

Thank you, Mr. President. Thank you to the Special Rapporteur for inviting me to speak and thank you to OHCHR for your efforts to organise this forum.

The prevention of atrocity crimes against minorities led to the development of the international human rights framework, but 74 years later minorities have very little legal protection and their rights have been successively weakened and undermined.

Even though only normative there is no doubt that the global consensus reached 30 years ago to create the UN Declaration on Minorities was significant, it was intended to provide a foundation for the development of more robust legal standards on protection and enjoyment of rights. This never happened.

Three decades later as minorities continue to face genocide, atrocity crimes, torture, persecution, hatred, discrimination, displacement; with the present economic slowdown they face greater poverty, starvation, losses in access to education, employment, and income generation; and are now at the frontier of climate disasters;

We can safely say the existing framework is totally inadequate.

In my experience, I have found, this framework has little to offer, for example to the mother waiting for the return of her son who was disappeared 10 years ago simply because he was identified as an ethnic Tamil; to the Bedouin family who have no hearing or power in their unrecognised village; to the Roma family that was discriminated against while trying to leave Ukraine; to the Shia community activist who is afraid of being killed at a religious observance; to the Masaai girl who has limited access to education and fears FGM and child marriage when she reaches puberty.

To compensate for this normative abyss we have had to depend on other treaties and mechanisms. This has resulted in a scattered, incoherent and weakened response to the situations of minorities

The crux of the problem can be expressed in the following theorem:

The gulf between the worsening situation for minorities globally and the dispersed, emaciated offerings of the minority rights regime, has been expanding, whilst the commitment by states to bridge this has decreased.

We are now left with a diminished framework, weaker than even those that were similarly created such as for indigenous persons and people of African descent. In terms of implementation the most states have been able to agree on is this forum; primarily for 'dialogue and cooperation.'

To use the words of the UN Secretary General, this 'outright inaction and negligence' must end.

We have expanded and exhausted the current regime to its limit and we are now at a pivotal moment where change is essential. Reform is unquestionable and critical.

To ensure the protection and enjoyment of rights of minorities, reform should not fall shy of a legally binding treaty and a monitoring body to ensure the protection and enjoyment of rights of minorities.

This treaty must:

- 1) Present a clear definition of minorities, breaking away from the old colonial constructs, including on the basis of 'old' and 'new' minorities, recognising the non-dominant status of different groups and incorporate religious minorities.
- 2) Have clear legal protection for minorities, including in situations of armed conflict. The present reliance on the genocide prevention mandate is narrow and ineffective. Minorities

are targeted for civil rights violations and atrocity crimes on the basis of their identity for which they need a stronger protection framework.

3) Providing greater emphasis on minorities' socio-economic and cultural rights

I recognise that treaties are not formed overnight, in the interim, I call on states to strengthen this forum, support it with regional forums, increase the number of days and create an expert mechanism mandated to review the implementation of the declaration by states (specifically under articles 1, 4-6) and UN agencies (under article 9). The current UN network on racial discrimination and minorities needs to be incorporated into the Forum.

Taking into consideration the recommendations made in this forum, I call on the UN Secretary General to commission a high-level panel to review the limitations of the current framework and make recommendations for reform.

In the last few days we have heard growing calls for an expanded, stronger, robust legal framework on minority rights. I urge states to heed this call. Strategies pursued in the recent years of 'problematising,' 'otherising,' 'attacking,' 'persecuting,' 'securitising' minorities have not worked, leaders need to acknowledge that minority rights are at the core of creating stable, united peaceful states.

Change also requires champions, and this is the moment for states which genuinely believe in the promotion and protection of minority rights to come forward and take the lead.

A decade ago at the 20<sup>th</sup> anniversary of this declaration, states dismissed similar calls for a stronger framework. Please let us not have to repeat this discussion in ten years, and instead be able to welcome a new legally binding framework for the protection and promotion of minority rights.

Thank you