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PREVENTION OF DISCRIMINATION

PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Report of the Working Group on Minorities on its twelfth session
(Geneva, 8-11 August 2006)**

Chairperson-Rapporteur: Mr. Gudmundur Alfredsson

* Pursuant to General Assembly resolution 60/251 of 15 March 2006 entitled "Human Rights Council", all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights, including the Sub-Commission, were assumed, as of 19 June 2006, by the Human Rights Council. Consequently, the symbol series E/CN.4/Sub.2/_, under which the Sub-Commission reported to the former Commission on Human Rights, has been replaced by the series A/HRC/Sub.1/_ as of 19 June 2006.

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Summary

At the twelfth session of the Working Group on Minorities, general and specific situations concerning minorities from different regions of the world were raised and a number of Governments provided information on best practices for addressing them. Various documents were presented and discussed, including the Minority Profile and Matrix, a workshop report on minorities and conflict prevention and resolution, the working paper offering guidance on “integration with diversity in policing, security and criminal justice” and the recommendations of the High Commissioner for National Minorities of the Organization for Security and Co-operation in Europe on policing in multi-ethnic societies. Information on the new mandate of the independent expert on minority issues was presented by the mandate holder, Gay McDougall. In the light of Human Rights Council decision 2006/102, particular attention was focused on the future activities of the Working Group and cooperation with the independent expert. Section VII of the present report contains the recommendations adopted at the twelfth session, including a proposed two-year programme of work drawn up jointly by the Working Group and the independent expert, which would encompass the organization of a series of regional seminars on the application of integration with diversity in policing, security and criminal justice.

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Introduction

1. The Working Group on Minorities held its twelfth session at the Palais des Nations in Geneva from 8 to 11 August 2006 and one closed meeting on 16 August 2006.
2. Maria-Francisca Ize-Charrin, Director of the Operations, Programmes and Research Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR), opened the session. The Working Group on Minorities elected Gudmundur Alfredsson as its Chairperson-Rapporteur.
3. The provisional agenda was amended following a proposal by Vladimir Kartashkin to add a reference to the implementation of Human Rights Council decision 2006/102 to the title of agenda item 4, so that it read "Implementation of Human Rights Council decision 2006/102, future activities of the Working Group and cooperation with the independent expert and United Nations organizations".
4. The present report reflects the general course of the debate. For further information, including the text of some of the statements made, please consult the web page of the Working Group on the website of the Office of the United Nations High Commissioner for Human Rights (<http://www.ohchr.org/english/issues/minorities/group/main.htm>).

I. ORGANIZATION OF THE SESSION

5. The Working Group held four public and two closed meetings during its twelfth session. It was attended by the members, Mr. Alfredsson, (Chairperson-Rapporteur), José Bengoa, Mohamed Habib Cherif, Mr. Kartashkin, and Soli Sorabjee; the independent expert on minority issues, Gay McDougall; observers from 37 States; 43 minority representatives, human rights defenders or representatives of non-governmental organizations (NGOs); representatives of 5 United Nations or regional and other intergovernmental organizations; and representatives from 9 universities and other institutions. In all, over 200 individuals participated in the twelfth session. The list of participants and of documents before the Working Group as well as the agenda are contained in the annexes. All the working papers submitted are available at the web page referenced above.

II. REVIEWING THE PROMOTION AND PRACTICAL REALIZATION OF THE DECLARATION ON THE RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

6. The Chairperson-Rapporteur introduced agenda item 3 (a) noting that the item provided the opportunity to consider specific situations being faced by minorities in the enjoyment of the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and for Governments to provide information on the best practices in dealing with those situations. Information contained in statements made under this and other agenda items is the basis of the present report. Observers for eight Governments entered into a dialogue on the basis of statements made, many of which had been shared with Governments in advance.

A. Minority situations addressed and measures requested by minorities

1. General debate

7. Under item 3 (a), observers for 33 minority and non-governmental organizations and 8 Governments made statements in relation to the promotion and practical realization of the Declaration. Minority organizations raised a range of issues requiring action by Governments in order for them to comply with the provisions of the Declaration. These organizations alleged that in some countries, laws discriminated against minority groups or were not implemented in practice, and insufficient efforts were being made to address minority disadvantage and poverty. Non-recognition of minority rights and the generalized absence of minorities from higher-level political, administrative and professional posts was a source of frustration and potential inter-ethnic conflict. Many of the organizations called upon the United Nations system, including the Office of the United Nations High Commissioner for Human Rights, to take specific action to improve the conditions of minority rights.

Africa

8. Six of the minority organizations that took the floor came from the African region. Serious violations of human rights, including extrajudicial killings, arbitrary detention, forced evictions and displacement, violence against women, in particular systematic rape, widespread use of torture by the authorities, and the use of minorities as forced labour were said to be taking place in certain countries. In Somalia, the minority representative noted that there had been no analysis of the impact of what she described as “clan-based conflict” in the country on minorities such as the Bantu, Rerhamar, Baravnese, Bajuni, Gaboye, Tumul, Yibir and Galagala. The generally poor human rights record of the country had worsened, minorities had had their lands confiscated by warlords and had lost their means of subsistence, and in some cases minorities were used as forced labourers.

9. Reference was made to alleged violations in Ethiopia, where the Oromo, which numbered some 35 million out of a population of 75 million, were said to be facing discrimination, marginalization, extreme poverty and systematic repression. The situation in the country for the Oromo had considerably worsened since 1991; large numbers of Oromo had been arbitrarily detained or imprisoned, some 100,000 people had been forcibly displaced, and many had fled to neighbouring countries and were now refugees. A minority representative from the Gambella region spoke of the prevalent racism faced by the 100,000-member Anywa ethnic group as well as the climate of violence. He called upon the United Nations to send human rights monitors to the region.

