



# Bulletin 2015/II

Summary of the work of the United Nations Special Rapporteur on minority issues, between July-December 2015

Dear Reader!

The first bulletin which I issued in June 2014 has been welcomed by readers from all sectors. I was informed that government officials, NGOs, members of international organizations and academia, and various community representatives found it useful to read all the developments related to the mandate in one comprehensive document. Therefore, I decided to continue with this practice and it is my pleasure to provide you here with the fourth edition of the Bulletin summarizing my work between July-December 2015. You can continue reaching me on my social media sites ([Facebook](#) and [Twitter](#) account) or at the official e-mail address ([minorityissues@ohchr.org](mailto:minorityissues@ohchr.org)). You can find my website [here](#).

It is my sincere hope that all those interested in minority rights and related issues can find many useful information in this Bulletin.

Happy reading!

IZSÁK-NDIAYE Rita (kindly note the change in my family name)  
Special Rapporteur on minority issues

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## Reporting to the General Assembly

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On 28 October 2015, I presented my thematic report to the General Assembly discussing the “Human rights of persons belonging to national or ethnic, religious and linguistic minorities in relation to the various stages of the criminal justice process”. In my report, I expressed concerns that globally, minorities continue to face discrimination within the administration of criminal justice, whether as accused, victims or witnesses. I described the disproportionate targeting by law enforcement officers of individuals for identity checks, stop and search or other forms of coercive or privacy invasive police powers which are related purely to identity-based minority group characteristics. The report also considered other disturbing phenomena such as: excessive and lethal use of force, torture or other ill treatment by police, including in detention; the overrepresentation of minorities in pre-trial detention, and longer periods of stay in pre-trial detention; discrimination against minorities during judicial procedures; and bias influencing not only on the outcome of a criminal trial itself, but also on sentencing for accused minorities.

You can download the full report here (A/70/212): <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N15/237/76/PDF/N1523776.pdf?OpenElement#sthash.hJW932Cp.dpuf>.

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## Country visit to Brazil

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Between 14-24 September 2015, I conducted an official country visit to Brazil. I concluded that minority groups in Brazil have not seen the promises of equality fulfilled despite the myriad of laws, policies and affirmative action programs designed to overcome the challenges of the most vulnerable communities. I expressed that while Brazil is on the right track in terms of developing laws and policies to tackle discrimination, racism and injustice, many of these legislative developments, whilst having impact in the long term, do not meet the urgent demands that disadvantaged minorities often want and need. I urged the Brazilian authorities to introduce immediate measures to overcome serious structural challenges. I stated that impunity cannot prevail in any democratic society and that inclusive governance must be established, and the

concentration of economic, political and media power in just a few hands must be challenged. I stressed that continued dialogue and trust-building among the different actors of society must be ensured and the most vulnerable listened to and assisted. I expressed concerns that otherwise, Brazil might fail to capitalize on the advancements made thus far, and damage its already delicate social fabric. My report will be presented to the Human Rights Council on 15 March 2016 during its 31<sup>st</sup> session. See press release: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16499&LangID=E>

See the final report here: A/HRC/31/56/Add.1 at <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Pages/ListReports.aspx>.

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### The 8th UN Forum on Minority Issues

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In accordance with Human Rights Council resolutions 6/15 and 19/23, I have the honor to guide the work of the Minority Forum. The 8<sup>th</sup> Forum on Minority Issues took place on 24 – 25 November 2015 and considered the theme of “Minorities in the criminal justice system”. The Chair of the session was Professor Joshua Castellino of the Republic of India whom I warmly thank for his excellent work. More than 500 participants attended, including representatives of Member States and minority communities, non-governmental organisations, United Nations specialised agencies, regional and inter-governmental bodies and national human rights institutions.



The discussion highlighted that minorities face particular challenges in relation to the various stages of the criminal justice process. The Forum focused on four main thematic areas: legal framework and key concepts; minorities and the exercise of police powers; challenges of criminal justice systems in addressing the needs and demands of minorities; and addressing the root causes of discrimination in the administration of justice. The two-day discussion resulted in a comprehensive set of recommendations to States, non-State actors, regional and international organizations. The recommendations will be presented to the Human Rights Council on 15 March 2016 during its 31<sup>st</sup> session.

