The Working Group on Minorities at its eleventh session:

- Discussed the future role of the Working Group in light of the Resolution of the Commission on Human Rights (2005) and its decision to created the mandate of an Independent Expert on minority issues for two years;
- Recommended to the Sub-Commission to request from the Commission on Human Rights authorisation for the Working Group to meet annually immediately prior to the annual session of the Sub-Commission.
- Recommended organisation of a Seminar on the Roma with cooperation of the Council of Europe and with the participation of the representatives of the Roma communities from the EU and other States.

Background

The Working Group on Minorities was established in 1995 by the resolution 1995/24 of the Commission on Human Rights (the Commission) upon the recommendation of the Sub-Commission on the Promotion and Protection of Human Rights (then called the Sub-Commission on the Prevention of Discrimination and Protection of Minorities). In 1998 the ECOSOC extended the mandate of the Working Group to annual sessions of five working days held before the working session of the Sub-Commission on the Promotion and Protection of Human Rights (the Sub-Commission). In April 2005 the Commission passed by consensus Resolution 2005/79 tabled by Austria, which amended the mandate of the Working Group “with a view to its holding one session of three consecutive working days annually during the time of the annual session of the Sub-Commission” (operative paragraph 9) and requested the United Nations (UN) High Commissioner for Human Rights to appoint an independent expert on minority issues for a period of two years” (operative paragraph 6).

It is important to note that the Working Group is the only UN body whose official mandate is to address minorities’ issues. It is a unique opportunity for representatives of minorities, especially from States, which have not ratified the (OP) ICCPR, to bring up the problems of minorities to the attention of the UN.

Overview of the session

The eleventh session of the Working Group was held from 30 May to 3 June 2005. Its Members named Mr. José Bengoa unanimously as Chairperson. The session was held under the chair of Mr. Bengoa with participation of Mr. Mohamed Habib Cherif, Mr. Jacob Möller, Mr. Vladimir Kartashkin and Mr. Soli Sorabjee. Representatives of 43 States and 67 non-governmental organisations (NGOs), members of two regional intergovernmental organisations and three universities and institutes all took part in the work of the Working Group. Although not all the 43 States attended the all meetings, the Working Group members noted the active participation of States in comparison to the last year. The important issue during the discussions was the future role of the Working Group, whose mandate was amended by the Commission’s Resolution 2005/79.

Minority issues

Speakers for the rights of the Palestinians in Israel, of the Kurdish population in the Arab Republic of Syria, of the Assyrians and Turkmen in Iraq, of Turkish minority in Greece, of Sama Dilaut nomadic fishermen in Philippines and of Batwa people in Burundi took the floor to call the attention of the Working Group to the violations of the minority rights in their countries. Following the clusters of the agenda the Working Group listened to the statements of representatives of Roma communities in the former Republic of Macedonia, Serbia and Montenegro and Bulgaria, of Afro-descendants in the United States of America (USA) and of Afro-Colombians and of pastoralists in Ethiopia. The problems of religious minorities were brought up by speakers for the Egyptian Christian Copt Minority, for the Christians in Senegal, for the Muslims in...
Netherlands and for religious and ethnic minorities of Bangladesh. Representatives of the linguistic minorities of Botswana, Nepal, of the Amazigh people of the Libyan Arab Jamahiriya (Libya) and of the Ahwazi minority of Iran spoke about the discrimination they face in their countries. The situation of Khazi people in India, the Uzbeks in Kyrgyzstan, Turkana and Terik ethnic groups in Kenya, Dalits in India, Somali women and the Anywa people in Ethiopia was also brought to the attention of the Working Group.

Following the statements on the situations and problems that minorities face in their countries, some State representatives took the floor. While the observer from Burundi agreed that minorities could not fully enjoy their rights, he noticed that the root of the problem was not discrimination against minorities in Burundi, but the political and economic difficulties faced by this country in transition shared by both minorities and majority. The representative of Egypt found the allegations of discrimination against Christian Copts unfounded, arguing they were not a minority, but an integral part of Egyptian nation. He also accused one of the speakers of defaming the religion by using selective quotations from religious books thus leading to misinterpretation. The observer from Finland spoke about reforms introduced by the State party aimed at protection of the rights of Saami minority. The representative of Greece disagreed with the way the Muslim minority was identified only as Turkish and insisted that in Greece minority rights are protected. The representative of Iran disagreed with and questioned the facts given in the statement of the speaker for Ahwazi people. He underlined that Iran guarantees equal rights to its people without any distinction by the Constitution. The representative of Kenya emphasised the importance of the new Constitution, which also prohibits discrimination, to be adopted in the nearest future. He reminded the representatives of the minority group from Kenya, that Kenya is an extremely multi cultural country with over 42 languages and it was hard to differ minority from majority. The observer from Kyrgyzstan disagreed with the statement of the minority representative from Kyrgyzstan. He underlined the Government's policy to ensure equal rights and protection to all its citizens and specified that the question of refugees was being dealt with assistance of the UN High Commissioner for Refugees. The representative of Nigeria acknowledged the existence of ecological problems in Niger Delta, but rejected the allegations of the minority speaker regarding the eviction of settlements. He stated that those settlements were illegal and were built in the area planned for urban development. The observer from Philippines agreed that the situation of minorities in the country should be improved and promised to pass the information received during the session to the Government of Philippines. The representative of the Arab Syrian Republic (Syria) stressed the importance of a dialogue and provided information on legislative reforms undertaken in Syria to ensure equal enjoyment of rights by all the citizens.