10. Minority representatives from Somalia, Ethiopia, Kenya and Nigeria referred to the loss of land, including ancestral lands, property and resources, through confiscation by the dominant groups. A minority representative from Kenya spoke of the ancestral lands of the Terik indigenous minority that had been taken from his people during the colonial period, and noted that no redress, restitution or compensation had been forthcoming either from the former colonial Power or the present Government. A minority representative from Nigeria spoke of the continuing loss of land, evictions and environmental degradation affecting the Ogoni people as a result of oil exploitation, in particular by the Shell Petroleum Development Corporation. Discriminatory laws in the country had divested the Ogoni of their lands. The speaker made

reference to a 2005 recommendation by the Committee on the Elimination of Racial Discrimination that had called for the repeal of the Land Use Act of 1978 and the Petroleum Decree of 1969 (see CERD/C/NGA/CO/18). A peace process had been set in motion in 2005 and the facilitator appointed by the Government had recommended a suspension of activities by Shell, but despite the proposed ban, the speaker noted, the company planned further developments on Ogoni lands. Despite the wealth extracted from the region, the numbers of Ogoni living below the poverty line had grown from 75 per cent to 85 per cent in the seven-year period of civilian rule.

11. The minority representative from Uganda spoke of the Karimojong, a people dependent on cattle-rearing and numbering 846,000 or about 2 per cent of the population of the country. She said that her people faced discrimination, were considered backward by the dominant groups, and were the subject of hate speech by the media. The region had been impacted by the current conflict between the Lord's Resistance Army, which had abducted villagers and looted local missions and hospitals, and the armed forces, which had perpetrated crimes, in particular the sexual abuse of girls and women, with impunity. Women were especially disadvantaged in the community because of the prevailing cultural practice that considered young girls who went to school to be lazy, resulting in some 90 per cent having no access to education.

Asia

12. Seventeen minority and non-governmental representatives from India, Indonesia, Iraq, Kyrgyzstan, Myanmar, Nepal and the Syrian Arab Republic and three governmental observers from the Asia region spoke under the agenda item. Minority representatives expressed concern about violations which they attributed to military activities as well as forced displacements, discrimination and extreme poverty. Representatives from organizations working to promote Dalit rights in Nepal referred to historic and ingrained caste-based discrimination that resulted in their not being able to have access to education, employment or practise their religions. The speakers welcomed the recent political changes and the establishment of the Constitutional Assembly, but called on the Government to be more energetic in addressing the disadvantage of Dalits, which made up 20 per cent of the population and were among the poorest inhabitants of the country. One speaker noted that the recently adopted Citizenship Act could contribute to rectifying the situation of Dalit women by allowing citizenship to be granted through the mother's name, but in practice local administrations were not applying the law. Governments were urged to apply the laws meant to prohibit discrimination and prosecute those perpetrating violations.

13. Several minority representatives drew attention to minority issues in India. The 865,000 Khasi-speaking peoples in north-east India were said to be affected by an increase in insurgency and violence, leading to the displacement of villagers, and suggested that there may be as many as 250,000 internally displaced people in the north-east region of the country. The Khasi, he said, were recognized as a scheduled tribe and therefore as one of the most marginalized groups in society. This was borne out by the high levels of poverty, poor health and low life expectancy. Another speaker from India referred to the state of the 150 million strong Muslim population in India, and noted that a recent report of a high-level committee had revealed that Muslims were in a worse situation than other groups, including Dalits and scheduled tribes.

She was concerned about the lack of action by the state and federal Governments following the killings of Muslims in the state of Gujarat, noting that after more than four years there were still an estimated 10,000 Muslim families displaced and no steps had been taken to restore the livelihoods of those affected by the events.

14. A representative of the Marind-anim people of West Papua in Indonesia referred to the loss of lands and livelihoods that had been in process since 1969 and the new pressures to expand rice-growing to satisfy market demands. As a result, the Papuans were being deprived of their lands and means of subsistence, and because they had little opportunity for vocational training, they remained at the bottom of the social hierarchy in the country. He noted that in some villages there had been no schools since the Dutch left 40 years previously. His recommendations were addressed to the Government and called for the enactment of the autonomy law, the halting of new settlements and assistance for vocational training.

15. Two minority representatives from Myanmar raised human rights issues, in particular in relation to military activities and uncontrolled and environmentally damaging economic exploitation of natural resources in their regions. The Karenni representative was concerned about plans to build three dams on the Salween River, which would displace 30,000 hill people. She noted that the project was financed by foreign corporations as well as the Asian Development Bank. The Kachin representative called upon the Working Group in particular to urge the State Peace and Development Council of Myanmar to begin immediately a tripartite dialogue with the National League for Democracy and genuine representatives of ethnic minorities in order to ensure a meaningful process of political reform.

16. Other issues were raised by a representative of the Penghayat religious community, who recognized the efforts by the Government to protect freedom of belief, but said that in practice their religious marriage ceremonies were not recognized by Indonesia's Civil Registration Office, which resulted in their offspring not getting full welfare benefits. A representative of the Uzbek community in Kyrgyzstan said her people represented 14 per cent of the country. The representative was asking for the Uzbek language to be recognized as an official language in the country and called for greater participation of the Uzbek people in political decision-making. She warned that there had been a breakdown in the channels of communication between the community and the Government, and that there was the risk of inter-ethnic conflict.

17. The situations of the Kurdish minority in the Syrian Arab Republic and the Turkmen group in Iraq were raised by minority representatives. The Kurdish representative noted that in Syria some 2 million people were from the Kurdish minority, of which 350,000 had no citizenship papers and were effectively stateless. He called for action to stop settlement by Arab-speaking peoples in the Kurdish areas and for greater participation of Kurds in public affairs. The Turkmen representative from Iraq spoke of the "Kurdification" of the traditional Turkmen area, stating that since the fall of the regime of Sadaam Hussein there had been growing incursions by Kurdish settlers, confiscations of land and manipulations of elections, which had led to the diminution of participation of his people in local and regional decision-making and a growing domination of Kurdish political parties.

