



# GLOBAL MINORITY RIGHTS NEWSLETTER

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TOM  
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INSTITUTE

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# SPECIAL RAPPOORTEUR ON MINORITY ISSUES

## 12<sup>th</sup> Session of the UN Forum on Minority Issues

The 12<sup>th</sup> session of the United Nations Forum on Minority Issues was convened at the Palais des Nations in Geneva, Switzerland on 28-29 November, 2019 pursuant to Human Rights Council resolution 6/15 of 28 September, 2007 and resolution 19/23 of 23 March, 2012. The theme of this session was “Education, Language and the Human Rights of Minorities.”

The UN Special Rapporteur on minority issues published a guide in 2017, titled *Language Rights of Linguistic Minorities: A Practical Guide for Implementation*. The guide highlights the importance of upholding the human rights of linguistic minorities, in particular in relation to the use of minority languages. Around the world, the linguistic rights of minorities, including accessing quality education in their own language, are often infringed upon. As the Special Rapporteur’s guide points out, education

is one of the central linguistic right of minorities, and is fundamental to the preservation of identity and culture, and to the maintenance of linguistic diversity. In addition, scientific research has established that education in the mother tongue provide great benefits to students who are able to learn through this medium. Thus, the goal of the 12<sup>th</sup> session of the UN Forum on Minority Issues was to address the issue of education in, and teaching of, minority languages from a human rights perspective. The Forum provided participants representing states, international organizations, NGOs, and minority communities to voice their opinions and share their experiences in relation to this issue. Other objectives included:

- Raising awareness about the link between the issue of education in and the teaching of minority languages and international human rights;



- Creating a space for dialogue between various stakeholders to discuss practical challenges related to minority language education among various stakeholders;
- Identifying and discussing key questions related to the issue of education and minority languages;
- Ensuring the meaningful participation of minority communities in the assessment and strengthening of minority language education policies.

The Forum was structured around four thematic panel discussions:

- Human rights and minority language education;
- Public policy objectives for education in, and the teaching of, minority languages;
- Effective practices for education in, and the teaching of, minority languages;
- Language, education and the empowerment of minority women and girls.

The Forum was chaired by Anastasia Crickley and Astrid Thors with keynote speeches by the President of the Human Rights Council, Coly Seck, the High Commissioner for Human Rights, Michelle Bachelet, and, the OSCE High Commissioner on National Minorities, Lamberto Zannier. Based on the dialogue and contributions of invited experts and all other participants of the Forum, the Chairs will

prepare a summary of the discussions, and the Special Rapporteur on minority issues will prepare a report on the recommendations developed at the Forum.

In addition to the main agenda of the Forum, a number of side-events took place during the lunch breaks of both days of the Forum. These included: “Telling human rights stories of minorities: Short films and conversation with OHCHR minority fellows” (OHCHR); “The New Regional Forums on Minority Issues” (Tom Lantos Institute); “Educational Rights of Muslim Minorities in Europe” (The Foundation for Political, Economic and Social Research); “Linguistic minorities and access to education in situations of conflict and displacement” (Permanent Mission of Austria and MRG); “Innovative Approaches to Policy Making in Education, Language and the Human Rights of Minorities” (Permanent Missions of Canada and Hungary, UENA Agency); and “Media as an educational tool in promoting language and minority rights. How can media support the implementation of linguistic rights of minorities? / Minority Language Policies: a way to ensure diversity and combat discrimination?” (OHCHR Minority Fellows). More information about the 12<sup>th</sup> session of the UN Forum on Minority Issues can be found on the Forum website. The statements from the Forum will be uploaded to Minority Forum Info.

## Africa-Middle East Regional Forum on the Human Rights of Minorities

The third of a series of three regional forums was convened on the topic of education, language and the human rights of minorities. It was held at Golden Tulip Hotel in Tunis, Tunisia on 28 and 29 October, 2019 to provide insights from the regions of Africa and the Middle East for the development of a set of recommendations to inform and strengthen the implementation of international human rights in relation to education in, and teaching of, minority languages, as contained in the United Nations Declaration on the Rights of Persons Belong to National or Ethnic, Religious, and Linguistic Minorities (UNDM) and other UN instruments such as the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the UNESCO Convention against Discrimination in Education, and the Convention on the Elimination of All Forms of Racial Discrimination.

The Regional Forum was organized jointly by the Special Rapporteur, the Tom Lantos Institute, and a consortium of

non-governmental organizations working for the human rights of minorities in the regions of Africa and the Middle East. In the development of the concept and format of the Regional Forum, special attention was given to ensuring that the spirit, purpose, and objectives of the UN Forum on Minority Issues, UNDM and other human rights instruments were respected. Thus, the Regional Forum was viewed as a platform to promote effective measures and the creation of favorable conditions for the promotion and protection of the human rights of minorities, in particular the right to education in and teaching of minority languages. The recommendations stemming from the discussions of the Regional Forum will be part of the report of the Special Rapporteur on minority issues to the UN Human Rights Council and are posted on the website of the UN Forum on Minority Issues. They will also be used to feed into the preparation of a guideline document on education in and

teaching of minority languages. In addition, they aim to support the implementation of human rights treaties and the UNDM, and to interpret specific obligations in light of existing jurisprudence, norms, and best practices.

The Regional Forum was also developed with a view to emphasizing the importance of dialogue among all relevant stakeholders on the promotion and protection of the human rights of minorities, including the sharing of best practices, respecting and supporting diversity, and promoting inclusive and stable societies and social cohesion. To this end, the Regional Forum sought the involvement of a very wide range of participants from across the regions of Africa and the Middle East, such as representatives of the OHCHR, academics and experts from various fields, representatives of minority communities, as well as civil society organizations specializing in minority issues.

