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

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

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

Report of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 13/12. It provides information on the relevant developments in the work of United Nations human rights bodies and mechanisms, as well as on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights at Headquarters and in the field that contribute to the promotion and implementation of rights provided for under the Declaration on Minorities on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

The activities summarized in the report are guided by applicable human rights standards and, in particular, the provisions of the Declaration on Minorities pertaining to minorities and the protection of their existence, their identity, the exercise of rights without discrimination and the right to effective participation in cultural, religious, social, economic and public life. The report covers the period from January to December 2011.

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I. Introduction

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

2. The present report describes the efforts made by OHCHR and the United Nations human rights machinery to strengthen the implementation of the provisions contained in the Declaration on Minorities. It provides illustrative examples of the activities and the initiatives undertaken at Headquarters and by several field presences that contribute to the implementation of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

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

3. OHCHR continued to pursue a range of activities to advance the promotion and implementation of the Declaration on Minorities, in accordance with the High Commissioner's Strategic Management Plan for the biennium 2010-2011. The first thematic priority under the Plan is countering discrimination, in particular racial discrimination and discrimination on various other grounds, which frequently results in exclusion and marginalization. Problems affecting minority communities are often linked to violations of the principle of non-discrimination, which in turn contribute to the denial of effective participation by minorities in decisions, including those affecting them.

4. In 2011, the High Commissioner expressed concerns about the situation of minorities in various public statements. In January 2011, she condemned the attacks targeting religious groups in several countries across the world, and urged States to demonstrate their determination in combating such violence and in rooting out discriminatory laws and practices affecting religious minorities. The High Commissioner also expressed concerns about the challenges faced by minorities witnessed during her country visits, including the situation of Roma in Europe.

5. At the beginning of 2011, OHCHR issued a publication entitled "Minority Rights: International Standards and Guidance for Implementation", which provides guidance on standards and mechanisms pertaining to the protection of minorities, as well as a checklist for developing programmes and projects on minorities. OHCHR also published a booklet on the contents of the Declaration on Minorities, accompanied by soundbytes, which capture the essence of each provision and are accompanied by photographs of minorities around the world.

6. In April 2011, during its annual meeting of the heads of OHCHR field presences, OHCHR dedicated a session to the protection of indigenous peoples and minority rights. Participants in the session explored strategies that could be implemented to advance the rights of persons belonging to minorities.

7. OHCHR contributed substantively to a two-day training workshop on minority rights and development, held in Strasbourg, France, on 17 and 18 November 2011. The workshop was organized by the Bratislava Regional Centre of the United Nations

Development Programme (UNDP) in cooperation with Minority Rights Group International. Issues relating to the need to secure the effective participation of minorities in efforts to improve sustainable development and overcoming their marginalization in poverty reduction strategies were addressed.

A. Policing and minority communities

8. Since 2008, OHCHR has organized four regional consultations with a view to encouraging the participation of minorities in the administration of justice by means of law enforcement and, more specifically, policing. The goal of the consultations has been to gather effective practices in the field of policing and minority communities. Previous annual reports of the High Commissioner contained summaries on the consultations.

9. Building on the results of the consultations and the information shared with regard to effective practices and the challenges that are to be tackled to combat exclusion and to move towards greater participation and representation of minorities in the police service, OHCHR held its fourth expert consultation on the theme of effective practices in policing and minority communities in the Asia Pacific in Bangkok in May 2011.

10. Similarly to the three previous consultations, the goal of fourth consultation was to provide a forum for discussions and exchange of experiences with a view to gather effective practices in policing and minority communities from the region. All had the overall objective of creating a tool in the form of a set of guidelines that could serve to provide law enforcement agencies with advice on how best to approach the inclusion of minorities in policing by means of participation and representation. At the consultation, participants explored regional challenges to and opportunities for increasing the representation and participation of minorities in policing, and identified effective practices for maintaining police professional standards of conduct vis-à-vis minorities. It brought together experts from Australia, Cambodia, India, Indonesia, Pakistan, the Philippines and Thailand, as well as a member of the Committee on the Elimination of Racial Discrimination and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. A number of United Nations agencies and programmes were represented, including the Economic and Social Commission for Asia and the Pacific, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), UNDP, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office on Drugs and Crime and the International Organization for Migrations (IOM). The Human Rights Commission of Thailand and the non-governmental organization Minority Rights Group International and Forum Asia also participated in the consultation.

11. With regard to the effective participation of minorities in policing, the practices shared during the consultation reinforced, inter alia, the conclusions that:

- The representation and participation of minorities in policing can only be ensured through an inclusive recruitment strategy that is holistic, transparent and accountable
- The participation of minorities in policing can be effectively encouraged through positive measures and quotas
- Due respect for minority identity dress symbols can be accommodated as long as it does not hinder the implementation of the tasks of law enforcement
- Enhanced recruitment of minorities does not require that the criteria for recruitment be reduced, but can be achieved
- An independent monitoring mechanism of performance that is based on neutrality and dignity is essential

- Training in promoting effective policing should focus on changes in behaviour leading to changes in attitude
- Trust in the police service and the community can be encouraged through effective communication

B. Training workshop on minority rights

12. On 2 and 3 June 2011, OHCHR conducted a regional training workshop on the protection of the rights of minorities for OHCHR staff members based in the South-East Asia region, as well as for staff members from UNDP, UNICEF, UNHCR and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) working in the same region.