The final recommendations are here: <http://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session8.aspx>.

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## Coordination Committee

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As a member of the Coordination Committee of Special Procedures, I participated in several activities. The Coordination Committee met in New York from 3 to 6 November 2015 with the objectives to enhance its outreach with United Nations counterparts and to address issues related to human rights mainstreaming with a focus on the Human Rights up Front initiative. Meetings were organized with various high-level United Nations representatives, including the Secretary-General, the Deputy Secretary-General, the President of the General Assembly, the Chair of the Third Committee and various senior representatives of the Department for Peacekeeping Operations, Department for Political Affairs, Peace Building Support, United Nations Development Programme and United Nations Development Operations Coordination Office. Consultations with selected Resident Coordinators and a webinar using Huritalks gathering more than 60 United Nations participants from all regions were also organized. All interlocutors expressed willingness to further deepen their cooperation and engagement with special procedures. Concrete ways to develop structural channels of exchange of information and cooperation and a better integration of the work of special procedures into United Nations efforts to enhance human rights mainstreaming, including in the context of HRuF were explored. For all other activities of the CC, see the annual report: <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>.

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## Communications (letters of allegations and urgent appeals)

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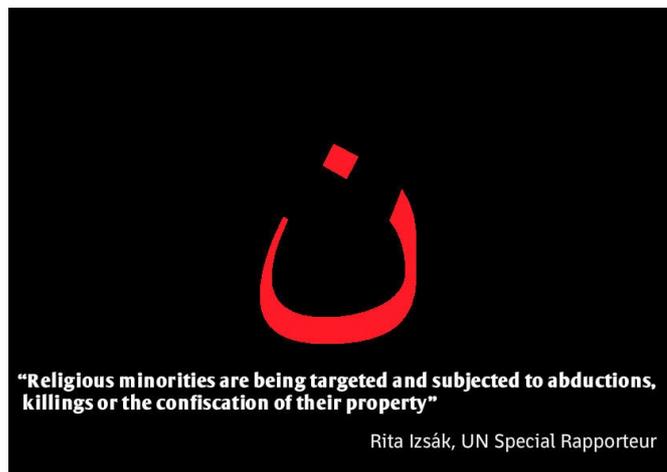
I have continued issuing communications (including both urgent appeal letters to prevent human rights violations and letters of allegation in the case of alleged committed violations), as well as press releases when disturbing and urgent news of minority rights violations have reached my office. Since my last Bulletin, 7 communications sent between 1 March – 31 May 2015 have been made public (see all communications sent [here](#)). The mandate since the beginning until 31 May 2015 sent out 193 communications in total, with a response rate of 56% (108).

24/03/2015 - Bahamas: Allegations concerning the negative impact of the recent immigration reform in the Bahamas and the subsequent alleged detention and deportation of persons, including children, of Haitian descent living in the Bahamas. According to the information received, on 1 November 2014, the Government of Bahamas initiated the implementation of a new immigration policy approved by Parliament on 17 September 2014. The new policy establishes that everyone living in the Bahamas is required to have a passport of the country of their nationality and, in the case of non-Bahamian citizens, a residency or work permit previously issued by a consular office in a foreign country. Reportedly, since 1 November 2014, several operations to enforce the new policy were carried out by officials from the Department of Immigration. In January 2015, the Bahamas Minister of Foreign Affairs confirmed that 5,841 people were repatriated during 2014. Reportedly, the measures have had a disproportionate impact on Haitians living in the Bahamas, including children of Haitian descent who were born in the Bahamas. Full JAL: [BHS 1/2015](#)

10/04/2015 – United States of America: Alleged torture of African Americans and other minorities at Area 2 and 3 Police Headquarters in the city of Chicago from 1972 through 1991. According to the information received, African Americans and other minorities were subjected to various forms of torture, including with the purpose of obtaining confessions, which in turn resulted in incarcerations and death sentences. Some victims have been released because of evidence proving that Chicago police, under the direction of a former Police Commander, obtained their confessions through torture, while others victims, who were reportedly tortured into their confessions, remain

incarcerated. To this date, no Chicago police officer or city official has been convicted for any acts of torture, and the United States' government has failed to abrogate the legislation that allows for impunity. Full JAL letter: [USA 7/2015](#)

