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

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

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

Report of the United Nations High Commissioner for Human Rights

Summary

The present report provides a summary of the main developments in the work of United Nations human rights bodies and mechanisms and of the activities undertaken by the Office of the United Nations High Commissioner for Human Rights, at Headquarters and in the field, that contribute to the promotion and implementation of rights provided for under the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

The activities summarized in the report are guided by applicable human rights standards and, in particular, the provisions of the Declaration on Minorities pertaining to minorities and the protection of their existence and identity, the exercise of rights without discrimination and the right to effective participation in cultural, religious, social, economic and public life. The report also reveals shortcomings with regard to measures that could be taken by States to create conditions to achieve the rights listed under the Declaration.

Problems affecting minority communities are often linked to violations of the principle of non-discrimination, resulting in their exclusion. Considering that one of the five priorities of the High Commissioner's Strategic Management Plan for the biennium 2010-2011 is countering discrimination, the Office will continue to make great efforts to promote and protect the rights of minorities through sustained engagement with relevant partners and actors.

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I. Introduction

1. The present report is submitted in accordance with Human Rights Council resolution 13/12, in which the Council requested the United Nations High Commissioner for Human Rights 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 the Office of the High Commissioner (OHCHR), at Headquarters and in the field, that contribute to the promotion of and respect for the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

2. In her first report submitted on the basis of this new mandate (A/HRC/15/42), the High Commissioner provided a summary of the main activities undertaken in the course of 2009 and during the first part of 2010. The present report, which will be submitted to the Human Rights Council at the same session as the report of the independent expert on minority issues and the report on the third session of the Forum on Minority Issues, complements the first report and covers the activities conducted during the remaining part of 2010.

3. The present report, like the previous one, describes the efforts made by OHCHR and the United Nations human rights machinery to strengthen the implementation of the provisions contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Adopted in 1992 by consensus by the General Assembly, the Declaration, in its preamble, states that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of the States in which they live. The Declaration also provides details pertaining to, inter alia, minorities and the protection of their existence and of their identity, the exercise of rights without discrimination, and the right to effective participation in cultural, religious, social, economic and public life. The Declaration also includes types of measures that could be taken by States to create conditions to achieve the rights listed under the Declaration.

4. In addition to the Declaration, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child offer essential treaty norms in the protection of the rights of minorities. Article 27 of the International Covenant provides that “[i]n those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language”. Article 30 of the Convention stipulates that, “in those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.”

5. Other universal instruments providing for equality and the prohibition of discrimination also contribute to the implementation of the rights of minorities. These instruments include the International Covenant on Economic, Social and Cultural Rights (art. 2.2) and the International Convention on the Elimination of All Forms of Racial Discrimination (art. 1). The activities summarized in the report as guided by the implementation of applicable human rights standards reveal that special efforts have been made by OHCHR, the independent expert on minority issues, the Forum on Minority issues, other special procedures mechanisms and treaty bodies to contribute to the promotion and protection of the right of persons belonging to minorities, inspired also by

the conviction that the implementation of minority rights contributes to the stability of States, as stated in the preamble of the Declaration.

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

6. The High Commissioner's Strategic Management Plan for the biennium 2010-2011, which provides guidance for the work of OHCHR in advancing human rights, focuses on six priority areas. The first thematic priority involves countering discrimination, in particular racial discrimination and discrimination on various other grounds, which frequently results in exclusion and marginalization. Problems affecting minority communities are often linked to violations of the principle of non-discrimination, which in turn contribute to the denial of effective participation by minorities in decisions affecting them in various fields, including the administration of justice. The High Commissioner describes in the sections below the various ways in which the work of OHCHR and United Nations human rights mechanisms addresses impediments to the full inclusion and equality of persons belonging to minorities.

A. Policing and minority communities

7. Since 2008, OHCHR has organized a series of international and regional consultations with a strategy to encourage the participation of minorities in the administration of justice through law enforcement and, more specifically, policing. This initiative is based on article 2.2 of the Declaration on Minorities, which states that persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life. In the countries where they live, minorities tend to occupy a non-dominant position and be underrepresented in the administration of justice, including policing, while they are likely to be overrepresented as victims and defendants in the criminal justice system.

8. In her previous report (A/HRC/15/42), the High Commissioner provided a summary on the second OHCHR regional consultation, held in Johannesburg, with the goal of gathering effective practices in the field of policing and minority communities. At the Johannesburg consultation, entitled "Expert consultation on good practices in policing and minority communities in Africa", OHCHR gathered several effective practices that could serve to remove obstacles obstructing the participation and representation of minorities in policing.

9. Guided by the results of the Johannesburg consultation and the conviction that a police service free of discrimination could better assist in maintaining public order, reduce levels of criminality and lead to greater communal cohesion, OHCHR held its third regional consultation, covering the area of the Middle East and North Africa. The expert consultation on effective practices in policing and minority communities in the Middle East and North Africa was held in Beirut on 20 and 21 September 2010. Like the two previous ones, the goal of the consultation was to provide a forum for discussions and exchange of experiences with a view to gather effective practices in policing and minority communities from the region.