13. The training workshop, which was held in Bangkok with the support of the OHCHR Regional Office, was part of the ongoing efforts of the Office to provide training aimed at strengthening the mainstreaming capacity of OHCHR field presences and United Nations country teams. The training also sought to integrate the protection of the rights of minorities into country and regional strategies and development programmes, including by creating consultative mechanisms to support agencies on policy issues affecting minorities. This training activity also resulted in greater understanding of definitions, standards, mechanisms and implementation strategies in addressing the protection of the rights of persons belonging to minorities.

C. Minorities fellowship programme

14. In its efforts to build the capacity of civil society actors, OHCHR offers a fellowship programme for persons belonging to national or ethnic, religious and linguistic minorities. In 2011, following extensive consultations and revisions, the programme has been further improved and the presence of fellows from the two linguistic components programme (English and Arabic) as one group coincided with the annual session of the Forum on Minority Issues. The programme was conducted from 14 November to 16 December 2011 and brought to Geneva persons belonging to minorities from Canada, Iraq, Kenya, Mauritania, Nepal, Saudi Arabia, Serbia, Sri Lanka and Yemen. Through the fellowship programme, OHCHR offers minorities an opportunity to gain knowledge about the United Nations system and the mechanisms dealing with international human rights in general and minority rights in particular.

15. In 2011, for the first time, the fellowship programme included joint sessions with the participants of the Global Advocacy Programme, organized by Minority Rights Group International in partnership with OHCHR and aimed at building the capacity of minority rights advocates.

16. Furthermore, a position of senior fellow was created in 2011 with the aim of giving an experienced minority rights expert an opportunity to gain further practical knowledge and working level experience by directly contributing to the programmes and activities of the OHCHR Indigenous Peoples and Minorities Section. The first senior fellow, from the Uighur minority in China, she worked at OHCHR from October to December 2011.

D. Inter-Agency Group on Minorities

17. The Inter-Agency Group on Minorities convened its seventh meeting on 4 October 2011, pursuant to article 9 of the Declaration on Minorities. According to Article 9, the

specialized agencies and other organizations of the United Nations system are to contribute to the full realization of the rights and principles set forth in the Declaration on Minorities. The Inter-Agency Group is a mechanism for cooperation and coordination on minority issues among United Nations organizations, specialized agencies, funds and programmes, which contribute to the full realization, protection and promotion of the rights of persons belonging to national or ethnic, religious and linguistic minorities. The meeting, which brought together representatives from OHCHR, UNDP, UNICEF, the International Labour Organization, IOM and Minority Rights Group International, and benefited from the presence of the recently appointed independent expert on minority issues, Rita Izsák. She provided an overview on her background and shared information on her vision of her mandate for the next three years. The meeting offered an opportunity to share activities undertaken by all agencies throughout 2011 and to share OHCHR planned activities for the commemoration of the twentieth anniversary of the adoption of the Declaration on Minorities in 2012, as well as to explore avenues for enhanced collaboration to advance the rights of persons belonging to minorities.

E. Forum on Minority Issues

18. The fourth session of the Forum on Minority Issues, held on 29 and 30 November 2011, focused on the theme “Guaranteeing the rights of minority women”. OHCHR also organized a preparatory briefing for minority representatives prior to the session. At the session, the Forum examined concrete measures and recommendations aimed at guaranteeing the rights of minority women. Building on the work carried out during the first three sessions of the Forum and the recommendations emanating from that work, the fourth session was focused on rights and opportunities for minority women to have access to education, to take part effectively in economic life, to have access to labour markets and to participate fully in social, cultural and political life. The Forum also provided participants with opportunities to highlight positive initiatives and good practices for the protection and promotion of the rights of minority women. The results of the fourth session of the Forum will be reported to the Human Rights Council in more detail by the independent expert on minority issues, in accordance with Human Rights Council resolution 6/15.

19. On 29 November 2011, OHCHR organized a side event to the session of the Forum entitled “Empowering minority women to claim their rights: identifying effective practices”. The side event provided an opportunity for participants to share effective practices relating to the various tools and approaches for the empowerment of minority women to claim their rights. It also advanced a better understanding of strategies and practices that minority women can use not only to secure their effective participation at the community level but also to ensure that the communities to which they belong benefit from their contributions.

F. Regional and country engagement activities

20. Activities carried out at the regional and country levels in relation to advancing the protection of the rights of persons belonging to minorities included monitoring, support for legal reform, technical cooperation, capacity-building and awareness-raising activities.

21. OHCHR continued its engagement in promoting and protecting the rights of national and ethnic minorities in Central Asia, notably through its Regional Office for Central Asia based in Bishkek. In this context, OHCHR organized a regional conference entitled, “Advancing the rights of minorities in Central Asia: effective participation in public life”. The conference, the first such regional event on national and ethnic minority rights in

Central Asia, was held in Bishkek on 21 and 22 June 2011, and was co-organized with the United Nations Regional Centre for Preventive Diplomacy for Central Asia and the Centre of the Organization for Security and Cooperation in Europe (OSCE) in Bishkek. It brought together representatives of Governments, national human rights institutions, minorities and civil society organizations from Central Asia, as well as United Nations agencies and international organizations and experts, to discuss possible ways of improving the effective participation of minorities in the Central Asia region in different spheres of life. Particular emphasis was placed on participation in public life. In the concluding statement, the participants pledged to strengthen their efforts to further improve minority participation in their respective countries and to continue dialogue on minority issues.

