



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/Sub.2/2005/27  
8 July 2005

Original: ENGLISH

---

COMMISSION ON HUMAN RIGHTS  
Sub-Commission on the Promotion and  
Protection of Human Rights  
Fifty-seventh session  
Item 5 (c) of the provisional agenda

**PREVENTION OF DISCRIMINATION**

**PREVENTION OF DISCRIMINATION AND  
PROTECTION OF MINORITIES**

**Report of the Working Group on Minorities on its eleventh session\***  
**(Geneva, 30 May to 3 June 2005)**

**Chairperson-Rapporteur: José Bengoa**

---

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

## **Summary**

At the eleventh session of the Working Group on Minorities, the specific situations of minorities from different regions of the world were raised and a number of Governments provided information on best practices for addressing them. Minority issues in South Asia and Central Asia were given particular attention following the organization of meetings in those subregions. Various thematic issues were discussed, covering the relationship between minorities, self-determination and autonomy, the mainstreaming of minority rights in programmes and strategies to achieve the Millennium Development Goals, as well as minorities and conflict prevention and resolution, including the usefulness of developing a minority profile and matrix. A review of the role of the Working Group was undertaken, including its importance in providing minority participants with access to and raising issues at the United Nations, in adopting general recommendations or comments, and in cooperating with the proposed new mandate of an independent expert on minority issues. Section VII of the present report contains the decisions and recommendations adopted at the eleventh session of the Working Group, in which the attention of the United Nations is drawn in particular to the situations of the Roma in Kosovo (Serbia and Montenegro), ethnic groups in Darfur, the Sudan, and the Anywa ethnic group in the Gambella region of Ethiopia.

## CONTENTS

|   | <i>Paragraphs</i> | <i>Page</i> |
|---|-------------------|-------------|
| Introduction .....  | 1 - 3             | 4           |
| I. ORGANIZATION OF THE SESSION .....  | 4                 | 4           |
| II. REVIEWING THE PROMOTION AND PRACTICAL<br>REALIZATION OF THE DECLARATION ON THE<br>RIGHTS OF PERSONS BELONGING TO NATIONAL<br>OR ETHNIC, RELIGIOUS AND LINGUISTIC<br>MINORITIES .....            | 5 - 48            | 4           |
| III. EXAMINING POSSIBLE SOLUTIONS TO PROBLEMS<br>INVOLVING MINORITIES, INCLUDING THE<br>PROMOTION OF MUTUAL UNDERSTANDING<br>BETWEEN AND AMONG MINORITIES AND<br>GOVERNMENTS .....                  | 49 - 56           | 13          |
| IV. RECOMMENDING FURTHER MEASURES, AS<br>APPROPRIATE, FOR THE PROMOTION AND<br>PROTECTION OF THE RIGHTS OF PERSONS<br>BELONGING TO NATIONAL OR ETHNIC,<br>RELIGIOUS AND LINGUISTIC MINORITIES ..... | 57 - 66           | 15          |
| V. THE FUTURE ROLE OF THE WORKING GROUP .....   | 67 - 73           | 18          |
| VI. ADOPTION OF RECOMMENDATIONS AND OTHER<br>MATTERS .....  | 74                | 19          |
| VII. DECISIONS AND RECOMMENDATIONS .....  | 75                | 19          |
| Annexes   |                   |             |
| I. List of participants .....   |                   | 25          |
| II. List of documents before the Working Group on Minorities<br>at its eleventh session .....   |                   | 27          |
| III. Agenda of the Working Group .....  |                   | 29          |

## **Introduction**

1. The Working Group on Minorities held its eleventh session at the Palais des Nations in Geneva from 30 May to 3 June 2005.
2. Mr. Dzidek Kedzia, Chief of the Research and Right to Development Branch, Office of the High Commissioner for Human Rights (OHCHR) opened the session. The Working Group elected José Bengoa as its Chairperson-Rapporteur.
3. The present report reflects the general course of the debate. For further information, including the text of some of the statements made, consult the OHCHR web site (<http://www.ohchr.org/english/issues/minorities/group/main.htm>).

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

4. The Working Group held nine public meetings and one private meeting during its eleventh session. It was attended by members José Bengoa (Chairperson-Rapporteur), Mohamed Habib Cherif, Vladimir Kartashkin, Jakob Möller and Soli Sorabjee, observers for 43 States, representatives of 67 non-governmental organizations (NGOs), 2 regional intergovernmental organizations and 3 universities and institutes. 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 <http://www.ohchr.org/english/issues/minorities/group/main.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. Information contained in statements made under this and other agenda items has been included. Observers for 11 Governments entered into a dialogue on the basis of the statements made, many of which had been shared with Governments in advance.

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

##### **1. General debate**

6. Attention was drawn to the situation of the Palestinian citizens of Israel, who became a national, ethnic, linguistic and religious minority in their own homeland following the establishment of the State of Israel. The speaker called on the Working Group to urge the Government of Israel: to legally recognize the Palestine minority as both an indigenous and national minority; to initiate inclusive measures, such as the incorporation of Palestinian history into the national school curriculum; to ensure the full and effective exercise of all human rights

and freedoms without discrimination, including through effective political participation and self-administration in issues of importance for the minority; to create advisory bodies for minorities; and to establish a national human rights institution.

7. Concerning the situation of the Kurdish minority in the Syrian Arab Republic, particular reference was made to the Exceptional Circumstances Law and the Arabic Belt Project. Demonstrations against such measures had resulted in a number of casualties, including deaths, arbitrary arrests and torture of detainees. Speakers called upon the Government of the Syrian Arab Republic to appoint a commission to investigate those human rights violations; abolish martial laws and the emergency situation; release political prisoners; restore confiscated land; and implement measures to ensure the full enjoyment of civil and political rights without discrimination.

8. The history and current problems faced by the Assyrian minority of Iraq were raised. Recommendations for action included the creation of an Assyrian Administrative Region to safeguard the cultural, linguistic and religious rights of Assyrians, and an independent commission to handle claims and disputes concerning minorities in the Kurdish-controlled areas of northern Iraq.

9. Concerning the situation of minorities in Greece, the Government was encouraged to recognize the existence of the Turkish minority; create a positive environment for the minority's members to exercise their freedom of worship and choose their own religious leaders; and to ratify the Council of Europe Framework Convention for the Protection of National Minorities.

10. The Working Group was informed about the situation of the Turkmen minority in Iraq, including in areas controlled by Kurds. Reported abuses by the Kurds included unlawful expropriation of land and property, extralegal executions, violations of civil and political rights and repression of the media. Speakers urged that the perpetrators of such offences be prosecuted and the Kurdish militia disarmed and disbanded. They called on the Government of Iraq to recognize Turkmen as the third ethnic group in the country; recognize their rights in the new constitution; ensure fair representation, including through self-government in their own territory if a federal system is adopted; and designate Turkmen as an official language.

