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## Human Rights Council

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

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

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

### Report of the United Nations High Commissioner for Human Rights\*

#### *Summary*

The present report is submitted pursuant to resolutions 13/12 and 22/4 of the Human Rights Council, which request that the United Nations 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 the Office of the High Commissioner for Human Rights (OHCHR) at its headquarters and in the field.

In the course of 2013, and through its activities, OHCHR emphasized once again that minorities, owing to their status and their distinct identity, are often excluded from participation in society in various fields and at various levels, and are therefore in need of special protection. The activities undertaken during the year by OHCHR, at headquarters and in the field, were focused on strengthening system-wide engagement on minority issues, and on advocacy on minority rights, through knowledge-sharing, the use of mechanisms, and commitment to protect.

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\* Late submission.



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## **I. Introduction**

1. The Human Rights Council, in its resolutions 13/12 of 2010 and 22/4 of 2013 concerning the rights of persons belonging to national or ethnic, religious and linguistic minorities, requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to present an annual report to the Council containing information on relevant developments in the work of United Nations human rights bodies and mechanisms, as well as on the activities undertaken by OHCHR at its 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. Adopted by consensus in 1992, the Declaration provides global standards for the protection of minorities and encourages conditions for the promotion of their identity. While the Declaration is not binding, States do recognize their duty to protect minorities in order to enable members of minorities to enjoy their individual human rights. To this end, it is required under the Declaration that States take positive measures — in legislation, policies and practice — to achieve substantive equality for minorities in all fields, including the cultural, social, economic, civil and political fields. 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 emphasized once again that minorities, owing to their status and distinct their identity, are often excluded from participation in society, in various fields and at various levels, and are therefore in need of special protection. While maintenance of their distinct identity as minorities is essential to true equality, the 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 enhancing awareness on minority rights and to sharing good practices in order to remove barriers to effective participation and prevent tensions.

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

4. Throughout the year, the High Commissioner stressed in her public statements the importance of advancing non-discrimination and the protection of minorities. For example, in her opening statement to the Council on 29 May 2013, she asserted, in respect of the Syrian Arab Republic, that recent virulent instances of incitement to violence on the grounds of religion or ethnicity, and the increasing involvement of a variety of extremist foreign fighters, stood as ominous signs of more violence to come. She also referred to the Syrian Arab Republic's reputation for tolerance, with Sunnis, Shia, Alawites, Christians, Kurds, Druze and many other communities living side by side in relative harmony, and stressed 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 2013, 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 ongoing human rights violations against the Rohingya community in Rakhine State, and the spread of anti-Muslim sentiment across the State and beyond, was threatening the reform process and required 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 were respected and protected during that delicate period. She reiterated her concerns about Egypt's revised Constitution, as well as about 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 realization of her 25–31 August 2013 visit. She expressed alarm at the surge of incitement to hatred and violence against religious minorities, including attacks on churches and mosques, and at the lack of swift action against the perpetrators. She welcomed the Government's policy of introducing trilingualism all across the country.

8. At the opening of the twenty-fourth 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 worrying reports about Roma increasingly becoming the targets of hate speech, demonstrations and violence by non-State actors, and observed that the authorities themselves had in some cases adopted policies that increased the vulnerability of Roma populations. She noted with concern the findings of the report of the French Ombudsman, issued 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 supported the Ombudsman's recommendations.

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

10. On 8 November 2013, the High Commissioner issued a press release warning about the escalating violence in the Central African Republic. She recalled that "for decades, diverse ethnic and religious communities have lived together in this country", and said that "this escalation of violence and hatred must be halted before it spins completely out of control".

#### **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 mandates, ranging from monitoring and reporting, to providing information for thematic discussions and for the 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 in order for mechanisms to be able 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* reflects the organization's experience in the field of minority rights, and offers an important tool for the activities of minority rights advocates worldwide as they seek to protect their rights and participate in the societies in which they live.

12. As part of the launching of the above-mentioned publication, OHCHR held, on 28 November 2013 in Geneva, an expert panel meeting entitled "Strengthening minority rights advocacy through implementation mechanisms". The meeting examined strategies and practical measures for reinforcing the 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 bedrock for minority rights advocates to claim their rights. These standards would, however, have only a limited impact without the mechanisms created to facilitate their implementation.

14. The panel meeting brought together minority rights experts and advocates to discuss how international and regional mechanisms can be used more effectively to bring about 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, to claim their rights through strengthened advocacy and to secure roles in decision-making.