22. OHCHR has also been actively involved in the consultations surrounding the creation of the “Concept of ethnic policy and consolidation of society in Kyrgyzstan, and plan of action until 2015”, and has been working with the authorities, the Ombudsman and other partners in addressing human rights concerns relating to the protection of minorities.

23. The OHCHR Regional Office for Europe submitted recommendations to the European Commission on the national strategies for Roma integration, which the Commission welcomed before the meeting of the Platform for Roma Inclusion, held on 17 and 18 November. On 6 and 7 June 2011, the Office, in cooperation with the City of Ostrava, organized a two-day workshop on a human rights-based approach to policy and budgeting for the advancement of the right to housing for disadvantaged and marginalized groups, including Roma. Participants included representatives of civil society organizations and of the Roma. In addition, the Office has been closely involved with civil society organizations, national human rights institutions and other stakeholders concerning the forced eviction of Irish Travellers from Dale Farm, the largest Traveller site in the United Kingdom of Great Britain and Northern Ireland.

24. The OHCHR Human Rights Adviser in the Republic of Moldova worked closely with the Government, civil society, and other partners such as the European Union, OSCE and the Council of Europe in order to assist in the design of a new Roma inclusion plan of action for Moldova (2011-2015). In addition, the office worked with UN-Women and UNDP, under the auspices of United Nations Resident Coordinator’s Office, the Embassy of Sweden and civil society actors to hold the country’s first major conference on the Romani Holocaust and contemporary discrimination and exclusion of Roma, on 20 and 21 October 2011.

25. In May 2011, the OHCHR Human Rights Adviser to the United Nations country team in the former Yugoslav Republic of Macedonia conducted three human rights workshops on strengthening inter-ethnic dialogue for national actors participating in the joint United Nations project (UNDP, UNICEF and UNESCO). The workshops dealt with minority rights and rights-based approaches to programming for minorities. For the occasion, the Declaration on Minorities was translated into two of the six languages spoken in the country.

26. The OHCHR Regional Office for Central America offered technical assistance to national human rights institutions in Costa Rica, Nicaragua and Panama to increase awareness of human rights in relation to Afro-descendant populations and to promote a standardized way of dealing with their complaints. The Office has consistently advocated for inclusion of Afro-descendant populations in the common country assessment and the United Nations Development Assistance Framework of Belize, Costa Rica and Panama. On 26 September 2011, the Office held a seminar that brought together 50 international human rights experts and representatives of Afro-descendant non-governmental organizations, national human rights institutions, racial equality bodies and United Nations agencies from Belize, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua and Panama to discuss progress made and the challenges faced in

each country to enhance the protection of the rights of Afro-descendants, to mark the International Year for People of African Descent and to agree on a set of priority actions.

27. In an effort to implement the recommendation of the Working Group of Experts on People of African Descent¹ to provide training for specific professional groups such as police officers, lawyers, judges and teachers to address stereotypes and prejudice directed at Afro-Ecuadorians, the Human Rights Adviser in Ecuador elaborated several training modules on the rights of Afro-Ecuadorians addressed to police, armed forces, national human rights institutions and the judicial sector. The modules will be included in the formal training curricula of these four State institutions. Moreover, the Human Rights Adviser is providing technical assistance and support to the national human rights institution, as well as to the Ministry of Justice and Human Rights regarding specific publications on human rights and Afro-Ecuadorians.

28. The OHCHR office in the Occupied Palestinian Territories is following up on the situation of Bedouin refugees in the West Bank under the Israeli occupation. The Office is addressing the concerns that their livelihood and food security have been negatively affected by the expansion of Israeli settlements and “closed” areas (such as military zones and natural reserves) and that the Bedouin community has been gradually and systematically dispossessed of its land and faces constant attempts to displace it from their homes.

29. On 7 June 2011, the High Commissioner presented her follow-up report on the situation of human rights in the Libyan Arab Jamahiriya, as requested by the Human Rights Council in its resolution S-15/1. In her report, the High Commissioner described how 50,000 Libyan civilians had fled the country’s Western mountains region and crossed into southern Tunisia. Most of the refugees were reportedly ethnic Berbers (Amazhir) fleeing fighting and indiscriminate attacks.

30. The Human Rights Council, in its resolution S-16/1, , requested OHCHR to deploy a mission to the Syrian Arab Republic to investigate all alleged violations of international human rights law and to establish the facts and circumstances of such violations and of the crimes perpetrated, with a view to avoiding impunity and ensuring full accountability. The High Commissioner presented her report to the Council at its eighteenth session, when she described how economic grievances were particularly strong in traditionally poor areas, including the north-eastern and border areas, such as Dar’a. They also reinforced long-standing issues of discrimination and neglect suffered by specific ethnic and religious groups, in particular the Kurds, who inhabit the North-East and who had been deprived of their basic civil, economic and social rights.

G. International Year for People of African Descent

31. In its resolution 64/169, the General Assembly proclaimed 2011 as the International Year for People of African Descent. In many countries, Afro- descendants constitute numerical minorities whose generally non-dominant positions in their societies underline the need for the adoption and implementation of measures to allow them to exercise their rights to the fullest. During 2011, OHCHR implemented a framework for action to combat discrimination against people of African descent as an overarching policy document that guided its engagement with the fight against discrimination directed at people of African descent. Some of the activities that OHCHR carried out in the context of the Year include:

¹ See A/HRC/14/18, para. 130.