11. In a follow-up statement to a situation raised last year at the Working Group, the current situation of the Sama Dilaut nomadic fisherfolk was described. Fear of piracy had forced them into the unfair *partida* system, a form of bonded labour. Others became beggars. A number of recommendations were made to improve their situation, including: implementation of the recommendations of the Committee on the Elimination of Racial Discrimination (CERD) and existing fishery laws, investigation of cases of piracy, and adoption of legislation recognizing traditional migration areas as sanctuaries. Reference was also made to the situation of the Bangsamoro in the Philippines and of the importance they attached to protecting their ancestral domains. Quoting from advocacy material of the Bangsamoro people, it was stated that "Only a war against poverty, injustice and discrimination can heal the festering wounds of conflicts and scorch the ground that breeds terrorism."

12. The Working Group was informed about the current situation facing the Batwa in Burundi. Speakers expressed their concern over their marginalization by both the Hutus and the Tutsi and that conflict resolution and power-sharing arrangements did not yet include the Batwa.

The fact that 98 per cent of the Batwa community did not possess an identity card undermined their right to vote or move freely within the country. Appeals were made to the Government of Burundi to undertake legislative and other measures to ensure their inclusion, recognize their rights, including through the provision of identity cards, eradicate extreme poverty and debt servitude and provide free education for Batwa children.

## **2. Clustering of issues**

### **(a) Roma**

13. The problems faced by the Roma in The former Yugoslav Republic of Macedonia, Kosovo and Bulgaria, as well as outside Europe, were brought to the attention of the Working Group. With respect to The former Yugoslav Republic of Macedonia calls were made for the system of administration of justice to be applied without discrimination against the Roma and for United Nations bodies to monitor this situation. Other speakers addressed problems facing the Roma from Kosovo, particularly in the context of the future status of Kosovo and the Kosovo Standards Implementation Plan. Despite progress in the area around Pristina, problems remained in the rural areas. Considering the continued unsafe situation, that return to Kosovo should be strictly voluntary, not mandatory, and assistance should be provided for the reintegration of returnees.

14. Issues of segregation and discrimination affecting Roma in the education system in Bulgaria were addressed by one speaker. Recommendations made included the implementation of the Framework Programme for Equal Integration of Roma in Bulgarian society and a national programme for desegregation in schools, and the establishment of a public fund in support of Roma students.

### **(b) Afro-descendants**

15. Attention was drawn to problems faced by Afro-Colombians and Afro-descendants in the United States of America. Afro-Colombians continued to be victims of racial discrimination and exclusion, as regards access to health, livelihood, social security, education and income-generating activities. The Government of Colombia was called upon to ratify and implement the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); prohibit the use of discriminatory language in the media; and eliminate discrimination in the labour market. Attention was drawn to the common features of Afro-descendants as the descendants of slaves who had been deprived of their mother tongue, culture and religion. Apart from recognition, compensation was sought for the loss of their identity and for continued human rights violations due to the lingering effects of slavery. The Working Group was called upon to continue to support and assist Afro-descendants, including through the organization of regional seminars for Afro-descendants.

### **(c) Nomads, pastoralists, hunter gatherers and shifting cultivators**

16. Several speakers drew attention to the plight of pastoralists in Ethiopia. Their problems included displacement from their land, poor socio-economic development and lack of access to decision-making. Lack of access to water and pastures, coupled with the easy availability of small arms and light weapons, had led to increasingly violent conflicts between pastoral groups,

further undermining development and affecting young people in particular. Recommendations proposed included the establishment of a national institution with real pastoral representation; the creation of a plan of action for sustainable pastoralism; and strengthening traditional conflict management systems. They called for support from the United Nations and for the Government to agree to a visit by the Special Rapporteur on the right to education.

**(d) Religious minorities**

17. Several speakers reported on the situation of the Egyptian Christian Copt minority. Although the Egyptian Constitution provides for freedom of religion and equal opportunity, in practice religious minorities face many problems. Equality before the law had not been assured or implemented with respect to administrative provisions governing religious conversion, restrictions on building places of worship, and tax exemption for the construction of such buildings. Cases of forced conversion of underage Christian girls to Islam were also reported. Other examples given of unequal treatment before the law related to marriage laws and laws regulating custody of children. Employment opportunities in Government positions and State security were not equally distributed among all parts of the population. Another concern referred to discrepancies between official statistics and estimated numbers of Copts. A major cause of the problems was perceived to be the absence of a specific provision in the Egyptian Constitution recognizing the Copts as a minority and providing for their protection. Speakers recommended, inter alia, that the Government should consider extending the freedom to convert from and to all religions and that the police should not be involved in the conversion process; that references to religion should be removed from identity cards and official papers; that educational curricula should promote religious tolerance and discriminatory references removed; that the Copts be recognized as a national minority; and that the Egyptian National Council for Human Rights consider minority rights.

18. The situation of the Christian minority in Senegal was referred to and it was recommended that the Government should consider adopting a prevention strategy to curb religious intolerance, focusing on education and dialogue, and that the African Union should establish specific mechanisms for the protection of the rights of minorities.

19. Information was presented on the situation of the Muslim minority, mainly of Moroccan origin, in the Netherlands and concern was expressed about instances of increasing Islamophobia. The Government was urged to implement effectively the provisions of ICERD, especially article 2.2, and to monitor speeches in the media or by public figures to ensure that they did not promote hatred.

20. Human rights issues and violations affecting religious and ethnic minorities in Bangladesh and the prevailing situation of impunity were reported. The Government was urged, inter alia, to restore recognition of Bangladesh as a secular country in the Constitution; to take all measures to combat discrimination against ethnic and religious minorities; to ensure the fair representation of minorities in the military, foreign service, paramilitary, police and civil services; to prosecute those responsible for human rights violations committed against members of religious and ethnic minorities; and to implement the peace agreement relating to the Chittagong Hill Tracts.

**(e) Linguistic minorities**

21. Problems facing the Wayeyi, as well as other linguistic minorities in Botswana continued to be reported. The speaker appealed to the international community to continue to take an interest in their situation as Bill 34 of 2004 had been passed in April 2005, despite a High Court judgement pointing out that the law had discriminatory effects because it did not address the issue of minority representation. Speakers recommended that the Government of Botswana dialogue with the minorities to resolve the problem and ensure that minority languages could be used in public media and education; and that the United Nations encourage Botswana to ratify the Optional Protocol to the International Covenant on Civil and Political Rights and to make the declaration under article 14 of ICERD.

22. The attention of the Working Group was drawn to the range of issues facing Nepal's 61 indigenous communities with respect to preserving and promoting their languages, script and cultures. It was reported that a disproportionate number of victims in the conflict between the Government and the Maoist insurgency were from their communities and that they were also affected by caste-based discrimination and denied equal access to resources. It was recommended that the Government ratify International Labour Organization Convention No. 169 and provide greater recognition of indigenous languages, teaching them in schools and removing the language barrier for Government posts. They further appealed for full and effective representation in decision-making and for the promotion and protection of the rights of persons belonging to minorities affected by the conflict.

23. The decline of the population identifying itself as Amazigh and use of the Tamazigh language in the Libyan Arab Jamahiriya were brought to the attention of the Working Group. It was said that Law No. 24-1984 prohibited the use of Amazigh names for places and children, in violation of the Declaration and the Convention on the Rights of the Child. The speaker also reported on the arbitrary detention of academics advocating the teaching of Tamazigh language and history. He referred to recent developments in Algeria and Morocco, where Tamazigh speakers had the right to use their language, and called for the repeal of Law 24.

