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**FUTURE ACTIVITIES AND COOPERATION WITH THE
INDEPENDENT EXPERT ON MINORITY ISSUES AND
UNITED NATIONS ORGANIZATIONS**

Note by the Secretariat

1. The Working Group on Minorities and the Sub-Commission on the Promotion and Protection of Human Rights have recommended the preparation of further pamphlets for inclusion in the United Nations Guide for Minorities.
2. The text of the pamphlet on the work of the independent expert on minority issues is attached as an annex, for inclusion in future versions of the United Nations Guide for Minorities.

* Pursuant to General Assembly resolution 60/251, all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights will be assumed as of 19 June 2006 by the Human Rights Council, which will review them as appropriate.

Annex

PAMPHLET FOR INCLUSION IN THE UNITED NATIONS GUIDE FOR MINORITIES: “THE INDEPENDENT EXPERT ON MINORITY ISSUES”

Summary: The United Nations independent expert on minority issues is a special-procedure mandate established in 2005 by the United Nations Commission on Human Rights. The first mandate-holder, Ms. Gay McDougall, was appointed in 2005 by the United Nations High Commissioner for Human Rights. The work of the independent expert on minority issues complements and enhances the work of other United Nations bodies and mechanisms that address minority rights and minority issues, including the Working Group on Minorities and the treaty-monitoring bodies. Importantly, the independent expert on minority issues is mandated to promote the implementation of the 1992 United Nations Minority Declaration, and to take into account the views of non-governmental organizations (NGOs), offering a unique opportunity for constructive engagement in country situations, and can consult directly with Governments regarding minority issues. This pamphlet explains in greater detail the work of the independent expert on minority issues, including her thematic priorities, and considers how the mandate can be useful to, and used by, minorities and civil society.

What is a United Nations independent expert?

An independent expert is one of a number of special-procedures mandates that also include thematic and country Special Rapporteurs, Representatives of the Secretary-General, or representatives of the Human Rights Council (formerly the Commission on Human Rights). The title of a special-procedures mandate does not reflect any hierarchy or indication of powers. Of primary consideration are the actual terms of the mandate formulated in the resolution establishing it (see below). In the case of the independent expert on minority issues (hereafter the independent expert), the mandate is provided in Commission on Human Rights resolution 2005/79.

Need for an independent expert

Many violations of civil, political, economic, social and cultural rights have a basis in discrimination, racism and exclusion on the grounds of the ethnic, religious, national, or racial characteristics of the target group. At the same time, emerging practices in the field of human rights, particularly in promoting economic, social and cultural rights, stress the value of diversity and inclusion for political and social stability. In integrated societies, national, ethnic, religious and linguistic groups are able to live confidently together, to communicate effectively, and to practise their languages, religions and customs. In such societies, communities, whether majority or minority, recognize and place value in their differences and in their society's cultural diversity.

While a number of United Nations bodies, mandates and mechanisms focus on violations of human rights that display discrimination, racism or xenophobia against minority groups and their members as a root cause, the minority rights component of such abuses is often hidden. When the minority status of the victims remains unaddressed, subsequent attempts to achieve effective and sustainable solutions for individuals or communities may be limited. As such, the

independent expert focuses her work on addressing the root causes of grievances, revealing issues of concern relating to minorities. She conducts her work with a view to avoiding duplication with other regional and international bodies working on minority issues (see below), and cooperates with such bodies with a view to mutual benefit and complementary approaches and functions.

The independent expert

On 29 July 2005, Ms. Gay McDougall (United States of America), a human rights lawyer, was appointed by the High Commissioner for Human Rights, Ms. Louise Arbour, as the first holder of the position of independent expert on minority issues, in accordance with the provisions of Commission on Human Rights resolution 2005/79. The independent expert has an initial mandate of two years.