- the organization of a panel discussion at the sixteenth session of the Human Rights Council on the full enjoyment of the human rights of people of African descent
- the commemoration of the International Day against Racial Discrimination, which had people of African descent as its theme
- the servicing of the tenth session of the Working Group of Experts on People of African Descent, which had the International Year as its focus

III. Treaty bodies

32. Human rights treaty bodies have regularly raised issues relating to minority rights. While they have, on a number of occasions, acknowledged the achievements made by States, they have also issued a range of observations and recommendations for additional measures that States need to take in relation to minority rights in order to comply with their treaty obligations.

A. Concluding observations

1. Human Rights Committee

101st session (14 March – 1 April 2011)

33. With regard to the report submitted by Serbia (CCPR/C/SRB/2), the Human Rights Committee recommended that the State party should continue its efforts to ensure full protection and equal treatment of members of national minorities under its jurisdiction, and that it should take measures, including, if necessary, through appropriate temporary special measures, to ensure better representation of members of national minorities in national and local organs.²

34. In its concluding observations on the report of Slovakia (CCPR/C/SVK/CO/3), the Committee recommended that the State party should strengthen its efforts to combat racist attacks committed by law enforcement personnel, particularly against Roma, and should take immediate steps to eradicate the segregation of Roma children in its education system by ensuring that placement in schools is carried out on an individual basis and is not influenced by the child's ethnic group.³

35. In relation to the report submitted by Mongolia, the Committee observed that the State party should further promote access of the Kazakh people to education in their own language.⁴

36. With regard to the report submitted by Togo, the Committee encouraged the State to give full recognition to minorities and the means for them to attain better representation in public life.⁵

102nd session (11 – 29 July 2011)

37. In relation to the report submitted by Bulgaria, the Human Rights Committee suggested that the State should take all measures to promote the prevention, investigation

² CCPR/C/SRB/CO/2, para. 23.

³ CCPR/C/SVK/CO/3, paras. 8 and 17.

⁴ CCPR/C/MNG/CO/5, para. 27.

⁵ CCPR/C/TGO/CO/4, para. 21.

and sanction of acts of hate crimes, hate speech and harassment against minorities and religious communities, especially Roma and Muslims, through the full implementation of existing legislation.⁶

38. With regard to the report submitted by Ethiopia, the Human Rights Committee encouraged the State party to recognize the existence of ethnic and linguistic minorities in each regional State, and to ensure their political representation and participation at all levels.⁷

2. Committee on Economic, Social and Cultural Rights

Forty-sixth session (2 – 20 May 2011)

39. With regard to the report submitted by Germany, the Committee on Economic, Social and Cultural Rights recommended that the State party adopt measures and mechanisms to enable groups and minorities to identify themselves as such, with a view to guaranteeing their cultural rights, on the basis of self-identification, in particular the right to preserve, promote and develop their own culture, which is an essential basis of their identity.⁸

40. In relation to the report submitted by the Republic of Moldova, the Committee recommended that the State party strengthen its efforts to address the socio-economic issues the Roma population is facing, including through effective implementation, adequate resourcing and effective monitoring of the Action Plan for the Support of the Roma People from the Republic of Moldova established for 2011-2015.⁹

41. With regard to the report submitted by Turkey, the Committee recommended the implementation of the necessary plans of action for minorities to enjoy economic, social and cultural rights.¹⁰

42. In assessing the report of the Russian Federation, the Committee encouraged the State party to adopt a national programme of action for the promotion of economic, social and cultural rights of Roma and to allocate sufficient resources for its effective implementation. The Committee also recommended that the State party review its policy on the eviction and destruction of Roma dwellings, in accordance with its general comment No. 7 on the right to adequate housing.¹¹

43. In its concluding observations on the report submitted by Yemen, the Committee recommended that the State party collect disaggregated data on the ethnic composition of the society, as well as on disadvantaged and marginalized individuals and groups, in order to enable it to adopt concrete and targeted measures.¹²

3. Committee on the Elimination of Racial Discrimination

Seventy-eighth session (14 February – 11 March 2011)

44. Regarding the report submitted by Serbia, the Committee on the Elimination of Racial Discrimination recommended that the State party strengthen the Ministry of Human

⁶ CCPR/C/BGR/CO/3, para. 9.

⁷ CCPR/C/ETH/CO/1, para. 26.

⁸ E/C.12/DEU/CO/5, para. 32.

⁹ E/C.12/MDA/CO/2, para. 8.

¹⁰ E/C.12/TUR/CO/1, para. 10.

¹¹ E/C.12/RUS/CO/5, para. 9.

