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**PREVENTION OF DISCRIMINATION**

**PREVENTION OF DISCRIMINATION AND  
PROTECTION OF MINORITIES**

**Report of the Working Group on Minorities on its tenth session\***  
**(Geneva, 1-5 March 2004)**

**Chairperson-Rapporteur: Mr. Asbjørn Eide**

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\* The annexes are being circulated in the language of submission only.

## **Summary**

At the tenth session of the Working Group on Minorities, the specific situations of minorities from around the world were addressed and Governments provided information on best practices for addressing them. Various thematic issues were discussed, covering the relationship between minorities and self-determination, minorities and non-citizenship, minority-related activities of international development agencies, and the role of national human rights institutions in promoting the protection of minority rights. The first 10 years of the work of the Working Group was reviewed. Further attention was given to the promotion of constructive dialogue within the Working Group; the adoption of general recommendations or comments by the Working Group; and the closing of gaps in the protection of the rights of persons belonging to minorities. Chapter VII of the present report contains the decisions and recommendations adopted at the tenth session of the Working Group.

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## **Introduction**

1. The Working Group on Minorities held its tenth session at the Palais des Nations in Geneva from 1 to 5 March 2004.
2. The Chairperson-Rapporteur, Mr. Asbjørn Eide, made an opening statement, his last as its Chair and as a member of the Sub-Commission. Throughout the session, sincere gratitude and appreciation was expressed to Mr. Eide for ensuring the success of the Working Group and for advancing the cause of human rights and raising minority issues and human rights higher on the international agenda.
3. The present report reflects the general course of the debate. For further information, including some statements, consult the web site of the Office of the United Nations High Commissioner for Human Rights ([www.unhchr.ch/minorities/statements10.htm](http://www.unhchr.ch/minorities/statements10.htm)).

### **I. ORGANIZATION OF THE SESSION**

4. The Working Group held nine public meetings and one private meeting during its tenth session. It was attended by members José Bengoa, Asbjørn Eide (Chairperson-Rapporteur), Vladimir Kartashkin, Soli Sorabjee and Leïla Zerrougui; observers for 44 States, representatives of 52 non-governmental organizations (NGOs), 2 United Nations organizations and specialized agencies, 2 regional intergovernmental organizations and 8 universities and other institutions. The list of participants, documents before the Working Group and the agenda are contained in the annexes. All the working papers submitted can be found at [www.unhchr.ch/minorities/documents10.htm](http://www.unhchr.ch/minorities/documents10.htm).

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

5. The Chairperson-Rapporteur introduced item 3 (a) as providing an opportunity to consider specific situations of minorities and for Governments to provide information on the best practices in dealing with those situations. It was agreed that issues would be taken up as they affected different groups. Information contained in statements made under this and other agenda items has been included. Observers of six Governments entered into a dialogue on the basis of statements made, some of which had been shared with Governments in advance.

#### **A. Minority situations addressed and measures requested by minorities**

##### **Roma**

6. Human rights issues and violations affecting the Roma in Europe and other regions of the world were raised by the European Roma Rights Centre, which called for a heightened profile to the United Nations' work on the Roma.

### **Afro-descendants**

7. Particular attention was drawn to the situation of the estimated 200,000 people belonging to the Garifuna communities of Honduras. Socio-economic difficulties, environmental degradation and insecurity of land tenure had reportedly led to increasing numbers of people emigrating to the United States and to a significant number of land tenure cases being presented to the national courts and the Inter-American Human Rights Commission. A solution to the land problems and investigations into violence affecting the Garifuna of Honduras were called for.

8. The lingering effects of plantation slavery, including the destruction of identity, marginalization and discrimination, it was stated, were a reflection of the minority situation affecting Afro-descendants in the Americas and slavery diaspora. The Working Group was requested to support the Afro-descendants' efforts to organize and strengthen their networking for collective decision-making.

### **Nomads, hunter-gatherers and pastoralists**

9. The plight of the Sama Dilaut, a seafaring nomadic community of the Sulu seas, in the Philippines, was raised. Conflict in their ancestral seas and the neglect and non-prioritization of their concerns in development planning was threatening the culture and lifestyle of this indigenous people. Forced to live on land, the Sama Dilaut were vulnerable to exploitation and abuse, with some living in conditions akin to bonded labour, a contemporary form of slavery. Human rights procedures were urged to investigate the situation of the Sama Dilaut and to call for a Government review of development, anti-poverty and other policies and programmes in addressing the situation of the Sama Dilaut.

10. Concern was expressed about plantation businesses setting up in the traditional lands of the Higaonon, a traditionally mountain-dwelling people forming part of the 22 indigenous peoples of Mindanao, known as Lumads. Poverty, lack of secure land tenure and lack of effective implementation of the Indigenous Peoples Rights Act of the Philippines were causing deprivation. The international community was requested to support the work of the National Commission on Indigenous People in providing services to indigenous peoples, including the processing of applications for a Certificate of Ancestral Domain Title (CADT).

11. The serious situation of the Ogiek people, a hunter-gatherer group, estimated to number 22,000 people in Kenya, out of a total population of 30 million, was reported. It was claimed that trees on their land were being harvested without their consent, that their land had been distributed to majority communities, and that other land had been designated a game reserve. Recognition of land rights and the introduction of guaranteed seats in Parliament were called for in the case of the Ogiek.

12. A representative of the Batwa of Burundi spoke about the serious problem of expulsions affecting his people, especially the Mabayi community in Chibitoke province where 40 to 50 per cent of the Batwa population live. International support was called for in requesting the Government of Burundi to establish mechanisms for the defence of the rights of the Batwa and implement international standards. Agencies of the United Nations were requested to set up offices dealing with Batwa issues in concerned countries.

### **Religious intolerance**

13. Several representatives reported on the serious human rights violations against ethnic and religious minorities in Bangladesh. The international community was called upon to intervene on an urgent basis to protect the minorities of Bangladesh.

14. Attention was drawn to serious incidents of violence against religious minority groups in Pakistan. It was claimed that various laws and policies gave preferential treatment to the majority religious group and were discriminatory in their effect on religious minority communities. Particular mention was made of the provisions of articles 2, 41 (2), 228 and 203 of the Constitution. It was also reported that of 537 persons accused under blasphemy laws between the years 1986-2003, 227 (42 per cent) were Muslims and 310 (58 per cent) belonged to religious minorities (Christians, Ahmadis and Hindus). The establishment of an independent permanent commission with a mandate and power to consider complaints and remedial measures was urgently called for as well as the implementation of the recommendations of the special rapporteur on religious intolerance following his visit to Pakistan in 1996.

15. The problems of economic and social marginalization facing Muslims, who constitute 30 per cent of Kenya's 30 million people, were described. Traditionally, the minority had been poorly represented in the security and decision-making structures of the country; 2 out of the current 21 cabinet ministers were coming from the Muslim minority. Various recommendations were proposed, including establishing programmes to create awareness about human rights, provide training and build the capacity and empower civil society, including minorities, to advance their rights.

16. Minority communities in Afghanistan, including Hindus in Hinland province and Shia in Kabul, continued to face many difficulties. Problems were being experienced with respect to the restitution of property. Minorities were lacking adequate shelter and access to basic social services, despite the presence of numerous international NGOs. Calls were made for the punishment of commanders and warlords who committed war crimes in Afghanistan; the restitution of property for minorities; the implementation of policies to address discrimination; and provision made for minorities to perform their religious ceremonies.

