



人权理事会

第四十九届会议

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议程项目3

促进和保护所有人权——公民权利、政治权利、
经济、社会及文化权利，包括发展权

通过保护少数群体人权预防冲突

少数群体问题特别报告员费尔南·德瓦雷纳的报告***

概要

少数群体问题特别报告员费尔南·德瓦雷纳在本报告中概述了自上次报告(A/HRC/46/57)以来开展的活动。报告专题部分讨论了通过保护少数群体人权预防冲突的问题。近年来，世界各地的暴力冲突有所增加，这些冲突的主要驱动因素涉及少数群体对遭受排斥、歧视和不平等的不满情绪，这与少数群体人权受到侵犯息息相关。有必要将人权和少数群体权利框架纳入主流，以便提供更有效的预警工具，从而促进对暴力冲突的预防，国际社会必须填补预防冲突机制中的重大空白，这些机制未能集中应对当代大多数冲突的主要驱动因素。

* 本报告逾期提交，以纳入最新信息。

** 本报告附件不译，原文照发。



一. 导言

1. 少数群体问题特别报告员的任务由人权委员会 2005 年 4 月 21 日第 2005/79 号决议确立，人权理事会在后来一系列决议中延长了任务期限。
2. 现任特别报告员费尔南·德瓦雷纳 2017 年 6 月获人权理事会任命，2017 年 8 月 1 日就职。2020 年理事会第 43/8 号决议将任务延长三年。
3. 特别报告员很荣幸被委任这项任务，并感谢人权理事会对他的信任。他还要感谢联合国人权事务高级专员办事处(人权高专办)支持他履行任务。

二. 特别报告员的活动

4. 特别报告员谨提请人权理事会注意该任务的网页，其中提供该任务相关活动的一般信息，包括往来信函、新闻谈话、公开露面、国别访问和专题报告。¹
5. 特别报告员继续把重点放在提高联合国各机构和会员国，以及更广泛地说，提高普通公众及其他区域和国际组织对少数群体问题的关注度和认识上——特别是与他的专题优先事项有关的问题(无国籍状态；少数群体的教育、语言和人权；社交媒体上针对少数群体的仇恨言论；预防族裔冲突)。他还重点探索新的方法，以改善该任务下各项活动的可及性，如少数群体问题论坛的可及性。
6. 这项工作包括两项主要举措：
 - (a) 与汤姆·兰托斯研究所及许多区域少数群体和人权组织合作，巩固每年继续就与少数群体问题论坛相同的主题举办的区域论坛；
 - (b) 为了本任务的目的，确定少数群体概念的工作定义，以及联合国文书承认的各类少数群体(民族或族裔、宗教和语言少数群体)的含义和范围。
7. 特别报告员已将纪念《在民族或族裔、宗教和语言上属于少数群体的人的权利宣言》通过三十周年作为 2022 年的一个优先事项，预计将在纽约举行的大会第七十七届会议期间举办一次高级别活动，并开展相关活动。各区域论坛以及少数群体问题论坛也将重点回顾《宣言》自 1992 年通过以来产生的影响，并探讨今后如何加强保护和落实少数群体的人权。

A. 国别访问

8. 特别报告员期待继续与喀麦隆、印度、约旦、肯尼亚、尼泊尔、南非、南苏丹、阿拉伯叙利亚共和国、东帝汶和瓦努阿图进行对话，他已向这些国家提出访问请求。特别报告员感谢巴拉圭和俄罗斯联邦政府表示愿意在 2022 年接受他的访问。
9. 特别报告员在访问中着重强调，必须处理特别弱势的少数群体，如无国籍人、达利特人和罗姆人以及遭受双重甚至三重边缘化的少数群体妇女所面临的歧视、排斥和其他侵犯人权行为，以及与聋人和重听者(作为手语使用者，他们属于语言少数群体)相关的问题。

¹ 见 www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/SRminorityissuesIndex.aspx。

10. 应美利坚合众国政府邀请，特别报告员于 2021 年 11 月 8 日至 22 日对该国进行了正式访问。²

B. 往来信函

11. 特别报告员根据从不同来源收到的关于侵犯民族或族裔、宗教和语言少数群体人权的信息，向有关会员国发出了信函和紧急行动函。³

12. 自 2021 年 1 月以来，共向各国政府发送信函 284 封。与上一年信函总数相比增幅显著，几乎达到四倍。所有信函均与其他特别程序任务负责人联合发出：16 封是紧急呼吁，263 封是指控信，5 封是表达立法和政策关切的其他信件。

13. 发送给欧洲和中亚国家的信函数量最多(48 封)，其次是亚洲和太平洋国家(35 封)、中东和北非国家(26 封)、美洲国家(8 封)和撒哈拉以南非洲国家(8 封)。共向私营公司发送信函 159 封。

C. 会议和提高认识活动

14. 特别报告员自 2017 年 6 月获人权理事会任命以来，一再强调提高对少数群体人权的认识和关注度，这是其任务的一个重要方面。因此，特别报告员经常参与和推动在世界各地以及与各种政府和非政府组织举办的国际、区域和国家研讨会和会议。他还经常就少数群体的人权问题接受媒体采访。

15. 本报告附件一载有特别报告员在 2021 年 7 月至 12 月开展的主要活动。特别报告员提交大会第七十四届会议的报告概述了在此之前开展的活动。⁴

三. 2021 年少数群体问题论坛情况介绍

16. 特别报告员在 2018 年向人权理事会提交的第一份报告中提出，需要采取更具区域性的办法举办少数群体问题论坛，以方便世界不同地区的少数群体参与，并更多地体现区域关切和背景。⁵ 2019 年，为实施这一办法采取了第一步措施，举办了三个区域论坛。2021 年，特别报告员在其任期内首次举办了四个区域论坛(非洲和中东；美洲；亚洲和太平洋；欧洲和中亚)，主题是预防冲突和少数群体。约 800 人参加了这些区域论坛——由于冠状病毒病(COVID-19)疫情，参加的是虚拟会议，还有 670 人参加了少数群体问题论坛。在提交理事会的另一份报告中，关于 2021 年预防冲突这一主题的建议主要来自于区域论坛和少数群体问题论坛近 1,500 名与会者的讨论和贡献。

17. 人权理事会在 2007 年第 6/15 号决议中设立了少数群体问题论坛，并在 2012 年第 19/23 号决议中重申了其重要作用。论坛的任务是提供一个平台，在民族或族裔、宗教和语言少数群体问题上促进对话与合作，并提供专题意见和专业知

² 见 [A/HRC/49/46/Add.1](#)。

³ 根据任务授权发出的所有信函和收到的信息，详见 <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>。

⁴ [A/74/160](#)。

⁵ [A/HRC/37/66](#)，第 64 段。

识，以支持少数群体问题特别报告员的工作。特别报告员负责指导论坛的工作，筹备年度会议，并向人权理事会报告论坛的专题建议。论坛每年在日内瓦举行两个工作日的会议，进行专题讨论。近几年通常有 600 人左右出席论坛。

18. 少数群体问题论坛第十四届会议于 2021 年 12 月 2 日和 3 日以混合形式举行，主题为“预防冲突和保护少数群体人权”。约 50 个国家的 670 名代表参会。论坛由特别报告员指导，由维多利亚·东达(阿根廷)担任主席。发言者包括人权理事会主席纳兹哈特·沙米姆·汗、主管人权事务助理秘书长兼联合国人权事务高级专员驻纽约办事处主任伊尔泽·布兰兹·科里斯、秘书长防止灭绝种族罪行特别顾问艾丽斯·恩德里图、伊斯兰合作组织常驻联合国观察员纳西玛·巴赫利、欧洲安全与合作组织(欧安组织)少数民族事务高级专员凯拉特·阿卜杜拉赫曼诺夫。

19. 关于少数群体问题论坛及其建议的完整报告将向人权理事会单独提交。⁶

四. 通过保护少数群体人权预防冲突

A. 引言

20. 十多年前，时任少数群体问题独立专家盖伊·麦克杜格尔发布了任务负责人关于保护少数群体权利在预防冲突方面的作用的第一份报告。⁷ 除其他要点外，她强调：

在预防涉及少数群体冲突的战略要点中，首先是保护少数群体的权利，特别是与平等利用各种经济和社会机会有关的权利，少数群体切实参与决策，社会中少数和多数群体之间的对话，以及积极发展适应社会多样性的做法和体制安排。在积怨导致紧张局势和暴力行为之前关注少数群体的权利，将对联合国的预防文化作出宝贵贡献，挽救无数生命，促进稳定和发展。⁸

遗憾的是，她在报告中的建议没有一条得到采纳。

21. 特别报告员在为本报告征集资料时，⁹ 再次发出麦克杜格尔女士 2010 年的呼吁，并强调指出，联合国与世界银行 2018 年联合发布的开创性出版物《通往和平之路：预防暴力冲突的包容性方式》也同样表示，全球不稳定的主要驱动因素是对排斥和不公正的群体性不满。这份出版物虽未明确表述但大致隐含的意思是，当今大多数暴力冲突的根源通常与侵犯少数群体的人权密切相关。这似乎证实了本报告所指出的不断发展的趋势，即国际、国家和其他行为者对少数群体的情况 and 不满关注过少，少数群体的人权遭到剥夺，而这些是即将发生暴力的主要预警信号。

22. 本报告提出的主要意见包括：

⁶ 见 A/HRC/49/81。

⁷ 见 A/HRC/16/45。

⁸ 同上，概要。

⁹ 见附件二。

(a) 全球范围内，冲突越来越多地发生在国家内部，大部分涉及不满受到排斥和歧视的少数群体；

(b) 尽管独立专家指出涉及少数群体的预防冲突战略至关重要，但不仅没有这样的联合国战略，大多数联合国和区域举措也未明确提出要将少数群体或尊重少数群体权利作为预防冲突的优先办法；

(c) 国际和其他行为者近年来越来越多地进入“否认阶段”，或者甚至持有反对少数群体的偏见，拒绝承认冲突局势中的社区往往构成少数群体；

(d) 虽然在口头上支持预防，但大部分举措和战略往往侧重于冲突后局势和进程。

因此，独立专家 2010 年的报告发布十余年之后，总体评估是受到忽视，并未取得成效：世界日益充斥着暴力和冲突，而联合国及其他全球和区域机构缺乏能力或意愿，没有接受 2010 年已经提出的警告，采取必要步骤处理当代大多数冲突的根源问题，即通过解决少数群体对排斥和歧视的不满和保护少数群体的人权来处理这些根源问题。

