

Talking Points for Mr Volker Turk, Assistant High Commissioner for Protection
Respecting minority rights as a means of preventing or mitigating the impact of humanitarian crises
3 pm – 6 pm, Thursday 24 November 2016, Room XX Palais des Nations

- I'm very pleased that the organizers of this year's Forum have chosen to focus on the topic of protection of minority rights in humanitarian crisis. While most people are generally aware that racial, ethnic, religious and linguistic minorities are particularly vulnerable in conflict and other crisis situations (one need only think of Bosnia, of Rwanda, of Iraq, of Myanmar, to name just a few), this heightened vulnerability requires more reflection—and action—today as we're witnessing a period of unprecedented global displacement.
- Forced displacement is being fueled by a higher number of internal conflicts and disruptions, including natural disasters, coupled with a failure to solve longstanding crisis situations. We're also witnessing new global migration patterns that are giving rise to racism and xenophobia and—relatedly—nationalism, all of which have the potential to affect minority communities in very serious ways. Advocates of minority rights, including those in this room, have a responsibility to raise our voices and ensure that these trends don't witness a trampling upon the civil rights of minority groups.
- It's of course already the case that members of racial, ethnic, and religious minorities are some of the most vulnerable persons in the conflicts we see around the world. Many of the persons who flee their countries for fear of persecution are members of minority groups. Indeed, the 1951 Convention recognizes this link in its definition of a refugee, which includes persons who flee persecution not only because of their political opinion but also because of their race, religion, nationality, or membership in a particular social group. And the religious or ethnic or other tensions that may have caused the displacement of minorities in the first place can follow them across international borders, where they often live a fragile co-existence as refugees.
- The massive displacement that has taken place inside Iraq as a result of the advance of ISIS is one dramatic example of the disproportionate impact such displacement can have on minority groups, as adherents of various Christian denominations as well as the Yazidis, a syncretic religious community, have been terribly affected. Compounding their persecution by ISIS is the historic discrimination that the Yazidis face from the majority Muslim society and government authorities. Yazidi survivors of gender based violence, including forced marriage and rape by ISIS combatants, remain in desperate need of emergency medical treatment, psychosocial support and counselling, but report being shunned by government agencies, leaving humanitarian agencies to try to fill this gap.
- Members of minority groups may also face particular challenges in the search for durable solutions, which can include returning to places of origin or alternative settlement elsewhere in the country (in the case of internally displaced persons) or voluntary repatriation or resettlement to a third state once crises have subsided.
- For UNHCR, attention to minority rights is critical to our work with all persons of concern: asylum seekers, refugees, the internally displaced, and stateless persons. And this is the case at all stages of a humanitarian crisis – before, during and after. Ensuring that the rights of minorities are respected means finding concrete ways of promoting the principle of non-discrimination at the heart of minority rights.
- Today, I want to focus the remainder of my remarks on how this principle can be given real meaning for a "group within a group" that does not tend to receive much attention when we speak about minority rights or minorities in crisis: stateless minorities.
- Stateless people are persons who are not recognized as nationals of any State. We estimate that there are at least 10 million such persons globally. This is shocking and counter-intuitive to most people, as most people assume that everyone has a nationality. We tend to speak of statelessness

as an invisible problem, as it's indeed less visible than the refugee problem. For the most part stateless persons are

not crossing borders in massive numbers or living in camps. It's important to be aware, however, that most people who are stateless today are stateless as a result of discrimination on grounds of race, ethnicity, religion or gender. Indeed, the majority of the world's known stateless populations belong to minority groups. Excluding entire sectors of a population from nationality creates social and political tensions that can precipitate conflict, violence and displacement. Recent incidents involving the Rohingya in Myanmar (including the Andaman Sea crisis in 2015) and the Bidoun in the Gulf demonstrate the considerable costs to development and security of leaving statelessness unresolved—not to mention the human rights impact.

- Most of the protections in the international human rights treaties are of course supposed to apply to all persons, not just citizens, but in practice we know that stateless minorities are likely to suffer rights deprivations and are particularly vulnerable to human rights abuses such as sexual exploitation and human trafficking.
- The legal framework to prevent and reduce statelessness includes the two UN Statelessness Conventions and complementary provisions in human rights treaties, including the provisions on the right to nationality in the ICCPR, CRC, CERD, and CEDAW. Article 9 of the 1961 Convention on the Reduction of Statelessness provides that "a contracting State may not deprive any person or group of their nationality on ethnic, racial, religious or political grounds"-- and yet this continues to happen all over the world, with the Rohingya and persons of Haitian descent in the Dominican Republic being only two of the most visible examples.
- Building on the human rights framework, and on progress with respect to accessions to the Statelessness Conventions, in 2014 UNHCR launched an ambitious ten year Campaign to End Statelessness. Known as the #IBelong Campaign, this effort has led to greater awareness and political will than we enjoyed just a few years ago, with significant initiatives being taken at the regional and national levels, including for example the Abidjan Declaration on the Eradication of Statelessness and the chapter on statelessness in the Brazil Declaration and Plan of Action. The operational framework for the #IBelong Campaign is a 10 point Global Action Plan, which includes specific actions aimed at preventing and resolving statelessness, including adherence to the Statelessness Conventions. We've had thirteen new accessions over the last two years and need to continue to build on this momentum.
- In 2017-2018, the thematic focus of the #IBelong Campaign will be "Equal Nationality Rights", which provides an opportunity to call more attention to the situation of stateless minorities. Through our work, we hope to highlight the tangible benefits experienced by formerly stateless minority groups of being recognized as citizens, as well as the benefits to their communities and societies as a whole, and to use this evidence to advocate on behalf of those who remain stateless.
- The draft recommendations under discussion as Forum outcomes are helpful in that they highlight the disproportionate impact humanitarian crises have on stateless minorities, calling for the removal of discriminatory laws in para. 20 (j). As part of the Campaign we're inviting all actors to help in the effort to reform discriminatory laws and practices that lead to statelessness. In addition, UN agencies and other actors must be prepared to do more to intervene on behalf of those who lack identity documents, such as birth certificates. The absence of proof of nationality can give rise to the risk of statelessness, particularly among minorities, including those living in remote, border areas where proving ties to one State or the other can be made more difficult. Our collective effort to end statelessness of course finds resonance in the motivating principle of the 2030 Sustainable Development Agenda, to "leave no one behind," and the specific goal (16.9) that all persons should have legal identity, including birth registration.
- As part of our effort to ramp up awareness and action on these issues I strongly encourage States and other actors to make enhanced use of available human rights mechanisms to help end

statelessness. We need more consistent recommendations to States as part of the UPR that they remove

discrimination from their nationality laws and accede to the Statelessness Conventions, for example, and we need more attention to issues of discrimination in the right to nationality from all relevant Special Rapporteurs, including those with country mandates. We're pleased that a right to nationality resolution was passed at the Human Rights Council last June, and I hope that the co-sponsors of the resolution on minority rights will include stateless minorities in the resolution coming up in March. We're of course happy to work with you on that and any other efforts that we can make together to end discrimination against minority groups and to ensure the protection of stateless minorities.