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**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

### Minority issues\*\*

#### Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on minority issues, Fernand de Varennnes, in accordance with Commission on Human Rights resolution 2005/79.

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\* [A/78/150](#).

\*\* The present document was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution [53/208 B](#).



## Report of the Special Rapporteur on minority issues, Fernand de Varennnes

### *Summary*

In the present report, the Special Rapporteur on minority issues, Fernand de Varennnes, provides a summary at the end of his six years at the helm of the United Nations mandate on minority issues. In the report, he highlights noteworthy accomplishments and developments, but also the daunting global challenges related to promoting and protecting the human rights of minorities. He also summarizes his country visits, communications and other mandate-related activities during the period 2022–2023.

In the thematic segment of the present report, the Special Rapporteur expands on the recent attention given to the place of the human rights of minorities in the institutions, structures and initiatives of the United Nations, as well as discussions and recommendations on how to address the growing denial of the rights of minorities worldwide. He identifies concerns regarding the impact of such lacklustre acknowledgement and defence of their human rights as a significant factor in many of the major threats to global peace and stability. The world is currently facing the largest number of violent conflicts and the largest number of internally displaced persons since even before the Second World War, tsunamis of hate speech and hate crimes in a large number of countries, and potential massive increases in the global number of stateless persons. In all of these crises, minorities are overwhelmingly the targets or victims, including representing more than three quarters of those who have been denied citizenship and are experiencing statelessness. As the Special Rapporteur outlines in the present report, this situation may be in no small part owing to the institutional failure to recognize and address the root causes of many of these phenomena: the bias, racism, scapegoating and intolerance that have been increasing worldwide, often accompanying new forms of exclusionary nationalism. The *à la carte* enforcement of human rights, omitting or disregarding the rights of minorities, undermines the very foundations of the Charter of the United Nations and the promise of the universality of international human rights, 75 years after the proclamation of the Universal Declaration of Human Rights, and goes a long way towards explaining the failures in conflict prevention and in the eradication of statelessness, and the failure to prevent in any way the explosive growth of hate speech, hate crimes and even calls to violence and genocide.

In November 2022, on the anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the Secretary-General made the following statement: “Thirty years on – the world is falling short. Far short. We are not dealing with gaps – we are dealing with outright inaction and negligence in the protection of minority rights.” In response to that admission, the Special Rapporteur provides guidance on the way forward to address the international community’s “inaction and negligence”, which has contributed to a more unequal, unstable and violent world, and he identifies new approaches to new emerging threats and dangers for minorities, especially those stemming from artificial intelligence.

## I. Introduction

1. The Special Rapporteur on minority issues, Fernand de Varennes, submits the present report to the General Assembly pursuant to his mandate, as established in Commission on Human Rights resolution 2005/79. In the report, the Special Rapporteur summarizes his activities carried out in 2022 and 2023 since his previous report to the General Assembly (A/77/246) and provides an overview of the main thematic priorities, accomplishments and developments during his six-year tenure as mandate holder. He also presents a thematic section on the way forward to address the international community's "inaction and negligence" with regard to the protection of minority rights. The Special Rapporteur also provides some observations on the work and direction of the Forum on Minority Issues and the regional forums convened during his mandate and identifies emerging issues and challenges relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities.

2. The Special Rapporteur expresses his thanks and gratitude to the numerous individuals and entities that have supported and collaborated with him in his work as mandate holder during his tenure, including minority representatives and communities, civil society and human rights organizations, Member States, especially those who are part of the group of friends of minority issues, entities of the United Nations system, and academic and research organizations. He would like to particularly thank the Office of the United Nations High Commissioner for Human Rights (OHCHR) for the continuous support provided to him as mandate holder, and especially the human rights officers who worked with him during this period.

## II. Activities of the Special Rapporteur in 2022 and 2023

3. The Special Rapporteur wishes to draw the attention of the General Assembly to the web page devoted to the thematic mandate on minority issues, 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> An overview of the activities of the mandate holder between August and December 2022 is provided in the report presented to the Human Rights Council at its fifty-second session.<sup>2</sup> Exceptionally, the Human Rights Council extended the Special Rapporteur's mandate for three months, until 1 November 2023.

4. The Special Rapporteur has engaged in a large number of activities to promote and raise awareness of the human rights of minorities. These have included: providing consultations surrounding and participating in the high-level General Assembly event to mark the thirtieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities during the seventy-seventh session of the Assembly, held in New York; attending and speaking at several dozen conferences in person or online around the world; and contributing to various other awareness-raising activities, such as seminars with students and young people, as well as giving media interviews.

### A. Country visits

5. The Special Rapporteur conducted an official visit to Paraguay from 14 to 25 November 2022 at the invitation of the Government. The country visit report will be submitted to the Human Rights Council at its fifty-fifth session, to be held in 2024.

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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).

<sup>2</sup> A/HRC/52/27.

The Special Rapporteur is also expected to conduct an official visit to Tajikistan from 9 to 20 October 2023. A country visit to the Russian Federation planned for 2022 did not come about.

## **B. Communications**

6. In 2022, a total of 70 communications were sent by the Special Rapporteur on minority issues. Of those, 51 were letters of allegation, 13 were urgent appeals and 6 were other letters of concern relating to bills, legislation, policies or practices that did not comply with international human rights law and standards. Of those 70 communications sent, all were sent jointly with other special procedures mandate holders and 11 were led by the Special Rapporteur on minority issues. With regard to the geographical distribution, 4 of the communications were sent to African States, 39 to Asia-Pacific States, 4 to Eastern European States, 2 to Latin America and Caribbean States, 21 to Western Europe and other States and 8 to others.

7. From 1 January to 12 May 2023, a total of 11 communications were sent by the Special Rapporteur. Of those, six were letters of allegation, three were urgent appeals and two were other letters of concern relating to bills, legislation, policies or practices that did not comply with international human rights law and standards. Of those 11 communications, 6 were sent jointly with other special procedures mandate holders and 5 were led by the Special Rapporteur on minority issues.

## **C. Forum on Minority Issues and regional forums**

8. The fifteenth session of the Forum on Minority Issues was held at the Palais des Nations in Geneva on 1 and 2 December 2022 on the theme “Review, rethink, reform: thirtieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities” after a three-year hiatus, though with some measures in place to accommodate online interventions. The number of registered participants surged in 2022, almost reaching the level of participation experienced prior to the coronavirus disease (COVID-19) pandemic, with 580 participants from 79 countries, which was an indication of the high level of interest in the Forum itself and the importance of addressing minority issues. A complete report on the session of the Forum and the resulting recommendations was presented to the Human Rights Council at its fifty-second session, held in 2023 ([A/HRC/52/71](#)).

9. The Special Rapporteur also convened four regional forums in 2022 (the Americas regional forum, the Africa and the Middle East regional forum, the Asia-Pacific regional forum and the Europe and Central Asia regional forum), in addition to guiding the annual session of the Forum on Minority Issues.

10. 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 the work of the Special Rapporteur.

