



General Assembly

Distr.: General
17 December 2012

Original: English

Human Rights Council

Twenty-second session

Agenda items 2 and 3

Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Rights of persons belonging to national or ethnic, religious and linguistic minorities

Report of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to resolution 13/12 of the Human Rights Council. It covers activities undertaken by the Office of the United Nations High Commissioner in 2012, a year that marked the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The anniversary offered an important opportunity to examine the diverse ways in which the Declaration has been used and implemented in practice and to gain perspective on how it could be better used to protect minority rights. The activities summarized in the report were focused on bringing awareness to the Declaration and the implementation of its provisions at the national, regional and international levels in order to better protect the exercise by persons belonging to minorities of their rights.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1–3	3
II. Work of the Office of the United Nations High Commissioner for Human Rights at Headquarters and in the field.....	4–39	3
A. Twentieth anniversary commemorative activities	8–27	4
B. Forum on Minority Issues.....	28–30	8
C. Minorities fellowship programme.....	31–32	8
D. Regional and country engagement activities	33–39	9
III. United Nations network on racial discrimination and the protection of minorities	40–43	10
IV. Treaty bodies.....	44–60	10
Concluding observations	45–60	11
V. Special procedures	61–75	14
VI. Universal periodic review	76–77	16
VII. Conclusions	78–81	17

I. Introduction

1. In its resolution 13/12, the Human Rights Council requested the United Nations High Commissioner for Human Rights to present an annual report to the Council containing information on relevant developments in the work of United Nations human rights bodies and mechanisms, as well as on the activities undertaken by her Office at Headquarters and in the field, that contribute to the promotion of and respect for the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

2. The Declaration, adopted by consensus in 1992, provides global standards on minority rights and the obligations of States to protect and promote such rights. In addition to being an important component of human rights, minority rights are key factors in peacebuilding, the prevention of conflict, and development. In the context of the twentieth anniversary of the adoption of the Declaration, the Office of the United Nations High Commissioner for Human Rights (OHCHR) pursued several activities to bring awareness to the Declaration and encourage its implementation, consistent with the OHCHR Management Plan for the biennium 2012-2013.

3. Through subregional events and other initiatives, OHCHR encouraged stronger interest in minority rights. The activities focused on most topical minority rights issues, ranging from the protection of religious minorities to constitution-making. The activities offered an important opportunity to examine and gather approaches that work in the field of minority rights protection so that they can be replicated, and also to examine remaining challenges in order to tackle them at national, regional and international levels.

II. Work of the Office of the United Nations High Commissioner for Human Rights at Headquarters and in the field

4. In various public statements and keynote addresses during the year, the High Commissioner for Human Rights expressed concerns about the situation of minorities, ranging from the treatment of Roma in Europe to the rights of religious minorities in different regions. For example, in her opening statement at the twentieth session of the Human Rights Council, in June, the High Commissioner highlighted the twentieth anniversary of the 1992 Declaration on Minorities, stressing that advancing minority rights and combatting discrimination must engage the entire United Nations system. In her opening statement at the twenty-first session of the Council, in September, the High Commissioner raised concerns about, inter alia, the targeting of religious minorities, stressing that discriminatory laws and practices needed to be rooted out and that it was important not to be selective in addressing that issue.

5. In her keynote address at a workshop on civil society and education in human rights as tools for promoting religious tolerance, held in New York on 27 September, the High Commissioner stated that while increased emphasis on the importance of advancing religious tolerance and protecting religious minorities had been noted, the situation on the ground remained, regrettably, as worrisome as ever. She stressed that there was much work to be done to ensure respect for freedom of religion or belief and protection of the rights of religious minorities, and that strong commitment from everyone at the international, regional and national levels was necessary. On 20 June, at the World Congress on Justice, Governance and Law for Environmental Sustainability, organized by the United Nations Environmental Programme, the High Commissioner stressed that the rights of minorities,

indigenous peoples, women, small farmers, those living in poverty and vulnerable groups should all be respected in participatory processes.

6. On 27 July, the High Commissioner raised serious concerns about ongoing human rights violations in the State of Rakhine, Myanmar, following the violence that erupted between Buddhist and Muslim communities. She urged a prompt and independent investigation to bring light to the situation.

7. She also raised a range of minority issues during her country visits. For example, on 7 June, during her mission to Pakistan, the High Commissioner expressed hope that the country would reform and update its school curricula and materials to better promote tolerance and human rights, especially with regard to religious and other minorities. On 10 July, during her mission to Kyrgyzstan she stated that discrimination, especially on ethnic, religious and gender grounds, remained a deeply problematic issue, with ethnic and national minorities significantly underrepresented in the executive Government and bureaucracy, law enforcement bodies and judiciary. On 13 November, during her mission to Indonesia, the High Commissioner expressed distress at reports of violent attacks, forced displacement, denial of identification cards and other forms of discrimination and harassment against religious minorities from the Ahmadiyya, Christian, Shia and traditional belief communities. She also expressed concern about police failing to provide adequate protection in those cases. She recommended that Indonesia amend or repeal the 1965 Blasphemy Law, the 1969 and 2006 ministerial decrees on building houses of worship and religious harmony, and the 2008 Joint Ministerial Decree on Ahmadiyya.

