

## Annex I

### PROPOSAL FOR A DRAFT GLOBAL CONVENTION ON THE RIGHTS OF MINORITIES

*Calls for stronger United Nations measures to improve the recognition and protection of the human rights of minorities in light of the deteriorating human rights situation for many minorities around the world have been consistent and frequent.<sup>1</sup> This is particularly true specifically for the widespread and near unanimous call for a legally binding instrument. The UN Special Rapporteur on minority issues, Dr Fernand de Varennes, is therefore presenting a first attempt to formulate and present the possible shape and content of a global treaty on the rights of minorities, with contributions of many civil society actors and international organisation officials from worldwide.<sup>2</sup> This is intended to serve as a document for reflection and possible mobilisation in light of the acknowledgment by the Secretary General at the UN General Assembly high-level event of 21 September 2022, that it is “past time we live up to the commitments made in... 1992... and that every Member State to take concrete steps to protect minorities and their identity.”*

*This proposed draft convention is divided into three sections: (i) the main proposed draft convention; (ii) an optional protocol which provides further expanded, more detailed elaboration on the recognition and protection of the rights of minorities, and (iii) an implementation protocol on communications and reporting. The proposed draft convention and protocols are particularly inspired, amongst others, by the recommendations emanating from regional and UN Forums on minority issues since 2019, as well as from a large number of global and regional instruments from intergovernmental organisations and civil society.<sup>3</sup>*

<sup>1</sup> See online the regional and UN Forum recommendations at [www.ohchr.org/en/special-procedures/sr-minority-issues/regional-forums-minority-issues](http://www.ohchr.org/en/special-procedures/sr-minority-issues/regional-forums-minority-issues) and [www.ohchr.org/en/hrc-subsiadiary-bodies/minority-issues-forum](http://www.ohchr.org/en/hrc-subsiadiary-bodies/minority-issues-forum)

<sup>2</sup> The Special Rapporteur wishes in particular to acknowledge the direct contributions of experts and minority representatives who gave generously of their time and insights in the content of the proposed draft, including Kwadwo APPIAGYEI-ATUA (Ghana), Associate Professor at the School of Law, University of Ghana; Veaceslav BALAN (Moldova), PhD candidate, Faculty of Law, University of Ottawa; Anna-Mária BÍRÓ (Ireland), Director of the Tom Lantos Institute; Lecia J. BROOKS (United States of America), Chief of Staff, Southern Poverty Law Center; Boriss CILEVIČS (Latvia) former chair of the Sub-Committee on the Rights of Minorities and rapporteur, Parliamentary Assembly of the Council of Europe; Solomon DERSSO (Ethiopia), member, African Commission on Human and Peoples' Rights; Rob DUNBAR (United Kingdom), Chair of Celtic Languages, Literature, History and Antiquities, University of Edinburgh; Silvio FERRARI (Italy), Life Honorary President of the International Consortium for Law and Religion Studies; Sajjad HASSAN (India), Convenor, South Asia Collective and Head of the South Asia Justice Campaign; Davyth HICKS (United Kingdom), Secretary General of the European Language Equality Network; Ali HÜSEYİNOĞLU (Greece), Associate Professor of International Relations, Vice Director of the Balkan Research Institute, Trakya University, Edirne; Dimitry KOCHENOV (Netherlands), Central European University Democracy Institute, Budapest; Elzbieta KUZBORSKA-PACHA (Lithuania), Senior Legal Advisor to the OSCE High Commissioner on National Minorities; Corinne LENNOX (Canada), Co-Director, Human Rights Consortium, Institute of Commonwealth Studies, University of London; Farah MILHAR (Sri Lanka), Senior Lecturer, Center for Emergency and Development at Oxford Brookes University; Sitarah MOHAMMADI (Afghanistan), Deputy Chair, Asia Pacific Refugee Rights Network; John PACKER (Canada), Director of the Human Rights Research and Education Centre at the University of Ottawa; Kirk PERSON (United States of America), Senior Consultant, Literacy and Education, SIL International & University of Texas at Arlington; Sriprapha PETCHARAMESREE (Thailand), IHRP PhD Human Rights and Peace Studies (International Programme), Mahidol University; Mohammad SHAHABUDDIN (Bangladesh), Associate Head of School, Professor of International Law & Human Rights at the University of Birmingham; Iulius ROSTAS (ROMANIA) National School of Political Studies and Administration Bucharest; Murtaza SHAIK (United Kingdom); Sia SPILIOPOULOU ÅKERMARK (Finland), Director, Åland Peace Institute; Meena VARMA (India), Executive Director, International Dalit Solidarity Network; Loránt VINCZE (Romania), Member of the European Parliament, President of the Federal Union of European Nationalities; Rodrigo VITORINO SOUZA ALVES (Brazil), Professor, Faculty of Law, Universidade Federal de Uberlândia.

<sup>3</sup> These sources include the Camden Principles, Rabat Plan of Action, Language Rights of Linguistic Minorities: A Practical Guide, numerous OSCE HCNM guidelines and recommendations, Framework Convention for the Protection of National Minorities, Council of Europe's protocol on minority rights, European Charter on Regional or Minority Languages, Commonwealth of Independent States' Convention on Ensuring the Rights of Persons Belonging to National Minorities, the Declaration on the Rights of Indigenous Peoples, UN Declaration on the Rights of Persons Belonging to National or

*The proposed draft convention and its protocols define the meaning of the human rights of minorities and establish an agenda of action for their realisation in the civil, political, economic, social and cultural spheres, applying a gender perspective and intersectionality analytical framework.*

*They are also innovative in a number of ways, covering relatively new areas of human rights concerns such as hate speech in social media which overwhelmingly targets minorities, ways to tackle statelessness which again overwhelmingly impacts on minorities globally, and environmental justice provisions. It also innovates in proposing in articles 64-65 new collaborative approaches and assistance for States Parties in implementing their human rights obligations under the convention.*

*An extensive possible preamble for the convention is also proposed at the end of this annex.*

The States Parties to the present Convention,

[...]

Have agreed as follows:

## **Part I**

### **Article 1**

Every person belonging to a national or ethnic, religious or belief and linguistic minority (hereinafter ‘a minority’ or ‘minorities’) shall have the right to the full enjoyment, individually and collectively, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and other international human rights law, including those specifically recognised for minorities in this convention.

### **Article 2**

1. Every person belonging to a minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.
2. Self-identification of persons belonging to a minority shall be regarded as a fundamental element under this Convention.

### **Article 3**

1. The existence of a minority is a factual determination based on objective criteria such as ethnicity, religion or belief, culture or language, or a combination thereof. It is not dependent on official status, recognition or acknowledgment.

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Ethnic, Religious and Linguistic Minorities, UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, the African Charter on Human and Peoples’ Rights, UN Covenant on Civil and Political Rights, UNESCO Convention against Discrimination in Education, UNESCO Convention against Discrimination in Education, 2001 UNESCO Universal Declaration on Cultural Diversity, the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, and the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, Draft Declaration on the promotion, protection and full respect of the human rights of people of African Descent, Draft Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent, Recommendations of the UN Forum on Minority Issues and Recommendations from the regional forums convened by the UN Special Rapporteur on Minority Issues (2019-2022).

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2. States Parties shall not deny the human rights of minorities by denying their objective existence or not recognising them.

#### Article 4

States Parties shall ensure, in good faith, the active, free, effective, meaningful and informed participation of minorities, individually and collectively, in decision-making processes that may affect their rights, and in the implementation of any decisions from such processes.