### III. Overview of mandate-related priorities and accomplishments since 2017

11. In his first report to the General Assembly, submitted in 2017, the Special Rapporteur identified four thematic priorities: statelessness; education, language and the human rights of minorities; hate speech targeting minorities on social media; and the prevention of ethnic conflicts. During his mandate, he has also focused on new approaches to improve the accessibility of activities carried out under the mandate, such as the sessions of the Forum on Minority Issues, and on the gaps in efforts to better protect the rights of minorities in the institutions, structures and initiatives of the United Nations.

12. These thematic priorities were raised in all of the Special Rapporteur's country visits (to Botswana, Kyrgyzstan, Paraguay, Slovenia, Spain and the United States of America), at regional forums and at the Forum on Minority Issues and were frequently referred to in other activities and events and in his annual reports to the General Assembly and the Human Rights Council.

#### A. Statelessness

13. One of the few positive outcomes regarding statelessness during the Special Rapporteur's tenure occurred in 2019 in Kyrgyzstan, where the Government adopted legislation and took steps that led it to become the first country to largely end statelessness for all practical purposes (A/HRC/46/57/Add.1, para. 16).

14. The Office of the United Nations High Commissioner for Refugees #IBelong campaign to end statelessness by 2024 is soon coming to an end, without having made any significant impact on the total global number of stateless people. Less charitable assessments suggest that it has failed completely, since there has been no visible reduction made in statelessness since the start of the campaign almost 10 years ago, and there are very real risks of millions more people becoming stateless in the coming years.

15. The failure of the #IBelong campaign to end statelessness by 2024, or even to reduce it significantly, appears to be largely owing to an insufficient focus on the main causes of statelessness worldwide, namely, the discriminatory and targeted denial of citizenship for members of certain minority communities. As the Special Rapporteur has frequently indicated in his annual reports, including the previous report submitted to the General Assembly, more than three quarters of the world's stateless are from a handful of minority groups who are collectively denied citizenship in such countries as Côte d'Ivoire (Dioula and other northern minorities), the Dominican Republic (minority of Haitian descent), Latvia (Russian-speaking minority) and Myanmar (Rohingya minority) (A/73/205). Despite this, addressing the main causes of statelessness affecting minorities was not designated as a priority for the 2014–2024 #IBelong campaign to end statelessness by 2024. Similarly, UNHCR acting through the campaign, and even the United Nations as a whole, have been largely silent or impotent in addressing the warnings and grave concerns expressed by the Special Rapporteur and others that millions more members of minorities of mainly Bengali and Muslim background in Assam, India (and potentially in other parts of the country) could be considered to be non-citizens and become de facto stateless persons in the near future (ibid., para. 35).

16. While there is to be a new initiative called the Global Alliance to End Statelessness, which is aimed at, by 2030, accelerating solutions to statelessness through a collective multi-stakeholder approach that is centred on and respects the

experience of those who are stateless or were formerly stateless,<sup>3</sup> no indication exists that there will be any greater effort to focus on the main sources of statelessness and the need to respect the right to equality without discrimination in matters of citizenship, or to prevent millions of minorities from being denied citizenship. There are already signs of conducting “business as usual” by trying to “end” statelessness without addressing the real root causes of most cases. First, the recommendation to end statelessness found in Our Common Agenda, which is to form the basis for the new initiative and presumably a new campaign, contains no mention of minorities and statelessness, though it does contain references to migrants and refugees, even though minorities – and not migrants or refugees – are the main victims of statelessness globally.<sup>4</sup> In addition, private discussions with a United Nations official about the form that a new campaign to end statelessness might take from 2024 suggest that there is no desire or appetite to focus on minorities, as the subject is too “sensitive”, and that there is thus an unwillingness or inability to address the main causes of statelessness.

## B. Education, language and human rights

17. The Special Rapporteur’s priority theme of education and minority languages remained a continuing focus throughout his mandate. As with statelessness, he raised the issue in all country visits and participated in a large number of activities and conferences on the same. While for members of linguistic minorities education is central to the maintenance and respect of their identity, this is one area of international human rights where the international community has not been the most responsive or accepting.

18. In the handbook issued in 2017 by the then Special Rapporteur on minority issues, entitled “Language rights of linguistic minorities: a practical guide for implementation”, it is clearly stated that, where there is a sufficiently high numerical demand, public education services must be provided in a minority language to the appropriate degree, broadly following a proportional approach. This includes all levels of public education from kindergarten to university. If demand, the concentration of speakers or other factors make this not feasible, State authorities should, as far as practicable, at least ensure the availability of minority language teaching. In addition, all children must have an opportunity to learn the official language or languages.<sup>5</sup>

19. In his 2020 thematic report to the Human Rights Council, the Special Rapporteur similarly emphasized that inclusive and quality education for members of linguistic minorities meant, as far as was practicable, education in their own language (A/HRC/43/47, para. 48) and that it would be discriminatory to not provide for the proportional use of a minority language as a medium of instruction in public schools where reasonable and justified. Generally speaking, a minority language should be used in education as much as possible, at the highest level possible. For pedagogical and other reasons, a mother tongue should be the language of instruction, where practical, and in cases where this is not really feasible should at the very least be taught as a subject (*ibid.*, para. 59). Not to do so would constitute a breach of the prohibition of discrimination in international law. Similarly, in recommendations emanating from the twelfth session of the Forum on Minority Issues, held in 2019,

<sup>3</sup> See [www.unhcr.org/ibelong/the-new-global-alliance-to-end-statelessness/](http://www.unhcr.org/ibelong/the-new-global-alliance-to-end-statelessness/).

<sup>4</sup> A/75/982. See commitment 4: abide by international law and ensure justice, and the following related key action: legal identity for all, end to statelessness and protection of internally displaced persons, refugees and migrants.

<sup>5</sup> OHCHR, “Language rights of linguistic minorities: a practical guide for implementation”, March 2017.

and regional forums held the same year, participants all reiterated the connection between human rights and the use of a minority language in education, and that States should include an education policy and implementation plan that safeguarded the right to receive education in the mother tongue at all levels where practicable. Such a policy should include minimum standards for the use of minority languages in public education and a built-in monitoring and evaluation system ([A/HRC/43/62](#), para. 30).

20. Despite these pronouncements and developments, and the Special Rapporteur's efforts to raise the visibility, importance and awareness of the human rights dimension of these matters for minorities, the situation in relation to the use of their languages in education has not evolved favourably during this period. The Special Rapporteur and other special procedures mandate holders have in recent years been involved in a significant number of communications<sup>6</sup> in which grave allegations were raised of restrictions on the use of minority languages as a medium of instruction in public and even private schools. This situation raises human rights concerns of discrimination in international law under such provisions as articles 2 and 26 of the International Covenant on Civil and Political Rights, as well as breaches of the rights of minorities to use their languages with other members of their community under article 27 of the Covenant.

### C. Hate speech and social media

21. As with other thematic priorities, the Special Rapporteur consistently and continuously raised concerns about the targeting of minorities in hate speech on social media in his awareness-raising activities, conference participation and country visits. In his 2021 annual report to the Human Rights Council, he pointed out and warned that the rapid spread of “a disease of the mind” through social media had been witnessed in 2020.

22. Hate speech on social media is spreading and strengthening. Minorities are overwhelmingly the main victims of hate and incitement to violence and discrimination. Where disaggregated data are available on hate speech on social media or on hate crimes, approximately 70 per cent or more of those targeted tend to belong to minorities.

