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

Report of the independent expert on minority issues, Rita Izsák

Summary

The present report is the first to be presented to the Human Rights Council by the newly appointed independent expert on minority issues, Ms. Rita Izsák, who was appointed by the Council and assumed her functions as mandate holder on 1 August 2011.

The report provides a summary of activities undertaken by the mandate holder since taking up her functions. The report also includes a discussion of the independent expert's expected priorities for her first term as mandate holder. In addition the report also contains a review of the activities of the former independent expert on minority issues, Ms. Gay McDougall, since the submission of her previous report to the Human Rights Council in March 2011 until she completed her tenure as mandate holder on 31 July 2011. During this period, the mandate holder undertook two official country missions, to Rwanda and to Bulgaria, to consult on minority issues in those countries.

The report contains an update on the work of the Forum on Minority Issues following the fourth session of the Forum in November 2011, which focused on "Guaranteeing the rights of minority women and girls". The independent expert highlights the fact that women and girls belonging to minorities frequently face multiple or intersecting forms of discrimination emanating from their status as members of minorities and as women or girls. This may make minority women and girls particularly vulnerable to violations and the denial of their rights in both public and private life. Without explicit recognition of the different life experiences of minority women and men, such discrimination will often go unnoticed and not be addressed adequately. The Forum addressed the challenges and opportunities for minority women to fully enjoy all their rights, including the rights to have access to quality education, to take part effectively in economic life, to access labour markets and to participate fully in social, cultural and political life.

The report highlights the fact that 2012 marks the 20th anniversary of the adoption of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The independent expert welcomes and encourages activities in all regions to mark the anniversary and to raise awareness of the Declaration and the rights of persons belonging to minorities.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1–5	4
II. Activities of the independent expert.....	6–17	4
III. Priorities for the work of the independent expert, 2012 to 2014	18–48	7
A. The rights of linguistic minorities	19–21	7
B. The rights and security of religious minorities	22–25	8
C. Recognition of minorities	26–29	9
D. Cross-cutting issues: Youth and women belonging to minorities.....	30–32	9
E. Achieving the Millennium Development Goals for disadvantaged minorities	33–35	10
F. The role of minority rights protection in conflict prevention.....	36–39	11
G. The role of minorities in advocating for their rights	40–44	11
H. Increased outreach and networking with minority groups	45–48	12
IV. Celebrating the 20th anniversary of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities .	49–53	13
V. Report on activities of the former independent expert, Gay McDougall (11 December 2010 to 31 July 2011)	54–62	14
Country visits	60–62	15
VI. Update on the Forum on Minority Issues	63–81	16
VII. Conclusion	82–83	19

I. Introduction

1. The mandate of the independent expert on minority issues was originally established by the Commission on Human Rights in 2005 (by resolution 2005/79), and subsequently extended by the General Assembly (resolution 60/251) and the Human Rights Council (resolution 7/6). On 24 March 2011, the Human Rights Council decided to renew the mandate of the independent expert for an additional period of three years (resolution 16/6).

2. In July 2011, the Human Rights Council decided to appoint Ms. Rita Izsák from Hungary as the new mandate holder. Ms. Izsák assumed the duties of her mandate on 1 August 2011. The independent expert wishes to gratefully acknowledge the trust that has been placed in her by the Human Rights Council to carry out her duties as mandate holder, and wishes to thank the Office of the United Nations High Commissioner for Human Rights (OHCHR) and its staff for their continuing assistance.

3. The present report is the independent expert's first report to the Council, in which she wishes to provide a number of reflections on how she intends to fulfil the requirements of her mandate, inter alia to promote implementation of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Declaration on Minorities). The report consists of five parts. Section I contains a brief description of the activities of the new mandate holder during the period 1 August 2011 to December 2011. Section II provides a preliminary plan of proposed activities and priorities for the coming year. Section III provides an overview of the activities undertaken by the former mandate holder, Ms. Gay McDougall for the period from December 2010 until 31 July 2011. Section IV provides information relating to work conducted by the mandate in the context of the Forum on Minority Issues during the reporting period. Section V considers activities to be undertaken to mark the 20th anniversary of the Declaration on Minorities in 2012.

4. Addendum 1 to the present report is the report of the official visit of the former independent expert, Gay McDougall, to Rwanda from 31 January to 7 February 2011. Addendum 2 is the report of the official visit of the former independent expert to Bulgaria from 4 to 11 July 2011.

5. The independent expert wishes to express her deep appreciation and admiration to her predecessor as independent expert on minority issues, Ms. Gay McDougall, for her important work in the areas of minority issues conducted over two terms as mandate holder. Through her thematic work Ms. McDougall contributed greatly to promoting implementation of the Declaration on Minorities and significantly enhanced the understanding of the United Nations and the international community on important minority issues by identifying challenges as well as positive practices. Through her country-specific work and official visits to twelve countries she provided valuable analysis and insight into country situations and drew attention to the concerns and issues of specific minorities.

II. Activities of the independent expert

6. The independent expert has written to those States visited by her predecessor (Hungary, Ethiopia, France, Dominican Republic, Greece, Guyana, Kazakhstan, Canada, Colombia and Viet Nam)¹ to request information relating to the implementation by those

¹ Visits were also conducted to Rwanda and Bulgaria during 2011; however the reports and recommendations from these visits will be presented to the Human Rights Council at its nineteenth session.

States of recommendations contained in the visit reports presented to the Human Rights Council. The independent expert considers this an excellent opportunity to review progress made by the States concerned, and to identify positive laws, policies or programme measures put in place following the visit of the mandate. The independent expert wishes to thank the Governments of Greece and Hungary, which have provided information and updates to her by the time of submission of the present report, and she will give close consideration to the information provided. She encourages the other Governments concerned to also provide relevant information.