Expert papers discussed

The Working Group discussed two papers - “Towards a general comment on self-determination and autonomy” by Marc Weller, Director of the European Centre for Minority Issues and “Millennium Development Goals: harming or helping minorities?” by Corinne Lennox, Minority Rights Group International. Mr. Weller’s work discussed the concept of internal self-determination and autonomy as an approach to resolve ethnic or other problems emerging from diversity of State and prevent conflicts. It argued that the understanding of self-determination should not be limited to secession and disintegration. Internal self-determination was presented as a concept to ensure the respect of rights of minorities, through religious, linguistic or territorial autonomy within a State. Ms. Elizabeth Naucier, the Head of the Administration of the Government of the Aland Islands supported the idea of a broader definition of self-determination. She stressed the importance of sharing good practices to prevent and resolve conflicts. The observer from Azerbaijan noted that to grant autonomy is not an obligation of a State. The paper entitled “Millennium Development Goals: harming or helping minorities” discussed the negative impact on minorities of some strategies applied to achieve millennium development goals by any means. The paper, warned that such strategies often resulted in discrimination of minority rights, specifically of the right to land. Both the Working Group and the minority speakers welcomed the ideas presented by Ms. Lennox.

Meetings and seminars

The speaker for Meghalaya People’s Human Rights Council suggested introducing training on minority rights for the UN staff. She also recommended mainstreaming of minority issues in the work of the UN bodies and stressed the importance of participation of minorities in preparing and further monitoring of the implementation of the poverty reduction strategy papers.
The Working Group also heard the reports on the outcomes of the regional meeting held in Kandy, Sri Lanka, from 21 to 24 November 2004 on the subject of “Minority Rights: cultural diversity and development” and a seminar held on the same topic in Bishkek, Kyrgyzstan, from 27 to 30 October 2004.

The representative of Romania shared information about a “Roma diplomacy project” initiated by the European Roma Information Office and Diplofoundation. The project is to be launched in June 2005 and will be run until April 2006. Its goal is through educational programmes and assistance to build up a group of “Roma public diplomats”, who would be a link of Roma community with the European institutions and governments.

The Minority Fellow of the OHCHR presented a brief report about the Workshop on minority rights, which was attended by 40 representatives of minority organisations, members of NGOs and international governmental organisations, experts, academics and state observers. The participants discussed the connection between minority issues and conflicts. They also presented a list of roots of conflicts and analysed the ways to build up conflict prevention strategies. The Minority Fellow presented a Minority Matrix, which was recommended to the Working Group as one of the tools to be implemented by governments in addressing minority issues. The initiative was supported by Switzerland who underlined the possible significant role of the Minority Matrix as a minority issues and problems indicator. However, he noted that the actual context of the Matrix needed more elaboration and detailed consideration, before a final draft would be presented.

The representative of Civil Liberties Organisation from Nigeria commended the report on Indigenous communities by the African Commission on Human and Peoples’ Rights (ACHPR) Working Group of Experts, which was submitted following the recommendation of the previous session of the Working Group. She called for the organisation of a meeting with participation of the NGOs before the session of the ACHPR and for organisation of sub-regional meetings in West Africa.

Debate of the future role of the Working Group

Discussing the future role of the Working Group, the representatives of Austria and Switzerland underlined the importance of a mandate of an Independent Expert, as it would allow applying a country-focused approach. The representative of Pakistan stressed the importance of avoiding overlapping of mandates of the Working Group and of an Independent Expert. The observer from Egypt criticised the Working Group for not having expert criteria in classifying an issue as a minority problem. He argued that many statements delivered before the Working Group did not correspond to the minority issues and should not be discussed by this body. He also regretted the lack of clarity in agenda items and in general, in organisation of work of the Working Group, which led to the hearing of unfounded and speculative allegations in duplicated statements under different agenda items. Mr. Sorabjee noted that the Working Group as such was a forum where representatives of minorities could meet and discuss the questions of concern and the States had a full right to reply to an issue raised. An NGO speaker underlined, that the Working Group unlike a treaty body, did not have any judicial foundation. Mr. Moller agreed with the observer from Egypt that perhaps there were cases when the issues brought up before the Working Group should be discussed by other UN bodies, such as Human Rights Committee (HRC), but, unfortunately, he noted not all the States had ratified the Optional Protocol to the ICCPR, which made the more effective human rights mechanism such as the individual complaints mechanism under the International Covenant on Civil and Political Rights unavailable for the citizens of those States.

The minority representatives expressed their concerns over the future role of the Working Group in the joint statements delivered in the end of the meeting. It was noted that the Working Group is the only forum for minorities where minority speakers from organisations without consultative ECOSOC status could raise their problems and questions.

The minority representatives and the members of the Working Group welcomed the introduction of a mandate of an Independent Expert on Minorities. However they emphasised that the reduction of days of work of the Working Group, the inclusion of the mandate of the independent Expert under the same budget and the convening of the Working Group sessions during the Sub-Commission would all jeopardise the effectiveness of the Working Group and diminish its role.

4 The report on the seminar can be found in the documents E/CN.4/Sub.2/AC.5/2e005/5 and E/CN.4/Sub.2/AC.5/2005/WP.2
5 www.diplomacy.edu/Roma
General recommendations

The Working Group recommended to the Sub-Commission to request the Commission to authorise the Working Group to meet annually immediately prior to the session of the Sub-Commission. It decided to ask the representatives of the minority organisations to submit their statements prior to the session for the Secretariat to submit them to the relative governments. The States were invited to provide replies during the session to the issues raised by the minorities. The Working Group recommended organisation of a Seminar on the Roma with cooperation of the Council of Europe and with the participation of the representatives of the Roma communities from the EU and other States.

6 The full text of the recommendations adopted by the Working Group can be found in the document E/CN.4/Sub.2/2005/27