23. The menace of hate speech affects minorities first and foremost. Whether by omission or not, many actors in the field fail to systematically acknowledge and explicitly admit who the main targets are of racism, prejudice, scapegoating and even incitement to violence on social media. By not specifically mentioning minorities, the extent and brutality of hate speech is ignored and even camouflaged in a fog of generalities. In a sense, everyone becomes an accomplice to hate when the main victims remain unnamed. The result is fertile ground to feed intolerance and exclusion, the godparents of hate towards minorities. To add insult to injury, hate has become extremely profitable for some and useful for others ([A/HRC/46/57](#)).

24. The Special Rapporteur continued to raise concerns over the explosive increase in hate speech targeting ethnic, religious or linguistic minorities on social media during his mandate. Examples of this include a 786 per cent increase in India of hate

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<sup>6</sup> These include China (communication No. AL CHN 6/2022), Estonia (communication No. AL EST 1/2023), France (communication No. OL FRA 3/2022) and Latvia (communication No. OL LVA 1/2022). Similar concerns were also raised in the Special Rapporteur's reports on his country visits to Botswana ([A/HRC/40/64/Add.2](#)), Kyrgyzstan ([A/HRC/46/57/Add.1](#)) and Spain ([A/HRC/43/47/Add.1](#)).

speech against minorities between 2014 and 2018<sup>7</sup> and antisemitic incidents in the United States at their highest ever recorded level.<sup>8</sup> In addition, while in a 2021 report it was stated that hate crimes against Muslims had peaked in 2017 across 29 States members of the Organization for Security and Cooperation in Europe (A/HRC/46/30, para. 47), cases of Islamophobia are reported to be even higher in 2023 in many places. It should also be emphasized that antisemitism, Islamophobia and anti-Gypsyism all involve targeted minorities. Other minorities facing widespread hate speech on social media include Baha'is, Bengali, Dalits, Indigenous Peoples and Rohingya.

25. The results of the most recent seventh evaluation of the voluntary code of conduct on countering illegal hate speech online,<sup>9</sup> overseen by the European Commission, show a similarly staggering decrease in the percentage of cases in which removal action was taken within 24 hours of notification, down from 90.4 per cent in 2020 to 81 per cent in 2021 and 64.4 per cent in 2022. Recently, a new European Union regulation on online content, the Digital Services Act,<sup>10</sup> entered into force on 16 November 2022.

26. Similarly, despite a number of meetings between the Special Rapporteur and the representatives of social media platforms, and despite the joint statement issued in 2019 when Microsoft, Meta (then known as “Facebook”, X (then known as “Twitter”), Google and Amazon committed to uphold the Christchurch Call to Action to Eliminate Terrorist and Violent Extremist Content Online, in which they stated that they would be resolute in their commitment to ensure they were doing all they could to fight the hatred that led to terrorist violence, most recent reports suggest that social media companies are generally failing to act on hate speech targeting minorities, as much as 89 per cent of the time in the case of anti-Muslim hate,<sup>11</sup> and at similar levels for other minorities, such as in the case of antisemitism and anti-Black racism.

27. Other initiatives have been adopted by various institutions to combat the scourge of hate, intolerance and even incitement to violence and genocide, including, at the global level, the United Nations Strategy and Plan of Action on Hate Speech launched by the Secretary-General in 2019. It contains 13 commitments to action by the United Nations system, though most of these are limited to conducting more research, collecting data and raising awareness.<sup>12</sup> There is as of yet no significant focus on minorities, despite the fact that they are overwhelmingly the targets and victims of hate speech and hate crimes fuelled by social media platforms.<sup>13</sup> The Special Rapporteur's main concerns and warnings therefore remain largely unaddressed.

<sup>7</sup> Deepankar Basu, *Dominance of Majoritarian Politics and Hate Crimes against Religious Minorities in India, 2009–2018*, Working Paper Series, No. 493 (Political Economy Research Institute, 2019).

<sup>8</sup> Anti-Defamation League, Centre on Extremism, “Audit of antisemitic incidents 2022”, March 2023.

<sup>9</sup> See [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-code-conduct-countering-illegal-hate-speech-online\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-code-conduct-countering-illegal-hate-speech-online_en).

<sup>10</sup> See [https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age/digital-services-act-ensuring-safe-and-accountable-online-environment\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age/digital-services-act-ensuring-safe-and-accountable-online-environment_en).

<sup>11</sup> Centre for Countering Digital Hate, “Failure to protect: social media platforms are failing to act on anti-Muslim hate”, 28 April 2022.

<sup>12</sup> United Nations, *United Nations Strategy and Plan of Action on Hate Speech: Detailed Guidance on Implementation for United Nations Field Presences* (2020).

<sup>13</sup> Another significant global initiative is 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, annex, appendix) which includes a six-part threshold test for assessing the severity of hatred in expressions that could be judged to constitute illegal hate speech under international law. It is one of the few initiatives in which minorities are acknowledged and addressed specifically in more than just a superficial way.



28. While it can be suggested that some two thirds of hate speech on social media targets minorities, most social media platforms pay little direct attention to minorities in their community standards or content moderation guidelines, or even fail to mention them specifically. TikTok, for example, refers in its community guidelines to such matters as trafficking or trade in live animals, and any part of an endangered animal, and defines hate speech or behaviour as content that attacks a person or group because of protected attributes, such as race, ethnicity and religion. However, the guidelines do not contain a single reference to the word “minority”. While endangered animals legitimately get a mention, minorities, unfortunately and counter-intuitively, do not, despite the fact that minorities are overwhelmingly the targets and victims of most hate speech on social media (A/HRC/46/57, para. 78).

29. Thus far, no significant steps have been taken towards implementing any of the recommendations the Special Rapporteur presented in his thematic report on hate speech, social media and minorities, including the recommendation that States, the United Nations and OHCHR should initiate a process to develop a global voluntary code of conduct for social media platforms to combat hate speech and should draft guidelines on combating hate speech targeting minorities on social media, as a matter of urgency (*ibid.*, para. 91), nor have his warnings on the increased dangers and potential harm regarding the use and misuse of artificial intelligence yet yielded any noticeable effect (*ibid.*, paras. 73 and 74).

30. Perhaps in no small part because of this lack of action, hate speech on social media targeting minorities remains largely unimpeded, even increasing and fuelling continuing racist, toxic, hostile and even violent behaviour against many minorities worldwide because of an insufficient focus on those who are its main targets, namely, minorities.

#### **D. Minorities and the prevention of violent conflicts**

31. One of the main focuses and thematic priorities of the Special Rapporteur has been to clarify the close link between the denial of the human rights of minorities and the conditions leading to violent conflicts. These issues gained a great deal of attention and interest during the 2021 regional forums and were highlighted in the recommendations resulting from those forums and from the fourteenth session of the Forum on Minority Issues, held in Geneva in 2021.

32. The Special Rapporteur warned in his 2022 report that most contemporary conflicts were internal conflicts and were rooted in the long-standing denial of human rights obligations, and in particular in the discrimination against 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 those minorities (A/HRC/49/46, para. 42).