Of particular note is the fact that the participants and experts represent a wide-ranging, multi-disciplinary group, including those outside of the fields of law and politics, from across the region. It is their experience, dedication and commitment which led to this consensus document. As a result, the recommendations developed at the Regional Forum are based on human rights standards, as well as on justifications that go beyond legal interpretations, and that draw on recent relevant scientific research in the fields of sociology, sociolinguistics, anthropology, healthcare, political science, and psychology.

Approximately 40 participants from civil society and minority groups, as well as other interested parties participated in the Africa-Middle East Regional Forum.

More information about the Tunis Forum can be found on [Minority Forum Info](#).

## Special Rapporteur Presents His Annual Report to the Third Committee of the General Assembly

The UN Special Rapporteur presented his annual report to the Third Committee (Social, Humanitarian, Cultural) of the General Assembly on 22 October, 2019. Within his report, he addressed the need for a working definition of a minority. The Special Rapporteur's proposed the following concept of a minority:

“An ethnic, religious or linguistic minority is any group of persons which constitutes less than half of the population in the entire territory of a State whose members share common characteristics of culture, religion or language, or a combination of any of these. A person can freely belong to an ethnic, religious or linguistic minority without any requirement of citizenship, residence, official recognition or any other status.”

In addition, the Special Rapporteur underlined the importance of addressing the problems of stateless minorities and warned that statelessness may increase significantly in coming years. In his report, the Special Rapporteur referred specifically to a press release he issued with the Special Rapporteurs on freedom of religion or belief and on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. In the press release, the three Special Rapporteurs expressed their concerns in relation to the process of registration of citizens in Assam, India, which may put millions at risk of statelessness, deportation, or detention. Statelessness as a minority issue had been previously discussed at the 2018 UN Forum on Minority Issues, where it was recognized as a problem disproportionately affecting minorities.” More information about the Special Rapporteur's work on the issue of statelessness and about his report to the General Assembly can be found online on the OHCHR's website.

## Girls Have Shown That No One is Too Young to Be a Human Rights Defender, Special Rapporteur Says

11 October, 2019 marked the International Day of the Girl Child. Established in 2012, the purpose of this day is to recall the needs and challenges faced by girls and to raise awareness about the human rights of girls. On this occasion, the UN Special Rapporteur and several other UN human rights experts expressed their respect and gratitude for young female human rights defenders.

“Youth activism, spearheaded by girls, has brought fresh energy and a renewed sense of urgency to tackling issues fought by generations before them. They have shown that no one is too young to act for human rights, and no one is too small to make a difference. These young human rights defenders are initiating, joining and spearheading movements with insistence and courage, confronting backlashes and attacks.

These girls and young women are increasingly being recognized. Malala Yousafzai became the youngest Noble Prize laureate at the age of 17 in recognition of her fight for girls’ right to education, 16-year-old Greta Thunberg was this year invited to address world leaders at the global climate summit, and Autumn Peltier, the 13-year-old indigenous girl has been nominated for the International Children’s Peace Prize. There are many others who are actively engaged for social justice. They should be supported by everyone who cares for human rights and sustainable future. Different generations need to join forces in pursuit of social justice,” stated the experts. They also expressed their recognition of the difficulties that such girls face in the course of their activism.

The full statement is available online on the website of the OHCHR.



## Special Rapporteur Visits Kyrgyzstan

The Special Rapporteur on minority issues made a country visit to Kyrgyzstan from 6–17 December. Kyrgyzstan enjoys rich cultural diversity with a population consisting of more than 80 ethnic groups, including Kyrgyz, Uzbeks, Russians, Dungans, Uyghurs, Tajiks, Kazakhs, and Ukrainians. The Committee on the Elimination of Racial Discrimination recently addressed tensions between the Kyrgyz and Uzbek communities in Kyrgyzstan in its 2018 Concluding Observations on the country.

The Special Rapporteur met government officials as well as minority and civil society representatives in order to evaluate the situation of ethnic, linguistic and religious minorities in Kyrgyzstan. He also identified good practices and raised awareness about the threat of hate speech against minorities.

“I look forward to engaging with the authorities, civil society and others to assess the legislative, institutional and policy framework for promoting and protecting the human rights of minorities. This constructive dialogue will identify good practices as well as areas for improvement in the country’s efforts to ensure full implementation of its international human rights commitments,” said the Special Rapporteur before his departure.

More information about the visit to Kyrgyzstan is available on the website of the OHCHR.







## UN Human Rights Experts Urge Egypt to Release Human Rights Defender

UN human rights experts, including the Special Rapporteur on minority issues, released a joint statement on 11 December calling upon Egypt to release Ramy Kamel Saied Salid, a human rights defender of the country's Coptic Christian minority, from detention. According to reports, Mr. Ramy Kamel was arrested, questioned, and allegedly tortured while in the custody of Egyptian officials in November. He works to defend the human rights of Egypt's Coptic Christians, and has documented attacks on Coptic churches in the country. He is currently in detention awaiting trial on charges of membership in a terrorist

organization and "threatening public order". The arrest of Mr. Ramy Kamel coincided with his plans to travel to the UN Forum on Minority Issues in November. In their statement, the UN experts noted that "Mr. Kamel's alleged arbitrary detention and torture fall into a pattern of raids, arrests and travel bans against human rights defenders, journalists, dissidents and their family members. Individuals who have cooperated or tried to cooperate with UN human rights mechanisms have been repeatedly the target of reprisals." The entire statement can be found on the website of the UN.



