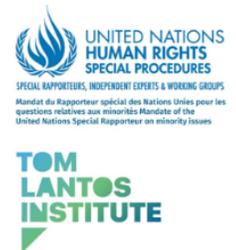




Asia-Pacific Regional Forum on
conflict prevention and the
protection of the
human rights of minorities

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

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. Constitutional recognition and protection of minority rights should be guaranteed to mitigate the problem of involuntary assimilation and homogeneous nation-building. This will counterbalance majoritarian governance with safeguards, recognition and protection of minority rights, thereby reducing tensions that may lead to violent conflicts.
3. When necessary, states should draft new laws to ensure protections for minority groups, and amend or repeal discriminatory laws and structures that formalize ethnic, religious, linguistic, and caste-based discrimination, prejudice and persecution, inequality, or exclusion. States should implement and build on CERD General Recommendation 29 on descent-based discrimination, which asks States to take “steps to identify those descent-based communities under their jurisdiction who suffer from discrimination, especially on the basis of caste and analogous systems of inherited status”.
4. States should include within the scope of minority protection members of caste-based groups on the basis of being ethnic minorities, in line with the Special Rapporteur on Minority Issues’ 2020 report on the categories of minorities in international law. Under the UNDM and Article 27 of the ICCPR, such persons shall not be denied the right, in community with the other members of their group, to enjoy their own culture.
5. 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.
6. States should not ignore or reject violations of the human rights of minorities under the pretext of national security concerns, including counterterrorism, or pandemic prevention measures.
7. States should ensure that the bodies and individuals responsible for implementation of mechanisms employed to protect and promote human rights, including the rights of minorities, have a clear understanding of their work, their obligations, their mandate, and the oath of the office that they hold. This can also be achieved by capacity building, putting in place training and education of key organs of the state, such as the judiciary, police and law enforcement and security agencies to ensure that they work towards fulfilment of the rights of all minorities.

8. States should ensure that the three-part test – legality, legitimacy, and necessity (including proportionality) – for permissible restriction of rights also applies to measures to address cases of incitement to hatred against minorities, and set a high threshold for restrictions of the right to freedom of expression in line with Articles 19(3) and 20(2) of the ICCPR and [Human Rights Committee, General Comment 34](#).
9. States should repeal or reform laws that disproportionately impact religious minorities such as those on blasphemy, anti-conversion, counterterrorism and sedition. They undermine the enjoyment of their right to freedom of religion or belief, and on their ability to engage in a healthy dialogue about religion as required under Articles 18 and 27 of the ICCPR and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.
10. States should take steps to reform laws that have a detrimental effect on minorities such as counterterrorism laws to ensure they comply with all international human rights obligations.
11. States should promote the implementation of [Security Council Resolution 1325](#) on women, peace, and security (WPS).
12. In compliance with international human rights standards, states should allow UN mandate holders unfettered access to countries of the region to allow them to assist in effectively addressing these challenges.
13. States, national human rights institutions and civil society organizations should cooperate and build networks across the Asia-Pacific region to protect and promote the human rights of minorities. Regional minority protection regimes, including norms and mechanisms, should be developed to strengthen international cooperation on the human rights of minorities.
14. International organizations should strengthen the review and monitoring of existing minority rights enshrined in relevant international and regional instruments.
15. International organizations, private foundations, and states should specifically support the capacity building of civil society organizations of minority groups for monitoring, advocacy and strengthening of their human rights.
16. The Special Rapporteur on minority issues and other relevant mandate holders such as the Special Rapporteur of freedom of religion or belief should work together with the UN Office on Prevention of Genocide and Responsibility to Protect to develop an early warning mechanism to monitor and respond to specific targeting of minorities, violations of minority rights and identify trends and patterns that could lead to conflict and serious international crimes. This could be based on the current [Framework for Analysis of Atrocity Crimes](#), but more specifically designed towards minority protection and conflict prevention. This framework should have a tiered response system which requires action by different levels of the international human rights framework depending on threat levels. This system should be developed together with minority civil society representatives, and their capacity should be strengthened to monitor and report on human rights violations of minorities. In doing so, systems must also be put in place to ensure the security of minority rights activists and effective protection in case of reprisal attacks.
17. The Universal Periodic Review mechanism should develop a minority-specific process where states are required to periodically report on the protection and promotion of minority rights.