15. As part of the launching, OHCHR also held, on the same day, an expert panel meeting entitled "Rights of linguistic minorities in a digital era". The panel used as a premise 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, on the one hand, and the risk of minorities being negatively affected by the "digital divide", and the domination of majority languages in the new media landscape, on the other hand.

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. The participants included representatives of various United Nations entities, regional organizations, non-governmental organizations (NGOs), and minorities, as well as experts on minority rights and on new information technologies. They explored how the rapidly growing digital media and other developments in information technology create new opportunities for minorities, and also looked at challenges that may require a revisiting of the measures needed to protect language rights, freedom of expression, the right to information and the right to participate in decision-making.

## **B. Minorities Fellowship Programme**

17. The annual Minorities Fellowship Programme, for persons belonging to national, ethnic, religious or linguistic minorities, was held on 29 October and 30 November 2013. The programme comprised two linguistic components (Arabic and English), and the

participants came from Canada, Colombia, Egypt, Ethiopia, India, Iraq, Latvia, Libya, Nepal, Nigeria, the Sudan and the Syrian Arab Republic. The fellowship enables individuals from minority groups to gain knowledge about the United Nations human rights machinery and to strengthen their advocacy skills. Furthermore, the senior Minority Fellowship Programme brought to Geneva a minority advocate who worked within the Indigenous Peoples and Minorities Section of OHCHR in order to gain specialized knowledge that she could take back to her community.

18. Through its Minorities Fellowship Programme, and in partnerships with NGOs, OHCHR is building the capacity of minorities to make full use of the Forum on Minority Issues and other human rights mechanisms, and to take the knowledge acquired back to their respective communities. Former OHCHR minorities fellows have become leaders in minority rights advocacy, as exemplified by Rita Izsák, the Independent Expert on minority issues.

### **C. Forum on Minority Issues**

19. At its sixth session, which was held on 26 and 27 November 2013 under the theme “Beyond freedom of religion or belief: guaranteeing the rights of religious minorities”, the Forum on Minority Issues addressed challenges related to religious minorities, including from the perspective of respect for the right to freedom of religion or belief. In her opening speech, the Chair of the session, Ms. Hedina Sijerčić, reiterated that the goal of the session was to identify measures to guarantee the rights of members of religious minorities to security. The discussions at the Forum covered various minority rights issues, but they focused on the rising tide of violent attacks against members of religious minorities.

20. In keeping with past practice, the sixth session provided a platform for promoting dialogue and cooperation while allowing stakeholders involved in the promotion and protection of minority rights in various regions to meet, exchange ideas and share knowledge. The draft recommendations from the sixth session emphasized the implementation of measures that could address, inter alia, acts of violence and incitement to religious hatred. In this connection, the security of members of religious minorities requires positive and preventative actions, particularly involving States and regional and international organizations, as well as members of the minorities themselves. The role of interfaith dialogue, aimed at promoting interreligious, intercultural and interfaith harmony to combat 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 rights of Roma in Europe. In February, the Regional Office hosted the Task Force on Roma, of the United Nations Regional Directors’ Team. The same month, the European Commission adopted its main social policy document of the current term — the Social Investment Package — consisting, inter alia, of a recommendation on investing in children as well as on Roma and migrant children, to which OHCHR contributed and which will potentially be useful for further advocacy. In June 2012, the Regional Office organized the second meeting of the Roma Civil Society Group on the Right to Health (part of the Inter-Agency Coordination Initiative on Roma Health). Participants from civil society, the United Nations 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's Human Rights Adviser in Serbia started a Roma housing project and developed criteria for the evaluation of locations for social housing for Roma in Belgrade. In coordination with the project team and Serbian human rights NGOs, OHCHR assisted in developing the methodology for community consultations that will guide consultative processes throughout the implementation of the project. In the former Yugoslav Republic of Macedonia, OHCHR has promoted the "Guidance note of the Secretary-General on racial discrimination and protection of minorities", since its endorsement in March 2013, among the United Nations country team's staff.

23. OHCHR undertook a number of activities focusing on the rights of minorities in the South Caucasus. A conference on freedom of religion or belief, which addressed the rights of religious minorities, was organized jointly by OHCHR, the European Centre for Minority Issues and the Embassy of the Netherlands in Tbilisi and was held in Armenia and Georgia. In addition, OHCHR provided a grant to a Georgian NGO, the Levan Mikeladze Foundation, to research the human rights situation of Armenian minorities in Georgia, and to another NGO, the Eurasia Partnership Foundation, to research the implementation of the recommendations of the United Nations 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 concerning minority rights protection and racial discrimination. It worked with the Prime Minister's Adviser on Roma Community Issues to resolve issues regarding the segregated education of Roma children in a number of municipalities; it also carried out seminars on minority rights issues in the framework of the Government's Bureau on Inter-Ethnic Relations. OHCHR began working 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.