# OTHER

# UNITED NATIONS

# NEWS

## UN Secretary-General Publishes Report on the Effective Promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

At the 74<sup>th</sup> session of the United Nations General Assembly, the Secretary-General of the United Nations submitted a report on the effective promotion of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The report includes information on activities undertaken by Member States, the Office of the High Commissioner for Human Rights, the Special Rapporteur on minority issues, other

relevant UN bodies, and other stakeholders to advance the implementation of the Declaration. The report also discusses minorities in relation to the 2030 Agenda for Sustainable Development, and reviews a number of key areas of action, such as empowerment and participation, data collection, non-discrimination, interfaith dialogue, linguistic rights, etc. The report is available on the website of the United Nations.





# General Assembly Committee Drafts Resolutions Addressing the Rights of Minorities

In November 2019, the Social, Humanitarian and Cultural Committee of the UN General Assembly adopted a number of resolutions that address minority rights and issues, among them a resolution on the promotion of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, a resolution on indigenous rights, and resolutions about the human rights situation in Iran and Myanmar.

## Resolution on the Promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The Resolution on the Promotion of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities recalls the many international legal acts aiming at advancing comprehensive protection of minority rights. It encourages states to provide education in minority languages and opportunities to learn minority languages, and calls for the participation of minorities in public, political, economic, social and cultural life, and the protection of minority women.

The resolution also recognizes the work done at the 11<sup>th</sup> Session of the Forum on Minority Issues held in November 2018, and emphasizes a number of the recommendations developed following this session of the Forum. It also

commends the work of the Special Rapporteur on minority issues and the United Nations High Commissioner for Human Rights. Spearheaded by Austria, the draft resolution was adopted on 15 November, 2019.

## Resolution on the Rights of Indigenous Peoples

The Social, Humanitarian and Cultural Committee of the UN General Assembly approved a draft Resolution “Rights of Indigenous Peoples” on 7 November, 2019. The resolution recognizes the importance of the International Year of Indigenous Languages to draw attention to the urgent need to preserve these languages. It proclaims the period 2022 to 2032 as the International Decade of Indigenous Languages, the purpose of which is to promote and revitalize such languages.

The work of the Expert Mechanism on the Rights of Indigenous Peoples, the Permanent Forum on Indigenous Issues, the United Nations Voluntary Fund for Indigenous People, as well as of the Special Rapporteur on the rights of indigenous peoples is recognized with appreciation. The resolution also expands the mandate of the Voluntary Fund, so that it can continue to assist representatives of indigenous peoples’ organizations and communities in participating in the UN System. Ecuador and Bolivia led the initiative on this draft resolution, which was adopted on 7 November.

“The resolution recognizes the importance of the International Year of Indigenous Languages to draw attention to the urgent need to preserve these languages.”

## Resolution on the Human Rights Situation in Iran

Minority issues are one of the main subjects of a resolution on the human rights situation in Iran. More than 30 percent of the population of Iran belongs to ethnic, linguistic or religious minorities, including Christians, Gonabadi Dervishes, Jews, Sufi Muslims, Sunni Muslims, Yarsanis, Zoroastrians and members of the Baha'i faith.

The resolution calls upon Iran to end all form of discrimination and human rights violations against its minorities. It criticizes the lack of religious freedom in Iran resulting from legal restrictions, attacks on places of worship, incidents of incitement to hatred, and from other severe forms of persecution. The resolution calls upon Iran to create an environment where minority rights defenders can operate freely without fear of persecution or violence. This resolution was led by Canada and adopted on 14 November.



## Resolution on the Situation of Human Rights of the Rohingya Muslims and other Minorities in Myanmar

In a resolution on the situation of minorities in Myanmar, the United Nations expresses its grave concern regarding the situation of the Rohingya minority. Members of the Rohingya have become stateless, and have been subjected to severe violence including extrajudicial killing and systematic rape by military and security forces. The resolution also recognizes that over one million Rohingya Muslims have left the country within the last four decades.

The Resolution urges the Independent Investigative Mechanism for Myanmar to advance its work and calls upon the government of Myanmar to address the spread of discrimination and hate against the Rohingya minority, to dismantle the camps for internally displaced persons in Rakhine State, and to ensure the full protection of human rights within its jurisdiction. This resolution was initiated by Finland (on behalf of the EU) and the United Arab Emirates (on behalf of the Organization of Islamic Cooperation) and was adopted on 14 November.

The resolutions are available on [un.org](http://un.org).

## Minority Rights Discussed in Security Council Open Debate

On 19 November, 2019, the Security Council held an open debate on the role of reconciliation in maintaining international peace and security in New York, USA. It was attended by more than 60 speakers from all over the globe. Minority rights issues were highlighted by several participants.

Ms. Wroncka, a delegate from Poland, stated: "National reconciliation and peacebuilding cannot work if certain vulnerable groups or minorities - including displaced persons, persons belonging to religious minorities, women, young people and people with disabilities - are discriminated against or marginalized. Here, working hand in hand with communities, religious leaders have to play their part."

Mr. Lauber, a delegate from Switzerland, underlined the importance of inclusion within reconciliation processes: "While national authorities and, where appropriate, the international community, must assume the primary responsibility for working towards reconciliation, dialogue

among political elites alone cannot ensure lasting peace. Other leaders and representatives of political and social groups, including women, young people and minority representatives, need to be part of the process. Religious leaders, for example, play a crucial role as providers of social services and spiritual and moral guidance."