7. The independent expert wishes to thank those States that accepted a visit by the former mandate holder for their cooperation with the mandate and encourages them to continue their constructive engagement with the mandate in future.² In addition she urges States to consider positively her requests for country visits over the course of her tenure as mandate holder and to provide her with detailed information on best practices at national level as well as put forward requests for technical cooperation if needed.

8. The independent expert participated in a meeting of the Inter-Agency Group on Minorities on 4 October 2011 attended by representatives of the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the Office for the Coordination of Humanitarian Affairs (OCHA), and the International Labour Organization (ILO). The meeting was also attended by representatives of the Minority Rights Group International and the Government of Austria, who were invited to make presentations. During this first opportunity to address the Group, the independent expert briefed participants about her priorities for the first term of her mandate. She highlighted her commitment to maintaining and strengthening collaboration with United Nations specialized agencies and her desire to support ongoing and future agency initiatives and programmes relating to minority issues.

9. Amongst these undertakings the independent experts particularly notes efforts to operationalize the UNDP Resource Guide and Toolkit: Marginalized Minorities in Development Programming, published in May 2010. She will continue to consult with UNDP regarding regional and country-based joint events, pilot projects and other initiatives to put the Resource Guide and Toolkit to practical use in country situations. The independent expert will seek to develop a strong working relationship with UNICEF relating to the rights of children belonging to minorities, recognizing that girls and boys from disadvantaged minorities frequently face circumstances that impact negatively on their right to education and their education outcomes, cause them to experience poor health and access to nutrition, and in some circumstances make them vulnerable to exploitation, trafficking and contemporary forms of slavery, sexual abuse and violence.

10. The independent expert delivered a statement to the Third International Conference of Roma Women held from 23 to 25 October 2011 in Granada, Spain. She emphasized that women belonging to minorities in every region of the world, including Roma, frequently experience unique challenges and multiple or intersectional discrimination emanating from their status as members of minorities and as women or girls. Roma women often struggle within their communities to advocate for their rights, which can easily be suppressed or forgotten as a result of prioritizing the general concerns of the Roma. The independent expert urged representatives attending the conference to participate in the fourth session of the Forum on Minority Issues, which had guaranteeing the rights of minority women and girls as its focus, and to present the outcomes and recommendations of the conference to the Forum.

² The independent expert notes that responses to her request were not received in time for inclusion in the present report; however she undertakes to include details of any such responses in her future reports.

11. On 26 and 27 October the independent expert participated in the Fourth Budapest Human Rights Forum in Budapest, Hungary, hosted by the Hungarian Ministry of Foreign Affairs. The independent expert delivered a statement on the subject of the responsibility to protect in practice in which she highlighted the fact that the responsibility to protect must begin long before violence begins and include specific attention to minority groups and minority rights protection as a key stability and conflict prevention measure. The independent expert recalled that the Declaration on Minorities emphasizes that the protection and promotion of the rights of minorities contributes to the political and social stability of States in which they live.

12. The independent expert is determined to engage all relevant actors in a constructive dialogue on pressing issues of concern to persons belonging to minorities. She has begun a process of wide consultation with diverse stakeholders in order to inform her work. She places a high priority on learning the views, issues and concerns of members of minority communities themselves in order to reflect and respond to their priorities consistently in her work. Further to the mandate requirement to apply a gender perspective in her work, she will ensure that the views of minority women are fully reflected. The independent expert recognizes that minority communities are themselves diverse and that persons belonging to minorities may have different experiences, challenges, perceptions of their identity and sense of belonging as well as diverse social and economic relationships in their country of residence. She will seek to reflect the diversity of views while focusing her attention on the situation of those who may find themselves most disadvantaged, excluded or most vulnerable within society, including due to the impact of multiple or intersecting discrimination.

13. The independent expert has engaged in an initial dialogue with several United Nations Member States and will seek a full and constructive engagement with States from all regions on issues relevant to her mandate. She strongly encourages States to consider inviting her to conduct official mandate visits and to respond positively to her requests for invitations to visit. She emphasizes the requirement of her mandate to identify best practices and possibilities for technical cooperation by the Office of the High Commissioner for Human Rights at the request of Governments and encourages Governments to proactively respond to this opportunity for constructive engagement with the mandate and OHCHR. She urges States to provide information to her regarding positive laws, policies and practices relating to the rights of minorities and put forward requests for technical cooperation.

14. Expanding and strengthening cooperation with regional bodies. The independent expert will seek to strengthen her mandate's engagement with regional inter-governmental organizations including the African Commission on Human and Peoples' Rights, the Inter-American Commission on Human Rights, the European Union, the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities, the Organization for Security and Co-operation in Europe (OSCE) High Commissioner on National Minorities, and the Association of Southeast Asian Nations, inter alia. She hopes to enhance communication with these bodies on issues relating to minorities in their respective regions and consider joint initiatives where appropriate and ideally within the regions in question. The independent expert will actively seek the participation of representatives of such regional organizations in the annual United Nations Forum on Minority Issues as well as thematic activities of the mandate.

15. Drawing on the experiences of the former independent expert and other special procedures mandate holders, the independent expert will develop working methods relating to her communications with States, based on information received from a variety of sources alleging violations of the human rights of persons belonging to minorities. She will seek to enhance the effectiveness of her handling of the information received from sources including non-governmental organizations (NGOs) and minority communities. These working methods will seek to strengthen engagement with States and other actors

concerned in a constructive dialogue to achieve concrete solutions to problems and allow the independent expert to provide advisory services and identify opportunities for technical cooperation in line with her mandate. During the reporting period the independent expert has sent communications to Bulgaria and the Czech Republic in the form of allegation letters and urgent appeals which will be reflected in the joint communications report to the Human Rights Council covering the reporting period.