25. In early 2013, OHCHR's regional office for Central Asia provided expertise to the Presidential Administration in Kyrgyzstan for 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 at 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's regional office for Central Asia presented the findings of research undertaken on the rights of minorities in the areas of education, the media, and public and political participation, in Kazakhstan, Kyrgyzstan and Tajikistan. 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 2013, UNAMI facilitated the second dialogue on the draft law. The first dialogue had been convened in September 2013 under the auspices of the Article 125 Committee, the UNAMI Political Affairs Office and the UNAMI Human Rights Office. The 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 regard to the structure of the draft law, its terminology and its implementing mechanism. The Committee was named after Article 125 of the Constitution, which guarantees the administrative, political, cultural and educational rights for minorities.

28. The United Nations Support Mission in Libya (UNSMIL) advocated successfully for the inclusion of a quota for minorities in the law on the election of members of the Constitution Drafting Assembly. UNSMIL is exploring, together with members of the United Nations country team, possible methods of addressing with the authorities some of the challenges relating to the 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 minority rights activities of the United Nations and the Council of Europe in connection with the fifteenth anniversary of the entry into force of the Framework Convention for the Protection of National Minorities. In addition, it contributed to the preparation of the Ljubljana Guidelines on Integration of Diverse Societies, issued by the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe.

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

30. Combating racial discrimination and protecting minorities are among the key tasks of the United Nations and virtually all of its 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 United Nations system in this area, the Secretary-General established, on 6 March 2012, the United Nations network on racial discrimination and protection of minorities.

31. The network is designed to enhance dialogue and cooperation between relevant United Nations departments, agencies, programmes and funds. It is facilitated by focal points dealing with racial discrimination and minority rights, who are 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 United Nations 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 twentieth anniversary of the Declaration, which was used to promote dialogue around the principles of the Declaration.

32. In keeping with the tasks assigned to it, the network developed, within 12 months, a guidance note for the United Nations 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 on effective practices. The guidance note was endorsed by the Secretary-General on 3 March 2013 and contains guiding principles and priority areas of action for the United Nations, captured in 19 recommendations. It has been shared widely within the United Nations system and with other stakeholders.

33. The network is now completing an action plan to support the implementation of the guidance note. The action plan is aimed at: (a) establishing a strong foundation for future United Nations system efforts to address racial discrimination and protect minorities; (b) providing practical and achievable suggestions for implementing the guidance note’s 19 recommendations; (c) coordinating the work of the network in order to make use of existing strengths, capacities and initiatives and to facilitate complementary approaches in



implementing the guidance note; and (d) setting measurable outputs for the network to assess progress in the implementation of the guidance note.

34. In terms of the implementation strategy, the network will set up small working groups to pursue selected action plan activities, with one network member coordinating the work of each group. The activities will include, for instance: (a) providing support to the United Nations country teams working on initiatives of relevance to the guidance note; (b) enhancing existing training packages; (c) supporting regional initiatives; (d) facilitating exchanges between United Nations country teams; (e) drafting targeted advisory notes; and (f) disseminating recommendations from international and regional bodies.

35. Overall, the network will continuously identify emerging opportunities during the four-year period of the action plan and will facilitate means of integrating the action plan into new initiatives. The network has held five meetings so far (by videoconference). Some of the meetings were preceded by events or consultations, organized by OHCHR in collaboration with minority organizations and other stakeholders, on the advancement of work in the United Nations system to combat racial discrimination and protect minorities.

## IV. Treaty bodies

36. Human rights treaty bodies have addressed minority issues throughout the reporting period, as illustrated in the non-exhaustive selection of examples that follows:

### General comments and concluding observations

#### 1. Human Rights Committee

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

37. In the concluding observations for Bosnia and Herzegovina, the Human Rights Committee recommended to the State party to ensure that citizens from all ethnic groups could participate equally in elections (CCPR/C/BIH/CO/2, para. 6) and expressed concerns regarding the situation of Roma in the areas of access to housing, health care, employment, education, and participation in public affairs (para. 21). Similar concerns with regard to Roma were 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, 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 ensure enjoyment of the right to housing without discrimination based on ethnicity (CCPR/C/DEU/CO/6, para. 7).