The mandate of the independent expert

The mandate of the independent expert guides the work of the mandate-holder. In its resolution 2005/79, the Commission on Human Rights requested the United Nations High Commissioner for Human Rights to appoint an independent expert on minority issues for a period of two years, assigning the mandate-holder a number of requirements. These are:

- (a) To promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through consultations with Governments, taking into account existing international standards and national legislation concerning minorities;
- (b) To identify best practices and possibilities for technical cooperation by the Office of the United Nations High Commissioner for Human Rights at the request of Governments;
- (c) To apply a gender perspective in his or her work;
- (d) To cooperate closely, while avoiding duplication, with existing relevant United Nations bodies, mandates and mechanisms, as well as regional organizations; and
- (e) To take into account the views of NGOs on matters pertaining to his or her mandate.

The Commission on Human Rights also requested the independent expert to submit annual reports on her activities to the Commission, including recommendations for effective strategies for the better implementation of the rights of persons belonging to minorities. The independent expert submitted her initial report in December 2005 (the full text of this report is available on the website of the independent expert at: <http://www.ohchr.org/english/issues/minorities/expert/index.htm>). Since the abolishment of the Commission on Human Rights in 2006, the reports of special procedures mandate-holders are to be considered under the working practices of the newly established Human Rights Council.

In addition, the Working Group on Minorities is requested in its work to engage in conceptual support of, and dialogue with, the independent expert, who shall participate as

an observer. The independent expert will collaborate closely with the Working Group on Minorities, the only forum dedicated to minority issues within the United Nations system. Following the establishment of the mandate of the independent expert, from 2006 the Working Group meets for three days per year during the session of the Sub-Commission for the Promotion and Protection of Human Rights.

The scope of the mandate of the independent expert on minority issues

The independent expert is guided in her mandate by international standards relating to the rights of minorities, including the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. She is also informed by provisions of other international treaties specifically relating to minority rights, including article 27 of the International Covenant on Civil and Political Rights and article 30 of the Convention on the Rights of the Child. She notes that the rights guaranteed in all other United Nations human rights conventions apply equally to members of minority groups. The work of treaty-monitoring bodies, among them the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination Against Women and the Committee on Economic, Social and Cultural Rights, also provides valuable sources of expertise, including authoritative interpretations of standards relevant to minorities. In addition, her work benefits from other existing regional human and minority rights instruments and mechanisms including, for example, the Council of Europe's 1995 Framework Convention for the Protection of National Minorities.

Based on the above international standards relating to minority rights, and information received from a variety of sources, the independent expert identifies four broad areas of concern relating to minorities around the world:

- Protecting a minority's **existence**, including through protection of their physical integrity and the prevention of violence and genocide;
- Protecting and promoting cultural and social **identity**, including the right of individuals to choose which ethnic, linguistic or religious groups they wish to be identified with, and the right of those groups to affirm and protect their collective identity and to reject forced assimilation;
- Ensuring effective **non-discrimination and equality**, including ending structural or systemic discrimination; and
- Ensuring **effective participation** of members of minorities in public life, especially with regard to decisions that affect them.

In addition, the independent expert recognizes the collective nature of minority rights. This holds importance for the promotion and protection of minority identity and visibility; for the informed participation of these groups in decisions that affect their rights and resources; and for securing claims to linguistically and culturally appropriate education, land and other shared assets, to be enjoyed in community with other persons belonging to the minority group in question.

Thematic priorities

Given the breadth of work that demands attention with respect to minority issues, as well as the limitations on the work of the independent expert due to resource and capacity constraints, she has focused her initial work on four broad thematic priorities. These are:

1. To increase the focus on minority communities in the context of poverty alleviation, development and the Millennium Development Goals

The independent expert is concerned that minorities and other marginalized communities are failing to benefit from international efforts to achieve the Millennium Development Goals by 2015. Poverty is both a cause and a manifestation of the diminished rights, opportunities and social advancement available to members of minority communities.

The independent expert has highlighted the need to work with States and all other development actors, including minorities themselves, to promote programmes, policies and activities that take fully into account the needs and rights of minorities. She has identified the United Nations Development Programme as among key United Nations agencies with which to collaborate closely. She will identify successful practices and effective implementation strategies, including poverty reduction strategies, to assist States in their consideration of minority issues. Full and effective participation of minorities in framing the policies and decisions that affect them is a guiding principle of the independent expert's work. She also considers that the collection and use of disaggregated data, which reveals inequalities between communities, to be an important tool in the development field and for minority communities generally. She is working to promote the importance of appropriate disaggregated data and to deliver technical assistance to States in this respect.

