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**Human Rights Council****Twenty-fifth session**

Agenda items 2 and 3

**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*

This present report is submitted pursuant to resolutions 13/12 and 22/4 of the Human Rights Council which request that the High Commissioner for Human Rights submit to the Human Rights Council an annual report 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.

In the course of the year and through its activities, OHCHR emphasised once again that minorities, owing to their status and distinct identity are often excluded from participation in society in various fields and levels and therefore are in need of special protection. The activities undertaken this year by the Office at headquarters and in the field were focused on strengthening system wide engagement on minority issues and advocacy on minority rights through knowledge sharing, the use of mechanisms and commitment to protect.

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## **I. Introduction**

1. Human Rights Council (Council) resolutions 13/12 of 2010 and 22/4 of 2013 concerning the rights of persons belonging to national or ethnic, religious and linguistic minorities, request the United Nations Office of the 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 United Nations Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities (Declaration).

2. Adopted by consensus in 1992, the Declaration provides global standards for the protection of minorities and encourages conditions to promote their identity. While the Declaration is not binding, States do recognise their duty to protect minorities in order to enable them to enjoy their individual human rights. For this, the Declaration requires that States take positive measures in legislation, policies and practice to achieve substantive equality for minorities in all fields including cultural, social, economic, civil and political. In this regard, international, regional and national initiatives aimed at combating discrimination and exclusion can play an important role in protecting minority rights and strengthening the rule of law and democracy through participation by all.

3. In the course of the year and through its activities, OHCHR emphasised once again that minorities, owing to their status and distinct identity are often excluded from participation in society in various fields and levels and therefore are in need of special protection. While maintaining their distinct identity as minorities is essential to true equality, inclusion of minorities in the societies in which they live may require positive steps on the part of States. OHCHR also contributed inter alia to enhance awareness on minority rights and to sharing good practices to remove barriers to effective participation and prevention of tensions.

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

4. Throughout the year, the High Commissioner stressed in her public statements the importance of advancing non-discrimination and protection of minorities. For example, in her opening statement to the Council, on 29 May, the High Commissioner asserted with respect to Syria that recent virulent instances of incitement to violence on grounds of religion or ethnicity, and the increasing involvement of a variety of extremist foreign fighters, stand as ominous signs of more violence to come. She also referred to Syria's reputation for tolerance, with Sunnis, Shia, Alawites, Christians, Kurds, Druze and many other communities living side-by-side in relative harmony and that the international community must drive home an uncompromising message that all Syrians are entitled to live in their own country, in safety and without fear, regardless of their religion, ethnicity or political affiliation.

5. On 19 June, the High Commissioner urged the government of Myanmar to devote urgent attention to tackling the continuing discrimination against ethnic and religious minorities in the country, warning that failure to act could undermine the reform process. She also warned that the on-going human rights violations against the Rohingya community in Rakhine State, and the spread of anti-Muslim sentiment across the State and beyond, is

threatening the reform process and requires focused attention from the Government. She urged the government to allow humanitarian assistance and aid to reach the people and communities affected and to end impunity for all violations of human rights.

6. In July 2013, the High Commissioner urged all parties in Egypt to make a concerted effort to restore calm by ensuring that the human rights of all citizens are respected and protected during this delicate period. She reiterated her concerns about Egypt's revised Constitution as well as a number of laws, and draft laws, drawn up since the 2011 revolution, relating to issues such as freedom of expression, freedom of assembly, the freedom for civil society organizations to operate freely and effectively, and the rights of women and minorities.

7. The High Commissioner thanked the Government of Sri Lanka for its excellent cooperation during the planning and conduct of her visit from 25-31 August 2013. She expressed alarm at the surge of incitement to hatred and violence against religious minorities, including attacks on churches and mosques, and the lack of swift action against the perpetrators. She welcomed the Government's policy of introducing tri-lingualism all across the country.

8. At the opening of the 24th session of the Council, on 9 September 2013, the High Commissioner expressed her concern about the continued social exclusion and segregation of Roma in many European States. She pointed to the worrying reports about Roma increasingly becoming the targets of hate speech, demonstrations and violence by non-State actors, and that the authorities themselves have in some cases adopted policies that increase the vulnerability of Roma populations. She has noted with concern the findings of the report of the French Ombudsman in July that showed that forced evictions of Roma in France were taking place in ways that were incompatible with international standards and national legislation, and support the Ombudsman's recommendations.

9. During her meeting on caste-based discrimination in the United Kingdom organised by the Anti-Caste Discrimination Alliance on 6 November 2013, the High Commissioner asserted that caste-based discrimination is of immediate concern to the Office, "because it is destructive of all we stand for". She stated that it is estimated that caste-based and other, related forms of discrimination spell a life of humiliation, exclusion and poverty for about one-quarter of a billion women, men and children worldwide and that the problem is not restricted to one region or one religious community. She made several recommendations and encouraged renewed political and social commitment to legal principles, and the need to engage the international and national working mechanisms to advance implementation.

10. On 8 November, the High Commissioner issued a press release warning on the escalating violence in the Central African Republic. She recalled that "[f]or decades, diverse ethnic and religious communities have lived together in this country. This escalation of violence and hatred must be halted before it spins completely out of control," the High Commissioner said.

