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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,
Gay McDougall

Addendum

Summary of cases transmitted to Governments and replies received*

* This addendum is being circulated in the language of submission only.

** The present report was submitted later than the indicated deadline, in order to incorporate the latest available information on the subject matter.

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I. INTRODUCTION

1. The mandate of the independent expert on minority issues as established in Commission on Human Rights Resolution 2005/79, requires the independent expert *inter alia* to “promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Henceforth the 1992 Declaration on Minorities), including through consultations with Governments, taking into account existing international standards and national legislation concerning minorities” (para. 6 (a)).
2. In pursuance of the above requirement, the independent expert receives information from diverse sources including UN Member States and non-governmental organizations regarding challenges to implementation of the 1992 Declaration on Minorities and alleged violations of the rights of persons belonging to minority groups. She also seeks information regarding good practice in regard to legislation, policy and practice to respect, promote and protect the rights of persons belonging to minorities. On the basis of information received, and in order to solicit additional information from relevant States, the independent expert consults with governments through sending communications in the form of letters of allegation, urgent appeals and thematic communications.
3. This addendum to the report of the independent expert is the first such addendum to be presented to the Human Rights Council by the independent expert. It therefore provides summaries of letters of allegation and urgent appeals sent by the independent expert from 29 July 2005 (the date of the appointment of the independent expert by the High Commissioner for Human Rights) to 25 December 2007 as well as summaries of Government replies received. In addition it presents thematic communications sent to UN Member States over the same period and notes responses received.
4. The independent expert’s criteria for her communications are based on the 1992 Declaration on Minorities and other relevant international standards, from which she has identified four broad areas of concern relating to minorities globally. These are: (a) the protection of a minority’s survival and existence within a territory or state, including through combating violence against them, forced expulsion and genocide; (b) the protection and promotion of the cultural identity of minority groups, and the right of national, ethnic, religious or linguistic groups to enjoy their collective identity and to reject forced assimilation; (c) the guarantee of the rights to non-discrimination and equality, including ending structural or systemic discrimination and the promotion of affirmative action when required; and (d) the guarantee of the right to effective participation of members of minorities in public life, especially with regard to decisions that affect them.
5. In March 2007 the independent expert’s report to the fourth session of the United Nations Human Rights Council focused on minorities, poverty and the Millennium Development Goals (document A/HRC/4/9). A thematic addendum to that report “Achieving the Millennium Development Goals (MDGs) for Minorities: A Review of MDG Country Reports and Poverty Reduction Strategies” (A/HRC/4/9/Add.1) sought to provide a deeper analysis of the MDG reports and selected Poverty Reduction Strategy Papers of 50 States in order to identify good practices of States in all regions as well as continuing challenges to ensuring that the MDG’s are met for minorities.

6. On 17 April 2007 the independent expert sent a letter to each of the 50 States surveyed¹. The letter sought further consultation with Governments, in order to gain their views and further information on policies and practice relating to minorities, poverty and the MDGs. The objective was to highlight successful practices, identify challenges and possibilities for technical cooperation, and benefit from the useful experiences of these Governments. The independent expert wishes to thank the Government of Sudan for its response and encourages other States to provide additional information as requested.

7. On 6 and 7 December 2007 the independent expert convened an expert consultation on the issue of the discriminatory denial or deprivation of citizenship as a tool for the exclusion of minorities. The seminar served as a means to benefit from the knowledge and experiences of affected communities, regional experts, UN bodies and agencies, representatives of regional inter-governmental institutions and civil society. The outcomes of this seminar form the thematic focus of the annual report of the independent expert to the Human Rights Council seventh session in March 2007 (A/HRC/7/23). In accordance with her mandate requirements to consult with States and identify best practices, on 15 October 2007 the independent expert also sent a letter and questionnaire to all UN Member States requesting information on issues related to minorities and citizenship.

8. The independent expert wishes to thank the following States for their responses to this questionnaire and notes that such responses will be included on her website: Albania, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Bosnia and Herzegovina, Canada, Colombia, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, El Salvador, Estonia, Georgia, Germany, Guatemala, Guyana, Hungary, Ireland, Iraq, Italy, Japan, Mauritius, Norway, Pakistan, Philippines, Qatar, Romania, Russian Federation, Singapore, Slovakia, Slovenia, Switzerland, Turkey, Uruguay, Uzbekistan.