33. He pointed out that, generally, the patterns shown in most of these conflicts were similar, involving long-standing claims of exclusion and inequalities of a significant and concentrated minority population that raised consistent red flags from a human rights point of view and provided potential warning signs for avoiding violent conflicts. Even efforts to alleviate inequalities and promote development often sidestepped minorities or Indigenous communities, and therefore risked adding fuel to grievances of exclusion and discrimination and accentuating the cleavages that could lead to conflicts (*ibid.*, para. 55).

34. The Special Rapporteur submitted that the key to conflict prevention was for the United Nations and other members of the international community to acknowledge directly that most conflicts involved minorities or the instrumentalization of their

grievances, and that a minority human rights framework was essential to tackle the patterns of economic and political exclusion, as had been recommended in a 2018 United Nations/World Bank joint report. Despite that recommendation, the opportunity and appropriateness of using a minority rights framework as an early warning system for a significant proportion of the world's conflicts had been almost completely – and surprisingly – omitted in most United Nations conflict prevention initiatives (*ibid.*, para. 57).

35. While it is too early to assess any impact of these and other recommendations issued by the regional forums (the Americas regional forum,<sup>14</sup> the Africa and the Middle East regional forum,<sup>15</sup> the Asia-Pacific regional forum<sup>16</sup> and the Europe and Central Asia regional forum<sup>17</sup>) and the Forum on Minority Issues,<sup>18</sup> the outlook is not promising.

36. Violent conflicts have increased again globally, reaching in 2023 their highest levels since the end of the Second World War (S/PV.9250). Correspondingly, the world is experiencing the highest number of internally displaced persons in history.<sup>19</sup> Yet, despite data suggesting that most of these conflicts are usually internal and involve minority grievances, there is still absolutely no reference to these trends nor any attempt to address the main drivers and root causes of contemporary modern conflicts in the most recent United Nations initiative to prevent conflicts. This is a glaring gap and omission that augurs poorly for any chance of the United Nations effectively fulfilling its main objective of seeking to maintain international peace and stability. On 20 July 2023, the Secretary-General presented the New Agenda for Peace policy brief,<sup>20</sup> in which he neither mentioned that most of the world's armed conflicts involved minority issues or grievances nor recognized, as had the United Nations and the World Bank in their 2018 joint report, that the pathway to peace needed to be focused on those root causes. On the contrary, there were no mentions of minorities nor of the most prevalent causes of most of the world's record levels of armed conflicts – except for one mention in which it was stated that minority women needed to be listened to and respected and their perspectives upheld because they were affected by compounding forms of discrimination, marginalization and violence.

37. Therefore, despite the statement made by the Secretary-General at a high-level General Assembly event in September 2022, in which he stated that the promotion of the rights of minorities was vital to advancing political and social stability and preventing conflict within and between countries, and that the international community was “dealing with outright inaction and negligence in the protection of

<sup>14</sup> OHCHR, “Implementation of and education about human rights, minority rights and indigenous rights”, recommendations of the Americas regional forum on conflict prevention and the protection of the human rights of minorities, online meeting, 27 and 28 April 2021.

<sup>15</sup> OHCHR, “Norms, structures and implementation of human rights, minority rights and indigenous rights”, recommendations of the Africa and the Middle East regional forum on conflict prevention and the protection of the human rights of minorities, online meeting, 15 and 16 June 2021.

<sup>16</sup> OHCHR, “Norms, structures and implementation of human rights and minority rights”, recommendations of the Asia-Pacific regional forum on conflict prevention and the protection of the human rights of minorities, online meeting, 7 and 8 September 2021.

<sup>17</sup> OHCHR, “Norms, structures and implementation of human rights and minority rights”, recommendations of the Europe and Central Asia regional forum on conflict prevention and the protection of the human rights of minorities, online meeting, 12 and 13 October 2021.

<sup>18</sup> A/HRC/49/81.

<sup>19</sup> While a world record was set in 2022 when the number of internally displaced persons worldwide reached a record high of 71.1 million, this was surpassed in May 2023, reaching more than 110 million individuals according to the Office of the United Nations High Commissioner for Refugees (UNHCR), Refugee Statistics database, available at [www.unrefugees.org/refugee-facts/statistics/](http://www.unrefugees.org/refugee-facts/statistics/).

<sup>20</sup> A/77/CRP.1/Add.8.

minority rights”,<sup>21</sup> in the New Agenda for Peace he simply does not mention this fact and seems to repeat the past “inaction and negligence”, thereby contributing to the explosion of armed conflicts around the world – and the inability at the United Nations to develop the necessary expertise and responses to prevent conflicts.<sup>22</sup>

## IV. Further developments during the mandate, 2017–2022

38. The preceding assessment in relation to the mandate’s thematic priorities is less than optimistic and raises numerous challenges and matters that need to be addressed globally, in some cases as a matter of urgency to respond in a timely fashion to the degrading human rights situations of minorities in such areas as citizenship, education, hate speech and the prevention of armed conflicts. Nevertheless, some significant positive steps and progress were undoubtedly made in some areas.

### A. Regional forums

39. One of the more noteworthy developments was the operationalization of annual regional forums to complement the Forum on Minority Issues and make the interactive dialogue more accessible to minorities in different parts of the world and more receptive to regional concerns and contexts (A/HRC/37/66, para. 64).

40. The regional forums are an initiative of the Special Rapporteur that have been in place since 2019. They are aimed at complementing the Forum on Minority Issues and broadening the participation of minorities, experts, States and international organizations. In total, 13 regional forums were held between 2019 and 2022 with 1,617 participants, and 676 recommendations were issued, dealing with such topics as minority language rights (2019), hate speech (2020), conflict prevention (2021) and the thirtieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (2022).<sup>23</sup>

41. Organized with the support and efforts of the Tom Lantos Institute and numerous regional minority and human rights organizations, regional forums were held for Africa and the Middle East, the Americas, the Asia-Pacific region, and Europe and Central Asia. While the effects of the COVID-19 pandemic during this period meant that most regional forums were held online or in a hybrid format, four of them were in-person events held in Bangkok, Brussels, Tunis and Vienna.

42. Responses to the regional forums have been overwhelmingly positive from civil society organizations and from the international community. Participants in the

<sup>21</sup> António Guterres, Secretary-General of the United Nations, remarks at the high-level meeting on the thirtieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 21 September 2022, available at [www.un.org/sg/en/content/sg/speeches/2022-09-21/secretary-generals-remarks-the-high-level-meeting-the-30th-anniversary-of-the-adoption-of-the-declaration-the-rights-of-persons-belonging-national-or-ethnic-religious](http://www.un.org/sg/en/content/sg/speeches/2022-09-21/secretary-generals-remarks-the-high-level-meeting-the-30th-anniversary-of-the-adoption-of-the-declaration-the-rights-of-persons-belonging-national-or-ethnic-religious).

<sup>22</sup> For example, the Standby Team of Senior Mediation Advisers, engaged in mediation and peacemaking efforts for the United Nations, neither traditionally requires nor has any expertise on minority issues, again despite most armed conflicts involving minority grievances and issues.