¹² E/C.12/YEM/CO/2, para. 31.

and Minority Rights, including through an adequate allocation of human and financial resources. The Committee also recommended that it accelerate the implementation of the National Plan for Housing of Roma adopted in 2009. The Committee encouraged the State party to intensify its efforts to prevent and combat racial discrimination against Roma, Ashkali and Egyptians.¹³

45. In reviewing the report submitted by Norway, the Committee recommended that the State party take active measures to prevent discrimination against the Roma and Romani/Tater communities, in particular regarding their access to public places, housing and employment, and allocate additional resources to find appropriate solutions for integrating children from Roma communities, especially those from travelling families, into the educational system.¹⁴

46. Regarding the report submitted by Spain, the Committee recommended that the State party continue its efforts to improve the situation of Gypsies and to integrate them into Spanish society and, in particular, that it adopt measures to improve the situation of Gypsy women and girls.¹⁵

47. In its concluding observations regarding the Republic of Moldova, the Committee recommended that the State party improve its data-collection system on the groups covered by the Convention so as to better evaluate the situation regarding the different minority groups in the State party, determine the extent of manifestations of racial discrimination and assess the efficacy of integration policies, respecting the right to self-identification.¹⁶

48. Regarding the report submitted by Armenia, the Committee requested the State party, on the basis of the census to be held in 2011 and with respect to the principle of self-identification, to include in its next periodic report up-to-date data on the composition of its population, including Assyrians, Azeris, Roma and other small ethnic groups. The Committee also requested data on women from those groups.¹⁷

49. Regarding the report submitted by Ireland, the Committee recommended that the State party continue to engage with the Traveller community and work concretely towards recognizing Travellers as an ethnic group. It also recommended that the State party adopt affirmative action programmes that seek to improve the representation of Travellers in political institutions.¹⁸

50. In its concluding observations on the report of Lithuania (CERD/C/LTU/CO/4-5), the Committee recommended that the State party strengthen its policies and programmes for the integration of minority groups, in particular the integration of Roma into Lithuanian society.¹⁹

51. With regard to the reports submitted by Bolivia (Plurinational State of), the Committee urged the State party to adopt mechanisms to ensure the participation of Afro-Bolivian communities in the design and approval of public policies and norms and in the implementation of projects affecting them.²⁰

¹³ CERD/C/SRB/CO/1, paras. 9, 14 and 16.

¹⁴ CERD/C/NOR/CO/120, para. 20.

¹⁵ CERD/C/ESP/CO/18-20, para. 16.

¹⁶ CERD/C/MDA/CO/8-9, para. 8.

¹⁷ CERD/C/ARM/CO/5-6, para. 10.

¹⁸ CERD/C/IRL/CO/3-4, paras. 12 and 14.

¹⁹ CERD/C/LTU/CO/4-5, para. 17.

²⁰ CERD/C/BOL/17-20, para. 14.

52. The Committee called on Uruguay to address the issues of discrimination against people of African descent, since, despite certain measures taken by the State party, people of African descent continue to be victims of inequality, particularly in employment, housing, and education. Afro-descendent women are particularly vulnerable.²¹

53. Regarding Yemen, the Committee recommended that the State party formally recognize the existence of various ethnic groups within its territory and the fact that the State party is not a truly homogeneous society. The Committee also recommended that the State party ensure that the rights of religious minorities, particularly Jews and the Baha'is, to freely practice their religion, are protected by guaranteeing their security and freedom of worship at all times.²²

Seventy-ninth session (8 August – 2 September 2011)

54. With regard to the report submitted by Georgia, the Committee encouraged the State party to speed up the adoption of specific legislation to protect minorities. The Committee recommended mutual reconciliation and peaceful tolerance coexistence between the majority and the minority groups, as well as the teaching of Georgian for all children and the protection of minority cultural heritage.²³

55. In relation to the report submitted by Albania, the Committee reiterated that the State party reconsider the criteria on the basis of which the distinction between national and linguistic minorities is based. The Committee also recommended that the State party ensure appropriate representation of self-identified minorities in the State Committee on Minorities.²⁴

56. In its concluding observations on the report of the Czech Republic, the Committee recommended that the State party should ensure that racial motivated acts of violence against Roma are investigated. It also recommended that the State party develop and implement policies and projects aimed at avoiding segregation of Roma communities in housing and take special measures to promote the employment of Roma in the public administration and institutions, as well as in private companies.²⁵

57. With regard to the report submitted by Ukraine, the Committee urged that the State party take immediate measures to effectively investigate reported hate crimes and ensure that the police do not engage in racial or ethnic profiling when conducting document checks on foreigners or members of “visible minorities”.²⁶

58. In assessing the report of the United Kingdom of Great Britain and Northern Ireland, the Committee recommended that the State party develop and adopt a detailed action plan, in consultation with minority and ethnic groups, for tackling race inequality as an integral part of the Equality Strategy, or separately provide an action plan for an effective race equality strategy.²⁷

²¹ CERD/C/URY/CO/16-20, paras. 14 and 15..

²² CERD/C/YEM/CO/17-18, paras. 9 and 16.

²³ CERD/C/GEO/CO/4-5, paras. 10, 14 and 15.

²⁴ CERD/C/ALB/CO/5-8, paras. 7 and 9.

²⁵ CERD/C/CZE/CO/8-9, paras. 14 and 17.

²⁶ CERD/C/UKR/CO/19-21, para. 10.

²⁷ CERD/C/GBR/CO/18-20, para. 17.