9. During the period covered by this addendum, the independent expert sent 26 communications to 19 countries and to the United Nations Mission in Kosovo² (UNMIK). The independent expert has received 9 replies to letters of allegation and urgent appeals sent during the period under consideration. All of the letters of allegation and urgent appeals sent by the independent expert were joint communications undertaken with other Special Procedures mandate holders as indicated in the summary of communications below. By joining the communications of other mandate holders, the independent expert seeks to highlight that many rights violations that fall within the purview of other mandates have as their impetus discrimination against or the repression of minority groups identified by ethnicity, religion or language.

10. To avoid duplication, the independent expert has briefly summarized the joint communications sent and replies received and provided references to the reports of other mandate holders where full details are provided.

¹ List of MDG Country Reports Reviewed: Afghanistan, Bangladesh, Belize, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, China, Denmark, Dominican Republic, Ecuador, Ethiopia, Finland, Honduras, Hungary, Indonesia, Iran, Kazakhstan, Kenya, Republic Of Serbia Province Of Kosovo, Lao Pdr, Lebanon, Malaysia, Mexico, Namibia, Nepal, Netherlands, Nicaragua, Nigeria, Norway, Occupied Territories Of Palestine, Pakistan, Peru, Philippines, Romania, Rwanda, Senegal, South Africa, Sudan, Sweden, Switzerland, Tanzania, Thailand, Turkey, Uganda, United Kingdom, Uruguay, Venezuela, Vietnam.

² Republic of Serbia, Province of Kosovo.

II. SUMMARIES OF CASES TRANSMITTED AND REPLIES RECEIVED

Bangladesh

Urgent appeal

11. On 10 August 2007, the independent expert sent a joint urgent appeal to the Government of Bangladesh regarding reported proceedings initiated against the President of the Dhaka Chapter of the Human Rights Congress for Bangladesh Minorities (HRCBM), a human rights defender and member of the Hindu minority community in Bangladesh. This urgent appeal was sent by the independent expert jointly with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Representative of the Secretary-General on the situation of human rights defenders. The independent expert expressed concern that proceedings brought against this individual may be in retaliation for his work in the defense of the rights of a minority group. Further details of this communication are available in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/7/16/Add.1).

Government reply

12. By letter dated 15 January 2008, the Government of Bangladesh informed the independent expert that the allegations of relating to the rights of the stated individual, including the right to freedom of expression and allegations of torture practiced against him were unfounded. Concerning the eviction at the Bhananipur Temple, the Government reported that this individual was not present when it occurred. Furthermore, no allegations of torture practiced against this individual were submitted to the Court in this case.

13. The Government further informed the independent expert that the arrest was connected to another incident. According to the Government, he was accused of having allegedly threatened the local Upazilla Nirbahi Officer. An investigation was carried out and on completion this investigation was submitted to the Court. The President of the Dhaka Chapter of the Human Rights Congress for Bangladesh Minorities appeared before the Court voluntarily and was then granted bail on appeal. The Government further asserts that the allegations concerning threats directed against this individual are equally unfounded. Neither was he arrested. Further details of this response are provided in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/7/16/Add.1).

République Démocratique du Congo

Lettre d'allégation

14. Le 1 février 2006, l'experte indépendante a envoyé une lettre d'allégation au gouvernement de la République Démocratique du Congo concernant la communauté pygmée. La lettre d'allégation a été envoyée par l'Experte Indépendante conjointement avec le Rapporteur Spécial sur les formes contemporaines de racisme, de discrimination raciale, de

xénophobie et de l'intolérance qui y est associée, le Rapporteur spécial sur la situation des droits de l'homme et des libertés fondamentales des populations autochtones, et le Rapporteur spécial sur la torture. La lettre d'allégation concernait des incidents rapportés de violence et de discrimination à l'encontre de plusieurs personnes nommées et d'un groupe appartenant à la communauté pygmée Mbendjele. Un résumé de cette lettre d'allégation est disponible dans le rapport des communications du Rapporteur Spécial sur la situation des droits de l'homme et des libertés fondamentales des populations autochtones (A/HRC/4/32/Add.1, Para.437-442).

Czech Republic

Letter of allegation

15. On 10 May 2007, the independent expert sent a joint letter of allegation to the Government of the Czech Republic in regard to the situation of the Roma minority. This letter of allegation was sent jointly with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Special Rapporteur on the right to education, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. This letter of allegation concerned the living conditions mainly of persons belonging to the Roma minority in socially excluded localities in the Czech Republic. Further details of this communication are available in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/7/16/Add.1).

