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SPECIFIC GROUPS AND INDIVIDUALS:

MINORITIES

**Report of the High Commissioner on the rights of persons belonging
to national or ethnic, religious and linguistic minorities***

Summary

The Commission on Human Rights, in its resolution 2004/51, paragraph 10, requested the High Commissioner to submit at its sixty-first session a report studying options for the timely identification of minority issues and pertaining measures.

The present report provides: a summary of information presented by Governments and non-governmental organizations (NGOs); views contained in the High Commissioner's report to the sixtieth session of the Commission on Human Rights; analysis of options for the timely identification of minority issues; recent developments with respect to minority issues.

The report concludes by inviting the Commission on Human Rights to consider proposals aimed at strengthening minority protection at the international level. The importance of the protection of minorities for the respect for human rights in general, for social development and stability, prevention and resolution of conflicts, and peace-building should be taken into account in this endeavour.

* The present report is submitted after the deadline established by the Documents Management Section due to additional consultations.

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Introduction

1. The Commission on Human Rights in paragraph 10 of its resolution 2004/51, requested the High Commissioner to submit at its sixty-first session a report studying options for the timely identification of minority issues and pertaining measures through the compilation of views of Member States, of all relevant parts of the United Nations system, as well as of regional and international intergovernmental and non-governmental organizations regarding their analysis of the activities of the Working Group and its results. This should take into account the assessment and recommendations by the Working Group, as well as the proposals contained in the report of the High Commissioner to the sixtieth session of the Commission (E/CN.4/2004/75), and the need to avoid duplication and to make the best use of available resources examining existing mechanisms, with a view to enhancing their cooperation and effectiveness and to identify possible gaps in the protection of the rights of persons belonging to national, or ethnic, religious and linguistic minorities. In paragraph 13 of the same resolution, the Commission also requested the High Commissioner to report on the implementation of the present resolution. The present report addresses the requests made by the Commission in paragraph 10 (possible options relating to minorities) and paragraph 13 (information on recent developments).

2. The report provides background information; a summary of information presented by Governments and NGOs; views contained in the High Commissioner's report to the sixtieth session of the Commission on Human Rights; analysis of options for the timely identification of minority issues; information on recent developments with respect to minority issues; and lastly, conclusions and recommendations.

I. BACKGROUND

3. The Commission on Human Rights requested information on the issues facing minorities at its previous sessions and the Office of the United Nations High Commissioner for Human Rights (OHCHR) communicated summaries of the views of States, developments within the United Nations system as well as the activities of the Working Group on Minorities. The reports and information provided note that minorities face specific and often grave human rights violations that could lead to political instability and conflict. This reality had been recognized in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (hereinafter referred to as the United Nations Minorities Declaration) in which it is stated in its preambular paragraph 5 that "the promotion and protection of the rights of persons belonging to minorities contribute to the political and social stability of the States in which they live".

4. The Commission has responded to these concerns by considering the rights of persons belonging to minorities from the perspective of conflict prevention and examining the effectiveness of existing mechanisms, including with a view to identifying any possible gaps in the coverage of minority issues by the human rights system. In reports to the Commission it has been indicated that the root causes of minority issues are often linked to non-respect of the principle of non-discrimination, non-recognition of aspects of a minority's identity such as their language, culture or religion, and to denial of the effective participation of minorities in decisions affecting them and in the life of society. It has been noted that the lack of structures

and processes for the peaceful resolution of differences, the exploitation for political purposes of minority identity as well as social tensions, group inequalities, age old animosities and political and power disputes (sometimes over control of resources) have led to open conflicts.

5. It is essential that timely identification of minority issues be followed by early action. In recent years, the Secretary-General has been placing emphasis on the responsibility of Governments to protect their citizens and persons subject to the jurisdiction of the State and to take action for the prevention of conflict and serious human rights violations. In this respect, the United Nations human rights mechanisms, OHCHR and cooperating agencies/programmes may contribute to strengthening the capacity of Governments to establish effective national human rights protection systems and action for the prevention of conflict and violations of human rights affecting minorities, if their recommendations are heeded.