<sup>23</sup> The regional forums were made possible by the coordination, support and contributions of the Tom Lantos Institute and an international advisory group of minority and human rights representatives from all regions, as well as by the contributions and assistance of numerous non-governmental organizations, State representatives and regional and international organizations, such as the United Nations Educational, Scientific and Cultural Organization, the Organization for Security and Cooperation in Europe, the European Union and the Council of Europe.

regional forums often highlighted the greater accessibility for individuals and organizations achieved thanks to the regional presence, focus and attention of the forums, including with regard to the experts who contributed to the events. Focused specifically on regional contexts and conditions, the regional forums were much more responsive to and accommodating of the specific challenges experienced in the different regions. It was widely acknowledged that this was something the two-day Forum on Minority Issues held in Geneva could not provide, owing to time, accessibility and resource limitations. The regional recommendations were also more targeted and more appropriate to the challenges faced by minorities in Africa and the Middle East, the Americas, the Asia-Pacific region, and Europe and Central Asia, and provided greater space, voice and visibility to the minorities from each of those regions.

43. In addition, the regional forums allowed for a more inclusive approach, so as to ensure far greater participation by providing for interpretation in or documentary use of minority and regional languages, including Amazigh, Spanish, Portuguese, Guaraní, Malay, sign languages and other languages.

44. Overall, the regional forums allowed for a much higher degree of participation by minority organizations and representatives, as well as, in some cases, State representatives, which otherwise would not have been possible.

## **B. Thirtieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the high-level General Assembly event**

45. For the first time since the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in 1992, during its seventy-seventh session, held in New York, the General Assembly held a high-level event chaired by the President of the General Assembly, Csaba Kőrösi, to mark the thirtieth anniversary of the adoption of the instrument on 21 September 2022.

46. While the global environment for many minorities remains grim, the United Nations nevertheless acknowledged the importance of minority issues during the marking of the anniversary of the adoption of the Declaration – and admitted failures.

47. The Secretary-General made the following statement: “Thirty years on – the world is falling short. Far short. We are not dealing with gaps – we are dealing with outright inaction and negligence in the protection of minority rights.” In addition, Ilze Brands Kehris, Assistant Secretary-General for Human Rights, stated that, after 30 years, the commitment laid out in the Declaration remained unfulfilled, and that Member State and multilateral action was urgently needed to raise the priority of minority rights on the global agenda, with the United Nations system itself needing to step up and promise joint action across the entire Organization ([A/HRC/52/27](#), para. 17).

48. For his part, the Special Rapporteur noted that the anniversary event could serve as a turning point to remediate the absence of progress achieved institutionally at the United Nations in the past decades and to redraw attention and efforts towards advancing the protection and recognition of minorities and their rights, as had occurred more recently with other marginalized groups.

49. The Special Rapporteur hopes that the recognition of the Secretary-General and the greater attention paid to minority issues at the seventy-seventh session of the General Assembly in 2022 will pave the route to redressing the more recent “inaction and negligence” at the United Nations, and that the Organization will finally move forward with a series of initiatives that have been called for, such as a voluntary fund

for minorities, a permanent forum for minorities, the drafting of a global treaty for minority rights, and the relaunch and implementation of the guidance note of the Secretary-General on racial discrimination and protection of minorities, issued in 2013, in which the then Secretary-General, Ban Ki-Moon, set out guiding principles and a framework for United Nations action for mainstreaming minority rights, with a view to ensuring a comprehensive and coherent United Nations approach from Headquarters to regional and country presences.<sup>24</sup>

### **C. Impact and positive developments for specific minority communities**

50. Generally speaking, the efforts of Special Rapporteurs are usually discrete or longer term in their impact or visibility. This is also the case for the Special Rapporteur on minority issues, although there have been a few areas of notable and concrete impact that can nevertheless be highlighted at the end of his mandate.

#### **1. Recognition of sign languages, including in the Constitution of Slovenia**

51. Early in the Special Rapporteur's mandate, and consistent with the clarifications he provided in the definition of a member of a linguistic minority, set out in his thematic report on the four categories of minorities under United Nations instruments (A/75/211), he identified users of sign languages as users of natural languages, who were therefore able to constitute members of a linguistic minority. As a result, in addition to frequently ensuring the provision of interpretation services for members of this linguistic minority at the Forum on Minority Issues or some regional forums, when possible, the Special Rapporteur continuously raised the rights of users of sign languages in his country visits throughout his mandate. The eleventh session of the Forum on Minority Issues, held in 2018, was the first session at which interpretation into international sign language was provided, and the twelfth session of the Forum, held in 2019, was the first at which a representative of the sign language minority community was invited to participate as an expert panellist.

52. The Special Rapporteur's first country visit, in which he visited Slovenia, and his recommendations to recognize and use sign languages subsequently contributed to the decision of State authorities to modify the country's Constitution. On 4 June 2021, the parliament of Slovenia unanimously modified the Constitution of the Republic of Slovenia to recognize three national sign languages by adopting article 62 (a), which read, "The free use and development of the Slovenian sign language is guaranteed. In areas of municipalities where Italian or Hungarian are also official languages, the free use of Italian and Hungarian sign language is guaranteed."

#### **2. Clarifying and opening up the categories of minorities, especially for descent-based minorities and religious or belief minorities**

53. Uncertainties and lack of guidance on who constituted a national or ethnic, religious or linguistic minority often permitted the exclusion of many persons who belonged to these minorities from the recognition and protection of their human rights because of bias, prejudice or simply ignorance about who could claim to be a member of a minority under international law. In practical terms, the absence of any comprehensive guidance allowed at times ad hoc or arbitrary denial that particular groups were a minority in a given country. This occurred not only among State

<sup>24</sup> United Nations, "Guidance note of the Secretary-General on racial discrimination and protection of minorities", March 2013.

officials, but even at times among United Nations officials.<sup>25</sup> Examples would emerge of such negation in the case of unrecognized minority communities, of denial that a new or non-traditional religious community could be a minority, of minorities deemed “unprotected” because they were not citizens, or even at times claims that one particular community was “not marginalized enough” or were not really a distinct community from the majority population in terms of language, religion or culture.

54. Through his thematic report on the four categories of minorities in the United Nations system, the Special Rapporteur is helping to surmount uncertainties or obstacles caused by a lack of guidance on the significance of these categories and how these affect the groups that can claim to objectively exist.

55. In that report, the Special Rapporteur clarifies how descent-based or “lifestyle” groups can constitute ethnic minorities under international law, with the former including such groups as Dalits, the Burakumin and so-called caste communities, while the latter can include seafaring and nomadic groups, such as Dao, Moken, Tuaregs and Bedouins, and Travellers and Roma (*ibid.*, para. 70 (a)).

56. It is also finally clear that religious or belief minorities in the United Nations system can be made up of persons who belong to non-hierarchical or non-formalized religions or beliefs (such as Falun Gong, shamanism, *brujería*, Rastafari or *böö mörgöl*), or of non-believers and new faiths (atheists, agnostics, Scientologists, Baha’i, Ahmadis or Mormons) or sects or divisions within mainstream majority religions in a State (Shi’a Islam, Shaktism, Haredi Judaism or Ahmadiyya) (*ibid.*, para. 59 (a)).