23. 事实上，过去 20 年中，尽管也做出一些努力敦促联合国将少数群体更为明确地纳入各项举措，但这一层面在很大程度上被排除在外，令人震惊。¹⁰ 威胁、挑战和改革问题高级别小组在报告中提出建议，应及时发现远期或迫在眉睫的威胁并采取相应措施，以预防暴力和冲突。¹¹ 针对这一建议，非洲联盟在《埃祖尔韦尼共识》中提议将冲突分析工具和冲突预防机制的规范性框架制度化。虽然其中一个框架应已涉及少数群体权利，但非洲联盟在该共识中更进一步，明确建议联合国“会员国……着手谈判一项关于这一主题的国际文书”。¹²

B. 冲突的演变

24. 独立专家 2010 年关于预防冲突和少数群体问题的报告中已有大量证据表明，少数群体遭受的排斥和歧视(或“群体不平等”)是 1990 和 2000 年代发生冲突的主要原因之一。独立专家指出，卡内基预防武装冲突委员会得出结论认为，在二十世纪，压制族裔、文化或宗教差异的企图一再导致流血，而许多事例中，在适当的宪法形式内包容多样性对于防止流血起到了促进作用。联合国开发计划署(开发署)预防危机与恢复局开展的研究表明，发生冲突的可能性随着群体不平等的加剧而上升。威胁、挑战和改革问题高级别小组的报告建议设立一个预防冲突的少数群体权利框架。¹³ 马里兰大学“风险少数群体项目”监测了世界各地 283 个少数群体的政治歧视、文化和经济排斥及迫害指标，发现冲突与上述形式的剥夺权利之间存在重要联系。¹⁴

¹⁰ 例如，见“The Common African position on the proposed reform of the United Nations: the Ezulwini Consensus”, issued by the African Union.

¹¹ 见 A/59/565。

¹² African Union, “The Common African position on the proposed reform of the United Nations”, sect. A (ii), p. 3.

¹³ A/59/565 和 A/59/565/Corr.1, 第二部分, 第 94 段。

¹⁴ A/HRC/16/45, 第 39 段。

25. 这一趋势依然没有改变，远未得到扭转。1975 年至 2020 年期间，特别是 2011 年之后，冲突数量大幅增加。¹⁵ 如今国家间的冲突很少：大部分是内部冲突，通常被称为“基于国家的”暴力或“非国家”暴力，这两类冲突通常都涉及至少一个族裔、宗教或语言少数群体，被称为“单方面”暴力的一些冲突也是如此。据斯德哥尔摩国际和平研究所报告，¹⁶ 2020 年至少有 39 个国家发生了武装冲突(比 2019 年多 5 个)，其中大多数发生在一国之内，在政府军和一个或多个非国家团体(通常是少数群体)之间。即便是两起国家间武装冲突，即印度和巴基斯坦持续的边界冲突，以及亚美尼亚和阿塞拜疆为控制纳戈尔诺-卡拉巴赫而发生的冲突，后者也牵涉到对与少数群体人口直接相关的一片领土的控制，不过这一事实在冲突数据中没有得到普遍承认。

26. 遗憾的是，在数据收集过程中，作为冲突的主要驱动因素，涉及少数群体的排斥和歧视或日益加剧的群体不平等很少成为研究对象。令人不安而又有悖常理的是，如果预防冲突应该是优先事项——不平等、人类安全和族裔问题研究中心、卡内基预防武装冲突委员会和风险少数群体项目这些在十年前就冲突的种族层面(包括文化、宗教和语言方面)提供分类数据的机构却已经不再运作，甚至连联合国开发计划署危机预防与恢复局都停止了运作。¹⁷ 其他和平或冲突数据库中的数据大都不再按冲突的族裔层面具体分类。整理资料依据的往往是所涉及的问题，如政治参与或控制、经济和社会不平等以及与身份相关的诉求。除了区分国内和国家间冲突，或区分基于国家的、非国家和单方面暴力冲突之外，不太可能提及冲突主体本身。

27. 然而，各种来源的最新数据表明，国际社会中的许多方面并没有重点关注冲突的主要驱动因素，这些因素可以描述如下：

(a) 如今大部分冲突是国内冲突而不是国家间冲突¹⁸，而且涉及族裔、语言或宗教少数群体；¹⁹

(b) 2018 年的不稳定局面、曾发生过种族灭绝和可能引发危害人类罪的大部分局势及类似威胁，所针对的群体均可称为少数群体；²⁰

(c) 从全球来看，如今引发不稳定局面并导致冲突的主要因素是对排斥和不公正的群体性不满；²¹

¹⁵ Uppsala Conflict Data Program, “Number of conflicts 1975–2020”. Available at <https://ucdp.uu.se/>.

¹⁶ Stockholm International Peace Research Institute, *SIPRI Yearbook 2021: Armaments, Disarmaments and International Security* (Oxford University Press, 2021).

¹⁷ 危机预防与恢复局已由危机局取代，相较于冲突后努力，预防事务在危机局的工作中几乎微不足道。

¹⁸ [A/75/982](#).

¹⁹ Ralph Sundberg, Kristine Eck and Joakim Kreutz, “Introducing the UCDP Non-State Conflict dataset”, *Journal of Peace Research*, vol. 49, No. 2 (March 2012), pp. 351–362; and *World Bank Group Strategy for Fragility, Conflict, and Violence 2020–2025*, World Bank Group (2020).

²⁰ Minority Rights Group International, Peoples under Threat database. Available at <http://peoplesunderthreat.org/>.

²¹ 联合国与世界银行，《通往和平之路：预防暴力冲突的包容性方式》(华盛顿特区，世界银行，2018 年)。

(d) “目前全球范围内的暴力冲突多于 30 年来任何时候，世界还面临着有史以来最大规模的被迫流离失所危机”。²²

28. 要衡量全世界对少数群体的排斥、歧视和不容忍是否日益严重，难度更大，但不可否认这种“感觉”确实存在。联合国与世界银行的联合报告是第一份在预防冲突方面发出警告的全面报告：“感觉遭受了不公正待遇的群体将认为受到的经济、政治或社会排斥归咎于他人或国家时，这种不满可能政治化，并有演变成暴力的风险。”²³

C. 日益增多的冲突和不容忍：暴力冲突与涉及少数群体的排斥、歧视和不平等之间被忽视的联系

29. 尽管有大量证据表明，暴力冲突往往与少数群体对遭受排斥、歧视和不平等长期怀有的不满有关，而且也曾有建议指出，要应对和防止此类冲突，需要有“维护少数群体权利的框架”²⁴，但是在制定此类框架方面仍缺乏进展。

30. 然而，特别报告员为编写本报告从民间社会组织收到的许多材料和 2021 年各区域论坛及少数群体问题论坛提出的一些建议²⁵ 均认为，引发最终冲突的重要驱动因素是对下列现象的不满：歧视和不平等，剥夺受教育权和使用少数群体语言的权利、平等获得就业和经济机会的权利、公平分享资源或发展利益的权利，甚至包括剥夺公民权和选举或竞选公职的权利，以及其他与少数群体身份相关的问题。各国和其他行为者也提出了类似意见，其中列支敦士登认为：“充分尊重少数群体和土著社区的人权是预防自决冲突的关键。许多自决冲突的出现是因为土著人民以及在族裔、宗教和语言上属于少数群体者的人权受到侵犯，往往涉及法律制度、语言和文化。”²⁶

31. 过去十年间出现的一些新趋势又为此增添了一个强大诱因，导致全球暴力冲突不断增多，暴力的增长清晰可见：社交媒体上兴起的仇恨言论、仇外心理、种族主义和民粹(多数派)民族主义，在世界各地激起了针对少数群体的暴力和攻击。除了反犹太主义之外，仇视伊斯兰、反吉普赛、反基督教、反亚裔和类似的不容忍现象——所有这些现象都涉及不同国家的少数群体——也普遍增多。近年来，尼日利亚有人叫嚣要对约鲁巴人少数群体实施种族灭绝，印度有人煽动对达利特人和穆斯林少数群体进行种族灭绝，斯里兰卡和缅甸有人叫嚷要攻击穆斯林少数群体，喀麦隆和埃塞俄比亚的社交媒体上分别出现了针对讲英语的少数群体和提格雷人少数群体的仇恨言论和煽动暴力行为，法国、乌克兰和美利坚合众国等国出现了鼓吹反对某些少数移民社区和明显少数群体的右翼多数派民粹主义宣传。2010 年社交媒体上的仇恨言论现象并未如此引人注目，但目前似乎已成为

²² 见 <https://documents1.worldbank.org/curated/en/844591582815510521/pdf/World-Bank-Group-Strategy-for-Fragility-Conflict-and-Violence-2020-2025.pdf>, p. viii。

²³ 联合国与世界银行，《通往和平之路》，第 109 页。

²⁴ A/59/565 和 A/59/565/Corr.1，第 80 页，建议 14。

²⁵ 2021 年各区域论坛的建议，可查阅 <https://www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/Regional-Forums.aspx>。少数群体问题论坛的建议，见 A/HRC/49/81。

²⁶ Liechtenstein Institute on Self-Determination, *Handbook on the Prevention and Resolution of Self-Determination Conflicts* (Princeton, New Jersey, Princeton University, 2021), p. 10.

