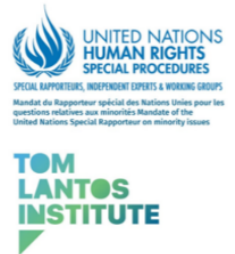


European Regional Forum on
conflict prevention and
the protection of the
human rights of minorities

12-13 October, 2021 | ONLINE MEETING



Norms, Structures, and Implementation of Human Rights and Minority Rights

To states

1. States should recognize, including in constitutions, ethnic, religious, and linguistic diversity, and incorporate respect for such diversity in law, policy, and in the practice of state institutions, in line with international standards enshrined in the Universal Declaration on Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities (UNDM), and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
2. When necessary, states should draft new laws to ensure protection for persons belonging to minority groups, and amend or repeal discriminatory laws and structures that formalize ethnic, religious, and linguistic, discrimination, prejudice and persecution, inequality, or exclusion. In line with Article 27 of the ICCPR, a comprehensive approach should be employed combining individual and community protections.
3. States should respect the self-identification of minorities in accordance with Article 27 of the ICCPR, the UNDM along with the UN Commentary of the Working Group on Minorities, and Article 3 of the FCNM.
4. States should not misinterpret or incorrectly invoke international minimum standards on the human rights of minorities in attempts to eliminate or dilute existing levels of protection, for example reducing the scope of education in minority languages.
5. States should promote the implementation of Security Council Resolution 1325 on women, peace, and security (WPS).
6. States must end retaliation, including assassination, defamation, prosecution, or intimidation, against human rights defenders, journalists, lawyers, and others working to promote and protect the human rights of minorities.

To European Union

7. Based on its core founding values, and building upon the internationally recognized best practices in a number of its Member States as well as its experience with the fulfilment of the accession criteria related to the respect for the rights of minorities prior and after accession, the European Union should develop a robust common protection framework on the rights of national or ethnic, religious, and linguistic minorities with common principles and standards. The framework should be fully incorporated in its rule of law

monitoring exercise and be accompanied by regular monitoring and the issuance of recommendations. This minority protection framework should be used as a basic reference tool in its foreign and security policy, including in the European External Action Service (EEAS), as well as its accession and neighborhood policy, supporting its aim to solve and prevent conflicts, preserve peace and develop and consolidate democracy, the rule of law and respect for human rights in the world.

8. In all its relevant legislation, the European Union should take into account international minority rights, as well as legitimate inputs from national or ethnic, religious, and linguistic minorities, such as the Minority SafePack European Citizens' Initiative.
9. The European Union should develop a robust policy of countering hate speech against minority groups, including at sports events and in the mass media, as well as regulations on the functioning of social media platforms through the Digital Services Act.

To Council of Europe

10. The Committee of Ministers of the Council of Europe should invest more political effort in promoting and strengthening the Framework Convention on the Protection of National Minorities and the European Charter for Regional or Minority languages, especially by regularly referring to the two documents, by actively encouraging its Member States to sign and ratify them, investigating the ways in which compliance with the two instruments could be increased, updating its reporting practices and encouraging State Parties to use them in domestic political processes, such as when designing policies or drafting legislation.
11. The Council of Europe should approve an additional protocol to the European Convention on Human Rights (ECHR) related to the rights of persons belonging to minorities or through the reform of the FCNM and ECRML to open options for individual and collective complaints or through adding additional protocols to those mechanisms.

To multiple stakeholders

12. International and regional organizations, states and civil society organizations should raise awareness among minorities about the available reporting mechanisms on the human rights of minorities of international and regional organizations, such as the UN Special Procedures, Human Rights Committee (HRC), the Committee on the Elimination of Racial Discrimination (CERD), Committee on Economic, Social and Cultural Rights (CESCR), Committee on the Elimination of Discrimination against Women (CEDAW), Committee on the Rights of the Child (CRC), or the Advisory Committee of the Framework Convention for the Protection of National Minorities (FCNM), and build the capacity of minorities for engaging with these mechanisms.
13. International and regional organizations and states should establish effective mechanisms to engage in dialogue with recognized and unrecognized minorities, including minority women and youth, in line with the UN study: *The missing peace: independent progress study on youth and peace and security.*

14. International and regional organizations should ensure that members of minorities are included in relevant review and treaty bodies that monitor violations of the rights of minorities.
15. International and regional organizations should have earmarked funds available for civil society actors specializing in minority rights issues and for programs through which recommendations made by international expert bodies can be fulfilled on the ground.