57. Similarly, the clarifications made regarding the content of the categories provide greater certainty in language matters. There is now no doubt that the users of sign languages can be considered members of a linguistic minority, since sign languages are objectively natural languages. There is also more than one sign language worldwide, and each of the users of each of these sign languages can be considered to be members of distinct linguistic minorities. The Special Rapporteur has consistently included these people as persons who belong to linguistic minorities throughout the period of his mandate.

58. There is also now finally a firm basis for understanding and accepting as linguistic minorities those communities whose speech involves full-fledged languages in linguistic terms, such as Haitian Creole (*kreyòl ayisyen*), Cantonese and other non-majority Han languages in China, as well as speakers of languages that have an official status or of migrants who represent less than half the population of a State. This is also true of Indigenous languages in States where the Indigenous Peoples are also not a majority (*ibid.*, para. 50).

## **D. Developments at the legal and institutional levels**

### **1. Impact of the recommendations of the Forum on Minority Issues**

59. As part of their Human Rights Council mandates, Special rapporteurs – in addition to providing a complaints mechanism for alleged violations of human rights – contribute to the development of international human rights standards, engage in advocacy and raise public awareness. The mandate on minority issues additionally includes coordination of and support for the Forum on Minority Issues

<sup>25</sup> In one internal United Nations document, it is suggested that there is a widespread lack of acknowledgement of minority issues in United Nations country missions, even to the point of ignorance or denial of the existence of any minority in a given country. See, United Nations network on racial discrimination and protection of minorities, consolidated revisions for February 2023 senior meeting, annex: scan of UN Country Level Programming Documents.

(and regional forums), which lead to the drafting of recommendations to the United Nations, Member States and other actors on the global, regional or national scenes. These recommendations may also bring about changes in the understanding or interpretation of human rights standards, as was the case in 2023 with regard to the European Court of Human Rights.

60. For the first time ever, a recommendation of the Forum on Minority Issues, drafted with the input of States, expert panellists and minority participants, contributed to the development of international human rights law. In the reasoning of the judges of the European Court of Human Rights, they concluded that the penalization of a candidate in parliamentary elections for speaking a minority language (Turkish) while campaigning in Bulgaria constituted a violation of freedom of expression.<sup>26</sup> The Court referred to the recommendations as stressing “the importance of allowing candidates from minority groups to use their mother tongue in election campaigning in order to guarantee persons belonging to such groups access to elections on an equal footing with other citizens.”<sup>27</sup>

61. The European Court of Human Rights likely made reference to a recommendation issued at the second session of the Forum on Minority Issues, held in 2009, because it is one of the few direct and unambiguous explanations of the connection between freedom of expression and the use of a minority language in an electoral context (A/HRC/13/25, para. 19). At the time when the recommendations were issued, the Special Rapporteur was one of the panellists who contributed to the drafting of the recommendations, and specifically the recommendation on the use of minority languages in the area of political participation.

## 2. Institutional developments at the United Nations

62. Despite the numerous and at times specific recommendations issued on how to further recognize, protect and mainstream minorities and their rights at the United Nations, and despite the acknowledgement of “inaction and negligence” by the Secretary-General and other United Nations officials at the high-level event held to celebrate the thirtieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, there have been minimal improvements made in the period 2017–2022. One of the few noteworthy changes has been the “reactivation” of the United Nations network on racial discrimination and protection of minorities. Initially established in 2012 but inactive for some years, it resurfaced in 2019 (A/HRC/52/27, para. 47) and provides a platform for addressing, through awareness-raising, advocacy and capacity-building, issues of racial discrimination and the protection of national or ethnic, linguistic and religious minorities and brings together more than 20 United Nations departments, specialized agencies, programmes and funds.<sup>28</sup>

63. Also noteworthy at the United Nations, among others, are the publication in 2022 of a guidance note on intersectionality, racial discrimination and protection of minorities,<sup>29</sup> the publication in 2021 of a checklist to strengthen United Nations work

<sup>26</sup> European Court of Human Rights, Third Section, *Affaire Mestan v. Bulgaria*, Application No. 24108/15, Judgment, 2 May 2023.

<sup>27</sup> European Court of Human Rights, Registrar of the Court, “Violation of freedom of expression of candidate in parliamentary elections who was penalised for speaking Turkish while campaigning”, press release, No. ECHR 129 (2023), 2 May 2023.

<sup>28</sup> See [www.ohchr.org/en/minorities/un-network-racial-discrimination-and-protection-minorities](http://www.ohchr.org/en/minorities/un-network-racial-discrimination-and-protection-minorities).

<sup>29</sup> United Nations network on racial discrimination and protection of minorities, *Guidance Note on Intersectionality, Racial Discrimination and Protection of Minorities* (2022).



at the country level to combat racial discrimination and advance minority rights,<sup>30</sup> and the release of the #Faith4Rights toolkit in 2019, with training modules that include frequent references to, and strategies aimed at nurturing, tolerance and inclusion of religious minorities and protection of their rights.<sup>31</sup>

64. A tool has now been developed to provide greater accessibility to the long legacy of communications, recommendations, resolutions and other initiatives flowing from the work of Special Rapporteurs on minority issues, the Forum on Minority Issues and regional forums. This tool is in the form of a comprehensive, searchable and user-friendly database that contains statements made at the forums, as well as key minority rights standards, reports and recommendations in the field of minority rights. The database was set up by the Tom Lantos Institute in cooperation with the Human Rights Consortium in the School of Advanced Study, University of London in 2018 and is available to minorities, human rights activists and advocates, researchers and other interested parties.<sup>32</sup>

65. Lastly, the Minorities Fellowship Programme, the most comprehensive OHCHR training programme for human rights and minority rights defenders belonging to national or ethnic, religious and linguistic minorities, was also reactivated in 2023, having been suspended in 2020 because of the COVID-19 pandemic, though it is to be noted that other fellowship programmes (namely, those for people of African descent and for Indigenous Peoples) have in the meantime been expanded or were not suspended for a similarly extended period.

### 3. Moratorium on the use of spyware and minorities

66. At times the issuance of communications, whereby a Special Rapporteur can intervene directly with Governments on allegations of violations of human rights by means of letters, may have impacts beyond the individual cases involved. One example that occurred during the Special Rapporteur's mandate was the decision of the Executive Council of Catalonia, which is the executive branch of the regional government of Catalonia in Spain, to follow the recommendations made by the Special Rapporteur, together with other experts, United Nations entities and international bodies, by adopting a moratorium on the use of targeted surveillance technologies. This was connected specifically with the use of Pegasus and Candiru spyware, which had been used to target Catalan public figures and activists in Spain following the independence bid in 2017. As the Special Rapporteur and colleagues pointed out in the communication, they were concerned by what appeared to be a very troubling interference into the human rights of Catalan leaders and other minority activists to freely hold and express their views, exchange information and ideas, assemble peacefully and participate in associations, and they called for a global moratorium on the sale and transfer of surveillance technology, until robust regulations were in place that would guarantee its use in compliance with international human rights standards.<sup>33</sup>

<sup>30</sup> United Nations network on racial discrimination and protection of minorities, "Checklist to strengthen UN work at country level to combat racial discrimination and advance minority rights", 2021.