一项重要因素，推动形成一种环境，其中的少数群体可能会发现自己受到越来越多的攻击，被视为“他人”或对多数“民族”构成威胁，从而导致“我们相对于他们”的两极分化，而这种对立又成为多数派政治人物谋求短期选举利益的工具。正如特别报告员此前在 2021 年提交人权理事会的一份报告中指出，仇恨以及煽动暴力和歧视行为的主要受害者绝大部分是少数群体。现有社交媒体仇恨言论或仇恨犯罪的分类数据显示，这些言论和罪行所针对的对象中约有 70% 或以上属于少数群体。²⁷

32. 这一现象应得到重视，因为这是导致潜在暴力和冲突局势的直接和重要因素。

33. 仇恨言论会引发仇恨犯罪，错误信息和虚假信息也是如此。特别报告员收到的一份材料指出，大屠杀并非始于毒气室，而是始于针对一个少数群体的仇恨言论。虚假信息最终可能会对少数群体有害，甚至致命，并可能导致社交媒体私刑暴力或所谓的“WhatsApp 私刑”。2014 年，法国发生了一起众所周知的案件，涉及对一些罗姆少数民族的人身攻击，之前社交媒体上有虚假信息称，罗姆人绑架了一辆白色面包车上的一名儿童。2018 年在斯里兰卡发生的一起更致命的案件中，主要在脸书上有传言称一个属于少数群体的穆斯林密谋对占人口多数的僧伽罗人实行绝育，这些传言造成了死亡事件，几个城镇的暴民焚烧了穆斯林少数群体的清真寺、商店和房屋。这种针对少数群体的例子不胜枚举。

34. 特别报告员对收到的一份材料中表示的关切感到认同，即非人化的语言往往将少数群体贬称为动物或昆虫，令针对这些群体的暴力行为变得正常，对他们的迫害和最终清除也变得可以接受，当这些侵犯行为带有歧视或偏见的意图时，就会成为妖魔化和非人化的途径，进而可能导致种族灭绝。人们可能会发现自己被社交媒体带入非人化的语言和仇恨环境中，最终被观点相似的人包围。因此，他们可能陷入社交媒体中的证实偏向，这种“孵化”环境变得特别有利于表达——实际上也加强和巩固了——针对某些被作为替罪羊的少数群体的种族主义、不容忍甚至暴力观点。²⁸

35. 遗憾的是，联合国和区域努力没有跟上形势，倾向于忽视 2018 年联合国与世界银行关于预防冲突的联合报告的结论，即当今全球不稳定的主要驱动因素是对排斥和不公正的群体性不满，而这些群体往往是少数群体。此外，独立专家在 2010 年报告中同样将冲突与少数群体对人权遭到剥夺的不满情绪联系起来。令人失望的是，在联合国近期就这一主题发布的意见中，2021 年 11 月 16 日《预防冲突意味着解决导致冲突的经济、社会和体制驱动因素》²⁹ 和 2021 年 11 月 9 日《联合国秘书长概述解决冲突根源的‘包容路线图’》³⁰ 这两篇文章均未提到群体性不满，或者更准确地说，少数群体的不满。就连秘书长最近重点强调预防冲突的报告《我们的共同议程》，³¹ 也没有提到当务之急是重点关注暴力冲突与对少数群体的排斥、歧视和不平等——当代大多数冲突的主要驱动因素——之间

²⁷ A/HRC/46/57，第 21 段。

²⁸ 见 A/HRC/46/57。

²⁹ 见 <https://news.un.org/en/story/2021/11/1105942>。

³⁰ 见 <https://news.un.org/en/story/2021/11/1105352>。

³¹ A/75/982。

的联系。更令人惊讶的是，秘书长的报告只字未提联合国与世界银行关于预防冲突的这份重要的联合报告，也没有确认(通常涉及少数群体的)群体性不满是大多数冲突的根源。总体而言，联合国许多(如果不是大部分)努力似乎更侧重于冲突后的建设和平和恢复工作，而不是预防冲突举措。³²

36. 结果造成近年来只是避重就轻地强调“所有人一律平等”或“全体人民”，从根本上消除了任何承认以下现象的语言：当代大多数冲突涉及对排斥、歧视和不平等的不满，以及针对种族、宗教或语言少数群体日渐增多的仇外心理和仇恨言论。最多是在处理更广泛的人权问题时，对宗教或族裔略有提及。例如，联合国儿童基金会(儿童基金会)在一份关于冲突的报告中承认，“越来越多的证据表明，如今许多冲突背后的社会和政治不满，其根源在于不平等、歧视和排斥”，而且“尽管极端贫困逐渐减少，但新形式的不平等正在出现，对社会凝聚力和社会建设和维持和平的能力形成压力”。然而，这份报告实际上从未说明这些不满从何而来，或者谁是这些新形式不平等的主要受害者，这样便避免提及少数群体或基于族裔、宗教或语言的群体性不满。³³ 公允地说，儿童基金会的其他报告更为直截了当，承认各群体之间的不满和不平等在社区层面从族裔、宗教或政治的角度加剧，由精英或多数群体主导社区决策的做法可能导致其他群体的需求得不到代表和/或承认。³⁴

37. 特别报告员还与目前存在暴力冲突的国家中的一些联合国人权官员进行了交流，他们甚至否认在冲突环境中存在少数群体。关于也门的胡塞少数群体(宰德派约占人口 35%)，一名联合国官员认为，特别报告员无法处理与什叶派有关的关切，因为胡塞人“控制了该国部分地区”，因此“不是少数群体”。关于埃塞俄比亚的提格雷人，尽管他们只占该国总人口的 6%，但另一名联合国官员称，他们“过去占据主导地位”，因此根据国际法，不应被视为享有少数群体的人权。³⁵ 这些评论反映了一种限制性的态度，认为某些少数群体“不值得”受保护，其依据的各种观点有时是个人看法，甚至是武断的。还有少数国家正式或暗中一概拒绝承认少数群体的“存在”，或只承认少数例外(包括法国和希腊)，或者只“承认”族裔、宗教或语言群体构成国际法意义上的少数群体(如拉脱维亚讲俄语的非公民；喀麦隆讲英语的少数群体；西班牙的巴斯克人、加泰罗尼亚人和加利西亚人；缅甸的罗兴亚人)。

38. 特别报告员所听闻的日益明显的反对少数群体的偏见或态度——有些甚至来自联合国内部——也许可以部分说明为何在处理全球日渐增多的许多冲突时，显然否认了少数群体问题的相关性。独立专家提出，联合国与世界银行的联合报告

³² 见联合国建设和平委员会，“任务”。可查阅 <https://www.un.org/peacebuilding/commission/mandate>。另见联合国大学，政策研究中心，“预防冲突与维持和平”。可查阅 <https://cpr.unu.edu/research/researchareas/conflict-prevention-and-management#overview>。

³³ 儿童基金会，“儿童基金会与保持和平：通过教育、青年参与和水卫项目加强和平的社会经济基础——儿童基金会为联合国秘书长 2020 年建设和平与保持和平报告编写的专题文件”，第 5 页。可查阅 <https://www.unicef.org/media/96551/file/Thematic-paper-for-2020-sg-report-mf.pdf>。

³⁴ 儿童基金会，“受冲突影响环境中的建设和平、教育和宣传方案：儿童基金会 2013 年年度综合报告”，纽约，2014 年 6 月，第 5 和 19 页；儿童基金会，“受冲突影响环境中的建设和平、教育和宣传方案：儿童基金会 2014 年年度综合报告”，纽约，2015 年 6 月，第 14-15 页。

³⁵ 关于在联合国人权系统内哪些群体构成少数群体的这些个人和限制性观点均不具备有效依据。见特别报告员关于少数群体由什么构成的报告(A/74/160)及关于联合国系统内四类(民族或族裔、宗教和语言)少数群体的含义和范围的报告(A/75/211)。

中也指出，在容易发生冲突的背景下，要重点查明并解决基于身份认同的群体如少数群体所遭受的排斥、歧视、不平等和仇恨。而这一观点在应对全球诸多暴力冲突的努力中得不到反映的原因之一，也可能是这种偏见或态度。那么全球冲突的数量在不断增加，也许便不足为奇，因为几乎或根本没有集中力量专门预防许多人所认为的当代冲突的主要驱动因素。

39. 例如，一欧洲成员国为特别报告员这份报告提交的材料重点介绍了在世界各地采取的大量重要的“建设和平”举措，特别是涉及青年和妇女的举措，但没有一项举措直接涉及少数群体或那些通常引发冲突的因素，如对排斥、歧视和不平等的不满。只有一处提及这些举措可能有助于提高对某些少数群体面临的多重和交叉形式歧视的认识，而且欧安组织、欧洲联盟、东南亚国家联盟和非洲联盟等其他区域组织，也许能够在鼓励成员国制定承认和加强少数群体权利的国家政策方面发挥重要作用。然而，严格地说，提交材料中没有任何内容涉及排斥、歧视和不平等这些主要驱动因素，以及这些因素在最有可能导致不稳定、暴力和最终冲突的背景下所发挥的影响，或者处理这些驱动因素如何有助于防止当代冲突。因此，为本报告收到的许多材料可描述为：(a) 仅笼统提到国内人权制度，并暗示这种制度有助于预防冲突；(b) 以该国所保护的具体少数群体权利为例，说明应对排斥、歧视和不平等现象的良好做法，并间接甚至也许是无意中提到预防冲突做法。

40. 危地马拉提交的材料更加切题，重点介绍了该国在主要涉及处于少数地位的土著社区的那些有可能出现紧张局势和冲突的领域所采取的举措。³⁶ 这些举措被直接称为预防冲突的措施和结构；材料中指出，和平与人权问题总统委员会、解决冲突局和对话问题总统委员会等许多机构，都是为了解决土著人民的不满。一些举措也被确定为预防和冲突的工具，如对话问题总统委员会的“通过对话解决社会和社区冲突规程”和“通过对话干预冲突和社会冲突的方法战略”。其中还指出其他许多举措，包括确保在刑事司法系统中使用土著语言(玛雅语、喀克其奎语和加里富纳语)的措施，但核心要点是明确承认预防冲突与(主要是)土著人民对遭受排斥、歧视和不平等可能怀有的不满情绪之间的直接联系，以及人权在这方面的作用。

D. 排斥、歧视、不平等和仇恨：人权与引发当代冲突的主要不满情绪

41. 1992年，欧安组织各国元首设立了少数民族事务高级专员的职位，作为及早预防冲突的一种手段，以便尽早就有可能发展成冲突的涉及少数群体问题的紧张局势做出“预警”，并酌情采取“早期行动”。³⁷ 这一预防冲突机制所开发的第一批工具包括一系列采用国际和人权标准的预防冲突准则或“少数群体权利框架”，目的是澄清和进一步阐述少数群体人权的内容。其中包括：《关于少数

³⁶ 人权事务委员会判例法和特别报告员在2019年和2020年提交大会的报告(A/74/160和A/75/211)中阐明的少数群体概念确认，土著人民和少数群体不是同一类别，但在某些国家，土著人民也可以构成数量上的种族、宗教或语言少数群体。

³⁷ OSCE, “Establishment of the OSCE High Commissioner on National Minorities”, document from the Helsinki Summit of Heads of State, 9–10 July 1992, p. 8. Available at <https://www.osce.org/files/f/documents/7/0/22252.pdf>.