16. The independent expert has been encouraged by positive initiatives of Governments, NGOs, minorities themselves and other actors which have succeeded in very concrete ways in protecting the rights of minorities. Numerous such initiatives have been identified during country visits undertaken by the former independent expert. For example, the use of Roma health mediators working with Roma communities in Bulgaria and other European countries was highlighted as a positive practice by Gay McDougall in her report on her visit to Bulgaria. Health mediators working with and in communities build relationships which allow them to assess and respond to health needs. They provide services such as accompanying Roma requiring medical services, providing information and assisting in contacts with general practitioners and health experts, and communicating health education and information for preventative care.

17. The independent expert will seek to raise the profile of the mandate and of minority issues in the media and encourage international media to pursue specific initiatives focused on minorities and/or encourage them to include attention to minority issues in their ongoing and future thematic initiatives. She will also utilize social networking opportunities and has established a Facebook page dedicated to her mandate to assist the widespread dissemination of information relating to the mandate and to ensure ease of access by minorities to the independent expert.

III. Priorities for the work of the independent expert, 2012 to 2014

18. Based on the provisions of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the independent expert has identified a number of thematic priorities that will feature in her work during her first term as mandate holder. These priorities also reflect some of the priorities that have been brought to her attention, and have been raised with her predecessor, by minorities themselves. The independent expert wishes to emphasize that, to the fullest extent possible and in line with the provisions of her mandate, her work will take into account the views of minorities and NGOs as well as other stakeholders and that she will take every opportunity to respond to the concerns of minorities.

A. The rights of linguistic minorities

19. Issues and concerns have frequently been raised with the mandate of the independent expert relating to the rights of linguistic minorities. The Declaration on Minorities establishes that States shall protect the linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity. It emphasizes that minorities have the right “to use their own language, in private and in public, freely and without interference or any form of discrimination”. Article 4 of the Declaration requires that “States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue”.

20. The independent expert will build on the earlier reports and findings of her predecessor in which she identified significant challenges faced by minority groups in all regions who speak minority languages as their mother tongue. Minority languages are

frequently not allowed to be used in national or local administration or as the language of instruction in schools, for example. Consequently those belonging to minorities may face barriers to their full participation in public life. Many young people belonging to minorities in all regions are often required to speak two or more languages, which on the one hand is vital for their full participation in society, but on the other hand can create difficulties and disadvantages, for example in their education, as they are required to study in a language that is not their mother tongue.

21. The independent expert will therefore pay special attention to the rights of and challenges faced by linguistic minorities. She will examine the problems as well as seeking to identify positive practices from all regions. For example, the use of models of bilingual education, commencing in the early years of schooling and including textbooks in minority languages, has been demonstrated to help children to become proficient in their mother tongue as well as national languages, maintain their ethnic and linguistic identity, and to help minority pupils to achieve positive education outcomes and fulfil their potential to participate effectively in wider society.

B. The rights and security of religious minorities

22. Under article 1 of the Declaration on Minorities, States are required to protect the existence and religious identity of persons belonging to religious minorities and encourage conditions for the promotion of that identity. Article 2 establishes that persons belonging to religious minorities have the right to profess and practise their own religion, in private and in public, freely and without interference or any form of discrimination. Particularly relevant to the rights of religious minorities are the provisions in article 2 relating to the right to establish and maintain their own associations and to establish and maintain free and peaceful contacts with other members of their group, as well as contacts across frontiers, with citizens of other States to whom they are related by religious ties.

23. The independent expert is particularly concerned about the situation of religious minorities in all regions. Information received by the mandate of the independent expert and the work of the mandate of the Special Rapporteur on freedom of religion and belief, as well as other thematic mandates, have revealed disturbing attacks and violence against members of religious minorities and their places of worship, affecting Buddhist, Christian, Jehovah's Witnesses, Muslim, and other religious minorities in several regions. Such violent attacks have been documented in numerous countries and different regions and are not confined to any one region. Long-standing and new forms of anti-religious extremism and the use of the internet and social media to spread hate speech and encourage discrimination and violence must be condemned at the highest levels.

24. In addition, the situation and abuse of the rights of persons belonging to "non-traditional" and new minority religious and faith groups remains concerning in some regions. Persons belonging to such groups report undue restrictions on their religious freedom and the activities of their leaders and members, administrative barriers to the registration of their faith-based organizations and establishment of places of worship and general harassment and intimidation including by law enforcement bodies and local authorities. In some cases members of such minorities experience violent attacks as a consequence of their religion or belief.

25. The independent expert will seek to consult with Governments, religious communities and leaders, and other stakeholders to highlight the need for appropriate security for individuals and communities and to contribute the resources of her mandate to help in finding solutions to interreligious tensions and promote inter-faith dialogue. She will seek examples of positive practices from all regions that have the objective of enhancing security, mutual understanding, promoting dialogue, establishing cooperation and ensuring the peaceful coexistence of diverse religious groups.

C. Recognition of minorities

26. Article 1 of the Declaration requires that “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity”. The Declaration on Minorities does not provide a comprehensive or legally binding definition of which groups can be considered to constitute minorities or provide detailed criteria for according minority status. In all regions there are national, ethnic, religious or linguistic communities that are not recognized as minorities by States and therefore may not be fully benefiting from minority rights as required by the Declaration. The independent expert considers that States should take an inclusive approach and interpret the Declaration in a progressive and unrestrictive way to ensure that both long-established and relatively newly established minorities enjoy their minority rights.

27. The independent expert welcomes the work of her predecessor relating to the rights and status of some persons belonging to specific communities in all regions that find themselves denied or deprived of citizenship, legal rights to remain, or recognition as legitimate minority groups. In many cases individuals, including children belonging to such groups who may have been born in their country of residence are rendered stateless. The independent expert will continue to raise the issues of specific affected communities. In cases where individuals have lived in a country for a period commensurate with their establishing well-developed community, social, economic and familial ties with that country, every consideration should be given by the State to granting them citizenship or legal rights to remain and all of their human rights as individuals and members of a minority group.