18. The observer for Nepal welcomed the sharing of information by NGOs, noting the recommendations for dealing with caste-based discrimination. He said that the new Government took discrimination seriously and was committed to ending exclusion of Dalits and other

marginalized groups. He provided information about actions being taken by the Government to guarantee rights and ensure development assistance to Dalit groups. He said that the National Dalit Commission would be drafting a law and making recommendations to address many of the concerns raised by the speakers, and that there would be no impunity for those guilty of perpetrating discrimination such as denying access to Dalits to schools or temples.

19. The observer from Kyrgyzstan affirmed his Government's commitment to upholding its international human rights obligations. He explained that the problems raised by the Uzbek representative needed to be seen in the context of the general situation of the country, which was undergoing major political and economic transformation. He noted that the country was composed of 81 ethnic groups and was ethnically diverse. He said that some 10 per cent of parliamentarians were of Uzbek origin, and Uzbeks were therefore able to participate in decision-making.

20. The observer from the Syrian Arab Republic said that Kurds in his country enjoyed full rights. He explained that some Kurds had fled from neighbouring countries as refugees, often without documentation, making the problem of statelessness complex. He gave examples of Syrians of Kurdish origin in posts of responsibility and said that there were no barriers to Kurds holding elected positions.

21. The representative of the Iraqi Council of Representatives spoke about the previous regime's history of repression, which had been especially directed towards the Kurdish people. She said that now all the freedoms and rights were guaranteed in the new Constitution, and that despite the difficulties faced by the 8-month-old Parliament, efforts were under way to address minority rights. Within the context of providing advice on minority issues in Iraq, the representative of the Iraqi Minorities Council spoke about the importance of the promotion and protection of the rights of minorities, including within legislative reform, such as the drafting of the new Constitution.

The Americas

22. Two minority representatives from Uruguay and the United States of America spoke in particular about Afro-descendant issues. The representative from Uruguay noted that 6 per cent of the country was considered Afro-descendant and faced discrimination, particularly in the employment field. Few Afro-descendants, he said, were white-collar workers and professionals. He affirmed, however, that considerable efforts had been made by the Government to address racism in the country, especially since the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban Conference). Together with a number of other speakers, he proposed that disaggregated data be collected on minorities' socio-economic status in order to facilitate governmental policies. The representative from the United States spoke of the lingering legacy of slavery and the need to confront the past. He welcomed the expert seminar organized by the Office of the High Commissioner for Human Rights in Chincha, Peru, in 2005, and considered the meeting a contribution to bringing greater attention to the situations of the 250 million Afro-descendants in the Americas.

23. A minority representative from the Muslim community in Canada expressed concern about the deteriorating situation of race relations since the events of 11 September 2001 and the introduction of anti-terrorist legislation. She noted that since the events of 11 September, Muslim communities had been singled out for arrests by police and that a two-thirds increase in hate crimes had been observed. She said that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had made several recommendations that she believed should be implemented by the Government.

Europe

24. Minority representatives from Bulgaria, Greece, Hungary and the Former Yugoslav Republic of Macedonia spoke under the agenda item. The representatives from Bulgaria, Hungary and the former Yugoslav Republic of Macedonia addressed principally Roma issues, noting the discrimination faced by Roma communities and the resulting difficulties they faced regarding housing, employment and schooling, as well as participation in public affairs. The Roma representative from the former Yugoslav Republic of Macedonia referred to the case of a youth who, he alleged, had died as a result of police violence. The representative of the Turkish-speaking minority from Western Thrace in Greece said that although the situation of the minority had improved, there were still concerns regarding self-identifying members of the Turkish minority.

25. The observer from Bulgaria said the Constitution of his country guaranteed rights to minorities. He noted changes in the market-based economy were having profound impacts on the country as a whole. He considered that Roma, who constitute 4.6 per cent of the population, were not facing discrimination and had actually benefited from a number of special measures in the areas of employment, education, health, housing and culture.

26. The observer from Hungary agreed with the representative of the minority organization that there remained challenges, but said that there had been improvements in the situation of the 100,000 Roma in her country. She referred to specific programmes promoting job creation, support for businesses and education for Roma. She recalled that a Roma from her country had become the first Roma European member of Parliament. She also said she looked forward to the report of the independent expert on minorities, who had recently visited Hungary.

27. The observer from the former Yugoslav Republic of Macedonia, referring to the statement on the death of a young Roma man by the representative of a minority organization, said that forensic evidence showed that death had been due to drowning and there were no signs of violence. He said that the problems of unemployment were generalized in the country and not only an issue for Roma. He further noted that two Roma were members of Parliament.

28. The observer from Greece said that the Muslim community in Western Thrace spoke three different languages, so it was not possible to recognize the entire group as Turkish as proposed by the minority representative. He said that there were no restrictions of freedom of association unless there was a risk to public order. He noted that there were more than 100 schools in Western Thrace offering schooling in minority languages.

29. Mr. Bengoa, member of the Working Group, recalled that the body was not a court and could not take up issues raised by minorities. He said that the purpose of the Working Group was to analyse minority issues, including by studies and seminars, and to provide a space for dialogue between minorities and Governments. He agreed that one of the challenges was how to follow up on the recommendations made by NGOs, and the presence of the independent expert at the session provided an opportunity for reflection on the matter. Mr. Bengoa also made reference to the seminar on Afro-descendants and the Millennium Development Goals held in Chincha, Peru, which had brought together the representatives of several United Nations mechanisms relating to racism and minorities and Afro-descendants from all countries in the region. He referred to several of the conclusions, most notably those that recognized the common identity of Afro-descendants in the region, the linkage between poverty and racism, and the recent establishment in many Latin American countries of special offices to address racism and Afro-descendant issues.