民族有效参与公共生活的隆德建议》、《关于少数民族语言权利的奥斯陆建议》和《关于少数民族教育权利的海牙建议》。

42. 30年前在区域一级出现的这些良好开端以及其他令人鼓舞的进展——如2005年非洲联盟提议联合国会员国谈判一项关于少数群体权利的国际文书以预防冲突，2010年独立专家的报告和2018年联合国与世界银行的联合报告——在某种意义上都承认，当代大部分冲突的根源在于长期否认人权义务，特别是对于紧密或重要的少数群体的歧视和排斥，政治参与和代表性及社会经济商品分配的扭曲模式，以及这些少数群体在文化、语言或宗教方面受到的压迫或排斥。然而，尽管官方一直在强调预防冲突，但这些举措并没有在全球一级得到效仿。

43. 同样，必须强调并说明剥夺少数群体的人权与全球日益增多的冲突之间存在的直接联系。这种联系有时被“排斥”、“群体性不满”和“不平等”等更为笼统的术语所掩盖。例如，联合国和世界银行在联合报告中断言，“当今世界的许多暴力冲突都与不平等、排斥和不公正感引起的群体性不满有关”，而且“在感觉遭受了不公正待遇的群体将其认为受到的经济、政治或社会排斥归咎于他人或国家时，这种不满可能政治化，并有演变成暴力的风险”。³⁸ 两个机构作出这一论断，实际上是在指责下面这类情况：某些立法、政策或做法很可能以不合理或不公正的方式对民族或族裔、宗教和语言少数群体产生负面影响，从而极易违反全球人权制度的基本支柱之一——国际法规定的不受歧视的平等权利。

44. 一个简单的例子显示出前文提到的数据和报告的重要性：国际危机组织2020年确定的10起“值得关注的冲突”中，6起(阿富汗、布基纳法索、埃塞俄比亚、乌克兰、也门以及查谟和克什米尔)涉及族裔、宗教或语言分歧。另一份报告指出，2020年发生的16起严重武装冲突中，有14起涉及族裔、宗教或语言有差异的群体。³⁹

45. 所有冲突局势都很复杂，涉及的因素远不止一个群体对国家当局的长期不满。其他因素可能包括：外部势力可能出于地缘政治的原因利用这种不满情绪；发出假警报，在国内人为制造紧张和分裂；利用或夸大一个少数群体中普遍存在的不满情绪，宣扬领土收复主义；民粹主义多数派分子煽动暴力，甚至叫嚣对受到鄙视和贬损的少数群体进行种族灭绝；或者是一些当局试图以强迫同化的方式来实现“同质国家”，不一而足。

46. 亚美尼亚—阿塞拜疆(纳戈尔诺—卡拉巴赫)、喀麦隆(英语族群)、1960年代的加拿大(魁北克)、埃塞俄比亚(奥罗米亚和提格雷州)、法国(科西嘉)、尼加拉瓜(米斯基托)、印度(阿萨姆、查谟和克什米尔等)、1960年代的意大利(南蒂罗尔)、巴布亚新几内亚(布干维尔)、马里(图阿雷格叛乱)、尼日利亚(尼日尔河三角洲)、菲律宾(棉兰老)、泰国(南部省份)、乌克兰(克里米亚⁴⁰和顿巴斯)、20世纪下半叶的大不列颠及北爱尔兰联合王国(北爱尔兰)和也门(什叶派)发生的冲突，

³⁸ 联合国与世界银行，《通往和平之路》，第109页。

³⁹ 事件涉及阿富汗、亚美尼亚—阿塞拜疆(纳戈尔诺—卡拉巴赫)、喀麦隆、刚果民主共和国(东部)、刚果民主共和国(东部；民主同盟军)、埃塞俄比亚、伊拉克、利比亚、马里、莫桑比克、索马里、南苏丹、阿拉伯叙利亚共和国和也门，以及乍得湖地区和西萨赫勒地区。见 *Escola de Cultura de Pau, Alert 2021! Report on Conflicts, Human Rights and Peacebuilding* (Barcelona, Spain, Icaria, 2021)。

⁴⁰ 暂时被俄罗斯联邦占领的乌克兰克里米亚自治共和国和塞瓦斯托波尔市。

都涉及土著和少数群体社区对排斥、歧视和不平等的不满，这种不满在与国家当局爆发暴力冲突之前已经持续了很长时间，这与 2018 年联合国与世界银行关于当代大多数冲突主要驱动因素的联合报告中所载分析相一致。

47. 在上述冲突中，少数群体可能无法平等获得适当而且为其调整过的公共教育(包括在可行情况下以其本族语言接受教育)，无法有效和适当参与政治或在政治上得到代表，无法平等获得公共服务或出现在及受聘于公职部门，受到迫害或被攻击为对“国家”不忠诚或构成某种威胁，或者怀有其他不满，如丧失或被剥夺土地所有权，或无法平等分享资源开采和开发的利益。

48. 从人权角度更确切地说，在上述所有情况中，少数群体和土著社区长期怀有不满情绪而又在很大程度上未得到解决，造成这些社区中的一部分人走向极端，最终诉诸分离主义行动或暴力，以此作为唯一可能采取的方式，补救其所感受到的当局的排斥性或歧视性偏好或行为，以及当局和机构有损少数群体和土著社区利益的偏见。这些歧视性偏好或行为以所感受到的偏见均可被视为违反国际人权标准。前文列举的冲突局势中有三个例子可以说明这种直接并最终导致暴力冲突的不满情绪及其人权层面。

49. 在长期积怨之后，英国最终在 20 世纪 60 年代因天主教少数派成员要求平等而爆发了北爱尔兰冲突。1968 年开始出现民权游行，打出的标语包括“一人一票”，因为不是每个人都有权在地方选举中投票。北爱尔兰的地方选举仅限于缴纳地方税的人参加。由于天主教少数群体成员往往比新教多数群体的成员更穷，更可能失业，他们成为纳税人的机会更少，结果在地方选举中有投票权的天主教徒更少。还存在其他关于排斥和歧视的不满，例如，雇主可以公开拒绝天主教少数群体成员的申请，因为当时在北爱尔兰没有适用的一般人权立法。20 世纪 60 和 70 年代对民权游行的镇压(有时是暴力镇压)导致宗教分歧双方的暴力行为不断增加，并引发了持续数十年的冲突——甚至到今天也没有完全平息。

50. 也是在 20 世纪 60 年代，一个暴力分裂组织开始在加拿大魁北克省讲法语的少数群体中发动爆炸和暗杀。当时，加拿大还不是正式的双语国家，尽管全国人口中近三分之一讲法语，但他们的代表性远远不足，特别是在经济和就业领域。可以说，当时存在的排斥和不平等——以及几十年来在许多场合没有使用法语的权利——是引发暴力的明显因素。正是在这种背景下，同时也是为了解决对歧视和排斥的不满情绪，加拿大通过了第一部国家官方语言法，从而为讲法语(通常是双语)的公务员打开了通向大量就业机会的大门，并承认了该国的双语和多文化性质。

51. 更近一些的喀麦隆冲突涉及讲英语的少数群体成员，约占这个有两种官方语言国家总人口的 16%。冲突的大致模式与前两例相似，包括少数群体对受到边缘化或被剥夺权利的长期不满，以及对以下领域偏向讲法语的多数群体的不满：宣布拒绝或无法确保在高等教育中使用英语作为教学语言；以法文发布的文件和公告没有英文翻译；向英语区派遣讲法语的治安法官，他们往往不懂以英语为基础的普通法体系；少数群体的代表性和政治代表性不足(2017 年 3 月，掌握部门预算的 36 名政府部长中只有一人属于讲英语的群体)；2016 年一部法律没有被翻译成英语，因此不符合该国的双语性质，律师对此表示抗议，随后教师和其他人也加入抗议。

52. 最后，泰国南部地区的起义也具有少数群体遭受排斥、歧视和不平等的共同特点，这一次是在族裔、宗教和语言方面。在泰国生活着一个人数众多而且集中聚居的少数群体，即约 500 万至 600 万讲马来语的穆斯林，在与马来西亚接壤的南部，他们占人口的 80%，但不到该国总人口的 3%。20 世纪早期和中期因反对国家教育政策出现了暴力，该政策推广泰语和佛教，损害马来穆斯林少数群体的语言、宗教和文化。这也解释了为什么叛乱分子选择了一些初看起来似乎令人惊讶的袭击目标：例如，自 2004 年以来已有 4,000 多人被马来族叛乱分子杀害，120 所公立学校被焚毁，约 100 名教师遇害。将学校和教师特别作为袭击目标，可被视为对占多数的泰族语言和文化象征的攻击，以及向泰国中央政府部门对排斥、歧视和不平等表达不满。即使在马来穆斯林集中居住并占人口大多数的南部地区，他们的学习成绩也处于下风，在几乎所有涉及国家的就业领域中，代表性都严重不足。与前面的例子相同，冲突中争论的主要问题是在以下各方面长期怀有的不满情绪，包括：公共教育系统和教学语言没有平等地为讲马来语的少数群体服务；在就业领域感觉受到强烈的排斥和歧视；在公共服务中无法使用当地的马来语。

53. 关于对和平与稳定的威胁和当代大多数冲突的驱动因素，一些更常见的指标包括侵犯人权行为，如受到国家支持或容忍的针对少数群体的仇恨言论或煽动暴力行为，剥夺少数群体(和土著人民)占有或使用的土地和其他资源，强行推行多数人口的宗教或语言，在政治参与和代表方面少数群体代表性不足或受到排斥，以及少数群体贫困程度过于严重或在获得社会经济商品和服务方面遭受不平等和歧视，包括难以获得适当并反映少数群体和土著社区特点的公共教育。

54. 这些冲突驱动因素和其他潜在驱动因素最终导致冲突的可能性，在推拉因素的作用下会有所增减，⁴¹ 这些推拉因素包括：

- (a) 少数群体人口高度集中或比例很高，而不是高度分散和密度很低。
- (b) 少数群体人口是历史悠久的少数民族还是土著人；
- (c) 少数群体人口位于边境或更难接近的地区附近，特别是如果与相邻国家或地区有跨境族裔、宗教或语言亲缘关系；
- (d) 关于排斥、歧视和不平等的不满是否与声称减少或取消过去存在的少数群体权利，特别是教育和语言方面的权利有关；
- (e) 当地资源的开发在多大程度上是为本地(少数)人口的利益，或者被认为服务于多数或主导群体或精英的利益；⁴²

⁴¹ 见 Fernand de Varennes, "Recurrent challenges to the implementation of intrastate peace agreements: the resistance of state authorities", *New Balkan Politics*, No. 7/8 (2004)。