6. In the 2004 report on minorities' issues submitted by the High Commissioner on Human Rights to the Commission, it was indicated that existing special rapporteurs deal with specific aspects of minorities' situations in accordance with their respective mandates. However, a number of substantive areas relating to minority rights fell outside the consideration of existing mechanisms, which limits their potential to respond in a timely manner to minority situations. The mandate-holders themselves had signalled the need for strengthening the protection of the rights of persons belonging to minorities through, inter alia, the identification of root causes of violations, action for the prevention of human rights violations, and handling of communications. Proposals were put forward for strengthening existing mechanisms and establishing new mechanisms such as a special procedure with a specific focus on minority issues. In this context, Commission resolution 2004/51 requested the views of various entities on options for the timely identification of minority issues and how best to respond. The following provides a summary of the responses received.

II. SUMMARY OF RESPONSES RECEIVED FROM GOVERNMENTS AND NON-GOVERNMENTAL ORGANIZATIONS

7. Three Governments, those of Hungary, Switzerland and the United Kingdom of Great Britain and Northern Ireland, as well as two non-governmental organizations, the International Movement Against All Forms of Discrimination and Racism (IMADR) and Minority Rights Group International (MRG) replied to the request for information.

Hungary

8. In its reply dated 30 September 2004, the Government of Hungary stated that it believed the Working Group on Minorities was a useful and unique forum for expert discussions on very sensitive and topical questions with regard to minorities. The Working Group, the Government said, is playing an indispensable role as the only United Nations forum for NGOs concerned about the plight of minorities throughout the world. By providing a platform for dialogue among Governments, minorities and NGOs and by the clarification of problems, the Working Group contributed to the amelioration of the situation of minorities. Therefore, Hungary supported this open discussion forum.

9. In order to make the work of the Working Group more efficient, Hungary considered it necessary to promote dialogue between minorities and Member States. For a substantial

exchange of views, the Working Group could establish a more structured discussion, for example by providing in advance the text of the NGO or minority statements for concerned Governments. This would probably improve the quality of the discussion giving sufficient time for the Governments to prepare substantial, detailed responses. On the other hand, Hungary supported the establishment of a voluntary fund which would make it possible for more minority representatives to address the Working Group.

10. The representative of Hungary said that the Working Group should strengthen its think-tank character and provide useful reports, analyses and advice, through the Sub-Commission on the Promotion and Protection of Human Rights, for the Commission on Human Rights about possible standard-setting in relation to the protection of minorities within the framework of the United Nations. The Government also stated that it was convinced the flexible character of the mandate of the Working Group could be utilized in a more efficient way. For example, the regional seminars organized recently by the Working Group proved to be a useful tool for the development of cooperation with regional mechanisms in this field, for the awareness-raising on minority problems and for reaching out to communities to raise minority concerns in United Nations forums.

11. In conclusion, Hungary also said it was of the opinion that there is a protection gap within the United Nations system concerning minorities, since the Working Group on Minorities was not in a position to address crisis situations, act as an early warning mechanism, or as a monitoring body dealing with individual complaints and making on-site visits. The international community should continue to examine possible solutions to address these shortcomings and it therefore supported the proposal by the Sub-Commission, adopted at its fifty-sixth session, on the nomination of a special representative of the Secretary-General on minority issues, with a particular focus on country fact-finding missions and preventive diplomacy.

Switzerland

12. In its reply dated 13 December 2004, the Government of Switzerland noted that the political participation of minorities in State decisions concerning them, such as through certain forms of autonomy accorded to minorities, contribute to their integration in society and, consequently, to the prevention of conflicts and even to their resolution. As an integral part of human rights, the rights of persons belonging to national or ethnic, religious and linguistic minorities were said to be essential for peace and security in the world. The Government recommended that the Commission establish a special procedure to reinforce the activities of the Working Group on Minorities of the Sub-Commission. Such a new procedure would have as its mandate the possibility of making recommendations to States, encouraging them to respect the rights of minorities, to make sure they are respected and protected and to positively implement them. This would then permit the implementation of the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which complements the legal obligations assumed in article 27 of the International Covenant on Civil and Political Rights and the corresponding provisions of other human rights treaties, such as article 30 of the Convention on the Rights of the Child. Such a mechanism would also have the advantage of indirectly allowing for the timely identification of problems concerning minorities. Such a special procedure would eventually complement the measures to prevent genocide

recommended or taken by the Secretary-General, above all the creation of a post for a Special Adviser on the prevention of genocide, which especially serves as an early warning mechanism for the Security Council.