30. Ms. McDougall, independent expert on minority issues, also made reference to the Chincha workshop. She said that the workshop had clearly demonstrated the interconnection between poverty and entrenched racism. One of the messages from the workshop was that those responsible for implementing the Millennium Development Goals needed to ensure that minorities also fully benefited, as one unintended consequence, if measures were not taken, would be a widening of the inequality gap for minorities. In relation to this objective, it was necessary to obtain data disaggregated by gender and ethnicity that could be used to identify effective anti-poverty strategies. It was not discriminatory to gather data on minorities, as suggested by some Governments, if such data were used to reveal inequalities and assist in policymaking.

31. In concluding the item, Mr. Alfredsson, Chairperson-Rapporteur of the Working Group, clarified that the body was not a monitoring mechanism. However, he did note that certain recommendations could properly be taken up by the treaty bodies, special procedures, in particular the independent expert on minority issues, and other working groups such as the Working Group on Indigenous Populations.

III. EXAMINING POSSIBLE SOLUTIONS TO PROBLEMS INVOLVING MINORITIES, INCLUDING THE PROMOTION OF MUTUAL UNDERSTANDING BETWEEN AND AMONG MINORITIES AND GOVERNMENTS

32. Under this agenda item, 3 (b), discussion focused on the report on the workshop on minorities and conflict prevention and resolution (E/CN.4/Sub.2/AC.5/2006/2). Several minority representatives proposed solutions to their communities' situations, particularly in times of conflict.

33. Mr. Kartashkin introduced the report on the workshop, and made reference to the conclusions relating to root causes of conflict, recommendations and solutions to conflict. He proposed that the Working Group consider possible follow-up to certain of the recommendations, including those relating to finding solutions to conflict situations involving minorities.

34. As rapporteur of the workshop, Tom Hadden spoke about the importance of encouraging minorities and Governments to work together towards a shared understanding of concerns and problems in order to reach a more stable level of compromise settlement. He pointed out that a primary objective of conflict prevention and resolution was to have two or more sides move into direct negotiation, where appropriate, with international assistance, and that it would be important for examples of good practice to be shared in order to assist those involved in negotiations.

35. Reference was made by minority representatives to difficulties facing the Turkmen in Iraq, the Copts in Egypt, nomadic pastoralists in the Sahel and various communities in the subregion of the Horn of Africa, as well as to possible solutions to addressing those minority situations. Regarding solutions, suggestions were made for a more equitable sharing with minorities of the benefits of economic progress and development and for a more effective participation of minorities in public life and in decision-making processes affecting them. It was also suggested that greater use be made of existing indigenous and traditional conflict resolution mechanisms and of collaboration with regional and United Nations organizations. With respect to the situation of Copts in Egypt, it was proposed that the Government of Egypt consider strengthening its policies to protect Copts from discrimination and to promote Coptic culture. The observer from Egypt affirmed the importance his Government attaches to respecting and promoting the human rights for all persons in Egypt, including those in the Coptic community. He spoke about the Coptic community's representation in education and that persons belonging to the community were free to practice their religious beliefs. He presented the view that it was important to provide a definition of a minority so as to ensure that this concept did not undermine national unity. Replying to this presentation, a minority representative drew attention to the contents of general comment 23 of the Human Rights Committee in relation to the provisions of article 27 of the International Covenant on Civil and Political Rights, and to their views on criteria for the identification of minorities, which were not dependent upon the minority's recognition by the State.

36. A representative of Minority Rights Group International referred to a recently released report by his organization on "Minority Rights in Kosovo under International Rule". He spoke about the danger of the United Nations leaving a legacy of entrenched segregation in Kosovo, and of the need to take account of the situation of all minorities in Kosovo in the "final status" discussions taking place in Vienna. He proposed that the Working Group on Minorities and the independent expert on minority issues develop close cooperation with those bodies in the United Nations system dealing with political affairs and peacekeeping, with a view to strengthening the understanding of minority rights and their application in the work of the United Nations.

IV. RECOMMENDING FURTHER MEASURES, AS APPROPRIATE, FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

37. Under this agenda item, 3 (c), presentations were made by the representative of the Office of the Organization for Security and Co-operation in Europe (OSCE) High Commissioner

on National Minorities of its “Recommendations on policing in multi-ethnic societies” and by Mr. Hadden of his working paper on “Integration with diversity in policing, security and criminal justice”. Discussions focused on the contents of those documents.

38. Mr. Hadden explained that his working paper (E/CN.4/Sub.2/AC.5/2006/WP.1), focused attention on the need for integration with diversity as an alternative to various forms of autonomy for minorities and indigenous peoples. He gave a number of reasons for pursuing this approach with respect to policing, security and criminal justice. The paper laid out the legal and normative framework for guidance and offered practical measures and examples of good practice to assist in achieving better representation of all sectors of the population in the services of the police. He requested that the paper be shared widely for comment and for the inclusion of further examples of good practice from various parts of the world.

39. Krzysztof Drzewicki of the Office of the Organization for Security and Co-operation in Europe High Commissioner on National Minorities presented the publication, “Recommendations on Policing in Multi-Ethnic Societies”. The recommendations focused on the important role of the police in reducing tensions and promoting harmonious inter-ethnic relations and on the need to create practices that would neither amount to “over-policing” nor to tolerating “under-policing”. An explanation of those terms was provided. He stated that “over-policing” could take place when greater attention was given to crimes allegedly committed by members of the minority community, or when powers were used more harshly against members of the minority community. “Under-policing” was understood to mean that the police might be less willing to help members of minority communities when they are victims of crime.

40. Mr. Sorabjee and Mr. Bengoa commented on the important subject matter of these documents and proposed that the Working Group consider ways of ensuring follow-up to raise awareness of and spur action on the issue of integration with diversity in policing, security and criminal justice. Follow-up action was welcomed by the presenters of the documents.