⁴² 发展如果不能给人们带来平等惠益，对于少数群体而言，并不都是良性的公平发展。从人权的角度来看，与联合国和世界银行集团关于采取包容性办法预防暴力冲突的报告中发出的警告相一致，上述发展措施似乎歧视土著群体和其他少数群体，就业、利润和福利主要流向中央，土著少数群体很少或根本得不到好处，在某些情况下，他们所处的环境遭到严重破坏，人们流离失所，甚至出现贫困加剧的现象。换句话说，除非各国充分认识到发展对少数群体的影响，并采取积极措施衡量发展努力对少数群体和土著人民的影响，否则在这些情况和许多其他情况下发展可能会加剧横向不平等，因为在许多社会中，少数群体和土著人民可能更容易受到系统性边缘化的影响 (A/76/162, 第 74 段)。

(f) 对大量人口涌入少数群体传统领地的担忧，尤其是被视为与有利于多数群体成员移民或人口转移的国家政策有关的情况；

(g) 少数群体的政治参与和代表结构及机构，如自治安排、对少数群体在选举产生的机构中的代表性或国家机构中的就业比例的保障措施，被认为有所削弱，宪法和立法条款经过修改，取消或削弱了少数群体在教育、语言、文化或宗教领域的权利。

55. 然而，总体模式十分相似：一个重要而又集中的少数群体长期声称受到排斥和不平等，从人权角度一再发出危险信号，并发出潜在警告，需要避免暴力冲突。即使是减轻不平等和促进发展的努力也常常不涉及少数群体或土著社区，因此有可能激化对排斥和歧视的不满，并加剧分裂进而导致冲突。正如开发署所指出，大多数国家最贫困的人口都包括少数群体。少数群体减贫战略往往没有透彻考虑少数群体贫困的根源，尤其是歧视的作用。迫切需要研究少数群体为何没有平等地受益于减贫努力，并采取适当措施予以应对。⁴³

56. 这些排斥、歧视和不平等模式(即侵犯少数群体人权的行為)可能导致更易爆发暴力冲突的环境，显而易见，如果采取预防措施来解决少数群体对于权利受到侵犯的不满，预防可能取得最佳效果。在最初的紧张局势恶化为实际暴力之前，第三方参与，包括来自国际机构和通过其他外交努力的参与，至关重要。一旦少数群体对权利遭到剥夺的不满升级为暴力，局面便不再容易达成妥协和缓和。

57. 遗憾的是，2010年，人们曾希望利用这些共同的冲突驱动因素，结合对政治和社会背景的分析，来监测经济和政治排斥的模式，从而尽可能准确地发现冲突升级的风险，但这一希望基本没有得到关注。⁴⁴ 尽管联合国与世界银行2018年的联合报告建议说，需要处理经济和政治排斥的模式，但联合国大多数冲突预防计划中几乎完全没有提及少数群体权利框架能够并且适于作为世界大部分冲突的预警系统——这种忽略令人惊讶。

E. 被忽视的预防冲突工具：缺失的少数群体权利框架

58. 由于当代冲突大部分是内部冲突，通常涉及少数群体对人权受到侵犯的不满，那么顺理成章的想法是，如果把预防冲突作为优先事项认真对待，会重点考虑预警措施。但近年来情况似乎并非如此。

59. 独立专家在2010年提到一些好的迹象，包括政府、捐助者和政府间组织将把少数群体问题作为冲突根源加以充分重视并分配大量资源；然而，她相当大方地承认，当时这方面的情况“喜忧参半”。⁴⁵

60. 她提到若干举措，如设立防止灭绝种族罪行特别顾问的任务，采用分析框架以早日发现对少数群体的威胁，如对少数社群的妖魔化，还包括对少数群体具有更广泛意义的指标，如围绕土地、权力、安全以及语言、宗教和文化等群体身份表达所产生的冲突，以及对文化和宗教财产和象征的攻击。不过她也承认，需要

⁴³ 联合国开发计划署，《发展规划中的边缘化少数群体：开发署资源指南和工具包》(纽约，2010年)，第31页。

⁴⁴ A/HRC/16/45，第42段。

⁴⁵ 同上，第65段。

更多的工具，从最初阶段便开始关注长期侵犯少数群体权利的情形，以发现需要在上游采取更多预防性行动的情况。⁴⁶

61. 她还赞赏地提到《2005 年世界首脑会议成果文件》，联合国会员国承担起在防止种族灭绝、战争罪、族裔清洗和危害人类罪方面保护人民的责任，但她也补充说，将保护少数群体的权利更广泛地作为避免冲突的一种手段，这是需要其他机制承担的任务。⁴⁷

62. 她列举了一些联合国办事处和机构，包括作为主导联合国预防冲突和建立和平事务的政治事务部、联合国部门间预防行动协调框架和当时的预防危机与恢复局，以及在实地和联合国其他部门的良好做法和举措。她特别高度评价了联合国开发计划署出版物《发展规划中的边缘化少数群体：开发署资源指南和工具包》，其中包括关于少数群体和冲突预警以及将少数群体纳入开发署方案周期的章节。⁴⁸

63. 虽然独立专家使用了积极的语气，并肯定有些联合国国家特派团和外地行动与其他类似机构相比，在预防冲突活动中更密切注意发现不满情绪和侵犯人权的早期预警信号，但独立专家经常看到关于少数群体权利的专门知识不足。例如，她指出，政治事务部有一个土著人民事务协调机构，但没有少数群体事务协调机构。待命小组也不具备在少数群体权利方面具有全面专门知识的专业人员。⁴⁹

64. 展望未来，她强调，潜在暴力的最早期迹象之一是长期无视少数群体的权利，预警系统必须具备对这种迹象保持警惕所需的专门知识，联合国系统内的预警机制必须更加注重少数群体的权利。然而，她补充说，尽管在实地有一些很好的做法，但是没有一种机制或连续的做法，来确保将少数群体问题纳入整个联合国系统实体在各国的工作。⁵⁰

65. 独立专家 2010 年提出的建议⁵¹ 似乎没有一项得到联合国各实体的执行。特别报告员也没有收到联合国各实体或机制提交的任何直接涉及预防冲突和保护少数群体人权问题的材料。

66. 联合国会员国向特别报告员提交的许多材料确实包括关于保护少数群体人权的宪法、立法和其他措施的报告，一些报告提到自治或内部自决安排，实施这些安排是为了对少数群体权利提供额外保护，并在一定程度上保证政治代表性和对有关少数群体身份的重要事项的控制。然而，会员国提交的资料很少将预防冲突与预警措施直接联系起来，这些措施重点应对引发冲突的潜在因素，即对影响到少数群体的排斥、歧视和不平等现象的不满情绪及其人权层面。

67. 民间社会组织提交的材料，特别是代表少数群体和从事少数群体工作或在受冲突影响的国家和地区工作的组织提交的材料更为切题，往往反映出对剥夺少数群体人权这一主要冲突驱动因素的关切。民间社会组织在 2021 年少数群体问题

⁴⁶ 同上，第 67 段。

⁴⁷ 同上，第 68 段。

⁴⁸ 联合国开发计划署，《发展规划中的边缘化少数群体》，第 141-147 页。

⁴⁹ A/HRC/16/45，第 69 段。

⁵⁰ 同上，第 84 段。

⁵¹ 同上，第 80-102 段。

论坛和四个区域论坛上提出的建议尤其如此。一个反复出现的主题是需要更好地保护少数群体人权以预防冲突，并强烈敦促这种努力应该包括一项具体阐明什么是少数群体权利的全球文书，以便进一步确保各项工作的执行，从而更好地预防冲突。民间社会组织提交的材料中有一小部分概括地指称特定少数群体的权利受到侵犯，但没有直接提及任何有关预防冲突的背景或问题。

五. 结论和建议

68. 世界对于少数群体而言似乎变得更加黑暗和不友好，而且充满仇恨和暴力。

69. 世界许多地方的政治和社会局面多年来一直在发出预警信号：少数群体长期不满于排斥、歧视和不平等——权利因而受到侵犯，往往是当今暴力冲突的前兆和驱动因素。十余年前便有警告称，国际社会需要认识到这一点，并采取步骤将少数群体权利框架纳入预防冲突举措的主流，尽管一些联合国会员国朝这个方向采取了步骤，但这些警告几乎完全无人理睬。民间社会组织，特别是充满冲突的社会中的民间社会组织，一直敦促在敌意越来越强烈的环境中采取行动，这些环境中对少数群体越来越不容忍、将其边缘化，甚至是煽动仇恨和暴力，民粹多数派种族中心主义往往日益高涨。将全球应对措施的缺失描述为国际社会的系统性失败，不算有失公允，因为少数群体人权受到侵犯是即将发生冲突的明显预警信号。

70. 特别报告员请各国、联合国实体、区域组织和非政府组织回顾独立专家在2010年报告中提出的各项建议。

71. 特别报告员特别敦促联合国各实体和区域组织以少数群体的国际人权为依据，努力制定规范性框架，提供相关的冲突分析工具和冲突预防机制，并使之制度化。

72. 特别报告员特别建议拟定一份关于少数群体人权的全球文书，并建立像欧安组织少数民族事务高级专员那样的冲突预防机制，以便更好地反映当前和今后冲突的性质并加以应对，从而提供更具针对性和相关性的工具，来分析和预防当代冲突的驱动因素——一些少数群体对于在文化、语言或宗教方面遭受排斥、歧视和不平等长期怀有不满。

73. 特别报告员还建议将少数群体人权观点纳入政治事务部、防止灭绝种族罪行和保护责任办公室、危机局和其他相关国际和区域实体的主流，以加强冲突预防政策和做法，这些政策和做法涉及并敏感对待冲突的实际主要驱动因素——少数群体对于受到排斥、歧视和不平等而在人权方面怀有的不满。这种主流化还必须包括为人权高专办和开发署国家工作队等整个联合国系统的工作人员提供适当的少数群体权利培训方案和资源。

74. 特别报告员认为，作为联合国专门涉及少数群体人权的少数举措之一，少数群体研究金方案是一项宝贵资源，有助于填补专门知识方面的空白——急需以少数群体权利框架应对当代冲突的主要驱动因素，而在这方面缺乏广泛的机构专门知识。他建议将前少数群体研究员纳入所有国家工作队，特别是在已经出现冲突或少数群体的长期不满可能导致这种冲突的国家。

75. 十多年前就少数群体问题与预防冲突问题收集数据并进行分析的许多研究方案和中心(如风险少数群体项目和卡内基预防武装冲突委员会)已基本停止活动。鉴于涉及少数群体的冲突自那时以来有所增加,特别报告员敦促联合国和区域组织以及现有的民间社会组织和其他有关方面合作发展新的专门知识中心,或与现有的研究中心和举措合作,并在关于冲突预防、数据收集和少数群体相关预警指标的工作中,重新聚焦于当代大多数冲突的主要驱动因素——对于导致排斥、歧视和不平等的侵犯少数群体人权行为所怀有的不满。