### **Forced displacement**

17. The serious situation of the Borok indigenous peoples in Tripura, India, was highlighted. A root cause of their problems was the continuous influx of foreign nationals, mainly Bengali Hindus from Bangladesh, into their traditional homeland. The Borok now comprised less than a third of the population, and were marginalized in all aspects of public, political and economic life. Large-scale development projects, the activities of foreign corporations and military operations had caused serious human rights violations, including the massive displacement and migration of the Borok people. The international community was called upon to take urgent action and fact-finding missions to Tripura and to request the Government of India to return Borok lands; to end military offensives in the Borok territories; to provide for the rehabilitation and repatriation for victims of military abuses; and to put an end to further migration of foreigners into Tripura.

18. Attention was drawn to the effects of socio-economic and political crises in Western Africa, especially to the problems facing displaced and refugee women and children. Women encountered difficulties in gaining work to avoid sexual exploitation; in gaining recognition as refugees; and in fully accessing social services or international humanitarian assistance, including psychological assistance when they were victims of rape. Linguistic and financial barriers were often too high for children to receive an education. Recommendations proposed by the representative of La Rencontre africaine pour la défense des droits de l'homme (Senegal) related to ensuring the implementation of human rights for displaced persons and refugees; ensuring the safe and voluntary return of refugees; identifying and combating discrimination affecting refugees and displaced persons; identifying and addressing the root causes of population movements; and strengthening national and subregional actions for the maintenance of peace and security, including through monitoring the movement of weapons.

### **Linguistic minorities**

19. The problems facing the non-Tswana-speaking ethnic groups, comprising an estimated 60 per cent of the population in Botswana, were highlighted. Provisions of the Chieftanship Act and the Tribal Territories Act were described as discriminatory and assimilatory in their effect on these groups, including the Wayeyi. Failure to recognize them as tribes had led to the denial of their group rights to land. Marginalization of the non-Tswana-speaking groups had continued on account of the non-recognition of their chiefs, an absence of respect for the principles of prior consent and consultation on decisions affecting them and failure to provide for the full use of their languages in education and in the media. It was reported that Bill No. 31 of 2003 would have the effect of entrenching the recognition of the eight Tswana-speaking tribes to the exclusion of others. An appeal was made for meaningful dialogue between the non-Tswana-speaking groups and the Government, particularly in the light of concerns that provisions of Bill No. 31 of 2003 were incompatible with the principle of equality before the law as laid down in article 26 of the International Covenant on Civil and Political Rights (ICCPR). Additionally, the Government was encouraged to ratify the First Optional Protocol to the ICCPR; to provide for the immediate use of minority languages in the State media and in education; to provide for State recognition of non-Tswana chiefs chosen according to their customs; and to appoint a coroner to conduct an inquest into the death of the Wayeyi Chief Shikati Kamanakao.

20. Issues relating to Russian-speaking minorities and non-citizenship were raised by the observer for the Russian Federation.

### **Other minorities**

#### *Africa*

21. The Ikwerre community faced problems of marginalization, extreme poverty and environmental degradation of its land and rivers in the Niger delta through exploitation of oil and gas resources. Calls were made for the full participation of the Ikwerre people in the control of resources and decision-making on development; the urgent provision of electricity; improved health care and education services; and youth employment opportunities. Lastly, he proposed that the Government or oil company operators provide a monthly payment to every family of the Ikwerre community to raise their income.

22. Attention was drawn to the plight of Karayu pastoralists, a clan of the Oromo ethnic group living in the Fantalle district in Ethiopia. It was reported that the Karayu had lost much of their ancestral land, including to agro-industry, and had been forcibly displaced to an area with no water resources, severely restricting their nomadic lifestyle. Their traditional pastoralist activities had been further threatened in 2003 following the community's loss of 70 per cent of its cattle. Further action by the Government was requested to support consultations with the community to protect their rights and traditional way of life. Assistance was requested in providing access to social services as well as ensuring a more equitable sharing in the profits from industry to benefit those displaced and support local development initiatives.

*Asia*

23. The situation of Dalit women, who constituted 16 per cent of Nepalese women, was highlighted. Statistics revealed that their literacy rate was 9 per cent compared to an average of 42 per cent for women of other castes, while their life expectancy was 42 years against a national average of almost 60 years. Dalit women were the victims of violence, trafficking and sexual exploitation, especially women belonging to a tribe called Badi. Dalit women reportedly faced social exclusion and even death should they marry men of a higher caste. They had been killed for being accused of practising witchcraft. Suggestions were made that inter-caste marriage be recognized; temporary special measures be introduced to improve their socio-economic situation; and laws introduced to penalize the perpetrators of caste-based discrimination and violence and provide compensation to victims.

24. Attention was drawn to the discrimination practised against Dalits in India and particularly Dalit Christians. It was reported that the "loss of privileges of Dalit Christians" had been acknowledged and that the Government had proposed to remove such discrimination by introducing a law before Parliament. No such law had been introduced nor were Dalit Christians provided with protection under the provisions of the Civil Protection Acts, despite being subject to increasing violence in the rural parts of the country where 84 per cent of Dalits lived. Recommendations made were for the Government of India to reform its legislation and for United Nations development agencies to ensure that their projects and policies protect the rights of Dalits and improve their socio-economic position.

25. The Working Group heard a submission on the situation in the Chittagong Hill Tracts and of problems in implementing the December 1997 so-called "Peace Accord" due to land ownership issues remaining unresolved, the withdrawal of the army from certain camps being only partially implemented and the peace accord being caught in the confrontation of Bangladesh party politics. The full implementation of the Chittagong Hill Tracts Peace Accord was urged, including the withdrawal of non-permanent military camps, restitution of land and recognition of indigenous title to the land and the return of Bengali settlers to their original home districts (the plains of Bangladesh).

26. Serious human rights violations affecting West Papuans were reported. Fears were expressed about a possible increased military presence and the establishment of further military command centres in West Papua, following the adoption of Presidential Instruction 1/2003; a decision that proposed the division of West Papua into three provinces was taken without consulting the Papuan people. A representative of West Papuans asked the international



community to urge the Government of Indonesia to halt any action to divide West Papua into three provinces and to support instead the implementation of the Special Autonomy law of 2001.

### *Europe*

27. In Serbia, more than 1 million people belonged to minorities, yet the present Parliament was said to have no official representatives of minorities, as the coalition of minority representatives had failed to meet the legal threshold of gaining 5 per cent of total votes cast in elections in December 2003. Attention was drawn to serious shortcomings in the third draft of a law on Montenegro's national minorities. It was reported that provisions of the draft law could result in the Roma being excluded from protection and restrict the future recognition of minorities. Another drawback was its reported non-applicability to the situation of internally displaced persons (IDPs), particularly Askhealia Egyptian IDPs from Kosovo. Problems were foreseen in relation to the mandate of councils on national minorities, the participation of minorities at the local level and in monitoring the application of the law. Serious concerns were expressed about provisions that could suspend the rights of minorities in situations where there was an immediate danger of war, or where a state of emergency was declared. Various recommendations were made for redrafting elements of the proposed law on Montenegro's national minorities.