Equality, Non-discrimination, and Intersectionality

16. States should establish national human rights institutions, equality bodies, or ombudsman offices that have autonomy and sufficient budgets to ensure the regular implementation and monitoring of equality legislation and minority rights. Such institutions should ensure the effective participation of minorities and indigenous peoples and their organizations, including at the grassroots level, in monitoring mechanisms and practices, and should function without discrimination against minority and indigenous groups.
17. States should ensure and promote human rights-based policies, including special measures when necessary, and provide sufficient funding to ensure equal opportunities for minorities, including minority women and youth, in the political, civic, economic, social, and cultural spheres.
18. States should prohibit expressions and restrict their dissemination when they qualify as advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence in accordance with Article 20(2) of the ICCPR. When qualifying incitement and dissemination as a criminal offence the following factors should be taken into account as detailed in the Rabat Plan of Action: the content and form of speech; the economic, social and political climate; the position or status of the speaker; the reach of the speech, the objectives of the speech, and reasonable probability that the speech would succeed in inciting actual action against the group.

Recognizing and Accommodating National or Ethnic, Religious and Linguistic Diversity

19. States should consider various forms of internal self-determination and self-governance, including arrangements for territorial and personal autonomy, in accordance with the Lund Recommendations on the Effective Participation of National Minorities in Public Life and proposed in the Handbook on the Prevention and Resolution of Self-Determination Conflicts as set out by the Liechtenstein Institute on Self-Determination at Princeton University, on relevant policy issues for minorities, at the national and local levels.
20. States should end measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities in accordance with Article 16 of the FCNM.
21. States should promote the cultural, religious and linguistic heritage of minorities and indigenous peoples, and protect them from identity-based discrimination, hostility, violence, and attempts at assimilation.
22. States should encourage and promote interreligious dialogue, including dialogue among religious leaders, to make the majority religious group understand the plight of the minority and advocate the rights of the minority together.

23. Local self-government bodies, if there is sufficient need, should decide on the use of topographic signs and geographical names in the language of national minorities, together with the state language, in accordance with Article 11 of the FCNM.
24. States should provide specific mechanisms and sufficient material resources to ensure that public services are accessible in minority languages, and for the translation and dissemination of existing legislative acts into minority languages in accordance with Article 10 of the FCNM.

Ensuring Effective Participation in Public, Political, Economic, Social, and Cultural Life

25. States should ensure the effective participation of minorities, including minority women and youth, and their representatives, and international experts from the UN and Council of Europe in the development, implementation, and monitoring of laws and policies affecting them, including special measures. Historic discrimination, marginalization and socio-economic inequality experienced by minorities and indigenous peoples, including minority and indigenous women and youth, need to be addressed by these laws and policies.
26. States should create and institutionalize consultative bodies on minority issues at the national and local levels, linked to national and local legislatures and executives, and consisting exclusively of minority representatives from minorities that exist in the territory of the state. The consultative body can take the form of a publicly accountable group of representatives, or a deliberative citizens' council, with the aim to achieve increased inclusiveness in state institutions and give voice to non-represented or underrepresented minorities.
27. Regional and local authorities should establish a post of a designated Roma adviser in regional and district state administrations to support the development of inclusive policies and service delivery to marginalized Roma communities.
28. To address the problem of underrepresentation and low participation in political and social life (and also to maintain a sense of equality and fairness), the authorities should develop a quota system, reserved seats in electoral bodies, or other measures (taking into account the approximate percentage of minorities among the population of the country) to ensure participation of minorities in political and state structures.
29. States should make a demonstrable effort to employ through positive initiatives and public campaigns minorities in the police, military, and foreign service, especially in areas where they are concentrated.

Stateless and Displaced Minority and Indigenous Groups

30. States should cease the practice of withdrawal, denial or stripping of citizenship, including from minorities, which renders them stateless and unable to exercise their citizenship and human rights; and return citizenship to persons belonging to minorities who were stripped of their citizenship without due process or in violation of other internationally recognized human rights.

31. Representatives of minorities should be included in consultations and needs assessments on the protection of stateless and displaced persons, and in work with these communities.

Education

32. States should ensure equal access to and non-discrimination in education for minorities, including minority women and youth, including education in minority languages.
33. States should develop long-term, comprehensive policies for combating negative stereotypes of, and discrimination against, minority individuals and groups, and promote intercultural understanding by, among other things, the teaching of the culture and history of minorities in the national curriculum. This should specifically focus on combating some of the most pernicious forms of prejudices, intolerance, and discrimination, such as antigypsyism, antisemitism, and Islamophobia. Majority students should be encouraged to learn about the culture and language of minority communities to develop better understanding of, and empathy for, minority situations. The content of existing curricula, including textbooks, should be evaluated on the basis of clear standards on intercultural education, including standardized content analysis.
34. States should ensure that educational curriculum and textbooks foster knowledge of minorities' history, culture, traditions, as well as positive contributions to society in accordance with Article 4 of UNDM, Article 12 of FCNM and the Hague Recommendations on Educational Rights of National Minorities. Textbooks should be reformed with particular attention to the adequate representation of minorities and with the effective participation of minorities.
35. States should create structures and processes that ensure the involvement of representatives of minorities to actively participate in the development and implementation of policies and programs related to education for national minorities, including the preparation of curricular and textbooks, and in seeking funding for education programs for minority students.
36. States should revise their constitutions in order to facilitate regional language immersion teaching as part of the national education framework.
37. States should establish special faculties to provide training for minority-language teachers, and ensure the necessary financial and technical support.