Letter of allegation

16. On 21 August 2007, the independent expert sent an additional joint letter of allegation to the Government of Czech Republic also in regard to the situation of the Roma community. This allegation letter was sent together with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, concerning housing conditions and evictions of persons belonging to the Roma minority. Further details of this communication are available in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/7/16/Add.1).

The Dominican Republic

Letter of allegation

17. On 07 September 2005, the independent expert sent a joint allegation letter to the Government of the Dominican Republic in regard to the situation of Dominicans of Haitian origin. This letter of allegation was sent together with the Special Rapporteur on the human rights of migrants, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance concerning information received on the detention and deportation of Haitian nationals and acts of violence perpetrated against them. Further details of this communication are available in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2006/16/Add.1, Para. 28).

Greece

Letter of allegation

18. On 20 July 2007, the independent expert sent a joint letter of allegation to the Government of Greece in regard to Roma minority communities. This letter of allegation was sent jointly with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The letter concerned the reported forced evictions of members of Roma minority communities in various locations around the country, including the city of Patras. Further details of this communication are available in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/7/16/Add.1).

India

Letter of allegation

19. On 19 December 2007, the independent expert sent a joint letter of allegation to the Government of India in regard to the Dalit minority. This letter of allegation was sent jointly with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on the independence of judges and lawyers, and the Special Rapporteur on violence against women, its causes and consequences, regarding acts of violence perpetrated against Dalit Women in India. Further details of this communication are available in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/7/19/Add.1, Para 64-70).

Iran (Islamic Republic of)

Urgent appeal

20. On 1 March 2006, the independent expert sent a joint urgent appeal to the Government of the Islamic Republic of Iran in regard to the minority Nematollah Sufi Muslim community. This urgent appeal was sent jointly with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the question of torture. This communication concerned in particular the arrest and torture of 173 members of the Nematollah Sufi Muslim community. Further details of this communication are available in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/4/19/Add.1 Para. 103-106).

Letter of allegation

21. On 24 May 2006, the independent expert sent a joint letter of allegation to the Government of Islamic Republic of Iran in regard to the Azeri Turk minority community. This letter of allegation was sent jointly with the Special Rapporteur on contemporary forms

of racism, racial discrimination, xenophobia and related intolerance, concerning racial discrimination against the Azeri Turk minority community. Further details of this communication are available in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/4/19/Add.1 para.109-110).

Letter of allegation

22. On 13 June 2006, the independent expert sent a joint letter of allegation to the Government of the Islamic Republic of Iran in regard to the Bahá'í community. This letter of allegation was sent together with the Special Rapporteur on freedom of religion or belief concerning the arrest of 54 members of the Bahá'í community in the city of Shiraz and other incidents relating to the rights of the Bahá'í community. Further details of this communication are available in the report of the Special Rapporteur on freedom of religion or belief (A/HRC/4/21/Add.1 Para. 197-203).

Government reply

23. On 20 July 2006, the Government of the Islamic Republic of Iran reported that, according to information received from the Judiciary of the Islamic Republic of Iran, 64 persons had pretended to be representatives of governmental cultural organizations such as the Ministry of Education and the Ministry of Islamic Guidance as well as NGO's such as Nonahalan Emrooz Association of Protection of the Rights of the Child, Koodakan Donya and Shiraz Municipality Council for their activities. The Government informed the independent expert that on this basis, a legal action had been initiated against them by some of the concerned organizations, a large number of whom are not Bahai's. The Government therefore categorically denied that any action was taken on the basis of considerations of individuals' beliefs. According to the Government, after legal investigations were carried out, 61 persons were released and among them 51 were released on bail. A further three individuals remained in custody for further investigations but were also eventually released on bail. Further details of this response are provided in the report of the Special Rapporteur on freedom of religion or belief (A/HRC/4/21/Add.1 Para. 204-206).

Iraq

Urgent appeal

24. On 08 June 2007, the independent expert sent a joint urgent appeal to the Government of Iraq in regard to the Christian minority communities. This letter of allegation was sent together with the Special Rapporteur on freedom of religion or belief, regarding attacks on members of Christian minority communities in Baghdad. Further details of this communication are available in the report of the Special Rapporteur on freedom of religion or belief (A/HRC/7/10/Add.1, Para. 130-135).