41. The observer from the Russian Federation expressed support for the continuing work of the Working Group and of its importance in addressing various minority issues such as those related to policing, the situation of statelessness or non-citizenship affecting persons belonging to minorities and the rights of persons belonging to linguistic minorities.

**V. IMPLEMENTATION OF HUMAN RIGHTS COUNCIL
DECISION 2006/102, FUTURE ACTIVITIES OF THE
WORKING GROUP ON MINORITIES AND
COOPERATION WITH THE INDEPENDENT
EXPERT ON MINORITY ISSUES**

42. Discussions under this agenda item (item 4) focused on the future work of the Working Group, provided that the Human Rights Council decides to continue requesting its expert advice services in line with Council decision 2006/102, and on avenues of collaboration with the independent expert on minority issues in the framework of her mandate, as stated in the Commission on Human Rights resolution 2005/79.

43. Ms. McDougall, independent expert on minority issues, began her interaction with the members of the Working Group by expressing appreciation to the members for their historical leadership in addressing the issue of minorities within the United Nations and for their work in further developing the conceptual framework. The independent expert noted the important role the Working Group has played over the years in ensuring that the Sub-Commission and other human rights bodies integrate a focus on minority issues into their work. She highlighted that the Working Group has proved to be an excellent forum for minorities from all parts of the world to directly address their concerns regarding the realities on the ground and to enter into a dialogue on possible solutions with Governments and experts. The independent expert said that the work of the Working Group would continue to be fundamental in guiding her in undertaking the duties framed in her mandate.

44. Ms. McDougall informed participants that during the first year of her mandate she had been drawing a framework for action and identifying the key issues that form the basis of her mandate. Her mandate is sustained by three main pillars, which include a thematic focus, country visits, and communications with Governments on situations requiring their urgent attention and action. Within the framework of the international human rights instruments most relevant to her mandate, the independent expert identified several areas requiring her immediate attention. These included the questions of protection of the collective identity, of addressing discrimination, and of ensuring effective participation in public life and in decisions affecting persons belonging to minorities.

45. The independent expert informed participants that she planned to focus on thematic issues such as: poverty alleviation and the work towards the achievement of the Millennium Development Goals; the need to increase understanding of minority issues in relation to questions of inclusion; conflict prevention, early warning and conflict resolution; and the question of citizenship and the exclusion of minorities. Ms. McDougall stressed that she was particularly mandated to apply a gender perspective in her work as well as to focus on the situation of minority children.

46. Ms. McDougall welcomed the opportunity to listen to the representatives from minority groups participating in the annual session of the Working Group in the plenary on their specific human rights situations as this had enabled her to hear directly from them their main concerns and possible ways to identify durable solutions. She took note of the importance of the situations brought to her attention, and informed participants that she would study them carefully and take initiatives when appropriate.

47. All the members of the Working Group welcomed the interactive cooperation with the independent expert and stressed the importance of joining forces in mainstreaming minority issues in all human rights and United Nations work, and proposed a number of joint activities reflected in the section on recommendations below.

VI. ADOPTION OF RECOMMENDATIONS AND OTHER MATTERS

48. In a private session held on 9 August 2006, the Working Group prepared a set of recommendations that were circulated and discussed in the last public meeting of the twelfth session, and adopted in a private meeting on 16 August 2006.

49. This year, considerable discussion was focused on the deliberations concerning the future of the Working Group. In this context, all NGOs (see joint NGO statement contained in annex IV to the present report), representatives of Governments and academics noted that the Working Group had, for 12 years, provided a unique forum for minority representatives to bring their concerns regarding their human rights situations to the United Nations, and that there needed to be continuing dialogue between Governments and minority groups on possible solutions.

50. During the discussions, the following issues were emphasized, among others: the need to ensure adequate consideration of minority rights issues within the new human rights structures; the importance of strengthening ways of collaboration with the mandate of the independent expert on minority issues; the relevance of the Minorities Fellowship Programme and the important steps being taken by the Office of the United Nations High Commissioner for Human Rights to continue strengthening its work on minority issues; the crucial role that a voluntary fund could play to support the participation of minority representatives, especially from developing countries, in United Nations meetings; and the need to promote inter-agency cooperation to mainstream minority rights issues in the work of the United Nations system, its specialized agencies, the international financial institutions and the regional development banks.

51. Minor changes to the circulated proposal were made to take account of comments and suggestions raised and agreed to during the discussion.

VII. RECOMMENDATIONS

52. On the basis of the discussions held during its twelfth session, the Working Group on Minorities agreed on the following recommendations for future action.

A. Future of the Working Group

Having discussed Human Rights Council decision 2006/102, the Working Group on Minorities:

1. *Emphasizes* the need to ensure adequate consideration of minority rights issues within the Human Rights Council and calls for the continuation of the Working Group on Minorities or a similar expert body to ensure the provision of specialized advice on minority rights issues to the Council in the future.

2. *Proposes* that the sessions of the Working Group on Minorities or a similar future mechanism, if the Human Rights Council decides to establish one, should be intersessional and have a duration of five working days, and recommends that such a mechanism should ensure access to and participation by minority representatives from all regions of the world and serve as a forum for dialogue and mutual understanding on minority rights issues.

3. *Welcomes* the progress made and the steps taken towards the establishment of a voluntary fund to support the participation of minority representatives, especially from developing countries, in United Nations meetings.

B. Cooperation between the Working Group and the independent expert on minority issues

4. *Stresses* the historical opportunity that the establishment of the position of the independent expert on minority issues and the independent expert's ongoing interaction with the Working Group represents in advancing the promotion and protection of the rights of minorities, in particular in the area of follow-up and thematic expertise, where the complementarity is of crucial relevance.