04/05/2015 – Iraq: Allegations of mass summary executions of Yezidi men and of forced conversion to Islam and deportation of Yezidi women and girls held captive by the so-called Islamic State from Iraq to Syria. According to the information received, up to 2,500 members of the Yezidi minority community, who are being held by the so-called Islamic State (ISIL) in the territory of Tal Afar in Iraq's Nineveh province, have been forced to convert to Islam. Older girls and young women have allegedly been sold to, abused, sexually exploited and enslaved by ISIL fighters. On 26 April 2015, ISIL troops moved the 2,500 captive members of the Yezidi minority community to a school in Tal Afar. Subsequently, up to 700 men and teenage boys were reportedly separated from the rest of the group and moved to the village of Jino near Tal Afar. Furthermore, girls of a young age were reportedly also separated from the rest of the group. On 27 April 2015, up to 400 Yezidi men, from the above-mentioned group, were executed in an unknown location in Ayathiya and/or Zummar sub-districts. The remaining women and children are allegedly to be moved to Syria. Full JUA letter: [IRQ 1/2015](#)



11/05/2015 – Myanmar: Alleged discriminatory nature of a package of four Bills seeking to "protect race and religion". According to the information received, the Bills discriminate against ethnic and religious minorities, as well as against women. The Religious Conversion Bill establishes a State-regulated system for changing religion, which contravenes the right to freedom of religion and belief. The Population Control Healthcare Bill adopts a selective and coercive approach to improving living standards. This includes a potential requirement of birth spacing that would violate women's right to choose freely and responsibly the number and spacing of their children and could be used to target areas with large minority communities. The Buddhist Women's Special Marriage Bill regulates interfaith marriages between Buddhist women and non-Buddhist men and is discriminatory on many grounds. The Monogamy Bill adopts a restrictive and discriminatory approach to marriage regulation. The Religious Conversion Bill was the subject of a previous communication sent on 19 June 2014, see A/HRC/28/85, case no. MMR 4/2014. Full JAL letter: [MMR 5/2015](#)

12/05/2015 - Iran (Islamic Republic of): Alleged mass arrest and harassment of Ahwazi Arab minorities in Khuzestan Province. According to the information received, on 14 March 2015, Mr. X, an Ahwazi Arab, reportedly set himself on fire in response to repeated harassment from local authorities regarding licensure of his produce stand. Mr. X reportedly later died as a result of inadequate medical attention to his burns. In response, protests were held in several Arab-majority cities. On 17 March 2015, about one thousand protestors were reportedly detained in Ahwaz and released only after signing a pledge. Several protestors remain incarcerated with criminal charges pending against them. Following Mr. X's death, his family has reportedly been harassed by authorities. From mid-March to April 2015, up to one hundred Ahwazi Arabs, including activists and several minors, were arrested without warrants by armed masked men following peaceful protests

leading up to the tenth anniversary of the 15 April 2005 Ahwazi uprising. Full JAL letter: [IRN 4 / 2015](#)

15/05/2015 – Russian Federation: Alleged imminent forced eviction of 53 members of a Roma community from their settlement in the city of Irkutsk, Russian Federation. According to the information received, 53 members of a Roma community in Irkutsk, including 34 minors, were facing imminent forced eviction on 15 May 2015. Concern is expressed that the eviction may be the result of discriminatory practices against Roma people in the region, that the impact of the eviction was not been properly assessed and that alternatives to eviction, including strategies for minimizing harm, had not been fully explored. Full JUA Letter: RUS 2/2015. The detailed response of the Russian Federation with the description of the background of the settlement and of the applied court proceedings is here: [15/07/2015](#)

28/05/2015 - **Republic of Moldova:** Alleged failure to fully implement the Moldova Roma Community Action Plan. According to the information received, the Government of Moldova has failed to place 48 Roma community mediators in 44 communities as originally envisaged by the Action Plan. The recent decentralization of the funding structure for the mediators has reportedly had the opposite effect and resulted in a decrease in the number of mediators engaged. The letter calls on the Government to fully implement the recommendations made by the former Special Rapporteur on extreme poverty and human rights following her country visit to Moldova in September 2013 and requests information on the development of a Roma Inclusion Action Plan for the next five-year period (2016-2020). Full JAL letter: [MDA 3/2015](#)