24. Serious allegations were made in regard to the Ahwazi ethnic minority in the Islamic Republic of Iran. It was reported that they were denied the use of their language and participation in decision-making. They did not benefit from oil revenues from their ancestral land, and lacked basic services such as electricity, telephones, schools, hospitals and health clinics. Other violations included forced displacement and appropriation of land. The speaker reported on a demonstration on 15 April 2005 at which Iranian security forces allegedly opened fire on unarmed demonstrators, causing deaths and injuries, and asked that the upcoming visit of the Special Rapporteur on extrajudicial, summary or arbitrary executions be expedited with a view to his conducting a visit to Khuzestan to investigate this incident. It was also recommended that the Government allocate a portion of oil revenues to alleviate poverty, and that it fulfil the recommendation of CERD (at its sixty-third session) to "provide an estimate of the demographic composition of the population, including the Arabs in the Al-Ahwaz region of Khuzestan, in its periodic report" (CERD/C/63/CO/6, para. 9).



**(f) Displaced minorities and other situations affecting minorities**

25. The issue of the responsibility of non-State actors to respect minority rights was raised in regard to the activities of transnational corporations in the oil-producing Niger Delta of Nigeria. Several speakers reported on the particular problems faced by minority groups living there, including: environmental degradation and contamination and the associated health problems; inequitable distribution of profits and employment; forced evictions and the demolition of their homes without prior notice or consultation and without provision of alternative housing or compensation; violation of women's and children's rights; and the loss of their language and culture. Numerous recommendations were addressed to the Government and the international community, including: the provision of alternative accommodation for the evictees and payment of compensation; amending the Land Use Act to provide for ownership by minorities and their participation in the management of land, or repealing it; adequate representation of minorities in parliament; financial compensation for the oil spillage in 1990; elaborating a national policy on the protection of minorities and appointment of a minister in charge of minority affairs; promotion of the study and use of all languages in schools irrespective of the ethnic group; and debt cancellation. It was further recommended that transnational corporations should respect the provisions of the Global Compact.

26. The situation of the Khasi ethnic group residing within the northern State of Meghalaya in India was brought to the attention of the Working Group. The ethnic group remained exposed to various forms of violence by State and non-State actors, resulting, inter alia, in displacement, killings and kidnappings by armed groups, torture and arbitrary detention in the context of the ongoing inter-state boundary dispute and the ongoing boundary demarcation between Bangladesh and India. Displacements were also caused by major development projects, such as large dams or mines. Additional concern was caused by the illegal entry of Bangladeshi immigrants into the area. The Working Group was asked to urge the Government of India to recognize, protect and promote the rights of minorities and enact the requisite legislation; to urge the development of a coherent response to internal displacement; to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and to integrate minority rights into the country's development programmes with a view to achieving the Millennium Development Goals.

27. Two issues were raised with respect to the Uzbek community in Kyrgyzstan. The first issue was access to mother tongue education, and a recommendation was made to open at least one school with multilingual education in each city in provinces where the community was mixed. The second issue centred on the treatment of refugees from Uzbekistan after the recent events in Andijon in May 2005. An appeal was made to the Government of Kyrgyzstan to grant refugee status to asylum-seekers who had entered neutral territory after 16 May; to encourage local Uzbek community leaders to assist refugee camp residents; and to invite an OHCHR mission to meet with the refugees and take their testimonies.

28. A representative of the Turkana group in Kenya highlighted a number of human rights issues, especially as they affected women, and that the increased availability of small arms and light weapons in neighbouring countries was causing violence and casualties. She appealed to the United Nations to encourage the Government of Kenya to adopt the current draft

constitution, which contained a recognition of minorities in the preamble and a bold definition of minorities and provided for minority communities' protection and full participation in political, social and economic life, as well as a chapter on the promotion of culture.

29. The situation of the Terik minority was raised for the first time outside Kenya. The minority was not constitutionally recognized as an ethnic group; some members had identity cards with the names of other groups, which was deemed to constitute forced assimilation. Additional violations of their rights included the loss of their language and forced displacement, which had left them with only 20 per cent of their ancestral land. There was another appeal to the Government to adopt the draft constitution. Other recommendations included officially recognizing the Terik ethnic group with a specific code number for identity cards, affirmative action and dialogue with the minority, and undertaking a study on the loss of their ancestral land. Noting that the Terik language was endangered, the speaker referred to an ongoing project to write books in Terik and requested financial assistance from the United Nations Educational, Scientific and Cultural Organization in this regard.

30. A participant from Senegal indicated that there were an estimated 57,000 refugees in Senegal, many of whom had lived there for a long time. He appealed for a dialogue between the Government and the refugee community, with a view to finding long-term solutions, including through according Senegalese citizenship, and assisting refugees who wished to return with support from the international community.

31. Statements were heard on the situation of Somali women and the Anywa people in Ethiopia. As both women and members of a minority, the Somali Anywa women were particularly vulnerable to violations of their rights such as early and forced marriage, female genital mutilation and related health problems including AIDS, rape, sexual harassment and domestic violence. They lacked access to social services and justice and that needed to be remedied. The representative of the Anywa people cited a number of allegations of violations of their human rights, including killings, rapes, looting and burning of houses. He described in particular a massacre in Gambella from 13 to 16 December 2003, and additional incidents during 2004 in Abobo and Gilo. He appealed to the international community to conduct an independent investigation, to bring the perpetrators to justice, and to provide compensation and assistance for projects to help the victims.

32. Attention was drawn to the situation of the 250 million Dalits in India who continued to face entrenched discrimination causing conflict and violence. Unlike Dalit Sikhs and Buddhists, Muslim and Christian Dalits had not been granted Scheduled Caste status under domestic legislation. An appeal was made to the Government to recognize Christian and Muslim Dalits as Scheduled Castes and to encourage NGOs to provide human rights training and organize workshops to inform Dalits of their rights.

33. The observer for United Nations Watch raised the critical situation regarding minorities in Darfur, Sudan. Numerous international agreements had been violated in the form of killings, attacks, abductions, harassment, looting of property, recruitment of children into armed forces, violence against children and rape, which was also a crime against humanity. He called on the Working Group to condemn the indiscriminate attacks against civilians, the climate of impunity, the continuing violations of the N'Djamena Ceasefire Agreements of 8 April 2004 and the Abuja Protocols of 9 November 2004 by all parties, and the Government's support of the Janjaweed

militias. The Working Group was also requested to call upon the Government of the Sudan to take a number of measures with a view to ending the violations, and to consider creating a truth and reconciliation commission once peace was established in Darfur.

34. A positive situation was presented in regard to the Jewish community of Azerbaijan. Following a period of forced integration, the Government had changed its position and the minority's rights to use their language and practise their religion were now being promoted and protected.