28. It was reported that the Government of Turkey was failing to abide by its commitments to reform and implement effectively legislation and policies aimed at ensuring full respect for the human and minority rights of the Armenian and Kurdish minorities. A particular concern expressed was that Turkey continued to reserve the right to consider minority rights in terms of the Lausanne Treaty of 1923. Administrative regulations and directives were viewed as obstructing the implementation of reforms, including in such areas as education, broadcasting in Kurdish, and the recognition of Kurdish names. The continuing harassment of members of the Kurdish minority and human rights defenders was also reported. The Working Group was asked to urge the Government of Turkey to undertake further legal reform including removal of its reservation to article 27 of the ICCPR, and to reconsider the appropriateness of provisions of the Lausanne Treaty in the light of recent developments. Further proposals related to the development of programmes to provide for the return and reintegration of Kurdish internally displaced persons, and implementation of education and language policies in full compliance with minority rights.

29. Statements were made by several organizations on the legacy of the forcible deportation of their communities. The representative of the indigenous Crimean Tartars spoke about the difficulties faced in the restitution of their land and their exclusion from decision-making processes. Despite constituting 12 per cent of the population in the Crimea, their access to public service stood at 4 per cent. Action was called for by the Government of Ukraine to ensure the effective participation and representation of indigenous Crimean Tartars in national, Crimean and local public affairs, in the light of the Council of Europe's recommendation 1455 (2000).

30. The serious situation facing Meskhetian Turks living in the Krasnodar Krai in the Russian Federation was raised. It was reported that members of that community continued to be deprived of access to citizenship, were without citizenship status or registration in the place of residence, that marriages were not registered and children were not provided with birth certificates. Other difficulties were said to be encountered with respect to access to work,

medical insurance and treatment, higher education, pensions and child benefits. The community had taken cases to the Krai and federal courts, with no favourable outcome, and was now approaching European courts. The representative of the Meskhetian Turks asked that the United Nations take urgent measures to address their situation and to support their registration in their place of residence and their recognition as citizens of the Russian Federation.

31. Representatives of the NGOs “Roma Ural” based in Yekaterinberg and of the Caucasian Refugee Council based in Vladikavkaz, stated that discrimination was practised against internally displaced persons in the North Caucasus and against the Roma in the Yekaterinberg with respect to their living conditions, including their right to adequate housing. Although discrimination was said to be commonplace, not a single court case based on issues of discrimination was won in the Russian Federation in 2003. In their assessment, article 136 of the Criminal Code, called “Violation of equality of human and citizen rights and freedoms”, did not provide for an effective defence of those rights as its content was only declarative. It was recommended that the Government of the Russian Federation give consideration to the amendment of its domestic laws to ensure their compliance with the principles and provisions of international standards, including in combating discrimination and providing effective remedies.

32. The representative of World Citizens raised concerns about the emergence of marginalized cultural communities in Europe and the provisions of recent legislation adopted in Switzerland restricting family reunification for persons from third countries.

33. With reference to Greece, 1 million out of its 11 million people were said to be of non-Hellenic origin. Concern was expressed about the situation of 150,000 Western Thrace Turks as well as the “Macedonian minority” regarding alleged restrictions to the establishment of their associations. Other issues related to the quality of education in minority schools, choice of Muftis and denial of citizenship. A representative of Western Thrace Turks asked the Government of Greece to consider inviting the Working Group to visit the country

## **B. Government responses**

34. The observer for Honduras indicated that the Government shared the concerns raised by Organización Fraternal Negra Honduras (OFRANEH) with respect to the situation of the Garifuna. She presented information on various recent initiatives undertaken to combat racism and racial discrimination and support programmes for the indigenous and afro-descendant populations of Honduras. Reference was made to two additional new programmes “safer property for people” and “a safer community”. The latter programme was aimed at cutting down crime; its positive achievements were being studied by the United Nations and adopted by other countries of South America. Responding to the statement, the representative of Garifuna sought information on opportunities to participate in the development of the new programme dealing with ownership of land and property. The observer for Honduras welcomed the interest of the Garifuna and extended an invitation to OFRANEH to contribute to the discussions on this new programme.

35. The observer for Bangladesh provided information on progress achieved for the implementation of the Peace Accord and that provisions of the Land Commission Act would soon be operative. Seventy army camps had been withdrawn, although the deployment of the army in areas adjacent to international borders was for national defence and security purposes.

It was indicated that affirmative actions had led, in some cases, to a higher representation of minority groups in the public sector than the majority. Cases of reported intolerance against minorities were acknowledged but the Government was vigilant, against such aberrations, and in its commitment and efforts to improve religious tolerance and communal harmony.

36. The observer for Botswana explained that the unity of Botswana had been promoted rather than its division or fragmentation into tribal or ethnic compartments. He pointed out that action was under way to amend section 2 of the Chieftanship Act. Equally, the feasibility of teaching in the mother tongue was being explored. Contrary to the claims made, he said, the relocation of Baswara from the Central Kalahari Game Reserve was motivated by improving their living conditions. Living in the Game Reserve, he stated, stereotyped Baswara with the hunter-gatherer lifestyle, which was unsustainable and not in their long-term interest. Responding to the statement, the representative of the Multicultural Coalition of Botswana welcomed the Government's intention to study mother tongue education but regretted the continuing effects of assimilatory policies and tendencies which were suppressing and oppressing the non-Tswana-speaking tribes.

37. The observer for Serbia and Montenegro informed the Working Group of the amendments to the Law on Election of National Deputies adopted on 25 February 2004, thereby abolishing the 5 per cent electoral threshold. Concerning the draft law on rights and freedoms of ethnic minorities of the Republic of Montenegro, it was currently being considered by the Council of Europe and Organization for Security and Cooperation in Europe experts and that public debate would be organized before the law entered into parliamentary procedure. In response, the representative of ASK (Montenegro) read out the opinions on Serbia and Montenegro of the Advisory Committee of the Framework Convention on National Minorities, which had been made public on 2 March 2004 and had addressed concerns raised in her statement.

38. The observer for the Russian Federation spoke about the well-established procedure for the adoption of legislation, its amendment and application in his country. Concerning the effects of changes to the law on citizenship, he stated that persons who had not filed for citizenship by 2001 were categorized as foreigners and some had become stateless. Concerning the situation of the Meskhetian Turks, it was stated that the Russian authorities were engaged in talks with the authorities in Georgia and other partners, including on the possibility of repatriating them to their land of origin. Additionally, information was shared on the requirement of organizations to comply with particular registration procedures. The representative of the "Roma Ural", based in Yekaterinberg, alleged that stricter requirements and procedures were being applied to organizations defending human rights.

39. The observer for Greece indicated that the Muslim minority in Thrace was 98,000 persons and that it was misleading to allege the existence of a "Macedonian minority" in Greece. He provided details of the measures taken to improve the education of Muslim children in Thrace and stated that the European Court of Human Rights had not contested the system of appointing Muftis. The 3 per cent threshold contained in the electoral law was described as very modest and the estimated 200 stateless persons in Greece were free to gain Greek citizenship upon naturalization.

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

40. Four main themes were debated under this agenda item. Papers on two themes were presented, namely, “Minorities and self-determination” (E/CN.4/Sub.2/AC.5/2004/WP.1) prepared by José Bengoa, member of the Working Group; and “An examination of approaches by international development agencies to minority issues in development” (E/CN.4/Sub.2/AC.5/2004/WP.5), submitted by Minority Rights Group International. Issues relating to the relationship between minorities and non-citizenship and national human rights institutions were also discussed.