United Kingdom of Great Britain and Northern Ireland

13. In its reply dated 29 September 2004, the Government of the United Kingdom of Great Britain and Northern Ireland stated that it was fully committed to upholding and supporting the rights of persons belong to national, ethnic, religious and linguistic minorities. It traditionally co-sponsored the resolution on “Rights of persons belonging to national or ethnic, religious and linguistic minorities” at the Commission on Human Rights. The United Kingdom said it believed that the United Nations human rights system should include an effective mechanism to help safeguard the rights of persons belonging to such minority groups.

14. The United Kingdom also said it believed that the Working Group on Minorities had provided a useful forum at which non-governmental organizations and persons belonging to minority groups have been able to access the United Nations human rights system and to present views to the Working Group and to those States who attend it. The Government further recalled that Economic and Social Council resolution 1995/31 authorized the Working Group, inter alia, to examine possible solutions to problems involving minorities, including the promotion of mutual understanding among minorities and Governments. The United Kingdom said that it believed that this remained a crucial task but was aware that this aspect of the Working Group’s mandate had been extremely difficult to fulfil. The United Kingdom was of the view that this role would be better achieved by replacing the Sub-Commission’s Working Group with a special procedure of the Commission on Human Rights, such as a special rapporteur on the rights of persons belonging to national, ethnic, religious and linguistic minorities. The United Kingdom believed that the importance of this issue fully merited the creation of a mechanism of the Commission on Human Rights in the place of a mechanism belonging to a subsidiary body of the Commission, namely the Sub-Commission on the Promotion and Protection of Human Rights.

15. The United Kingdom said that it was of crucial importance that there remain a forum where persons belonging to national or ethnic, religious and linguistic minorities as well as non-governmental organizations working with such persons, can engage directly with the United Nations human rights system. The United Kingdom hoped, therefore, that any new special procedure would work closely with non-governmental organizations and persons belonging to minority groups as well as with Governments.

International Movement Against All Forms of Discrimination and Racism

16. In a letter of November 2004, the International Movement Against All Forms of Discrimination and Racism (IMADR) identified several positive aspects of the Working Group on Minorities. The organization said that it was the only United Nations body dedicated to minority issues and that it was open to NGOs without Economic and Social Council status. Furthermore, it welcomed its decision to prepare “general comments” on issues such as assimilation. It said that the Working Group, as a neutral body, promoted dialogue between Governments and minority representatives and thus minority activists could voice their grievances and call for action by the United Nations on minority issues.

17. IMADR also pointed out that the Working Group was unable to undertake field missions due to the lack of financial resources and that it was incapable of acting on the reports on minority situations they receive. In addition, they mentioned the fact that there was a lack of channels to those parts of the United Nations which could take action. The organization thought that the lack of participation by Governments and minority representatives to the Working Group might be solved through the introduction of a voluntary fund for the latter. IMADR also said that the Working Group should not focus a discussion on academic papers but on the issues raised by minority representatives. The organization, taking into account the fact that no field missions could be undertaken by the Working Group and that it had no means for promptly reacting to and addressing conflicts involving minorities, proposed establishing a special procedure for minorities, be it a special rapporteur or a special representative of the Secretary-General. Such an expert would then have to ensure the link between human rights work in Geneva and political and security actions in New York. In addition, the organization said that a voluntary fund would facilitate the participation of minority representatives, especially those coming from outside Europe.

Minority Rights Group International

18. In a letter dated 13 November 2004, MRG said that, through its work in facilitating the attendance at the Working Group of activists from minority-based NGOs since 1996, it had had ample opportunity to listen to the desires expressed by those activists regarding United Nations action to promote and protect minority rights. On the positive side, MRG noted that the Working Group was the only United Nations forum for minorities. It said that it was important that minority representatives had a voice at the United Nations so that they could input into policy and standard-setting discussions from the perspective of their experience. MRG believed that this was especially important now, as the United Nations is discussing possible new mechanisms for minorities. The fact that the Working Group is open to NGOs without Economic and Social Council status helped it to get issues on the international agenda that would otherwise be neglected.