Israel

Letter of allegation

25. On 21 August 2007, the independent expert sent a joint letter of allegation to the Government of Israel in regard to minority Bedouin communities. This allegation letter was sent together with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. The allegation letter was sent regarding forced evictions faced by several Bedouin communities in territories under Israeli's occupation. Further details of this communication are available in the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15/Add.1 para.279-292).

Italy

Letter of allegation

26. On 18 October 2007, the independent expert sent a joint letter of allegation to the Government of Italy in regard to the situation of the Roma minority communities. This letter of allegation was sent jointly with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Special Rapporteur on the human rights of migrants, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The letter reflected concern regarding incidents of evictions of Roma communities in Rome and Pisa. Further details of this communication are available in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/7/16/Add.1).

Government reply

27. On 21 December 2007, the Government replied to this communication and informed the independent expert that local authorities were undertaking various measures, in particular those concerning the campsites with a view to improving living conditions of Roma communities in several locations like Naples, Milan, Rovereto, Rome. The Government added information concerning several removals of Roma settlement located in: "Bagni di Tivoli", on 26 July 2007 ; in "Magliana", Via dell'Imbarco, Rome, on 19 July 2007; in Pisa in May 2007; and explained the decision of these removals, and the fact that the Roma community members received assistance.

28. The Government stated many programs are started, like, since 2002, a program called "Le Città Sottili", for Roma communities. The objective of this program is to close the Roma settlement and re-house the residents. Other program started like, by the end of 2006, the "IRRMA" ("Regional intervention against Marginality"), project. Moreover, the Government reported facts, according investigations, concerning the incident on 10 August 2007, in Livorno, where four Romanian children died in a fire, in a Roma settlement. Also the Government provided information regarding the forced evictions of Roma families from a settlement in Pisa. Further details of this response are provided in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/7/16/Add.1).

Lao People's Democratic Republic

Letter of allegation

29. On 10 May 2007, the independent expert sent a joint letter of allegation to the Government of the Lao People's Democratic Republic in regard to the situation of the Hmong ethnic minority community. This letter of allegation was sent jointly with the Special Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and the Special Rapporteur on the right to food. It concerned the living conditions and reported regular violent attacks around and on encampments of the Hmong ethnic community. Further details of this communication are available in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/7/16/Add.1).

Government reply

30. By letter dated 3 August 2007, the Government denounced the allegations as unwarranted and in contradiction with international reports noting the progress made through the poverty alleviation programs, assisting rural ethnic groups, including the Hmong ethnic group. The Government claimed that the Lao PDR Government takes pride in maintaining a high degree of ethnic diversity.

31. The Government informed the independent expert that the Lao PDR Government has a long-term socio-economic development strategy with a view to moving the country out of least developed status by the year 2020. This strategy aims to achieve the overall policy objectives of the Lao PDR to bring about wealth and prosperity to all Lao ethnic people without any discrimination, which strategy according to the Government has been successful in reducing poverty and in line with its National Growth and Poverty Eradication Strategy. The Government explained that he adopted 11 major programs and 111 projects to implement this strategy. The Government further informed the independent expert about the Prime Ministerial Decree on the Establishment of Villages and Communes for Development, issued on 7 May 2007. Further details of this response are provided in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/7/16/Add.1).

Libyan Arab Jamahiriya

Letter of allegation

32. On 03 February 2006, the independent expert sent a joint letter of allegation to the Government of the Libyan Arab Jamahiriya in regard to the Berber minority communities. This letter of allegation was sent jointly together with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. The allegation letter concerned discrimination towards Berbers communities in the legislation, the development of the regions and in education. Further details of this communication are available in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/4/19/Add.1, Para. 120-122).

Government reply

33. On 11 October 2007, the Government informed the independent expert that upon examining the allegations the Government concluded that the information was unfounded and that discrimination based on tribal, ethnic or religious status does not exist in Libya. According to the Government, Libyan society has a cohesive structure and all citizens enjoy their rights on the basis of equality, as provided in the Great Green Document on Human Rights in the Age of the Masses and the Promotion of Freedom Act. All citizens are equal before the law in respect of their rights and obligations.