#### **A. Work to strengthen advocacy**

11. Whether international, regional or national, minority rights mechanisms are vital for turning rights and obligations laid out in normative standards into reality. As instruments of implementation, mechanisms have varied competences, ranging from monitoring and reporting to providing information for thematic discussions and sharing of positive practices and follow-up. What is common to all of them is that their impact is conditioned upon close engagement with, and inclusion of, minority rights advocates. The voice of minority representatives and other minority rights advocates is essential for mechanisms to

focus on the most pressing issues and to formulate recommendations that address the key human rights challenges that minorities face. The OHCHR publication entitled “Promoting and protecting minority rights: A Guide for advocates” (Guide) reflects the organization’s experience in the field of minority rights and offers an important tool for minority rights advocates worldwide in their activities to protect their rights and participate in societies in which they live.

12. As part of the launching of this publication OHCHR organised in Geneva, on 28 November 2013, an expert panel on “Strengthening Minority Rights Advocacy through Implementation Mechanisms” to examine strategies and practical measures to reinforce capacity of minority rights activists to engage with mechanisms at the international, regional and national levels to ensure better protection of minority rights.

13. Under international human rights law, persons belonging to minority groups are to enjoy individual rights derived from universal human rights standards. Article 27 of the International Covenant on Civil and Political Rights and Article 30 of the Convention on the Rights of the Child both offer binding provisions while the Declaration offers guidance to States in adopting measures to secure minority rights for all including women and girls. These and other normative sources of minority rights provide the scaffolding for minority rights advocates in claiming their rights. These standards would, however, have only a limited impact without the mechanisms created to facilitate their implementation.

14. The panel brought together minority rights experts and advocates to discuss how international and regional mechanisms can be used more effectively to secure awareness and strengthen capacity to protect. The panel discussions provided an opportunity for participants to share information on how the Guide could reinforce strategies and better empower minorities, including women, in claiming their rights through strengthened advocacy and to secure roles in decision-making.

15. As part of the launching, OHCHR also organised an expert panel on the “Rights of Linguistic Minorities in a Digital Era” in Geneva on the afternoon of 28 November. The panel used as premise on the one hand, the tension that exists between: the usefulness of rapid developments in information and communications technology and in particular social media which can facilitate the effective engagement of minorities and strengthen the protection of their languages; and, on the other hand, the risk that minorities are negatively affected by the “digital divide” and the domination of majority languages in the new media landscape.

16. During the discussions, experts on linguistic rights and new media explored opportunities and challenges and discussed how minority rights advocates and human rights mechanisms can work to ensure that the linguistic and other rights of minorities are fully guaranteed in a digital era. Participants included representatives of various UN entities, regional organizations, experts on minority rights and new informational technologies, NGOs and representatives of minorities. Participants explored how the rapid growing digital media and other information technology developments create new opportunities for minorities as well as challenges that may require revisiting measures needed to protect language rights, freedom of expression, right to information and to participate in decision making.

## **B. Minorities fellowship programme**

17. The annual Minorities Fellowship Programme took place from 29 October to 30 November 2013 for persons belonging to national, ethnic, religious or linguistic minorities. The programme comprised two linguistic components (Arabic and English); participants

came from Canada, Colombia, Ethiopia, Egypt, India, Iraq, Libya, Latvia, Nigeria, Nepal, Syria and the Sudan. The fellowship enables individuals from minority groups to gain knowledge on the UN human rights machinery and strengthen their advocacy skills. The OHCHR senior Minority Fellowship Programme brought to Geneva a minority advocate who worked within the Indigenous Peoples and Minorities Section to gain specialised knowledge and to bring the knowledge gained to her community.

18. Through the OHCHR fellowship programme and in partnerships with NGOs, OHCHR is building capacity of minorities to make full use of the Forum on Minority Issues and other human rights mechanisms and to take the knowledge acquired to their respective communities. OHCHR minority fellows as well as former fellows have become leaders of minority rights advocacy, as exemplified by Rita Izsak, the present Independent Expert on Minority Issues.

## **C Forum on Minority Issues**

19. At its sixth session, held on 26 and 27 November entitled “Beyond freedom of religion or belief: Guaranteeing the rights of religious minorities” the Forum on Minority Issues addressed challenges connected to religious minorities including from the perspective of respect for the right to freedom of religion or belief. The Chair of the session, Ms. Hedina Sijerčić in her opening speech reiterated the goal of the session to identify measures to guarantee the rights of religious minorities to security. While the discussions at the Forum covered various minority rights issues, it focused on the rising tide of violent attacks against religious minorities.

20. Consistent with previous sessions, this one provided a platform for promoting dialogue and corporation while allowing for stakeholders involved in the promotion and protection of minority rights in various regions to meet and exchange ideas and share knowledge. The draft recommendations of the Forum emphasized the implementation of measures which could address inter alia, acts of violence and incitement to religious hatred. In this connection, the security of religious minorities requires positive and preventative actions involving in particular States, regional and international organization as well as minorities themselves. The role of interfaith dialogue aimed at promoting interreligious, intercultural and interfaith harmony in combating discrimination and exclusion based on religion or belief was emphasized.

