

16th session on the UN Forum on Minority Issues
Opening Statement by Professor Nicolas Levrat,
Special Rapporteur on minority issues

Mesdames co-chairs,

Excellencies,

Mr. President,

Distinguished Colleagues,

Representatives of the civil society,

Ladies and gentlemen,"

It is my privilege, honour and responsibility to address as Special Rapporteur the 16th Forum on minority issues. Let me first acknowledge that if we are here Today, debating and exchanging on the protection and enhancement of the rights of persons belonging to minorities, this is largely thanks to the hard work of my predecessors as Special Rapporteur. First Gay MCDUGALL, who suggested and obtained the creation of the Forum. Then Rita IZSÁK, and until last Forum, Fernand DE VARENNES, who kept the initial momentum and the Forum as a significant and prominent event on the Human Rights agenda.

As a newly appointed Special Rapporteur – I only started my mandate at the beginning of this Month – I yet have much to learn from all the participants. I shall therefore listen very carefully to interventions and exchanges, all the more since the HRC Resolution 6/15 which instituted this Forum on minority issues asks me to “include in my report thematic recommendations of the Forum and recommendations for future thematic subjects, for consideration by the Human Rights Council.” Having been for such a short time the mandate holder, these recommendations may well constitute a substantial part of my first Report to the Human Rights Council.

The theme of this year Forum is: Minorities and Cohesive Societies:

Equality, Social Inclusion, and Socio-economic Participation

This deserves a few considerations I wish to share with you.

First, on “Minorities and cohesive societies”: This wording reflects the emphasis I intend to put on the Special Rapporteur mandate for the coming years: Showing and highlighting how guaranteeing and promoting minority specific position in national societies contributes to enhance the richness and cohesion of national societies.

To comfort this perspective, it is worth underlying that two paragraphs from the Preamble of the 1992 Declaration on the Rights of Persons belonging to National or Ethnic, Linguistic and Religious minorities refer to it. Thus the Declaration reads: “Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live;”

and a second paragraph emphasize that **“the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as an integral part of the development of society as a whole** and within a democratic framework based on the rule of law, would contribute to the strengthening of friendship and cooperation among peoples and States” This inward and outward looking societal dimension of minorities’ contribution is less present in the Articles of the Declaration itself, which concentrate more on the enjoyment of their right by persons belonging to minority groups. It is nevertheless constitutive of the rationale of the 1992 Declaration.

Additional to these two paragraphs from the Preamble of the 1992 Declaration, I wish to personally add a third paragraph of my own, which would read as such: ‘Taking into account the contribution of persons belonging to minorities to cohesive societies, robust social fabric and resilient social systems, will in turn benefit the individual situation of persons belonging to minorities.’ In other words, recognition by society as a whole of the positive contribution from persons belonging to minorities shall induce a positive feedback loop between persons belonging to any minority and the persons belonging to the majoritarian/dominant population of any State. This is my principal vision of the mandate as a Special Rapporteur on Minority issues, and this will be the focus of my efforts and thrust for the upcoming six years, hopefully leading to an enhancement of both the diversity and richness of national societies as a whole, and the individual situation of persons belonging to any minority.

Second on Equality. Equality means the equal, or non-discriminatory, treatment of all persons under the jurisdiction of any UN member State. Neither within the Law, nor before the law. Let me at the onset remind everyone that non-discrimination not only consists of avoiding of treating differently persons in the same situation, but also and as well as avoiding to treat equally persons in different situations.

Persons belonging to minorities are not in the same situation as those belonging to the majority/dominant part of society. This principle is enshrined in art. 26 ICCPR which reads: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, **the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination** on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

As the wording of this article clearly shows, no discrimination must be completed by “effective protection against discrimination”. Therefore, equality means that persons belonging to a minority should be treated both equally and differently than persons belonging to the majority / dominant part of society. This is a requirement stemming from the principles of equality and non-discrimination.

Third, on Social Inclusion, and Socio-economic Participation. As we just looked at art. 26 ICCPR, it makes it easy to slide to art. 27 of that same Covenant, which as you all know, is devoted to minorities. Actually, the point is not to look at art. 27 ICCPR, but to take note that there is no equivalent, or for that matter any specific, article in the International Covenant on Economic, Social and Cultural Rights as regard minorities. Nonetheless, discriminations incurred by persons belonging to minorities often take place in the socio-economic sphere.

This is why, despite the absence of specific provisions on socio-economic rights of persons belonging to minorities, and in the spirit of the 1993 Vienna Declaration on Human Rights, which stated that “all human rights are universal, indivisible and interdependent and interrelated” and that “ The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis”, we (the former mandate holder and myself) agreed to devote this 16th edition of the Forum on minority issues to social inclusion and socio-economic

participation of persons belonging to minority groups. These minorities issues are as important as the enjoyment of civil and political rights.

Further, discriminations against persons belonging to minorities in the socio-economic sphere may not only be the result of public authorities' behaviour towards persons belonging to a minority group – or failure to protect them – but very often are the feat of private actors. Countering such behaviours will therefore require other types of actions to effectively protect and promote the rights of persons belonging to minority groups. In the past three days was held, here, in this very room, the Forum on Business and Human Rights, which would have also been very competent to deal with such issues. Actually, minority issues intersect with most other Human Rights issues, while at the same time requiring specific treatment. This understanding of intersecting approaches on minority issues should be a signal for all of us present here, to imagine broader perspectives to efficiently promote and preserve minority rights.

To conclude this introductory statement, I would like to come back to Resolution 6/15 of 28 September 2007 of the HRC which instituted this **Forum on Minority issues**. That Resolution emphasizes in its Preamble “the importance of **dialogue among all relevant stakeholders** on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities **as an integral part of the development of society as a whole, including the sharing of best practices such as for the promotion of mutual understanding of minority issues, managing diversity by recognizing plural identities, and promoting inclusive and stable societies as well as social cohesion.**”

Originally (in the Antique Roma city) the forum was a space outside the formal institutional buildings, which allowed social and societal issues to be debated and discussed by all stakeholders, beyond those who held institutional positions (who naturally also did participate to this broader debate). This is precisely what this Forum is – somehow reproducing in a more modern setting the antique debating arena – and I sincerely hope that dialogue on minority issues – despite diverging standpoints and understandings on minority issues – will take place during these two days, enriching and diversifying both our singular and common understandings of minority issues.