34. The Government further explained that the claim that people are prevented from using their tribal names is also unfounded. According to Decision No. 3 of 2007 issued by the Secretariat of the General People's Committee and judgments handed down in implementation of Act No. (24) 1369 MWR [from the death of the Prophet], it is permitted to register the names of ascendants, names conveying meanings that are authentically Libyan or names that are passed down from ascendants to descendants in keeping with recognized Libyan traditions and customs. The allegation that persons who work for the defense of the Berber community, culture and identity are harassed and ill-treated is groundless. If it were true, then the names of those subjected to such treatment would have been provided. If such acts occurred, Libyan legislation would punish them. Further details of this response are provided in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/7/19/Add.1, Para.113-117).

Myanmar

Letter of allegation

35. On 02 November 2005 the independent expert sent an allegation letter to the Government of Myanmar in regard to the situation of minority communities in predominantly ethnic minority areas such as Shan, Karen, Kayah and Mon States. This letter of allegation was joined by the Special Rapporteur on violence against women, its causes and consequences, Special Rapporteur on the situation of human rights in Myanmar, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Special Rapporteur on the question of torture, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (the right to the highest attainable standard of health), Special Rapporteur on the sale of children, child prostitution and child pornography, Special Rapporteur on trafficking in persons, especially women and children. The letter particularly concerned widespread and systematic violence against women and girls. Further details of this communication are available in the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/2006/55/Add.1, Para. 616).

Letter of allegation

36. On 10 May 2007, the independent expert sent a joint letter of allegation to the Government of Myanmar in regard to the situation of the Karen/Kayin, Mon, Shan and Chin minorities. This letter of allegation was joined by the Special Rapporteur on the question of

torture, the Special Rapporteur on the situation of human rights in Myanmar, the Special Rapporteur on trafficking in persons, especially women and children, and the Special Rapporteur on violence against women, its causes and consequences. It concerned acts of violence and rape committed in several regions, including Karen/Kayin, Mon, Shan and Chin, by military forces on persons belonging to minorities, notably women and children. Further details of this communication are available in the report of the Special Rapporteur on violence against women, its causes and consequences (A/HRC/7/6/Add.1).

Nepal

Letter of allegation

37. On 4 September 2007, the independent expert sent a joint letter of allegation to the Government of Nepal in regard to the Tamang and Chepang (Tsepeng) communities and the Dalit communities. This letter of allegation was sent together with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Special Rapporteur on the right to food, and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people regarding the situation of the right to food of these communities, living around the Royal Chitwan National Park (RCNP), in Nawalparasi District. Further details of this communication are available in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/7/16/Add.1).

Russian Federation

Letter of allegation

38. On 7 June 2006, the independent expert sent a joint allegation letter to the Government of the Russian Federation in regard to the situation of persons belonging to the Roma minority. This allegation letter was sent jointly with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, regarding the situation of the Roma minority community in Northwest Federal District, in particular the towns of Kaliningrad and Arkhangel'sk, where they are reportedly facing serious and targeted discrimination and forced evictions. Further details of this communication are available in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/4/18/Add.1, Para 52).

Government reply

39. By letter dated 29 September 2006, the Government replied to this communication. According to their report, the Department for Inter-Ethnic Relations in the Ministry of Regional Development held talks with the province's Ministry of Culture, with a view to stabilizing the situation in Dorozhny. Furthermore, the Ministry of Regional Development requested the Governor of Kaliningrad province to review the situation with respect to the Roma in the province and to take measures to improve it. Moreover, the Government reported information provided by the Minister for Housing, Public Utilities and Construction of the province concerning the demolition of buildings in the village.

40. The Government reported also that, since November 2005, the Gurevsky District Court has considered actions brought by the district administration in respect to 68 illegally erected structures, ruling in every case (until June 2006) for the demolition of the structure. The Government provided some details on the decisions took about these cases. Moreover, the Government reported information concerning the situation of several Roma families in Arkhangel'sk. Further details of this response are provided in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/4/18/Add.1, Para 53).

Urgent appeal

41. On 25 October 2006, the independent expert sent a joint urgent appeal to the Government of the Russian Federation in regard to the Georgian minority. This urgent appeal was sent jointly with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and the Special Rapporteur on the right to education, and concerned alleged discriminatory treatment of Georgians by the Russian authorities. Further details of this communication are available in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/4/19/Add.1, Para. 158-162).

