

UN Forum on Minority Issues

Item 3

Legal and institutional framework: the human rights of minorities and conflict prevention

2 December 2021, 3-5PM Geneva/ 2-4PM London

Excellencies,

On behalf of the CGR, I welcome this opportunity to discuss the issue of legal and institutional framework: the human rights of minorities and conflict prevention.

As it stands, States are not equipped to protect minorities from some of the most egregious atrocities, including the crime of genocide. Even if States have all relevant laws on issue of genocide, they do not have comprehensive mechanisms to prevent the crime that would enable them to protect against human rights violations and atrocities against religious or belief minorities in situations of conflict or insecurity.

States must 1) establish a national mechanism that is mandated to conduct periodic risk assessments of the basis of the UN Atrocity Crimes Framework or another risk factors framework. This will need to be independent and properly funded; 2) There must be an effective data collection system within, or capable of monitoring from outside, the affected country to establish whether genocide risk factors are present; and 3) there must be open and free exchange between the national entity, civil society, and independent media. Indeed, having such a mechanism in place is a prerequisite for States being able to fulfil their duty to prevent under the UN Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention). Where a State does not monitor and analyse the serious risk or genocide and does not recognise the atrocities as genocide, by default, it will fail to take all means reasonably available to them to prevent the genocide from occurring.

The collected data then needs to be analysed, the nature of the violations determined, and the acts addressed with comprehensive responses. The analysis of violations could be aided by the JBI's Risk Factors and Legal Norms for the Prevention of Genocide and the UN Office on Genocide Prevention and the Responsibility to Protect Framework of Analysis for Atrocity Crimes. These frameworks are paramount for the analysis of atrocity crimes and must be adopted by States. Assessment of the nature of the acts and labelling for what they are are key. Mislabelling atrocities, in whatever shape or form, is detrimental in that it will result in wrong responses being deployed - responses to address the atrocities and responses to assist the victims and survivors.

I call upon States to introduce comprehensive domestic monitoring, analysis and response mechanisms to address genocide and other atrocity crimes.

Thank you.