



**OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS**



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

Human Rights Resolution 2005/79

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, by which the Assembly adopted by consensus the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and subsequent resolutions of the General Assembly and the Commission on the Declaration,

Recalling also its resolution 1995/24 of 3 March 1995 as well as Economic and Social Council resolution 1995/31 of 25 July 1995 and decision 1998/246 of 30 July 1998 on the mandate of the Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights,

Recalling Sub-Commission resolution 2004/13 of 9 August 2004 on the rights of minorities and the recommendations contained therein,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, as well as full and effective participation in matters affecting them, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Concerned at the frequency and severity of disputes and conflicts involving minorities in many countries, and their often tragic consequences, and that persons belonging to minorities often suffer disproportionately the effects of conflict resulting in the violation of their human rights and are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural diversity and heritage of society,

Emphasizing the importance of the timely identification of human rights problems and situations involving national or ethnic, religious and linguistic minorities,

Acknowledging the need to promote tolerance within societies, inter alia through education, in particular human rights education,

Welcoming the report of the United Nations High Commissioner for Human Rights (E/CN.4/2005/81) and noting the proposals for strengthening the international protection of the rights of persons belonging to minorities and conclusions contained therein,

1. *Reaffirms* the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, as proclaimed in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

2. *Urges* all States to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, and, while applying a gender perspective, to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration, including the provision of equal access to education, and facilitate their full participation in economic progress and development;

3. *Urges* States to pay specific attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the situation of persons belonging to national or ethnic, religious and linguistic minorities, and draws attention to the relevant provisions of the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12 and Corr.1), including the provisions on forms of multiple discrimination;

4. *Calls upon* States to give special attention to the promotion and protection of the human rights of children belonging to minorities, taking into account that girls and boys may face different types of risks;

5. *Also calls upon* States to take all appropriate measures to protect the cultural and religious sites of national or ethnic, religious and linguistic minorities;

6. *Requests* the United Nations High Commissioner for Human Rights to appoint an independent expert on minority issues for a period of two years, with the mandate:

(a) To promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through consultations with Governments, taking into account existing international standards and national legislation concerning minorities;

(b) To identify best practices and possibilities for technical cooperation by the Office of the United Nations High Commissioner for Human Rights at the request of

Governments;

(c) To apply a gender perspective in his or her work;

(d) To cooperate closely, while avoiding duplication, with existing relevant United Nations bodies, mandates, mechanisms as well as regional organizations;

(e) To take into account the views of non-governmental organizations on matters pertaining to his or her mandate;

7. *Requests* the Special Representative to submit annual reports on his/her activities to the Commission, including recommendations for effective strategies for the better implementation of the rights of persons belonging to minorities;

8. *Requests* the Secretary-General to provide all the necessary resources, from within existing budgetary resources, for the effective fulfilment of the mandate of the independent expert;

9. *Commends* the role of the Working Group on Minorities of the Sub-Commission for the Promotion and Protection of Human Rights as an important forum for dialogue with non-governmental organizations and for examining solutions to problems involving minorities, and decides, in the light of the present resolution, to amend the mandate of the Working Group with a view to its holding one session of three consecutive working days annually during the time of the annual session of the Sub-Commission, focusing its work on interactive dialogue with relevant non-governmental organizations and on conceptual support of, and dialogue with, the independent expert, who shall participate as an observer;

10. *Invites* all States, specialized agencies, non-governmental organizations and scholars to continue to participate actively in the work of the working group;

11. *Invites* the human rights treaty monitoring bodies when considering reports submitted by States parties, as well as special procedures of the Commission and relevant United Nations agencies and programmes, to continue to give attention, within their respective mandates, to situations and rights of persons belonging to national or ethnic, religious and linguistic minorities;

12. *Invites* the High Commissioner to continue efforts to improve coordination and cooperation among United Nations agencies and programmes active in the field of the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, inter alia in the framework of the Executive Committee on Peace and Security, the United Nations Development Group, the Executive Committee on Economic and Social Affairs and the Executive Committee on Humanitarian Affairs, in particular with respect to the internationally agreed development goals, including those contained in the

United Nations Millennium Declaration, and to engage in a dialogue with concerned Governments with a view to strengthening its technical cooperation programme in this regard;

13. *Requests* the High Commissioner to strengthen the technical cooperation programme of her office regarding minorities and to seek voluntary contributions towards participation of representatives of non-governmental organizations and persons belonging to minorities in the work of the Working Group;

14. *Requests* the Secretary-General to review the mechanisms' performance and effectiveness after two years and submit a report thereon, as well as on the details of the mechanisms, to the Commission at its sixty-third session;

15. *Decides* to continue its consideration of this question at its sixty-second session under the same agenda item;

16. *Recommends* the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2005/79 of 21 April 2005, endorses the Commission’s request to the United Nations High Commissioner for Human Rights to appoint an independent expert on minority issues for a period of two years, with the mandate:

(a) To promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through consultations with Governments, taking into account existing international standards and national legislation concerning minorities;

(b) To identify best practices and possibilities for technical cooperation by the Office of the United Nations High Commissioner for Human Rights at the request of Governments;

(c) To apply a gender perspective in his or her work;

(d) To cooperate closely, while avoiding duplication, with existing relevant United Nations bodies, mandates, mechanisms as well as regional organizations;

(e) To take into account the views of non-governmental organizations on matters pertaining to his or her mandate;

“The Council also endorses the request to the Special Representative to submit annual reports on his/her activities to the Commission, including recommendations for effective strategies for the better implementation of the rights of persons belonging to minorities, and the request to the Secretary-General to provide all the necessary resources, from within existing budgetary resources, for the effective fulfilment of the mandate of the Special Representative.”

*60th meeting
21 April 2005*

[Adopted without a vote. See chap. XIV, E/CN.4/2005/L.10/Add.14]