A. Twentieth anniversary commemorative activities

8. The 1992 Declaration on Minorities remains the most important United Nations instrument devoted to minority rights, providing authoritative guidance and key standards, ranging from non-discrimination to participation in decision-making, yet it is not sufficiently invoked in efforts to protect minority rights. The twentieth anniversary provided an opportunity to address this gap and be a catalyst for greater attention to the Declaration and its implementation and stronger engagement on minority rights more generally.

9. The momentum created by the anniversary and related OHCHR activities, organized in cooperation with a range of United Nations partners, Governments, representatives of minorities, and non-governmental organizations, resulted in enhanced engagement with the Declaration. OHCHR reported on the outcome of the anniversary activities at the fifth session of the Forum on Minority Issues (27-28 November 2012), devoted to the anniversary.

10. OHCHR, in collaboration with the Department of Public Information, has developed a communication strategy for the commemoration of the anniversary. Its implementation has included the creation of a distinctive visual identity for the commemoration; a special section on the OHCHR website dedicated to the anniversary (www.ohchr.org/minorityrights2012); branded promotional materials in all six official languages (banners, posters, folders); a dozen web feature stories on minority issues, published throughout the year; press statements of the High Commissioner that focus primarily on discrimination against minorities; a video interview with the Independent Expert on minority issues, Rita Izsák, focusing on the anniversary; and a compilation of all the recommendations made by the Forum on Minority Issues, published in English, French and Spanish and branded with the anniversary logo.

1. Human Rights Council panel discussion to commemorate the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

11. The Human Rights Council decided, in its resolution 18/3, to convene, at its nineteenth session, a panel discussion to commemorate the twentieth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, with a particular focus on its implementation as well as on achievements, best practices and challenges in this regard, and requested OHCHR to prepare a report on the outcome of the panel discussion in the form of a summary (see A/HRC/20/6 and Corr.1).

12. Consistent with the resolution, the panel discussion was held on 13 March. The participants included experts as well as representatives of States and civil society, who agreed that the Declaration remained a key reference document and that its implementation was vital in order to counter the problems that continued to undermine human rights and often posed a threat to peace and security. The panel discussion also reflected the fact that further efforts were needed to improve implementation in all countries and regions. Challenges to implementation were identified and possible solutions shared. The discussion revealed that a number of States had adopted new measures to combat exclusion of minorities and promote their identities, the full enforcement of which was instrumental in tackling contemporary problems obstructing the protection of the rights of minorities.

13. The panel discussion demonstrated that respect for the principles of the Declaration remained crucial in transition processes. The core principles of equality and non-discrimination were underscored as prerequisites in securing minority rights. The panel also reiterated that access to quality education played a vital role in combatting discrimination and in building the capacity of minorities to participate in the political, social and economic life of the countries in which they lived. The panel discussion offered an important opportunity to collect good practices on various issues that could be replicated to strengthen the implementation of the Declaration in all regions.

2. Expert seminar on enhancing the effectiveness of international, regional and national human rights mechanisms in protecting and promoting the rights of religious minorities

14. Held in Vienna on 22 and 23 May and organized by OHCHR in cooperation with the Government of Austria, the expert seminar brought together renowned experts on minority rights and freedom of religion or belief, including the Independent Expert on minority issues and the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, as well as representatives of Governments, key European organizations and mechanisms dealing with religious minorities, national human rights institutions and civil society. The 67 participants, including representatives of 16 Governments, explored how minority rights could be used more effectively to ensure protection of religious minorities. In addition to reviewing recent developments in the work of relevant human rights mechanisms, the participants made suggestions aimed at enhancing collaboration between these mechanisms at the international, regional and national levels on specific issues and integrating protection of religious minorities more effectively into the work of such mechanisms.

15. The expert seminar offered a unique opportunity to examine closely and substantively the interconnections between minority rights (art. 27 of the International Covenant on Civil and Political Rights and the Declaration) and the specific human right to freedom of religion or belief (art. 18, para. 1, of the International Covenant on Civil and Political Rights) with regard to persons belonging to religious minorities. Interconnections between minority rights and other human rights standards were discussed, in addition to

those that exist between United Nations international and regional mechanisms. In both respects, good practices were shared and the potential for increased cooperation to strengthen protection was explored.

16. While there was a general sentiment that religious minorities deserve increased attention by human rights mechanisms, participants shared a range of examples from United Nations and regional mechanisms of important case law, recommendations and other work that has addressed this issue. They considered that while the discussions were beneficial to the participants, a more systematic approach would be advantageous, and they encouraged knowledge-management initiatives to facilitate the sharing of information and insights. The participants agreed that more action was required to encourage increased implementation of the Declaration, including by harnessing the momentum offered by the twentieth anniversary.

3. Regional consultation on the role of the United Nations and other human rights and development actors in advancing the participation of minorities in poverty reduction and development strategies in South-East Asia

17. Held in Bangkok on 25 and 26 September, the consultation brought together representatives of various United Nations entities, including the OHCHR Regional Office for South-East Asia, the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme (UNDP), the International Organization for Migration, the United Nations Population Fund (UNFPA), the Economic and Social Commission for Asia and the Pacific, the International Labour Organization and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). Among the participants were representatives from national human rights institutions and non-governmental organizations, including the Asian Human Rights Commission, Minority Rights Group International, the National Human Rights Commission of Thailand and the Asia Pacific Refugee Rights Network.