2. To increase the understanding of minority issues in the context of promoting social inclusion and ensuring stable societies

Minority rights, inclusion and equality play an important role in promoting political and social stability and peace. This has been recognized at the highest level of the United Nations and is stated in the outcome document of the 2005 World Summit of Heads of State and Government, approved by the General Assembly. The implementation of law and policy relevant to inclusion and equality, and effective strategies for social cohesion, are therefore important goals that the independent expert is pursuing.

The independent expert recognizes that exclusion, discrimination and racism directed at minority groups may result in social unrest based on inequality. There is a need to better understand the causes and prevalence of discrimination against minorities in order to put in place effective policies and practices to address such situations, and thus to avoid them. The independent expert highlights to States the significant benefits of legislative and policy reform that seeks to promote effective strategies of social cohesion, equality and non-discrimination. She is mandated to identify possibilities for technical cooperation by the Office of the United Nations High Commissioner for Human Rights to assist States in this respect. She also recognizes the need for mechanisms, including indicators, which allow deteriorating situations to be identified as early as possible in order to avoid expressions of grievance to develop into expressions of violence.

3. To promote attention to the situation of minorities in the context of citizenship, and to the denial or deprivation of nationality to some minority groups

Stateless persons and those denied or arbitrarily deprived of citizenship are among the most vulnerable and disempowered within societies. Denial of such legal status is a situation that is disproportionately faced by minorities in all regions of the world. Citizenship issues have given rise to difficulties for minorities, including their exclusion from the enjoyment of minority rights in some States by virtue of the status of “non-citizen”. Minorities have experienced challenges in accessing citizenship of the State under whose territorial jurisdiction they fall and with which they have a genuine link, with resulting exclusion from basic protections. The development of internationally guaranteed human rights means that citizenship can no longer be considered as “the right to have rights”. Nonetheless, citizenship often remains important for the enjoyment of certain social services and relations, and for certain degrees of political participation. Practices that exclude persons belonging to minorities from obtaining citizenship or which arbitrarily deprive them of it merit close examination globally. Many examples demonstrate that the conferral or denial of citizenship to certain groups has been used in order to exclude minorities from due benefits or reasonable participation, with consequences experienced over generations. The independent expert intends to undertake a study with regional consultations on these issues.

4. Mainstreaming the consideration of minority issues within the work of the United Nations and other important multilateral forums

In addition to the thematic areas of priority for the independent expert in her work in 2006/2007, she has highlighted the need for increased attention to minority issues within essential areas of United Nations work to promote human rights, development and stability. Mainstreaming of minority issues within the United Nations system therefore offers the opportunity for greater and more consistent consideration of minority issues in key areas of United Nations work and across its agencies, bodies and mechanisms. At the national level, United Nations field staff will be better equipped to systematically consider minority issues and to respond to them appropriately. In the planning and implementation of programmes of all kinds measures can be taken to ensure that minorities are consulted, and are thus able to participate effectively in decisions that affect them. Mainstreaming offers the opportunity for the United Nations to better assist States, through technical cooperation, for example, to ensure that their policies and practices are fair, non-discriminatory and benefit all communities.

Cross-cutting themes

The independent expert devotes attention in all aspects of her work to the particular situations facing women and children belonging to minority groups.

1. The situation of minority women

The independent expert recognizes that denial or violation of rights may be manifest in different ways in the experiences of men and women, and of girls and boys. Minority women and girls may face multiple forms of discrimination based on both their minority status and their gender. Multiple or intersectional discrimination may make women and girls particularly vulnerable to violation and denial of their rights in both public and private life. The independent

expert will devote attention to the specific situations of minority women and girls and share her information and experience with other mandate-holders and bodies, including the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination Against Women.