The record of the Meeting is available on the [UNDOCS.org](http://undocs.org) website.





## Special Rapporteur on Freedom of Religion or Belief Publishes Report on Antisemitism

The United Nations Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, published a report in October, in which he identified violence, discrimination, and expressions of hostility motivated by antisemitism as a serious obstacle to the enjoyment of the right to freedom of religion or belief. He noted that antisemitic incidents appear to be occurring with increasing frequency, resulting in a climate of fear among Jews and posing threats to members

of all minority communities. His report was prepared on the basis of submissions made in response to a call for information about antisemitism in countries. Submissions were provided by a number of member states, the EU, as well as by civil society organizations and individuals. The report of the Special Rapporteur, as well as the submissions themselves, are available on the website of the Special Rapporteur on freedom of religion or belief.

## International Day of Tolerance

The United Nations General Assembly designated 16 November as the International Day of Tolerance. Its aim is to highlight the importance of tolerance for peace and humanity. On this occasion, Ms. Audrey Azoulay, the Director-General of UNESCO underlined the value of cultural diversity.

“What is tolerance? It is the prerogative of humanity. We are all full of weakness and errors; let us mutually pardon each other our follies – it is the first law of nature.’ It was these words that the thinker Voltaire used in his essay on toleration in 1764, to invite humanity to strive towards dialogue and peace; and 255 years later,

his message has lost none of its relevance. What this definition tells us is that tolerance is more than standing idly by or remaining insensitive to differences between men and women, cultures and beliefs. Tolerance is indeed a state of mind, an awareness and a requirement; it is to realize that cultural diversity is a form of wealth, not a factor of division; it is to perceive that each culture, beyond immediate or apparent differences, is a constituent part of universality and speaks the common language of humanity,” she stated.

Ms. Azoulay’s statement is available within the UNESDOC digital library.

“Tolerance is indeed a state of mind, an awareness and a requirement; it is to realize that cultural diversity is a form of wealth, not a factor of division.”



## UN Experts Commend Framework Convention on Tourism Ethics

On 19 November, 2019, the UN published the statement of several human rights experts, who urged all states to sign the Convention on Tourism Ethics adopted by the UN World Tourism organization. The Convention aims to promote responsible, sustainable and universally accessible tourism. It contains several principles for the further development of tourism as a factor contributing to economic development, international understanding, and peace.

The Convention directly addresses minority rights in article 5, which provides that “Tourism activities should respect the equality of men and women; they should promote human rights and, more particularly, the individual rights of the most vulnerable groups, notably children, the elderly, persons with disabilities, ethnic minorities and indigenous peoples”.

In their statement, the experts, including the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ms. E. Tendayi Achiume, emphasized that this convention is

an important step forward in combating the exploitation of children in travel and tourism, and that children who belong to vulnerable groups, such as minorities or indigenous peoples, are particularly in need of protection.

“The Framework Convention was preceded by a Global Code of Ethics for Tourism, which was very valuable in promoting responsible and ethical tourism and tackling the exploitation of children. However, moving from a voluntary set of guidelines to a binding international instrument sends a strong signal that Member States are ready to accelerate their action and to enhance accountability in this field,” the experts stated.

More information about the Framework Convention on Tourism Ethics can be found on the website of the World Tourism Organization [<http://ethicsconventions.unwto.org/content/unwto-framework-convention-tourism-ethics>], the Statement of the UN experts is available on the OHCHR’s web page.



## 100<sup>th</sup> Session of the Committee on the Elimination of Racial Discrimination

The Committee on the Elimination of Racial Discrimination held its 100<sup>th</sup> session from 25 November to 13 December, 2019 in Geneva, Switzerland. The Committee reviewed reports received from Cambodia, Colombia, Ireland, Israel and Uzbekistan. Several human rights NGOs submitted parallel reports, including the Cambodian Center for Human Rights, Adalah – The Legal Center for Arab Minority Rights in Israel, and Pavee Point Traveler and Roma Centre, all of which helped to provide the

Committee with a more complete picture of the situation in each country.

Noureddine Amir, Committee Chairperson, underscored in his opening statement that the Committee's work is still as important as it was at the time of its establishment, and that the Committee's work towards a world without racial discrimination is of unquestionable value. The documents of the 100<sup>th</sup> session can be accessed through the UN Treaty Body database.

## Call for Applications: 2020 Minority Fellowship

The OHCHR holds an annual minority fellowship program to train human rights and minority rights defenders belonging to national or ethnic, religious and linguistic minorities from all over the world. The program is offered in three linguistic components, English, Russian, or Arabic, and will take place from 2-30 November, 2020 in Geneva, Switzerland. The aim of the program is to provide fellows with knowledge about the United Nations systems, international human rights instruments and mechanisms. Following their participation in the program, fellows will be able and expected to further

train and share knowledge with their communities and/or organizations. The fellowship program will also provide participants the opportunity to network with human rights activists working for the protection and promotion of minority rights and to expand partnerships with fellow activists from the United Nations, Geneva-based NGOs, and other partners from around the world.

The application deadline for the 2020 Minority Fellowship is 28 February 2020. More information can be found on the website of the OHCHR.

## Decades after the Holocaust, the World's Oldest Form of Hatred is Still with Us, Says UN Secretary-General

On 7 November, 2019, the Museum of Jewish Heritage commemorated the 81<sup>st</sup> anniversary of the 1938 pogroms in Germany commonly known as "Kristallnacht". UN Secretary General António Guterres visited the Museum on this occasion, where he gave a speech honoring the victims of the crimes committed during World War II and drawing attention to the fact that Jews worldwide are still threatened by antisemitism.