18. Participants examined some of the reasons why in many cases Millennium Development Goals were not being reached. They found, inter alia, that persistent inequalities across the board and obstacles to meaningful participation stood as primary obstacles, often involving development policies and programmes that were disempowering.

19. Participants also examined how systematic discrimination of persons belonging to minorities and other marginalized groups in access to ownership and control of land could result in their exclusion from decision-making at all levels in development issues, which in turn could fuel land grabbing, and how that problem affected minority women in particular. Participants explored possible solutions, including various mechanisms to enhance minority participation in decision-making and programmes that improved institutional capacity and facilitated access to legal identity and ownership documents.

20. Participants recalled that promoting human rights was one of the pillars of a governance strategy to ensure that the Millennium Development Goals were met and that human rights mechanisms, such as the Independent Expert on minority issues and the Forum on Minority Issues, could contribute to ensuring that the Goals were pursued with due regard to the specific challenges faced by minorities. The consultation highlighted that the Goals were to be pursued in an equitable and sustainable manner benefiting minority communities, which could involve conducting studies devoted to interrelations between work to achieve the Millennium Development Goals and work to address concerns of minorities.

4. Regional expert workshop, “Effective participation of persons belonging to minorities in law enforcement: building an inclusive and responsive police force and judiciary”

21. Held in Bishkek on 18 and 19 October, this regional workshop brought together over 70 participants. They included representatives from nine countries (Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Republic of Moldova, Tajikistan, Turkmenistan and Ukraine), international and regional organizations (Organization for Security and Cooperation in Europe (OSCE), OSCE High Commissioner on National Minorities, UN-Women, United Nations Regional Centre for Preventative Diplomacy for Central Asia, United Nations Office on Drugs and Crime and UNDP), national human rights institutions, and non-governmental organizations, as well as international experts in the fields of minority rights and policing. The sessions addressed, inter alia, human rights issues in connection with unlawful discriminatory practices in law enforcement, the need to build trust in law enforcement institutions, and engagement with minority communities.

22. The OHCHR Regional Office for Central Asia presented the Study on minority inclusion in law enforcement in Kyrgyzstan, and participants shared lessons learned. The participants recognized the necessity to provide continuous training for police officials at all levels across ranks. Other issues stressed included: (a) the need for reform in law enforcement to be part of a wider structural reform process; (b) reforms regarding access to information in minority languages; (c) the advantages of quota systems and temporary special measures to facilitate recruitment of minorities; and (d) the need for disaggregated data.

23. The participants explored a wide range of minority rights issues relating to the role of the judiciary and in strengthening access to justice. The discussions focused on promoting and protecting the rights of minorities through participation and representation in the judiciary. The importance of guaranteeing independent oversight and accountability regarding the work of the police was stressed. The invaluable role of national human rights institutions and civil society was also highlighted in guaranteeing minority rights.

24. Furthermore, time was allotted to representatives of States and national human rights institutions to present their work on minority issues in connection with law enforcement and the judiciary. These presentations facilitated an open and constructive dialogue with respect to the situation on the ground at the national level. While States primarily presented their achievements, civil society representatives questioned some of the accomplishments claimed.

25. The participants acknowledged the importance attached to deploying efforts to further advance minority rights with a view to building a responsive and inclusive police force and judiciary in their respective countries. Therefore, they agreed to a list of recommendations that could serve as guidelines in the work they undertook at the national level.

5. Consultation: “Reflecting diversity in the process of constitutional reforms in the Middle East and North Africa”

26. By canvassing the current situation as regards constitutional changes in the Middle East and North Africa, the consultation offered an opportunity to examine current shifts in constitutional reforms and constitution-making. Held on 19 and 20 November in Doha, the consultation brought together experts in the fields of human rights and constitutional law from the region to brainstorm on the rapid constitutional changes and notably their impact on human rights and minorities. The experts examined legal developments and explored the different ways in which diversity, including the principles of the 1992 Declaration on Minorities, had been reflected in constitution-making in the region.

27. They also explored how the United Nations could support constitution-making rooted in human rights, including efforts to promote inclusivity and meaningful participation. Participants also made suggestions aimed at enhancing collaboration among human rights mechanisms at the international, regional and national levels, with a view to encouraging systematic integration of the protection of minorities in constitutions, legislations and policies. While the focus of the consultation was on constitutional reforms, the participants also examined practical issues from a regional perspective, by discussing both positive examples and challenges to be tackled.

B. Forum on Minority Issues

28. In commemoration of the twentieth anniversary of the 1992 Declaration on Minority Rights, the fifth session of the Forum on Minority Issues focused on the theme “Implementing the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: identifying positive practices and opportunities”. Held on 27 and 28 November, this session of the Forum offered an opportunity to examine the diverse ways in which the Declaration has been used and implemented in practice. Benefiting from the perspectives offered by different stakeholders, the Forum was a venue for discussion of the impact of the Declaration on national legislation, institutional mechanisms and activities to advance the rights of persons belonging to minorities.

29. The fifth session of the Forum was framed around core questions on the Declaration, including the following: “How has the Declaration been useful in your work and efforts towards protecting and promoting the rights of minorities?” and “How can awareness and implementation of the Declaration be improved?” Contributions of participants relating to the Declaration and how it has been and continues to be used provided additional insights on how to translate its provisions into concrete action. These practical suggestions contributed to the set of recommendations of the Forum, which will be submitted to the Human Rights Council.

