



General Assembly

Distr.: General
3 October 2013

Original: English

Human Rights Council

Forum on Minority Issues

Sixth session

26–27 November 2013

Note by the Independent Expert on minority issues, Rita Izsák, on guaranteeing the rights of religious minorities*

I. Introduction

1. At its sixth session, the Forum on Minority Issues will give targeted attention to religious minorities. While the Forum will address respect for the right to freedom of religion or belief, it will also go further, to address the full range of minority rights. It will provide a platform for the discussion of challenges and positive practices as experienced in all regions, including in terms of national legislation and policies.

2. The Forum will give high priority to the identification of positive and effective practices that have been implemented by countries in different regions to protect and promote the rights of persons belonging to religious minorities, with a particular emphasis on promoting dialogue, understanding and constructive exchange among minority and majority faith groups. Where good practices in legislation and policy are implemented, religious minorities are able to practise their religions in full equality, and can exercise and enjoy all of their rights and participate fully in all spheres of life. Positive practices include the establishment of comprehensive anti-discrimination and equality legislation, as well as mechanisms and institutions to address discrimination and encourage constructive interfaith dialogue, understanding and exchange. Such measures play an important role in preventing tensions and promoting equality and social stability.

3. In accordance with Human Rights Council resolution 19/23, the Independent Expert on minority issues has the mandate to guide the work of the Forum and prepare its annual meetings. A set of recommendations emanating from this sixth session of the Forum will be presented by the Independent Expert to the Council at its twenty-fifth session, in March 2014.

* Late submission.

II. Background

4. The aims and objectives of the Forum on Minority Issues were established by the Human Rights Council in its resolution 6/15 and renewed in resolution 19/23, which require that the Forum, under the guidance of the Independent Expert on minority issues:

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

III. Legal framework

5. Article 27 of the International Covenant on Civil and Political Rights provides the following: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.” The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities builds on article 27 and establishes the responsibility of States to ensure the protection of religious identity. It establishes in article 1, paragraph 1, that States “shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity”.

6. The Declaration also recognizes a wider need for protection of the rights of minorities to include guarantees of equality, non-discrimination in all spheres of life, participation in public life and protection of existence. With a view to achieving such goals, the Declaration calls on States to implement positive measures, including the adoption of legislation and other measures, to ensure the promotion and protection of all minority rights. Pursuant to article 4, paragraph 2, of the Declaration, States should “take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national laws and contrary to international standards”.

7. The 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981 Declaration) does not explicitly mention religious minorities, however it establishes non-discrimination and equality as key principles and requirements of States in their treatment of religious groups. Article 2, paragraph 1, of the 1981 Declaration stresses that “no one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or belief”. Article 3 of the 1981 Declaration clearly establishes that “discrimination between human

beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations”.

IV. Issues for consideration

8. The situation of religious minorities has been addressed mostly from a freedom of religion or belief perspective. The Forum will aim to broaden and complement the discussion in this field by addressing issues related to the full range of minority rights and security of religious minorities beyond their right to freedom of religion or belief.

9. The Forum discussions will be based around four key pillars of minority rights, as identified by the Independent Expert on minority issues: protection of existence and prevention of violence against minorities; promotion and protection of minority identity; equality and non-discrimination; and the right to effective participation in all areas of public, economic and social life. The Forum will also look at the role of key actors and activities in promoting interfaith dialogue, consultation and exchange.

10. The Forum will identify positive practices, including with regard to legislation and policy, that exist and serve to ensure that those belonging to religious minorities enjoy their right to freedom of religion or belief in conditions of equality and non-discrimination. The rights to equality and non-discrimination must also extend to all spheres of life for persons belonging to religious minorities, and might require affirmative action measures to address long-standing or persistent inequalities. Aspects of human rights education and training relevant to the rights of religious minorities, including for public officials, will be considered by the Forum. The role of different national institutions, including Government ministries and departments, national human rights institutions, civil society, law enforcement bodies, the judiciary and others, in promoting, enforcing and monitoring non-discrimination policies will also be considered. The important role of the media and media monitoring bodies will likewise be addressed.