19. In addition, MRG noted that the Working Group was a forum for dialogue between minority advocates and Governments. The organization believed that the Working Group, as a low-profile body that attracted little media attention, and one where Governments were not censured by United Nations experts or questioned by diplomats from other countries, actually helped to create the right conditions for dialogue. The fact that Geneva is "neutral territory" for governmental representatives may also lead to a better dialogue. In addition, NGOs that attended a Working Group session had seen their credibility increase with governmental representatives. MRG mentioned that participation at the Working Group in Geneva provided access to other United Nations bodies such as OHCHR country desk officers, United Nations agency staff, treaty bodies and other NGOs. MRG also noted the Working Group's contribution to developing standards, awareness-raising and coordinating United Nations initiatives on minority issues and gave the example of the commentary to the United Nations Minorities Declaration. The Working Group also carried out outreach work to minorities all over the world through its regional seminars, in which it raised awareness of peaceful channels for the voicing of grievances.

20. MRG pointed out some limitations of the Working Group. The organization stressed that some of these are due to the mandate of the Working Group imposed by States, and its position in the United Nations hierarchy. As a first limitation, it identified the poor attendance by both minority advocates and governmental representatives. MRG said that the Working Group had consistently called for the establishment of a voluntary fund, to support the participation of minority representatives, and that this had now been approved by the Commission. This, MRG said, would almost certainly lead to more governmental participation, as governmental representatives would be keen to be present to respond to the interventions made by minorities. This in turn would increase opportunities for dialogue and informed discussion.

21. As a further shortcoming of the Working Group, MRG identified the inability of the body to take action on the reports of serious allegations made by minority representatives due to its limited mandate as a subsidiary body of the Sub-Commission. However, they thought that the Working Group would not be able to continue with its important role as a forum for dialogue, if its experts were able to censure Governments. Therefore the Working Group had recommended the establishment of additional mechanisms that could take up allegations of abuses involving minorities, which would not duplicate its work.

22. In addition MRG identified options for the timely identification of minority issues and pertaining measures. They said that a number of possibilities for improving United Nations action to protect and promote the rights of minorities were put forward in the 2004 report of the High Commissioner on Human Rights (E/CN.4/2004/75). Of those, one recommendation, for a voluntary fund for minorities, had already received the approval of the Commission. MRG called on the General Assembly to approve the fund, and on Governments to provide the necessary funds for its functioning. They believed that this would enable more minority communities to benefit from the positive aspects of the Working Group outlined above, and the opportunity to carry out advocacy at the United Nations in general.

23. Furthermore, MRG was in favour of the establishment of a special representative of the Secretary-General on minorities. Such a mechanism should ideally have a mandate to undertake preventive diplomacy with representatives of Governments and minority communities in situations of tension, with a view to the prevention of violent conflict, to propose constructive solutions to issues arising based on internationally agreed standards, and where necessary, to provide early warning and early action communications to relevant United Nations bodies.

24. Finally, MRG underlined that since its inception, the United Nations had consistently marginalized the minorities question, and that the time had come to address this issue. Minority issues were extremely complex, and it was highly doubtful that one mechanism would be able to address the full range of minority issues arising all over the world. Furthermore, they pointed out that addressing the concerns of minorities in a constructive way was a conflict prevention measure - and a cost-saving one. For these reasons MRG, in the end, cited the words of the academic Hurst Hannum, who said that "if there is anyone out there who really believes that two mechanisms are too much for 1 billion people, I would like to hear them say it out loud".

III. VIEWS CONTAINED IN THE HIGH COMMISSIONER'S REPORT ON MINORITY ISSUES SUBMITTED TO THE COMMISSION AT ITS SIXTIETH SESSION

25. The report examined and analysed the work of existing mechanisms for the promotion and protection of minority rights. It was demonstrated that some important challenges facing minorities had not been adequately covered by existing mandates. As minority issues did not constitute the main focus of existing special procedures, these mechanisms were unable to reflect the full range of concerns relevant to minorities. In particular, the report pointed to protection gaps with respect to the absence of mechanisms dealing with cases where a minority identity was not recognized by a State, where citizenship was denied, where minorities were deprived of effective participation in political and cultural life and access to public service and where a focus on minority-related conflict prevention measures and an effective response to urgent situations affecting minorities were lacking. In this context, suggestions were made for the adoption of new solutions to address existing shortcomings. Proposals included the creation of a voluntary fund, the proclamation of an international year and the establishment of a special procedure. With regard to the latter, particular emphasis was placed on establishing an international human rights protection mechanism dealing with minority issues that could undertake country missions and accept, handle and deal swiftly with communications concerning violations of the rights of persons belonging to minorities.