## **D Regional and country engagement activities**

21. Throughout 2013, the OHCHR Regional Office for Europe continued engaging on the Roma right in Europe. In February, the Regional Office hosted the Roma Task Force of the UN Regional Director's Group. The same month, the European Commission adopted its main social policy document of this term, the Social Investment Package, consisting of, inter alia, a recommendation on investing in children as well as on Roma and migrant children, to which OHCHR contributed and which are potentially useful for further advocacy. In June 2012, the Regional Office organized the second meeting of the Roma Right to Health Civil Society Group (part of the Inter-Agency Coordination Initiative on Roma Health). Participants from civil society, the UN system, the European Commission and the Council of Europe discussed specific issues, including the involuntary sterilization of Roma women and racial segregation in maternity wards, as well as developments in national Roma integration policies since the first meeting of the Group, in January 2012.

22. In 2013, OHCHR Human Rights Advisor in Serbia started a Roma housing project, for which it has developed the Criteria for Evaluation of Locations for Social Housing of Roma in Belgrade. In coordination with the project team and Serbian human rights NGOs, OHCHR has assisted in developing the Methodology for Community Consultations that will guide consultative processes throughout project implementation. Since its endorsement in March 2013, OHCHR in the Former Yugoslav Republic of Macedonia has promoted the Secretary-General Guidance Note on Racial Discrimination and the Protection of Minorities among United Nations country team's staff.

23. In the course of the year and for the first time since it has established presence in the sub-region, OHCHR in the South Caucasus undertook, a number of activities focusing on rights of minorities. A conference on freedom of religion or belief, which addressed the rights of religious minorities, was organized in Armenia and Georgia jointly with the European Centre for Minority Issues (ECMI) and the Royal Dutch Embassy in Tbilisi, Georgia. OHCHR in South Caucasus also provided a grant to a Georgian NGO, Levan Mikeladze Foundation, to research the situation on human rights of Armenian minorities in Georgia and to an Armenian NGO, Eurasia Partnership Foundation, to research the implementation the recommendations of the UN human rights mechanisms on freedom of religion or belief in Armenia, in particular with regard to minorities.

24. OHCHR undertook a number of activities in the Republic of Moldova, as concerns minority rights protection and racial discrimination. It worked with Prime Minister's Adviser on Roma Community Issues to resolve issues of segregated education of Roma children in a number of municipalities; and, it carried out seminars on minority rights issues in the framework of the Government's Bureau on Interethnic Relations. OHCHR began work more systematically to support the ability of the Bureau and the NGOs affiliated with the House of Nationalities to monitor and report on minority rights issues, in particular in the field of education. It also had a roundtable session, in cooperation with the UN Development Programme at the Parliament and the Central Electoral Commission on linguistic and other rights of minorities.

25. In early 2013, the OHCHR Regional Office for Central Asia provided expertise to the Presidential Administration in Kyrgyzstan on the drafting of a policy document on inter-ethnic issues and minority rights. In March, the Parliament approved the Concept on Strengthening the Unity of People and Inter-ethnic Relations in the Kyrgyz Republic, which included provisions aimed at improving the representation of minorities in state bodies and the preservation of minority languages. OHCHR is now advising the Presidential Administration on implementation of the Concept and its provisions.

26. In October 2013, OHCHR Regional Office for Central Asia presented the findings of research undertaken in the areas of the rights of minorities in the spheres of education, media and public and political participation in Kyrgyzstan, Tajikistan and Kazakhstan. Particular improvements are to be made in legislation, policies and practices and the outcome recommendations of the regional seminar will form the basis for future work on minority rights protection in the region.

27. The United Nations Assistance Mission for Iraq (UNAMI) has continued to support the Article 125 Committee of the Iraqi Council of Representatives to ensure that the law for the protection of the rights of ethnic and religious minority communities meets international standards. In October, UNAMI facilitated the second dialogue on the draft law. The first dialogue was convened in September under the auspices of the Article 125 Committee and the UNAMI Office of Political Affairs and UNAMI Human Rights Office. Participants examined comments from various civil society organizations and revised the draft law article by article. The Article 125 Committee is still facing challenges with respect to the structure of the draft law, its terminology and implementing mechanism. The Committee

was named after Article 125 of the Constitution, which guarantees the administrative, political, cultural and educational minority rights.

28. The United Nations Support Mission in Libya (UNSMIL) advocated successfully for the inclusion of a quota for minorities in the law to elect the Constitution Drafting Assembly. UNSMIL provided capacity building for members of the three groups and plans to hold a series of capacity building workshops, including on human rights and rights of minorities. UNSMIL is exploring with members of the United Nations Country Team (UNCT) possible methods of addressing with the authorities some of the challenges relating to rights of minorities. It is worth noting that UNDP provided capacity building on local governance in areas dominated by minority groups in Libya.

29. OHCHR worked closely with regional actors on minority issues. It contributed for example to enhanced interaction between the UN and the Council of Europe's minority rights activities in connection with the 15<sup>th</sup> anniversary of the entry into force of the Framework Convention for the Protection of National Minorities and to the preparation of the Ljubljana Guidelines on Integration of diverse societies issued by the Organization for Security and Co-operation in Europe High Commissioner on National Minorities.