76. 从事少数群体问题工作的民间社会组织和人权维护者不仅是实地的观察者和倾听者。它们本身就是预警指标,并提供有关基于族裔、宗教和语言的排斥、歧视和不平等在多大程度上构成冲突前兆的深入见解和专门知识。特别报告员请联合国及其实体和国家办事处以及区域组织让少数群体参与预防冲突的研究和举措。

77. 特别报告员赞扬承认少数群体人权的重要性并为其提供充分保护的会员国。他敦促尚未这样做的国家通过全面的人权保护立法,其中包括禁止基于国际条约涵盖的所有理由实施歧视,特别是种族、族裔、宗教和语言等理由。他还请各国考虑采取进一步措施,包括教育、语言、政治参与和代表权等领域的少数群体权利制度,以及《语言少数群体的语言权利:实用执行指南》、《保护少数民族框架公约》、《关于少数民族语言权利的奥斯陆建议》、《关于少数民族教育权利的海牙建议》和《关于少数民族有效参与公共生活的隆德建议》等指导文件中概述的良好做法。

Annex I

Main activities undertaken by the Special Rapporteur from July to December 2021

1. On 13 July 2021, Fernand de Varennes, Special Rapporteur on minority issues, addressed a side-event on the persecution of Ahmadi Muslims Worldwide organised by the International Human Rights Committee and the “Coordination des associations et des particuliers pour la liberté de conscience”, along with colleagues on freedom of religion or belief and on freedom of expression. He pointed out how Ahmadis appear to be increasingly marginalised as minorities in a number of countries, subjected even to severe restrictions on the practice of their religion with other members of their community, and targeted by hate speech in social media.
2. On 14 July 2021, Fernand de Varennes, Special Rapporteur on minority issues, was interviewed in a podcast with the South Asia Research Institute for Minorities. Among the issues addressed was the treatment of Muslim minorities in South Asia, and in particular the risk of statelessness which is increasing for Muslim minorities in India, as well as the significant rises in violence and hate speech in social media which disproportionality affects minorities worldwide.
3. On 16 July 2021, Fernand de Varennes, Special Rapporteur on minority issues, interacted in a Q and A session at the closing of the Tom Lantos Institute’s ninth Global Minority Rights Summer School which focussed this year on ethnocultural diversity, conflict, and the human rights of minorities. Discussions dealt with the work of special rapporteurs, how they conduct their missions, and the communication procedures for allegations around the human rights of minorities.
4. On 27 July 2021, the Special Rapporteur on Minority Issues, Dr Fernand de Varennes, gave the welcoming remarks for the global event on Career Development, Diversity & Inclusion, jointly organised by the OHCHR’s Indigenous Peoples and Minorities Section, the Human Resources Management Service, the Anti-Racial Discrimination Section, and the Global Network of Minority Fellows. He pointed out that institutionally, the UN needed to put into place measures for minorities and indigenous peoples, especially Afro-descendants, Roma and Dalits and other excluded communities, so that they have concrete opportunities to be part of the UN system, as well as to transform the UN into a more diverse organization to better reflect the global reality and equality of the rich tapestry of colours, cultures, languages and religions which make up the human race.
5. On 2 August 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, made an opening video statement on the European Holocaust Memorial Day for Sinti and Roma. He pointed out the day was an opportunity for greater acknowledgment of the Sinti and Roma genocide in order to address as a matter of urgency the increasing intolerance, demonizing and hate speech targeting of Roma and other minorities around the world. Dr de Varennes also emphasised that the commemoration organised by the Central Council of German Sinti and Roma and the Association of Roma in Poland in cooperation with the Auschwitz-Birkenau State Museum was an important part in the necessary remembrance of the genocide targeting minorities which had occurred, and the need to be vigilant so it never happens again. On the same day, he also made opening remarks by video for the commemoration of the Roma Genocide organised by Romanipe Montréal, part of a three-day awareness campaign to highlight the importance of collective responsibility in commemorating the Roma and Sinti victims, learning about the history of the Romani Genocide, and taking actions to protect and promote the human rights and dignity of Roma.
6. On 11 August 2021, the Special Rapporteur on Minority Issues, Dr Fernand de Varennes, spoke with former and current OHCHR Minority Fellows in preparation of the 2021 Regional Forum for Asia-Pacific on Conflict Prevention and the Protection of the Human Rights of Minorities to be held online 7 and 8 September 2021. On 13 August 2021, he also joined the former and current OHCHR Minorities Fellows for the upcoming 2021

Regional Forum for Europe and Central Asia on Conflict Prevention and the Protection of the Human Rights of Minorities to be held online on 12-13 October 2021.

7. On 22 August 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, was keynote speaker at an online event organised by ADF India to mark the International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief, designated in 2019 by the United Nations General Assembly. The Special Rapporteur addressed the role of the United Nations in protecting and promoting religious minorities and proposed, among others, that the United Nations further develop and use at all levels of its organisation the detailed initiative known as the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence which focuses very much on minorities of belief or religion, as well as consider a resolution for a World Day for Celebrating Religious and Belief Diversity as an opportunity to deepen our understanding of the values of religious and belief diversity and to learn to live together in harmony. He also urged that the UN and member states begin work on a new treaty on hate speech in social media to limit and describe how states must address hate without breaching fundamental rights such as freedom of expression while not abusing laws on hate speech to curtail the work of human rights defenders and those who criticise legitimately government policies and even abuses.

8. On 24 August 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes was one of the participants in the OSCE Informal expert consultations on the impact on and response to trafficking in persons belonging to ethnic, national and religious minorities organised by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings and the OSCE Office for Democratic Institutions and Human Rights (ODIHR). The Special Rapporteur highlighted the need to properly identify, including disaggregated data, who were the main victims of human trafficking in order to be able to target and tailor more effective measures to address their vulnerability and needs. In addition, he emphasized the current ineffectiveness of approaches in a number of countries where there is a failure to appreciate that most trafficked persons in Europe and elsewhere tend to belong to a small number of minority communities – and to understand and address why these tend to be the most vulnerable to trafficking.

9. On 5 September 2021 Dr Fernand de Varennes, Special Rapporteur on minority issues, was the guest speaker at the annual general meeting of the Global Minorities Alliance in Scotland. Held online because of the COVID-19 pandemic, the Special Rapporteur spoke on why more needed to be done for the recognition of the human rights of minorities. He in particular referred to the lacklustre acknowledgment and protection of their rights, even at the United Nations, despite most cases of statelessness, of hate speech and hate crimes, and of atrocities and other mass violations of human rights being perpetuated against persons belonging to ethnic, religious or linguistic minorities worldwide, such as with Rohingya, Dalits, Roma, Afro-descendants, etc.

10. On 7 and 8 September 2021, the Asia-Pacific Regional Forum on conflict prevention and the protection of the human rights of minorities was held virtually. This is the third in a line of four regional forums to be held in 2021 on this theme under the mandate of the Special Rapporteur, with the collaboration of the Tom Lantos Institute and regional partners such as IMADR (International Movement against All Forms of Discrimination and Racism) and Forum-Asia, amongst others.

11. On 9 September 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, was awarded the FUEN 2021 Prize during the annual meeting of the Federalist Union of European Nationalities in Trieste, Italy, for his long-standing and enduring commitment to the protection of the human rights of minorities in Europe and globally.

12. On 13 September 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, gave a seminar for law students at the Vesalius College of the Free University of Brussels, in Belgium. He touched upon what are the rights of minorities in international law, and the role and limitations of the United Nations special procedures in the protection of international human rights.

13. On 13 September 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, was a panellist at the G20 Interfaith Forum “Time to Heal: Peace among Cultures,

Understanding between Religions” held in Bologna, Italy. He spoke on the vulnerability of minorities of religion or belief, and how these are overwhelmingly the main targets of hate speech in social media. He also warned of the dangers of dismissing or denying that minorities are disproportionately vulnerable to hate speech, hate crimes and corresponding violence and even atrocities – leading to ineffective measures failing to significantly impact on the growing ‘poisoning of the mind’ and tsunami of hate the world is seeing in social media.

14. On 14 September 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, was a keynote speaker at a virtual side-event to the 48th session of the UN Human Rights Council side-event sponsored by the World Jewish Council, in collaboration with the Greek, German and Swedish permanent missions to the United Nations in Geneva, to explore the challenges posed by the current climate of misinformation, exacerbated by social media and other platforms, and the rise of hate speech. He discussed ways to redress this phenomenon while ensuring freedom of expression at a panel entitled “Education Against Hate Speech and Discrimination.”

15. On 14 September 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, was a special guest at the UN Network on Racial Discrimination and Protection of Minorities to share his views on the role of UN agencies and entities in acting to combat racial discrimination and to strengthen minority rights.

16. On 28 September 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, was keynote speaker for the first International Parliamentary Union’s Global Parliamentary Meeting on Achieving the Social Development Goals. The Special Rapporteur addressed the meeting’s theme ‘Leave no one behind: Are we keeping the promise?’ in the negative, highlighting that inequalities worldwide are growing between the have and have nots, particularly for poorer segments of societies such as minorities and indigenous peoples, as well as between wealthier states and most countries, and this is being exacerbated though not created by the pandemic. He emphasised that many more are now being left behind, in part due to glaring omissions in the SDGs themselves on how to achieve the goals behind Leaving No One Behind such as (1) SDGs are not sufficiently human-centred; (2) SDG targets failing to concentrate on most likely to be left behind, particularly again minorities and indigenous peoples who are almost never mentioned despite being amongst the most vulnerable. It is not surprising that to a large degree – with some notable exceptions in some areas – they are not being fulfilled. He again emphasised that among those most likely left behind are minorities who face multiple and intersecting forms of discrimination. An indigenous, Roma or Dalit woman or girl, for example, may be doubly marginalized and disadvantaged, and even be particularly vulnerable to abuse and denial of basic human rights protection. Whether their station will be improved under the 2030 Agenda or whether they will fall behind when the majority in the country may enjoy fully the benefits of social and economic development is simply not factored in the SDG indicators.