"Kristallnacht was not just the night of broken glass; it was the night of broken lives, broken families, broken societies, broken dreams. And, as we know, that dreadful night of state-orchestrated terror was followed by days, months and years of incalculable horror, so tragically and movingly displayed here. [...] I feel this personally, having

grown up in Europe in the aftermath of the continent's descent into depravity – and knowing that centuries earlier, my own country had reached its own depths of discrimination by expelling the country's Jews in an act of utter cruelty. And by the way, it was not an act of utter cruelty that made so many people suffer terribly it was a total stupidity.

Portugal has paid an enormous price for it with the lack of development and countries like the Netherlands, to where many Jews from Portugal left after a long circuit, has enormously benefited from their contribution. And one of the most emotional moments of my life was my first visit to what we call the Portuguese Synagogue of Amsterdam – and for those who have not been there, I

strongly recommend a visit, it's a wonderful building of the 17<sup>th</sup> century – and I had the chance to go there as the Prime-Minister of Portugal to present the law we've just approved to revoke the edict of expulsion of the 16<sup>th</sup> century; but I was dramatically impressed by the fact the synagogue was empty.

The same Jewish community that has been expelled by Portugal was completely eliminated by Nazism during the Second World War, which proves that antisemitism goes on and on, repeating itself in history in several and tragic ways.

I also feel it keenly today as head of an Organization dedicated to preventing genocide and other grave crimes, who sees and hears – as you do – chilling daily reminders of the persistence of antisemitism, the resurgence of Nazi slogans and symbols, and the growing menace of white supremacy groups and other forms of intolerance,” stated Guterres in his speech.

The speech is available on the website of the United Nations.

## International Courts Deal with Crimes against the Rohingya Minority

In November 2019, the International Court of Justice and the International Criminal Court began proceedings dealing with the situation of the Rohingya people in Myanmar and Bangladesh coinciding with a report of the independent UN Fact-Finding Mission on Myanmar published in September, which found that genocidal acts have been committed in the country. Sexual violence and the burning of Rohingya villages in Myanmar are frequently reported. More than 700,000 Rohingya have fled Myanmar, mostly to neighbouring Bangladesh. However, the full extent of crimes committed there remains unclear.

“The Mission found that the underlying structural

human rights violations against this ethnic group, culminating in the 2017 ‘clearance operations’, have continued and that their situation remains largely unchanged from last year. On this basis, the Mission has reasonable grounds to conclude that there is a strong inference of continuing genocidal intent on the part of the State, that there is a serious risk of genocidal actions recurring, and that Myanmar is failing in its obligation to prevent genocide, to investigate genocide and to enact effective legislation criminalizing and punishing genocide,” stated the Fact-Finding Mission in its September report.

## International Court of Justice Proceeding

On 11 November, 2019, Gambia requested the International Court of Justice to declare that Myanmar had breached its obligations under the genocide convention. Gambia argued that “from around October 2016 the Myanmar military (the ‘Tatmadaw’) and other Myanmar security forces began widespread and systematic ‘clearance operations’ (the term that Myanmar itself uses) against the Rohingya group. The genocidal acts committed during these operations were

intended to destroy the Rohingya as a group, in whole or in part, by the use of mass murder, rape and other forms of sexual violence, as well as the systematic destruction by fire of their villages, often with inhabitants locked inside burning houses. From August 2017 onwards, such genocidal acts continued with Myanmar’s resumption of ‘clearance operations’ on a more massive and wider geographical scale.”



## International Criminal Court Proceeding

On 14 November, 2019, the International Criminal Court authorized its prosecutor to investigate into the situation of the Rohingya minority in Bangladesh/Myanmar. While Myanmar is not a party to the Rome Statute, Bangladesh ratified the statute in 2010. The judges ruled that the Court may exercise jurisdiction where part of the criminal act takes place on the territory of State party. The Court concluded that “there exists a reasonable basis to believe widespread and/or systematic acts of violence may have been committed that could qualify as the crimes against humanity of deportation across the Myanmar-Bangladesh border and persecution on grounds of

ethnicity and/or religion against the Rohingya population.” Consequently, judges authorized the commencement of the investigation for crimes committed at least in part on the territory of Bangladesh, and on the territory of any other State Party or State accepting the jurisdiction of the ICC “insofar as they are sufficiently linked to the situation as described in this decision.”

More information is available on line on the website of the International Court of Justice and the International Criminal Court.

## International Expert Group Meeting on Peace, Justice, Strong Institutions and the Role of Indigenous Peoples

This year’s international expert group meeting organized by the Indigenous Peoples and Development Branch of the Division for Inclusive Social Development of the United Nations Department of Economic and Social Affairs took place in Chiang Mai, Thailand on 23 October, 2019. The theme of the expert group meeting was “Peace, Justice and Strong Institutions: the Role of Indigenous Peoples in Implementing Sustainable Development Goal 16”. Sustainable Development Goal 16 relates to promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels. The main purpose of the meeting was to prepare for the 2020

Session of the Permanent Forum on Indigenous Issues, which will be focused on the same topic.

Mr. Ramiro Avila Santamaria, a judge on the constitutional court of Ecuador prepared a background document for the meeting, in which he recalled the historic suppression and destruction of indigenous communities, especially during the conquest of the Americas. He underlined the importance of collective rights, self-determination and nature for indigenous societies, and argued that states can greatly benefit from respecting and promoting these values.