### **III. United Nations Network on racial discrimination and protection of minorities**

30. Combatting racial discrimination and protection of minorities are amongst key tasks of the organisation and virtually all UN Departments and agencies pursue activities that relate, directly or indirectly, to racial discrimination and minority issues. Article 9 of the Declaration provides that "the specialized agencies and other organizations of the United Nations system shall contribute to the full realization of the rights and principles set forth in the present Declaration, within their respective fields of competence". In order to enhance the combined impact of the work of the UN system in this area, the Secretary General established on 6 March 2012 the UN Network on Racial Discrimination and Protection of Minorities

31. The Network is to enhance dialogue and cooperation between relevant United Nations Departments, Agencies, Programmes and Funds. The Network is facilitated by focal points for racial discrimination and minority rights, appointed by relevant entities of the United Nations system. The Network is a flexible mechanism and its work is built largely on new communication tools and other cost-effective methods of work, which can include engagement not only with the relevant UN mechanisms – including the Independent Expert on minority issues – but also with regional actors as well as minority representatives and others concerned. The timing of the establishment of the Network in 2012 benefited from the momentum created by the 20th anniversary of the Declaration which was used to promote dialogue around the principles of the Declaration.

32. Consistent with its tasks, the Network, within 12 months, developed a Guidance Note for the UN system on how to address racial discrimination and protection of minorities in line with the Universal Declaration of Human Rights and other key standards, drawing from effective practices. The Guidance Note was endorsed by the Secretary General on 3 March 2013, attached as annex to this report contains guiding principles and priority areas of action for the UN, captured in 19 recommendations. It has been widely shared within the UN system and for other stakeholders.

33. The Network is now completing an Action Plan to support the implementation of the Guidance Note aiming to: (i) establish a strong foundation for future UN system efforts to



address racial discrimination and protection of minorities; (ii) provide practical and achievable suggestions for implementing the 19 recommendations of the Guidance Note; (iii) coordinate the work of the Network in order to use existing strengths, capacities and initiatives and to facilitate complementary approaches in implementing the Guidance Note; and (iv) set measurable outputs for the Network to assess progress in implementing the Guidance Note.

34. In terms of implementation strategy, the Network will set up small working groups to pursue selected Action Plan activities, with one Network member coordinating the respective work. Such activities include for instance: support to the UN Country Teams (UNCTs) working on initiatives of relevance to the Guidance Note; enhancing existing training packages; supporting regional initiatives; facilitating exchanges between UNCTs; and drafting targeted advisory notes; disseminating recommendations of international and regional bodies.

35. Overall, the Network will continuously identify emerging opportunities over the 4-year period of the Action Plan and facilitate means of integrating the Action Plan into new initiatives. The Network has held five (video-conference) meetings thus far. Some of the meetings were preceded by events/consultations, organized by OHCHR, with minority organizations and other stakeholders on the advancement of work to combat racial discrimination and to protect minorities in the United Nations system.

## **IV. Treaty bodies**

36. Human Rights treaty bodies have addressed minority issues throughout the reporting period, as illustrated in the below non-exhaustive examples.

### **A. General comments and Concluding observations**

#### **1. Human Rights Committee**

##### **(a) 106th Session (15 October – 2 November 2012)**

37. In the concluding observation for Bosnia and Herzegovina, the Human Rights Committee recommended the State party to ensure citizens from all ethnic groups could have equal participation in election (CCPR/C/BIH/CO/2, para. 6) and expressed concerns towards Roma's situation regarding the rights to access to housing, health care, employment, education and participation in public affairs (CCPR/C/BIH/CO/2, para. 21). Similar concerns on Roma have also been raised in the report on Portugal (CCPR/C/PRT/CO/4, para. 5).

38. In the report on Turkey, the Committee recommended that the State party should ensure that all persons belonging to ethnic minorities, religious or linguistic minorities are effectively protected against any form of discrimination (CCPR/C/TUR/CO/1, para. 9). The Committee also requested that Germany ensures the right to housing which should be enjoyed without discrimination based on ethnicity (CCPR/C/DEU/CO/6, para. 7).

##### **(b) 107th Session (11 – 28 March 2013)**

39. With regards to Hong Kong, China, the Committee recommended the State party to consider introducing comprehensive anti-racial discrimination laws, in accordance with the Covenant. The Committee also expressed concerns that the situation of ethnic minorities in

Hong Kong and the learning of the Chinese language and urged the State party to ensure that ethnic minorities can integrate in public schools (CCPR/C/CHN-HKG/CO/3, para. 19 and 22).

**(c) 108th Session (8 – 26 July 2013)**

40. Regarding the situation of Czech Republic, the Committee expressed concern about the situation of Roma children being segregated from mainstream education, and urged the State party to ensure independent, culturally sensitive medical evaluations when considering putting all children, including Roma children, in special needs classes (CCPR/C/CZE/CO/3, para. 10). Statistic on victims of trafficking should also be disaggregated according to ethnicity (CCPR/C/CZE/CO/3, para. 16). Concern with respect to the segregation of Roma children in the education system was also raised by the Committee in its report on Finland. The Committee urged the State party to ensure that Roma children have access to non-segregated education (CCPR/C/FIN/CO/6, para. 17).