17. On 4 October 2021, the Special Rapporteur Dr Fernand de Varennes was keynote speaker at the virtual meeting of the Global Network of R2P focal points, organised by the Global Centre for the Responsibility to Protect, Ralph Bunche Institute for International Studies at CUNY Graduate Center. He highlighted the importance of the Responsibility to Protect principles (R2P) to break the self-reinforcing cycle of ignorance-fear-hate-violence threatening societies – and governments – around the world, and trends in recent years of significant increases in violence and hate speech targeting minorities globally, as well as increasing ethnic conflicts - and therefore higher risks of atrocities. He also warned of a current period where the conditions for atrocity crimes are ever more present and prominent – and the main targets are overwhelmingly minorities.

18. On 8 October 2021, the Special Rapporteur Dr Fernand de Varennes was invited to lead a panel discussion at the Christian Conference of Asia’s Regional Consultation on freedom of religion, the rights of religious minorities, and constitutional guarantees in Asia. Speaking specifically on minority rights by understanding Asia’s majority-minority contexts, he pointed out how the world is experiencing growing inequalities and majoritarian nationalism, to which even the UN itself is not immune, as well as a ‘tsunami’ of hate speech and incitement to violence in social media most of which target minorities, growing numbers of conflicts globally, and potentially millions more individuals becoming stateless because

of state policies and legislation which tend, again, to disproportionately discriminate against and target minorities.

19. On 12 and 13 October 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, hosted the European and Central Asia Regional Forum on conflict prevention and the protection of the rights of minorities, the last of four regional forums held during the year on this theme. More than 150 participants and experts were in the event including 14 state representatives (Albania, Armenia, Austria, Azerbaijan, Greece, Hungary, Italy, Latvia, Liechtenstein, Moldova, North Macedonia, Romania, Switzerland, and the Ukraine). The two-day event resulted in 56 recommendations which will be considered at the UN Forum on Minority Issues to be held on 2 and 3 December 2021 and in the Special Rapporteur's annual report to the Human Rights Council in March 2022. Total number of participants that attended all 4 regional forums in 2021 was around 700. Among other notable results is the accessibility provided in holding the regional forums with interpretation in nine different languages, Arabic, English, French, Portuguese, Romani, Russian, Spanish, as well as Mexican Sign Language and International Sign Language.

20. On 13 October 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, addressed a side-event during the European and Central Asia Regional Forum on conflict prevention and the protection of the rights of minorities. Organised by former and current UN Minority Fellows, the side-event entitled 'Ensuring Minority Rights in Europe and Central Asia: Challenges and Opportunities', it included a tribute to Alexandr Kuzmin from Latvia, who passed away suddenly last month.

21. On 19 October 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, gave a keynote speech at a high-level conference on national minority identities in diverse societies: European perspectives at the Council of Europe in Strasbourg, France. He outlined how the protection of minority rights and identities appear to have regressed despite the progress made in the development of various instrument in Europe and internationally in the 1990s. This could in part be explained by the lack of strong implementation mechanisms, but also because of an increasingly hostile and intolerant environment towards minorities in many parts of the world.

22. On 21 October 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, presented his annual thematic report at the UN General Assembly in New York. He warned of growing global inequalities, and of minorities and indigenous peoples being left increasingly behind, leading to increasing instability and even violence in parts of the world. Focussing on the SDGs, economic development and minorities, he called for a greater focus by international institutions and states on the most marginalized communities, such as minorities, indigenous peoples and women. He pointed out that the SDGs failed to prioritize 'people over development', with little or no attention in SDG measures and indicators to how minorities are treated or impacted in social and economic development terms.

23. On 21 October 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, participated in the Virtual Roundtable on Equality and Non-Discrimination in Nationality Matters to End Statelessness organised by the UNHCR and the OHCHR, outlining some of the causes of the increasing numbers of stateless who are from minority communities in a handful of countries, and why a human rights approach to statelessness needs to be the focus in order to avoid the complete failure of the global campaign to eradicate statelessness by 2024.

24. On 22 October 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, was keynote speaker at a high-level side event for the 76th session of the UN General Assembly co-organised by his mandate, the OSCE High Commissioner on National Minorities, and the Permanent Mission of Austria to the United Nations in New York. The side-event dealt with the 2030 Agenda for Sustainable Development and Economic Participation of Minorities" and the UN Special Rapporteur's thematic report on the SDGs, and the challenges for effective socio-economic inclusion in the context of SDGs, as well as policy measures that could prevent the escalation of social and inter-ethnic tensions.

25. On 25 October 2021, the UN Special Rapporteur on minority issues, Dr Fernand de Varennes, gave an online lecture to students in the Institut d'études politiques de Paris (also known as Sciences Po) to masters level human rights students in Paris, France, on his work

as special rapporteur on minorities, the nature and challenges to the implementation of the human rights of minorities, as well as the regression of the protection of these rights in areas such as statelessness, hate speech in social media, and in relation to teaching in the languages of minorities.

26. On 27 October 2021, the UN Special Rapporteur on minority issues, Dr Fernand de Varennes, was the inaugural speaker for the Second Congress of the POCLANDE International Network (People, Cultures, Languages and Development) held at the Kenyatta University in Nairobi, Kenya. The Special Rapporteur spoke on the importance of sustainable development being sensitive to and taking into account local languages, cultures and populations, and why a human-centred approach to the SDGs needed to integrate more fully and accommodate the human rights of minorities, and particularly their languages and cultures, and the impact this could have in strengthening the participation of minorities in social and economic development and in society in general.

27. On 3 November 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, gave the keynote speech for the roundtable conference on “Respect for the right of people with hearing disabilities to education” organised by the OHCHR Regional Office for Central Asia, the Ministry of Education of the Republic of Kyrgyzstan, the Office of the Ombudsperson of the Republic of Kyrgyzstan, and the Regional Office of the OHCHR for Central Asia. Dr de Varennes explained why users of sign languages should be considered as members of a full-fledged, natural language, and why pedagogically the teaching of and use of sign languages in schools was the best way of ensuring deaf children received quality education and learning outcomes, as well as the failure to do so could constitute discriminatory practices in breach of international human rights standards. He also made concrete recommendations on what specific steps could be taken in Kyrgyzstan in this area.

28. On 4 November 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, discussed with a number of other experts and researchers at the European Academy (EURAC) in Bozen/Bolzano in Italy the challenges raised in a research project on the topic of “old” and “new” minorities, or on the integration of migrants on the regional level in Italy, specifically the province of Bolzano/Bozen and the region of Trentino Alto-Adige/Südtirol.

29. On 4 November 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, was a panellist for the webinar on ‘Realizing Equal Nationality Rights for All’ organised by the Global Campaign for Equal Nationality Rights and the World Council of Churches’ Commission of the Churches on International Affairs (CCIA). The event marked the seventh anniversary of the UNHCR’s #Ibelong Campaign to eradicate statelessness and the 60th anniversary of the adoption of the 1961 Convention on the Reduction of Statelessness. While the Special Rapporteur commended the organisations involved in successes to eliminate statelessness in gender discrimination cases against women and their children, and for Kyrgyzstan for having taking steps to eradicate it in the country, he warned that statelessness may have actually increased significantly from 10 million in 2014 to about 15 million in 2021, in large part because of insufficient focus and recognition on minorities such as the Rohingya in Myanmar and Muslim and Bengali minorities in India as the main victims of deliberate measures to exclude them from citizenship in a number of countries.

30. On 8 November 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, started his two-weeks mission to the United States of America, the first special procedures independent expert to conduct such as mission to the country since 2017. After initial meetings with high-level federal officials and civil society organisations in Washington DC, both in person and virtually, the Special Rapporteur met with territorial officials in Guam, as well as civil society organisations, including from the Chamorro community, on 11, 12 and 13 November 2021.

31. On 12 November 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, was the online keynote speaker for the European Language Equality Network’s annual general meeting being held in Santiago de Compostela, Spain. In his message, the Special Rapporteur highlighted the importance of countering a growing trend in Europe of disregard towards the human rights of minorities, and the need to build upon gains made in the 1990s for mechanisms and instruments to protect minorities in order to assure the much-

needed implementation of these rights and protections. He also invited participants to seize the opportunity provided by the 30th anniversary of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in 2022 to relaunch attention and efforts towards the very core of the premise and promise of the Universal Declaration of Human Rights on “the inherent dignity and of the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world.”

32. On 12 November 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, was an online panellist with UN High Commissioner for Human Rights Michelle Bachelet and OSCE High Commissioner Kairat Abdrakhmanov. The event, organised in collaboration with the UN Office in Geneva, focussed on the effective participation of minorities in economic life as a strategy for conflict prevention. The Special Rapporteur called for much more needed focus on enhancing multilateral and other efforts in regards to the participation of minorities in the economic sphere because of the limited attention to minorities, and indigenous peoples, being increasingly left behind and discriminated in economic and other areas of participation, in part because of growing global inequalities as well as disturbing leaps of hate speech, xenophobia and majoritarian demagoguery and intolerance. He also decried the widespread omission of minorities in SDG indicators and measures, thus largely leaving out minorities since ‘those who are not counted, do not count’.

33. On 22 November 2021 the Special Rapporteur on minority issues, Dr Fernand de Varennes, gave a press conference at the end of his two-weeks mission to the United States of America, from 8-22 November. He urged the US government to overhaul legislation to prevent increasing exclusion, discrimination and hate speech and crimes against minorities, indicating that the legal landscape for the protection of human rights is far from comprehensive or coherent. He also indicated that recent years have seen these deficiencies in human rights and the phenomenal growth of hate speech in social media, growing inequalities between have and have nots, often minorities and indigenous peoples, creating toxic conditions and an unhealthy pandemic of the mind, a poisoning of individual minds and society in many parts of the country.

34. On 23 November 2021 the Special Rapporteur on minority issues, Dr Fernand de Varennes, was a keynote panellist for the launch of the comprehensive #TravellerHomesNow Monitoring Report, as well as the annual meeting of the Galway Traveller Movement. The launch, organised by the National Travelers Women’s Forum and the #TravellerHomesNow campaign team, addressed the continuing unacceptable conditions under which Travellers are still allowed to live, as well as mapping progress made in #TravellerHomesNow campaign from 2017- 2021 using a human rights framework.

35. On 26 November 2021 the Special Rapporteur on minority issues, Dr Fernand de Varennes, said the opening words and participated in a meeting of a minority global consultation group on future direction and focus for the 2022 30th anniversary of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

36. On 1 December 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes addressed online a panel on the Minority issues and universality, organised by the Geneva Human Rights Platform and the Geneva Academy. He pointed out that the principle of ‘universality’ is at times used in states in the sense that majoritarian cultural and other preferences are deemed to be ‘the norm’, with those of minorities as ‘outside the norm’ and thus in opposition to the universal and equal application of human rights standards, whereas in reality international standards are ‘agnostic’ in terms of cultural and similar approaches. Majoritarian impositions are differences of treatment which can themselves be discriminatory if they have disproportionate or unjustified impact on the different cultural preferences of minorities, rather than minorities seeking ‘exceptional or special treatment’ from universal standards.