#### Article 5

States Parties shall take all necessary measures to ensure that non-State actors, such as private individuals and organizations, and transnational corporations and other business enterprises, respect and do not interfere with the rights of minorities.

#### Article 6

1. Minorities have the fundamental right to existence.
2. States Parties shall respect and protect the rights of minority communities against:
  - (a) any act committed with intent to destroy, in whole or in part, the existence of a national, ethnical, racial, cultural, linguistic or religious or belief communities;
  - (b) any acts of violence, torture, inhuman degrading punishment, arbitrary arrest and detention deliberately targeted against national, ethnic, racial, cultural, linguistic or religious or belief groups, especially in situations of conflict and emergencies;
  - (c) any discriminatory and/or deliberate targeting of national, ethnic, racial, linguistic or religious or belief community as part of emergency or national security laws and measures.
3. Minorities have the right to maintain their identities and not to be subjected to involuntary assimilation or destruction of their culture, religion or belief or language.
4. States Parties shall respect and protect the rights of minority communities against:
  - (a) any act which deprives or has the aim or effect of depriving minorities of their integrity as a distinct community, or of their cultural, religious or belief or linguistic identities;
  - (b) any act which deliberately changes or has the aim or effect of deliberately changing the demographic composition of a region in which a minority is settled, to the detriment of that minority;
  - (c) any act which dispossesses or has the aim or effect of dispossessing minority individuals or communities of their properties, lands, territories, or resources, tangible or intangible heritage, including their community symbols, monuments and artefacts;
  - (d) any act designed to promote or incite or has the aim or effect of promoting or inciting violence, hatred, persecution or discrimination directed against minorities.

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5. States Parties shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under their jurisdiction and where necessary to provide justice and redress.

#### Article 7

1. Persons who belong to minorities whose rights or freedoms are violated have the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other administrative authority subject to judicial review, and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

2. Every person who belongs to minorities has the right, individually and in association with others, *inter alia*, to:

- (a) form and name organisations for the defence of their human rights;
- (b) complain about the policies and actions of non-state actors, individual officials and governmental bodies with regard to violations of human rights by petition or other appropriate means, to competent independent, impartial and competent judicial or other administrative authority subject to judicial review provided for by the legal system of the State, which shall render their decision on the complaint without undue delay;
- (c) attend and intervene at public hearings and other proceedings where the matters discussed are pertinent to the rights and interests of these minorities;
- (d) offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights;
- (e) unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights;
- (f) be free from reprisals by State and non-State actors in their exercise of their human rights.

3. States Parties shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights has occurred in any territory under its jurisdiction.

#### Article 8

1. States Parties shall encourage a spirit of tolerance, acceptance, inclusion and intercultural understanding, including on gender, and take effective measures to promote social cohesion, mutual respect and co-operation among all persons living on their territory, irrespective of those persons' ethnic, linguistic, cultural or religious or belief identity, in particular in the fields of education and the media.

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2. States Parties shall take measures to recognise and promote the importance of preserving and respecting national or ethnic, religious or belief, cultural and linguistic diversity as important components of the country's national identity.

3. States Parties shall take measures that promote the understanding and creativity that arise from the dialogue and interaction between individuals and communities of different national or ethnic, religious or belief, cultural and linguistic origins.

4. States Parties shall take measures and a regulatory framework which promote pluralism and diversity of the media, including new media, both with regard to content and language(s) used, and which promotes universal and non-discriminatory access to and use of means of communication, including in terms of language.

#### Article 9

Every person belonging to a minority, while duly respecting the territorial integrity of the state, shall have the right to have free and unimpeded contacts and engagement with the persons and communities of other countries with whom this minority shares ethnic, religious or belief, cultural or linguistic features or identity.

#### Article 10

States Parties shall take appropriate measures to cooperate with a view to addressing transboundary issues affecting minorities working or living in areas that cross international boundaries.

#### Article 11

The international protection of the rights of minorities is a positive factor for international cooperation and good neighbourliness, peace and stability.

#### Article 12

The respect for the protection and fulfilment of the rights of minorities in many States is intrinsically connected to colonial rule and decolonisation processes. States Parties shall, therefore, take the necessary measures to recognise, reconcile, and redress historical injustices and work closely with relevant States and organisations to that effect.

### **Part II**

#### Article 13

1. Every person has the right to equality before the law and of equal protection under the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons belonging to minorities equal and effective protection against discrimination on any ground such as origin, caste, descent, race, colour, nationality, sex, gender, language, culture, marital status, property, disability, age, political or other opinion, religion or belief, birth or economic, social or other status such as belonging to a minority.

2. States Parties shall take appropriate and positive measures to the maximum of available resources to eliminate conditions that cause or allow the perpetuation of discrimination, including multiple and intersecting forms of discrimination, against minorities.

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3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure reasonable accommodation for minorities, i.e. necessary and appropriate measures and adjustments not imposing a disproportionate or undue burden, to ensure their full and effective equality with respect to the majority or dominant sectors of the population of the state in the administrative, political, economic, social, cultural and other spheres.

4. States Parties shall also take special measures (affirmative action) to address past denial of their rights and injustices experienced by minorities, taking due account of their continued legacy. Such special measures shall not be considered to be an act of discrimination when discontinued after the objectives for which they were taken have been achieved.

5. States Parties shall pay particular attention to the need to address all forms of discrimination and their interconnected nature in the implementation of the present Convention on the rights of persons belonging to national or ethnic, religious or belief, and linguistic minorities.

6. States Parties shall in particular take all appropriate measures to eliminate all forms of discrimination against minority women to ensure, on the basis of equality between men and women, that they fully and equally enjoy all human rights and fundamental freedoms, including those specifically recognised for minority groups in this convention and that they are able to freely pursue, participate in and benefit from economic, social, political and cultural development.

7. States Parties shall take all necessary measures to identify inequality gaps affecting minorities, the immediate, underlying and root causes of such gaps, including through the systemic use of disaggregated and intersectionally disaggregated data and analysis, as well as through other means.

#### Article 14

Persons belonging to minorities have the right to exercise their rights with other members of their communities, individually and collectively.

#### Article 15

Every person belonging to a minority is entitled to the full panoply of human rights, including freedom of peaceful assembly, freedom of association, freedom of expression, freedom of thought, conscience and religion or belief, and the right to not to be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence.

#### Article 16

1. Every person belonging to a minority shall not be denied the right, in community with members of their group, to enjoy their own culture, to practise their religion or belief and use their language, in public or in private.

2. Persons belonging to a minority have the right to establish and operate their own institutions, organisations and associations, including political parties, to protect and promote their own ethnicity, culture, religion and language.

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3. The right to establish and operate their own institutions, organisations and associations includes the right to freely choose the names of organisations, regardless of a minority's recognition or status.

4. Ethnic, cultural, religious or belief and linguistic institutions, organisations and associations of minorities shall be afforded official recognition in accordance with legislative and administrative requirements, without discrimination on any ground such as origin, caste, descent, race, colour, nationality, sex, gender, language, culture, marital status, property, disability, age, political or other opinion, religion or belief, birth or economic, social or other status such as belonging to a minority.

5. States Parties shall not interfere with the right of persons belonging to minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

#### Article 17

1. Persons belonging to minorities have the right to maintain, protect and develop the past, present and future manifestations of their cultures, religions or beliefs and languages.

2. States Parties shall exert the utmost efforts in conformity with international human rights and humanitarian law standards, to ensure that cultural, religious or belief and linguistic places, burial or heritage sites and artworks, shrines and symbols of minorities are fully respected and protected without discrimination and to take additional measures in cases where they are vulnerable to desecration and or destruction.