26. The report also referred to proposals aimed at strengthening cooperation between human rights mechanisms and institutions or units dealing with peace and security issues. The point of departure for such proposals was the recognition of the contribution that might be or was made by the promotion and protection of the rights of persons belonging to minorities to conflict prevention by strengthening the political and social stability of States.

IV. ANALYSIS OF OPTIONS

27. There is a considerable potential of existing human rights bodies and mechanisms to address problems faced by minorities in a timely fashion. However, to fully utilize them would require their significant strengthening in terms of time and resources. One can justifiably wonder as well, whether even if such measures would be possible the aforementioned gaps in the protection of minorities could be filled.

Working Group on Minorities

28. The Working Group on Minorities, on the one hand, examines cross-cutting issues, identifies trends on minority issues; promotes dialogue between minorities and Governments; and involves the United Nations system in minority questions. These activities are undertaken during its one-week annual session. On the other hand it does not have a mandate to receive or respond to information received at any other time of the year, neither is it in a formal position to take up individual cases nor to undertake fact-finding or investigative missions. In this context, participants in the meetings of the Working Group and its members have called for the establishment of a procedure complementary to the Working Group.

Existing special procedures and treaty bodies

29. Most causes of conflict and problems facing minorities distinguish between long-term structural conditions and near-term or proximate events and actions. Treaty bodies are especially suited to drawing attention to the structural minority problems, while special procedures of the Commission are in a unique position to receive and analyse information on the most recent events, ongoing serious human rights violations, tensions and disputes affecting minorities before they escalate into violence.

30. Special procedures receive and act upon communications throughout the year and undertake country missions. They can and do take account of minority issues in accordance with their respective mandates and information sent to the Secretariat. However, the present system of special procedures neither covers all the issues pertaining to minorities nor is there a sustained and specific focus on the situation of minorities within their mandates. It should be noted that reports to the Commission by both thematic and country-specific special procedures mandate-holders have signalled the need for strengthening the protection of the rights of persons belonging to minorities through, inter alia, the handling of complaints, the identification of root causes of violations, and action for the prevention of human rights violations and conflicts.

31. While considering States parties' reports, treaty bodies regularly point to the concerns of minorities and other disadvantaged groups in their concluding observations and make recommendations for action in that regard. However, not all countries in which minorities exist are a party to the International Covenant on Civil and Political Rights, which has a specific article pertaining to minorities, nor to the first Optional Protocol under that Covenant which provides for the consideration of individual complaints. Equally, the consideration of State party reports and situations is on a periodic basis, often every five years, which does not lead necessarily to the timely identification of issues. The Committee on the Elimination of Racial Discrimination is in a better situation in this regard. But, even this Committee only holds its sessions twice a year for two weeks, during which it can take its decisions. The involvement of the treaty-body system might be strengthened through building the capacity of non-governmental organizations of persons belonging to minorities to cooperate with this system.

32. In view of the gaps in minority rights protection, highlighted by various Governments, the Sub-Commission and its Working Group on Minorities, as well as minority representatives and NGOs, pointed out to the need for a mechanism that could respond urgently to serious situations affecting minorities through the receipt of information throughout the year as well as undertaking country missions with a view to addressing such situations, including through the promotion of dialogue with Governments directly in the country. The Sub-Commission, in its resolution 2004/13, proposed that a special representative of the Secretary-General on minority issues with a focus on country fact-finding missions and preventive diplomacy be established.

High Commissioner for Human Rights

33. In its resolution 48/141 creating the post of High Commissioner for Human Rights, the General Assembly decided that the High Commissioner should play an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations. The High Commissioner should engage in a dialogue with all Governments in the implementation of her mandate with a view to

securing respect for all human rights. Consideration could be given to exploring how this part of the mandate could be further developed for the timely identification of minority issues and pertaining measures. The mandate of the High Commissioner also allows for the provision of advisory services and technical and financial assistance, at the request of the States concerned, with a view to supporting actions and programmes in the field of human rights. In fulfilling the afore-mentioned elements of the mandate, the High Commissioner would need to consider together with Governments how best to realize these goals.