30. Consistent with past practice, on the day preceding the session of the Forum (26 November 2012), OHCHR held a dialogue with minority representatives and other stakeholders. Participants discussed their engagement in the implementation of the Declaration and shared their visions on how best to do so, including through more coordinated collaboration.

C. Minorities fellowship programme

31. The annual minorities fellowship programme for persons belonging to national, ethnic, religious or linguistic minorities took place from 29 October to 30 November. The programme comprised two linguistic components (Arabic and English); participants came from Algeria, Cameroon, Colombia, India, Jordan, Kenya, the Republic of Moldova, the Syrian Arab Republic and Yemen. The fellowship enables individuals from minority groups to gain knowledge of the United Nations system and mechanisms dealing with international human rights in general and minority rights in particular. It is aimed at strengthening advocacy skills and assisting the fellows in improving their work, at the national level and in their communities back home, to enhance protection of minority rights. Throughout the five-week programme, the fellows attend briefings on a wide variety of human rights topics and undertake individual and group assignments.

32. In 2012, the programme offered the opportunity for the fellows to contribute to the twentieth anniversary commemorations by participating in the fifth session of the Forum on Minority Issues. The fellows collaborated in teams to deliver an intervention on what the

Declaration means to them and their communities, and on whether the Declaration is still relevant and meaningful to their context. They also raised creative ideas to help promote awareness of the Declaration and support its implementation.

D. Regional and country engagement activities

33. Throughout 2012, the OHCHR Regional Office for Europe continued engaging on the rights of Roma and Travellers in Europe. In January, the Regional Office hosted a two-day meeting in Brussels of the Roma Civil Society Group on the Right to Health, as part of a broader inter-agency initiative on Roma women's and children's health led by the World Health Organization. In June, the Regional Office held a colloquium in Rome on a human rights-based approach to Roma inclusion and Roma active citizenship, with representatives from States, European Union institutions and civil society.

34. Through continuous engagement with national and local authorities in several countries as well as with civil society partners, the Regional Office consistently argued for the right to culturally appropriate accommodation for Travellers, and for respect for United Nations guidelines on forced evictions, the rights of the child and inclusive, non-segregating solutions for Roma.

35. The Regional Office for the Pacific supported the Government of Fiji by hosting stakeholder consultations on the State report to be submitted under the International Convention on the Elimination of All Forms of Racial Discrimination. The consultation brought together Government entities responsible for the drafting of the report and civil society organizations working on issues relating to racial discrimination and national, religious and linguistic minorities in Fiji. Similarly, the Regional Office is engaging with the Government of Fiji to follow up recommendations from the universal periodic review, including those relating to minorities.

36. OHCHR-Colombia has been supporting a project aimed at collecting, in a transparent and inclusive manner, the visions, positions and recommendations of Colombian ethnic groups with regard to their right to consultation. Using a methodology validated with Colombian ethnic representatives and based on discussions involving more than 3,300 persons from, inter alia, indigenous, Raizal, Palenquero, Roma and Afro-descendant communities, OHCHR contributed to strengthening the individual ethnic organizations and helping rights holders claim their rights. As a direct consequence of the project, a number of ethnic communities initiated a process of internal reflection and discussion that led to the adoption of regional guidelines and protocols on ways they are to be consulted by external actors. OHCHR is using the recommendations resulting from the participatory process in political dialogue with relevant institutions in the current debate on a possible legal framework to be adopted on the right to consult.

37. The Human Rights Advisor in the Republic of Moldova worked extensively with Government and civil society representatives to support the adoption in May 2012 of the State's first comprehensive anti-discrimination law (Act on Ensuring Equality). Following the mission by the Special Rapporteur on freedom of religion or belief, OHCHR worked with UNDP to provide key civil society actors with grant support to monitor freedom of religion or belief in the Republic of Moldova. Other OHCHR activities in the Republic of Moldova included: providing support in the creation of a network of Roma community mediators; supporting the national human rights institution to help build strategic discrimination cases, following a March 2011 recommendation by the Committee on the Elimination of Racial Discrimination urging that the national human rights institution use its legal powers to advocate in courts on behalf of victims of discrimination (CERD/C/MDA/CO/8-9, para. 12); and supporting a joint study (UN-Women/UNDP/OHCHR) on the situation of Roma women in the Republic of Moldova.

38. In May, the OHCHR presence in the South Caucasus held a workshop in the Samtskhe-Javakheti region of Georgia largely populated by the ethnic Armenian minority. The workshop was organized in close cooperation with the regional office of the Human Rights Ombudsman of Georgia. Training on human rights was delivered to 20 representatives of various non-governmental organizations, media and human rights defenders. The information and materials enabled the local civil society actors to deepen their understanding of various human rights issues, including the rights of linguistic, national and other minorities.

39. OHCHR also contributed to the work of regional organizations in the field of minority rights. For example, it participated in the development of the thematic commentary on the language rights of persons belonging to national minorities under the Framework Convention, adopted by the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities in May 2012, and the Ljubljana Guidelines on Integration of Diverse Societies, launched by the OSCE High Commissioner on National Minorities in November 2012.

III. United Nations network on racial discrimination and the protection of minorities

40. In accordance with article 9 of the 1992 Declaration on Minorities, the specialized agencies and other organizations of the United Nations system should contribute to the full realization of the rights set forth in the Declaration. This is part of the background against which, in March 2012, the Secretary-General established the United Nations network on racial discrimination and the protection of minorities, to be coordinated by OHCHR.