#### **Minorities and self-determination**

41. Mr. Bengoa emphasized that a consideration of the relationship between minorities and self-determination raised complex and controversial issues and that his paper had not tried to disguise the fact. His paper was divided into four parts. The first part dealt with the complexity of the problem, the challenges it revealed and the inadequacy of traditional ways of tackling the matter. By way of example, he suggested that the distinctions made in general comment No. 23 of the Human Rights Committee between the right of self-determination and the collective rights enjoyed by certain minorities was neither particularly clear nor obvious. The second part of his paper described the intensified search for local and minority identities as an integral part of the process of globalization and its consequences. The third section of the paper provided a history of the development and evolution of the concept of self-determination and its relationship to people or peoples. He emphasized that the early twentieth century concept of “one nation, one State” was no longer possible or even desirable and that the strength of a State no longer resided in the concept of a homogeneous people, or a forcibly homogenized population. He perceived the right to self-determination being exercised to the extent that “the people”, a proportion of the citizenry with more in common, would demand the right to a specific manner, form and system of Government intended to integrate them into the modern globalized world. In the last section of the paper, he expressed his understanding that in a globalized world the local identity-centred processes would develop more vigorously and that this reality had engendered the political concept of relative autonomy as one way of exercising the right of self-determination. By way of conclusion, he saw a link between the recognition of minorities and various forms in which the right of self-determination may be realized.

42. Mr. Kartashkin contributed to the debate by considering the difference between external and internal self-determination and clarifying the minimum forms of autonomy that a minority may claim under the United Nations Declaration and article 27 of ICCPR. With respect to the latter issue, he indicated that autonomy was clearly provided for in the areas of language, including in the fields of education, culture and religion. Mr. Eide agreed with this interpretation and also cautioned against supporting or imposing exclusive identities. Ms. Zerrougui advised that further consideration and work should be undertaken on clarifying the rights that may be claimed by minorities in different situations, on improving awareness of respect for those rights and of good practice. While Mr. Sorabjee attached importance to the idea contained in paragraph 30 of Mr. Bengoa’s paper that in the post-decolonization period the right of

self-determination may be exercised without territorial secession. In his view, a reformulation or broadening of the idea of self-determination that would contribute to conflict prevention and resolution merited further consideration.

43. Various minority representatives agreed that minorities wished to have their cultural rights respected and protected and that those rights included control over land and use of resources. In their experience, the issue of control over resources was as controversial to Governments as the issues of autonomy or secession. They were in agreement, therefore, in finding ways to reduce tensions when considering these issues. As a representative of indigenous peoples, Mr. Roland Barnes questioned whether the Working Group on Minorities was the appropriate place for considering issues pertaining to the right to self-determination. In his view, the Working Group on the Draft Declaration and the Commission on Human Rights were probably better suited to coming to a determination on this matter. Observations were made by Mr. Barnes and the observer for Chile on the work of the United Nations in dealing with self-determination in the context of decolonization and the situation of non-self-governing territories. Mr. Eide agreed that the Working Group could not deal with the question of claiming the right to self-determination, however it could analyse the issue in relation to minorities.

44. The observer for the European Centre for Minority Issues informed the Working Group about its ongoing projects and its advisory role in addressing the settlement of self-determination conflicts through complex power-sharing, including autonomy arrangements. He cautioned against the view that autonomy alone was a panacea in all situations, rather autonomy needed to be matched with other arrangements, if its purpose were to overcome self-determination disputes short of secession. Information was also provided on his organization's efforts to generate a universal data base on international minority rights jurisprudence to be followed by an analytical digest and commentary. Ms. Pate presented details of the Minorities at Risk Project at the University of Maryland and of its work in tracking trends in State-minority and inter-ethnic relations and of the application of its research to the development of policy.

45. Ms. Elizabeth Naucler of the government of Aland Islands, Finland, drew attention to the importance of discussing the notion of autonomy and its possible advantages as a conflict-solving mechanism. She proceeded to provide information on one of the few international conflicts which was settled in a sustainable way by an international organization. The Aland Islands issue was settled under the auspices of the League of Nations in 1921, by providing the Alanders with extensive autonomy under the sovereignty of Finland. Such information had been shared with the Working Group as it had recently visited the Aland Islands and studied their autonomy. Further information was provided on recent discussions and reports on the autonomy issue submitted to the Parliamentary Assembly of the Council of Europe in 2003 and of the first international conference on regional autonomy of ethnic minorities held in 2001 in Beijing.

46. Responding to the various comments, Mr. Bengoa indicated that he shared the concerns raised and reiterated his view that autonomy was one of the ways in which the right to self-determination could become a reality. A major focus of such an approach was on linking autonomy to mechanisms for arriving at the settlement of conflicts and solving crises. Autonomy would be viewed with less suspicion, he suggested, if it were studied from the framework of domestic jurisprudence and practice and within a human rights policy framework.

### **International development agencies**

47. The paper submitted and presented by Minority Rights Group International revealed that the consideration of minorities issues remained largely absent from policy documents and programming activities of international development agencies. It was further disclosed that the marginal position of minorities denied them a strong voice to articulate their priorities in development. Conversely, where a particular minority group had gained international attention, its situation was acknowledged in development agencies' country programmes. The paper considered ways and means for international development agencies to expand their work on minority issues, including through the provision of staff training, securing disaggregated data and supporting capacity-building for the empowerment of minorities. An appeal was made for the statements made by minorities to the Working Group to be shared with different government ministries, especially those dealing with development issues. The Working Group was asked to consider recommending the organization of a meeting on the subject of minorities and development.

48. During the debate, attention was drawn to the importance of establishing effective monitoring mechanisms, in full consultation with minorities, to consider the implementation and impact of development or anti-poverty programmes, such as the World Bank-supported poverty reduction strategy papers (PRSPs). Suggestions were made for minorities to involve themselves in the World Bank's mid-term review of the implementation of the PRSPs. Mr. Sorabjee shared the view that rights without remedies were "teasing illusions" and appealed for more serious examination of the question of the availability and securing of inexpensive, effective and accessible remedies in cases of neglect or violation of rights. Several minority representatives called for a halt to the practice of development agencies hiring foreign consultants and so-called experts who were not sensitive to minorities' culture. Participants agreed that minority representatives should be hired as consultants on development projects. They also agreed on the need for gathering and sharing information and data on the national situation, including on the existence of minorities and their issues, with a view to ensuring that development was not simply benefiting certain groups in society while undermining the culture or impoverishing others. Education's role in eliminating marginalization and poverty was also acknowledged. Calls were made for the recognition and accreditation of indigenous learning systems and the acceptance of the Muslim madaris, as a public education system, in the case of the Mindanao Lumads and Bangsamoro.