28. The independent expert notes with concern that a number of States maintain national ideologies or policies that impose restrictive criteria relating to official recognition of minority status. This may result in approaches to human rights, socio-economic policy, development, and poverty reduction, for example, that may fail to recognize the distinct circumstances, problems and experiences, including experiences of discrimination and exclusion, of persons belonging to disadvantaged national, ethnic, religious and linguistic groups. Approaches which do not recognize minorities, or acknowledge that certain population groups may face distinct challenges, do not allow for the opportunity for key tools and resources for non-discrimination and equality to be employed, including the use of disaggregated data and affirmative action measures targeted towards disadvantaged minorities.

29. The independent expert will seek to expand the understanding relating to the recognition of persons belonging to national or ethnic, religious and linguistic minorities, and those groups frequently described as “new minorities”.

D. Cross-cutting issues: Youth and women belonging to minorities

30. The independent expert recognizes the role and potential of young men and women within minority communities to inspire and promote change and develop positive relations across communities as well as being agents of change within their communities. Young people from both minority and majority communities have different experiences from those of older generations and bring different perceptions, including with regard to their national, ethnic, religious and linguistic and other aspects of their identity, and their interactions with those from communities that are not their own. In all aspects of her work as mandate holder, the independent expert will seek to engage with young people from minorities to learn about their views and ideas and to encourage them to take leadership roles and engage in positive activities to promote inter-cultural dialogue.

31. Women belonging to minorities frequently experience unique challenges and multiple or intersecting forms of discrimination emanating from their status as members of minorities and as women or girls. This may make minority women and girls particularly vulnerable to human rights violations and the denial of their rights in both public and private life. In conformity with the requirements of her mandate, the independent expert will seek to engage with minority women and consult them on their issues and concerns in all aspects of her work, including during country visits and in her communications to specific States.

32. The independent expert emphasizes that the fourth session of the Forum on Minority Issues held in November 2011, was dedicated to “guaranteeing the rights of minority women and girls” (see Section VI below) and produced a series of concrete recommendations to protect the rights of minority girls and women (A/HRC/19/71). The independent expert considers that these recommendations provide an essential resource and tool, produced through an inclusive process involving key stakeholders, including States and minority women themselves. In this regard she will focus attention on activities and initiatives to promote awareness and implementation of these recommendations in every region and seek opportunities to assist States and civil society in their efforts to operationalize the recommendations.

E. Achieving the Millennium Development Goals for disadvantaged minorities

33. The Declaration on Minorities states in article 4 that “States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country”. Nevertheless some disadvantaged minority groups in all regions continue to face high and disproportionate levels of poverty and face discrimination and marginalization that impacts on their rights and opportunities in all fields of life, including their education, access to employment and participation in economic life, their access to adequate housing, health and service provision.

34. The independent expert considers the work undertaken by the mandate to highlight the situation of minorities in the context of the Millennium Development Goals³ to be highly important as the international community approaches the 2015 deadline for achieving the Goals. She considers that efforts by States to ensure that the Goals are met for the poorest and most disadvantaged communities, frequently including minority groups, should be intensified including via interventions targeted at particular minority communities. Millions of persons belonging to minorities globally, including, for example, people of African descent, Roma, Dalits and others, are at risk of being left behind by initiatives that fail to benefit them due to discrimination, lack of adequate attention to their unique circumstances of poverty, or neglect.

35. Minority communities frequently experience discrimination and exclusion which leave them in situations of poverty and which require targeted solutions. The independent expert encourages States to recognize that one-size-fits-all solutions to achieve the MDGs will often not be effective for minorities who are frequently the poorest of the poor, who may live in remote or isolated localities and who may experience widespread discrimination in society resulting in entrenched exclusion and poverty. She will urge States to give specific attention to minority groups in the context of their efforts to achieve the Goals, to conduct rigorous needs assessments as well as research into the impact of

³ See Human Rights Council Report (A/HRC/4/9), section I, Minorities, Poverty and the Millennium Development Goals: Assessing Global Issues.

Millennium Development Goal programmes and activities on minorities and to evaluate the extent to which progress has been made or remains required for minority groups.

F. The role of minority rights protection in conflict prevention

36. The preamble to the Declaration on Minorities emphasizes 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 States in which they live”.

37. Building on the previous work of the mandate on the role of minority rights protection in conflict prevention presented to the General Assembly in October 2010 and the Human Rights Council in March 2011,⁴ the independent expert will seek opportunities to follow up practically on this work at the regional and country level and promote implementation of the recommendations contained in the report. The independent expert strongly believes that protection and promotion of minority rights at an early stage helps to prevent tensions emerging between groups that may eventually lead to conflict.

38. The independent expert emphasizes that full implementation by all States of the Declaration on Minorities should be considered a key measure to promote equality and political and social stability and as an essential component of good governance in diverse societies. She will pay particular attention to early signs of potential conflicts among different communities, such as indicators of increasing alienation or hatred against certain groups. Examination of challenges and positive practices relating to hate speech and hate crime legislation will be an area of focus. She will seek consultations with diverse stakeholders including in countries where inter-ethnic or interreligious tensions or conflict have previously occurred in order to identify ongoing challenges as well as learn about positive practices, preventative strategies and peace-building initiatives. In particular she draws attention to the need for minorities to be appropriately represented and to participate effectively in public life.

39. The independent expert recalls that, in view of the prevalence of conflicts involving minority and inter-group issues, minority rights expertise should be strengthened and integrated comprehensively across the United Nations system and that permanent in-house expertise on minority issues within the principal agencies and departments working on conflict prevention would be highly beneficial.

G. The role of minorities in advocating for their rights

40. The independent expert emphasizes that while Governments bear the primary responsibility for protecting and ensuring the rights of all within society, minorities themselves also have a vital role and important responsibilities relating to their own communities and their place and integration in wider society. Article 2 of the Declaration establishes that “persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation. Persons belonging to minorities also have the right to establish and maintain their own associations, and important component in the efforts of minorities to advocate for their rights”.