41. The network is to enhance dialogue and cooperation between relevant United Nations departments, agencies, programmes and funds. It is facilitated by focal points for racial discrimination and minority rights, appointed by relevant entities of the United Nations system.

42. The network tasks include developing guidance for the United Nations system on how to address racial discrimination and protection of minorities in line with the Universal Declaration of Human Rights and other key standards, drawing from effective practices. It is also reviewing the content of relevant United Nations training initiatives with a view to ensuring that they adequately cover issues concerning racial discrimination and national or ethnic, linguistic and religious minorities.

43. The network held its first meetings (by videoconference) in April 2012 and November 2012. The second meeting was preceded by a consultation, organized by OHCHR, with minority organizations and others on the advancement of work to combat racial discrimination and to protect minorities in the United Nations system, and was followed by the fifth session of the Forum on Minority Issues, which was devoted to the anniversary of the Declaration.

IV. Treaty bodies

44. Human rights treaty bodies have addressed minority issues throughout the reporting period, as illustrated in the below non-exhaustive examples.

Concluding observations

1. Human Rights Committee

(a) 104th session (12 – 30 March 2012)

45. In its consideration of the report of Cape Verde, the Human Rights Committee recommended that the State party collect data disaggregated by ethnicity on the existence and size of minorities, and that it investigate the root cause of the murders of West African immigrants and ensure prosecution, sanctions and compensation in such cases (CCPR/C/CPV/CO/1, para. 18). In its concluding observations for Turkmenistan, the Committee encouraged the State party to promote the participation of minority groups in public life and decision-making bodies and to collect data, disaggregated by ethnicity, on their representation in this regard (CCPR/C/TKM/CO/1, para. 22).

46. The Committee recommended that Yemen ensure that all ethnic, religious and linguistic minorities enjoy effective protection from discrimination and are able to enjoy their own culture and equal access to education, health and public services; victims of discrimination were also to be provided with effective remedies, including compensation (CCPR/C/YEM/CO/5, para. 12).

(b) 105th session (8 – 27 July 2012)

47. Minority issues were raised in the concluding observations regarding Armenia, in which the Human Rights Committee recommended that the State party combat violence and incitement to racial and religious hatred, provide proper protection to minorities and ensure adequate investigation and prosecution of such cases. It should also strengthen its efforts to ensure the effective implementation of the laws adopted to combat racial discrimination (CCPR/C/ARM/CO/2, para. 6). Regarding the report submitted by Lithuania, the Committee encouraged the State to strengthen its efforts to combat crimes committed with racial, discriminatory or xenophobic motives and sensitize the public to and reduce the prevalence of hatred and intolerance in the media, including the Internet, through awareness-raising campaigns and training programmes, especially targeting law enforcement agencies (CCPR/C/LTU/CO/3, para. 15).

48. With regard to Kenya, the Human Rights Committee recommended that the State respect the rights of minority and indigenous groups to their ancestral land and traditional livelihood when planning development and natural resource conservation projects. In particular, the State should ensure that the inventory being undertaken to assess the status and land rights of the Ogiek people is participatory and that decisions are based on free and informed consent of the community (CCPR/C/KEN/CO/3, para. 24).

2. Committee on Economic, Social and Cultural Rights

Forty-eighth session (30 April – 18 May 2012)

49. Concerning the report submitted by Slovakia, the Committee on Economic, Social and Cultural Rights recommended that the Government take steps, such as the imposition of penalties, to ensure implementation of the law governing minority languages, under which all citizens belonging to minority groups were allowed to use minority languages in their dealings with public administration (E/C.12/SVK/CO/2, para. 27). Regarding the report from Ethiopia, the Committee encouraged the State party to further strengthen necessary measures to ensure equal treatment for all ethnic groups, with a view to guaranteeing their right to a cultural identity, and to implement the relevant recommendations by the Independent Expert on minority issues (E/C.12/ETH/CO/1-3, para. 27).

50. Regarding the report of Peru, the Committee expressed concern about the high illiteracy rate among Afro-Peruvian communities and urged the Government to address the matter (E/C.12/PER/CO/2-4, para. 26). It also encouraged the State to adopt temporary special measures in line with the principle of non-discrimination to promote the realization of economic, social and cultural rights for Afro-descendants (ibid., para. 28).

3. Committee on the Elimination of Racial Discrimination

Eighty-first session (6 – 31 August 2012)

51. The Committee on the Elimination of Racial Discrimination urged Austria to collect comprehensive statistical data on the ethnic composition of its population and to take measures to prohibit incitement to racial hatred, for example through collaboration with sporting associations (CERD/C/AUT/CO/18-20, paras. 4 and 11). The State should also cease arrests, stops, searches and investigations based on racial profiling and prevent racist advertisements relating to housing and employment opportunities (ibid., para. 15).

52. The Committee urged Ecuador to consider special measures to ensure that Afro-Ecuadorians enjoy the rights outlined in the International Convention on the Elimination of All Forms of Racial Discrimination, especially regarding their access to public positions (CERD/C/ECU/CO/20-22, para. 12). It also recommended that the State engage in educating and training reporters and others working in the media to combat racial prejudices that led to discrimination against Afro-descendants in Ecuador (ibid., para. 16). In its report on Fiji, the Committee recommended that the State party consider special measures to improve the level of participation of persons belonging to minority groups in public administration and politics and to promote minority culture and languages, including the interpretation into minority languages of court proceedings to guarantee the right to a fair trial (CERD/C/FJI/CO/18-20, paras. 10, 12 and 13).