### **National institutions**

49. Mr. Orest Nowosad and Ms. Yunseon Heo of the National Human Rights Institutions (NHRI) team of OHCHR presented the contents of a draft pamphlet intended for future inclusion in the *United Nations Guide for Minorities*. Several points were highlighted. First of all, it was clear that NHRIs, as independent bodies, had a role to play in the protection and promotion of minority rights. Secondly, although, many NHRIs were substantively and legislatively equipped to deal with minority issues, not all were taking advantage of their powers to deal with them. Thirdly, work undertaken by NHRIs revealed their capacity to provide judicial remedies and of their dealings with non-State actors, such as business, media, political parties and parliamentarians. Reference was made to their work in: Colombia and the provision of legal advice on the rights of Afro-Colombians; India and the NHRIs' work in investigating particular violations against Muslims in Gujarat; Nepal and promotional activities to raise the profile of

Dalit minorities and enhance public awareness of Dalits' rights; Ghana, in facilitating a series of mediation sessions to resolve a conflict involving two different ethnic groups; and Sweden by the ombudsman for ethnic discrimination who took a case before the courts on behalf of a victim. Additionally, details were provided on the outcome of a roundtable of NHRIs on race issues held in New Zealand in February 2004, including calls for the establishment of a so-called "equality index" and for putting in place mechanisms to provide early warning of problems and conflict, with support from OHCHR. Responding to this information, members expressed particular interest in following the latest of these welcomed initiatives. ECMI sought greater cooperation on networking with specialist European-minority Ombudspersons on minority issues, as well as on matters relating to effective participation.

### **Non-citizenship**

50. Mr. Kartashkin reported on his participation in the thematic discussion on non-citizenship and racial discrimination organized by the Committee on the Elimination of Racial Discrimination, held with a view to developing a future general recommendation on this issue. During the discussion, the situation of specific categories of non-citizens had been highlighted. Various speakers had stressed that persons not possessing the citizenship of the country of their residence faced constantly growing discrimination, including following the tragedy of 11 September 2001. Different forms of discrimination were cited in terms of language, culture, education, detention and arrest, deprivation of the right to work, difficulties in obtaining citizenship. Attention was also drawn to mass and gross human rights violations against non-citizens in particular States. Specific suggestions were made regarding the duties of States, including to: reduce the incidence of non-citizenship; eliminate differences between citizens and non-citizens; adhere to the principle of non-refoulement; provide minorities with the opportunity to be educated in their national languages and protect their cultures and religions; and ratify as well as implement the seven main international human rights treaties. Various suggestions were made about the proposed contents of a future general recommendation. It was agreed that there was a need to provide a definition of a non-citizen. A further proposal called for a distinction to be made between discrimination and differential treatment. Mr. Kartashkin emphasized the importance of distributing within the Working Group the future general recommendation on non-citizenship once adopted by the Committee on the Elimination of Racial Discrimination. He also appealed to the Working Group to strengthen its own standard-setting activities by considering drafting general recommendations on issues of particular concern to minorities, including on the issue of non-citizenship.

51. On the subject of strengthening standards for minorities, Mr. Drzewicki, representing the Office of the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, indicated that his office was considering drafting guidelines on the issue of non-citizenship as it affected minorities. Those would be additional to the existing guidelines or recommendations on education, language, participation and media issues. Copies of the guidelines, adopted in October 2003, "Guidelines on the use of Minority Languages in the Broadcast Media", were distributed. In a presentation on the work of the Advisory Committee monitoring the implementation of the Framework Convention on National Minorities, Ms. Stéphanie Marsal indicated that this body was also considering embarking upon the process of elaborating general comments, in addition to undertaking country visits and formulating country-specific opinions and recommendations. Another regional initiative was mentioned by Mr. Boros Miklos, observer for Hungary and co-Chair of the Working Group on Minorities of

the Central European Initiative (CEI). On the occasion of the tenth anniversary of the signing of the CEI instrument for the protection of national minorities, a publication of this instrument, with commentaries on its different provisions and data on minority-related national institutions, had been prepared. Mr. Sorabjee welcomed the greater involvement of regional and national institutions in undertaking studies and investigations on minority issues and providing remedies for violations of minority rights.

#### **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**

52. Under this agenda item, discussion centred on the paper “International and national action for the protection of the rights of minorities: the role of the Working Group on Minorities” (E/CN.4/Sub.2/AC.5/2004/WP.3), prepared by Mr. Tom Hadden, Human Rights Centre, Queen’s University, Belfast, and the visit of the Working Group to Finland. Statements under this and other agenda items have been reflected in this part of the report.

##### **Review of the work of the Working Group**

53. Mr. Hadden indicated that his paper attempted to review the work of the Working Group over the last 10 years, its current work practices and their strengths and weaknesses as well as to offer suggestions for the focus of its future work. He suggested that a major focus of its work had been on the development of standards in implementing the Declaration through the preparation of a Commentary and the submission of papers. Concerted attention had also been given to ensuring effective participation and measures to support integration and autonomy for the implementation of minority rights. Most recently, greater importance had been accorded to questions of development for minorities; conflict prevention and resolution; regional meetings and codes of conduct; and cooperation with national human rights institutions. He identified the encouragement of effective dialogue as an overriding consideration of the Working Group, in the light of its mandate.

54. Ensuring effective follow-up of presentations made on minority situations and dialogue between minority representatives and Governments, were particular areas of work that might benefit from further creative thinking, Mr. Hadden suggested. This was especially important, in his opinion, given the crucial role the Working Group had to play in advising Governments on ways to implement the rights provided for in the Declaration, especially on how to promote, develop and protect the identity of minorities. He also spoke about the importance of information being submitted to the Working Group that analysed the country situation and not only the situation of one minority, to assist the Working Group, minorities and Governments in determining the most appropriate approach and course of action in addressing the minority situation. Several contentious questions had been addressed in his paper and on which he had given his personal views. On the question of choosing measures of integration or developing separate systems and services, he weighed in favour of integration in the provision of education.

55. Commenting on the paper, various views were expressed with regard to the section dealing with separation, integration and multiculturalism (paras. 30 to 37). On the one hand, preference was expressed for more attention to the issue of integration with diversity and on the



other for the provision of separate education in the mother tongue or bilingual education. By way of conclusion, it was accepted that an array of tools existed to address minorities' issues and that an appreciation of the dynamics of different situations probably required an emphasis on timely solutions appropriate in a given context. There was agreement, however, that indigenous peoples and minorities faced common concerns related to ensuring their recognition, including of their culture, protection from forced assimilation and control over decisions affecting them and that a strong position had to be taken against assimilationist policies. The observer of China commented on Mr. Hadden's paper and presented information on the situation of minorities and measures taken to promote and protect the rights of persons belonging to minorities in the country. He spoke about the necessity of protection measures against terrorism, extremist organizations and against acts aimed at instigating ethnic hatred or provoking ethnic conflict and separatism.

### **Visit to Finland**

56. Following an invitation by Finland, the Chairperson said, members of the Working Group had visited that country in January 2004 and met with representatives of Government, various minorities and non-governmental organizations. They became familiar with the special autonomy arrangement of the Aland Islands and how it could be of service in similar situations. Members learned about the particular issues and problems faced in ensuring the effective functioning of autonomy arrangements, especially as a consequence of Finland's membership of the European Union. Representatives of the Russian, Roma, Jewish and Tatar minorities were met with as well as the indigenous Saami, and about 30,000 Ingrians. Meetings were also organized with, among others, the Advisory Board for Ethnic Relations, the Ombudsperson, the Saami Parliament and the Advisory Body on Roma Affairs. The Russian-speaking minority, almost 30,000 people, indicated that they also wished to have an advisory body, as existed for the 10,000 Roma. The Saami Parliament spoke of the importance of the ratification by Finland of ILO Convention No. 169 concerning indigenous and tribal peoples in independent countries, an issue that was still pending. The hope was expressed that the Working Group would be able to benefit from visits to other countries in the future.