10. The consultation brought together 32 participants from a variety of relevant backgrounds, from Algeria, Bahrain, Egypt, Jordan, Iraq, Lebanon, Morocco, Qatar, Saudi Arabia and the United Arab Emirates. They included high-ranking officials from the police, representatives of national human rights institutions and civil society, in addition to experts

in the field of minority rights, human rights and policing, and international human rights law in general.

11. The consultation examined problems and effective practices relevant to the following areas:

- Composition of the police
- Recruitment and representation
- The role of human rights training and professional support
- Accountability of the police

12. The participants shared information on practices that had proved effective and on challenges faced in combating exclusion and moving towards greater participation and representation of minorities in the police service. The consultation also explored the meaning of the term “minority” in the light of the specific circumstances of the region. In this regard, the element of non-dominance was highlighted as a key factor in determining the scope of the term. The discussions touched on the three pillars of minority rights – identity, non-discrimination and participation – while focusing on effective participation in the light of its importance to the realization of all human rights of persons belonging to ethnic or national, religious and linguistic minorities.

13. Regarding the effective participation of minorities in policing, practices shared included methods to ensure that recruitment is based on qualifications and open to candidates regardless of their ethnic or religious background; new national laws, amended to allow for the participation in policing of minorities who are non-citizens; well-integrated training on human rights in police academies; and efforts to enhance open communication between the police and members of minority communities. The participation of women in the police in one country of the region was presented as an important example with positive implications also for minority communities.

14. Other effective practices included the creation of a specific complaint mechanism; easy access to public information; access to a free hotline made available in minority/migrant worker languages to assist in lodging grievances; questionnaires to evaluate the satisfaction of minorities with government services; and codes of conduct for police officers seeking to ensure respect for non-discrimination and equality.

B. Training workshop on minority rights

15. In its efforts to build the capacity of civil society actors, OHCHR offers a fellowship programme for persons belonging to national or ethnic, religious and linguistic minorities. Through this programme, OHCHR gives persons belonging to minorities an opportunity to gain knowledge about the United Nations system and the mechanisms dealing with international human rights in general and minority rights in particular, with the expectation that they will pass on the knowledge gained. The programme is aimed at assisting organizations and communities to which the fellows belong in protecting and promoting the rights of minorities on the ground. The programme includes two linguistic components, one in English and one for Arabic-speakers. In 2010, the English-language programme was conducted from 12 April to 11 June, with participants from Colombia, France, Kenya, Nigeria and Sri Lanka. The Arabic-language fellowship programme will bring to Geneva (from 22 November to 17 December 2010) fellows from Egypt, Iraq Saudi Arabia and Yemen.

16. On 23 and 24 September 2010, OHCHR held a training workshop on minority rights for OHCHR staff in the Middle East – North Africa region and staff of the human rights

component of the United Nations Assistance Mission for Iraq. The workshop, which was conducted in Beirut with the support of the OHCHR Regional Office, served to strengthen mainstreaming capacity of United Nations country teams through the provision of, inter alia, case studies to serve as models in integrating human rights into development programming, with a special focus on vulnerable groups and minorities.

17. The workshop also aimed at achieving a greater and shared understanding of definitions, standards and mechanisms with regard to the protection of the rights of persons belonging to minorities as applicable to the realities of the region. It helped to strengthen strategies, including in programming, with a view to address the situation of minorities by field colleagues and to improve the participation of minorities in the work of country teams.

C. Third session of the Forum on Minority Issues

18. The High Commissioner provided a summary of the highlights of the second annual session of the Forum, held in November 2009, in her previous report. At that time, the Forum considered minorities and effective political participation. The third annual session of the Forum, to be held on 14 and 15 December 2010, will be dedicated to the issue of minorities and effective participation in economic life; OHCHR will also organize a preparatory briefing for minority representatives prior to the session. The Forum will continue to offer an opportunity for participants to share practical experiences and suggest concrete strategies, which will be captured in recommendations that can be implemented at the international, regional and national levels through active engagement by all actors concerned. The recommendations of the Forum are submitted to the Council by the independent expert on minority issues, who is mandated to guide the work of the Forum.

D. Country engagement activities

19. In pursuing implementation under its six thematic strategies, namely (a) countering discrimination, (b) combating impunity, (c) securing economic, social and cultural rights, (d) protecting human rights in the context of migration, (e) protecting human rights in situations of armed conflict, and (f) strengthening human rights mechanisms, OHCHR relies on all divisions of the Office and its field presences. Involvement at the country level through its regional and country offices and its presence within human rights components of United Nations peacekeeping missions allows OHCHR to achieve its goal of providing thematic expertise for capacity-building, fact-finding, advocacy and other activities to advance the protection of human rights.