34. Recommendations emanating from the World Conference on Human Rights, the Commission on Human Rights and the General Assembly have called for the Office of the High Commissioner, through its advisory services programme, or the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of conflict, to assist in existing or potential situations involving minorities. The recent review of OHCHR's Technical Cooperation Programme also recommends a stronger focus on vulnerable/disadvantaged groups and one course of action would be for OHCHR to develop a plan of action in consultation with Governments and other interested parties for the provision of technical assistance on strengthening mechanisms for dialogue for the effective participation of minorities and the use of the High Commissioner's good offices on minority issues.

Regional mechanisms on minority issues

35. Complementary to the work of international and national mechanisms, regional arrangements play an important role in the areas of protection and conflict prevention, including early warning, involving minorities. An interesting example of an innovative approach has been undertaken through the work of the High Commissioner for National Minorities of the Organization for Security and Cooperation in Europe (OSCE), who focuses on dispute resolution involving minorities, often by using quiet diplomacy. In 2002, the African Union set up a Peace and Security Council, inter alia, to anticipate and prevent conflicts - a mechanism that is already taking action on relevant issues. Strengthening peace and security, preventing conflicts and resolving disputes are among the essential purposes of the Organization of American States.

36. Taking this into account, minority representatives on many occasions suggested the establishment of a regional human/minority rights system in Asia. In this context, it is to be noted that the recently published report of the High-Level Panel on Threats, Challenges and Change entitled "A more secure world: our shared responsibility" (A/59/565) suggests, inter alia, that "The United Nations should build on the experience of regional organizations in developing frameworks for minority rights and the protection of democratically elected Governments from unconstitutional overthrow" (para. 94).

National human rights institutions

37. At the International Seminar on Cooperation for Better Protection of the Rights of Minorities held in Durban on 1, 2 and 5 September 2001 (see E/CN.4/2002/92), the representatives of national human rights institutions stressed the role of their institutions in alerting Governments to signs of conflict. Where national human rights institutions have a

mandate to accept and consider complaints, members of minorities are being advised to use these mechanisms as an alternative remedy to taking action through the courts. The Commission may wish to note that information on the work of national human rights institutions and the promotion and protection of the rights of persons belonging to minorities is included in a new pamphlet to be incorporated into the *UN Guide for Minorities*.

V. RECENT DEVELOPMENTS

38. In 2004, the Working Group undertook a review of the first 10 years of its work. It made a number of recommendations for improving its work. It decided on the restructuring of its agenda, proposing that a general debate would be conducted on particularly important developments concerning minority issues around the world, including a review and follow-up of the minority situations raised at the previous session. After this there would be a debate on issues clustered under the headings of: Roma; Afro-descendants; nomads, pastoralists, hunter-gatherers and shifting cultivators; religious minorities, linguistic minorities, displaced minorities and other situations affecting minorities. Following this, the debate would focus on the issue of effective enforcement mechanisms and remedies. Additionally, discussion would concentrate on the main themes of minorities and development, including conflicts over development and the action taken by Governments and international agencies for incorporating minority issues in activities to reach the Millennium Development Goals. The Working Group also decided to elaborate more specific recommendations on particular issues and themes and to formulate suggestions for its first general comments, including on autonomy vis-à-vis self-determination and the forced assimilation of minorities. Over 80 working or conference-room papers have been submitted by non-governmental organizations, academics and researchers in the 10 years of the Working Group. Some of these papers have been presented at subregional meetings on minority issues, while others have been considered as part of the review carried out by the Working Group each year.

39. An external assessment was undertaken and presented to the Working Group on its achievements so far and proposals for improving the work on minorities' issues (E/CN.4/Sub.2/AC.5/2004/WP.3). In that paper it was suggested that a series of thematic pamphlets on various minority issues and good practices should be prepared for inclusion in the *UN Guide for Minorities*. The Working Group on Minorities, at its tenth session in March 2004, also agreed that the difficulty of ensuring participation from around the world in its meetings had to be faced. It was acknowledged that greater understanding about minority issues, the progress achieved or obstacles to be overcome could best be gauged through a continued presence of minority representatives. The establishment of a voluntary fund to assist in the participation of minorities in the Working Group was endorsed by the Commission on Human Rights, in its decision 2004/114, and the Economic and Social Council in its decision 2004/278. This recommendation will be considered by the General Assembly at its next session.

