

FORUM ON MINORITY ISSUES:
Preventing and addressing violence and atrocity crimes targeted against minorities
7th session, 25-26 November 2014

Item 2 - Legal framework and key concepts

EU Intervention

Mr. President,

The European Union wishes first to give its full support to the recently extended mandate of the Special Rapporteur on minority issues, Ms. Rita Izsák, and is encouraged by this year's topic on preventing and addressing violence and atrocity crimes targeted against minorities. We wish also to reiterate our appreciation for the United Nations Secretary-General's "Rights up Front" initiative, which is in our opinion an important element towards strengthening early warning and prevention mechanisms in the promotion and protection of human rights, including those of minorities.

Concerning the legal framework, we welcome draft recommendations 12, 14 and 15, focussing on the prevention of violence and atrocity crimes, since they highlight to States the importance of adopting and implementing appropriate legislation, both at an international and national level.

Draft recommendation no. 12 emphasises that compliance with international standards of minority rights protection, equality and non-discrimination is an essential violence prevention measure, and calls on States to implement the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and other relevant regional and international standards. Our own Charter of Fundamental Rights refers explicitly to national minorities in Article 21, prohibiting any discrimination on grounds of membership of a national minority, in addition to race, ethnic or social origin, language, religion or belief.

In draft recommendation no. 15, States are advised "to take measures to monitor hate speech and incitement to violence...and [to] respond appropriately, including by prosecuting perpetrators". In 2008, the EU adopted the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law (2008/913/JHA). Requiring domestic adoption of appropriate laws, it aims to ensure that racist and xenophobic offences are sanctioned in all EUMS by effective, proportionate and dissuasive criminal penalties.

In order to strengthen the legal framework conducive to solving minority tensions and conflicts the European Union wishes to recall that its members as participating States of the OSCE recognized that "the questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary. This framework guarantees full respect for human rights and fundamental freedoms, equal rights and status for all citizens, the free expression of all their legitimate interests and aspirations, political pluralism, social tolerance and the implementation of legal rules that place effective restraints on the use of

governmental power (Document of Copenhagen Meeting on the Human Dimension of the OSCE, 1990, Para. 30).

Mr. President,

The UN Convention on the Prevention and Punishment of the Crime of Genocide (1948) recognises that "genocide is an international crime, which entails the national and international responsibility of individual persons and states". In light of the frequent attacks against religious minorities all over the world, we strongly support the idea that the United Nations should be much more attentive to their security, as in certain regions they are in physical danger because of their religious beliefs.

We particularly support your priority with regard to the role of minority rights protection in conflict prevention. R2P must begin long before violence starts and special attention should be devoted to minority groups and minority rights protection as a key factor to stability and conflict prevention. The EU welcomes your strengthened collaboration with Mr. Adama Dieng, the Special Adviser of the SG on the Prevention of Genocide, and Ms. Jennifer Welsh, the Special Adviser of the SG on R2P, as the relationship between an effective minority protection policy and the prevention of mass atrocities is obvious.

I thank you Mr. President