41. Minorities should take an active role in advocating for their rights as enshrined in the Declaration on Minorities and in being active and effective agents of change. They need to organize themselves to successfully partner with various decision-makers to express their

⁴ See A/65/287 and A/HRC/16/45.

needs and take necessary steps towards the full realization of their minority rights. Importantly they should be active in their efforts to participate effectively in political life at both national and local levels.

42. The independent expert, therefore, recognizes and applauds the work of grass-roots organizations and individuals in every region of the world working with and on behalf of disadvantaged minority communities to protect and promote their rights. She emphasizes that such NGOs frequently work in difficult circumstances and lack capacity and financial and human resources. Nevertheless many such organizations and individuals have achieved significant and concrete improvements affecting the lives of persons belonging to minorities in positive and very practical ways which should be given greater visibility and potentially employed as positive models for other communities worldwide where similar challenges exist.

43. In the course of her work the independent expert will seek to engage systematically and substantively with grass-roots minority rights organizations in every region in order to learn from and support their vital work. Grass-roots organizations frequently engage in creative and innovative activities with minority communities and also with majority communities to ensure enjoyment of rights, establish dialogue, build understanding and trust between people, and confront discrimination and exclusion. Pursuing efforts to identify positive practices as required by her mandate, the independent expert will seek to learn about and catalogue the programmes, practices and initiatives of grass-roots NGOs that have had a positive impact on the rights of persons belonging to minorities and in breaking down barriers between communities. Such practices will be made available on the website of the independent expert and may serve to inspire others working in the field of minority issues. The independent expert will create a page on her website in order to showcase the positive work and impact of grass-roots organizations.

44. Recognizing that globally some minorities have been relatively successful in organizing and mobilizing themselves in order to claim their rights in comparison to others, the independent expert considers it important to develop a greater understanding of how minorities organize and become successful in mobilizing for change at the national and international levels and implement successful advocacy strategies. More studies should look into these opportunities and experiences and the independent expert will pay special attention to such analyses. Minority communities that have established NGOs are frequently more successful at advocating for change, are better equipped to engage local and national government and are able to benefit from funding and support from national and external sources.

H. Increased outreach and networking with minority groups

45. The independent expert wishes to expand the group of minority activists and experts cooperating with her mandate and providing information to it. Building on the work of her predecessor she will seek to develop and update the civil society database of OHCHR with national organizations working in the area of minority rights and with minority communities, including those in countries in which official visits have been undertaken. This will enhance the independent expert's ability to maintain regular channels of communication with such actors and provide advisory and other services to them and to assist them with their access to her mandate, other relevant special procedures mandates, treaty bodies and other human rights bodies and mechanisms that are relevant to work on minority issues and country situations involving minorities.

46. She is supportive of efforts to establish a global network or caucus of minorities that will serve to establish communications links between diverse minorities and minority rights focused on NGOs from all regions and facilitate the sharing of information on a systematic basis between minorities, and between the United Nations and minority groups. A

minorities caucus would offer enhanced opportunities to promote awareness of the Declaration on Minorities and its establishment would be timely in 2012, which is the 20th anniversary of the adoption of the Declaration.

47. Network members would be an important source of information and expertise for the work of the independent expert and help to create awareness of the mandate across different regions and contribute systematically to the work of the mandate. A caucus would strengthen opportunities to share good practices and positive initiatives, improve information sharing by the United Nations to minorities relating to United Nations activities and events relevant to minorities, provide enhanced channels of communication regarding the provision of information relating to violations of the rights of minorities, and allow for joint initiatives. Reflecting on the need for effective early warning mechanisms to alert the international community to situations of concern involving minorities, the independent expert believes that the establishment of a global caucus could enhance efforts in this respect and improve timely provision of information on deteriorating situations.

48. A minorities caucus could benefit from and be based upon existing United Nations contacts with minorities including: minority participants in the Forum on Minority Issues; participants in the United Nations Minority Fellowship Programme; contacts established through country visits of the mandate and through thematic initiatives of the independent expert. In addition, NGOs and others working in the field of minority issues in all regions would be invited to propose organizations and individuals to join the caucus. Academics, researchers, regional and country experts and those with particular thematic expertise relating to minority issues will also make a valuable contribution to discussions and initiatives of the proposed caucus.

IV. Celebrating the 20th anniversary of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

49. The year 2012 marks the 20th anniversary of the adoption by consensus of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. In 1992, inspired by the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious and linguistic minorities, all United Nations Member States agreed that the rights of minorities warranted particular attention by the United Nations and that the United Nations has an important role to play regarding the protection of minorities.

50. It is notable that the Declaration states in its preambular paragraphs 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 States in which they live” and that “the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as an integral part of the development of society as a whole and within a democratic framework based on the rule of law, would contribute to the strengthening of friendship and cooperation among peoples and States”.

51. The independent expert particularly draws the attention of the specialized agencies and other organizations of the United Nations system to article 9 of the Declaration which states that they “shall contribute to the full realization of the rights and principles set forth in the present Declaration, within their respective fields of competence”. In this regard she welcomes the continuing cooperation and collaboration of specialized agencies, treaty bodies and others with her mandate relating to their work on minority issues and invites them to consider participating in and initiating activities to mark the 20th anniversary of the Declaration.

52. The independent expert encourages all United Nations Member States to consider undertaking activities in their countries and regions to mark the 20th anniversary and to promote awareness of the United Nations Declaration amongst minority communities and within wider society generally. Such activities could include the establishment of a national day for minorities during which the cultures and traditions of minority groups are celebrated and the contributions of minorities to society through history and in the present day are highlighted. Initiatives in the field of education and information for young people from all communities could also be envisaged.