18. The United Nations should ensure cooperation with the International Criminal Court, International Court of Justice and any other courts, and provide them with all information on relevant conflicts, including in relation to atrocity crimes committed against minorities under international criminal law.

Equality, Non-discrimination, and Intersectionality

19. 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 antidiscrimination legislation. 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.
20. States should promote respect for minority groups and protect them from stigmatization and hate speech in the public sphere in accordance with international human rights standards.
21. States should facilitate full access to identity documentation in a non-discriminatory manner. Registration should take into account the particular circumstances of persons belonging to minorities, including lack of birth registration when ancestors arrived in the territory of the State. Registration costs should be reasonable and minimised, and registration offices should be physically accessible to all. Registration forms should be in all national languages and in the languages spoken by large minority populations. In any determination that supporting documents are fraudulent, the burden should be upon the State to prove falsity and such determination should be subject to judicial review and appeal.
22. States should develop and/or improve relevant laws and regulations to protect the rights and interests of minority women in marital relations and family life. In particular, minority women should have their needs and special situations accommodated in matters related to divorce and property rights.
23. All stakeholders developing and implementing advocacy and programmatic interventions for minority and indigenous women should recognise the intersectionality of discrimination on the basis of gender and other protected characteristics, and that women are an invaluable resource for their own communities in preventing conflicts.

Recognizing and Accommodating Ethnic, Religious and Linguistic Diversity

24. Colonial rule and the decolonisation process, which most states in the region experienced, are closely linked to protracted conflicts involving minorities in those states. Initiatives to ameliorate the condition of minorities in these states must pay attention to the lasting effect of colonial legacies and the historical injustices experienced by minorities, and the way they continue to shape inter-ethnic relations and conflicts, and should formulate appropriate policies accordingly.
25. The issue of minorities is often intrinsically connected to the very creation of the state, and thereby, to the stability of the international order. Therefore, the special status of national

or ethnic, religious, and linguistic minorities should be acknowledged legally and politically.

26. 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.
27. Despite wide-ranging commonalities in the way violation of minority rights can lead to tensions and violent conflicts, each case is also informed by unique political and economic histories of respective states. Thus, in dealing with minority issues, country-specific measures should be developed in collaboration with local stakeholders, in particular minorities, albeit within the broader international normative framework.
28. Country-specific legal frameworks should be developed to accommodate regional autonomy and other power-sharing arrangements to allow minority groups to have greater say in matters that concern them. Necessary measures should be taken to safeguard the individual human rights of minority group members, including women, in this regard.

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

29. States should ensure the effective participation of minorities, including minority women and youth, and their representatives in the development, implementation, and monitoring of laws and policies affecting them, including special measures. Historic discrimination, marginalisation and socio-economic inequality experienced by minorities and indigenous peoples, including particularly minority and indigenous women and youth, need to be addressed by these laws and policies.
30. States should guarantee the full voting rights and effective political participation of minorities and indigenous peoples in accordance with Article 2 of the UNDM.
31. To ensure minority representation in political decision making, alternative methods of representation, such as consociationalism and other forms of power-sharing, should be considered beyond traditional democratic models.
32. National resource-based economic development activities can often involve corruption and disproportionately exploit minority land and resources, thereby leading to conflicts. Anti-corruption measures need to be enacted, and minority groups must be integrated in development decision-making at all stages.
33. States should ensure and promote fair employment practices relating to minorities, including minority women, so that direct or indirect discrimination against minorities in employment can be prevented. States should also initiate special measures under Article 1(4) of ICERD in relation to both minorities and minority women to redress structural and historical inequality.
34. The voices and views of minority women should be included in peace processes, which should reflect their demands and include remedies for unequal treatment or infringement of their rights.
35. States should develop and implement priority social programs for minorities in the fields of education, health, and employment that include focused interventions, budgetary support, and/or quota allocations and other necessary special measures programs to normalise their position in society and help correct the continuing legacy of previous discriminatory practices.