35. The issue of the interlinkage between minorities and statelessness was raised with respect to the situation of the Rohingya of Myanmar. The 1982 Citizenship Law deprived the 1 million members of this Muslim minority of the right to a nationality, and their freedom of movement had also been severely restricted. Many were also victims of forced labour and barred from Government employment. There was an appeal to the Working Group to call on the Government of Myanmar to repeal the Citizenship Law and to incorporate minority rights into national legislation.

36. With respect to information presented on the situation of minorities in Pakistan, it was indicated that they often faced discrimination on account of their religion and in the economic and political spheres. There was an appeal to the Working Group to encourage the Government to promote policies of inclusion.

### **Government responses**

37. The observer for Burundi agreed that the Batwa had been marginalized from economic and political life and subjected to forms of servitude. However, he stressed that those problems were also shared by the majority. He highlighted the efforts being made by the Government in the areas of social, political and military reforms and expressed the hope for positive changes for the majority and the minority with the upcoming elections and new political institutions.

38. The observer for Egypt expressed concern about the use of selective quotations and misinterpretations of the Islamic religion employed by one of the speakers. He underlined that Egyptians were one people and that the Copts were part of the fabric of the Egyptian society, and that the concept of minority was neither relevant in the Egyptian context, nor was it used by the Coptic leadership in the country. The Egyptian Constitution provided for equality for all citizens, freedom of belief, and access to legal proceedings in case of discrimination. Examples were given of Coptic people holding high public positions. The observer rejected the allegations and accusations made and affirmed the inclusive nature of the State and Government policies. He questioned the use of the Working Group as a venue to raise such allegations and made reference to the work of special procedures and the replies submitted by his Government to those mandates.

39. The observer for Finland presented information on recent developments to protect the rights of the Saami minority in Finland, such as the Language Act and the new Saami Act. An advisory board for language affairs had also been established and received periodic reports on the situation of national and minority languages. The representative also mentioned the establishment of the Office of the Ombudsman in 2001, and that an advisory board assisted the work of that office.

40. The observer for Greece affirmed Greece's commitment to safeguarding minorities, including providing for minority education. He explained that the existence of the minority was not denied, but rather that it was misleading to identify the Muslim minority as being only Turkish. He explained that muftis were appointed rather than elected because they exercised judicial functions, and that that was not contested by the European Court of Human Rights.

41. The observer for the Islamic Republic of Iran expressed surprise that a document that had been withdrawn from the Commission on Human Rights was being distributed at the Working Group, and questioned the figures regarding landmines. He asserted that Khuzestan was an integral part of the territory of Iran and that the people enjoyed equal rights, as guaranteed by the Constitution.

42. The observer for Kenya stressed that the Constitution specifically prohibited discrimination. Kenya was truly a multiracial and multi-ethnic society, with over 42 languages, and boasted of an active commission on human rights, including commissioners from minority groups. The issue of land rights for those in forest areas was one the Government took very seriously, and a comprehensive land reform exercise was under way. Effective mechanisms existed for redressing grievances. Incidents of insecurity often arose from inter-ethnic conflicts, exacerbated by illicit small arms and light weapons, a priority issue for the Government. Concerning cultural practices such as female genital mutilation and forced early marriage, he encouraged NGOs and the United Nations to address those issues through education and awareness-raising. Women's rights to land and inheritance were on the agenda of the national commission on human rights, which was campaigning to eradicate the practice. Although the constitutional review process had been terminated because of disagreements, the Government had promised to deliver a new constitution by December. The draft constitution was a very forward-looking document. He appealed to Kenyan NGOs to apply pressure on their representatives to adopt the constitution, as it was in parliament. With reference to the Terik case, he cautioned against encouraging ethnic divisions and indicated that affirmative action was provided for, including in education and employment. Most of the issues raised were general grievances that could be raised by almost any community in Kenya.

43. The observer for Kyrgyzstan stated that preserving peace and harmony between minorities was being pursued. All of the 80 different ethnic groups in the country, including the 14 per cent of the population who were Uzbek, had the same rights and obligations under the Constitution; 10 per cent of the deputies in parliament were Uzbeks, they were integrated into economic life, and radio and television broadcast in their language. Addressing economic issues required the support of all, including minorities, the international community, private donors and the Government. The refugee situation was being looked into by the United Nations High Commissioner for Refugees and the Government had taken measures to provide aid to them. He questioned the appropriateness of considering this question in the Working Group.

44. The observer for Nigeria acknowledged the existence of environmental problems in the oil-producing area of Nigeria and presented information on measures taken to address that issue. Addressing more specifically the issue of evictions, the observer indicated that the shanty settlements had been illegally erected in areas reserved for urban development and announcements had been made that they would be subject to demolition in case of need. He referred to the difficulties faced by the Government in tackling all the problems in its

highly heterogeneous society and stated that although there were three major languages, there was no system of preference for any particular language or other discriminatory policy.

45. The observer for the Philippines noted the problems faced by the minority and the recommendations proposed and planned to convey them to the relevant Government departments. She agreed that, due to the limited resources available, the Indigenous People's Act was perhaps not as efficient as it could be and that there was a need to look more closely into the issue. Information was also provided on the visit by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, his recommendations and activities undertaken.

46. The observer for Pakistan provided information on measures taken to empower members of minorities and to improve their situation.

47. The observer for the Syrian Arab Republic spoke about the importance of constructive dialogue and gave information on, inter alia, the diversity within the country, the legislative provisions in place to ensure equality and protect against discrimination, measures taken to ensure respect for the rights of all citizens, assistance to refugees, and recent developments in relation to the granting of citizenship to refugees.

48. Several Government observers commented on the need to improve the organization of work under this agenda item and to avoid any repetition of issues under other agenda items.

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

49. Under this agenda item, two main themes were discussed and two papers presented on those themes, namely "Towards a general comment on self-determination and autonomy" (E/CN.4/Sub.2/AC.5/2005/WP.5), prepared by Marc Weller, Director, European Centre for Minority Issues, and "The Millennium Development Goals: helping or harming minorities?" (E/CN.4/Sub.2/AC.5/2005/WP.4) prepared by Corinne Lennox, Minority Rights Group International.

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

50. Mr. Weller indicated that his paper had attempted to answer a number of issues of concern in relation to self-determination and autonomy. He presented those issues in the form of three questions. Firstly, would linking self-determination and autonomy not lead to and legitimize disintegrative tendencies within States, including increased risks of secession? Secondly, does the debate about autonomy represent a departure from the view that minority rights are individual rights rather than collective entitlements? Thirdly, would a recognition of an entitlement to autonomy lead to unacceptable demands on the part of minorities?

51. In answer to these questions, he said that international practice in respect of external self-determination, in the sense of an entitlement to unilateral secession, remained contextually restricted to instances of colonialism and closely analogous situations. Self-determination,

autonomy and human rights were linked in requiring States to make particular arrangements for the management of diversity. Acceptance of autonomy as a tool for managing diversity did not necessarily imply recognition of a collective legal identity of minority groups. He argued that it was the requirement to ensure full and effective participation that underpinned any claim to autonomy for minorities, and that it was for the State, albeit acting in genuine consultation with minority communities, to determine how it would give effect to the obligation to ensure the full and effective participation of minorities or members of minorities in public life. While autonomy was increasingly being offered as a means to achieve that end, it was emphasized that there was not as yet a firm legal entitlement to autonomy in all instances of territorially compact minorities, although an indigenous identity might imply a collective legal personality and be expressed in an entitlement to territorial autonomy.