53. During the course of 2012 the independent expert looks forward to participating in a variety of events to mark the 20th anniversary. Among these events will be a series of sub-regional conferences organized by the Office of the High Commissioner for Human Rights and hosted by some of its regional offices.⁵ These events will seek to bring together a variety of stakeholders from the regions in question including representatives of national Governments, civil society actors working in the field of minority rights, and regional staff from OHCHR and United Nations specialized agencies. The events will promote awareness of the Declaration and consider specific issues most relevant to minorities in the region in question. Regional events will also provide a valuable opportunity for the independent expert and OHCHR to deliver the recommendations of the Forum on Minority Issues and other relevant recommendations, guidelines and resources to decision makers and stakeholders in a sub-regional context.

V. Report on activities of the former independent expert, Gay McDougall (11 December to 31 July 2011)

54. The former independent expert continued her work to promote implementation of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities through a range of activities until the end of her tenure as mandate holder. She conducted extensive consultations with regard to all elements of her mandate. She has attended expert seminars and conferences, convened consultations, engaged with States, Specialized Agencies, bodies and mechanisms of the United Nations system and regional intergovernmental organizations. She has consulted widely with civil society and directly with minority communities.

55. On 7 March 2011, the former independent expert participated in a day of thematic discussion in the context of the International Year for People of African Descent 2011, organized by the Committee on the Elimination of Racial Discrimination (CERD) on racial discrimination against peoples of African descent and delivered a statement to the event. The objective of the event was to enhance understanding of the causes and consequences of racial discrimination against people of African descent through an exchange of relevant information and an examination of the advances, challenges and lessons learned in this regard. Ms. McDougall addressed the event as part of a panel on the subject of “People of African descent and the international human rights mechanisms: challenges and accomplishments”. The day of thematic discussion resulted in the drafting of general recommendation No. 34 on racial discrimination against people of African descent.

56. The former independent expert visited Bishkek, Kyrgyzstan, on 21 and 22 June 2011 to participate in a regional event “Advancing the rights of minorities in Central Asia”, organized by the regional Office of the High Commissioner for Human Rights in Bishkek. The event had a particular focus on effective participation in public life and brought together representatives from the Governments and civil society of Kazakhstan,

⁵ At the time of drafting the locations of the sub-regional events and participation of OHCHR offices were yet to be confirmed.

Kyrgyzstan, Tajikistan, Uzbekistan and Turkmenistan. Ms. McDougall delivered a statement on “Effective participation of minorities in public life: agenda for 21st century” and participated in a panel discussion on “Reflections on the Central Asian experience and international standards of minority rights”. The event had the objective of raising awareness and advancing the rights of ethnic minorities in Central Asia and set out proposals for future work of OHCHR and national Governments on minority issues in the Central Asian region. During her visit, Ms. McDougall consulted with the President of Kyrgyzstan, Ms. Roza Otunbaeva, on issues relating to minorities.

57. On 26 June 2011 the former independent expert hosted a conference in Geneva, Switzerland, “Discrimination on the basis of work and descent: next steps for engaging the United Nations human rights system”. The event brought together several special procedures mandate holders with mandates relevant to this issue. It included acknowledged experts in the field of discrimination on the basis of work and descent, while other participants had a wide variety of experience of working at the United Nations on other issues and an understanding of how to move forward difficult human rights agendas, engage the system to best effect and to inspire and convince those within the system to take action on behalf of victims. This strategy meeting proposed a range of concrete proposals for action which emerged from the discussions.

58. The former independent expert participated as keynote speaker in a conference “Recognition and the Politics of Identity and Inclusion in the 21st Century: Managing Diversity in Plural Societies” at the University of Hong Kong on 28 and 29 April 2011. At the conference Ms. McDougall highlighted many of the challenges facing minorities today and discussed the thematic work and country visits conducted by her mandate and work carried out in the context of the Forum on Minority Issues, including in the areas of minorities and the right to education, effective participation, and effective participation in economic life.

59. The mandate of the independent expert continued its collaboration with the Indigenous Peoples and Minorities Section of OHCHR in a series of regional expert consultations on effective practices in policing and minority communities, and participated in the regional consultation for Asia and the Pacific held in Bangkok on 30 and 31 May 2011. The goal of the consultations is to promote and share understanding as to good and bad practices in policing and minorities with the objective of creating a tool in the form of a set of guidelines that could serve to provide law enforcement agencies with advice on how best to approach the inclusion of minorities in policing through participation and representation. Expert participants were from Australia, Cambodia, India, Indonesia, Pakistan, the Philippines and Thailand, including members of the Committee on the Elimination of Racial Discrimination and the Committee on Migrant Workers. United Nations agencies and programmes, including the Economic and Social Commission for Asia, the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNICEF, UNDP, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office on Drugs and Crime (UNODC) and the International Organization for Migration (IOM) were represented. The Minority Rights Group International, the Human Rights Commission of Thailand and Forum Asia also participated in the consultation. The Deputy Inspector General of the Royal Thai Police represented the Government of Thailand.

Country visits

60. The former independent expert, Gay McDougall, visited Rwanda from 31 January to 7 February 2011. She travelled to Kigali and to other regions, where she consulted with people in their communities, some of whom self-identify as Batwa and others who were formerly recognized as Hutu and Tutsi. She pointed out that the Government should be commended for initiatives and positive practices that have contributed towards healing and

social cohesion, development and growth. Government efforts to forge unity and social cohesion behind a Rwandan national identity and to diminish ethnicity as a mobilizing and destructive force in society are praiseworthy. Nevertheless, the independent expert considers that inter-group relations continue to have salience in Rwandan society and a candid discussion of those issues would be valuable to a process of promoting national unity that respects the rights of individuals and communities to freedom of expression and to freely identify as belonging to an ethnic group. The visit report is available as document A/HRC/19/56/Add.1.