5. *Notes with appreciation* the proposal made by the independent expert to study and when appropriate take initiatives on the specific minority situations brought to the attention of the Working Group by minority representatives and Governments during its twelfth session. The independent expert highlighted the important contribution of the studies being undertaken by the Working Group to her annual thematic work.

6. In this context, both the members of the Working Group and the independent expert propose a two-year programme of work which would include the organization of a series of regional seminars (one of them on the situation of Afro-descendants in the Americas) on the realization of integration with diversity in policing, security and criminal justice as a follow-up activity to the study discussed during the Working Group (E/CN.4/Sub.2/AC.5/2006/WP.1). In addition, the preparation of three thematic studies, to be followed by thematic seminars, is proposed: on positive country experiences in self-government for minorities; on ways and means of strengthening the application of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; and on double discrimination against women belonging to minorities.

C. Office of the United Nations High Commissioner for Human Rights

7. *Recommends* that the Office of the United Nations High Commissioner for Human Rights continue operating the Minorities Fellowship Programme, which has proved, in its two years of existence, to be an excellent tool for building capacity among minority representatives and minority organizations on the essence and working methods of the various human rights mechanisms and instruments, and encourages the Office of the High Commissioner to identify possible ways of further engaging with minority fellows once the programme is finished.

8. *Welcoming* the preparation, as requested by the Working Group, under the Minorities Fellowship Programme, of a "minority profile and matrix", a tool that was considered at its twelfth session, the Working Group recommends the Office of the High Commissioner to transmit it to minority organizations as a useful tool to gather substantive information and to transmit it to Governments for their information.

D. Inter-agency coordination and cooperation

9. *Recommends* that the Office of the United Nations High Commissioner for Human Rights and the independent expert on minority issues, together with the Working Group on Minorities, through inter-agency cooperation, call upon the various bodies of the United Nations system, the international financial institutions, the regional banks and regional and national development agencies to effectively implement the goals and objectives of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and to recognize the importance of mainstreaming minority issues as a tool for achieving equal rights, and to actively promote the mainstreaming of minority perspective in the design, implementation, monitoring and evaluation of relevant policies and programmes.

ANNEXES

Annex I

LIST OF PARTICIPANTS

I. MEMBERS OF THE WORKING GROUP ON MINORITIES

Mr. Gudmundur Alfredsson, (Chairperson-Rapporteur), Mr. José Bengoa, Mr. Mohamed Habib Cherif, Mr. Vladimir Kartashkin, and Mr. Soli Sorabjee.

II. SPECIAL PROCEDURES MANDATE HOLDERS

Independent expert on minority issues, Ms. Gay McDougall.

III. MEMBER STATES REPRESENTED BY OBSERVERS

Armenia, Austria, Bahrain, Bangladesh, Bhutan, Bulgaria, Chile, Congo (the), Egypt, Estonia, Finland, France, Greece, Haiti, Hungary, India, Iran (Islamic Republic of), Iraq, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Morocco, Nepal, Nigeria, Poland, Romania, Russian Federation, Slovak Republic, Slovenia, South Africa, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Timor-Leste and Turkey.

IV. NON-MEMBER STATE REPRESENTED BY AN OBSERVER

Holy See.

V. UNITED NATIONS BODIES AND SPECIALIZED AGENCIES AND OTHER INTERGOVERNMENTAL ORGANIZATIONS

African Union, International Labour Office, Office of the Organization for Security and Co-operation in Europe, High Commissioner on National Minorities, Organization Internationale de la Francophonie, and United Nations High Commissioner for Refugees

VI. NON-GOVERNMENTAL ORGANIZATIONS IN CONSULTATIVE STATUS

All for Reparations and Emancipation (AFRE), Asian Forum for Human Rights and Development (FORUM-ASIA), Association of World Citizens, European Roma Rights Center, International Confederation of Free Trade Unions (ICFTU), International Federation of Rural Adult Catholic Movements (FIMARC), International League for the Rights and Liberation of Peoples (LIDLIP), International Organization for the Development of Freedom of Education (OIDEL), International Service for Human Rights (ISHR), Minority Rights Group International, Netherlands Centre for Indigenous Peoples (NCIV), Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students).

VII. NON-GOVERNMENTAL ORGANIZATIONS NOT IN CONSULTATIVE STATUS

All Kachin Students and Youth Union - Myanmar and Thailand border, Asociación Cultural y Social Uruguay Negro (ACSUN) - Uruguay, Budidaya - Indonesia, Canadian Council of Muslim Women (CCMW), Canadian Egyptian Organization for Human Rights - Canada, Centre for Interethnic Dialogue and Tolerance “Amalipe” - Bulgaria, Centre of Polycultural and Multilingual Education Osh - Kyrgyzstan, Feminist Dalit Organization (FEDO) - Nepal, Forum for Justice - Nepal, HCAR - the former Yugoslav Republic of Macedonia, Holistic Turnaround Management Foundation - India, Humana Global - Portugal, Iraqi Turkmen Human Rights Research Foundation - Iraq, Initiative D’Entraide aux Libertés (IDEAL International), Jagaran Media Centre - Nepal, Karenni Research Development Group - Myanmar and Thailand border, Meghalaya Peoples Human Rights Council - India, Mon Youth Progressive Organization - Myanmar and Thailand border, Movement for the Survival of the Ogoni People (MOSOP) - Nigeria, National Federation of Dalit Women - India, Office of Justice and Peace - West Papua, Indonesia, Roma Democratic Development Association - the former Yugoslav Republic of Macedonia, Social Action Forum Against Repression (SAPAR) - India, Tamaynut - Morocco, TEDWII Indigenous Development Organization (TIDO) - Uganda, Terik Council of Elders - Kenya, Tin Hinan - Sahelan, Western Thrace Minority University Graduates Association - Greece, YASA (Kurdish Centre for Legal Studies and Consultancy) - Germany.