41. On the situation of religious minorities in Indonesia, the Committee called attention to the lack of freedom of expression and persecution of religious minorities, and thus recommended the State party to provide protection measures to end the violence directed against religious minorities (CCPR/C/IDN/CO/1, para. 25). The State party was also called upon to gather statistics on victims of trafficking according to ethnicity (CCPR/C/IDN/CO/1, para. 18). The Committee requested the State party Tajikistan to ensure that ethnic minorities can participate in political affairs and provide data representation of minority groups in political bodies and decision-making positions (CCPR/C/TJK/CO/2, para. 25).

42. In the report on Ukraine, the Committee expressed concern at reports of hate speech, threats and violence against members of ethnic groups, religious and national minorities, in particular Roma, Jehovah's Witnesses and Crimean Tatars, resulting in physical assaults, acts of vandalism and arson; and recommended the State party to increase its efforts to combat discrimination against Roma (CCPR/C/UKR/CO/7, para. 11).

**2. Committee on the Economic, Social and Cultural Rights**

**(d) 49th Session (12 – 30 November 2012)**

43. The Committee on Economic, Social and Cultural Rights expressed concern that minorities, particularly the Roma and the Turkish, continue to be discriminated in the areas of education, employment, health and housing in Bulgaria; as well as lack of official recognition for those who are national minorities. The Committee recommended the State party to eliminate discrimination against minorities and give official recognition of national minorities under its Constitution (E/C.12/BGR/CO/4-5, para. 7 and 23). The Committee regretted the State party of Mauritania did not promote the specific cultural heritages of the ethnic minorities, namely, the Pulaar, the Soninke and the Wolof. The Committee requested the State party to take measures for the promotion of the cultural heritage of ethnic minorities (E/C.12/MRT/CO/1, para. 32).

**(e) 50th Session (29 April – 17 May 2013)**

44. The Committee is concerned about minorities in Azerbaijan, and noted that the Lezghin and the Talysh population continue to be the victims of widespread discrimination, in particular in employment, housing, health and education. The Committee recommended the State party to eliminate any form of discrimination and violence against minorities (E/C.12/AZE/CO/3, para. 8 and 11). As regards Denmark, the Committee was concerned

about the disadvantaged position of children of immigrants and Roma in public schools, linked to socio-economic factors, compared to ethnic Danish pupils, and recommends that the State party should prioritize the implementation of the framework for language development and ensure minority children could promptly integrated into mainstream public schools, and are not first educated in separate schools (E/C.12/DNK/CO/5, para. 19).

45. The Committee expressed concern about the unemployment, poverty, inadequate housing and lack of education opportunities available to ethnic minorities in Iran, as well as the inability for persons belonging to minorities, including Kurds, Arabs, Azeris and Baluch, to take part in cultural life. The Committee recommended the State party to adopt a comprehensive anti-discrimination bill to protect minorities (E/C.12/IRN/CO/2, para. 11, 12, 21, 23, 24, 29 and 30). As to Rwanda, the Committee recommended that the State party should effectively implement measures to ensure that different ethnic groups could fully participate in cultural life and at promoting tolerance and understanding among different groups (E/C.12/RWA/CO/2-4, para. 28). The Committee urged the Togo State Party to combat harmful practices against minority girls and women and to guarantee all ethnic groups have the right to self-identification (E/C.12/TGO/CO/1, para. 14 and 35).

### **3. Committee on the Elimination of Racial Discrimination**

46. In its General recommendation No. 35 of 26 September 2013 entitled Combating racist hate speech the Committee asserted that Media representations of ethnic, indigenous and other groups within the purview of article 1 of the Convention should be based on principles of respect, fairness and the avoidance of stereotyping. Media should avoid referring unnecessarily to race, ethnicity, religion and other group characteristics in a manner that may promote intolerance (para 40). In general, the Committee is of the view that the relationship between proscription of racist hate speech and the flourishing of freedom of expression should be seen as complementary and not the expression of a zero sum game where the priority given to one necessitates the diminution of the other. The rights to equality and freedom from discrimination, and the right to freedom of expression, should be fully reflected in law, policy and practice as mutually supportive of human rights (CERD/C/GC/35, para 45).

#### **(f) 82nd Session (11 February – 1 March 2013)**

47. The Committee on the Elimination of Racial Discrimination voiced its concern regarding offences of defamation directed to persons belonging to ethnic groups in Algeria and warned that Amazigh women risk being subjected to double discrimination on the basis of ethnicity and gender. The Committee urged the State party to incorporate the prohibition of racial discrimination into the Criminal Code and gender-related dimensions of racial discrimination as well (CERD/C/DZA/CO/15-19, para. 12 and 17). Regarding the Dominican Republic, the Committee reiterated its recommendations on the collection of statistics according to ethnicity and to ensure deportation laws would not discriminate on ethnic basis (CERD/C/DOM/CO/13-14, para. 13 and 21).

48. In the report on Kyrgyzstan, the Committee recommended the State party to promote inter-ethnic tolerance and to increase political participation of minorities. Special concern was raised with respect to minorities facing lack of access to education and exclusion based on linguistic grounds (CERD/C/KGZ/CO/5-7, para. 9, 12 and 14).

49. Regarding the situation of Mauritius, the Committee encouraged the State party to guarantee the right of everyone to freedom of religion without distinction as to race, colour, descent, or national or ethnic origin; address the under-representation of certain ethnic groups in private and public sectors employment and in the field of education; ensure the right to self-identification is secured; increase representation of ethnic group in appointed

and public bodies; and condemn and take action to eliminate ideas of racial or ethnic superiority (CERD/C/MUS/CO/15-19, para. 10, 14, 15 and 18).