3. To the extent that States Parties provide institutional, financial or other support for religious, linguistic or cultural activities and institutions, such support shall be available to persons belonging to minorities, individually and in community, on a non-discriminatory basis.

### Part III

#### Article 18

Every person has the right to a nationality, without discrimination on any ground such as origin, caste, descent, race, colour, nationality, sex, gender, language, culture, marital status, property, disability, age, political or other opinion, religion or belief, birth or economic, social or other status such as belonging to a minority.

#### Article 19

1. States Parties shall not arbitrarily or discriminatorily deny or deprive minorities of full and equal citizenship. State requirements for the granting of citizenship, including in relation to any preference in terms of linguistic, cultural, religious or belief, or ethnic characteristics, shall not be discriminatory on any ground such as origin, caste, descent, race, colour, nationality, sex, gender, language, culture, marital status, property, disability, age, political or other opinion, religion or belief, birth or economic, social or other status such as belonging to a minority.

2. Children belonging to minorities have a right to the citizenship of the State in which they are born where the child would otherwise be stateless.

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3. States Parties shall take measures to reduce cases of statelessness and facilitate acquisition of citizenship for isolated or nomadic or semi-nomadic and seafaring minorities. These shall include measures such as:

(i) mobile registration clinics and periodic registration campaigns specifically prepared and adopted for minority communities known to be lacking documentation of nationality such as nomadic and sea-faring minorities.

(ii) determination of ‘habitual residence’ for the purposes of citizenship of a person belonging to a minority, including nomadic or sea-faring minority, using criteria based on links to a State’s territory (land or water) such as habitual centre of interests; frequent periods of residence; the historical or present-day use of wells and moorage points; the state concerned as the state of birth or origin of the nomad or the state of origin of her or his immediate family; the presence in the state concerned of members of a person’s immediate family lawfully staying in that state or possessing its nationality.

5. States Parties shall not arbitrarily or discriminatorily deny or deprive minorities of dual or multiple citizenship where this is permitted by the State.

6. States shall adopt a more objective, nuanced and context-specific bases, including but not limited to factors such as lawful and effective residence, historical ties, certain link to a territory and peaceful occupation, to determine citizenship. Citizenship shall not be regarded as an element of the definition of “minority” in a State.

## **Part IV**

### **Article 20**

1. In the regions or territories in which significant numbers of a minority reside or are in a majority, due attention given to the specific historical and cultural contexts, minorities shall be entitled in particular to the enjoyment of, and empowered through, appropriate forms of autonomy or self-governance, including in the framework of decentralization as provided for under a state’s constitutional and legal regime.

2. Forms of autonomy or self-governance that reflect the specific historical and cultural contexts of the minority group shall be developed and set up with the national or ethnic, religious or belief and linguistic minorities concerned through their own representative organisations.

3. Minorities have the right to autonomy or self-governance in matters relating to their internal and local affairs, as well as ways and means to guarantee financially support autonomous functions as provided for under a state’s constitutional and legal regime.

4. Where appropriate for their protection and rights, minorities have the right to non-territorial forms of autonomy or self-governance, which may include authority over matters such as education, culture, the use of minority language, religion or belief, and other matters of importance to the identity, survivability, dignity, humanity and way of life of minorities.

5. Forms of autonomy or self-governance as provided for minorities under this treaty are intended to strengthen national unity while accommodating the rich diversity of the populations making up the people in a State.

### **Article 21**



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Persons belonging to minorities have the right to take part in the conduct of public affairs which affect them directly or indirectly, including through the rights to vote and to stand for office without discrimination on grounds such as origin, caste, descent, race, colour, nationality, sex, gender, language, culture, marital status, property, disability, age, political or other opinion, religion or belief, birth or economic, social or other status such as belonging to a minority.

#### Article 22

1. States Parties shall take appropriate measures to remedy institutional forms of discrimination to address the underrepresentation of persons from certain minorities communities in public life.
2. In the regions or territories in which significant numbers or percentage of a linguistic minority reside, persons and private organisations have a right to communicate with administrative authorities and receive public services in the minority language. This includes the obligation to ensure supporting websites of key public service providers such as health and social services, are also in these minority languages.
3. In the regions or territories in which significant numbers or percentage of a linguistic minority reside, persons and private organisations also have a right to use the minority language in proceedings before the courts and legal authorities. Persons and private organisations have the right to acquire civil documents and certificates both in the official language or languages of the State and in the language of the minority in question from regional and/or local public institutions. Such institutions shall keep the appropriate civil registers also in the language of the minority.

#### Article 23

State Parties will refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to minorities and which may amount as an obstacle to the exercise of the rights and freedoms flowing from the principles enshrined in the Convention.

#### Article 24

State Parties shall ensure effective and meaningful participation of minorities in decision-making concerning them or impacting their current and future interests, including in drafting and adopting laws, policies, programs, budgets and other public decisions. The views and proposals expressed by the minority participants shall, to the maximum possible extent, be factored into and reflected in the adopted decisions.

#### Article 25

Persons belonging to minorities shall have the right to form and participate in political parties, including those which exclusively, mainly or partially reflect their identity or interests, in compliance with the international right to freedom of association.

#### Article 26

Every person belonging to a minority who is a citizen shall have the right and the opportunity, and without unreasonable or discriminatory restrictions on any ground such as origin, caste, descent, race, colour, nationality, sex, gender, language, culture, marital status, property,

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disability, age, political or other opinion, religion or belief, birth or economic, social or other status such as belonging to a minority:

- (a) to take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) to vote and to be elected at genuine periodic elections which shall be by universal and equal adult suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electorate;
- (c) to freely receive and impart election-related information, and carry out campaigning, without discrimination, including in her or his own language.

#### Article 27

1. States Parties undertake to draw geographic boundaries of electoral districts to facilitate the equitable representation of national or ethnic, religious or belief and linguistic minorities.
2. States Parties undertake to adopt legislation to prevent and prohibit the drawing or manipulation of electoral district lines in a manner that discriminatorily excludes or reduces representation of minorities.
3. States Parties undertake to eliminate electoral policies or requirements such as voter registration or documentation which make it unreasonably or disproportionately harder for persons belonging to minorities to vote or be elected, in application of the right to equality without discrimination.
4. States Parties undertake not to impose disproportionate or discriminatory language, religious or nationality requirements as a precondition for running as a candidate or occupying an elected position.
5. State Parties undertake to establish institutional mechanisms including those that facilitate the representation of all minorities in decision-making structures, as the situation warrants, such as quotas, or special majorities of minority representatives with respect to decisions that particularly affect the minorities concerned.

### Part V

#### Article 28

States Parties shall ensure that minorities have an equal opportunity to participate in decision-making regarding social and economic policies, especially those that affect them. The participation of minorities shall substantially inform the design and outcome of such policies.

#### Article 29

Minorities shall exercise the right, individually and collectively, to the protection and exploitation of the resources found on their land and shall exercise the right to freely dispose of or utilise their natural wealth and resources without prejudice to any obligations arising out of the interest of the larger society, based upon the principle of mutual benefit, and international law.

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## Article 30

States Parties shall guarantee and protect the peaceful enjoyment by minorities, individually and collectively, of their ancestral and traditional land and natural resources. In this regard, State Parties shall take effective measures to prevent expropriation and exploitation of such land and natural resources by government agencies, non-state actors including corporations, or any individual without due process of law and meaningful consultation with minority communities.

## Article 31

Development and infrastructure initiatives, including the exploitation of local resources, must not impact discriminatorily upon persons belonging to minorities or fail to recognise their property, land and cultural rights.