40. With a view to encouraging closer cooperation with other parts of the United Nations system and better integrating minority issues in the activities of agencies and programmes, with particular reference to the provisions of article 9 of the United Nations Minorities Declaration, OHCHR, in cooperation with the Working Group, organized an inter-agency meeting in late February 2004. At the meeting the participants considered that: improved protection of

minorities was timely; there was a need to establish a special mechanism of the Commission on Human Rights with the mandate focusing on minority issues, preferable as a special representative of the Secretary-General; the existing human rights mechanisms should engage more in the protection of minorities; the Working Group on Minorities should be strengthened and a review of its ongoing activities would be helpful to that end; United Nations agencies should share experiences relating to minority rights; United Nations activities at the country level, including in the framework of the CCA/UNDAF processes and plans to realize the Millennium Development Goals, should integrate minority issues.

41. The organization of a follow-up inter-agency meeting is planned to examine ways of integrating minority issues and rights into United Nations programmes, including at the country level. Additionally, with a view to furthering cooperation with United Nations Country Teams, OHCHR will support two country-level activities in cooperation with the United Nations Development Programme to promote the integration of minority rights and provide follow-up to the recommendations that have emerged from several subregional seminars and workshops on minority issues held during the last two years. The 2005 OHCHR Annual Appeal has incorporated activities aimed at following up on other recommendations adopted by the Working Group and the Sub-Commission on the Promotion and Protection of Human Rights as well as the proposals made at the informal inter-agency meeting.

42. Under its Annual Appeal, OHCHR is also supporting the organization of a first pilot project for minority fellows in 2005. The aim of the Office of the United Nations High Commissioner for Human Rights' Minorities Fellowship Programme is to give minorities, particularly young women and men belonging to minorities, an opportunity to gain knowledge in the field of international human rights in general and on minority rights in particular in order to assist their organizations and communities in protecting and promoting their human rights. Five fellows will be chosen to partake in this first Programme.

43. In cooperation with OHCHR, the Working Group on Minorities has supported a number of subregional meetings, two of which were recently organized in Central and South Asia in Autumn 2004. They were held in October 2004 in Bishkek, Kyrgyzstan, and in November 2004 in Kandy, Sri Lanka. The reports of these meetings will be made available at the Working Group's next session and on the web site. The meetings suggested, inter alia, the development of subregional guidelines or codes of conduct for implementing the Minorities Declaration.

44. The Commission may also recall the recommendation of the ninth session of the Working Group, endorsed by the Sub-Commission in its resolution 2003/23, in which it recommended the establishment of an international year for the world's minorities to be followed by a decade. The Commission on Human Rights, in its decision 2004/115, noted the recommendation and called for greater cooperation among specialized agencies and other organizations of the United Nations system in order to contribute to the full realization of the rights set forth in the Minorities Declaration. A further recommendation of the Working Group at its last session, endorsed in Sub-Commission resolution 2004/13, recommended the establishment of a special representative of the Secretary-General on minority issues, with a particular focus on country fact-finding missions and preventive diplomacy.

VI. CONCLUSIONS AND RECOMMENDATIONS

45. An appraisal of the work of the treaty bodies, special procedures and of the Sub-Commission's Working Group on Minorities reveals both the differences and complementarity of their mandates. It has been pointed out by many actors that significant gaps exist in the protection of minority rights and the United Nations needs to strengthen its capacity to address minority issues. While simply noting at this stage the needs related to the legal framework, one can refer in particular to relevant areas of minority rights remaining outside of, or reflected only partially within, the existing mandates of treaty bodies and special procedures, and to the shortage of time and resources allocated to minority issues. The protection gaps are particularly visible in the context of timely identification and undertaking swift or urgent action on minority issues. It is, therefore, encouraging that States and other actors are interested in considering modalities to address this situation.

46. The present report refers to different proposals for strengthening minority protection including through the establishment of a special procedure and an international year of the world's minorities. These proposals were made by the Sub-Commission on the Promotion and Protection of Human Rights and its Working Group on Minorities. The proposals should also be read in the context of the report on minority issues submitted to the sixtieth session of the Commission on Human Rights. The Commission may wish to consider them as part of its effort to protect the rights of persons belonging to minorities, strengthen respect for human rights in general, and prevent and resolve conflicts, thereby contributing to social stability and peace-building.

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