57. The observer of Finland spoke about the promotion and protection of the rights of minorities as one of the priorities of the Government of Finland at both the national level and within international forums. It acknowledged the fact that persons belonging to minorities were more likely than others to be in danger of being subjected to human rights violations and discrimination. The Government perceived the visit as part of its constructive dialogue with international mechanisms and encouraged other Governments to consider inviting the Working Group to their country. The media attention given to the visit was very much welcomed by the Government as were the conclusions and recommendations of the Working Group, which served as a useful tool in considering future action. Information was provided on the legislative, policy and other measures taken at the national level to improve respect for the principles of non-discrimination, tolerance and the rule of law.

58. Various observers spoke about the importance of country visits being undertaken by the Working Group, and one minority representative suggested that the Government of the Russian Federation should consider making such an invitation. In order to acquaint other countries with the experiences of Finland, Mr. Kartashkin suggested that the report of the visit be sent to all other countries, where minorities existed.

## V. THE FUTURE ROLE OF THE WORKING GROUP

59. The observers for two Governments and three academics spoke under this agenda item; in addition, elements from governmental and non-governmental statements under other agenda items have been included in this section. Nine NGOs made statements, four of which were joint interventions. Many recommendations were taken into account by the Working Group.

60. The Working Group discussed various matters under this heading. All participants were in agreement with the need for: the establishment of a voluntary fund for minorities, supporting training and projects; an international year for minorities to be followed by a decade; undertaking country visits when invited; the holding of regional or subregional seminars and the development of guidelines or codes of practice; and the organization of thematic meetings on development matters and the situation of Afro-descendants and the Roma. Discussion on three further issues generated additional suggestions for action: promoting constructive dialogue within the Working Group; the adoption of general recommendations or comments by the Working Group and protection gaps.

### **Constructive dialogue**

61. Proposals were made for reorganizing the debate under agenda item 3 (a) to promote constructive dialogue. Mr. Bengoa suggested that an overview of global developments on minority issues in the intervening year be provided. Another suggestion related to minority representatives providing a brief assessment of the situation of the whole population at the national level before moving on to the specific concerns of their minority. Likewise, Ms. Roy spoke about the need for the international community to develop tools to encourage Governments to undertake an inventory of various minority situations in the territory in order for them to address those situations and arrive at solutions. Additionally, suggestions were made for concentrating on the situation of minorities within a particular subregion or region at different sessions of the Working Group with a view to improving constructive dialogue and follow-up. An alternative proposal was for future sessions of the Working Group to be held at the regional level, possibly in the regional United Nations economic commissions. Proposals were made for the training programme for minority representatives to be organized two to three months ahead of the Working Group, so that written statements of minority representatives and the list of participants could be shared with Governments well in advance. While this suggestion was welcomed, it was considered difficult to implement due to financial and technical constraints, including in paying for minority participation in the Working Group. The Working Group was strongly encouraged to draft a paper on modalities for improving dialogue and to involve the members of the United Nations system, particularly development agencies, in its work.

### **General recommendations or comments**

62. Members of the Working Group fully agreed with Mr. Kartashkin's suggestion that general recommendations or comments should be prepared on specific issues that had been considered by the Working Group in its thematic discussions or following its consideration of papers. Various proposals were made on the subject of future general recommendations, covering such themes as self-determination vis-à-vis minorities, as well the issues of land,

education, non-exclusion, non-assimilation, non-citizenship and the protection of places of worship as they related to minorities. Ms. Letschert proposed that consideration be given in the future to joint meetings between human rights bodies where they were considering the preparation of general recommendations on the same subject.

### **Protection gaps and special procedure**

63. Minority Rights Group International drew attention to the results of a survey which revealed that advocacy at the Working Group in Geneva had assisted minority representatives in making progress on their issues domestically. Attention was equally drawn to the gap in minority rights protection due to the absence of a mechanism to respond urgently to serious situations affecting minorities. Participants called for the establishment of a procedure complementary to the Working Group that would have a mandate and financial resources to receive and act on information submitted by minorities and undertake country missions to investigate and address minority situations, including through the promotion of dialogue with Governments directly in the country. Ms. Letschert reiterated her suggestion, made at last year's session, that serious consideration should be given to establishing a system of regional special procedures on minority issues. Several minority representatives highlighted the need for regional mechanisms to be established in Asia to deal with human rights and minority situations.

## **VI. ADOPTION OF RECOMMENDATIONS AND OTHER MATTERS**

64. In a private session held on 5 May 2004, the Working Group adopted a set of recommendations which were circulated and discussed in the public meeting during the afternoon session of that day. Several suggestions and amendments were made and changes were accommodated in the list of recommendations below.

65. The Chairperson-Rapporteur informed participants that for practical reasons the next session of the Working Group will again be held in the second or third week of May.

## **VII. DECISIONS AND RECOMMENDATIONS**

66. On the basis of the discussions held during the tenth session, the Working Group agreed on its decisions and recommendations for future action, which are set out below. Minor changes were made to take account of comments made and suggestions raised and agreed to during the discussion.

### **A. Working Group on Minorities**

#### **(a) Promotion and realization of the Declaration**

**1. *Decides to continue, at the eleventh session, the debate under sub-item 3 (a) as follows:***

**(a) First, to have a general debate on particularly important developments concerning minority situations around the world and to review and follow-up the minority situations raised at the previous session;**

**(b) Second, to cluster the issues concerning: (i) Roma; (ii) Afro-descendants; (iii) nomads, pastoralists, hunter-gatherers and shifting cultivators; (iv) religious minorities; (v) linguistic minorities; (vi) displaced minorities and other situations affecting minorities;**

**(c) Third, to consider effective enforcement mechanisms and remedies;**

**2. Decides to concentrate the discussion under sub-items 3 (b) and (c) on the following themes:**

**(a) Minorities and development, including conflicts over development, and the action taken by Governments and international agencies for incorporating minority issues in activities to reach the Millennium Development Goals. The Working Group invites the Minority Rights Group to prepare a paper for the discussion on the latter issue;**

**(b) Elaboration of general comments. The Working Group decides to endorse the Commentary prepared by its outgoing Chairperson, Mr. Asbjørn Eide, as the Commentary of the Working Group on Minorities as a whole, to reissue it as such and to give it the widest possible distribution. The Working Group decides to elaborate more specific commentaries on particular issues and themes and will formulate suggestions for the preparation of a first general comment on the issue of the protection of minorities from forced assimilation. General comments should also be prepared in the future on the effective participation of minorities, protection of places of worship and sacred places, protection of the rights of minorities in the field of education, land deprivation and exclusion. A general comment should also be prepared on autonomy vis-à-vis self-determination, based on suggestions contained in Mr. Bengoa's working paper (E/CN.4/Sub.2/AC.5/2004/WP.1) and the discussions following the presentation of that paper;**

**3. Expresses its gratitude to the Government of Finland for the visit of the Working Group to Finland and decides to send a copy of the report on the visit to all Governments. The Working Group takes note of the standing invitation of Switzerland and will consider finding an appropriate time to accept this offer. The Working Group reiterates its availability for visits to countries when invited by the Government concerned, provided funding can be found;**

**4. Decides to encourage the holding of regional or subregional meetings/seminars/workshops, in cooperation with regional mechanisms wherever possible, and welcomes the suggestions that such seminars be held in African and Asian regions as well as in the Americas. In this connection, the Working Group envisages holding a seminar in Brazil on Afro-descendant issues. The Working Group recommends that a topic for discussion at such seminars should be the development of regional codes of conduct or guidelines based on universal norms and international minority rights standards;**

**5. Recommends the organization of a seminar on the Roma, in cooperation with the Council of Europe, to which Roma representatives from non-European countries should also be invited;**

6. *Decides* to forward the statements made at the tenth session by minority representatives and non-governmental organizations to the Governments concerned and for their considered response to be shared with the Working Group on Minorities.