## Article 32

1. Persons have the right to a clean, healthy and sustainable environment, without discrimination on any ground such as origin, caste, descent, race, colour, nationality, sex, gender, language, culture, marital status, property, disability, age, political or other opinion, religion or belief, birth or economic, social or other status such as belonging to a minority.

2. States Parties shall take additional measures for minorities who are particularly vulnerable to environmental harms, including contamination or degradation, in order to address historical or persistent discrimination against certain minority communities and individuals, recognize that environmental harm can both result from and reinforce existing patterns of discrimination, and take effective measures against the underlying conditions that cause or help to perpetuate discrimination against certain minorities.

3. State Parties shall take all necessary steps to avoid the relocation of minorities to hazardous places that endangers their life and isolate them from the rest of the society. Minorities previously relocated to such hazardous places, and which continue to endanger their health and wellbeing, should be offered by State Parties the possibility to relocate, together or individually, to suitable locations, with public authorities bearing the responsibility for the costs of such relocations.

4. States Parties shall take appropriate measures to ensure safe and healthy living and working conditions for minorities, and shall in particular designate appropriate competent authorities responsible and establish mechanisms for intersectoral coordination for the implementation of policies and enforcement of national laws and regulations on occupational safety and health, the agro-industry, fisheries, mining, and water, and provide for corrective measures and appropriate penalties, and establish and support adequate and appropriate systems of inspection.

5. States Parties shall adopt measures to ensure the effective participation of persons belonging to minorities in sustainable development and climate change mitigation and adaptation strategies and initiatives as well as indigenous knowledge and practices applied to climate change mitigation and adaptation, at both national and international levels.

## Article 33

1. States Parties shall design, implement, monitor, and evaluate policies to reduce inequalities affecting persons belonging to minorities including through affirmative measures as envisaged in other human rights treaties and Article 13.4 of the present Convention.

2. States Parties shall ensure a meaningful dialogue between governmental authorities and minorities on issues pertaining to their participation in and access to socio-economic life, such as housing, healthcare, education, employment, regional development, digital inclusion, and the environment. Standing bodies for this purpose shall have the access and capacity to ensure effectiveness including by adopting targeted measures particularly where such minorities suffer from disproportionate levels of lack of participation in and access to these socio-economic amenities.

3. States Parties shall ensure a meaningful dialogue between governmental authorities and minorities in determining and developing priorities and strategies for the development or use of their traditional territories or territories where they constitute a significant number or proportion of the population, and other resources.

#### Article 34

States Parties shall ensure equal access to public goods and services without discrimination on any ground such as origin, caste, descent, race, colour, nationality, sex, gender, language, culture, marital status, property, disability, age, political or other opinion, religion or belief, birth or economic, social or other status such as belonging to a minority is a necessary precondition for effective economic participation of minorities in the economic life of a country. In accessing public goods and services minorities shall be able to do so in a language that they understand, and preferably in their language, as well as in an environment that is respectful of their identity, including their gender. Public service providers shall accommodate and respond to these needs without discrimination.

#### Article 35

Public health information campaigns shall be accessible, affordable and inclusive of persons belonging to minorities and culturally sensitive of their needs. Medical staff shall receive training which enables them to provide services to persons belonging to minorities in a culturally sensitive manner. Sexual and reproductive health and information services shall be universally available, and accessible to minorities, taking account of the needs of women, youth, children and persons with disabilities from minority backgrounds. States Parties must combat discrimination in the provision of healthcare services.

#### Article 36

Minorities have the right to equal access to and use of information and communication technologies without discrimination. States Parties shall in particular address digital divides affecting minorities and regions and put in place specific measures to promote the digital inclusion of minorities and people living in border regions, including inter alia access to affordable, reliable broadband internet service, internet-enabled devices and digital skills and literacy training, including where relevant in minority languages.

#### Article 37

States Parties shall invest, without discrimination, in the social and economic infrastructures of economically depressed regions where minorities live to combat marginalisation, promote inclusiveness, mitigate grievances, and strengthen the cohesion of the State.

#### Article 38

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Recognizing that the religions or beliefs, languages and cultures of minorities can have economic and development values and benefits, States Parties shall work with and support the efforts of national or ethnic, religious or belief and linguistic minorities to nurture and promote their economic potential as part of their regional development programmes.

#### Article 39

States Parties shall recognise, support and promote the economic contributions of minority entrepreneurship, including economic activities associated with traditional resources, industries and occupations.

#### Article 40

Regions where minorities are concentrated shall receive proportionate and appropriate funding compared to other regions in terms of infrastructure such as electricity, water and sanitation, communications and information technology networks, roads, and transport services to enable persons belonging to minorities to effectively participate equally and without discrimination in social and economic activities.

#### Article 41

Where done by agreement, bilateral or cross-border investments in areas inhabited by minorities can benefit persons belonging to minorities and promote friendly relations and economic cooperation between States. Including impacted communities in the design of such projects will enhance acceptance, sustainability and promote stability.

### **Part VI**

#### Article 42

All States Parties shall adopt legislation prohibiting and punishing any advocacy of national, ethnic, religious or belief, cultural or linguistic hatred that constitutes incitement to discrimination, hostility or violence. The legislation shall make it clear that:

- (a) the terms 'hatred' and 'hostility' refer to intense expressions of opprobrium, enmity, or detestation towards the target group such as a minority;
- (b) the term 'advocacy' shall be understood as requiring an intention to promote hatred publicly towards the target group, such as a minority;
- (c) the term 'incitement' shall refer to statements about minorities such as national, ethnic, religious or belief, or linguistic minorities, which create a real risk of discrimination, hostility or violence against persons belonging to those groups;
- (d) the promotion, by different communities, of a positive sense of identity does not per se constitute hate speech.

#### Article 43

States Parties shall prohibit the condoning or denying of crimes of genocide, crimes against humanity and war crimes that constitute hate speech.

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#### Article 44

1. Persons belonging to minorities shall be protected in law and in fact against advocacy of national, racial or religious or belief, or linguistic hatred that constitutes incitement to discrimination, hostility or violence. Criminal prosecutions for incitement to discrimination, hostility or violence shall meet the six-parts threshold test of the Rabat Plan of Action to be permissible limitations to freedom of expression.

2. Persons belonging to minorities shall be protected from hate speech and other forms of discriminatory practices which do not reach the level of advocacy of national, racial, ethnic, religious or belief, or linguistic hatred that constitutes incitement to discrimination, hate or violence. Legislation setting out the liability of individuals, organisations and other entities, including in social media platforms, shall be adopted which set out financial and other forms of liability, in full respect of international human rights obligations, and in particular freedom of expression.

#### Article 45

States Parties shall not prohibit criticism directed at, or debate about, particular ideas, beliefs or ideologies, or culture or cultural institutions, or religious or beliefs institutions, unless such expression constitutes hate speech.

#### Article 46

States Parties shall ensure that persons who belong to minorities and others who have suffered actual harm as a result of incitement to hatred or violence have a right to an effective remedy, including a civil or non-judicial remedy for damages.

#### Article 47

States Parties shall impose obligations on public officials at the local, district, municipal, regional, national, executive, legislative, judicial and other levels, to avoid making statements that promote or are likely to promote discrimination or undermine equality and intercultural understanding, particularly as they relate to minorities. States Parties shall in particular prohibit negative stereotyping of minorities in school curriculum and materials. For civil servants, this shall be reflected in formal codes of conduct or employment rules.