VIII. ACADEMICS AND OTHERS

Centre de estudios en migraciones, Spain	Ms. Dulce María González Díaz
Commissariat aux Droits de l’Homme, Mauritania	Mr. Ould Mohamed Cheik Tourad
Friedensau University, Germany	Mr. Valentin Danov Mr. Horst Friederich Rolly Mr. Nassar Massadeh
Queen’s University, Belfast	Mr. Tom Hadden
University of Hanover, Germany	Mr. Celalettin Kartal
University of Hawaii, Hawaii	Mr. Joshua Cooper
Researcher, academic institution, Iran	Mr. Jabbar Aslani
Chairperson, Iraqi Minorities Council	Mr. Hunain Al-Qaddo
Iraqi Council of Representatives	Ms. Mohammed Ahllam Assad
Human Rights Defender - situation of minorities in Somalia	Ms. Deman Mahmoud
Human Rights Defender - minority situation in Ethiopia	Mr. Tarekegn Chimdi

Annex II

**LIST OF DOCUMENTS BEFORE THE WORKING GROUP
ON MINORITIES AT ITS TWELFTH SESSION**

<i>Symbol</i>	<i>Title</i>
E/CN.4/Sub.2/AC.5/2006/1	Provisional agenda
A/HRC/Sub.1/58/AC.5/2006/1/Add.1	Annotations to the provisional agenda
E/CN.4/Sub.2/AC.5/2006/2	Report on the workshop on minorities and conflict prevention and resolution
E/CN.4/Sub.2/AC.5/2006/3	Note by the Secretariat: Reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities
E/CN.4/Sub.2/AC.5/2006/4	Note by the Secretariat: Examining the possible solutions involving minorities, including the promotion of mutual understanding between and among minorities and Governments
E/CN.4/Sub.2/AC.5/2006/6	Note by the Secretariat: Future activities and cooperation with the independent expert on minority issues and United Nations organizations
E/CN.4/Sub.2/AC.5/2006/WP.1	Integration with diversity in policing, security and criminal justice, paper submitted by Tom Hadden, Queen's University, Belfast
A/HRC/Sub.1/58/AC.5/2006/CRP.1	A Regional Perspective on Afrodescendant Quality of Life, a conference room paper submitted by representatives of All for Reparations and Emancipation (AFRE)
A/HRC/Sub.1/58/AC.5/2006/CRP.2	Information contained in a note verbale from the Permanent Mission of the Federal Republic of Ethiopia to the United Nations, Geneva

Annex III

AGENDA OF THE WORKING GROUP

1. Adoption of the agenda.
2. Organization of the work.
3.
 - (a) Reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;
 - (b) Examining possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments:
 - (i) Effective mechanisms for solutions to problems involving minorities, including conflict prevention and resolution;
 - (c) Recommending further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.
4. Implementation of Human Rights Council decision 2006/102, future activities of the Working Group and cooperation with the independent expert on minorities issues and United Nations organizations.
5. Other matters.

Annex IV

COPY OF STATEMENT BY THE “NGO MINORITY CAUCUS” OF MORE THAN 70 MINORITY REPRESENTATIVES OR REPRESENTATIVES OF NON-GOVERNMENTAL ORGANIZATIONS FROM OVER 37 COUNTRIES FROM ALL REGIONS OF THE WORLD

Statement made by Minority Rights Group International (MRG) on behalf of minorities caucus on future of minorities mechanisms - Item 4

This presentation is on behalf of a caucus of over 70 non-governmental organizations (NGOs) from countries representing all regions of the world. This includes many groups here this week and others who have been to the Working Group on Minorities in the past. The list is growing.

Given this period of review and change, we would like to present recommendations for future United Nations work on the human rights of minorities, including the future of the Working Group.

The Working Group has, for 12 years, provided a unique forum for minority representatives at the United Nations. It has provided the only forum for minority representatives to discuss issues of relevance to them and to engage in dialogue with States. In 2004, MRG carried out an impact survey on minorities who had attended the Working Group. The main finding was that attending the Working Group did lead to impact for NGOs back in their own countries. Such impact included: initiating dialogue in Geneva with Governments for the first time that was continued back in the country, and being taken more seriously following attendance at a United Nations meeting, and, as a result, NGOs achieved changes in country through using contacts made in Geneva.

The last year has seen of course the very welcome arrival of the independent expert on minority issues, Ms. Gay McDougall, and we welcome her work and presence at the Working Group this week - the anniversary of her appointment.

We also welcome the work done by the handful of dedicated staff devoted to minority issues within the Office of the United Nations High Commissioner for Human Rights and recently the creation of the Minorities Fellows Programme.

Despite this, we wish to point out that addressing the rights of minorities remains one of the most marginalized issues within the human rights mechanisms in the United Nations. We should remember that the Sub-Commission on the Promotion and Protection of Human Rights, the first major human rights body created by the United Nations, was originally titled “on the Prevention of Discrimination and the Protection of Minorities”. But minority issues were increasingly marginalized until the creation of the Working Group, which until last year was the only mechanism dedicated to minorities within the United Nations.

This marginalization of minorities within the United Nations is not acceptable given that minorities make up perhaps 30 per cent of the world's population. Their human rights issues are central to conflict prevention and effective development cooperation, both critical to United Nations work. It is vital that marginalized minorities are able to raise their issues at the United Nations, as they often have no other mechanism, internal or international that they can use. When no mechanism exists for peacefully addressing problems, conflict emerges. We have heard again this week more examples of how the United Nations development and conflict prevention work often fails to understand and apply minority rights.

In order to build for the future one must learn from the past. Apart from the general marginalization of minority issues within the United Nations, the greatest problem for minorities attending the Working Group over the years has been the inability of the body to address the issues they raise due to the limitations on its mandate. Attending this forum can be the only opportunity for minorities to publicly raise an issue and yet no response can come back. This has been compounded this year by the reduction in the time of the Working Group. For minorities to take the time and effort to travel what are often long distances, and sometimes putting themselves at risk, a meeting that effectively lasts only two days is not justifiable.