52. Elisabeth Naucler, Head of Administration of the Government of the Aland Islands, Finland, spoke about the importance of encouraging minority groups and States to find solutions to conflicts and of the importance of sharing good practices. The autonomy accorded to the Aland Islands could be considered as a conflict-solving mechanism for a territorially compact minority. She argued in favour of broadening the idea of self-determination, but reaffirmed that no link existed between autonomy and self-determination in the sense of an entitlement to secession. She indicated that sub-State arrangements such as federalism or autonomy could have a twofold advantage in giving assurances of the territorial integrity of existing States and providing for the decentralization of power. In her view, there was a need to make provision for the legal entitlement of autonomy due to its expanding use as a tool to accommodate minority issues. She expressed the hope that the Working Group would continue its consideration of the question of autonomy and self-determination, particularly through its cooperation with the European Centre for Minority Issues and the preparation of a general comment on these issues as they affect minorities.

53. Members of the Working Group expressed gratitude for the papers presented. They considered the moment opportune to examine the concepts of self-determination and autonomy and to consider in more detail possible models for the peaceful solution of minority issues, based on good governance and the rule of law. In certain circumstances territorial autonomy could be an appropriate response, although there was no obligation on States to make such provision under the Declaration, a view shared by the observer for Azerbaijan. In other situations, they agreed that greater self-governance over cultural, religious or linguistic matters might be a more suitable course of action. Mr. Hadden cautioned against the Working Group narrowing its focus on autonomy and appealed for a parallel study of integrative measures, such as ensuring the full and effective participation of persons belonging to minorities in the civil service, police force and security forces.

### **Minorities and the Millennium Development Goals**

54. Ms. Lennox stated that a major issue addressed in her paper related to the concern that the pressure on Governments to reach the Millennium Development Goals by 2015 could force them to compromise on the quality and sustainability of development interventions, with consequent effects on minorities.

55. In the paper, it was proposed that the principles of participation and non-discrimination be taken fully into account in developing strategies to achieve the Goals and that serious

consideration should also be given to the issue of land rights. With a view to applying the two principles, it was advocated that: Governments and international organizations should audit the participation opportunities for minorities, particularly in local Government structures; and that impact assessments should be undertaken to ensure that strategies and policies to achieve the Goals did not unintentionally cause disproportionate or unjustifiable harm in the form of human rights violations against minority groups. Particular action was called for in resolving land disputes involving minorities or indigenous peoples. Land security with its links to income generation and food security was recognized as a fundamental issue for many poor people, and was considered a much more critical issue given its importance to the protection of the cultural rights of minorities and indigenous peoples. Recommendations were also made for: the inclusion of information on minority situations and minority-specific time-bound targets in the reporting process on the Goals by Governments and donor countries; the incorporation of minority concerns in national civil society campaigns on the Goals; international actors such as the United Nations Development Group to support assessments of minorities' progress towards achieving the Goals; and the raising of issues relating to the Goals in the human rights treaty bodies' reporting process, especially under ICERD.

56. In the course of the discussion, members of the Working Group and minority representatives expressed their appreciation for the paper. Several additional proposals were made regarding the implementation of the right to education for minorities, especially in the Philippines. The representative of the Meghalaya Peoples Human Rights Council also recommended: training on minority rights for staff of United Nations agencies and organizations and international financial institutions; support from intergovernmental organizations for building the capacity of minorities to contribute to the planning, design, implementation and monitoring of poverty reduction policies and programmes; the mainstreaming of minority rights and issues in the work of different United Nations organizations and bodies, particularly that of the United Nations country team; the adoption of a rights-based approach in the elaboration and evaluation of poverty reduction strategy papers (PRSPs); and the full participation of minorities in the drafting and implementation of the PRSPs.

#### **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**

57. Under this agenda item, attention focused on the importance of better understanding regional and subregional perspectives on minority issues, including through the organization of subregional meetings and other initiatives.

58. Mr. Sorabjee, member of the Working Group, presented the outcome of the South Asian meeting on "Minority rights: cultural diversity and development" held in Kandy, Sri Lanka, from 21 to 24 November 2004 (see E/CN.4/Sub.2/AC.5/2005/4 and E/CN.4/Sub.2/AC.5/2005/WP.6). He spoke about the importance of the South Asian subregional meetings in drawing attention to specific minority issues and to conflict situations. Both the international community and persons living in the subregion were often unaware of existing conflicts as Governments had been adept at using international diplomacy to deflect attention from those situations. He referred to several recommendations adopted at the meeting which had been addressed to Governments. They included proposals to: provide adequate and

accessible remedies to address violations of the rights of persons belonging to minorities through independent courts and tribunals that were accessible to victims; provide a standing invitation to special procedures and other United Nations bodies and mechanisms to monitor the situation of minority rights and vulnerable groups; address the situation of non-citizens; establish independent national human rights institutions and support their role in investigating and granting remedies for the violation of minority rights; and consider establishing a regional human rights mechanism. With reference to other recommendations addressed to the United Nations and international and intergovernmental bodies, particular mention had been made of the need to: encourage Governments to promote religious tolerance through public education and media programmes and to provide assistance to Governments for reviewing legislation and other measures with a view to ensuring that such measures did not discriminate against persons on the grounds of their religion; and mainstream the protection of the rights of persons belonging to minorities in the work of international financial institutions and development projects.

59. During the discussion on the results of the seminar, it was pointed out that further measures needed to be taken to strengthen systems of accountability for violations of the human rights of minorities and to tackling issues relating to the denial of citizenship affecting persons belonging to minorities. Greater consideration should also be given to establishing regional human rights mechanisms in Asia and to providing additional development funding to educational programmes for persons belonging to minorities.

60. Details were provided of the discussion and outcome of the Central Asian seminar on "Minority rights: cultural diversity and development" held in Bishkek, Kyrgyzstan, from 27 to 30 October 2004. These were presented by Saniya Sagnaeva, representative of the Central Asia project of the International Crisis Group and participant at the seminar. Minority situations in six different countries had been considered during the meeting, including in the Feghana Valley region which encompassed areas of Kyrgyzstan, Tajikistan and Uzbekistan. Fuller details of the conclusions, recommendations and discussion are contained in documents E/CN.4/Sub.2/AC.5/2005/5 and E/CN.4/Sub.2/AC.5/2005/WP.2.