Stateless and Displaced Minority and Indigenous Groups

36. States should ensure access to education, health services and other basic needs of minorities and indigenous peoples who are displaced during conflicts; the United Nations should provide technical assistance to states for the provision of such services and basic needs during conflicts.
37. States should cease the practice of withdrawal, denial or stripping of citizenship, particularly from minorities, which renders them stateless and unable to exercise their citizenship and human rights.
38. International and civil society organizations should conduct research on links between the denial or withdrawal of citizenship of minorities and violence and conflicts to develop a deeper understanding of how statelessness may lead to violent internal conflict.

Education

39. States should promote cultural, religious, and linguistic diversity, including relating to minority culture, history, heritage, and their contributions to society, in national curricula.
40. States should ensure equal access to and non-discrimination in education for minorities, including minority women and youth. This is of particular importance in the use of minority languages as medium of instruction in education.
41. Non-governmental organizations should carry out capacity-building activities for minorities, and provide them with education on domestic and international mechanisms that can be used as tools for the protection of minority rights.

Health

42. States should ensure equal and non-discriminatory access to critical health services, to avoid further marginalization of minorities and indigenous peoples, including displaced communities, which can be a source of tension and conflict.

Access to Justice

43. States should ensure that perpetrators, including members of armed forces and the police, of human rights violations against minorities and indigenous peoples are brought to justice. States should combat impunity for crimes committed against minority women and girls by investigating and prosecuting the crimes of rape and sexual violence.
44. The United Nations should specifically and as a matter of priority provide technical assistance to domestic judicial systems by providing training and capacity building assistance to prosecute the crimes of rape, sexual violence, and genocide committed against minorities and indigenous peoples (and rape and sexual violence as genocidal methods).

Data Collection

45. The Special Rapporteur on minority issues should conduct a joint study with the Special Rapporteur on counterterrorism and human rights on the targeting of minorities as part of counterterrorism measures and how this contributes to conflicts.
46. International organizations, states, and civil society should conduct in-depth analyses and collect relevant data on violence and conflict to uncover their underlying causes and to prevent violence reoccurring, focusing on minority factors and grievances leading to violence and conflict.
47. ASEAN should establish a regional monitoring mechanism to collect data on human rights violations committed against minorities.
48. The United Nations should continue to establish mechanisms for monitoring, collecting, and preserving evidence on specific conflict situations and related atrocity crimes, similar to the International, Impartial and Independent Mechanism for Syria (IIIM) and the Independent Investigative Mechanism for Myanmar (IIMM), which take into account and acknowledge the relevance of ethnic, religious or linguistic dimensions in these situations. Such mechanisms should ensure regular communication and cooperation with local civil society as the best source of knowledge and expertise. In cases where it is not possible to establish such mechanisms, Commissions of Inquiry or Fact-Finding Missions should be used to monitor the situation.

Conflict Prevention and Resolution Measures

49. All parties to conflicts should respect the principles of international humanitarian law and have a commitment to use peace negotiation processes and open dialogue to end conflicts. Any conflict analysis framework should incorporate indicators on minority rights.
50. States should establish comprehensive mechanisms to identify, monitor, analyze, and respond to early warning signs of atrocity crimes, in accordance with their obligation to prevent genocide in accordance with Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide.
51. States should establish peace processes, including quick response teams, various forms of local mediation, and ceasefire mechanisms, that ensure the meaningful involvement and effective participation of affected minority groups, and refrain from the securitization of minority issues and groups by considering them, inter alia, as terrorists or threats to national security.
52. States should address root causes of conflicts, including, but not limited to, violations of the human rights of minorities, unresolved disputes, absence of justice and rule of law, and lack of inclusive socio-economic development.
53. States should design post-violence truth, justice and reconciliation programmes with the effective participation of the minority communities affected, and they should be aimed at empowering minority victims and providing justice and reparations, as well as restoring their dignity. Strategies in post-violence settings should be designed to reflect the interlinked and mutually reinforcing nature of development, peace and security and human rights issues affecting minorities.
54. International organizations and states should provide minorities and indigenous peoples who are victims of human rights violations during conflicts with adequate assistance, including by exploring domestic and international avenues to provide comprehensive assistance, including medical and psychological assistance, financial assistance, and assistance to rebuild their lives.

55. Experts and civil society organizations should establish a working group to monitor violations of the human rights of minorities in the region in accordance with international standards.