59. With regard to the report submitted by Paraguay, the Committee suggested the State develop a national action plan that addresses the issue of discrimination against minority and national ethnic groups.²⁸

60. In relation to the report submitted by Kenya, the Committee called on the State party to take the necessary legislative measures and to adopt policies to implement the constitutional provisions on community lands and minority rights. It also requested the State to put into place the mechanisms necessary for implementing the constitutional provisions on ethnic representation in Government bodies and offices.²⁹

4. Committee against Torture

Forty-sixth session (9 May – 3 June 2011)

61. With regard to Finland, the Committee against Torture recommended that the Parliamentary Ombudsman monitor the conditions of detention of Roma prisoners, including the implementation of ethnic equality, and ensure that prison staff intervene in all incidents of discrimination against Roma brought to their attention.³⁰

62. With regard to the report submitted by Ireland, the Committee recommended that it address the issue of intimidation of the Traveller community and investigate all allegations of such intimidation. The Committee urged Ireland to strengthen its efforts to ensure the training of law enforcement personnel and others on the treatment of vulnerable groups at risk of ill-treatment, such as Travellers, Roma and other vulnerable groups.³¹

63. With regard to the report submitted by Slovenia, the Committee encouraged the State party to facilitate the full integration of “erased” persons, including those who belonged to Roma communities, and guarantee them with fair procedures for application for citizenship. It also recommended that the State party strengthen its efforts to combat all types of discrimination against Roma minorities.³²

64. With regard to the report submitted by Turkmenistan (CAT/C/TKM/CO/1), the Committee recommended that the State party include the prohibition of ill-treatment of and discrimination against persons belonging to ethnic, religious and other minorities in the training of law enforcement officials and other relevant professional groups.³³

5. Committee on the Rights of the Child

Fifty-sixth session (17 January – 4 February 2011)

65. With regard to the report submitted by Belarus, the Committee on the Rights of the Child recommended that the State party strengthen the collection of disaggregated data, with special attention to violence against children, juvenile delinquency, child labour, abandonment, migration and children belonging to minority groups, particularly the Roma.³⁴

66. With regard to the report submitted by Denmark (CRC/C/DNK/CO/4), the Committee recommended that the State party collect and analyse disaggregated data to

²⁸ CERD/C/PRY/CO/1-3, para. 21.

²⁹ CERD/C/KEN/CO/1-4, paras. 19 and 20.

³⁰ CAT/C/FIN/CO/5-6, para. 15.

³¹ CAT/C/IRL/CO/1, paras. 15 and 30.

³² CAT/C/SVN/CO/3, paras. 18 and 21.

³³ CAT/C/TKM/CO/1, para. 24.

³⁴ CRC/C/BLR/CO/3-4, para. 19.

monitor and address comprehensively de facto discrimination, including multiple discrimination, which may particularly affect boys and girls from ethnic minorities.³⁵

67. With regard to the report submitted by Ukraine, the Committee urged the State party to undertake a comprehensive study on the situation and enjoyment of rights of ethnic minorities in the State party and, on the basis of the findings, develop interventions to ensure that its policies, measures and instruments apply without discrimination and aim to protect the rights of children belonging to all minorities.³⁶

68. With regard to the report submitted by the Lao People's Democratic Republic, the Committee recommended that the State party ensure full respect of the right to freedom of religion for all children belonging to religious minorities, and promote tolerance and inter-religious dialogue.³⁷

69. With regard to the report submitted by Singapore, the Committee recommended that the State party take all necessary measures to ensure that minority ethnic groups, in particular the Malay, are guaranteed the right to enjoy their own culture and to practice their own religion and language in all areas of life.³⁸

70. With regard to Afghanistan, the Committee recommended that the State allocate increased resources to the education sector in order to expand, build and reconstruct adequate school facilities throughout the State party.³⁹

Fifty-seventh session (30 May - 17 June 2011)

71. With regard to the report submitted by Cambodia, the Committee encouraged the State party to create a truly inclusive educational system welcoming children from all minorities and make greater efforts to address drop-out and repetition rates, paying special attention to regions with high minority population, such as the provinces of Ratanakiri and Mondulakiri.⁴⁰

72. With regard to the report submitted by Costa Rica, the Committee urged the State party to ensure that the national plan of action included an action plan for children belonging to minorities, including Afro-descendant children, and ensured their participation in its development.⁴¹

73. With regard to the report submitted by the Czech Republic, the Committee urged the State party to take all measures necessary to ensure the effective elimination of any and all forms of segregation of children of Roma origin, especially the discriminatory practices against them in the education system, and the provision of essential services and housing.⁴²

74. With regard to the report submitted by Finland, the Committee urged the State party to strengthen efforts to combat all forms of discrimination, including discrimination against children from ethnic minorities. In particular, the State party should enhance the measures taken to combat ethnic discrimination and the social exclusion of the Roma, and ensure an adequate standard of living for all Roma children.⁴³

³⁵ CRC/C/DNK/CO/4, para. 32.

³⁶ CRC/C/UKR/CO/3-4, para. 90 (b).

³⁷ CRC/C/LAO/CO/2, para. 37.

³⁸ CRC/C/SGP/CO/2-3, para. 72.

³⁹ CRC/C/AFG/CO/1, para. 61 (a).

⁴⁰ CRC/C/KHM/CO/2-3, para. 66 (b) and (d).

⁴¹ CRC/C/CRI/CO/4, para. 14 (c).

⁴² CRC/C/CZE/CO/3-4, para. 31.

⁴³ CRC/C/FIN/CO/4, para. 26.