#### Article 48

States Parties shall adopt measures to combat negative stereotypes of, and discrimination against minorities and to promote intercultural dialogue and understanding, including by providing training on human rights values and principles and by introducing or strengthening intercultural understanding and minority history and contributions as a part of the school curriculum for pupils and students of all ages.

#### Article 49

States Parties shall impose obligations on public service broadcasters to avoid negative stereotypes against minorities and require them to promote intercultural dialogue and to foster a better understanding of different minority communities and the issues they face. This shall

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include the airing of programmes which portray persons belonging to different minorities as equal members of society.

#### Article 50

States Parties shall impose only relevant restrictions on freedom of expression as provided by law and necessary to protect the rights or reputations of others, national security or public order, or public health or morals. This implies, among other things, that restrictions:

- (a) are clearly and narrowly defined and respond to a pressing social need;
- (b) are the least intrusive measure available, in the sense that there is no other measure which would be effective and yet less restrictive of freedom of expression;
- (c) are not overbroad, in the sense that they do not restrict speech in a wide or untargeted way or go beyond the scope of harmful speech and rule out legitimate speech;
- (d) are proportionate in the sense that the benefit to the protected interest outweighs the harm to freedom of expression, including in respect to the sanction they authorise.
- (e) States Parties shall review their legal framework to ensure that any restrictions on freedom of expression conform to the above.

### Part VII

#### Article 51

States Parties shall take all necessary measures to ensure equal access to free quality primary and secondary education for all children from minority communities, as well as equal opportunity to receive tertiary education. Effective special measures should be enacted for minorities in admissions to public and private higher education institutions where necessary.

#### Article 52

1. Every person belonging to a minority has the right to learn the language associated with that minority. Such persons also have the right to be educated through the medium of the minority language, based on a graduated, sliding-scale, model applied with reference to the following principles:

- (a) proportionality, based largely but not exclusively on a number of practical factors such as the number and concentration of speakers of the language in a locality or region, the level of demand and prior use of the language as a medium of instruction;
- (b) active offer, where public education in minority languages is accessible and actively encouraged;
- (c) and inclusiveness, by which all students are given an opportunity to learn the official language and about intercultural understanding.

2. State-supported or provided pre-school, kindergarten and primary education shall be mainly conducted through the medium of the minority language where practicable. In the case of very small numbers of minority children, pre-school, kindergarten and primary education shall be provided on a sliding-scale model that reasonably reflects the proportion of children speaking different minority languages. The State or official language shall be introduced at the primary

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education level as a subject, preferably by bilingual teachers who have a good understanding of the children's cultural and linguistic background.

3. Secondary, tertiary and vocational education shall be taught mainly or through a substantial part of the curriculum through the medium of the minority language based on a sliding-scale model. Where persons belonging to a national or ethnic, religious or belief and linguistic minority are present in a locality or region and represent a substantial part or majority of the population, their numerical strength may justify a proportional response requiring state secondary, tertiary and vocational institutions teaching and functioning in the minority language, with the State or official language taught as a subject on a regular basis.

4. States Parties shall in relation to admission exams, entrance or similar requirements to public universities and other tertiary or vocational educational institutions take account of the use of minority languages as a medium of instruction in the educational system. States Parties shall have in place exams, entrance or similar requirements in minority languages or, when this is not feasible, some other arrangement to accommodate minorities so that they are not unreasonably disadvantaged or excluded disproportionately from access to higher education on the basis of language.

5. States Parties shall ensure appropriate curriculum development and teacher training responsive to minority needs and interests. These include:

- (a) Curriculum development which includes pedagogical material in minority languages for use in classrooms for all levels of teaching and subject matters to be taught in these languages. This material should be culturally appropriate and reflect the positive cultural and historical contributions of minorities.
- (b) Teacher training and employment should be directed towards recruitment of native minority language-speaking teachers, with fluency in the minority language to be used in education a consideration in teaching assignments, in order to achieve the objectives of a teacher workforce reflecting the diversity of a State.

6. State Parties shall develop national curriculum in consultation with minority communities to ensure that historical and other narratives are accurate, and that any prejudicial or discriminatory content against a group is removed and histories, cultures and traditions of minorities are mainstreamed.

7. States Parties shall ensure the support, development and distribution of teaching materials, such as textbooks and similar sorts of materials for teaching in minority languages.

8. Consistently with each State's existing system of religious or belief instruction, every person belonging to a religious or belief minority has the right to receive information and acquire knowledge about the religion or belief associated with that minority, as well as other religions or beliefs. Conversely, persons from the religious or belief majority in a country have the right to receive information about the religions or beliefs held by minorities.

## Article 53

1. Persons belonging to a minority shall have the right to establish and manage their own, including faith-based, private schools, educational and training establishments. This includes all levels of education, from pre-school, kindergarten, technical and professional colleges and tertiary institutions. States Parties may not hinder the enjoyment of this right by imposing unduly burdensome legal and administrative requirements regulating the establishment and



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management of these institutions beyond those required of all private schools or training institutions nationwide.

2. Schools, educational and training institutions established by persons belonging to a linguistic minority have the right to impart education in their language.

3. Schools, educational and training institutions established by persons belonging to a religious or belief minority have the right to impart education in conformity with the principles of their religion or belief and to teach the corresponding religion or belief.

4. All persons receiving instruction in minority private schools, educational and training establishments shall also be provided sufficient opportunities to learning the culture(s) and language(s) of the country as a whole.

5. Minority private schools and institutions are entitled to seek their own sources of funding without any hindrance or discrimination. Where State, municipal or other public authorities provide budgetary subsidies or other types of support for schools, educational and training institutions established, maintained or managed by private parties, such subsidies or support shall also be provided on a non-discriminatory basis to the institutions of minorities.

6. Separate private educational activities or schools, educational and training establishments established, maintained and managed by persons belonging to a linguistic or religious or belief minority cannot be regarded as discriminatory or segregating institutions if voluntary and open to all persons, regardless of race, who belong to that religious or belief or linguistic minority.

#### Article 54

States parties agree that education of children belonging to minorities shall be directed to:

(a) the development of respect for the child's own cultural identity, language and values, for the national values of the country in which the child is living, the country from which she or he may originate, and for cultures, languages and religions or beliefs different from his or her own;

(b) the preparation of the child for responsible life in a free society, in the spirit of dialogue, understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious or belief communities.

### Part VIII

#### Article 55

Persons belonging to minorities have the right to establish and maintain their own minority language media. State regulation of private media shall be based on objective and non-discriminatory criteria.

#### Article 56

Persons belonging to minorities shall have access to broadcast time in their own language on publicly service media. At national, regional and local levels the amount and quality of time allocated to broadcasting in the language of a given minority shall be commensurate with the numerical size and concentration of the minority and appropriate to its situation and needs.

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#### Article 57

The independent nature of the programming of public and private media in the language(s) of minorities shall be safeguarded. Public media editorial boards overseeing the content and orientation of programming shall be independent and shall include persons belonging to minorities.

#### Article 58

Access to media in a minority's language originating from abroad shall not be unduly restricted or restricted in a discriminatory manner. Such access shall not justify a diminution of broadcast time allocated to the minority, including in its language, in the publicly funded media of the State of residence of the minorities concerned.

#### Article 59

1. Persons belonging to minorities have the right to establish and maintain communications with individuals and communities in matters of language, culture and religion or belief at the national and international levels, including via minority media.
2. States must not jam broadcast signals, block websites, web-based services (including social media services) or applications or IP-addresses from within or outside their jurisdiction, which use of minority languages save in compliance with international human rights law and pursuant to an order by an independent court or other independent, impartial and authoritative body.