61. The conclusions and recommendations adopted at the Bishkek meeting covered three different themes: legislation and its implementation and national institutions dealing with minorities; development of the languages, cultures and education of minorities; and peaceful and constructive prevention and settlement of conflicts between ethnic minorities. In the conclusions, it was stated, inter alia, that the Central Asian States had inherited an approach to minorities that promoted assimilation and the continued denial of problems relating to ethnic minorities. National human rights institutions to protect the rights of persons belonging to ethnic minorities had not been established or were not developed and the problems of deported peoples and reparations had not been properly resolved. As border problems remained and were a source of conflict in the subregion, participants called for the inclusion of civil society in the settlement of border conflicts. The allocation of resources was also viewed as a possible source of conflict within and between countries, with participants calling on Governments and international organizations to solve problems relating to shared water resources, land leasing and gas distribution. The absence of legislation dealing with statelessness and the persecution of persons on political or religious grounds were also identified as sources of tension in the subregion. Recommendations were made for facilitating access across borders, speeding up the process of demarcation of borders and providing compensation to the inhabitants of border areas following



their resettlement. Additionally, it was recommended that international organizations should coordinate their work in the Ferghana Valley on the prevention of inter-ethnic conflicts and make greater use of the United Nations minority mechanisms in solving problems relating to minorities and stateless persons.

62. The observer for Romania made reference to a new initiative called the “Roma Diplomacy Project” organized by the European Roma Information Office and DiploFoundation. The project was to run from June 2005 to April 2006 and aimed, inter alia, at creating a group of Roma “public diplomats” able to bridge the gap between Roma civil society and Governments and European Union institutions; creating or strengthening Roma rights information networks; facilitating the sharing of research and experience on Roma issues; and building awareness of Roma issues. This was to be achieved through an educational programme, support to research projects, provision of conference scholarships and internships, as well as developing an electronic platform for sharing knowledge between Roma rights activists. Further information on this project can be obtained from <http://www.diplomacy.edu/Roma>.

63. A brief presentation was made on the purposes of the minority profile and matrix being developed by the participants in the first OHCHR Minority Fellowship Programme, organized in 2005. The matrix and profile had also been presented at the recent workshop on minorities and conflict prevention and resolution (Geneva, 26-27 May 2005). Fuller details of the purposes and aims of the matrix and profile would be contained within the report of that meeting, which would be available at <http://www.ohchr.org/english/issues/minorities/seminar.htm>.

64. Reem Mazzawi, one of five OHCHR Minority Fellows and co-Chair of the workshop, provided information about the workshop. She explained that it had been attended by about 40 members of minority communities and organizations, observers for more than 40 States, members of the Working Group on Minorities, representatives of international intergovernmental and non-governmental organizations as well as academics and experts. At the meeting minority representatives had presented their views on the root causes of conflicts affecting or involving minorities. The workshop also considered ways in which minorities could better utilize United Nations human rights mechanisms and how they could participate more actively in the activities of other international, regional and national-level bodies to prevent and resolve conflict. At the end of the two-day meeting, minority participants had drawn up a series of concluding observations on the root causes of conflicts and ways of solving them. In this context, reference was made to the importance of continued work on the minority profile and matrix. The concluding observations would be presented by some of the minority representatives at the workshop at the forthcoming global civil society conference to be held at United Nations Headquarters from 19 to 21 July 2005. This would provide an additional opportunity for the minority perspective to be heard at the international level. She requested the Working Group to consider incorporating the issue of minorities and conflict prevention and resolution in the agenda of its next session, in order to consider the report of the global civil society conference and the further participation of minorities in the prevention and peaceful resolution of conflicts affecting or involving minorities.

65. The observer for the Civil Liberties Organization of Nigeria noted with interest the report of the African Commission on Human and Peoples’ Rights Working Group of Experts on Indigenous Populations/Communities. She spoke about the need to create better awareness of minority rights as a framework for action within the region and proposed that such a meeting be

organized, in cooperation with various non-governmental organizations, immediately prior to a session of the African Commission. She also recommended the organization by OHCHR of a subregional meeting in West Africa, in cooperation with the Economic Community of West African States; an NGO meeting prior to the African Union Assembly of Heads of State and Government; and further meetings at the international, regional and national levels with a specific focus on conflict resolution and peace-building.

66. Representatives of several NGOs in a joint statement called for the Working Group to organize a regional meeting on minority issues in the Middle East.

## **V. THE FUTURE ROLE OF THE WORKING GROUP**

67. Discussions under this agenda item focused on resolution 2005/79 of the Commission on Human Rights, in which the Commission requested the High Commissioner for Human Rights to appoint an independent expert on minority issues for two years, and decided to reduce the meeting time of the Working Group on Minorities. Statements were made by observers for five Governments, an academic institution and five NGOs, two of which made joint statements in the name of minority NGOs present at the session. Members of the Secretariat dealing with administrative matters and the servicing of the Commission and the Sub-Commission informed the Working Group about possible practical arrangements for implementing resolution 2005/79.

68. The observer for Austria provided extensive details of the negotiations that had led to the adoption by consensus of resolution 2005/79 with broad-based cross-regional support. The momentum created by draft decision 6 of the Sub-Commission was used for the establishment of a new mandate of an independent expert on minority issues.

69. The observer for Switzerland referred to the restrictions on the Sub-Commission's country-focused work and said that that had complicated the work of the Working Group when it came to making specific recommendations on promoting, protecting and implementing the rights of minorities. A new mandate was needed to remedy this situation and to promote the implementation of the Declaration.

70. The observer for Pakistan spoke about the importance of ensuring that there was no overlap or duplication in the work of the independent expert and that of the Working Group.

71. The observer for Egypt noted that the mandate of an independent expert had been established because it was felt that more expert work was needed in the area of minority issues and to raise the profile of minority issues. He observed that a main cause of the Working Group's ineffectiveness had been the failure to observe or apply minimal standards or criteria as to the determination of the status of a minority, unlike the Human Rights Committee. All but one of the statements made by NGOs focused on allegations of denial of minority rights and contained repetitions of ill-founded, unsubstantiated and misguided comments. His Government would have preferred to hear more about best practices and successful experiences of assimilation.

72. Mr. Sorabjee reminded the plenary that the entire *raison d'être* of the Working Group was to give a voice to the voiceless, and Governments had the right to reply to the information presented. A minority participant pointed to the fact that having minimum standards or criteria

for the admission of minorities and particular rules of evidence was not suitable for the Working Group on Minorities, as it was not a judicial or a quasi-judicial body as were the treaty bodies. Mr. Möller agreed with the observer for Egypt that mechanisms for the protection of human rights set up under ICCPR and its Optional Protocol provided better ways of assessing allegations; however, as not all States had yet become party to the Optional Protocol, often minorities and persons belonging to minorities did not have the possibility to avail themselves of these mechanisms.

73. Two joint statements were made on behalf of minority representatives. Many of the concerns expressed by previous speakers were raised, especially the reduction of meeting time. They supported the proposal that consideration should be given to holding the meetings of the Working Group immediately prior to the Sub-Commission. They reiterated the importance of the Working Group ensuring continued access for minority participants from NGOs without consultative status to present their situations and concerns, and proposed that the new independent expert should be able to take up some of these situations in accordance with his/her mandate. They also emphasized the importance of mainstreaming minority issues throughout the work of the United Nations, including its work on conflict prevention, development and human rights. Additionally, an expert from Queen's University Belfast provided views on ways of making progress on minority issues. Many participants agreed with those statements. The statements made under this agenda item are available on the OHCHR web site.