Fifty-eighth session (19 September - 7 October 2011)

75. With regard to the report submitted by Italy, the Committee recommended that the State party develop and adopt, with the participation of affected communities, a national plan of action for the genuine social integration of the Roma in Italian society, taking into due consideration the vulnerable situation of Roma children.⁴⁴

76. With regard to the report submitted by Panama, the Committee recommended that the State party make efforts, in collaboration with civil society, to eliminate social discrimination and prejudice against Afro-Panamanian and indigenous children, and that it take all necessary steps to address and prevent the marginalization and discrimination of Afro-Panamanian girls and boys.⁴⁵

77. With regard to the report submitted by the Republic of Korea, the Committee strongly encouraged the State party to take all necessary measures, including awareness-raising and public education campaigns, to eradicate and prevent discriminatory attitudes towards children in vulnerable or minority situations.⁴⁶

B. General comments

78. At its 102nd session, the Human Rights Committee adopted its general comment No.34, on the freedoms of opinion and expression (CCPR/C/GC/34). The Committee encouraged free and uncensored press or other media, and observed that, in order to protect the rights of minority media users and for them to be able to receive a wide range of information and ideas, States parties should take particular care to encourage independent and diverse media. With regard to the right of access to information, the Committee observed that, under article 27, a State party's decision-making that may substantively compromise the way of life and culture of a minority group should be undertaken in a process of information-sharing and consultation with affected communities.

79. At its seventy-ninth session, the Committee on the Elimination of Racial Discrimination adopted its general recommendation No. 34, on racial discrimination against people of African descent (CERD/C/GC/34). The Committee highlighted the right of people of African-descent to enjoy all human rights on the basis of equality and non-discrimination, including the rights to property, to cultural identity, to protection of their traditional knowledge and to prior consultation in decisions which might affect them. Referring to the continued racial and institutional discrimination of people of African descent, the Committee observed that overcoming the structural discrimination that affects people of African descent called for the urgent adoption of special measures (affirmative action). For the exercise of the rights of people of African descent, the Committee recommended that States parties take general and special measures and take into full consideration racial discrimination against women and children of the people of African descent. The Committee also recommended protecting the people of African descent from hate speech and racial violence through the administration of justice, and that State parties guarantee the people of African descent civil and political, economic, social and cultural rights and facilitate their access to citizenship and education.

80. In 2011, the Committee on the Rights of the Child adopted its general comment No. 13, on the right of the child to freedom from all forms of violence (CRC/C/GC/13). Children are often the victims of violence, who are marginalized, disadvantaged and

⁴⁴ CRC/C/ITA/CO/3-4, para. 80 (b).

⁴⁵ CRC/C/PAN/CO/3-4, paras. 34 (a) and 81.

⁴⁶ CRC/C/KOR/CO/3-4, para. 29 (b).

discriminated against and lack the protection of adults responsible for defending their rights and best interests, including minority children. The groups of children likely to be exposed to violence include those who are from other ethnic minorities and minority religious or linguistic groups.

C. Statements

81. On 2 March 2011, the Committee on the Elimination of Racial Discrimination expressed alarm at the violent clashes taking place in the Libyan Arab Jamahiriya and their impact on the situation of foreign citizens and minority groups living in the country. The Committee drew attention to the excessive use of force against the civilian population in the country and acts of violence against foreigners, as well as the reported exodus of populations from neighbouring countries. It also called on the international community and the United Nations system to seek urgent measures to protect non-citizens, migrant populations, migrant workers, refugees and other minority groups in the Libyan Arab Jamahiriya and avoid the risk of inter-ethnic violence and divisions.

IV. Special procedures

82. In its resolution 16/6, the Human Rights Council extended the mandate of the independent expert on minority issues for three years.

83. The independent expert conducted a mission to Rwanda from 31 January to 7 February 2011, after which she emphasized that Government efforts to forge unity and social cohesion behind a Rwandan national identity and to diminish ethnicity as a mobilizing and destructive force in society should not in any way restrict, and were not incompatible with, the rights of individuals and communities to freedom of expression and to freely identify as belonging to an ethnic group. She also conducted an official visit to Bulgaria from 4 to 11 July 2011, where she called upon the Government of Bulgaria to match European Union and non-governmental organization-inspired policies on Roma integration with Government-led implementation and the financial resources necessary to improve living conditions of the Roma in Bulgaria.

84. At its seventeenth session, the Human Rights Council appointed Rita Izsak as the new independent expert on minority issues. She succeeded Gay MacDougall, who was appointed as the first mandate holder in 2005 and whose mandate was renewed in 2008.

85. During the reporting period, other special procedures mandate holders also looked into the situation of minorities within their respective mandates, as seen in the recent report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression presented to the General Assembly at its sixty-sixth session (A/66/290). In his report, the Special Rapporteur pointed out that the strategic response to expressions deemed as offensive or intolerant was more speech that educates about cultural differences; that promotes diversity and understanding; more speech to empower and give voice to minorities, for example, through the support of community media and their representation in mainstream media. Expressions of opinion and dissent, religion and belief, including by persons belonging to minorities or vulnerable groups, should never be subject to restrictions.

86. In his report submitted to the Human Rights Council (A/HRC/17/40), the Special Rapporteur on contemporary forms of slavery, racial discrimination, xenophobia and related intolerance addressed the human rights situation of Roma. In his report, the Special Rapporteur aimed to show that, despite the wide range of measures taken by States to eliminate racism and racial discrimination against Roma, the Roma continued to be

discriminated against in a number of areas. The Special Rapporteur also analysed the situation of low-caste peoples, who they generally suffer from multiple forms of discrimination on account of race, religious belief, descent and occupation.