11. Throughout the session, the Forum will consider potential or existing barriers to the effective participation of religious minorities in all spheres of life, and will seek to identify positive practices and solutions that have proved effective in ensuring that religious minorities can participate equally and effectively in public life, in key public institutions such as the police, the judiciary and the civil service, and in decision-making bodies at all levels. The issues and challenges specifically affecting women and girls will be considered, bearing in mind that ensuring the effective participation of women who belong to religious minorities is often particularly problematic. The Forum will seek to identify practical action taken by public and political institutions and also consider the ways in which minorities can engage in all aspects of the public and political life of their societies.

A. Protection of the existence of and prevention of violence against religious minorities

12. The Forum will identify steps taken by States and other actors to prevent tensions and any acts of violence against persons belonging to religious minorities or their places of worship, associations and offices. It will consider practical measures, policies and practices that States can adopt to respond more effectively to problems faced by religious minorities, including violence against them. Further, the Forum will identify effective measures to eradicate incitement to religious hatred, including national laws, constructive dialogue, education and training, and the establishment of effective media monitoring bodies. While one emphasis of this session of the Forum is on prevention, the situation of religious minorities in conflict and post-conflict situations will also be addressed.

B. Promotion and protection of the identity of religious minorities

13. Religious identity is not only about the right to worship freely but also the right to express and enjoy aspects of one's identity in all spheres of life and society, including in educational settings, in the workplace, in private and in public, as an individual or in community with others. The Forum will seek to identify effective practices to ensure the promotion and protection of the identity of religious minorities so that they can freely maintain and develop their unique religious and cultural practices and traditions. Full enjoyment of the right to religious identity requires first and foremost the recognition by States of the religious diversity within society, along with the fostering of an enabling environment on the part of governments, local authorities, public and private bodies, and the wider society.

C. Identifying key actors and activities to promote constructive interfaith dialogue, consultation and exchange

14. Positive developments in the field of minority rights and towards protection of the rights of religious minorities and promotion of interfaith understanding require leadership and the constructive actions and initiatives of numerous different actors, including minorities themselves. All relevant stakeholders at all levels should actively promote positive messages of interfaith dialogue and understanding, and initiate and engage in activities that may include symposiums, consultations, public debates and activities proposed by different faith groups. The important role of women as agents of change and the specific challenges affecting women will be addressed by the Forum.

15. The Forum will seek to identify positive examples of interfaith dialogue and exchange and to learn how mechanisms, institutions and processes have been established and function. Efforts to build knowledge, trust and tolerance across faith groups and to build bridges of understanding and unity will be considered. Practical examples will be sought to demonstrate how such initiatives work in practice. Identifying measures to promote tolerant, inclusive, multi-faith societies will be among the objectives of the Forum.

V. Participation

16. Pursuant to Human Rights Council resolution 19/23, the Forum session will be open to participation by States, United Nations mechanisms, treaty bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on minority issues and non-governmental organizations in consultative status with the Economic and Social Council. The Forum will also be open to other non-governmental organizations representing minorities whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations.

17. Given the thematic focus of the sixth session of the Forum, the participation of persons belonging to religious minorities and those who are actively engaged in or have experience with promoting the rights of religious minorities is crucial. The participation of women and young people in the proceedings of the Forum is also particularly encouraged.

18. Requests to be accredited to the Forum should be sent to minorityforum@ohchr.org.

VI. Format and agenda

19. The Forum has developed a unique format whereby participants comment on a set of draft recommendations prepared and circulated prior to the Forum session. The draft recommendations will be developed on the basis of information, surveys and studies received by the Independent Expert on minority issues. The session will be devoted to brief, targeted oral interventions commenting on specific provisions of the draft recommendations. Participants will be invited to devise their contributions to help develop the draft as the subsequent outcome document. In addition to the draft recommendations, an annotated agenda and programme of work will be provided in advance of the session.

VII. Outcomes

20. The Chairperson of the Forum is responsible for the preparation of a summary of the discussions of the Forum, to be made available to all participants.

21. In conformity with Human Rights Council resolution 19/23, the outcome of the session will comprise a set of action-oriented thematic recommendations that will subsequently be presented by the Independent Expert on minority issues to the Human Rights Council.
