders from mass atrocities irrespective of their identity, nationality and citizenship. At the 2005 World Summit, Heads of State and Government committed to the responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This entails the primary responsibility of States to protect their populations from genocide, war crimes, crimes against humanity and ethnic cleansing and of the international community to assist States in upholding their responsibility to protect. In addition, 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 of the United Nations.

16. Lessons learned through the years in many countries demonstrate that we must do more to prevent atrocity crimes. Although States have accepted the importance of prevention and the centrality of individual State responsibility in preventing mass atrocities, preventing atrocity crimes is a multi-dimensional undertaking demanding great effort on the part of many actors, including the Security Council.

17. In line with her mandate, the UN Special Adviser on the Responsibility to Protect is actively engaged in furthering the development and refinement of the RToP concept, while continuing a political dialogue with Member States and other stakeholders on further steps toward the implementation of this principle. In particular, a strong political will on the part of the States is needed to further operationalise RtoP which becomes more and more relevant in a world context where multiple complex crises involving populations under threat are taking place simultaneously. In this relation, it is fundamental that States are provided with guidance as to their preventive obligations and that UN peacekeeping operations and special political missions are equipped with the type of protection tools that threatened communities need.

c. **Root causes of violence against minorities and selected areas of focus**

18. Violations of minority rights constitute today a wide-scale problem, affecting all regions of the world, with multiple manifestations ranging from attacks on religious or ethnic minorities to systematic exclusion of minorities from decision making in economic and public life, contributing to statelessness and other serious human rights challenges around the world.

19. These violations not only undermine human rights and sustainable development, but also fuel insecurity and conflict. Several factors and challenges can exacerbate exclusion of minorities, including deteriorating economic conditions, ethnic and religious tensions and rising discrimination. In some countries, unequal regional distribution of resources and services and a lack of basic infrastructure in regions where minorities live often have the effect of preventing minorities from fully exercising their economic and social rights. Hate speech may fuel a climate of mistrust and tensions and may, in most extreme cases, constitute incitement to atrocity crimes with devastating consequences for minority groups. The High Commissioner for Human Rights has recalled that in recent years incidents involving hate speech, negative stereotyping in the media, and even advocacy of religious or national hatred by public officials and political parties have resulted in killings of innocent people, attacks on places of worship and calls for reprisals. As a consequence, the UN launched in February 2013 the *Rabat Plan of Action* on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (A/HRC/22/17/Add.4). The Rabat Plan of Action was based on five workshops on the prohibition of incitement to national, racial and religious hatred, organized by OHCHR in various regions of the world. The Rabat Plan of Action recommends the adoption of comprehensive anti-discrimination national legislations with preventive and punitive action to effectively combat incitement to hatred, as well as the empowerment of minorities and vulnerable groups.
20. As we consider measures to address violence and atrocity crimes against minorities, there is a pressing need to take into account that minority women and girls are often particularly targeted, including for sexual violence in detention or in armed conflicts. The Guidance Note on Racial Discrimination and Minorities recalls that situations involving minority women and girls require special attention and protection, as well as tailored intervention in areas ranging from crime prevention and criminal justice to harmful traditional practices and violence against women. In this respect, the Network also stresses the importance of the Convention on the Elimination of All Forms of Discrimination against Women, including CEDAW General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations. This recommendation highlights that during and after conflict women and girls belonging to minorities are at particular risk of violence, especially sexual violence. Similarly, the United Nations Declaration on the Elimination of Violence against Women reminds us that women and girls belonging to minority groups are especially vulnerable to violence.
21. The Guidance Note on Racial Discrimination and Minorities also emphasizes the need to focus on those minorities who are politically, economically and/or socially most marginalized, and whose rights are therefore most at risk. In many cases this translates into focus on religious minorities.
22. OHCHR has been closely following human rights violations and attacks against religious minorities in Syria, where abductions and killings of religious figures and members of

specific communities, as well as destruction or desecration of places of worship and pilgrimages have taken place during the conflict. In its report from August 2014, the International Commission of Inquiry on Syria reported that members of ISIS have committed war crimes and crimes against humanity and pose a clear and present danger to civilians, and particularly minorities, under its control in Syria and in the region.