20. With regard to the specific issue of minority rights, a number of field presences have contributed to activities addressing key concerns of minorities in various regions: for example, a representative of the OHCHR Europe regional office in Brussels participated in the nineteenth meeting of the Steering Committee of the Decade of Roma Inclusion, held from 29 September to 1 October 2010 in Prague, an initiative launched in 2005 by the World Bank together with the Open Society Institute and a number of European States. The meeting focused on the need for inclusive policies to break the cycle of Roma social exclusion.

21. The issue of the Roma was also raised by the High Commissioner in a widely published article entitled “Roma: the other Europeans”, in which she referred to the rise in anti-Roma sentiments despite the efforts made by certain European States and international and regional organizations to combat discrimination against the Roma. The economic recession has forced many Roma to leave their communities of origin in their quest for better work opportunities. As a result, discriminatory practices and violence against them

have been on the rise; indeed, the Fundamental Rights Agency estimates that Roma face the highest levels of discrimination in the European Union. The High Commissioner recommended that, in addition to the pledges made by States Members of the United Nations to take concrete measures to eradicate discrimination against the Roma and other minorities and to provide them with remedies and special protection, much more should be done. In this regard, she noted that a change from a reactive to a proactive stance towards the Roma issue by the European Commission and Parliament, the United Nations, the European Union and its 27 member States could “ensure that all Roma people live dignified lives in one of the world’s most affluent regions, a region that is their homeland too.”

22. Minority issues have also been a key concern for the OHCHR regional office for Central Asia in Bishkek, particularly in the light of the inter-ethnic violence witnessed in southern Kyrgyzstan in June 2010, which resulted in hundreds of casualties and destroyed many homes. OHCHR is working with the authorities, the Ombudsman and other partners in order for human rights concerns relating to the protection of minorities, including ethnic Uzbeks, to be addressed.

23. OHCHR partnered with the Inter-Parliamentary Union and the authorities of Mexico to organize an international conference, entitled “Promoting inclusive parliaments: the representation of minorities and indigenous peoples in Parliament”, held from 31 October to 3 November 2010, in Chiapas, Mexico. The conference brought together parliamentarians from more than 40 countries, civil society representatives, United Nations special procedures mandate holders, including the independent expert on minority issues, and representatives from international organizations. Several issues were discussed, such as effective participation as a means of preventing conflict, the participation of minority and indigenous women in decision-making and local, provincial, regional government and autonomous structures. The conference was informed by recommendation 35 made by the Forum on Minority Issues at its second session, which focused on minorities and effective political participation (A/HRC/13/25). In the recommendation, the Forum states that political parties should consider establishing mentoring programmes through which successful minority politicians could act as role models, encouraging others to run for office, raising awareness of minority political participation and reaching out to the majority population to ensure continuous dialogue between all groups. The conference concluded with the adoption of the Chiapas Declaration, which called on all parliaments, in the next two years, to adopt a plan of action to make the right to equal participation and non-discrimination a reality for minorities and indigenous peoples, ensuring sufficient allocation of resources for the task of establishing dialogue between minority/indigenous peoples and public institutions and to parliamentary committees on minority and indigenous issues so as to allow them to carry out effective outreach activities, such as public hearings with minority communities and indigenous peoples. The minority and indigenous parliamentarians participating in the conference also agreed to form a network with the goal of improving minority representation in parliaments. The status of implementation of the recommendations will be reviewed at a follow-up conference to be held in 2012. OHCHR representatives from Headquarters and the Mexico office actively contributed to the conference.

24. OHCHR cooperated in the implementation of a community of practice meeting of national human rights institutions from the Caucasus and Central Asia, entitled “Promoting minority rights and the gender equality agenda: the role of independent and effective national human rights institutions”, held in Yerevan from 30 September to 1 October 2010, organized by the Bratislava Regional Centre of the United Nations Development Programme (UNDP) and the Office of Human Rights Defenders in Armenia, with the support of UNDP Armenia. The participants discussed how national human rights institutions could more consistently advance minority rights in their work, and made practical recommendations for follow-up in this respect.

E. Durban follow-up

25. In accordance with the provisions of the Durban Declaration and Programme of Action and the Outcome Document of the Durban Review Conference urging States Members of the United Nations to develop and implement national plans of action against racism, racial discrimination, xenophobia and related intolerance, OHCHR has supported a number of initiatives in this regard at the regional and national levels. In accordance with the victims-oriented approach enshrined in both documents, regional workshops on national plans of action were organized in Cameroon, Ethiopia and Togo. The workshops were an opportunity to highlight the need for such policy tools to reflect the needs of victims and vulnerable groups, including national or ethnic, religious and linguistic minorities. OHCHR has also been supporting efforts in several countries to launch preparations for the development of national plans of action against racism, racial discrimination, xenophobia and related intolerance.