53. The Committee urged Tajikistan to collect disaggregated data, in particular with respect to minorities, on relevant socioeconomic indicators to ensure the enjoyment of rights under the Convention, and to continue its efforts in increasing the participation of ethnic minority groups, including women, in public and political life by improving representation within Parliament and other public institutions (CERD/C/TJK/CO/6-8, paras. 8 and 12). With respect to the report submitted by Thailand, the Committee advised that the State party ensure that members of ethnic groups could avail themselves of legal remedies, and that it collect data on the enjoyment of economic, social and cultural rights by ethnic groups (CERD/C/THA/CO/1-3, paras. 12 and 17). The State party should also strengthen efforts to protect and conserve ethnic languages by teaching them in schools, as well as raise awareness among media professionals of their responsibility not to disseminate stereotypes and prejudices of ethnic groups (ibid., para. 19). With regard to the report provided by Finland, the Committee highlighted the need for the State to collect data disaggregated by ethnicity, including data on minority groups and immigrants, in order to enable the Committee to evaluate the enjoyment of civil, political, economic, social and cultural rights of such groups (CERD/C/FIN/CO/20-22, para. 7).

4. Committee on the Elimination of Discrimination against Women

Fifty-second session (9 – 27 July 2012)

54. Regarding the report of Bulgaria, the Committee on the Elimination of Discrimination against Women recommended that the State tackle the root causes of and decrease the school dropout rates among Roma girls and reintegrate such girls into the educational system. The Government should furthermore collect data disaggregated by sex on the situation of disadvantaged groups of women, such as ethnic minorities, with a view

to accelerating the realization of substantive equality. To combat trafficking, the State was urged to increase efforts to improve the economic situation of women and girls, in particular Roma women, to eliminate their vulnerability to exploitation (CEDAW/C/BGR/CO/4-7).

55. In its concluding observations on Indonesia, the Committee expressed the need for the State to use all available means to eliminate discrimination and violence, including sexual violence and intimidation, against women belonging to religious minorities, such as Ahmaddiyah, Christians, Buddhists and Baha'is, and to ensure their security and enhance their enjoyment of human rights (CEDAW/C/IDN/CO/6-7). With regard to the reports submitted by New Zealand, the Committee encouraged the State party to address the deteriorating mental health situation of young girls, to prevent and combat the abuse of alcohol and use of drugs, and to prevent girls' suicide, especially among girls from migrant and minority communities (CEDAW/C/NZL/CO/7).

5. Committee against Torture

Forty-eighth session (7 May – 1 June 2012)

56. In its concluding observations on the report of Greece, the Committee against Torture encouraged the Government to take effective measures to prevent discrimination against and ensure protection of all minorities, recognized or not (CAT/C/GRC/CO/5-6, para. 12). The State party should also engage with the Albanian authorities regarding the missing Albanian Roma street children, in order to create an effective mechanism for the investigation of the cases (*ibid.*, para. 27). Correspondingly, in reviewing the report of Albania, the Committee urged the State party to immediately engage with the Greek authorities in order to promptly create an effective mechanism to investigate the cases and establish the whereabouts of 502 missing Albanian Roma street children (CAT/C/ALB/CO/2, para. 24).

57. The Committee recommended that the Czech Republic protect its Roma citizens and their property through enhanced monitoring and preventative measures, and investigate and prosecute all acts of anti-Roma violence and discrimination (CAT/C/CZE/CO/4-5, para. 11 (a)). The Anti-discrimination Act and all written materials relating to sterilization of women should be translated into the Roma language, and Roma children should be admitted to mainstream education (*ibid.*, paras. 11 (b) and 12).

6. Committee on the Rights of the Child

Sixtieth session (29 May – 15 June 2012)

58. Regarding the report of Algeria, the Committee on the Rights of the Child recommended that the State ensure full respect for the right to freedom of thought, conscience and religion of the child, and take all necessary measures to end all forms of violence and harassment of religious minorities (CRC/C/DZA/CO/3-4, para. 42). In its concluding observations on the report of Cyprus, the Committee urged the Government to collect data disaggregated by ethnicity, allocate resources to ensure that Turkish Cypriot children were provided with the option of receiving bilingual education, and ensure that religious education was optional (CRC/C/CYP/CO/3-4, paras. 18 and 45).

59. In its consideration of the report of Greece, the Committee encouraged the State to develop and implement, in collaboration with the Roma community, policies and programmes aimed at ensuring equal access to essential services, especially health and education (CRC/C/GRC/CO/2-3, para. 72). Greece should also ensure that children from the Muslim community of Thrace, children of Turkish origin and children from groups identifying themselves as belonging to the Macedonian minority should have equal access to health and

social services and quality education (*ibid.*, para. 27). With regard to Turkey, the Committee encouraged the State to withdraw its reservations so as to provide better protection and opportunities to all groups of children, especially those of Kurdish origin, who are not recognized as a minority under the Constitution (CRC/C/TUR/CO/2-3, para. 9).