Media

38. States should ensure that media, including social media, foster intergroup dialogue and understanding in ways that are suitable for their roles, functions and capacities in accordance with the OSCE HCNM Tallinn Guidelines on National Minorities and the Media in the Digital Age. To this end, it is important that content produced by minorities is also disseminated by mainstream media. It is also crucial that negative stereotyping in media and biased or prejudicial reporting are countered by educational, informational and awareness-raising measures, including fostering knowledge of minorities' history, culture, tradition by public service media and promoting digital literacy through education.
39. International organizations, states, and civil society organizations, with the help of experts from the UN and the Council of Europe, should conduct trainings and seminars for journalists on covering issues related to minorities and cultural diversity.

40. Relevant bodies, such as public defenders offices, parliamentary committees, or media watchdog organizations, should carry out annual monitoring in order to identify the use of discriminatory, hostile, and xenophobic statements against ethnic, religious, or linguistic grounds in print, electronic and social media.

Land and Environment

41. States should continue to investigate the distribution of land in areas where minorities live in large numbers; states should confiscate lands illegally seized or acquired from minorities, and transfer ownership back to those minorities through transparent, consultative and inclusive processes or mechanisms.

Data Collection

42. States should ensure the collection of data disaggregated by ethnicity, religion, language, and other relevant characteristics to enable legislators and policymakers to establish targeted public policies and programs for minorities.
43. States should systematically monitor minority participation in public institutions to ensure transparency and accountability in the implementation of minority rights.

Conflict Prevention and Resolution Measures

To states:

44. States should end the securitization of minority issues, and not violate the human rights of minorities, including the prohibition of discrimination and the freedoms of assembly, association, and expression, under the pretext of national security concerns, such as anti-sedition, counter-terrorism, or pandemic prevention measures. State actors and public officials should refrain from describing minorities as a potential threat to national security.
45. Where relevant, the role of kinstates should be regulated by international norms, such as the [Bolzano/Bozen Recommendations on National Minorities in Inter-state Relations](#).
46. States should provide formal and informal education, including in national curricula, about human and minority rights, including how protection and promotion of these rights can prevent conflict situations.
47. States should develop reconciliation and remembrance policies that address past inter-group violence and state oppression against minorities, including historical cases of genocide. These public policies should be formulated with the participation of relevant minority groups.
48. States should ensure that conflict prevention and resolution measures involve the meaningful participation of affected minority groups and their representatives, including minority women.
49. In peace agreements where religion is a decisive factor, the state should ensure that the freedom of religion or belief and the prohibition on the ground of religion are respected, including other human rights of religious minorities, which should be an essential part of conflict prevention, resolution, transformation and reconciliation in accordance with Article 18 of the ICCPR and UN Declaration on Religious Discrimination.
50. States should ensure that reparations for persons belonging to minorities be part of conflict resolution processes, including to families of those killed in conflicts, for stolen livestock,

stolen or burnt vehicles, and for material damage done to businesses, houses, or other property.

51. State judiciaries should refrain from imposing disproportionate sentences on persons belonging to minorities during conflicts.
52. States should provide unhindered access to international organizations to visit minority communities in the context of conflict situations.

To international and regional organizations

53. The European Parliament, European Commission, Council of Europe, and the OSCE should establish a binding legal framework that develops clear principles, norms, and processes for the resolution of territorial sovereignty conflicts, which includes a) the right of national minorities to decide their political status, including access to state sovereignty; b) the resolution of territorial conflicts of sovereignty, and c) no criminal prosecutions for sovereignty demands.
54. Building on the achievements and experience of the Council of Europe in the area of the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML), the European Union should initiate and engage in a mutually reinforcing cooperation with the Council of Europe in the area of protecting the rights of national and linguistic minorities in the interest of conflict prevention and promoting respect of the rights of minorities.
55. The EU should consider establishing a mechanism focused on minorities such as a 'Special Envoy on the Protection of Minorities' for early warning and conflict prevention in its member states.
56. The EU must reconsider the proposals of more than a million citizens, supported by the European Parliament in a resolution with over 75% of the votes cast, as well as by national and regional governments the European petition campaign called the Minority Safepack European Citizens' Initiative which called for the adoption of a set of legal acts to improve the protection of persons belonging to national and linguistic minorities and strengthen cultural and linguistic diversity in the Union.
57. International organizations should provide technical assistance to minority communities in conflict situations, and share good practices used by minorities in other countries or regions.