III. Treaty bodies

A. Concluding observations

26. The treaty body system operates through relevant committees that monitor compliance by States of their treaty obligations. Treaty bodies have regularly raised issues relating to minority rights. While they have, in a number of instances, acknowledged the achievements made by States, they have also issued a range of observations and recommendations for additional measures that States need to take in relation to minority rights in order to comply with their treaty obligations.

1. Human Rights Committee

Ninety-ninth session (12 – 30 July 2010)

27. The Human Rights Committee, in relation to the report submitted by Estonia (CCPR/C/EST/CO/3), concluded that the State party should strengthen measures to integrate Russian-speaking minorities into the labour market, including with regard to professional and language training. The Committee also recommended that it should take measures to increase the confidence and trust of the Russian-speaking population in the State and its public institutions.

One-hundredth session (11 – 29 October 2010)

28. In relation to the report submitted by Poland (CCPR/C/POL/CO/6), the Committee observed that the State party should continue to take all necessary measures to ensure the practical enjoyment by the Roma of their rights under the Covenant by implementing and reinforcing effective measures to prevent and address discrimination and the serious social and economic situation of the Roma.

29. With regard to the report submitted by Hungary (CCPR/C/HUN/CO/5), the Committee concluded that the State party should take measures to address the shortcomings of the minority election register and the minority self-government system in general, in order to ensure that it does not deter and disenfranchise minorities from participating in minority self-government elections. According to the Committee, the State party should also consider repealing the condition that a minority group should be able to demonstrate that it has lived in the territory of the State party for at least a century in order to be recognized as a national or ethnic minority group.

2. Committee on Economic, Social and Cultural Rights

Forty-fourth session (3 – 21 May 2010)

30. In its concluding observations on the report of Colombia (E./C.12/COL/CO/5), the Committee on Economic, Social and Cultural Rights recommended that the State party should develop agricultural policies that prioritize the production of food, implement programmes that protect national production with incentives for small producers, and ensure the restitution of lands taken from indigenous and afro-Colombian peoples, as well as peasant communities.

31. With regard to the report submitted by Kazakhstan (E./C.12/KAZ/CO/1), the Committee called on the State party to ensure that counter-terrorism measures and legislation do not have a discriminatory effect on the enjoyment of economic, social and cultural rights by certain groups in the State party, in particular ethnic minorities.

32. The Committee noted with concern the persistence of illegal land seizures in Afghanistan, as well as the numerous cases of land disputes, which undermine the rule of law and the enjoyment of economic, social and cultural rights (E./C.12/AFG/CO/2-4). It regretted the fact that, owing to the lack of trust in the formal judicial system, many land dispute issues had been left to informal dispute resolution mechanisms and that discriminatory practices had provided certain ethnic groups with preferential access to land. The Committee recommended that the State party should adopt, inter alia, a coherent and comprehensive legal framework, as well as policies and administrative measures, to resolve land-related disputes.

3. Committee on the Elimination of Racial Discrimination

Seventy-sixth session (2 – 27 August 2010)

33. With regard to the report submitted by Australia (CERD/C/AUS/CO/15-17), the Committee on the Elimination of Racial Discrimination noted the reports highlighting ongoing issues of discrimination and inequity in access to and delivery of services experienced by members of certain minority communities, including African communities, people of Asian, Middle-Eastern and Muslim backgrounds and, in particular, Muslim women. In this regard, the Committee encouraged the State party to develop and implement an updated comprehensive multicultural policy that reflected its increasingly ethnically and culturally diverse society. The Committee also encouraged the State party to consider providing national minorities with adequate opportunities for the use and teaching of their own language.

34. In assessing the report of Bosnia and Herzegovina (CERD/C/BIH/CO/7-8), the Committee recommended that the State party should continue to endeavour to combat inter-ethnic prejudices by, inter alia, applying existing criminal provisions on hate speech and hate crimes; continuing to strengthen and to promote, through awareness-raising campaigns, and other concrete steps, national unity, tolerance and the peaceful coexistence of members of various nationalities and religious groups; and by strengthening the monitoring powers of the Communications Regulatory Agency with regard to acts of public incitement to ethnic and religious hatred. The Committee also reiterated its recommendation No. 27 (2000), that the State party should continue to endeavour to combat prejudices against Roma, and to ensure that all Roma have access to personal documents necessary for them to enjoy their civil and political rights, as well as their economic, social and cultural rights.