Government reply

42. On 20 February 2007, the Government replied to the communication of 25 October 2006. It indicated that the Ministry of Internal Affairs of the Russian Federation and the Federal Migration Service exercise the authority to prevent and put a stop to administrative offences, enforce public order and monitor compliance by foreigners and stateless persons with the rules governing residence and temporary sojourn in the Russian Federation. They apply the law without exception to all foreigners irrespective of their citizenship, and, consequently, there is no emphasis placed on detecting violations of federal law by Georgian citizens in particular. In this regard, it was pointed out that Georgians constitute nowhere near the majority of the illegal migrants deported from Russia; migrants from Central Asia, for example, are far more numerous.

43. The Government provided information on the case of the deportation and death of Mr Togonidze. In 2006, the courts issued 5,622 orders for the deportation of Georgians citizens from Russian Federation. The Government provided information on the reasons of the decisions to deport. The Government also noted that the Ministry of Education and Science, the Federal Education Agency and the Federal Education and Science Inspectorate reported that they had at their disposal no information about discrimination against students of Georgian nationality or the establishment of lists of such students and their families with a view to their future prosecution and deportation from Russia. Further details of this response are provided in the communications report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/4/19/Add.1, Para 164-169).

Slovenia

Letter of allegation

44. On 20 April 2006, the independent expert sent a joint letter of allegation to the Government of Slovenia regarding the unresolved status of individuals belonging to minority communities removed from the Slovenian registry of permanent residents in 1992, who are often referred to as “erased”. This letter of allegation was joined by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and the Special Rapporteur on the right to education. Further details of this communication are available in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/4/19/Add.1, Para. 173-179).

Government reply

45. On 26 June 2006, the Government of Slovenia replied to the communication sent by the independent expert on 20 April 2006. With reference to the allegations, the Government of Slovenia noted that the statement that there are still 6,000 stateless persons and persons without a permanent residence permit residing in the Republic of Slovenia is not accurate and provided details on this point and on the law situation regarding permanent residence (adoption of a Constitutional Act regarding this question). The Government provided also information concerning the health care of the so-called “erased” persons as well as information concerning the enrolment in secondary school of some children from the former Yugoslavia, the conditions for the acquisition of work permits for the citizens of successor States to the former SFRY, pensions, the retroactive effect of the right of residence.

46. As far as immigrant Roma are concerned, the Government noted that they have the same rights and obligations as Slovenian citizens provided they hold this status. Some important rights, especially for Roma, are also granted on the basis of permanent residence (e.g. social subvention, which is allocated to approximately 90 per cent of Roma living in Slovenia). Otherwise, they enjoy the rights applicable to them as aliens, in conformity with international rules and national legislation. They also may exercise some additional rights according to the Government. In accordance with the provisions of the Constitution, the Government has been actively engaged in the preparation of the Roma Community Act which will comprehensively and systematically resolve all issues regarding the Roma and define special employment measures, vocational education and training, and the employment of the Roma. Further details of this response are provided in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/4/19/Add.1, Para 180-195).

Sri Lanka

Letter of allegation

47. On 14 December 2007, the independent expert sent a joint letter of allegation to the Government of Sri Lanka in regard to the Tamil minority. This letter of allegation was sent jointly with the Special Rapporteur on the question of torture and concerned mass arrests

targeted against the Tamil minority. According to the information received, bomb attacks in Colombo were followed by mass arrests of at least 2,200 Tamils by the police in the greater Colombo area. The mandate holders raised concerns over the detentions and treatment of persons detained under emergency legislation or generally in the context of counter-terrorism. Further details of this communication are available in the report of the Special Rapporteur on the question of torture (A/HRC/7/3/Add.1 para. 206).

Turkey

Letter of allegation

48. On 31 July 2006, the independent expert sent a joint allegation letter to the Government of Turkey in regard to the Romani community. This letter of allegation was sent together with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living. It concerned the situation of the Romani community of the Sulukule mahalles (Neslisah and Hatice Sultan) in the municipality of Faith, Istanbul, which has lived there since their arrival in the area in the eleventh century and regarding the potentially highly negative effect on this historic community resulting from the municipality's urban rehabilitation project. Further details of this communication are available in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/4/18/Add.1, Para 60).

Government reply

49. By letter dated 20 October 2006, the Government replied to the letter of allegation sent on 31 July. According to the Government, the "Law on the Protection by Renewal and Use through Survival of Historical and Cultural immoveable objects which are eroded" No. 5366 offered opportunity to municipalities to restore and reconstruct the structures of the registered protected areas facing the risk of extinction or erosion, in accordance with urban development, to preserve and renew historical and cultural immoveable properties in such areas and to take appropriate action against natural disaster risks. Within the framework of the Law No 5366, renewal and renovation projects have been developed for several districts in Istanbul, including the district of Fatih, which were declared as "renewal areas" by the decision of Council of Ministers.