60. Viet Nam was urged by the Committee to distribute the Convention to minority populations, including their children, in their own languages and to eliminate all efforts to assimilate ethnic minority populations with the Kinh majority (CRC/C/VNM/CO/3-4, paras. 22 and 40). The Committee considered Nepal under the Optional Protocol on the sale of children, child prostitution and child pornography, and recommended that data disaggregated by ethnicity be collected (CRC/C/OPSC/NPL/CO/1, para. 8).

V. Special procedures

61. The Independent Expert on minority issues presented her first report to the Human Rights Council (A/HRC/19/56) during its nineteenth session. The Council held a general debate with the Independent Expert on the role of human rights bodies and mechanisms. In this connection, the Independent Expert participated in the Council panel discussion held in March to commemorate the anniversary of the 1992 Declaration on Minorities, where she stated that she was particularly concerned about the situation of religious minorities in all regions, and that she would therefore address the rights and security of religious minorities as a thematic priority in 2012-2014.

62. On 22 February, the Independent Expert encouraged the Government of Latvia to ensure its protection of the rights of the Russian speaking minority and engage in a process of meaningful dialogue, following a referendum on 18 February that had rejected a proposal to recognize Russian as a second official State language. On 2 March, she joined the Special Rapporteur on freedom of religion and belief and the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, in urging the Government of Pakistan to respond decisively to end sectarian violence and improve the security of religious minorities. On 20 March, the Independent Expert and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, called for an intensified struggle against racism. She joined the statement published on the occasion of International Roma Day (8 April) by a group of seven United Nations human rights experts, stressing that “it is hard for Roma to shake off those negative labels and for wider society to see beyond them” as she called on States to intensify their efforts and “identify, share and put into practice what is known to be working for the inclusion and integration of Roma communities”.

63. On 2 August, the Independent Expert and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance called on all countries (particularly those with Roma communities) to mark Roma Holocaust Remembrance Day with a “commitment to confronting modern-day hatred, violence and discrimination against Roma and finding real solutions to their persistent exclusion”. On 9 November the Independent Expert participated in the Fifth Budapest Human Rights Forum in Budapest, and joined a panel to discuss minority issues on the occasion of the commemoration of the twentieth anniversary of the 1992 Declaration on Minorities. The Independent Expert presented her report to the General Assembly (A/67/293) at its sixty-seventh session, on 2 November. The report was the first under the General Assembly requirement, contained in Assembly resolution 66/166 (para. 21), that the mandate holder submit to it reports on an annual basis. In the report, the Independent Expert focused on the role institutional attention could play in advancing minority issues within governmental organs, national human rights institutions and other relevant national bodies.

64. The Independent Expert conducted her first country visit to Bosnia and Herzegovina from 17 to 25 September to examine the situation of national minorities, including Roma and those “constituent peoples” (Bosnian Croats and Bosnian Serbs) who, following the conflicts between 1992 and 1995, found themselves to be de facto minorities in the regions and localities in which they live. On 31 October, she joined with the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, and the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, to express deep concern over continuing inter-communal violence in Rakhine State, Myanmar, that had led to loss of life, destruction of homes and mass displacement, and called on the Government to urgently address the underlying causes of the tension and conflict between the Buddhists and Muslim communities in the region.

65. After her mission to Israel and the Occupied Palestinian Territory (30 January – 12 February), the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, stated that “the Israeli authorities have had an impressive record of providing adequate housing for waves of Jewish immigrants and refugees, but today these policies have failed to respond to the needs of minorities and the socially disadvantaged”. Palestinian minorities living inside Israel and Palestinians living under military occupation were affected by ongoing threats against their right to housing.

66. The Special Rapporteur on freedom of religion or belief, in his report to the Human Rights Council, expressed concern about members of minority groups who were subjected to pressure by State and non-State actors to convert or reconvert to mainstream religions or beliefs (A/67/303, para. 47). The concept of an official “State religion” has adverse effects on religious minorities, as missionary activities on behalf of the mainstream religion are encouraged while others are prohibited or restricted, thus violating the principle of non-discrimination.

67. The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and waste, Calin Georgescu, warned on March 30 that the communities affected by nuclear testing over 60 years ago in the Marshall Islands had “yet to find durable solutions to the dislocation to their indigenous ways of life”. Mr. Georgescu, who visited the country between 26 and 30 March, urged the country’s Government, as well as the United States of America and the international community, to find effective redress for the affected people from Bikini, Enewetak, Rongelap and Utrik.

68. The Special Rapporteur in the field of cultural rights, Farida Shaheed, conducted her first mission to the Russian Federation from 15 to 26 April. The recognition by the Russian Federation of its multi-ethnic and multi-confessional character is reflected in important constitutional provisions, including in the area of education and language. However, the Special Rapporteur was concerned at the uneven application of those provisions and that many minorities lacked support from the federal and regional authorities in that regard.

69. The Special Rapporteur on the right to food, Olivier De Schutter, warned that “food systems of emerging countries are at a major crossroads. Millions of people have been lifted out of poverty, yet whole communities have been left behind”. His statement was made after he presented his reports on China, Mexico and South Africa (A/HRC/19/59/Add.1, Add.2 and Add.3, respectively) to the Human Rights Council at its nineteenth session.