35. In its concluding observations on the report submitted by Denmark (CERD/C/DNK/CO/18-19), the Committee recommended that the State party should take

appropriate measures to establish the numbers and legal status of the Roma in the country. It also recommended that the State party should provide shelter to the Roma and Travellers in the country and afford to them full protection from discrimination, racial profiling and hate crimes, and facilitate their access to public services. The Committee recommended that the State party should strengthen its efforts to promote people from ethnic backgrounds other than Danish to serve as police officers in order to achieve a racially balanced police service. Regarding the “anti-ghettoization” law intended to prevent marginalized groupings, the Committee recommended that the State party should assess the impact that the implementation of the law had on the rights of various ethnic groups to practice their culture, and ensure that it did not have an assimilationist effect leading to the loss of cultural identity by those affected by the law.

36. With regard to the report submitted by El Salvador (CERD/C/SLV/CO/14-15), the Committee urged the State party to enhance efforts to improve the enjoyment of economic, social and cultural rights by Afro-descendants. The Committee also urged the State party to adopt a plan for the ethnic recognition and visibility of Afro-descendants.

37. In its concluding observations on the report of Estonia (CERD/C/EST/CO/8-9), the Committee reiterated its general recommendation No. 27 (2000) on discrimination against Roma, whereby it called on the State party to conduct research with a view to assessing the real situation of the Roma community in its territory, and encouraged the State party to participate in initiatives aiming at finding national and regional solutions to the widespread exclusion of the Roma population.

38. Regarding France, the Committee recommended that the Government should ensure that all its policies concerning Roma are consistent with the Convention on the Elimination of All Forms of Racial Discrimination, that it should avoid collective repatriations in particular, and that it should endeavour to find lasting solutions to issues related to Roma, with full respect for their human rights (CERD/C/FRA/CO/17-19).

39. With regard to the report submitted by Romania (CERD/C/ROU/CO/16-19), the Committee referred to its general recommendation No. 27 (2000) on discrimination against the Roma and encouraged the State party to continue its efforts and to take the measures necessary to prevent and combat racial discrimination against the Roma.

40. With regard to Uzbekistan, the Committee recommended that the State party should include detailed information in its next report on the situation of Roma, in particular on measures to address the education levels of Roma, which appeared to be considerably lower than the national average (CERD/C/UZB/CO/6-7).

4. Committee on the Elimination of Discrimination against Women

Forty-fifth session (18 January – 5 February 2010)

41. The Committee on the Elimination of Discrimination against Women called on Egypt to overcome expeditiously the de facto segregation in the educational system, to encourage actively the diversification of educational and professional choices for women and men and to offer incentives for young women to enter traditionally male-dominated fields of study (CEDAW/C/EGY/CO/7). The Committee requested the State party to provide, in its next report, information about access to education for girls from minority and refugee communities and for girls living in the street.

42. Regarding the Netherlands, the Committee called upon the State party to intensify its efforts to eliminate discrimination against immigrant, migrant, black, Muslim and other minority women (CEDAW/C/NLD/CO/5). It encouraged the adoption of proactive measures to increase further their participation in the labour market, improve their

awareness of the availability of social services and legal remedies and ensure protection against victimization.

43. With regard to Ukraine, the Committee invited the State party to provide comprehensive information and statistical data in its next periodic report on the situation of vulnerable groups of women, such as migrant and refugee women, women belonging to ethnic minorities, in particular Roma women, and on the measures taken to eliminate discrimination against these women with regard to their access to, inter alia, health, education, employment and social benefits (CEDAW/C/UKR/CO/7).

Forty-sixth session (12 – 30 July 2010)

44. In relation to the report submitted by Albania (CEDAW/C/ALB/CO/3), the Committee recommended that the State party should intensify its efforts to promote access of girls and women living in rural or remote areas, including minority girls and women, to education and their retention at all levels of education. The Committee also recommended that temporary special measures should be applied in order to ensure the equality of women and men in their access to property, capital and credits, health-care services, housing and, more generally, all the components of an adequate standard of living, particularly with regard to women belonging to disadvantaged groups, including linguistic and ethnic minorities, as authorized by the comprehensive article 8 of the Law on Gender Equality in Society of 2008.

45. In its concluding observations regarding the report of Australia (CEDAW/C/AUL/CO/7), the Committee reiterated the recommendation from its previous concluding observations (CEDAW/C/AUL/CO/5, para. 17) that the State party should fully utilize the Sex Discrimination Act and consider the adoption of temporary special measures, in accordance with article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women and the Committee's general recommendation No. 25, in order to increase further the number of women in political and public life and to ensure that the representation of women in political and public bodies reflect the full diversity of the population, including indigenous women and women from ethnic minorities.

46. The Committee called on the Russian Federation to pay special attention to the needs of women and girls belonging to ethnic minorities, and to adopt comprehensive anti-discrimination legislation aimed at protecting ethnic minorities (CEDAW/C/USR/CO/7). The Committee requested that comprehensive information be included in the next periodic report of the State party on the impact of measures taken and the results achieved in the implementation of policies and programmes for these women and girls.