##### (b) 107th session (11–28 March 2013)

39. The Human Rights Committee considered the third periodic report of Hong Kong, China, and recommended that it consider introducing comprehensive laws against racial discrimination, in accordance with the Covenant. The Committee also expressed concerns regarding the situation of ethnic minorities and recommended that Hong Kong, China intensify its efforts to improve the quality of Chinese language education for ethnic minorities and non-Chinese-speaking students with an immigrant background, in collaboration with the Equal Opportunities Commission and other groups concerned (CCPR/C/CHN-HKG/CO/3, paras. 19 and 22).

(c) *108th session (8–26 July 2013)*

40. Regarding the 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 children, including Roma children, in special needs classes (CCPR/C/CZE/CO/3, para. 10). In addition, statistics on victims of trafficking should be disaggregated according to ethnicity (CCPR/C/CZE/CO/3, para. 16). The Committee also raised concerns about the segregation of Roma children in the education system in its report on Finland; in this regard, it 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 drew attention to the lack of freedom of expression and the 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). In addition, the State party was called upon to gather statistics on victims of trafficking according to ethnicity (CCPR/C/IDN/CO/1, para. 18). In regard to Tajikistan, the Committee requested the State party to ensure that ethnic minorities could participate in political affairs and requested it to provide data on the representation of minority groups in political bodies and decision-making positions (CCPR/C/TJK/CO/2, para. 25).

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

**2. Committee on 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 Turkish populations, continued to be discriminated against in the areas of education, employment, health and housing in Bulgaria, and at the lack of official recognition of national minorities. The Committee recommended to the State party to eliminate discrimination against minorities and to give official recognition to national minorities under its Constitution (E/C.12/BGR/CO/4-5, paras. 7 and 23). The Committee regretted that 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 was concerned about minorities in Azerbaijan, and noted that the Lezghin and the Talysh populations continued to be the victims of widespread discrimination, in particular in employment, housing, health and education. The Committee recommended to the State party to eliminate any form of discrimination and violence against minorities (E/C.12/AZE/CO/3, paras. 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 socioeconomic factors, as compared to ethnic Danish pupils, and recommended that the State party should prioritize implementation of the framework for language development and ensure that minority children are 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 educational opportunities available to ethnic minorities, in the Islamic Republic of Iran, and about the inability of persons belonging to minorities, including Kurds, Arabs, Azeris and Baluch, to fully enjoy their right to take part in cultural life. The Committee recommended to the State party to adopt a comprehensive anti-discrimination bill to protect minorities (E/C.12/IRN/CO/2, paras. 11, 12, 21, 23, 24, 29, 30 and 31). With regard to Rwanda, the Committee recommended that the State party should effectively implement measures aimed at ensuring 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 Togo to combat harmful practices against minority girls and women and to guarantee to all ethnic groups the right to self-identification (E/C.12/TGO/CO/1, paras. 14 and 35).

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

46. In its general recommendation No. 35 (2013) on combating racist hate speech, the Committee asserted that media representations of ethnic, indigenous and other groups within the purview of article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination should be based on principles of respect, fairness and the avoidance of stereotyping. The 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 human rights (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 at persons belonging to ethnic groups in Algeria, and warned that Amazigh women risked 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 to take gender-related dimensions of racial discrimination into consideration as well (CERD/C/DZA/CO/15-19, paras. 12 and 17). Regarding the Dominican Republic, the Committee reiterated its recommendations on the collection of statistics according to ethnicity and on ensuring that deportation laws did not discriminate on the basis of ethnicity (CERD/C/DOM/CO/13-14, paras. 13 and 21).

48. In the report on Kyrgyzstan, the Committee recommended to the State party to promote inter-ethnic tolerance and to increase the 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, paras. 9, 12 and 14).

49. In regard to 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; to address the underrepresentation of certain ethnic groups in private- and public-sector employment and in the field of education; to ensure that the right to self-identification is secured; to increase the representation of ethnic groups in appointed and public bodies; and to condemn, and take action to eliminate, ideas of racial or ethnic superiority (CERD/C/MUS/CO/15-19, paras. 10, 14, 15, 16 and 18).

50. With regard to New Zealand, the Committee expressed its concern at a racist political speech, and recommended that the State party 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 condemned incidents of racially motivated violence, particularly among young people, targeting persons originating from Central Asia, the Caucasus, Asia and Africa, as well as Roma and ethnic minorities of the Muslim or Jewish faith, which had even led to the 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, continued 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 its general recommendation No. 30 (2013) 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 or religious identities, or other minorities, who are often attacked as symbolic representatives of their community (para. 36).