70. On 13 April, the Special Rapporteur on the right to education, Kishore Singh, hailed the decision by the Indian Supreme Court to uphold the constitutional validity of the provisions in the 2009 Right of Children to Free and Compulsory Education Act. The Act mandates that 25 per cent of places in private and public schools be reserved for socially

and economically disadvantaged groups. Mr. Singh said that the judgment should inspire other countries.

71. In a statement to the Human Rights Council at its nineteenth session, the Special Rapporteur on the human rights situation in Myanmar said the recent wave of reforms had already had a positive impact on the country and its people, but warned there were ongoing and serious human rights concerns that remained to be addressed, and that could not be ignored in the rush to reform and to move forward. Positive developments should not be based on the mere discretion of the authorities, but rather on a democratic institutional approach that allowed transparency, predictability and continuity in reforms. In August, welcoming the ceasefire agreements reached with 10 ethnic armed groups, and the ongoing dialogue in that regard, the Special Rapporteur said that efforts to find durable political solutions should address long-standing grievances and deep-rooted concerns among ethnic groups.

72. In May, the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, urged the Somali authorities and the international community to re-establish a legitimate justice system in Mogadishu and South Central Somalia. According to Mr. Bari, the harmonization of customary law and sharia law with modern law and international human rights law presented another major challenge for the administration of justice in Somalia. He stressed that “women, internally displaced persons and minorities suffer particularly from the lack of access to justice and due process”.

73. Also in May, the Working Group on Discrimination against Women in Law and in Practice urged the Government of Moldova to implement coherently the country’s non-discrimination legislation. The Working Group also noted a major void in the national human rights mechanisms to address violations of women’s rights, and stressed that women who faced multiple forms of discrimination, such as members of religious minority groups or Roma women, required an effective mechanism to monitor their situation.

74. In June, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Ahmed Shaheed, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan Méndez, condemned the execution of four members of the Ahwazi Arab minority in Ahwaz’s Karoun Prison in the Islamic Republic of Iran. Following a reportedly unfair trial, they were sentenced to death and executed on or around 19 June 2012. The four men were reportedly arrested in April 2011 during a protest in Khuzestan and convicted of *Moharebeh* (enmity against God) and *Fasad-fil Arz* (corruption on earth).

75. The Special Rapporteur in the field of cultural rights and the Special Rapporteur on freedom of religion or belief strongly condemned grave violations of cultural rights and the right to freedom of religion and belief in northern Mali, in particular the destruction of sites of religious significance, including mausoleums in the World Heritage site of Timbuktu.

VI. Universal periodic review

76. At its nineteenth, twentieth and twenty-first sessions, the Human Rights Council adopted the reports of the Working Group on the Universal Periodic Review on various countries.

77. In the adopted reports, issues regarding minority groups were raised, and recommendations included, inter alia, strengthened disaggregated data collection to better understand hate crimes towards minorities; increased enforcement of anti-discrimination and hate crime laws with a view to effectively prosecuting the incitement of hatred,

especially against religious minorities; establishing public outreach programmes and awareness campaigns to discourage ethnic discrimination; intensifying efforts to eliminate discrimination against the most vulnerable groups, such as minority women, and ensure their equal access to education, health, housing and employment; and guaranteeing freedom of religion or belief, freedom of expression and the integration of minorities into society through national plans of action. States were also encouraged to train Government and professional staff to decrease discrimination and social exclusion; provide textbooks in minority languages; put into place monitoring mechanisms to ensure that intended objectives for the promotion and protection of the welfare and rights of minorities are achieved; and, finally, to adopt favourable policies aimed at securing the full enjoyment of economic, social and cultural rights for minorities.

VII. Conclusions

78. **The commemoration of the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities provided a significant opportunity to bring awareness to the Declaration's importance while assessing challenges and obstacles to its implementation. Implementing the Declaration not only serves to protect the physical existence and identity of minorities but, as the preamble to the Declaration states, also contributes to the political and social stability of the States in which minorities live.**

79. **Minority issues are complex, and they need to be addressed through contextualized measures. Practices that work for the protection of minorities at the national level tend to also involve legislative and policy measures that take into consideration the circumstances on the ground and encourage inter-ethnic and intercultural interaction and dialogue while protecting distinct identities. As such, creating the conditions for the effective participation of minorities and protecting their rights should be considered by States to be an integral aspect of good governance, beneficial to minorities and majorities alike.**

80. **Combating discrimination and protecting minority rights are at the core of much of the work of the United Nations, including the Office of the United Nations High Commissioner for Human Rights. All three pillars of the United Nations—security, development and human rights—are affected by discrimination and minority rights violations, and efforts to combat them require system-wide engagement and cooperation. It is against this background that the United Nations network on racial discrimination and the protection of minorities is engaged in enhancing dialogue and cooperation among relevant United Nations departments, agencies, programmes and funds by providing a regular channel for exchanges between United Nations actors and for building expertise and guidance on key thematic issues of common concern. Moreover, civil society and non-governmental organizations as well as representatives of minorities have a vital role to play in promoting the 1992 Declaration on Minorities. In this regard, they should participate effectively in the development, implementation and evaluation of national policies and strategies on minority rights protection.**

81. **Overall, efforts to improve protection and prevent tension must involve society at large, majorities and minorities, and the dominant and non-dominant sectors of society, while ensuring the participation of minority women. It is vital that future activities place even more focus on the actual implementation of the Declaration along with other international human rights standards, to address the complex problems faced by minority communities on the ground.**