61. The former independent expert visited Bulgaria from 4 to 11 July 2011. The independent expert addressed the situation of minorities, particularly the Roma, Turkish, Muslim and other religious minorities, and those identifying as Macedonian and Pomak. She consulted widely on Bulgaria's legislation, policy and practice relevant to minority rights, anti-discrimination and equality. The Government was commended for its numerous laws, policies and programmes, including with respect to education, employment, housing and health care, which have the objective of promoting anti-discrimination and equality and the rights of minorities, including the Roma minority. Nevertheless, despite some policies having been in place for many years, the Roma remain at the very bottom of the socio-economic ladder. They experience discrimination and exclusion in all walks of life which leaves them marginalized and in persistent poverty. The visit report is available as document A/HRC/19/56/Add.2.

62. The independent expert thanks the Governments of Rwanda and Bulgaria for their cooperation during the preparation and conduct of her visits and looks forward to continuing constructive dialogue with regard to her analysis and recommendations. She also thanks those NGOs and civil society actors which provided valuable information and assistance to her in the context of these country visits.

VI. Update on the Forum on Minority Issues

63. The Forum on Minority Issues, established under resolution 6/15 of the Human Rights Council, is mandated to provide a platform for promoting dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minorities, and to provide thematic contributions and expertise to the work of the independent expert. The independent expert is required to guide the Forum sessions, prepare its annual meetings and to report the recommendations of the Forum to the Human Rights Council. The Forum has been successful in identifying and analysing best practices, challenges, opportunities and initiatives for the further implementation of the Declaration on Minorities and has produced concrete and tangible outcomes in the form of thematic recommendations of practical value to all stakeholders.

64. As a practical measure to promote awareness and implementation of the recommendations of the Forum in every region, under the auspices of the mandate of the independent expert, a publication has been produced which compiles the recommendations of the first three annual sessions of the Forum in one accessible document. The publication will be widely disseminated and made available in online and CD-ROM formats. This publication will contribute to resources provided by OHCHR for events to mark the 20th anniversary of the United Nations Declaration and aims to make the recommendations of the Forum more accessible to Government and multiple stakeholders.

Fourth session of the Forum: Guaranteeing the rights of minority women

65. The fourth annual session of the Forum took place on 29 and 30 November 2011 and considered the issue of guaranteeing the rights of minority women. The fourth session of the Forum focused on concrete measures and recommendations aimed at guaranteeing the rights of minority women and girls. Building on the work carried out during the first

three sessions of the Forum and the recommendations emanating from that work, the fourth session addressed the rights as well as the challenges and opportunities with regard to minority women and girls having access to education, taking part effectively in economic life, having access to labour markets and participating fully in social, cultural and political life.

66. The fourth session of the Forum was expertly chaired by Ms. Graciela Dixon of Panama, and achieved excellent participation by diverse stakeholders, including over 80 United Nations Member States from all regions, and experts identified on the basis of their belonging to a minority group and having particular expertise and experience in the field of the rights of women belonging to minorities. United Nations bodies, mechanisms and specialized agencies participated, including UNICEF and UN Women, as well as expert Members of United Nations treaty bodies, notably the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights. Many NGOs were active participants and facilitated the participation of persons belonging to minorities from every region.

67. The Forum drew greater attention to the situation of minority women in the agendas of the various stakeholders working on human rights, minority rights and women's rights by establishing closer cooperation among them. It also gave space to, *inter alia*, minority women's rights and feminist movements and networks, and provided concrete and practical examples to all participants on how to give visibility to the rights of minority women. Participants had the opportunity to highlight challenges as well as positive initiatives and good practices for the protection and promotion of the rights of minority women.

68. Without explicit recognition of the different life experiences of minority women and men, such discrimination against women and minority women will often go unnoticed and not be addressed adequately. It is therefore crucial that the diversity that exists within each minority group and the fact that minority women and girls may experience multiple forms of discrimination in the course of their interactions both inside and outside their community be recognized.

69. Women may be regarded as subordinate or inferior by men, and minority women may additionally face discrimination on the basis of their ethnicity, nationality or religion from those outside their minority group. A gender perspective that takes into account such multiple and intersecting forms of discrimination is critical when addressing minority rights and the situation of minority women and girls in a given minority group and in a particular country. The rights of every single member of such minority groups must be respected fully and equally, in all circumstances.

70. The issues and concerns of minority women frequently receive a lower priority than the efforts made to ensure minority rights for the group in general. Women belonging to minority groups often struggle within their communities to advocate for their rights, which can be set aside as a result of the prioritization of the general concerns of the group. Barriers to the empowerment of some minority women, including lack of social or economic contact, networks or minority women's support groups, and scarcity of female minority role models have an important impact on the enjoyment by minority women and girls of their human rights. Minority women may hesitate to voice their gender-specific grievances even within their groups, let alone outside them. Minority women's rights could also benefit from increased attention by the broader movement for women's rights. In turn, the women's rights movement would also benefit from the specific experiences of minority women in their overall struggle for equality.

71. At its first session, the Forum focused on minorities and the right to education. Access to education for minority girls may present particular challenges, especially in highly patriarchal family and community structures where gendered societal roles persist. Lack of education represents an absolute barrier to their progress and empowerment in

every region of the world. In some cases, where barriers to access are compounded for girls, sometimes owing to the prioritization given to the education of boys, this results in a vicious circle leading to severe educational exclusion and diminished opportunities for girls to take part fully in economic, social, cultural and political life. As a consequence, some minority girls and women excluded from education suffer from high illiteracy levels.

72. Ensuring equal access to education for women and girls from minority groups, upon whom poverty and family responsibilities may have a disproportionate impact, remains a considerable challenge. Internal factors, including cultural practices, early marriages and entrenched patriarchal structures and gender roles that, for example, restrict the free movement of girls and women, are important issues that create barriers to access to education for girls, which must be addressed.