50. The Government further reported that the designated renewal areas include not only Nesligah and Hatice Sultan Neighborhoods but Ayvansaray, Fener Balat, Bulgur Palas and their vicinity as well. Moreover, the physical and socio-economic conditions of the local people in all the districts designated as renewal areas have been taken into consideration, regardless of their ethnic identities, and improvement of their living conditions has been defined as an overall target of the renewal projects. The Government asserted that the participation and the consultation of all these projects were ensured through regular meetings and provided information on the new housing project of these areas. Further details of this communication are available in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/4/18/Add.1/Corr.1).

United State of America

Urgent appeal

51. On 18 December 2007, the independent expert sent a joint urgent appeal to the Government of the United States of America in regard to the situation of the African-American community in New Orleans following Hurricane Katrina. This urgent appeal was joined by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and concerned demolitions of public housing in New Orleans, Louisiana and which reportedly disproportionately affected African-Americans.

United Nations Interim Administration Mission in Kosovo

Urgent appeal

52. On 27 March 2006, the independent expert sent a joint allegation letter to the United Nations Interim Administration Mission in Kosovo in regard to the Roma, Ashkali and Egyptian minority groups. This allegation letter was sent jointly with the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the adverse effects of illicit movement and dumping of toxic and dangerous products and wastes, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and the Representative of the Secretary-General on human rights of internally displaced persons (IDPs). It concerned the situation of the internally displaced persons belonging to the Roma, Ashkali and Egyptian minority groups affected by severe lead contamination in the Zhitkovc, Cesmin Lug and Kablare camps located near Mitrovica, northern Kosovo.

53. Attention was drawn to a previous correspondence sent to UNMIK on 13 October 2005, regarding the relocation of Roma, Ashkali and Egyptian internally displaced persons affected by severe lead contamination in camps located in Mitrovica, northern Kosovo. Further details of this communication are available in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/4/18/Add.1, Para 64).

UNMIK reply

54. By letter dated 11 April 2006, UNMIK replied to the communication sent on 27 March 2006. UNMIK informed the independent expert that, in concert with other agencies, a comprehensive plan had been developed to assist the affected families living in the IDP camps. UNMIK noted that over 50 per cent of the camps' total population had been voluntarily relocated to Camp Osterode, and further stated that treatment for children suffering from high blood lead levels would begin within the week. UNMIK also committed to complete the construction of a permanent resettlement camp for the Roma people within 18 months. Further details of this response are provided in the communications report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/4/18/Add.1, Para 65).

Urgent appeal

55. On 10 January 2007, the independent expert sent a further joint urgent appeal to the United Nations Interim Administration Mission in Kosovo in regard to Roma, Ashkali and Egyptian minority groups. This urgent appeal was sent together with the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment on human rights. It again concerned the issue of the camps for internally displaced persons affected by lead contamination in northern Mitrovica/Mitrovicë. Further details of this communication are available in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/7/16/Add.1).

UNMIK reply

56. By letter dated 16 April 2007, UNMIK replied to the communication sent on 10 January 2007. UNMIK claimed that, concerning the situation of the Roma, Ashkalis and Egyptians minority communities, apartment blocks were built at Roma Mahala, and some of them are earmarked for Cesmin Lug/Llugë residents. Private houses have been constructed or reconstructed. Roma, Ashkalis and Egyptians individuals moved to Roma Mahala from Camp Osterode and Cesmin Lug/Llugë, and others from Montenegro and the Republic of Serbia moved to Roma Mahala. Some Roma, Ashkalis and Egyptians individuals are still living at Camp Osterode and at Cesmin Lug/Llugë. Camp Osterode remains a temporary relocation site for Roma, Ashkalis and Egyptians communities living in the northern part of Mitrovicë/Mitrovica Municipality.

57. The UNMIK reported also that, concerning access to health for the Roma, Ashkalis and Egyptians communities, in Roma Mahala a small clinic have been completed by 25 April 2007, and in Cesmin Lug/Llugë, a full time nurse provides primary health care services. Public health services are being offered to the Roma, Ashkalis and Egyptians communities at health clinics and public hospitals located in the southern and northern parts of Mitrovicë/Mitrovica Municipality. Further details of this response are provided in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/7/16/Add.1).