<sup>31</sup> Module 6 on minority rights, available at [www.ohchr.org/en/faith-for-rights/faith4rights-toolkit/module-6-minority-rights](http://www.ohchr.org/en/faith-for-rights/faith4rights-toolkit/module-6-minority-rights).

<sup>32</sup> See [www.minorityforum.info](http://www.minorityforum.info).

<sup>33</sup> OHCHR, "Spain: UN experts demand investigation into alleged spying programme targeting Catalan leaders", press release, 2 February 2023.



## V. Moving forward: a look to the past for the future

67. As the Special Rapporteur highlighted in his previous reports to the Human Rights Council (A/HRC/52/27) and to the General Assembly (A/77/246), the visibility of the rights of minorities has not progressed at the international level for years, even decades. The rights of minorities have languished in the United Nations system, as other marginalized or vulnerable groups have increasingly been recognized and have become the subjects of legally binding treaties and various institutional entities and supporting initiatives. Recent decades have seen a decreasing interest in minority issues, with no major institutional initiatives for the protection of the rights of minorities, while initiatives have increased significantly for other marginalized or vulnerable groups, such as Indigenous Peoples, persons with disabilities, migrants, women and children (ibid.).

68. While the Secretary-General acknowledged in 2022 that the track record of the United Nations and the international community was one of “outright inaction and negligence in the protection of minority rights”, any steps to redress that situation still remain woefully absent or almost invisible, including in more recent initiatives, such as the New Agenda for Peace and the new campaign being formulated to combat statelessness – two areas where minority issues should be prioritized, since minority grievances or the targeting of minorities are to be found in most cases of armed conflict and statelessness.

69. Whether owing to institutional inertia, ignorance or outright hostility, the fact remains that there are too many situations where the very word “minority” has been expunged from United Nations documents, or where United Nations officials and others have been reluctant to acknowledge, and at times even hostile to admitting, the presence of particular minorities, or where the language used is sanitized to avoid referring to a group as a minority, instead preferring terms such as “groups”, “communities”, “populations”, “peoples” or “racial groups”, or even just referring to the region or the name of a particular minority, but never referring to them as a minority. The perverse result is often that many matters may involve minorities, including especially religious or belief minorities or linguistic minorities, but the coded or toned-down reference to them makes their particular vulnerability, the targeting of them or the denial of their rights less obvious or visible.

70. The Special Rapporteur is of the view that the difficult contexts for minorities globally and at the United Nations create a propitious moment to complete the efforts begun in the 1990s, which first led to a drive to acknowledge and address minority rights at the United Nations and in many regions of the world. It was the widespread armed conflicts and instability in Europe and elsewhere that brought the need to protect the human rights of minorities sharply into focus and led to the adoption of a plethora of instruments and measures in Europe and at the United Nations, such as the European Charter for Regional or Minority Languages of 1992, the Framework Convention for the Protection of National Minorities of 1994, the adoption in 1993 of the Copenhagen criteria for eligibility to join the European Union, which included stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the creation in 1992 of the mandate of the Organization for Security and Cooperation in Europe High Commissioner on National Minorities as an early warning and early action conflict prevention mechanism in regard to tensions involving national minority issues that had the potential to develop into a conflict within the Commission on Security and Cooperation in Europe area, affecting peace, stability or relations between participating States,<sup>34</sup> and of course the

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<sup>34</sup> Commission on Security and Cooperation in Europe, *CSCE Helsinki Document: The Challenges of Change* (1992), para. 23.

adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in 1992 and the Vienna Declaration and Programme of Action in 1993.

71. Now, as then, armed conflicts and instability are sweeping the world at never-before-seen levels, and now, as then, minority issues figure prominently in many and even most of these conflicts. Today's contexts and conditions are even more troubling and threatening than those of the 1990s. Thirty years later, not only are armed conflicts and instability at record levels (with a correlated increase in the number of internally displaced persons, now standing at some 110 million – the most in human history), but the world is experiencing a poisoning of the mind through social media in the form of hate speech, racism, hostility, incitement to violence and even calls to genocide, mainly targeting minorities. In addition, the number of stateless people is increasing – a situation in which minorities are overwhelming denied citizenship on a discriminatory basis. Moreover, there are now new threats, including threats stemming from artificial intelligence, which have the potential to again propel and supercharge the hate and harm experienced by minorities.<sup>35</sup> One must also add the environmental threats and dangers that the whole world is facing – but that often pose a greater risk to minorities and Indigenous Peoples in some parts of the world.

72. The risks of atrocities, humanitarian catastrophes and even genocide have never been higher. The world is darker, more dangerous and more threatening, and the need to address many of the root causes of the massive and grave denial of human rights of hundreds of millions of members of minorities has never been greater. Hence, there is a need to focus and complete the efforts launched 30 years ago that were never completed, and to rectify the “inaction and negligence” and the lagging behind of the treatment and protection of and initiatives for minorities when compared with those provided to other vulnerable groups at the United Nations (such as refugees, migrants, Indigenous Peoples, people of African descent, women, children and persons with disabilities).

#### **A. New start – relaunching and reinvigorating the mainstreaming of minority rights**

73. A decade ago – to 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 Secretary-General, in his guidance note on racial discrimination and protection of minorities, issued in 2013, provided for the mainstreaming and integration of minority rights in all United Nations pillars and activities and the integration of minority rights into the work of the United Nations system at the global, regional and country levels, including through coordination mechanisms. As the Special Rapporteur has urged in his two previous reports to the Human Rights Council and to the General Assembly, this guidance note must be relaunched and properly implemented, since it appears to have been quickly set aside and forgotten a few years after its initial launch. The Secretary-General could update the decade-old initiative to take into account the new and menacing threats of hate speech targeting minorities on social media, the growing number of stateless

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<sup>35</sup> For example, in the Republic of Korea in January 2021, a chatbot driven by artificial intelligence called Lee Luda was taken down just a few weeks after its launch after spewing hate speech against minorities. The algorithms of artificial intelligence used in interactive platforms allow bots to learn from past chat records or their interactions. Given the large-scale prevalence of hate speech against minorities on social media, and the “teaching” or manipulation of artificial intelligence bots by racist and intolerant users, the bots are easily funnelled towards forms of intolerance and discrimination and themselves begin to spout hate speech against minorities. See [A/HRC/46/57](#), para. 73.

minorities, the alarming rise of conflicts involving minorities and the dangers of artificial intelligence – all threats to which minorities are more vulnerable. Such a plan could serve as a catalyst to institutionally strengthen the United Nations human rights protection and mechanisms for minorities and could serve to rally the international community to make greater efforts to respect, protect and promote minority rights – and address directly institutional “inaction and negligence”.

## **B. The institutional architecture of the United Nations to tackle “inaction and negligence”: funding, a permanent forum for minorities and a global draft treaty on the rights of minorities**

74. Groups whose human rights are most at risk are the objects of treaties, platforms or initiatives to ensure that they are the focus of significant attention and efforts on the part of the United Nations and its entities – a phenomenon which has been strengthening, especially since the 1980s. This is true of many groups, including women, children, migrants, persons with disabilities, Indigenous Peoples and people of African descent, but this is not the case for minorities and their human rights. This “inaction and negligence” calls for urgent and remedial steps, which in some cases have been promised for decades, such as in the case of a voluntary fund to support and assist minority presence and participation in various United Nations forums.