37. On 2 and 3 December 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes hosted the 14th UN Forum on Minority Issues, held in a hybrid format because of COVID health measures in Geneva. Some 650 participants registered for the two-day event – the largest number in the history of the UN Forum, to hear expert panellists from all regions

of the world examine more closely the prevention of conflicts through the protection of the human rights of minorities and make recommendations to this effect which will then be presented to the UN Human Rights Council during the Special Rapporteur's annual report in March 2022.

38. On 6 December 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, made the opening speech at the international webinar co-organised by HL-Senteret Minority Network at the Norwegian Centre for Holocaust and Minority Studies and the Norwegian Academy of International Law as part of the Inclusive Citizenship and Human Rights Programme. The online event was broadcast from Oslo and focused on inclusiveness and the need to focus on participation and representation of minorities. Dr de Varennes warned against the increasing global inequalities, of minorities being disproportionately left behind, and how numerous international players, including the United Nations, were insufficiently acknowledging these phenomena.

39. On 7 December 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, opened online the Interfaith Short Film Festival called: Living Together from Asia, the Middle East and Northern Africa. The event was organised by the Inclusive Citizenship Project at HL-senteret of the Norwegian Centre for Holocaust and Minority Studies and many partners in those regions.

40. On 8 December 2021, the Special Rapporteur on minority issues Dr Fernand de Varennes, was a panellist on the theme "Fighting disinformation on the Internet beyond censoring: a study on public officials responsibility" organised by the Centro de Estudios en Libertad de Expresión y Acceso a la Información (CELE) at the University of Palermo in Argentina. This event was part of the 2021 Internet Governance Forum (IGF), a forum for multi-stakeholder policy dialogue as set out in paragraphs 72 to 78 of the Tunis Agenda of the World Summit on the Information Society'. Dr de Varennes called for a global legal instrument to tackle the global threat of hate speech, incitement to violence, discrimination and genocide, and the destructive consequences of social media largely being carried out with almost total impunity for most social media platform owners, particularly to protect the most vulnerable groups such indigenous peoples, minorities, women and children, whilst ensuring that the requirements of international human rights such as freedom of expression are detailed and well protected.

41. On 15 December 2021, the Special Rapporteur on minority issues, Dr Fernand de Varennes, participated online as a panellist in a high-level panel discussion on "Turning promises into action, hopes into reality: supporting religious or belief minorities such as Christians" organised by the Hungarian Permanent Mission at the United Nations in New York. He spoke more broadly of a number of global phenomena which has seen an increase in religious or belief – and other minorities – being overwhelmingly the targets of hate speech in social media, and of making overwhelmingly most of the growing number of stateless in the world, being disproportionately the targets of increasing levels of hate crimes. Despite the evidence of regression in the protection of the human rights of minorities, there remains still too much ignorance or even denial of these global processes which largely remain unaddressed and inefficiently tackled by the international community.

42. On 22 December 2021 the Special Rapporteur on minority issues, Dr Fernand de Varennes, was the main briefer at a UN Security Council Arria-formula meeting in New York on the situation of national minorities and the glorification of Nazism in the Baltic and Black Sea regions. He focussed on the most vulnerable communities (such as the Roma) or the largest in the regions (Hungarian, Polish, and Russian), as well as the major areas of concern such as statelessness, education, hate speech and hate crimes, as well as the rise of extreme right-wing violence and prominence.

43. On 23 December 2021 the Special Rapporteur on minority issues, Dr Fernand de Varennes, addressed as a keynote international expert a roundtable on the proposed draft legislation on the state language of the Kyrgyz Republic. Organised by the National Commission on State Language and Language Policy, the UN Office of the High Commissioner for Human Rights in Kyrgyzstan and the Office of the OSCE High Commissioner on National Minorities, the Special Rapporteur referred to the recommendations in relation to the language rights of minorities which were made in his

2019 mission report to the country, as well to the importance of complying with the international human rights obligations of Kyrgyzstan in areas such as education and equal access to public services and political participation of minorities. He in particular emphasized the need to adopt inclusive language approaches and to avoid approaches that could be considered discriminatory for significant minority communities such as Uzbek and Russian speakers, and cautioned against the denial of the human rights of minorities where the exclusive use of the state language could breach fundamental principles of international law such as freedom of expression and non-discrimination by excluding the use of minority languages.

44. On 23 December 2021 the Special Rapporteur on minority issues, Dr Fernand de Varennnes, gave a podcast interview on Language as a Human Right. The podcast is part of the broadcast series 'Much Language Such Talk' conducted at the University of Edinburgh in Scotland.

Annex II

Conflict prevention through the protection of the human rights of minorities: sample questionnaire and list of contributors

A. Sample questionnaire

Call for submissions by 6 December 2021

In accordance with his mandate pursuant to Human Rights Council resolution 34/6, the Special Rapporteur on minority issues, Dr Fernand de Varennes, will present a thematic report at the 49th Session of the UN Human Rights Council, which will provide a detailed analysis and highlight the issue of “Conflict prevention through the protection of the human rights of minorities”.

Building on the work carried out by other UN, international and regional organisations, the Special Rapporteur will address the relationship between the prevention of violent conflicts through the protection of the human rights of minorities, in order to achieve stable and just societies, which are central to the implementation of the principles of equal human rights and dignity for all contained in human rights treaties and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The report will also contribute to the 2030 Agenda for Sustainable Development, in particular with regard to ensuring that all human beings are able to fulfil their potential in dignity and equality and in a healthy environment, and the commitment to foster peaceful, just and inclusive societies which are free from fear and violence, leaving no-one behind.

Context

The interrelationship between conflicts, the rights of minorities, and the promotion of inclusiveness and stability constitutes one of the thematic priorities of the Special Rapporteur.

Conflict prevention and the protection of the human rights of minorities is a topical and urgent issue. As the groundbreaking 2018 UN and World Bank joint study on ‘Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict’ points out, the main drivers of instability globally are group-based grievances around exclusion and injustice. To be more precise, the root causes of most of today’s violent conflicts all usually intimately linked to breaches of the human rights of minority communities.

In previous reports, the mandate has addressed the human rights of minorities in situations of humanitarian crises brought about by natural or man-made hazards (see [A/71/254](#)) as well as the role of the protection of minority rights in promoting stability and conflict prevention (see [A/HRC/16/45](#)). Among other points, these reports stressed that among the essential elements of a strategy to prevent conflicts involving minorities are respect for minority rights, particularly with regard to equality in access to economic and social opportunities; effective participation of minorities in decision-making; dialogue between minorities and majorities within societies; and the constructive development of practices and institutional arrangements to accommodate diversity within society.

Despite increasing understanding of the interlinkages between conflict prevention and the protection of the human rights of minorities, new conflicts involving minorities continue to emerge in many different parts of the world. Recent reports suggest that they are increasing, and that there is too little attention from international, national and other actors to the minority contexts and grievances, and denial of their human rights, which are amongst the top early warning signs of impending violence. The Special Rapporteur is of the view that a fresh look at these issues is necessary to give a new impetus to a human rights system when it comes effective early warning mechanisms for most of the world’s intrastate conflicts, through the protection of minorities.

The present thematic report will address these issues and help to identify the means by which the Special Rapporteur can more effectively contribute to (i) developing the stakeholders' capacity to identify the root causes of conflicts; (ii) strengthening legal and institutional framework so it provides a more effective early warning tool to help prevent violent conflicts; (iii) enhancing or creating early effective conflict prevention mechanisms and (iv) developing of means to advance the protection of the human rights of minorities and prevention of conflicts involving them.

The report will also look into the role of minority youth and women as valuable innovators and agents of change, whose contributions should be seen as an essential part of recognising and protecting the human rights of minorities, preventing conflicts and building peaceful communities, as outlined in the recommendations of the Forum on Minority Issues at its tenth session "Minority youth: towards inclusive and diverse societies" (A/HRC/37/73).

The report will also highlight promising practices, including the effective involvement of minorities in conflict prevention and provide suggestions and recommendations addressed to all relevant stakeholders at the local, national, regional and international levels.

Call for submissions

In accordance with the established practice of thematic mandate-holders, the Special Rapporteur welcomes inputs by States, UN agencies, regional and international organizations, national human rights institutions, civil society and minority organizations, scholars and research institutions, and others who may wish to submit for this purpose. Such submissions may include, for instance, recommendations, evidence and case studies. The following questions are intended to guide submissions:

1. Please provide examples of tools and early warning mechanisms, which monitor risk factors leading to conflicts involving minorities.
2. Please provide any relevant data and case studies revealing root causes of some contemporary conflicts involving minorities.
3. Please provide examples of capacity-building programs assisting the States and intergovernmental organizations to identify the root causes of conflicts involving minorities.
4. Please provide examples of existing policies, legal and institutional frameworks, as well any other positive initiatives targeted at ensuring peaceful coexistence in order to safeguard the recognition and protection of the human rights of minorities. Please specify how minority women and youth are involved in these examples.
5. How can the international and regional conflict prevention tools and mechanisms further strengthen the recognition and protection of the rights of minorities?
6. Please describe how persons belonging to minorities and their representative organizations, including minority women and youth, are involved in the design, implementation and evaluation of the conflict prevention programmes.
7. Please provide any other relevant information.

Submissions and inputs on the above-mentioned areas can be submitted in English, French or Spanish and addressed to the Special Rapporteur by email to ohchr-minorityissues@un.org by 6 December 2021.

Submissions and inputs will be considered public records unless expressed otherwise.

B. List of contributors

States: Albania, Armenia, Azerbaijan, Croatia, Guatemala, Hungary, Iraq, Ireland, Italy, Latvia, Lebanon, Liechtenstein, Mauritius, Mexico, Russian Federation, Slovakia.
International Organizations: UNHCR, UNICEF.

National Human Rights Institutions: Ombudsman Office of Azerbaijan.

Civil society organizations: Association of Reintegration of Crimea, Civil Society-UN Prevention Platform, Foro Social de la Deuda Externa y Desarrollo de Honduras, International Committee on Nigeria (ICON), Network for Religious and Traditional Peacemakers and the Finn Church Aid.