(b) Promoting constructive dialogue between and among minorities and Governments

7. *Decides* to invite non-governmental organizations and minorities to prepare their submissions, where possible prior to the next session, to be transmitted by the secretariat to the concerned Government;

8. *Invites* the Government concerned to respond, during the session of the Working Group, to the concerns raised by the minority organizations;

9. *Invites* the minority organizations to structure their submission in three parts: (i) a description of the minority organization and its areas of concern; (ii) the identification of the main problems faced in meeting those concerns; and (iii) suggestions on how to address those concerns.

#### **B. Sub-Commission on the Promotion and Protection of Human Rights**

10. *Re-emphasizes* the importance of the establishment of a voluntary fund to support the participation of minority representatives, especially from developing countries, to participate in meetings of the Working Group. The Working Group recommends that the selection of participants funded under any such voluntary fund be made by the Secretariat in consultation with members of the Working Group (a set-up similar to that of the Trust Fund in support of the Permanent Forum on Indigenous Issues), in order to avoid the extra costs of establishing a board of trustees;

11. *Re-emphasizes* the importance of the proclamation of an International Year for Minorities, with a Decade to follow;

12. *Recommends* the establishment of a special representative of the Secretary-General on minorities' issues. If such a mandate were established, it should have a particular focus on country fact-finding missions and preventive diplomacy. Care should be taken to ensure there is no overlap of functions with the Working Group. The special representative should cooperate closely with the Working Group;

13. *Recommends* that the Sub-Commission entrust one of its members to prepare a working paper, without financial implications, on the advisability of drafting an additional protocol to the International Covenant on Civil and Political Rights containing minority rights and remedies for violations thereof.

#### **C. Governments**

14. *Invites* Member States of regions where these do not yet exist to consider establishing regional mechanisms for the promotion and protection of the rights of persons belonging to minorities in conformity with international norms and standards;

**15. *Recommends* that Governments also consider:**

**(a) Ratifying, if they have not done so, the International Covenants on Human Rights and other human rights conventions, as well as optional protocols to these treaties, and until this is realized, providing to the public information on any obstacles or difficulties in becoming a party to those treaties;**

**(b) Ratifying the Rome Statute of the International Criminal Court;**

**(c) Formulating and adopting legislation under which terms States parties would be required to abide by views adopted under international human rights complaints procedures;**

**(d) Protecting the rights of all persons belonging to minorities residing within their jurisdiction irrespective of citizenship and to remove any discriminatory provisions in legislation affecting minorities;**

**(e) Revising any programme for good governance to make sure that guidelines on civil society participation acknowledge explicitly that minority groups are a vital part of civil society, whose participation should actively be sought; any programme for good governance should address the issues of minority representation in the political, judicial and public institutions of the State;**

**(f) Providing adequate and easily accessible remedies to address violations of the rights of persons belonging to minorities. All courts or tribunals must be independent and due process guarantees must be afforded to victims of violations of minority rights. Courts or tribunals should include some members of minority communities. Provision should be made for effective legal representation of victims of violations of minority rights, including State legal aid;**

**(g) Refraining from granting amnesties to persons who have systematically committed gross violations of minority rights or actively instigated such violations;**

**(h) Prosecuting gross violations of minority rights as crimes against humanity and violations of international law;**

**(i) Establishing national human rights institutions comprising persons of independence and ability and enabling such institutions to investigate and grant appropriate relief for violations of minority rights by all State agencies, including the police, armed forces and paramilitary forces, and also by non-State actors, and establish, where appropriate, special institutions or ombudspersons for the protection of minority rights;**

**(j) Addressing the phenomenon of corruption which is a source of violations of minority rights, including socio-economic rights;**

(k) Enacting appropriate legislation on the subject of citizenship that provides rational, objective and non-discriminatory criteria and ensuring its implementation in a transparent and non-discriminatory manner. The legislation should provide for periodic review of implementation and remedies for wrongful denial of citizenship;

(l) Ensuring freedom of expression for persons belonging to minorities and indigenous peoples, providing training for minority journalists, permitting and providing support to media in minority languages, including community broadcasting institutions, and ensuring access by minorities to public media;

(m) Enacting appropriate legislation to prevent and proscribe hate speech and other forms of incitement to violence against minorities;

(n) Ensuring that the benefits of affirmative actions, programmes and policies reach the rightful beneficiaries, the poor, deprived and disadvantaged, providing substantial quotas for education, livelihood and other basic services and support to the needy and involving civil society in implementation and monitoring;

(o) Providing access to all levels of education for minority children, ensuring that educational establishments and research institutions respect the cultures and histories of minorities, and reviewing educational curricula so that students learn and respect the values, histories, languages and cultures of minorities.

#### D. Regional mechanisms

16. *Invites* the intergovernmental regional organizations to provide relevant information on their activities and documentation to the Working Group on Minorities, including the African Commission on Human and Peoples' Rights and its Working Group on Indigenous Peoples/Communities.

#### E. Office of the United Nations High Commissioner for Human Rights

17. *Recommends* that the Office of the High Commissioner for Human Rights continue organizing training on universal and regional standards and mechanisms in order to strengthen minority representatives' cooperation with human rights procedures. Recommends also that the technical cooperation programme of OHCHR provide assistance for the sensitization and awareness-raising of all sectors of the society, in particular law enforcement agencies, on the needs and rights of minorities;

18. *Invites* the High Commissioner/Office of the High Commissioner for Human Rights to prepare pamphlets for inclusion in the *United Nations Guide for Minorities* on regional conflict-prevention initiatives and development matters, including with respect to the work of UNDP in integrating minority issues in its work;

19. *Requests* the Office of the High Commissioner for Human Rights to make provision for a member of the Working Group to participate in the annual meeting of the special procedures of the Commission on Human Rights, and meetings of chairpersons of human rights treaty bodies, as an observer, and for members of the Working Group to participate in the annual meetings of the regional human rights meetings, with a view to

strengthening cooperation with such mechanisms in dealing with minority situations or concerns, and to report back to the Working Group on progress made in furthering cooperation on minority issues;

20. *Requests* the Office of the High Commissioner for Human Rights, in cooperation with development agencies, to organize a meeting between the Working Group, representatives of international and bilateral development agencies and Minority Rights Group International and minority representatives to examine further the integration of minority issues in development programming;

21. *Requests* the Office of the High Commissioner for Human Rights to issue a press release prior to the session of the Working Group and to distribute it widely;

22. *Requests* the Office of the High Commissioner for Human Rights to seek support for the publishing of papers submitted to the Working Group over the last 10 years.