50. The Committee has expressed concerns over the political racist speech in New Zealand, and recommended that the State party should intensify its efforts to promote ethnic harmony through, inter alia, raising awareness in order to combat existing stereotypes and prejudices against certain ethnic and religious groups (CERD/C/NZL/CO/18-20, para. 10).

51. Regarding the Russian Federation, the Committee has condemned incidents of racially-motivated violence and murders, particularly among young people, targeting persons originating from Central Asia, the Caucasus, Asia and Africa, as well as Roma and ethnic minorities of Muslim or Jewish faith which even led to deaths of members of ethnic minorities (CERD/C/RUS/CO/20-22, para. 11). The Committee noted that ethnic minorities, on the basis of their appearance, such as Chechens and other persons originating from the Caucasus, Central Asia or Africa, as well as Roma continue to be subject to disproportionately frequent identity checks, arbitrary arrests and detention, and harassment by the police and other law enforcement officials.

#### **4. Committee on the Elimination of Discrimination against Women**

52. During the period under consideration, the Committee on the Elimination of Discrimination against Women adopted General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations. The Committee called attention to the situation of women and girls belonging to diverse caste, ethnic, national, religious or other minorities identities who are often attacked as symbolic representatives of their community (CEDAW/C/GC/30 para 60).

##### **(g) 54th Session (11 February - 1 March 2013)**

The Committee on the Elimination of Discrimination against Women recommended the State party of Cyprus to prevent and protect minority women from violence (CEDAW/C/CYP/CO/6-7, para. 17, 18, 25 and 26). Similar concern on violence against ethnic minority women has also been expressed by the Committee in the report on Greece, as well as the situation of minority women living in remote areas (CEDAW/C/GRC/CO/7, para. 8 and 21).

53. The Committee was deeply concerned that women belonging to ethnic minorities, such as Roma women and women with disabilities, are subjected to multiple discrimination and exclusion in Hungary, and recommended that the State party addresses these problems (CEDAW/C/HUN/CO/7-8, para. 36 and 37).

54. The Committee is deeply concerned about the abduction of women and girls belonging to religious minorities for the purpose of forced conversion and forced marriages. Regarding temporary measures, the Committee is concerned that the 5 percent quota for members of minority communities to be employed in the public sector is gender neutral. The Committee called on the State party to ensure that the local government system is restored, that the 33 percent reserved seats for women are retained and that women from religious minorities are represented in such a system. (CEDAW/C/PAK/CO/4, paras. 20 and 37).

55. Regarding the situation in the Former Yugoslav Republic of Macedonia, the Committee criticized the State party for not allocating sufficient resources and the protection against violence faced by women minority communities, including the Roma and Albanian. The Committee recommended the State party to ensure sufficient resources are allocated to minority women and that their representation in diplomatic services is increase (CEDAW/C/MKD/CO/4-5, para. 16, 19 and 22).

## 5. Committee against Torture

### (h) 49th Session (29 October - 23 November 2012)

56. In the report on Albania, the Committee against Torture is particularly concerned about the lack of effective efforts by the authorities of the State party to undertake effective investigations into cases of alleged disappearance of Roma children; and urged the State party to immediately engage with the Greek authorities and to promptly create an effective mechanism to investigate these cases (CAT/C/ALB/CO/2, para. 24).

57. The Committee also expressed concern regarding the continued marginalization of and discrimination against members of the Roma minority in the Czech Republic. Specific concerns on Roma extend to: the sterilization of women without their free and informed consent; lack of comprehensive statistics on attacks being directed to Roma; and the displacement in the education system of Roma children with slight mental disabilities. The Committee recommended the State party to protect Roma citizens and their properties against attacks; to collect ethnic-based statistics, and provide adequate support to women victims of sterilization and violence based on ethnicity (CAT/C/CZE/CO/4-5, para. 11, 12, 14 and 23).

58. The Committee is concerned about the ill-treatment by law enforcement officials of Roma, and Roma street children during 1998-2002. The Committee requested the State party to strongly combat the increasing manifestations of racial discrimination, xenophobia and related violence and to create an effective mechanism to investigate these cases in order to establish the whereabouts of the missing children (CAT/C/GRC/CO/5-6, para. 12 and 27).

59. Regarding the situation in the Russian Federation, the Committee has noticed the violent attacks and abuses against Roma and other ethnic minorities, and urged the State party to take effective measures to ensure the protection of all persons at risk (CAT/C/RUS/CO/5, para. 15).

### (i) 50th Session (6 - 31 May 2013)

60. In its concluding observations on Bolivia, the Committee is particularly concerned about gender violence committed against Afro-Bolivian women and recommended the State party to adopt effective measures to prevent all forms of gender violence and prosecute those responsible and provide support to the victims (CAT/C/BOL/CO/2, para. 15).