More information about the meeting is available on [un.org](http://un.org).

“There exists a reasonable basis to believe widespread and/or systematic acts of violence may have been committed that could qualify crimes against humanity.”

# REGIONAL

# NEWS

## 65<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights

The African Commission on Human and Peoples' Rights held its 65<sup>th</sup> Ordinary Session from 21 October to 12 November, 2019 in Banjul, The Gambia. During the work of this session, the African Commission adopted a "Resolution on the Recognition, Promotion and Protection of Indigenous Languages." The resolution recognizes the importance of promoting and protecting indigenous languages and cultures and the vital importance of languages for the survival and preservation of indigenous cultures and spiritual identities. It also notes that 2019, as the International Year of Indigenous Languages, created momentum for efforts aimed at the preservation

and promotion of indigenous languages. Through the resolution, the Commission expresses its support for the United Nations initiative to declare 2022-2032 as the International Decade of Indigenous Languages. In addition, it calls upon States Parties of the African Commission to ensure legal recognition of indigenous languages and to provide adequate funds for protect and promote the languages and cultures of indigenous peoples. Finally, it encourages a wide range of stakeholders to work towards the sustainable preservation, protection, and promotion of indigenous languages. The resolution can be found on the website of the African Commission.

## National Dialogue on the Rights of Indigenous Peoples and Extractive Industries

The African Commission on Human and Peoples' Rights organized a national dialogue on the rights of indigenous peoples and extractive industries on 7-8 October, 2019 in Nairobi, Kenya. The national dialogue was attended by 37 participants representing states, indigenous communities and extractive industries. Mr. Daniel Kobei, representing the Ogiek minority gave a keynote speech.

The participants discussed a study on extractive industries, land rights and the rights of indigenous populations and communities published by the African Commission on Human and Peoples' Rights. The study pointed out that African countries have redoubled their efforts to explore and extract natural resources within their jurisdiction over the last twenty years. African indigenous communities are intensely affected by such development, as these natural resources are very often found on their ancestral lands and territories.

"The Kenya National Dialogue was an important possibility for discussing the impact of extractive industries on indigenous peoples in Kenya, and modalities for how indigenous peoples' rights must be respected. It was great to see so many dedicated people meet and work together and come up with very important recommendations to the Government of Kenya and other key stakeholders," stated Marianne Wiben Jensen, member of the Working Group on Indigenous Populations/Communities in Africa.

At the end of the event, several recommendations were made to the government of Kenya, the Kenya National Commission on Human Rights, civil society organizations, business enterprises and to indigenous communities. The recommendations made at the national dialogue as well as further information are available on the website of the African Commission.



## Regional Meeting for Africa on the International Decade for People of African Descent

The years 2015-2024 were proclaimed as the International Decade for People of African Descent by the United Nations General Assembly. In order to promote knowledge and respect for the cultural heritage of people of African descent and to strengthen the legal framework to ensure their civil and cultural rights, the African Union and the Office of the High Commissioner for Human Rights organized a regional meeting for Africa, which took place on 23-24 October, 2019 in Dakar, Senegal.

Around 200 participants registered for the meeting, including state representatives, non-governmental organizations and delegates of national human rights institutions. Deputy Chairperson of the African Union Commission, Ambassador Kwesi Quartey and UN High Commissioner for Human Rights, Michelle Bachelet, were invited as guest speakers. The main objectives of the meeting were to increase awareness about the International Decade for People of African Descent, facilitate engagement to implement the Decade at the national and regional levels, and to develop linkages between the agenda of the African Union, the Sustainable Development Goals, and the program activities of the Decade. The meeting's agenda included a number of panel discussions on various topics, including "Recognizing African Contributions; Rewriting Africa's History", "Discussions on Reparatory Justice", and "Developing the bridges between Africa and the Diaspora." More information about the regional meeting is available online on the homepage of the OHCHR.

## Ethiopian Sidama Minority Votes for More Self-Determination

On 20 November, 2019, the Ethiopian Sidama Minority voted for the formation of a new region within the state of Ethiopia. The Sidama Zone was formerly an administrative district within the Southern Nations, Nationalities, and Peoples' Region. It has a population of around three million people, the majority of which belongs to the Sidama minority. Ethiopia is a multi-ethnic state, which has frequently been haunted by inter-ethnic tensions.

The Ethiopian Constitution grants ethnic minorities of the country the right to hold a referendum to claim autonomy within Ethiopia. A broad majority of approximately 98 percent of voters supported the independence of the Sidama Zone from the Southern Nations, Nationalities and Peoples Region. The Sidama Zone will now become the tenth Ethiopian regional state and will exercise control over the education, police, taxation and health sectors in the region. Several other ethnic groups within Ethiopia are preparing for similar referendums.

However, according to Marew Abebe, a lecturer at Debark University in Ethiopia, "the referendum result opens up other political questions for the newly formed Sidama state and for the Ethiopian Federation itself, including but not limited to the partitioning/mapping of the territory of the Sidama State, the design of the constitution of the region, and what the fate of non-Sidamas residents in the new state will be."

More information on the referendum can be found on [aljazeera.com](http://aljazeera.com) or [reuters.com](http://reuters.com).

“The referendum result opens up other political questions for the newly formed Sidama state and for the Ethiopian Federation itself.”