2. The situation of minority children

Article 30 of the Convention on the Rights of the Child specifically relates to the rights of children belonging to ethnic, religious or linguistic minorities. The independent expert seeks to collaborate closely with the Convention on the Rights of the Child and share expertise with that body, particularly in regard to such issues as education, health, adequate housing and trafficking. In the field of education, the independent expert will consider whether minority children lack equal access to education, as well as to instruction in their own language, both of which put them at a disadvantage in relation to other children. She will also analyse whether schools teach students about minority culture, history, and the contributions of minorities to wider society.

Methods of work of the independent expert

The independent expert employs numerous and diverse methods of work and activities in the fulfilment of her mandate, with the aim to bring about the most effective and timely use of her available resources.

The independent expert's methods of work are modelled on those of other special-procedures mandates, with due regard for the particular features of her mandate. Among other activities, she will develop her pages on the Office of the United Nations High Commissioner for Human Rights website as a resource on minority issues, and participate in relevant expert seminars and conferences. She will engage in constructive consultation with Governments, including by communications and country visits, and facilitate technical cooperation by the Office of the United Nations High Commissioner for Human Rights. She will also meet with NGOs; minority groups; United Nations agencies, bodies and mechanisms; regional and other intergovernmental organizations; and academic, legal, research and policy development centres in the course of her work.

To assist in gathering information on the current situation of minorities in all United Nations Member States, the independent expert has developed a questionnaire on minority issues, designed to be completed by national authorities. This questionnaire was sent to all United Nations Member States in March 2006, and the resulting information will assist the independent expert in various aspects of her work. In collaboration with specialized units of the Office of the United Nations High Commissioner for Human Rights, similar exercises will be undertaken to gather information on minority issues from NGOs, civil society organizations and National Human Rights Institutions. The questionnaires of the independent expert are available on the website of the Office of the High Commissioner for Human Rights.

How to provide information to the independent expert

The independent expert encourages the provision of information on minority issues from a variety of sources, including NGOs, minority organizations, intergovernmental organizations and other United Nations bodies concerned with the protection of human rights. Consequently,

she receives a large number of communications relevant to her mandate, providing her with information about allegations of violations of the human rights and fundamental freedoms of minorities and other issues of interest and concern. The independent expert analyses information received and decides whether or not to take action, as well as the nature of that action.

Information provided to the independent expert can be useful in a number of ways. For example, it can highlight issues of immediate or ongoing concern; it can help to identify areas where technical assistance and consultation could help to fill gaps in the protection and promotion of minority rights; and it can be useful to the work of other United Nations agencies and expert bodies and their work on minority issues.

Information received will be given close and careful consideration. Within strict rules regarding confidentiality and security, it may also be disseminated to other relevant United Nations staff dealing with related issues, or with country-specific responsibility within the Office of the United Nations High Commissioner for Human Rights. The independent expert recognizes that information is sometimes obtained and transmitted under difficult circumstances, and she takes it, and the security of the sender, very seriously into account. The details of persons and organizations that send information to the independent expert are kept confidential in letters to Governments, and in public reports, unless otherwise agreed.

Great care must be exercised in the evaluation of every communication. Those who wish to submit information are therefore urged to include all relevant documentation and evidence in support of the issues that they are bringing to the attention of the independent expert. Senders may wish to provide sources of additional information or electronic links to such sources, which may include the recent reports of NGOs or research bodies, and national or international media reports.

Further information and contacts

The mandate of the independent expert is serviced by the Office of the United Nations High Commissioner for Human Rights in Geneva. All communications relevant to the mandate should be addressed to:

Office of the High Commissioner for Human Rights (OHCHR)
United Nations
8-14 avenue de la Paix
1211 Geneva 10
Switzerland

Office of the United Nations High Commissioner for Human Rights contact persons:
Mr. Graham Fox and Mr. Erik Friberg; tel. (41 22) 917-9640/45; fax (41 22) 917-9006;
email: gfox@ohchr.org and efriberg@ohchr.org.

The resolutions and the mandate, the thematic reports, the reports on country visits, and the reports containing summaries of communications with Governments are available on the website of the United Nations High Commissioner for Human Rights:
<http://www.ohchr.org/english/issues/minorities/expert/index.htm>.