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

74. In a closed meeting held on 3 June 2005, the Working Group prepared a set of recommendations which were circulated, discussed and adopted in the public meeting during the afternoon session on that day. Considerable discussion surrounded the question of meetings in subregions or regions, as well as the importance of ensuring respect for human rights principles and provisions in the application of security and anti-terrorism legislation. Minor changes were made to take account of some of the comments made during the discussion.

## **VII. DECISIONS AND RECOMMENDATIONS**

75. **On the basis of the discussions held during the eleventh session, the Working Group agreed on its decisions and recommendations for future action, which are set out below:**

### *The Working Group on Minorities:*

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

**1. Decides, in the light of Commission on Human Rights resolution 2005/79, that the following items should be included in the agenda, under item 3, for its next session, in accordance with its mandate:**

**(a) Promotion and practical realization of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (hereafter referred to as the United Nations Minorities Declaration) including solutions to problems involving persons belonging to minorities;**

**Sub-item on: Effective mechanisms for solutions to problems involving minorities, including conflict prevention and resolution;**

**(b) Thematic issues**

**In 2006 the following thematic issue is proposed for discussion:**

**Mainstreaming the rights of persons belonging to minorities into the Millennium Development Goals, in particular on goal 1 concerning the halving of poverty by 2015;**

**(c) Cooperation with the independent expert on minority issues and United Nations organizations.**

**2. *Decides* to encourage the holding of further regional or subregional meetings, in cooperation with regional mechanisms wherever possible;**

**3. *Recommends* that training on the use of United Nations human rights mechanisms should take place in conjunction with these meetings;**

**4. *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;**

**5. *Invites* non-governmental organizations and academic institutions to present studies on the promotion and protection of the rights of persons belonging to the following minorities:**

**(a) Pastoralists;**

**(b) Afro-descendants (taking into account the work of the Commission on Human Rights Working Group on Persons of African Descent);**

**(c) Fisherfolk.**

**6. *Decides* to forward the statements made at the eleventh session by minority representatives and non-governmental organizations to the Governments concerned and invites their considered response to be shared with the Working Group on Minorities, with a view to promoting constructive dialogue between and among persons belonging to minorities and Governments and to sharing major developments on the promotion and practical realization of the United Nations Minorities Declaration;**

**7. *Decides* to forward the statements made at the eleventh session by minority representatives and non-governmental organizations, as well as responses from Governments, to relevant United Nations human rights mechanisms, specialized agencies and other organizations of the United Nations system, with a**

view to their effectively addressing minority situations within their respective fields of competence, as laid down in article 9 of the United Nations Minorities Declaration;

8. *Decides* to invite non-governmental organizations and persons belonging to minorities to prepare their submissions, where possible, prior to the next session, and to request the Secretariat to transmit them to the concerned Governments;

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

10. *Invites* specialized agencies and other organizations of the United Nations system to participate in the Working Group and to present information on their contribution to the full realization of the rights and principles set forth in the United Nations Minorities Declaration, within their respective fields of competence;

11. *Invites* the minority organizations, to structure their submissions under item 3 (a) 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 effective remedies to solve those problems;

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

12. *Recommends* that consideration be given to supporting a study on the utility and advisability of an international convention on the rights of persons belonging to minorities;

13. *Recommends* that the Sub-Commission request the Commission on Human Rights to authorize the Working Group to meet annually immediately prior to the session of the Sub-Commission;

#### **C. Governments**

14. *Re-emphasizes* the importance of the establishment of a voluntary fund to support the participation of minority representatives, especially from developing countries, in the meetings of the Working Group on Minorities and related activities and to facilitate the organization of activities relating to the implementation of the rights of persons belonging to minorities;

15. *Invites* Member States in 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;

**16. *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 States parties to the relevant human rights treaties would be required to give effect to the views adopted under international human rights complaints procedures;**

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

**(e) Establishing or reviewing existing programmes for good governance with a view to ensuring 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, and mutual accommodation, consistent with the principles set out in article 8.3 of the United Nations Minorities Declaration;**

**(f) Providing effective and easily accessible remedies to redress violations of the rights of persons belonging to minorities. All courts or tribunals must be independent and impartial and due process guarantees must be afforded to victims of violations of minority rights. Courts or tribunals should be empowered to award reparations, including compensation, to the victims of violations of minority rights. 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 the rights of persons belonging to minorities or actively instigated such violations and bring to justice those responsible for such violations;**

**(h) Establishing national human rights institutions comprising persons of independence and ability and enabling such institutions to investigate and grant appropriate relief for violations of the rights of persons belonging to minorities 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 the rights of persons belonging to minorities;**

(i) **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;**

(j) **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 persons belonging to minorities to public media;**

(k) **Enacting appropriate legislation to prevent and proscribe hate speech and other forms of incitement to violence against persons belonging to minorities;**

(l) **Ensuring the effective protection of human rights defenders, including those belonging to minorities;**

(m) **Ensuring that persons belonging to minorities benefit from affirmative action programmes and policies, such as those providing substantial quotas for access to education and improving access to social services, and that civil society is involved in monitoring the implementation of such programmes and policies;**

(n) **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. 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;**

18. ***Recommends* the continued operation of the Minority Fellowship Programme and the further preparation of a minority profile and matrix;**

19. ***Invites* the Office of the High Commissioner for Human Rights to update and prepare further pamphlets for inclusion in the *United Nations Guide for Minorities*;**

20. *Invites* the Office of the High Commissioner for Human Rights to update and re-issue the publication entitled *Human Rights: A Basic Handbook for UN Staff* and to make it available to minority representatives with a view to promoting awareness among minority communities of the United Nations human rights programme and its monitoring and protection mechanisms;

21. *Requests* the Office of the High Commissioner for Human Rights to ensure that minority issues are mainstreamed into the work on human rights-based approaches to development, particularly through the proposed task force on the Millennium Development Goals;

22. *Requests* the Office of the High Commissioner for Human Rights to issue a press release prior to and at the end of the sessions of the Working Group;

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

23. *Recommends* that the international, regional and national development agencies, specialized agencies of the United Nations, the World Bank and regional development banks:

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

(c) With a view to strengthening the links and cooperation between the Working Group and United Nations organizations and agencies, consider supporting, including financially, the participation of minority representatives in the meetings of the Working Group on Minorities;

F. United Nations peacekeeping and peace-building operations, humanitarian organizations and country presences of other United Nations agencies and organizations

24. *Recommends* that the protection of persons belonging to minorities be mainstreamed in the work of United Nations peacekeeping and peace-building operations, humanitarian organizations and country presences of other United Nations agencies and organizations and draws attention, in this context, to the situations, for example, of the Roma in Kosovo (Serbia and Montenegro), ethnic groups in Darfur, Sudan, and the Anywa ethnic group in the Gambella region of Ethiopia, which were raised during the eleventh session of the Working Group.