Principles

With this in mind we urge the United Nations and its Member States to conduct its review of the human rights mechanisms for minorities based on the basic understanding that its current systems are inadequate to address the many and important issues affecting minorities, millions of people. The current systems need to be strengthened, not reduced in any way.

We ask the United Nations to review its existing minority mechanisms on the principle that, at a minimum, the mechanisms together should achieve the following:

1. Ensuring that existing minority rights standards of the United Nations, and in particular the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, are applied;
2. Ensuring minorities, the most marginalized people in the world, are able to raise their concerns at the United Nations;
3. That the United Nations is able to help find solutions to minority problems based on its standards and best practices;
4. Ensuring that all United Nations agencies and missions understand and work towards the full implementation of the Declaration, as required by article 9.

Specific recommendations

We make the following specific recommendations on how the mechanisms can be strengthened to meet these aims.

First, the position of independent expert should be made permanent, and guaranteed sufficient resources to meet her mandate.

However, one person is not enough to deal with the global issues on minorities and meet the four basic principles outlined above. We therefore recommend that, particularly in the light of the likely reforms to United Nations mechanisms, including the Sub-Commission, a new body be created to take forward United Nations work on minorities and in particular that of this Working Group.

We propose that this new mechanism be tasked with furthering the full implementation of the Declaration and other United Nations minority standards, and should have three main roles:

- First, to be a forum where minorities can raise issues and possible solutions be canvassed to problems;
- Second, to be a body that develops the practical understanding and implementation of the Declaration. It should produce a series of official Opinions on each aspect of the Declaration, and other aspects of minority rights, developing the Working Group's Commentary, based on law and good and bad practice. These should aim at being practical tools for minorities, Governments, United Nations agencies and others on how to use the Declaration to address their concerns;
- Third, to have a specific mandate to work towards the implementation of article 9 of the Declaration within all parts of the United Nations, including agencies.

This mechanism should report directly to the Human Rights Council, to increase the visibility and importance of minority rights issues within the United Nations. However, the open participation of NGOs developed by the Working Group must be continued. On no account should participation be restricted to NGOs with Economic and Social Council status - which will be impossible for most local minority organizations to achieve.

The work should be complementary to, not duplicate the independent expert, but both mechanisms should maintain very close working links. The independent expert should in particular take up specific issues raised by minorities during forum meetings and emergency issues.

The forum meetings themselves we strongly believe should be more frequent than those of the Working Group. We suggest that there be a main meeting of the forum each year in either Geneva or New York. New York meetings will be necessary to address the implementation of article 9 in other parts of the United Nations, such as its conflict prevention and development work. These meetings should have a planned thematic theme, leading to specific general opinions being drafted on the issue(s) discussed. Each annual meeting could also consider the implementation of the Declaration by a specific United Nations agency or other organization. There should be a general session as well. We suggest that these meetings take place for two weeks to make travel worthwhile for many minorities.

We strongly believe that the new mechanism should have in its mandate to hold regional or subregional forum meetings each year, we suggest three such meetings. The regional meetings of the Working Group have been very useful, but too infrequent, due to budgetary issues. Regional meetings will allow all relevant parties to participate, including minorities who cannot travel easily to Geneva or New York, government experts and local United Nations agencies and offices. It will also allow regional issues affecting minorities to be considered. We suggest that during such meetings the new mechanism looks at the implementation of the Declaration in that (sub)region, and in particular the work of United Nations agencies and offices. At a minimum it should make recommendations to United Nations offices.

The new mechanism should consider the situation of minorities raised before it based on all information in the United Nations system, and in particular the matrix/profiles that it should monitor and help develop. It should be able to issue comments and recommendations that are presented to the Council and used by the latter in its work, including universal periodic review, but also by the treaty bodies and others. The new mechanism should make specific recommendations to United Nations agencies. The strong consensus in the minority caucus was for the forum to be a place to promote dialogue and solutions, not one for confrontation.

Given the current discussions about membership of a future United Nations expert human rights body, we suggest that membership of the new minority mechanism be a mixture of members of minorities, and experts on minority issues and rights. We suggest the division be five from each with an aim of gender balance. Members can be proposed by States and by minority communities. To promote efficiency, a limited number of members of the mechanism could attend the regional meetings.

Other

Apart from creating a new mechanism, the Council should ensure that minority issues are addressed in all aspects of its work. The situation of minorities should be a basic item in the universal periodic review process and other reviews of countries, and be on the agenda. New Council expert advisers should include persons with expertise in minority issues.

States should pass a resolution in the General Assembly to establish the voluntary fund for minorities as decided by the Commission on Human Rights in 2004 (decision 2004/114) and approved by the Economic and Social Council (resolution 2004/278). This would facilitate minority participation in the future work of the new mechanism, the work of the independent expert on minority issues and wider United Nations human rights system.

There is a particular need for the United Nations to address the understanding of and implementation of minority rights in its work on development and conflict prevention. We call for an adoption by the United Nations Development Programme of a policy on minorities and for the Security Council to adopt a resolution on minorities and conflict prevention. The United Nations human rights bodies should work closely towards it.

In any event, the United Nations, and in particular the Office of the United Nations High Commissioner for Human Rights, needs to have a much greater understanding of minority rights in all its work. We make two specific requests:

- That each United Nations country team has one person who deals with minorities and ensures they are included in all relevant reports. The name of this person should be publicly known so minorities can access them;
- That the Office of the United Nations High Commissioner for Human Rights, given its increased resources, should increase the number of staff it has focused on minority issues, which is still an underresourced area.

We look forward to continuing dialogue on this issue in the coming months.