47. In reviewing the report submitted by Turkey (CEDAW/C/TUR/CO/6), the Committee called upon the State party to take effective measures to eliminate discrimination against women of ethnic and minority communities, migrant women, women asylum-seekers and elderly women, as well as women with disabilities, both in society at large and within their communities, particularly in the areas of education, health, employment and political and public life.

Forty-seventh session (4 – 22 October 2010)

48. The Committee recommended that the Czech Republic should design and take preventive measures specifically targeted at Roma and migrant women and girls, including awareness-raising campaigns on trafficking, forced prostitution and forced labour for those working with Roma communities, and strengthen cooperation with countries of origin and destination (CEDAW/C/CZE/CO/5).

5. Committee against Torture

Forty-fourth session (26 April – 14 May 2010)

49. Following its review of the report submitted by Austria (CAT/C/AUT/CO/4-5), the Committee against Torture concluded that the State party should continue its efforts to diversify the composition of its police force and correction services and to extend recruitment drives among ethnic minority communities throughout the country.

50. With regard to the Syrian Arab Republic (CAT/C/SYR/CO/1), the Committee recommended that the State party should take urgent measures to ensure prompt, thorough, impartial and effective investigation into all allegations of torture, ill-treatment, death in custody, death during military service and incommunicado detention of people belonging to the Kurdish minority, in particular of political activists of Kurdish origin, and to prosecute and punish law enforcement, security, intelligence and prison officials who carried out, ordered or acquiesced in such practices.

6. Committee on the Rights of the Child

Fifty-fourth session (25 May – 11 June 2010)

51. In its concluding observations on the report submitted by the former Yugoslav Republic of Macedonia (CRC/C/MKD/CO/2), the Committee on the Rights of the Child recommended that the State party should take all measures necessary to protect the rights of children belonging to minority groups to respect their culture and guarantee their enjoyment of the rights enshrined in the national Constitution, domestic law and the Convention on the Rights of the Child.

52. With regard to Japan, the Committee recommended that the State party should take the legislative or other measures necessary to eliminate discrimination against children belonging to ethnic minorities in all spheres of life and ensure their equal access to all services and assistance provided for under the Convention (CRC/C/JPN/CO/3).

53. In its concluding observations regarding Nigeria (CRC/C/NGA/CO/3-4), the Committee urged the State party to conduct a study analysis in order to respond adequately to needs, particularly those of the Ogoni community, and ensure that children of minority groups are given equal access to education and equal opportunities to develop qualifications through the introduction of appropriate and adequate curricula that recognize their right to use and receive education in their own language.

Fifty-fifth session (13 September – 1 October 2010)

54. With regard to the report submitted by Burundi (CRC/C/BDI/CO/2), the Committee recommended that the State party take all measures necessary to address the recommendations from the concluding observations of the initial report that had not yet been implemented or not sufficiently implemented. The issues concerned included monitoring mechanisms, birth registration, discrimination against the Batwa minority and juvenile justice.

55. The Committee recommended that Montenegro should prioritize children's rights and welfare in State budget policy. In this regard, the Committee recommended that the State party should pay special attention to economically disadvantaged, marginalized and neglected children, including Roma, Sakhalin and Egyptian children and children with disabilities, with a view to alleviating disparities, deficits and inequalities (CRC/C/MNE/CO/1).

56. In line with its previous recommendations (CRC/C/15/Add.185), the Committee recommended that Spain should strengthen its mechanism for collecting and analysing systematically data disaggregated by, inter alia, age, sex and ethnic background on all persons under 18 years of age for all areas covered by the Convention, with special emphasis on Roma children, migrant children, unaccompanied foreign children and children of economically and socially disadvantaged households (CRC/C/ESP/CO/3-4).

57. In considering the report submitted by Bosnia and Herzegovina in compliance with article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/BIH/CO/1), the Committee expressed its appreciation for the adoption of various plans and strategies to enhance social inclusion of children, especially Roma children. The State party was, however, encouraged to strengthen systematic prevention measures, targeting children who are especially vulnerable or at risk, in order to protect them from the offences described under the Optional Protocol.

58. With regard to Montenegro, while welcoming the information provided by the State party on the programmes in place targeting particular groups of children, such as Roma, Ashkali and Egyptian children and children in street situations to enhance social inclusion, the Committee recommended that the State party should undertake systematic prevention activities, including birth registration, targeting children who are especially vulnerable or at risk, by paying special attention to girls in order to prevent them from becoming victims of offences described under the Optional Protocol (CRC/C/MNE/CO/1).

B. General comments

59. At its forty-seventh session, held from 4 to 22 October 2010, the Committee on the Elimination of Discrimination against Women adopted general recommendation No. 27 on older women and the protection of their human rights (CEDAW/C/2010/47/GC/1). Referring to the multidimensional aspect of the discrimination experienced by older women, the Committee observed that it was compounded by other forms of discrimination based on sex, gender, ethnic origin, disability, levels of poverty, sexual orientation and gender identity, migrant status, marital and family status, literacy and other grounds. The Committee also observed that older women who are members of minority, ethnic or indigenous groups or who are internally displaced or stateless often experienced a disproportionate degree of discrimination.