### **Part IX**

#### Article 60

States Parties should recognize and take measures to address the special problem of increased discrimination based on minority status in situations of humanitarian crises, such as internal conflicts, wars, or natural disasters.

#### Article 61

States Parties and international organizations should develop measures to tackle exclusion and discrimination in all development and disaster recovery programmes, such as social equity audits. Minorities should be fully involved in decision-making on and the planning and evaluation of programmes.

#### Article 62

States Parties should investigate all alleged cases in which minorities have been denied assistance or benefits equal to that received by other people, or cases in which they have been discriminated against during the relief, rehabilitation, and development processes, and compensate the victims of affected communities.

### **Part X**

#### Article 63

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Persons belonging to national or linguistic minorities shall have the right, in community with the other members of their group, to develop and use their own language.

#### Article 64

1. In areas in which significant numbers or percentages of members of minorities reside, public authorities must, in the development and implementation of their policies, consider the impact of such policies on such minorities. Where such an assessment reveals an impact, the policy must be reassessed to ensure that any negative impact is reduced or eliminated, and a positive impact is created or enhanced.
2. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:
  - (a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons belonging to national or ethnic, religious or belief and linguistic minorities;
  - (b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.
3. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons belonging to national or ethnic, religious or belief and linguistic minorities in exercising their rights.
4. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons belonging to national or ethnic, religious or belief and linguistic minorities and others.

#### Article 65

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention and shall undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons belonging to minorities. Such measures could include, inter alia:
  - (a) ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons belonging to minorities;
  - (b) facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
  - (c) facilitating cooperation in research and access to scientific and technical knowledge;
  - (d) providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

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2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

#### Article 66

1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.

2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

3. Civil society, in particular persons belonging to minorities and their representative organizations, shall be involved and participate fully in the monitoring process.

#### Article 67

States Parties may call upon, for matters relating to the implementation of the present Convention and its communication and reporting mechanisms, the assistance and expertise of a UN Technical Support and Coordination Office on Minority Rights.

#### Article 68

1. Nothing in the present Convention may be construed as diminishing, impairing or nullifying the rights that minorities currently have or may acquire in the future.

2. The human rights and fundamental freedoms of all, without discrimination of any kind, shall be respected in the exercise of the rights enunciated in the present Convention. The exercise of the rights set forth in the present Convention shall be subject only to such limitations as are determined by law and strictly in conformity with international human rights obligations, such as necessary to protect public order (*ordre public*), public health or morals or the rights and freedoms of others.

3. Nothing in the present treaty may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

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**Optional Protocol to the Convention on the Rights of Minorities, on a communication and reporting mechanism**

The States Parties to the present Protocol,

Considering that in order further to achieve the purposes of the Convention on the Rights of Minorities (hereinafter referred to as the Convention) and the implementation of its provisions it would be appropriate to enable the Committee on Minority Rights set up in the Convention (hereinafter referred to as the Committee) to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Convention.

Have agreed as follows:

Article 1

1. There shall be established a Committee on the Rights of Minorities (hereafter referred to as “the Committee”), which shall carry out the functions hereinafter provided.
2. The Committee shall consist, at the time of entry into force of the present Convention, of eight experts. After an additional thirty ratifications or accessions to the Convention, the membership of the Committee shall increase by four members, attaining a maximum number of twelve members.
3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention.
4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts belonging to national or ethnic, religious or belief and linguistic minorities.
5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The first election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.

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8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.

9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.

10. The Committee shall establish its own rules of procedure.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention and shall convene its initial meeting.

12. With the approval of the General Assembly of the United Nations, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

## Article 2

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.

2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.

3. The Committee shall decide any guidelines applicable to the content of the reports.

4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process.

5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

## Article 3

1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.

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2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. shall the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.

3. The Secretary-General of the United Nations shall make available the reports to all States Parties.

4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports, including through translation to minority languages, where appropriate.

5. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.

#### Article 4

A State Party to the Convention that becomes a Party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Convention. No communication shall be received by the Committee if it concerns a State Party to the Convention which is not a Party to the present Protocol.

#### Article 5

Subject to article 4, individuals who claim that any of their rights enumerated in the Convention have been violated and who have exhausted effective domestic remedies may submit a written communication to the Committee for consideration. This will not be required where the application of the remedies is unreasonably prolonged.

#### Article 6

The Committee shall consider inadmissible any communication under the present Protocol which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the Convention.

#### Article 7

Subject to the provisions of article 6, the Committee shall bring any communications submitted to it under the present Protocol to the attention of the State Party to the present Protocol alleged to be violating any provision of the Convention.

Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

#### Article 8

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The Committee shall consider communications received under the present Protocol in the light of all written information made available to it by the individual and by the State Party concerned.

The Committee shall not consider any communication from an individual unless it has ascertained that:

- the same matter is not being examined under another procedure of international investigation or settlement;
- the individual has exhausted effective domestic remedies. This shall not be the rule where the application of the remedies is unreasonably prolonged.

The Committee shall hold closed meetings when examining communications under the present Protocol.

The Committee shall forward its views to the State Party concerned and to the individual.

#### Article 9

1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.
2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.

#### Article 10

In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

- (a) the specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- (b) the Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

#### Article 11

The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such



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suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

#### Article 12

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.
2. No later than six months after the entry into force of the present Convention, the Conference of States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General biennially or upon the decision of the Conference of States Parties.

#### Article 13

The Committee shall include in its annual report a summary of its activities under the present Protocol.

#### Article 14

The present Protocol is open for signature by any State which has signed the Convention.

The present Protocol is subject to ratification by any State which has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

The present Protocol shall be open to accession by any State which has ratified or acceded to the Convention.

Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

#### Article 15

Subject to the entry into force of the Convention, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.

For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

#### Article 16

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

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**Optional Protocol to the Convention on the Rights of Minorities, aiming at  
strengthening the recognition and protection of the rights of minorities**

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The States Parties to the present Protocol,

Reaffirming that one of the basic aims of the United Nations, as proclaimed in the Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion or belief,

Recalling article 1 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Noting that article a of the Convention on the Rights of Minorities refers to every person belonging to a national or ethnic, religious or belief and linguistic minority having the right to the full enjoyment, in community with other members of their group, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and other international human rights law, including those specifically recognised for minority groups in this convention.,

Convinced also that all measures for the further recognition and protection of the rights of minorities should be considered as progress in the enjoyment of all the rights and freedoms set forth in the Universal Declaration of Human Rights, without distinction,

[...],

Have agreed as follows:

## **PART I**

### Article 1

For the purposes of this Convention

1. The expression “national minority” refers to a group of persons in a state who:

- (a) reside on the territory of that state;
- (b) maintain longstanding, firm and lasting ties with that state;
- (c) share distinct cultural, religious or linguistic characteristics;
- (d) are less than half of the total population of that state;
- (e) share a concern to preserve together that which constitutes their common identity.

The existence of a national minority in a State is not dependent on official status or legal recognition.

2. The expression “ethnic minority” refers to a group of persons in a state who:

- (a) are present on the territory of that state;

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(b) share distinct cultural characteristics;

(c) are less than half of the total population of that state.

An ethnic minority includes persons linked by descent, caste or origin, seafaring, nomadic or semi-nomadic groups, and can include persons who share personal characteristics with other members of a community, such as a common language or culture who are not in a majority in a State. The existence of an ethnic minority in a State is not dependent on official status or legal recognition.

3. The expression “religious or belief minority” refers to a group of persons in a state who:

(a) are present on the territory of that state;

(b) share distinct religious or belief characteristics;

(c) are less than half of the total population of that state.