61. Regarding the report on the Netherlands and the alleged incidents of ethnic profiling by the police and border guards aimed in particular at foreigners and members of minority groups, the Committee urged the State party to ensure that law enforcement personnel and justice officials act in compliance with the Convention (CAT/C/NLD/CO/5-6, para. 19). The Committee recommended that an ethnic perspective be added to statistics collected by the State party on complaints, investigations, prosecutions, convictions and sanctions in cases of torture and ill treatment by law enforcement, security, military and prison personnel (CAT/C/NLD/CO/5-6, para. 30).

## 6. Committee on the Rights of the Child

The Committee on the rights of the child adopted General comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1). In this regard, the Committee considered that the child's situation of vulnerability, such as, belonging

to a minority group, is an important element to be taken into account not only in relation to the full enjoyment of all the rights provided for in the Convention, but also with regard to other human rights norms related to these specific situation (CRC/C/GC/14, para 75).

**(j) 61st Session (17 September – 5 October 2012)**

62. In the report on Albania, the Committee on the Rights of the Child conveyed concern regarding the situation of minority children, in particular those of Roma and Egyptian backgrounds and highlighted the risk of the children being trafficked and marginalized in the education system. The committee called on the State party to take effective measures to prevent all forms of discrimination and protect the children (CRC/C/ALB/CO/2-4). The issue on education of children belonging to ethnic minority communities was also raised in the report on Austria (CRC/C/AUT/CO/3-4, para. 24).

**(k) 63rd Session (27 May - 14 June 2013)**

63. The Committee expressed special concern as to the situation of girls from the Yezidi community in Armenia including as regards their early marriage and recommended the State party to fully enforce the age of marriage established under the law (CRC/C/ARM/CO/3-4, para. 26). In the report on Israel, the Committee specified the need for inclusive education for children from minority communities and requested the State party to establish inclusive education systems (CRC/C/ISR/CO/2-4, para. 62). The Committee recommended the State party of Rwanda to allocate sufficient budget for minority children (CRC/C/RWA/CO/3-4, para. 16).

64. In the report on Slovenia, education for Roma children was mentioned by the Committee and the Committee requested the State party to allocate sufficient resource to allow Roma children to enrol in pre-school education (CRC/C/SVN/CO/3-4, para. 60, 61). The Committee urged the State party of Uzbekistan to increase proactive measures to tackle discriminations. However, the Committee is concerned that in practice, only mainstream religions are permitted, such as approved Muslim, Jewish, and Christian denominations while unregistered religious activities, which are frequently those of minorities, are subject to criminal and/or administrative sanctions resulting in a curtailment of the right of the child to freedom of thought, conscience and religion (CRC/C/UZB/CO/3-4, para. 7 and 32).

## **V. Special procedures**

65. On 25 January, the Independent Expert on minority issues, together with the Independent Expert on human rights in Iran, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special rapporteur on torture urged the Iranian authorities to halt the execution of five Ahwazi activists. The mandate holders noted that “the number of cases of individuals belonging to minorities being sentenced for their activities related to their minority rights is a cause for serious concern”.

66. On 12 March, the Independent Expert on minority issues urged world governments to take significant and urgent efforts to protect minority communities and their language rights. During the presentation of her report to the Human Rights Council which contained a consideration of issues and challenges affecting linguistic minorities globally, the Independent Expert stressed that the protection of linguistic minority rights is a human

rights obligation, an essential component of good governance, and important to prevent tension and conflict.

67. On 29 March, Independent Expert on minority issues called on all parties in Bangladesh to return to peaceful demonstrations after large-scale protests across the country. She stated that “[t]he attacks against the Hindu community are of serious concern, due to the fact that it constitutes a minority group in Bangladesh which has been at risk of violence at various times of the country’s history.” On the International Roma Day, 8 April 2013, the Independent Expert called for the strengthening of political and legislative commitments on the protection of human rights for the Roma.

68. On 11 April, during participation in the 53rd session of the African Commission on Human and Peoples’ Rights (ACHPR) in Banjul (The Gambia), the Independent Expert warned that hundreds of minority groups across Africa were in dire need of attention and protection, and called on all African States and the international community to act urgently in this regard.

69. On 3 May, Tanzania’s National Albinism Day, the Independent Expert called for international attention to the plight of people living with albinism. “People living with albinism do not fall under the internationally accepted definition of minorities,” she said. “However, their stigma, the lifelong social exclusion and general discrimination they face is a similar experience to those vulnerable racial minorities because of their different skin colour.”

70. On 13 May, the Special Rapporteur on freedom of religion or belief together with the Special Rapporteur for human rights in Iran, the Chair of the Working Group on Arbitrary Detention, and the Independent Expert on Minorities issues called for respect for freedom of religion in Iran and the immediate release of the seven Baha’i community leaders who are being detained solely because of their religious beliefs.

71. On 24 May, a group of independent human rights experts, including the Independent Expert on minority issues, appealed for the protection of Dalits against caste-based discrimination which remains widespread and deeply rooted in many countries. ‘Dalits’ face: marginalization, social and economic exclusion, segregation in housing, limited access to basic services including water and sanitation and employment, and work in conditions similar to slavery. The experts said that Dalit women and girls are particularly vulnerable and face multiple forms of discrimination and violence, including sexual abuse. Children are also at high risk of being sold and sexually exploited. The experts called on world Governments to endorse and implement the UN Draft Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent.