## Executive Director of the UNFPA Calls for Fulfilment of the Rights of Afro-Descendants in Latin America and the Caribbean

Executive Director of the United Nations Population Fund (UNFPA), Dr. Natalia Kanem, made a statement in October 2019 at the High-level Meeting on “Accelerating global action for the fulfilment of rights for Afro-descendant people in Latin America and the Caribbean”, which took place in San Jose, Costa Rica.

In her statement, Kanem emphasized the need to combat discrimination, address inequalities, and ensure the rights of Afro-descendants in the Latin American and Caribbean regions. In particular, she cited the high levels of poverty, exclusion, and discrimination faced by Afro-descendants in these regions, while championing the efforts of Afro-descendant women in particular to achieve recognition, justice, and equality.

The full statement of Dr. Natalia Kanem can be found on the website of the UNFPA.

## IACHR Releases Report on the Human Rights Situation in Honduras

In October, the Inter-American Commission on Human Rights (IACHR) released a report on the human rights situation in Honduras. The report was based on a country visit conducted in the summer of 2018, as well as on other IACHR visits and its thematic rapporteurships. Among other issues, the report highlights the human rights situation of indigenous and Afro-descendant peoples in the country. In addition, the report provides recommendations related to access to justice in response to violence and insecurity for indigenous peoples and Afro-descendant communities. In the report, the Commission calls upon the state to improve democratic institutions and to uphold the rule of law in order to ensure the human rights of all Honduran citizens. More information about the report can be found on the website of the IACHR.

## British Columbia Implements the United Nations Declaration on the Rights of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples was adopted in 2007 in order to protect the human rights of indigenous peoples. It includes provisions related to culture, identity, religion, language, and other human rights issues related to indigenous peoples. In November 2019, the government of the province of British Columbia, Canada passed legislation to fully implement the UN Declaration. The so-called “Declaration on the Rights of Indigenous Peoples Act” serves to align the laws of British Columbia with the UN Declaration, and operates on the principles of transparency and accountability. The legislation was developed in cooperation with the First Nations Leadership Council and will provide a framework for decision-making processes for the province on issues affecting indigenous communities. More information about the act can be found on the website of the British Columbia government.

## United States Federal Program to Protect and Promote Native American Languages

The United States House of Representatives passed a bill in December, 2019 aimed at revitalizing Native American languages. The Esther Martinez Native American Languages Programs Reauthorization Act provides \$13 million in annual funding to assess, plan, develop, and implement projects focused on promoting and preserving Native American languages. In particular, the program will work to prevent the extinction of 148 Native American languages, increase the fluency of 4,000 speakers, and train up to 280 Native language teachers each year. More information about the bill is available [here](#).



## Advisory Committee on the Framework Convention for the Protection of National Minorities Publishes Opinions on Montenegro and Finland

The Advisory Committee on the Framework Convention for the Protection of National Minorities published its opinions on Montenegro and Finland. In its 3rd opinion on Montenegro, the Committee noted general progress with respect to the legislative and institutional frameworks for the prevention of discrimination and improvements in the situation of Roma and Egyptian minorities. In addition, it highlighted that the right to education in one's own language in public institutions is guaranteed by the constitution. However, the Committee expressed concerns over requirements that persons must be citizens in order to be recognized as minorities, and over the housing situation of Roma and Egyptian communities and their poor access to health care, education, and employment.

The Committee's 5<sup>th</sup> opinion on Finland was published on 31 October, 2019. The Committee recognized the considerable resources invested by the Finnish authorities for the promotion of the culture of the Sámi and the Karelian minorities. The Committee also welcomed that the motive "bias against Roma" was added to national hate crime statistics. Nevertheless, the Committee pointed out that intolerance has increased in Finland in recent years, and that the linguistic rights of Swedish-speakers in Finland are frequently violated. The Romani language in Finland is endangered and only about one-third of Finnish Roma have good knowledge of it. The Committee also expressed concerns about "continued flaws in the involvement of the Sámi in decision making on land use and water use".

The opinion on Montenegro and the opinion on Finland are available on the website of the Council of Europe.

## Report on the Performance and Establishment of National Human Rights Institutions in Asia

The Asian NGO Network on National Human Rights Institutions has published a new report on the performance and establishment of human rights institutions in Asia. The report analyzes the experiences of 15 countries in relation to national human rights institutions and is written by members of the network situated in these countries. The report notes a democratic backsliding and increased restrictions on fundamental rights within the region and underlines the important role of human rights institutions in providing support to human rights defenders.

The report repeatedly addresses minority issues. It analyzes the composition of national human rights institutions and notes that minorities do not have proportionate representation in such bodies. Moreover, the report notes that violations of minority rights occurred in all countries reviewed. The response by national human rights institutions to such violations vary greatly. However, some of the institutions examined can serve as positive examples, for example the Human Rights Commission of Sri Lanka, which has frequently addressed violence against minorities.

The entire report is available online on [forum-asia.org](http://forum-asia.org).



## OSCE Publishes 2018 Hate Crime Dataset

The OSCE published its annual hate crime dataset on 15 November, 2019. The dataset contains information on 44 participating states, including hate incidents reported by 178 civil society groups, the UNHCR, the International Organization for Migration (IOM), and by OSCE missions. More than 4,500 violent acts or threats motivated by hate were reported.

According to the OSCE, the fact that most states have hate crimes legislation but poor implementation remains a

widespread problem. “Legislation that remains without any practical application is of no more value than the paper it’s printed on. We must be clear that bias-motivated crime is not a phenomenon that affects minority communities only, but on the contrary is a direct attack on our democracies and the human rights principles on which they are based,” stated Ingibjörg Sólrún Gísladóttir, director of the Office for Democratic Institutions and Human Rights.