IV. Special procedures

60. The special procedures mechanisms of the Human Rights Council address either specific country situations or thematic issues in all parts of the world. In discharging their tasks, mandate holders analyse human rights violations and provide recommendations to States and others on measures that could be taken and effective practices which could serve as models when strengthening the promotion and protection of human rights. Minority issues have regularly been addressed in the work of the special procedures.

A. Independent expert on minority issues

61. The evaluation of minority issues by the independent expert on minority issues is guided by the Declaration on Minorities. During the reporting period, the activities of the independent expert, included two official country missions – to Colombia, from 1 to 12 February 2010, and Viet Nam, from 5 to 15 July 2010 – to hold consultations on minority

issues and to examine the human rights situation of minority groups living in those countries. The independent expert will present a report containing her full findings and recommendations on both visits to the Human Rights Council at its sixteenth session.

62. In her preliminary note on the mission to Columbia (A/HRC/13/23/Add.3), the independent expert reported that, several times in the course of her visit, minority afro-Colombians expressed the conviction that they felt statistically “invisible”, that their concerns were ignored, their lives were less valued and that Government policies dedicated to their needs were not achieving the desired improvement to their situations.

63. In a statement delivered upon the conclusion of her visit, the independent expert found that, in Viet Nam, persons belonging to minority groups made up the largest segment of the country’s poor. She noted that the acknowledgment of the economic and social gaps existing between the minority communities and the majority population was an important step towards putting into place the measures required to close those gaps. Another important concern was the lack of opportunity offered to minorities to be taught in their own languages.

64. Pursuant to General Assembly resolution 63/174, the independent expert submitted an initial report to the Assembly at its sixty-fifth session (A/65/287) . In the report, she drew attention once again to the protection of minority rights as a means to prevent conflict. In particular, she underscored the need to address violations at an early stage before they lead to tensions and violence. Both history and current events showed that the violation of minority rights tends to spread and expand, reaching levels of systematic and at times gross violations.

65. In her report, the independent expert provided an analysis of different aspects of the problem. One of great importance was connected to early warning systems and mechanisms. Human rights violations causing grievances were indicators that should not be ignored. The independent expert concluded that the essential elements of a strategy to prevent conflict involving minorities included respect for minority rights, dialogue between minorities and majorities within societies, and the constructive development of practices and institutional arrangements to accommodate diversity within society.

B. Special Rapporteur on the sale of children, child prostitution and child pornography

66. In her report submitted to the General Assembly (A/65/221), the Special Rapporteur on the sale of children, child prostitution and child pornography described the activities undertaken from September 2009 to July 2010 in the discharge of her mandate. In the context of the tenth anniversary of the adoption of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Special Rapporteur focused on the remaining challenges and that actions that could be taken to address them. In this regard, she highlighted the fact that children of minorities had less access to basic social services and protections and were more vulnerable to sale, trafficking and sexual exploitation. As part of her recommendations, the Special Rapporteur proposed several protection systems that could better safeguard the best interests of the child.

C. Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

67. In the third annual report submitted to the General Assembly (A/65/261), the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context addressed the double discrimination experienced by migrants belonging to minority groups. During her missions, the Special Rapporteur encountered numerous cases of migrants from minority groups who had been denied residency permits even though they had lived in the host country for decades or even generations. She had also received numerous complaints of forced eviction of migrants belonging to minority groups. The Special Rapporteur cited cases of eviction of Roma from many countries in Europe which were characterized by the indiscriminate destruction of their huts and the lack of provision of alternative housing, which left hundreds of Roma, including women and children, without shelter. In the report, the Special Rapporteur proposed several measures to ensure access to adequate housing for migrants.

68. The Special Rapporteur conducted a mission to Croatia from 4 to 13 July 2010, then one to Kazakhstan from 6 to 13 September 2010. In a press statement delivered at the conclusion of the mission to Croatia, the Special Rapporteur highlighted a particular concern regarding the situation of Roma settlements. With regard to her mission to Kazakhstan, the Special Rapporteur had planned to assess the impact of the global economic and financial crises on the enjoyment of the right to adequate housing and analyse the measures taken by the Government to protect the most vulnerable individuals and communities within its jurisdiction, such as low-income families, migrants and minority groups, from the adverse consequences of the crisis. The Special Rapporteur will present her findings and recommendations on how to strengthen the implementation of housing rights in Kazakhstan to the Human Rights Council at its sixteenth session.