##### *(g) 54th session (11 February–1 March 2013)*

53. The Committee on the Elimination of Discrimination against Women recommended to Cyprus to enhance its data collection system to include all forms of violence against women, protection measures, prosecutions and sentences imposed on perpetrators, and to conduct appropriate surveys to assess the prevalence of violence experienced by women, including migrant women and women belonging to ethnic minorities (CEDAW/C/CYP/CO/6-7, para. 18). The Committee expressed similar concerns in the report on Greece, with regard to violence against ethnic minority women and the situation of minority women living in remote areas (CEDAW/C/GRC/CO/7, paras. 8 and 21).

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

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

56. In regard to the former Yugoslav Republic of Macedonia, the Committee noted the recent adoption of the National Strategy for Gender Equality and the National Action Plan for Gender Equality, but expressed concern at the lack of adequate national resources allocated to the State party's strategies and action plans aimed at eliminating all forms of discrimination against women, in particular women belonging to ethnic minorities, including Albanian and Roma women. The Committee recommended to the State party to increase its efforts to prevent the trafficking of all women and girls, including Roma women and girls. While noting the high percentage of women in the State party's

Parliament (34 per cent), the Committee remained concerned that women, including women from ethnic minorities, continued to be underrepresented in ministerial positions, in high-ranking posts in the diplomatic service, at the municipal level and in mayoral positions (CEDAW/C/MKD/CO/4-5, paras. 16, 26 and 27).

## **5. Committee against Torture**

### *(h) 49th session (29 October–23 November 2012)*

57. In the report on Albania, the Committee against Torture was 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 those cases (CAT/C/ALB/CO/2, para. 24).

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

59. In regard to the Russian Federation, the Committee expressed concern at 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 the Plurinational State of Bolivia, the Committee was particularly concerned about gender violence committed against Afro-Bolivian women and recommended to 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 acted 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**

62. In its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee on the Rights of the Child considered that the child's situation of vulnerability, such as belonging to a minority group, was 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 on the Rights of the Child but also with regard to other human rights norms related to that situation of vulnerability (CRC/C/GC/14, para. 75).

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

63. In the report on Albania, the Committee on the Rights of the Child conveyed its concern that children who are particularly at risk of becoming victims of sale, child prostitution and child pornography, and notably, children of minority groups and children in street situations, as well as their parents, do not have adequate knowledge of strategies to protect children from those violations (CRC/C/ALB/CO/2-4, para. 13). In the concluding observations on the report of Austria, the Committee raised, as a concern, instances of hate speech by politicians and manifestations of neo-Nazism, racism, xenophobia and related intolerance towards migrant communities, refugees, asylum seekers and persons of certain ethnic backgrounds, and the impact of this on children belonging to those groups. The Committee also expressed concern about the paucity of information on education for minority children with disabilities and requested that such be provided in the next periodic report of Austria (CRC/C/AUT/CO/3-4, paras. 24, 44 and 45).

(k) *63rd session (27 May–14 June 2013)*

64. The Committee expressed special concern at the situation of girls from the Yezidi community in Armenia including with regard to their early marriage and recommended to the State party to fully enforce the age of marriage established under the law (CRC/C/ARM/CO/3-4, para. 27 and 28). 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). In the report on Rwanda, the Committee recommended to the State party to allocate a sufficient budget for minority children (CRC/C/RWA/CO/3-4, para. 16).

65. In the report on Slovenia, education for Roma children was mentioned by the Committee, and the Committee requested the State party to allocate sufficient resources to allow Roma children to enrol in preschool education (CRC/C/SVN/CO/3-4, paras. 60 and 61). The Committee urged Uzbekistan to increase proactive measures to tackle discrimination. However, the Committee was concerned that, in practice, only mainstream religions were permitted, such as approved Muslim, Jewish and Christian denominations, while unregistered religious activities — which are frequently those of minorities — were 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, paras. 7 and 32).

## **V. Special procedures**

66. On 25 January 2013, the Independent Expert on minority issues, together with the Special Rapporteur on the situation of human rights in the Islamic Republic of 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 and other cruel, inhuman or degrading treatment or punishment, 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”.

67. On 12 March 2013, 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 summarized the issues and challenges affecting linguistic minorities globally, the Special Rapporteur stressed that the protection of linguistic minority rights was a human

rights obligation, an essential component of good governance, and important in preventing tension and conflict.