23. The United Nations, through its UN Assistance Mission for Iraq (UNAMI) and the Office of the UN High Commissioner for Human Rights, have also reported on violence and attacks against religious minorities in Iraq. Members of Iraq's diverse ethnic and religious communities, including Turkmen, Shabak, Christians, Yezidi, Sabaeans, Kaka'e, Fails Kurds, Arab Shi'a, and others have particularly been affected by the situation.
24. In Myanmar, OHCHR worked to ensure through its engagement with national, regional and international partners in Rakhine state that human rights concerns were mainstreamed into responses to the situation including in relation to the Rohingya minority community.
25. The UN Special Rapporteur on minority issues, Rita Izsak, who visited Nigeria in February 2014, explained that many of those displaced are persons belonging to ethnic and religious minorities who have been victims of violence.

d. Prevention and selected UN mechanisms

26. The Secretary-General's Special Advisers on the Prevention of Genocide and on the Responsibility to Protect work together to advance national and international efforts to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as well as their incitement. They act as an early warning mechanism by alerting the United Nations system, Member States and civil society for appropriate preventive action. Their analysis is based on the Office's Framework of Analysis for Atrocity Crimes, which pays specific attention to situations where minority groups are at risk of atrocity crimes. The Framework of Analysis has been recently used to assess several situations involving minorities, including South Sudan, the Central African Republic, Iraq, Syria and Myanmar.
27. The Office on Genocide Prevention and the Responsibility to Protect has also developed a paper drawing on the Rabat Plan of Action, which introduces policy options for different stakeholders - including States, civil society, the media, and the international community - to prevent incitement to atrocity crimes.
28. More specifically to the RtoP principle, the Secretary-General's 2009 report on the responsibility to protect established a framework for implementation based on three pillars. Pillar I encompasses the responsibility of each individual State to "protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity." Pillar II focuses on the international community's role in encouraging and assisting States in fulfilling their responsibility to protect. Pillar III outlines options for taking collective action, in a "timely

and decisive manner” and in accordance with the United Nations Charter. After the 2009 report, the Secretary-General annual reports on RtoP have focused on early warning and assessment (2010); the role of regional and sub-regional arrangements (2011); timely and decisive response (2012); State responsibility and prevention (2013); and international assistance (2014).

29. The Committee on the Elimination of Racial Discrimination includes in its regular agenda preventive measures which include early-warning aimed at preventing existing situations escalating into conflicts and urgent procedures to respond to problems requiring immediate attention to prevent or limit the scale or number of serious violations of the Convention.
30. The main purpose of the Human Rights Up Front initiative and Action Plan is to strengthen the UN system’s ability to effectively prevent and respond to serious violations of international human rights and humanitarian law, as well as to complex crises. Human Rights Up Front looks to develop inter-agency early warning mechanisms at country, regional and HQ levels, to review emerging and ongoing crisis as well as a UN integrated response. This initiative considers early action paramount to prevention.

Conclusions

31. The Network, through its Action Plan to support the implementation of the Guidance Note, can help to support recommendations of this session of the Forum, including the proposed call for increased technical assistance to States, including in the fields of minority issues, non-discrimination, prevention of conflict and atrocity crimes, and training of officials and law enforcement bodies.
32. While the Network has a unique thematic focus and mandate, it does not work in isolation. Dialogue with minorities and States is crucial and so is cooperation within the UN system. For example, support to the Secretary General’s Human Rights Up Front initiative is of great importance so that we can together contribute to strengthening the UN system’s ability to effectively prevent and respond to serious violations of international human rights and humanitarian law, and complex crises, including in respect of minorities.