A religious or belief minority includes persons who belong to non-hierarchical or non-formalized as well as non-religious or non-theistic beliefs, sects, offshoots of a mainstream religion or new religions or beliefs who are not in a majority in a state. The existence of a religious or belief minority in a State is not dependent on official status or legal recognition.

4. The expression “linguistic minority” refers to a group of persons in a state who:

(a) are present on the territory of that state;

(b) display shared linguistic characteristics;

(c) are less than half of the total population of that state.

A linguistic minority includes persons who share any natural language, including sign languages, who are not a majority in a state, including languages categorized domestically as dialects, patois or creoles, or who share a common writing system but are mutually unintelligible. The existence of a linguistic minority in a State is not dependent on official status or legal recognition.

## **Part II**

### **Article 2**

1. Everyone has the right to take part in cultural life. This includes the right of persons belonging to national or ethnic, religious or belief, and linguistic minorities (hereinafter ‘minorities’), individually or collectively, to develop and enjoy their own culture and cultural life.

2. The right of minorities to develop and enjoy their own culture and cultural life may include:

(a) traditions, customs, religious or belief, forms of education, languages, communication media (press, radio, television, Internet) and other manifestations of their cultural identity and membership.

(b) engaging in economic and social activities which are part of their culture;

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- (c) protection from forcible relocation from their traditional territories or communities;
  - (d) land and resource rights associated to their culture;
  - (e) protection of sites of cultural significance.

### Article 3

1. States Parties shall take steps to achieve the full realization of the right of persons belonging to national or ethnic minorities to develop and enjoy their own culture and cultural life, on the basis of equality and non-discrimination.
2. Minorities, individually and collectively, have the right to development in all areas of cultural life. States Parties' cultural policies or programmes shall be based on inclusion, participation and non-discrimination, with a view to recognising and supporting the distinctive character of minority cultures.

### Article 4

1. States Parties shall respect free access by minorities to their own culture, heritage and other forms of expression, as well as the free exercise of their cultural identity and practices. This includes the right to be taught about one's own culture as well as those of others.
2. Minorities have the right to hold cultural, artistic and intercultural events. States parties shall not prevent minorities from maintaining their cultural links with countries or persons and communities sharing similar cultures.

### Article 5

States Parties shall facilitate the right of minorities to take part in their culture and cultural life, including by:

- (a) adopting policies for the protection and promotion of cultural diversity, and facilitating access to a rich and diversified range of cultural expressions, including through measures aimed at establishing and supporting public institutions and the cultural infrastructure necessary for the implementation of such policies; and measures aimed at enhancing diversity through public broadcasting in regional and minority languages;
- (b) adopting policies enabling persons belonging to minority cultural communities to engage freely and without discrimination in their own cultural practices and those of others, and to choose freely their way of life;
- (c) promoting the exercise of the right of association for minorities for the development of their cultural and linguistic rights;
- (d) granting assistance, financial or other, to artists, public and private organizations, including science academies, cultural associations, trade unions and other individuals and institutions engaged in scientific and creative activities, on the basis of non-discrimination, including those of minorities;
- (e) taking appropriate measures or programmes to support minorities in their efforts to preserve their culture.

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## Article 6

1. States Parties shall recognize the existence of the diverse cultural identities of national or ethnic minorities on their territories.
2. States Parties shall recognize and respect a minority's distinct culture, language and traditions as an enrichment of the state's cultural identity and promote its preservation.

## Article 7

States Parties shall take measures to ensure that the cultural heritage of minorities is protected, preserved, developed, enriched and transmitted in order to encourage creativity in all its diversity and to inspire a genuine dialogue between cultures. Such obligations include the care, preservation and restoration of historical sites, monuments, works of art and literary works of minorities, among others.

## Part III

## Article 8

Persons belonging to minorities have the right to freedom of thought, conscience and religion or belief. This right includes freedom to adopt, have, change or renounce her or his religion or belief.

## Article 9

1. Persons belonging to minorities shall not be subjected to coercion which would impair their freedom to adopt, maintain, change or renounce a religion or belief of their choice. Coercion includes any act or measure intended to compel believers or non-believers to adopt, maintain, change or renounce a religion or belief.
2. The non-coercion requirement also extends to oath-taking, flag-salute, or other state-mandated requirements that compel persons belonging to a religious or belief minority to express or adopt beliefs inconsistent with their religion or belief.

## Article 10

1. Persons belonging to religious or belief minorities shall have the right, alone or in community with other members of their group and in public or private, to manifest their religion or belief in worship, observance, practice and teaching.
2. States shall refrain from restricting public manifestations of religion or belief by persons belonging to religious or belief minorities, except when limitations are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

## Article 11

Subject to the limitations listed in the previous article, manifestations of religion or belief include inter alia:

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(a) ritual and ceremonial acts giving direct expression to belief, as well as practices integral to such acts, including the performance of and participation in rituals associated with certain stages of life, the use of ritual formulae and objects, and the display of symbols. Persons belonging to religious or belief minorities have the right to use the language customarily spoken by their group in the performance of these acts and practices.

(b) practices as dietary regulations, the ritual slaughtering of animals, the observance of holidays and days of rest, and the wearing of distinctive clothing or head coverings.

(c) acts integral to the conduct by religious or belief groups of their basic affairs, such as freedom to choose their religious or belief leaders and teachers, to establish training institutions and religious schools, and prepare and distribute religious or belief texts or publications.

#### Article 12

1. Persons belonging to religious or belief minorities have the right to establish and maintain worship and meeting places.

2. States shall exert the utmost efforts to ensure that worship and meeting places, sites, shrines and cemeteries established and maintained by persons belonging to religious or belief minorities are fully respected and protected and shall take additional measures in cases where they are vulnerable to desecration or destruction.

#### Article 13

1. Persons belonging to religious or belief minorities have the right to establish and maintain institutions, organisations and associations for the purpose to preserve and promote the religious or belief identity of their minority. This includes the establishment and maintenance of cultural, charitable and humanitarian institutions, organisations and associations.

2. Their official recognition or registration shall not be subjected in law or in fact to conditions that, being more burdensome than those established for comparable organizations, constitute discrimination.

3. States undertake to respect the right of persons belonging to religious or belief minorities to establish and maintain institutions, organisations and associations that choose not to apply for recognition or registration.

#### Article 14

Parents who are members of a religious or belief minority have the right to ensure the education of their children in conformity with the religious or belief principles of their minority, provided that children's best interest and rights to freedom of religion or belief are respected in a way consistent with their evolving capacities, without prejudice to basic values of human rights, and respect to public order, moral, and rights of other persons.

#### Article 15

Persons belonging to minorities have the right to establish and maintain communications with individuals and communities in matters of religion or belief at the national and international levels.

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#### Article 16

Persons belonging to minorities who genuinely hold religious, moral or philosophical beliefs that forbid the performance of military service should have the right of replacing it with alternative non-military service. Where this right is recognized, there shall be no discrimination of conscientious objectors in relation to the terms or conditions of the alternative non-military service and their economic, social, cultural, civil or political rights.

#### Article 17

Persons belonging to minorities who are not followers of a State's official or national religion or belief shall not be subjected to any impairment of the enjoyment of any of their human rights, and in particular to any discrimination such as measures restricting eligibility for government service to members of the predominant religion or belief, or giving economic privileges to them, or imposing special restrictions on the practice of other faiths or beliefs, or the right to marry and create a family or to be elected or appointed to public office.