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### Continued focus on Roma issues

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On 25 September 2015, I convened a one-day workshop on the situation of Roma in the Americas in Brasilia, Brazil on the situation of Roma in the Americas. Representatives of Roma communities from Argentina, Brazil, Canada, Chile, Colombia, Ecuador and Peru. The workshop was conceptualized as a follow up on my 2015 report on the situation of Roma worldwide (A/HRC/29/24), in which I provided an overview of the situation of Roma worldwide, highlighting positive developments as well as challenges in promoting and protecting the human rights of Roma. One key recommendation of the report was that more attention be dedicated to the specific challenges faced by Roma outside of Europe. I concluded that the invisibility of Roma outside Europe remains a challenge, and more work that highlights the situation of these communities would be desirable in order to increase the attention of policymakers to their situation, and also to contribute to the empowerment of these communities.

In this regard, and using the research from my global study on Roma, as well as my conclusions and recommendations as a departure point, I decided to organize a workshop to better understand



specific human rights challenges facing Roma communities across the Americas region. A report on the workshop with recommendations on follow-up will be presented to the Human Rights Council in March 2015. You can find the conference room paper on my special micro-site dedicated to Roma issues: <http://www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/StudyProtectionRoma.aspx>.

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## Side events/conferences/meetings/lectures

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On 27 October 2015, I convened jointly with three other special rapporteurs – on the rights of persons with disabilities, of indigenous peoples and of internally displaced persons - a side-event at the 70th session of the General Assembly on “Guaranteeing attention to vulnerable groups in the 2030 Agenda for Sustainable Development” where we urged of dedicated attention to these particularly vulnerable groups during the design, implementation and monitoring of the new goals.



On 2 November 2015, I delivered a speech titled “An American Tragedy, A Bloody Injustice: Police Killings of Unarmed Black Men and Boys” at Michigan State University on the invitation of the Lori E. Talsky Center for Human Rights of Women and Children. I focused on international standards of criminal justice law and minorities and discussed the importance of accountability in this context.

On 12-13 November 2015, I participated in the Budapest Human Rights Forum in Budapest, Hungary, in a panel discussion about minority media and minorities in the media where we discussed freedom of information, freedom of opinion and expression, cultural and linguistic autonomy of minorities.



On 23 November 2015, I brought together all invited experts of the 8th Forum on Minority Issues to discuss the Draft Recommendations of the Forum on “Minorities in the criminal justice system”. I sincerely thank all experts for their commitment, active participation and useful input to the preparations of the final recommendations.

On 24 November 2015, I participated as a keynote speaker in a side-event on “Combatting impunity: the need for effective justice system action on behalf of minorities” in Geneva, organized by Minority Rights Group and the Permanent Mission of Austria, where I had the privilege to join and listen to minority representatives of Iraq, Georgia, Sri Lanka and Pakistan.

On 25 November 2015, I initiated and moderated a side-event on “Minority Rights Protection in the UN system: looking back and looking ahead - a Forum for the future”, organized together with OHCHR in Geneva. My gratitude goes to all the distinguished panelists who provided invaluable contributions on how to strengthen the Forum in the future.

On 26 November 2015, I delivered a speech at the event commemorating the 50th anniversary of the adoption of the International Convention on the Elimination of all Forms of Racial Discrimination on “Fifty years of achievements-lessons learned and good practices”, in Geneva.

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### What's next? Where to keep an eye?

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My country visit to Moldova will take place between 20-29 June 2016. My visit to Sri Lanka has been confirmed for this autumn, exact dates to be confirmed.

My next General Assembly report in October and the 9<sup>th</sup> Session of the Minority Forum will be dedicated to the particular concerns of minorities in humanitarian situations.

I am also working on a comprehensive analysis of all communications sent by the mandate since the beginning and I am currently exploring opportunities to prepare a handbook on the Minorities Declaration in the African region.