D. Special Rapporteur on the right to food

69. On his mission to the Syrian Arab Republic from 29 August to 7 September 2010 (A/HRC/16/49/Add.2), the Special Rapporteur on the right to food referred to the issue of nationality, which has long been a central concern for the Kurdish minority living in the country. In this regard, the Special Rapporteur was encouraged by the openness of the Government to discuss this issue; however, as a consequence of the 1962 census, which deprived some 120,000 Syrian Kurds of their Syrian nationality, between 250,000 and 300,000 Kurds are now stateless. They are unable to obtain official documents, cannot travel abroad, have no access to public employment and are discriminated in their access to health and education services. Furthermore, they do not benefit from the public distribution of subsidized food. The Special Rapporteur observed that depriving Kurds of their nationality had raised a number of obstacles for stateless Kurds to realize the full range of their human rights, particularly their economic, social and cultural rights. In the view of the Special Rapporteur, nothing short of the attribution of full citizenship rights is required. Under customary international law, everyone has the right to a nationality and a right not to be arbitrarily deprived of his or her nationality.

E. The independent expert on minority issues, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

70. Expressing their alarm at the rising ethnic tensions in Kyrgyzstan since the overthrow of former President Kurmanbek Bakiev following mass protests and violence in April 2010, on 15 June 2010, the independent expert on minority issues, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance issued a statement in which they called for the true causes of the tensions to be fully analysed and addressed, to help ensure that such an appalling situation could not recur, and that the current situation remained extremely fragile and dangerous and had to be confronted with swift and appropriate responses to calm the situation, restore order and prevent further outbreaks of violence, all done in full conformity with human rights obligations. They added that minority rights, non-discrimination and the rule of law were all key components of long-term stability and conflict prevention.

V. Universal periodic review process

71. At its fifteenth session, the Human Rights Council adopted the reports of the Working Group on the Universal Periodic Review on Armenia, Belarus, Grenada, Guinea, Guinea-Bissau, Guyana, Kenya, Kiribati, Kuwait, Kyrgyzstan, the Lao People's Democratic Republic, Lesotho, Spain, Sweden and Turkey. The reports of the Working Group contain recommendations made to States by other individual States. Some were accepted by the State under review, while others were rejected. Some of the recommendations pertaining to minorities are given below.

72. In the case of Armenia, it was recommended that the State party take the legislative and administrative measures necessary to fully guarantee freedom of religion in the country (A/HRC/15/9). The State should continue to hold awareness-raising campaigns about the rights of national minorities, with the aim of further enhancing tolerance and non-discrimination in all spheres of public. With regard to Belarus, it was recommended that the State party take appropriate measures against discrimination against persons belonging to ethnic minorities, in particular measures against harassment by police, and allow equal access to education for all persons belonging to minorities, and that it strengthen its efforts to combat and prevent discrimination faced by the Roma and ensure their full participation in the creation of mechanisms and adoption of measures to this end (A/HRC/15/16).

73. In the case of Guyana, it was recommended that the State party continue to review and bring its domestic legal framework into line with international human rights norms to which Guyana was a party, in particular to make progress towards non-discrimination against minorities, indigenous peoples, women and children (A/HRC/15/14). Kuwait received a recommendation to take further measures, including in the field of education, to reinforce the protection and promotion of religious freedom, particularly in order to ensure the effective freedom of worship of religious minorities (A/HRC/15/15). It was recommended that Kyrgyzstan ensure that anti-minority attacks are publicly condemned by the authorities, and that such attacks are investigated in order to bring the perpetrators to justice and ensure full respect for minority rights in the new Constitution (A/HRC/15/2). It was also recommended that inclusive and longer-term measures be taken with respect to linguistic policy, education and participation in decision-making for minorities in Kyrgyzstan. The Lao People's Democratic Republic was asked to deepen dialogue with the Office of the United Nations High Commissioner for Refugees regarding the situation of

individuals belonging to the Hmong minority returned from third countries (A/HRC/15/5). It was recommended that Spain take further measures to provide members of the police, prison and judicial staff with human rights training, specifically focused on the protection of human rights of women, children and ethnic or national minorities (A/HRC/15/6). With regard to Sweden, additional steps were recommended to prevent discrimination against immigrant, refugee and minority women (A/HRC/15/11). In the case of Turkey, it was recommended that the State party enact comprehensive anti-discrimination legislation and uphold minority rights with a view to fully align law and practice with international human rights standards (A/HRC/15/13).

VI. Conclusion

74. The work summarized in the present report demonstrates that, while the implementation of activities promoting inclusion and non-discrimination of minorities is often fruitful, the rights of persons belonging to minorities still need greater protection.

75. While international actors can play an important role, responsibility for the protection of human rights of persons belonging to minorities rests primarily with Governments, which are to ensure that mechanisms are in place to ensure such protection. The protection of minorities contributes to stable and secure societies, and stands as a key indicator of a Government's commitment to the protection of human rights.

76. Against this background, we all need to strengthen our contribution to creating an atmosphere of tolerance in which persons belonging to minorities and non-dominant groups can participate effectively in the societies in which they live.
