

**Human Rights Council
Forum on Minority Issues, Fifth session
27–28 November 2012**

The European Centre for Minority Issues (ECMI) congratulates the UN with the 20th anniversary of the Declaration and welcomes the initiative to dedicate the 5th Forum to addressing the further implementation of the Declaration. We also thank the OHCHR for the opportunity to participate in this Forum and to present our comments to the draft Recommendations circulated prior to the meeting.

With regard to **the Declaration 20 years on** and the two main questions posed by the Independent Expert for this Forum, the ECMI wishes to note that promoting and operationalizing minority rights in Europe, which is the area covered by our Centre, rely mainly on the regional instruments and less on the Declaration. While minority rights enjoy arguably higher respect in Europe than virtually anywhere else on the globe, perhaps with the exception of Canada, the practical implementation of minority rights rarely draws on the Declaration except in the preambles of standard setting documents. Europe's regional approach to minority rights protection and promotion – that is the Council of Europe instruments and the OSCE's HCNM instrument – dominates practical implementation in Europe. With the exception of the last 12 months, during which the celebrations of the Declaration have generated some events, few if any major international event has celebrated or operationalized the Declaration. This is a paradox because – with the exception of one country's reservation to the ICCPR's Art. 27 – European countries are party to UN documents that include minority rights provisions, be it UN proper or UN agencies. It is particularly a problem in those European countries where governments have arbitrarily selected which minorities to recognize under the European regional regime of minority rights. Unrecognized minorities have only the UN Declaration to which they can turn. Therefore, the Declaration needs to be injected back into the European discourse.

With regard to the **draft Recommendations, paragraph 38**, the ECMI wishes to draw attention to the Declaration's Article 4(5) on economic progress and development: given the current serious economic crises experienced by many UN member states, there is a tendency to see minorities as part of the problem rather than part of the solution. This is based on the assumption that minorities drain the state coffers rather than contribute to their replenishment. But it must be remembered that minorities are usually taxpayers and contribute to society also during difficult times.

With regard to the **draft Recommendations, paragraph 17**, the ECMI wishes to point out that using the public media to inform about minority rights and protection is important, but educating media actors about minority rights is also important. Reporting and journalism on human rights violations are abundant thanks to individuals who often risk their lives. But references to minority protection, such as the UN Declaration, are rarely made by these actors. One sentence at the end of each article is all it takes to inform the general public about the universal rights of minorities.