## **ANNEXES**

### **Annex I**

#### **LIST OF PARTICIPANTS**

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

Mr. José BENGOA (Chairperson-Rapporteur), Mr. Mohamed Habib CHERIF, Mr. Vladimir KARTASHKIN, Mr. Jakob Th. MÖLLER, Mr. Soli SORABJEE

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

Algeria, Austria, Azerbaijan, Belgium, Bhutan, Bulgaria, Burundi, Chile, Congo-Brazzaville, Cyprus, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Hungary, Indonesia, Iran (Islamic Republic of), Israel, Japan, Kenya, Korea (Republic of), Kyrgyzstan, Latvia, Mexico, Nigeria, Pakistan, Philippines, Poland, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, Switzerland, Syrian Arab Republic, Turkey, Uganda, Ukraine, 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**

Office of the OSCE High Commissioner on National Minorities, Council of Europe (Secretariat of the Framework Convention for the Protection of National Minorities).

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

All For Reparation and Emancipation (AFRE), Association of World Citizens, Asian Forum for Human Rights and Development, Baha'i International Community, International Service for Human Rights, Ligue Internationale pour les Droits et la Libération des Peuples - LIDLIP (International League for the Rights and Liberation of Peoples), Minority Rights Group International (MRG), South Asia Human Rights Documentation Centre (SAHRDC), United Nations Watch.

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

Action for Development, Ahwaz Education and Human Rights Foundation, Al Kalema Center for Human Rights, ASED (Aides spécialisées aux élèves en difficultés), Association des Turkmènes Irakiens en France, Association of Eviction Victims of Port Harcourt Waterfront, Association pour la recherche, la promotion et la préservation des intérêts socio-économiques des désavantagés, Assyrian Academic Society, Bangladeshi Hindu - Buddhist - Christian Unity

Council Europe/Switzerland, Bangladeshi Hindu - Buddhist - Christian Unity Council USA, Canadian Egyptian Organization for Human Rights, CCS - Roma Advocacy Group, Centre for the protection of the Ogbogolo people (CENPOP), Christian Alliance for Peace and Development, Cimarron - National Movement for the Human Rights of Afro-Colombian Communities, Civil Liberties Organization (CLO), Culture of Afro-indigenous Solidarity, Dalit Social Forum, DarEmar/Tharwa Project, East-West Center for Research and International Dialogue, Ethiopian Women Lawyers' Association, Geneva for Human Rights, Global Human Rights Defence, Gudina Tumsa Foundation, Human Rights Congress for Bangladesh Minorities (HRCBM), Humana Global, Indigenous Information Network, Indo-Canadian Kashmir Forum, International Centre of Human Rights of the Kurds (IMK), International Committee for the Respect of the African Charter (ICRAC - CIRAC), International Crisis Group (ICG), Kyrgyzstan, Institute for Dispute Resolution, Iraqi Turkmen Human Rights Foundation - Ireland, Iraqi Turkmen Human Right Research Foundation (SOITM), Iraqi Turkmen Right Advocating Committee (ITRAC), Kamanakao Association, Lumah Ma Dilaut Center for Living Traditions, Libyan Working Group, Meghalaya Peoples Human Rights Council (MPHRC), Mossawa Center - The Advocacy Center for the Arab Citizens in Israel, Muttahida Quami Movement (MQM), National Commission for Reparations (NCR), Pastoralist Forum Ethiopia, PHILRIGHTS, RHA - Roma Humanitarian Association "Sun", Romani PRAHLIPE, Romani Union/Romani Associations FR, Sejf, Senegalese Youth Union for Peace and Progress, Society of Democratic Reforms, South Asia Forum for Human Rights, Stichting A. XANI.D.O., Towards A New Start (TANS), Terik Council of Elders, Union Chrétienne pour l'éducation et le développement des déshérités (UCEDD – Burundi), UNIPROBA (Unissons-nous pour la promotion des Batwa), Western Thrace Minority University Graduates Association.

## VII. ACADEMICS AND OTHERS

European Centre for Minority Issues

Mr. Mark WELLER

Queen's University Belfast

Prof. Tom HADDEN

Mr. Conor KENNEDY

Ms. Rebecca THOMAS

Mr. Priyamvada YARNELL

Theologische Hochschule Friedensau  
(Friedensau University)

Prof. Horst Friedrich ROLLY

Mr. Axel SCHROEDER

Mr. Jens Christian DOMBROWSKY

## Annex II

### LIST OF DOCUMENTS BEFORE THE WORKING GROUP ON MINORITIES AT ITS ELEVENTH SESSION

| <i>Symbol</i>                  | <i>Title</i>   |
|--------------------------------|--|
| E/CN.4/Sub.2/AC.5/2005/1       | Provisional agenda   |
| E/CN.4/Sub.2/AC.5/2005/1/Add.1 | Annotations to the provisional agenda  |
| E/CN.4/Sub.2/AC.5/2005/2       | Commentary on the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as a Commentary of the Working Group as a whole  |
| E/CN.4/Sub.2/AC.5/2005/3       | Minorities and the work of National Human Rights Institutions for the Promotion and Protection of Human Rights, future Pamphlet No. 15 of the <i>United Nations Guide for Minorities</i>   |
| E/CN.4/Sub.2/AC.5/2005/4       | Report on the Sub-regional Seminar on Minority Rights: Cultural Diversity and Development in South Asia, held in Kandy, Sri Lanka, from 21 to 24 November 2004, Ms. Asma Jahangir, Mr. M.C.M. Iqbal and Mr. Soli Sorabjee, Co-Chairpersons-Rapporteurs   |
| E/CN.4/Sub.2/AC.5/2005/5       | Conclusions and recommendations of the Sub-Regional Seminar on Minority Rights: Cultural Diversity and Development in Central Asia, held in Bishkek, from 27 to 30 October 2004, Mr. Alisher Sabirov, Kyrgyz Republic, Chairperson, and Ms. Zumrat Salmorbekova, Kyrgyz Republic, Deputy Chairperson |
| E/CN.4/Sub.2/AC.5/2005/WP.2    | Summary of the discussion at the Sub-regional Seminar on Minority Rights: Cultural Diversity and Development in Central Asia, held in Bishkek, from 27 to 30 October 2004, Mr. Alisher Sabirov, Chairperson, Ms. Zumrat Salmorbekova, Vice-Chairperson   |
| E/CN.4/Sub.2/AC.5/2005/WP.3    | Report of the African Commission on Human and Peoples' Rights Working Group of Experts on Indigenous Populations/Communities   |
| E/CN.4/Sub.2/AC.5/2005/WP.4    | "The Millennium Development Goals: Helping or Harming Minorities?", paper submitted by Minority Rights Group International   |

- E/CN.4/Sub.2/AC.5/2005/WP.5 “Towards a General Comment on Self-determination and Autonomy”, paper submitted by Marc Weller, Director, European Centre for Minority Issues
- E/CN.4/Sub.2/AC.5/2005/WP.6 Summary of presentations to the Sub-regional Seminar on Minority Rights: Cultural Diversity and Development in South Asia, held in Kandy, Sri Lanka, from 21 to 24 November 2004, Ms. Asma Jahangir, Mr. M.C.M. Iqbal and Mr. Soli Sorabjee, Co-Chairpersons-Rapporteurs
- 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 Minorities: The role of the Working Group”, paper prepared by Tom Hadden, Queen’s University Belfast
- E/CN.4/Sub.2/2004/29 Report of the Working Group on Minorities of its tenth session
- E/CN.4/2005/81 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.

-----