75. The Special Rapporteur has come to the conclusion as his mandate comes to an end that the taboo of minority rights must be broken at the United Nations. Minorities’ human rights concerns, their voices and their presence must be addressed as visibly and prominently as are those of other vulnerable groups – especially since they increasingly appear to be the victims of some of the gravest and most shocking and massive violations of human rights – to redress the invisibility and inaudibility of minorities at the United Nations.

76. In tandem with the relaunch of a guidance note of the Secretary-General on racial discrimination and protection of minorities that includes the mainstreaming and integration of minority rights in the whole United Nations system, the Special Rapporteur calls upon Member States to show support for and initiate steps towards the creation of (a) a dedicated voluntary fund for minorities; and (b) a permanent forum for minorities.

77. As the Special Rapporteur described in his 2023 annual report to the Human Rights Council, the latter would create a platform that would improve the capacity of the United Nations to address effectively the challenges facing minorities, would be composed “of representatives of minority groups, taking into account diversity, regional balance and gender parity” and would be convened on a rotating basis in New York and Geneva to further enhance the “participation of minorities and of institutions and organizations that speak on their behalf in meetings of United Nations bodies” (A/HRC/52/27, para. 70).

78. In the same vein, the Special Rapporteur reiterates his recommendation to the General Assembly to adopt a resolution on enhancing the participation of minorities’ representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, on the basis of a similar resolution for Indigenous Peoples, and, likewise, to include consultations with minority groups, a report by the Secretary-General and a United Nations world conference on the rights of persons belonging to minorities (*ibid.*, para. 81).

79. Lastly, the Special Rapporteur urges Member States to closely consider taking steps towards creating a new instrument to continue the “unfinished story” started 30 years ago with the initial recognition and strengthening of the human rights of

minorities – and rejecting the obscurantism and denial that portrays these rights as somehow threatening.

80. As the Special Rapporteur has consistently shown throughout his mandate, minority rights are human rights, as are those of other groups and communities recognized in specific United Nations instruments. His proposal for a global draft convention on the rights of minorities,<sup>36</sup> prepared with minority and legal experts from around the world, is therefore presented as an initial discussion document that it is hoped will assist Member States, civil society organizations, minority representatives and experts and other interested parties to formulate ways in which the human rights of minorities could be further advanced and protected in international law. In this regard, the Special Rapporteur has included in the proposal sections dealing for the first time with specific rights for members of religious or belief minorities and for linguistic minorities, the issue of prevention of denial of citizenship and statelessness for minorities, and conflict prevention through such measures as guaranteeing equal rights and non-discrimination in the political participation and representation of minorities. There are also indications on how to address newer challenges from an international human rights perspective, such as the threats of and the harm caused by hate speech and incitement to violence on social media, the dangers of artificial intelligence and the need to protect freedom of expression while ensuring that companies do not profit – free from any consequences or liability – from the harm they cause through misinformation and disinformation.

81. These global, real-world and systemic challenges require a global response, as the Special Rapporteur warned in his thematic report on hate speech on social media targeting minorities (A/HRC/46/57). The use of social media platforms as propaganda vehicles for extreme populist nationalism, genocide, racism, intolerance and the exclusion of minorities, and the disruptive effects they already have on many societies, are made worse by the business practices of major Internet and social media companies, which, as private enterprises, tend to amplify and reward hate and extremism because they prioritize profit over all else – and they are among the world’s most profitable companies.

82. At the end of his mandate, the Special Rapporteur has become convinced that, in order to strengthen democracies and protect the human rights of the world’s most vulnerable and marginalized, namely, minorities, Indigenous Peoples, persons with disabilities, people of African descent, women, migrants and lesbian, gay, bisexual, transgender, queer and intersex persons, it is essential to ensure that platform owners are held liable for the real-world harm they cause or facilitate, and that dangerous products, such as artificial intelligence technology, is treated as what it has the potential to be – an existential threat to humanity and a societal risk on a par with pandemics and nuclear wars.<sup>37</sup>

83. Both hate speech on social media and the effects of artificial intelligence are serious enough to warrant government intervention and the regulation of both, and their potential harm.

84. The Special Rapporteur thus calls for global regulation to deal with these real-world forms of harm stemming from both of these new technological dangers, to impose liability and responsibility on the owners of their hugely profitable ventures, and to remove the immunity they still enjoy in many cases, while ensuring the strengthening of democracies and the protection of human rights.

<sup>36</sup> See [www.ohchr.org/sites/default/files/2023-02/Annex1.-A-HRC-52-27\\_0.docx](http://www.ohchr.org/sites/default/files/2023-02/Annex1.-A-HRC-52-27_0.docx).

<sup>37</sup> Centre for AI Safety, “Statement on AI risk: AI experts and public figures express their concern about AI risk”, open letter signed by more than 350 executives, researchers and engineers working in AI, including top executives, available at [www.safe.ai/statement-on-ai-risk](http://www.safe.ai/statement-on-ai-risk).

85. He recommends the formation of an international artificial intelligence safety organization in the light of the dangers such technology pose for minorities and all humanity, similar to the International Atomic Energy Agency, established to control the use of nuclear weapons in the light of their inherent dangerous nature. This is along the same lines as the call issued by the Secretary-General, warning that artificial intelligence could be used to launch cyberattacks, generate deepfakes or spread disinformation and hate speech, and could have very serious consequences for global peace and security, and that what was needed was a universal approach to respond to new technologies at the United Nations by setting new international rules, signing new treaties and establishing new global agencies.<sup>38</sup>

## VI. Recommendations

86. **The Special Rapporteur invites the Secretary-General to “relaunch” an updated guidance note on racial discrimination and protection of minorities in order to move towards the implementation of the promised mainstreaming and integration of minority rights in all United Nations pillars and activities, and the integration of minority rights into the work of the United Nations system at the global, regional and country levels, including through coordination mechanisms, and address past “outright inaction and negligence in the protection of minority rights.”**

87. **The Special Rapporteur invites the General Assembly to adopt a resolution on enhancing the participation of minorities’ representatives and institutions in meetings of relevant United Nations bodies on issues affecting them.**

88. **The Special Rapporteur calls upon Member States to show support for and initiate steps towards the creation of: (a) a dedicated voluntary fund for minorities; (b) a permanent forum for minorities; and (c) a global convention on minority rights.**

89. **The Special Rapporteur calls for global regulation of hate speech on social media and the use of artificial intelligence technology to deal with the real-world harm and dangers of both and to impose liability and responsibility on the owners and users to strengthen democracies and protect human rights.**

90. **The Special Rapporteur invites the General Assembly to establish an international artificial intelligence safety organization, similar to the International Atomic Energy Agency, for controlling the dangers posed by artificial intelligence with regard to generating deepfakes and spreading disinformation and hate speech, and the potential for very serious consequences for global peace and security.**

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<sup>38</sup> UN News, “Guterres calls for AI ‘that bridges divides’, rather than pushing us apart”, 18 July 2023.