87. In his report submitted to the Human Rights Council at its eighteenth session (A/HRC/18/44), the Special Rapporteur on contemporary forms of slavery, racial discrimination, xenophobia and related intolerance noted positively the adoption of national action plans and policies to combat racism and to promote the social integration of individuals belonging to minorities. He expressed concern about extremist political parties and movements and their ability to blame specific groups of individuals for the insecurity and socio-economic problems experienced by the population. The information received by the Special Rapporteur seemed to show that vulnerable groups of individuals, such as members of minorities, Roma and Sinti, migrants, refugees and asylum-seekers, continued to be the main victims of violence and attacks perpetrated or incited by extremist political parties, movements and groups, who also often regarded themselves as the only legitimate holders and guardians of the national identity of a given country.

88. In his report presented to the General Assembly at its sixty-sixth session (A/66/313), the Special Rapporteur on contemporary forms of slavery, racial discrimination, xenophobia and related intolerance pointed out that ethnic minorities and people of African descent remained particularly affected by a historical legacy, notably in the areas of health, housing, employment, education, administration of justice, as well as political representation and empowerment.

89. During an interactive dialogue between the Special Rapporteur on freedom of religious beliefs and the Human Rights Council at its sixteenth session, the mandate holder declared that religious instruction in the public school system should always go hand in hand with specific safeguards to protect members of religious or belief minorities, with a minimum requirement that members of minorities should have the possibility of opting out of religious instruction that went against their own convictions.

90. In his report submitted to the Human Rights Council (A/HRC/17/33), the Special Rapporteur on the human rights of migrants affirmed that the political participation of ethnic and racial minorities represented an issue of special concern.

91. Some thematic mandate holders also addressed the rights of minorities during their country visits. In her report on her mission to Ireland from 10 to 15 January 2011 (A/HRC/17/34/Add.2), the independent expert on the question of human rights and extreme poverty stressed that reductions to disability services, community and voluntary services, and Traveller supports, as well as cuts to social protection, all had the potential to impede the delivery of essential services to the most vulnerable. The independent expert urged Ireland to develop, with the meaningful participation of the Traveller community, a new national Traveller health strategy in order to support the Traveller community's enjoyment of the right to health on equal footing with the rest of Irish society.

92. Other thematic mandate holders issued joint statements to express concern about particular situations affecting minorities. Expressing their outrage and condemning in the strongest terms the ambush and killing on 2 March 2011 of Shahbaz Bhatti, several mandate holders issued a statement in which they highlighted that this was not only an attack on an individual but also on the rights of all religious minorities and on human rights in Pakistan. They added that the shocking assassination of Mr. Bhatti would spark fear in all those belonging to minorities in Pakistan, and that the Government must respond in the strongest terms possible to protect them, in both law and practice.

93. On 5 August 2011, the independent expert on minority issues and the Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context issued a press

release wherein they urged the United Kingdom of Great Britain and Northern Ireland to find a negotiated settlement to the eviction stand-off with 86 Irish Traveller families. They called on the Government of the United Kingdom to find a peaceful and appropriate solution, and adequate alternative housing for the Traveller families faced with forced eviction from Dale Farm, Essex, before the end of August. More than 300 people, a third of the Dale Farm Traveller community, including 110 children, were facing the imminent threat of forced eviction. On 19 October 2011, the forced eviction took place in a context of violence.

94. On 1 November 2011, a group of special procedures mandate holders, including the independent expert on minority issues, voiced grave concern over reports of heavy security measures in and around the area of the Tibetan Buddhist Kirti monastery, which houses some 2,500 monks, and other monasteries in Aba County, an area of Sichuan province inhabited by many ethnic Tibetans in south-west China. The mandate holders also called on the Chinese authorities to respect fully and uphold the rights of minorities, including their rights to freely practice their religion and culture.

V. Universal periodic review

95. At its sixteenth, seventeenth and eighteenth sessions, the Human Rights Council adopted the reports of the Working Group on the Universal Periodic Review on various countries.

96. Issues concerning minorities were raised, and recommendations included, inter alia, the adoption of concrete measures to avoid discrimination, exclusion and marginalization and to protect the rights of minorities and eliminate discrimination against religious minorities; effective measures to increase the political participation of minorities, including in public administration, and the participation of minorities in cultural, social and economic life; the participation of minority women; and the adoption of measures to guarantee the rights of minorities to education in their own language and to have equal access to quality education.

VI. Conclusions

97. **The present report reflects the important developments evident in the implementation of article 27 of the International Covenant on Civil and Political Rights, article 30 of the Convention on the Rights of the Child and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and with regard to the promotion and protection of minority rights in general. The findings of human rights mechanisms, however, show the numerous challenges and obstacles that impede full implementation. The international community must recognize that the protection of minority rights is not only a human rights imperative but constitutes a key element in conflict prevention. States should remove obstacles to the establishment of conditions for the expression and promotion of the identity of minorities and ensure that such conditions are in line with the Declaration on Minorities and other key international standards.**

98. **The commemoration of the twentieth anniversary of the adoption of the Declaration on Minorities in 2012 will provide an opportunity to draw attention to the importance of the Declaration while assessing challenges and obstacles to its implementation, and to identify effective practices for implementation of the Declaration and the promotion and protection of the rights of persons belonging to minorities.**