68. On 29 March 2013, the Independent Expert on minority issues called on all parties in Bangladesh to return to peaceful demonstrations, following large-scale protests across the country. She stated that “the 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 in the country’s history”. On 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 Roma.

69. On 11 April 2013, during her participation in the fifty-third session of the African Commission on Human and Peoples’ Rights, in Banjul, 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 that regard.

70. On 3 May 2013 — National Albinism Day in the United Republic of Tanzania — 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.”

71. On 13 May 2013, the Special Rapporteur on freedom of religion or belief, together with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, the Chair-Rapporteur of the Working Group on Arbitrary Detention and the Independent Expert on minority issues, called for respect for freedom of religion in the Islamic Republic of Iran and the immediate release of the seven Baha’i community leaders being detained solely because of their religious beliefs.

72. On 24 May 2013, a group of independent human rights experts, including the Independent Expert on minority issues, appealed for protection of Dalits against caste-based discrimination, which remained widespread and deeply rooted in many countries. Dalits faced marginalization, social and economic exclusion, segregation in housing, limited access to basic services, including water and sanitation, poor employment prospects, and work in conditions similar to slavery. The experts said that Dalit women and girls were particularly vulnerable and faced multiple forms of discrimination and violence, including sexual abuse. Children were also at high risk of being sold and sexually exploited. The experts called on world Governments to endorse and implement the draft United Nations Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent.

73. On 26 July 2013, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on the rights to freedom of peaceful assembly and of association 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 held that associations conveying radical extreme-right messages had 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.

74. On 21 November 2013, 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 a growing national debate in order to promote understanding, mutual respect and intercultural dialogue. The call was made in connection with 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) perpetuated a negative stereotype of Africans and people of African descent.

75. While it was 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 about how this tradition was perceived by different groups and to identify steps that might respond to the views and concerns of all.

76. 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 lives and rights of members of religious minorities.

77. On 28 May 2013, 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 was necessary to ensure proportionality of language and citizenship requirements in the labour market and to eliminate excessively restrictive regulations regarding professional language proficiency requirements, which had a discriminatory effect on the employment opportunities available to minorities.

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, of Muslim minorities in the southern part, and of other religious minorities that were outside the ambit of bicomunalism. As a follow-up to his official visit to Cyprus, the Special Rapporteur took part in the first interreligious round table in the United Nations Buffer Zone in Nicosia, held on 12 September 2013. The Special Rapporteur hailed the improved climate of interreligious communication that was now developing in Cyprus among religious leaders and civil society.

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

## **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 reports adopted, issues regarding minority groups were raised. The recommendations included, inter alia, (a) the adoption of legislation for the protection of minority rights; (b) the adoption of measures to combat prejudices and racial discrimination; (c) the adoption of measures to eradicate the dissemination of stereotypes; (d) the adoption of measures to combat negative perceptions of minorities, through public awareness-raising and education; (e) protection of minorities, in particular minority women,



against racial violence; (f) promotion of religious tolerance and freedom; and (g) ensuring the participation of minorities in political life.

82. Additional recommendations included (a) eliminating discrimination against children of ethnic minorities; (b) ensuring gender equality, including for women belonging to minorities; (c) equal access to employment, housing and basic social services, for persons belonging to minority groups; (d) promoting interreligious dialogue; (e) appointing minorities to official bodies; (f) protecting the culture and identity of minorities; (g) ensuring opportunities for minorities to use their mother tongue, and the protection of linguistic rights; (h) bringing an end to abuses committed by security forces, and enforced disappearances of members of minorities; (i) ensuring that minorities can fully enjoy and practise their social and cultural rights; and (j) protecting minority children from segregation in education. Particular concerns were raised regarding the situation of Roma and Muslim women. States were also encouraged to take progressive steps by putting forward legislation and providing effective training for law enforcement units to ensure that their practices would not violate minorities' rights.

## VII. 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 that is aimed at highlighting and replicating successful practice.**

84. **The twentieth 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 the protection of minority rights could be addressed. One of the key messages to the United Nations emanating from the anniversary year was that the efforts to promote and protect minority rights must engage the entire United Nations system. The United Nations network on racial discrimination and protection of minorities was established to fill this gap. OHCHR and other United Nations entities play a complementary role in promoting national and local efforts, by providing support and advice to governments and minority rights advocates, including through the implementation of advocacy tools such as the "Guidance note of the Secretary-General on racial discrimination and protection of minorities".**