72. On 26 July, the Special Rapporteur on contemporary forms of racism, the Special Rapporteur on the rights to freedom of peaceful assembly and the Independent Expert on minority issues welcomed the decision of the European Court of Human Rights (*Vona v. Hungary* (Application no. 35943/10)) which provides clearly that associations which convey radical extreme-right messages have no place in democratic societies. “We praise the decision of the European Court of Human Rights as it represents a much needed call for action for the defence of the rights and dignity of persons belonging to minorities, Roma people in the present case,” said the Independent Expert.

73. On 21 November, the Independent Expert on minority issues, along with the five-Member Working Group of Experts on People of African Descent; the Special Rapporteur in the field of cultural rights; and, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance called on the Government of the Netherlands to take the lead in facilitating the growing national debate, in order to promote understanding, mutual respect and intercultural dialogue. This call was made with regards to the annual celebration in the Netherlands of the arrival of Saint Nicholas or *Sinterklaas*

and the debate over whether the portrayal of his servant, Zwarte Piet (Black Pete), perpetuates a negative stereotype of Africans and people of African descent.

74. While it is the prerogative of the people of the Netherlands to discuss and decide, the experts strongly encouraged the Government to support and facilitate an open debate on the issue, with a view to creating an understanding as to how this tradition is perceived by different groups and to identify steps that might respond to the views and concerns of all.

75. In the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions in the report on his mission to India released in May concluded that the police had failed to exercise due diligence in their duty to protect, and thus tolerated attacks on the life and rights of religious minorities.

76. In May, the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights issued a report on his mission to Latvia. In the report he recommended inter alia that it is necessary to ensure proportionality of language and citizenship requirements in the labour market as well as to eliminate excessively restrictive regulations regarding professional language proficiency requirements, which have a discriminatory effect on the employment opportunities available to minorities.

77. In her mission report on Namibia in May, the Special Rapporteur on extreme poverty and human rights stressed the need for the State to commit substantive resources for minority language teacher training, and the availability of teaching and learning materials in minority languages, so that all Namibian children could have the opportunity to become literate in their home language.

78. In his country report on Cyprus, the Special Rapporteur on freedom of religion or belief voiced concern at the situation of Christian minorities in the northern part, Muslim minorities in the southern part and other religious minorities which are outside the ambit of bi-communalism. As a follow-up to his official visit to Cyprus, the Special Rapporteur took part in the first interreligious roundtable in the UN Buffer Zone in Nicosia, organised on 12 September 2013. The Special Rapporteur hailed the improved climate of interreligious communication that is now developing in Cyprus at the levels of religious leaders and civil society.

79. In the course of the year, the Special Rapporteur on the human rights situation in Myanmar repeatedly condemned the human rights violations being committed against the Rohingya in Rakhine State in Myanmar. “Only by addressing this discrimination against religious and ethnic minorities can the Government of Myanmar hope forge integrated communities that live together in equality, peace and harmony,” he underscored.

## **VI. Universal periodic review**

80. At its twenty-second, twenty-third and twenty-fourth sessions, the Human Rights Council adopted the reports of the Working Group on the Universal Periodic Review on various countries.

81. In the adopted reports, issues regarding minority groups were raised, and recommendations included, inter alia, adoption of: legislation for the protection of minority rights; measures to combat prejudices and racial discrimination; measures to eradicate the dissemination of stereotypes; measures to combat negative perceptions of minorities through public awareness-raising and education; protection of minorities, in particular



minority women, against racial violence; promotion of religious tolerance and freedom; ensuring the participation of minorities in political life.

82. Additional recommendations included: eliminating discrimination against children of ethnic minorities; ensuring gender equality, including for women belonging to minorities; equal access to employment, housing and basic social services for minorities; promoting interreligious dialogue; appointing minorities in official bodies; protecting culture and identity of minorities; ensuring opportunities for minorities to use their mother tongue and protection of linguistic rights; bringing an end to abuses committed by security forces and enforced disappearances of minorities; ensuring minorities can fully enjoy and practice their social and cultural rights; protection of minority children from obtaining education opportunities without segregation. Particular concerns were raised regarding the situation of Roma and Muslim women. States were also encouraged to take progressive steps in putting forward legislation and providing effective trainings for law enforcement units to ensure their practices would not violate minorities' rights.

## **VI. Conclusions**

83. Defusing tension, preventing violence and conflicts, promoting political and social stability, and achieving sustainable human development require the inclusion and participation of all and respect for human rights, including minority rights. Unfortunately, too often and in too many countries, the rights of national or ethnic, religious and linguistic minorities are violated and minorities are excluded from participation in decision making processes. Additional efforts based on respect for international human rights standards are needed including knowledge sharing aiming to highlight and replicate successful practice.

84. The 20th anniversary of the Declaration provided OHCHR with an important opportunity not only to organize various activities to commemorate the Declaration but also to examine how gaps in protection of minority rights could be addressed. One of the key messages to the UN, emanating from the anniversary year was that the efforts to promote and protect minority rights must engage the entire UN system. The UN Network on Racial Discrimination and Protection of Minorities was established to fill this gap. OHCHR and other UN entities play a complementary role in promoting national and local efforts by providing support and advice to governments and minority rights advocates, including through implementation of advocacy tools such as the UN Secretary General Guidance Note on racial discrimination and Protection of Minorities.

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