**F. International, regional and national development agencies, specialized agencies of the United Nations, the World Bank and regional development banks**

23. *Recommends* that these organizations and agencies:

(a) Introduce training programmes on minority issues aimed at mainstreaming these issues in development programming, poverty reduction strategy papers and programmes for reaching the Millennium Development Goals;

(b) Ensure that all social and environmental costs have been fully assessed and incorporated into development plans which affect minorities. This should include the costs of resettlement and full compensation of displaced and affected populations, e.g. by dams or forest concessions. The costing should be done and made public before the decision is made about whether to proceed with the project;

(c) Ensure the effective participation of minorities in the formulation, implementation and evaluation of country strategies, development plans and programmes that affect them and build the capacity of minorities and multilateral actors to implement this participation;

(d) Initiate a dialogue with regional development banks and the World Bank on improving the way in which they encourage Governments to incorporate the rights of minorities into poverty-reduction strategies and other development initiatives;

(e) With a view to strengthening the links and cooperation between the Working Group and agencies, the agencies are requested to consider supporting, including financially, the participation of minority representatives in the Working Group on Minorities.



## **ANNEXES**

### **Annex I**

#### **LIST OF PARTICIPANTS**

##### **I. MEMBERS**

Mr. Asbjørn Eide, Mr. José Bengoa, Mr. Vladimir Kartashkin, Mr. Soli Sorabjee,  
Ms. Leïla Zerrougui.

##### **II. STATES MEMBERS OF THE UNITED NATIONS REPRESENTED BY OBSERVERS**

Austria, Azerbaijan, Bangladesh, Bhutan, Bosnia and Herzegovina, Botswana, Bulgaria, Chile, China, Congo, Croatia, Ecuador, Estonia, Ethiopia, Finland, France, Greece, Guatemala, Honduras, Hungary, India, Japan, Kenya, Latvia, Luxembourg, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Norway, Republic of Moldova, Romania, Russian Federation, Serbia and Montenegro, Slovak Republic, South Africa, Spain, Sri Lanka, Switzerland, Tunisia, Turkey, United States of America.

##### **III. NON-MEMBER STATE REPRESENTED BY AN OBSERVER**

Holy See.

##### **IV. UNITED NATIONS BODIES AND SPECIALIZED AGENCIES AND OTHER INTERGOVERNMENTAL ORGANIZATIONS**

UNESCO Centre of Catalonia, United Nations Institute for Training and Research, Council of Europe, Organization for Security and Cooperation in Europe/Office of the High Commissioner on National Minorities.

##### **V. NON-GOVERNMENTAL ORGANIZATIONS IN CONSULTATIVE STATUS WITH THE ECONOMIC AND SOCIAL COUNCIL**

Ain O Salish Kendra, All for Reparations and Emancipation, Association of World Citizens, Baha'i International Community, European Roma Rights Centre, Indian Movement "Tupaj Amaru", International Centre for Ethnic Studies, International League for the Rights and Liberation of Peoples, International Movement Against All Forms of Discrimination and Racism, International Service for Human Rights, Mandat International, Minority Rights Group International, Rencontre africaine pour la défense des droits de l'homme, World Muslim Congress.

##### **VI. NON-GOVERNMENTAL ORGANIZATIONS NOT IN CONSULTATIVE STATUS**

Afghan Professional Alliance for Minority Rights, Asian Muslim Action Network (Philippines), ASK (Serbia and Montenegro), Bangladesh Hindu, Buddhist and Christian Unity Council, Borok Women's Forum - Twipura (India), Caucasian Refugee Council (Russian Federation),

Centre for Human Rights - Nis (Serbia and Montenegro), Contemporary Lawyers' Association (Turkey), E-Changer, European Centre for Minority Issues - ECMI, Federation of Western Thrace Turks in Europe (Germany), Forum for Women, Law and Development (Nepal), Foundation for Research and Support of Indigenous Peoples of Crimea (Ukraine), Gudina Tumsa Foundation (Ethiopia), Hay Gin Plateforme des Femme Arméniennes en Turquie, Human Rights Congress of Bangladesh Minorities, Human Rights Lawyers' Forum (India), Ikwerre Movement for Justice (Nigeria), Institute for Studying, Analyzing and the Development of Legal Aid, International Committee for the Respect of the African Charter (CIRAC-ICRAC), International Society of Meskhetian Turks Vatan (Russian Federation), Kahiusahan Sa Mga Higanon Inc. (Philippines), Kurdish Human Rights Project - London, League of Muslim Women of Kenya, LP3BH West Papua (Indonesia), Multicultural Coalition of Botswana, National Commission for Justice and Peace - Pakistan, National Commission for Reparations (United States of America), New Humanity, Northern Ireland Council for Ethnic Minorities (United Kingdom of Great Britain and Northern Ireland), Ogiek Peoples Development Programme (Kenya), Organización Fraternal Negra Honduras (OFRANEH), Pastoralist Forum Ethiopia, Sikh Human Rights Group, Swiss-Bangladesh Democracy and Human Rights Watch, Union chrétienne pour l'éducation et le développement des deshérités (Burundi), Western Thrace Minority University Graduates' Association (Greece), Yekaterinburg Gypsy National Cultural Autonomy "Roma Ural" (Russian Federation).

## VII. ACADEMICS AND OTHERS

Tom Hadden, Darren Dinsmore, Lisa Lamberton (Queen's University, Belfast), Rianne Letschert (Tilburg University), Maria Lundberg (Norwegian Centre for Human Rights), Andrea Lynch, Aisling McAlinden, Laura McMahon, Sara McPhillips, Annaleen Mackin, John Malone, Sharon Murdoch, Deborah Nash (Queen's University, Belfast), Foued Nasri (University of Geneva), Garrath O'Keefe, John Palmer (Queen's University, Belfast), Amy Pate, Minorities at Risk Project (University of Maryland), Claire Quinn, Suzanne Rodriguez (Queen's University, Belfast), Horst Friedrich Rolly (Friedensau University), Ingrid Roy (University of Ottawa), Kirsty Scott (Queen's University, Belfast), David Sylvan (Graduate Institute of International Studies, Geneva), Yong Zhou (Norwegian Centre for Human Rights).

**Annex II**

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

<i>Symbol</i>	<i>Title</i>
E/CN.4/Sub.2/AC.5/2004/1	Provisional agenda
E/CN.4/Sub.2/AC.5/2004/1/Add.1	Annotations to the provisional agenda
E/CN.4/Sub.2/AC.5/2004/WP.1	“Minorities and self-determination”, paper prepared by José Bengoa, member of the Working Group on Minorities
E/CN.4/Sub.2/AC.5/2004/WP.3	“International and national action for the protection of the rights of minorities: the role of the Working Group”, paper prepared by Mr. Tom Hadden, Human Rights Centre, Queen’s University, Belfast
E/CN.4/Sub.2/AC.5/2004/WP.5	“An examination of approaches by international development agencies to minority issues in development”, paper prepared by Minority Rights Group International
E/CN.4/Sub.2/AC.5/2004/WP.8	“Integration and autonomy of minorities in Côte d’Ivoire”, paper prepared by Adrienne Blay Botau, University of Abidjan
E/CN.4/Sub.2/2003/19	Report of the Working Group on Minorities of its ninth session
E/CN.4/2004/75	Report of the High Commissioner on the rights of persons belonging to national or ethnic, religious and linguistic minorities

**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;
  - (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. The future role of the Working Group.
5. Other matters.

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