#### Article 18

1. States should avoid criminalizing apostasy, blasphemy, defamation of religion or belief, as they may prevent persons belonging to national, ethnic, religious or belief and linguistic minorities from fully enjoying their freedom of religion or belief. This provision does not apply to advocacy of religious or belief hatred that constitutes incitement to discrimination, hostility or violence.
2. While activities aimed at persuading others to change their religion or belief are a manifestation of freedom that enjoy absolute protection, States should criminalize any form of coercive proselytism which make use of violence, intimidation, threat or other unlawful form of pressure to induce persons to change their religion or belief.
3. States should protect persons belonging to minorities from unwarranted pressures to change their religion or belief.

### Part IV

#### Article 19

Every person belonging to a linguistic minority has the right freely use her or his language in private and in public, both orally and in writing or in print, in the form of art, or through any other media of his choice.

#### Article 20

1. Every person belonging to a linguistic minority has the right to use her or his surname and first names in their language, according to their own traditions and linguistic systems, and to have official recognition of these.
2. States Parties shall refrain from altering or transforming the original names of persons belonging to minorities unless it is necessary because of objective reasons, such as transliteration when the State or official language uses different alphabet than the language in which the original name is given.

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#### Article 21

1. Private entities such as non-governmental organisations, cultural associations and business enterprises established by persons belonging to linguistic minorities shall enjoy the right to have the name or appellation of the entity or enterprise in a minority language, and to official recognition of these.
2. Such organisations, associations and enterprises also have the right to use their language in signage and other communications with the public, and in the provision of services to those who wish to use the language in their dealings with them.

#### Article 22

Where territorial autonomy and other special administrative districts are established to ensure the protection of minority communities, decentralised competencies to the territorial entity should include education, culture and language, as well as economic and regional development, the provision of social services, and where appropriate the authority to enter bilateral agreements in areas of competencies.

#### Article 23

States Parties undertake to draw or redraw their administrative and local/regional government districts in such a way as to maximise the ability to deliver other rights such as language rights to as many members of minorities as possible.

#### Article 24

1. State authorities shall adopt appropriate measures, including policies for recruitment, employment and training, to ensure civil servants and other officials can provide communications, digital tools and other services in the minority language in regions or territories where persons belonging to linguistic minorities are present in significant numbers or percentage.
2. In application of the prohibition of discrimination in the civil service, State authorities shall develop and put in place programmes seeking to achieve, as much as possible, a proportional representation of minority individuals in the civil service, including military, police, and the judiciary, particularly in regions where minorities are concentrated.

#### Article 25

In the regions or territories in which significant numbers or percentage of a linguistic minority reside, persons and private organisations shall have the right to publicly display in the minority language local names, signs, inscriptions and other similar information. This does not exclude the required and reasonable use of the official language(s) of the State.

#### Article 26

State Parties undertake to eliminate any distinction, exclusion, restriction or preference relating to the use of a minority language and intended to discourage or endanger the maintenance or development of it. The adoption of reasonable and proportionate measures in favour of minority languages aimed at promoting equality between the users of these languages and the



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rest of the population is not considered to be an act of discrimination against the users of the State language(s).

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## Preamble

[...]

Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Recognizing that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,

Reaffirming the Declaration on the Right to Development, and that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized,

Reaffirming also the United Nations Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities and the United Nations Declaration on the Rights of Indigenous Peoples,

Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons belonging to national or ethnic, religious or belief and linguistic minorities to be guaranteed their full enjoyment without discrimination,

Recognizing the principles contained in the 2013 UN Secretary General's Guidance Note on Racial Discrimination and Protection of Minorities which calls for the mainstreaming of minority rights across all UN pillars and activities, and instructing the UN expressly to integrate anti-discrimination and minority rights into the work of the UN system at the global, regional and country level, including through coordination mechanisms, to further equalize opportunities for persons belonging to minorities,

Emphasizing the importance of mainstreaming minority rights as an integral part of relevant strategies of sustainable development,

Recognizing that attempts and even policies aiming the linguistic and cultural assimilation of persons belonging to minorities are widespread, and the threats of language erosion and extinction faced by many minority communities and the world's linguistic diversity and heritage,

Recognizing also that discrimination against any person belonging to minorities is a violation of the inherent dignity and worth of the human person,

Recognizing the diversity of all peoples, religions or beliefs, languages and cultures contribute to the diversity and richness and advancement of civilizations, which constitute the common heritage of humankind,

Recognising the ongoing work of UNESCO on the protection and promotion of cultural diversity and of the intangible cultural heritage of mankind, and that the protection and promotion of the rights of minorities makes a fundamentally important contribution to that work,

Recognizing that the creation of a climate of tolerance and dialogue is necessary to enable human diversity to be a source and a factor of enrichment for each society;

Recognizing further that minorities are equal members of society with the right to be different, to consider themselves different, and to be respected as such,

Recalling UN General Assembly resolution 217 (III) C of 10 December 1948 on the International Bill of Human Rights which proclaims that “the United Nations cannot remain indifferent to the fate of minorities”,

Recalling the relevant provisions in the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness, the UNESCO Convention Against Discrimination in Education, the 2001 UNESCO Universal Declaration on Cultural Diversity, the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, and the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Cognisant of the ongoing work on a United Nations Declaration on the promotion, protection and full respect of the human rights of people of African Descent by the Permanent Forum of People of African Descent, the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, and the Working Group of Experts on People of African descent pursuant A/RES/76/226 of December 2021,

Recalling the draft of the United Nations Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent, and how they are yet to be adopted despite being formulated in 2009

Concerned that, despite the existence of various international human rights instruments and undertakings, persons belonging to minorities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,

Recognising that persons belonging to a national or ethnic, religious or belief and linguistic minority have rights as communities,

Considering that the recognition of the rights of persons belonging to a national or ethnic, religious or belief, and linguistic minority within a state and the international protection of those rights, are integral in preventing and putting an end to national or ethnic, religious or belief, and linguistic tensions and conflicts, and thus of helping to guarantee justice, democracy, stability, development and peace in the world;

Considering that persons belonging to minorities shall have the opportunity to be actively and effectively involved in decision-making processes about policies and programmes, including those directly concerning them, without discrimination,

Recognizing that there are many countries in the world who continue to contend with the need for achieving a just accommodation of ethno-cultural diversity for ending conditions of marginalization and exclusion and the tension and conflicts that such conditions trigger;

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Concerned about the difficult conditions faced by persons belonging to minorities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, gender, language, religion or belief, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,

Recognizing that minority women and girls are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, and emphasizing the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons belonging to national or ethnic, religious or belief, and linguistic minorities;

Recognizing that minority children shall have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child and the UNESCO Convention against Discrimination in Education, among reference to other instruments,

Emphasizing the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons belonging to national or ethnic, religious or belief and linguistic minorities,

Highlighting the fact that persons belonging to minorities are those most likely to be stateless, to be targeted by hate speech or hate crimes, and to incitement to violence or even calls to genocide, crimes against humanity and war crimes;

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious or belief and linguistic minorities contribute to the political and social stability of States in which they live,

Bearing in mind that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of persons belonging to national or ethnic, religious or belief and linguistic minorities, in particular during armed conflicts and foreign occupation,

Convinced that building on the United Nations Declaration of the rights of persons belonging to national or ethnic, religious and linguistic minorities to protect and promote minority rights and other relevant international and regional human rights instruments, a comprehensive and integral international convention to promote and protect the rights and dignity of persons belonging to national or ethnic, religious or belief and linguistic minorities will make a significant contribution to redressing the profound disadvantage or marginalisation experienced by persons belonging to national or ethnic, religious or belief and linguistic minorities globally, and promote and facilitate their participation in the civil, political, economic, social and cultural spheres with equal opportunities.