73. At its second session, the Forum recommended, *inter alia*, that States should ensure that all mechanisms, procedures and institutions established to promote and increase the political participation of persons belonging to minorities take into account the specific needs of minority women. The political rights of women are established in, *inter alia*, article 7 of the Convention on the Elimination of All Forms of Discrimination against Women, whereby women are guaranteed the rights to vote, to hold public office and to exercise public functions. Minorities often lack a say in national and local bodies responsible for policy, including in relation to economic life, national development and budgeting, and this is doubly the case for minority women. Consequently, the issues and situations of minority women may be neglected or not be given the priority that is required to achieve meaningful change.

74. Minority women may face obstacles within their homes and in communities that deny them a role in decision-making. In society at large, they may in turn be denied a say in decisions of the national polity because they are women and because they are minorities. Ensuring effective political participation for minority women and their equal representation not only ensures their participation in decision-making on issues directly affecting them but also helps to ensure that society as a whole benefits from their contribution and truly reflects its diversity.

75. The theme of the third session of the Forum was minorities and effective participation in economic life. Minority women are often excluded from the labour market or are at greater risk of unemployment. Barriers to minority women's access to labour markets include lack of professional education and formal qualifications, limited knowledge of the official language, low awareness of job opportunities, geographical location of jobs distant from their place of residence, lack of public infrastructure for child care, and financial difficulties. Cultural traditions and gendered societal roles may further discourage the involvement of minority women in employment or severely limit their options in this regard.

76. Sex- and minority-based discrimination in hiring, promotion and pay also create significant barriers for minority women. Increasingly informal labour markets – a result of globalization – have brought more women into paid work, but often with low pay, excluded from basic labour protection and employed under poor working conditions. This renders the conditions under which minority women – and all too often young girls – earn incomes that may be insecure, difficult, harmful or even dangerous. Their workload can be made heavier by the lack of such basic amenities as clean water and sanitation, the availability of child-care support and protection against domestic and social violence. Minority girls and women in difficult circumstances are often forced to find survival opportunities outside their communities and home, and can easily fall victim to trafficking, exploitation and illegal migration within or outside their own country, which makes them even more vulnerable.

77. In some societies, minority women shoulder complex burdens of poverty, ethnic or religious prejudice and gender-based restrictions, which can frequently result in greater challenges to the right to an adequate standard of living, including adequate housing. For

instance, minority women in rural or remote areas in some countries may be confronted by a profound degree of isolation created by several different factors, including the boundaries of the home, lack of education and language barriers. Access to and use and management of land and property are central to women's economic independence, social status and political influence, not only with regard to their own status but also to that of men in their community.

78. Customary law used by minorities, as well as laws in general, may disadvantage minority women, and entrenched gender roles may leave them highly vulnerable, particularly with regard to ownership of land or property, inheritance rights and access to credit, technology or markets. Displacement as a result of a wide range of reasons, such as war, men having been forced to flee or killed in a conflict, increased poverty and climate change have had the effect of loss of land and property, as well as putting minority women at risk of, inter alia, kidnapping, sexual exploitation, violence and HIV/AIDS.

79. Minority women may also face additional challenges in terms of access to reproductive health care. Indeed, several factors, including poverty, living in remote geographic areas where maternal health services are poor and/or inaccessible, and the lack of cultural awareness among maternal health practitioners, can greatly contribute to increasing maternal mortality among minority women. Minority women might have to deal with restrictions on their reproductive rights from within their own communities, including with regard to the use of contraception. The practice of early marriages in minority communities can have a significant impact on the health of women and their access to education or employment. Other discriminatory practices and policies in society in general include forced sterilization, used for some minority women because of their belonging to a particular minority group.

80. Negative and stereotypical portrayals of minority girls and women – for example as uneducated, powerless, oppressed or unhygienic – largely influence their treatment in wider society and contribute to the perpetuation of discrimination. Minority women following different cultural, traditional and religious practices can easily face segregation or exclusion from various social services. If they only speak their minority language, they experience difficulties and discrimination even in basic life situations. Minority women may also face barriers to freedom of cultural expression and have limited access to social and cultural forums when compared with minority men.

81. Two side-events on issues related to the rights of minority women and girls were organized in the margins of the fourth session of the Forum. The first side event on 29 November, organized by OHCHR, focused on empowering minority women to claim their rights within their communities as well as organizational and institutional bodies and mechanisms that can be effective in empowering and building the capacity of minority women. Panellists included Mercedes Barquet (Mexico), member of the Working Group on Discrimination against Women in Law and in Practice; Atieno Junnipher Kere (Kenya), Women In Fishing Industry Programme; Renu Sijapati (Nepal), Feminist Dalit Organization (FEDO); Beata Bislim Olahova (Slovakia), Roma Education Fund; and Leonardo Reales Martinez (Colombia), AFROLATINOS and ECODESARROLLO.

VII. Conclusion

82. **The independent expert looks forward to fulfilling the requirements of her Human Rights Council mandate and to constructive and fruitful cooperation with diverse stakeholders in all regions towards that end. She particularly notes her desire for a constructive engagement with United Nations Member States and encourages Member States to respond positively to her requests for information or for country visits, while emphasizing that her mandate remains available to provide assistance to States and respond to their requests, including in the area of technical cooperation, to**

the fullest extent possible. Equally, the independent expert reiterates the importance that she places on the role and views of non-governmental organizations and representatives of minority communities themselves, including in providing information to her and engaging and assisting her fully as she conducts her work on minority issues and with and on behalf of minority communities.

83. Recalling that 2012 marks the 20th anniversary of the adoption of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the independent expert urges all stakeholders, including United Nations Member States, civil society and minorities themselves to undertake efforts and initiatives to increase awareness of the Declaration amongst all people within their respective States and regions, and to actively promote its implementation and the full enjoyment of all human rights by persons belonging to minority communities.