The dataset is available on the OSCE’s website.

## Languages Are Immensely Enriching Says Council of Europe Commissioner on Human Rights

Ms. Dunja Mijatović, Council of Europe Commissioner on Human Rights, published a comment on language policies and minority rights in Europe. She underscores the importance of language for individual and collective identity and emphasizes that conflicts over the use of language in public institutions and discrimination on the basis of linguistic affiliation remain widespread in Europe. The Commissioner importantly pointed out that laws and policies that accommodate linguistic rights, including the rights of linguistic minorities, can be used to reduce tensions and promote social cohesion.

“What is needed are inclusive and pragmatic approaches that take into account the real needs of different groups in society and aim for balance, compromise and

reconciliation rather than opposition and cleavages. Such approaches should aim for the full respect of the rights of persons belonging to national minorities, peaceful interaction of persons with different ethnic and linguistic backgrounds and opportunities for all, on an equal footing, to take part in society.

States therefore need to create environments in which diversity is not perceived as a threat, where all members of society feel safe to use their language without fearing discrimination, and where at the same time, a common language can be shared,” stated the Commissioner.

The comment can be found on the homepage of the Council of Europe.

## Ilham Tohti Wins 2019 Sakharov Prize for Freedom of Thought

The European Parliament awarded the 2019 Sakharov Prize to Ilham Tohti. Tohti is an activist and advocate for the rights of the Uyghur Minority in China. On his website Uyghur Online, he discussed minority issues and encouraged awareness of the problems of the Uyghur community. Much of Tohti’s work is focused on fostering dialogue between Uyghurs and other communities in China. The ceremony was held in Strasbourg on 18 December, 2019.

The Sakharov Prize for Freedom of Thought has been awarded since 1988 in memory of the Russian Physicist Andrei Sakharov, who continuously promoted human rights in the Soviet Union and demonstrated the dangers of nuclear weaponry. More information about the prize is available online on the homepage of the European Parliament.



## Discussion on Draft Law on Minorities in Armenia

On 31 October, 2019, the Council of Europe and the European Union organized a one-day panel discussion about the Armenian draft law on minorities. This event followed last year's expert opinion of the Council of Europe on the proposed Armenian legislation. Although Armenia already has several acts concerning minority rights protection, this law would be the first to provide

comprehensive minority protection. Several international experts took part in the discussion, including Ms. Tove Malloy, former Member of the Advisory Committee of the Framework Convention for the Protection of National Minorities.

More information is available on the website of the Council of Europe.

## The Long Struggle for Rights and Recognition: New Report about the Turkish Minority in Western Thrace

Minority Rights Group Europe published a report about the Turkish minority in Western Thrace written by Evelin Verhás, Head of Programmes at the Tom Lantos Institute. Turks have been living in Western Thrace for centuries now. Currently, between 140,000 and 145,000 Muslims are living in Western Thrace, the majority of which are of Turkish origin. However, Greece only recognizes a Muslim minority, while not taking into account the fact that many members of this group self-identify not only as Muslim, but also as Turks. The report analyzes this ongoing struggle for recognition. The report also addresses how the Greek authorities interfere with the religious autonomy of the Turkish minority including the appointment of their religious leaders by the state without consultation with community members, and excessive financial and legal regulations on their traditional Islamic charitable foundations.

Minority education is the third important issue addressed in the report. While minority schools exist, in practice the Turkish minority face increasing barriers to receiving adequate instruction in their mother tongue. The report concludes by highlighting that "the interpretation by Greek authorities of the term minority and their obligations to protect minority rights reflect an outdated understanding that is too narrow to meet current international human rights standards. Limiting the recognition of a minority to a community identified in a specific peace treaty and linking specific minority rights to reciprocal arrangements for kinship communities entirely overlooks the progressive development of human and minority rights since the inter-war period, and falls far below current standards."

The report is available online on the homepage of Minority Rights group.

# UPCOMING

# EVENTS

3 January 2020

New Orleans, USA

International Year of Indigenous Languages Closing Event – Linguistic Society of America

5 to 10 January 2020

Quito, Ecuador

Dialogue Meeting on Enhanced Indigenous Peoples' Participation at the United Nations

18 February 2020

Geneva, Switzerland

Geneva Summit for Human Rights and Democracy

20 January to 7 February 2020

Geneva, Switzerland

83<sup>rd</sup> Regular Session of the Committee on the Rights of the Child

24 February to 20 March 2020

Geneva, Switzerland

43<sup>rd</sup> Regular Session of the Human Rights Council

13 to 15 March 2020

Boston, USA

Global Structural Injustice and Minority Rights Conference



The Tom Lantos Institute (TLI) is an independent human and minority rights organisation with a particular focus on Jewish and Roma communities, and on Hungarian and other ethnic or national, linguistic and religious minorities. It is a Budapest-based organisation with a multi-party Board of Trustees, an international Executive Committee, and Advisory Board. TLI operates internationally in terms of scope, funding, staff and partners. As a research and education platform, TLI aims to bridge the gaps between research and policy, norms and practice. TLI focuses on human rights and identity issues in general, and also works on three specific issue areas. These include: Jewish life and antisemitism; Roma rights and citizenship; and Hungarian minorities.

## CONTACT US

The Global Minority Rights Newsletter is a publication of the Tom Lantos Institute that gathers recent information about normative developments, events, and other opportunities related to the institutional frameworks and mechanisms for the protection of the human rights of minorities.

The Newsletter is published quarterly and is available in electronic format.

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